



BRISBANE CITY COUNCIL

ACTION MINUTES

THURSDAY, OCTOBER 2, 2014

BRISBANE CITY HALL, 50 PARK PLACE, BRISBANE

7:30 P.M. CALL TO ORDER – FLAG SALUTE

Mayor Pro Tem O'Connell called the meeting to order at 7:30 p.m. and led the flag salute.

ROLL CALL

Councilmember's present: Lentz, Liu, Miller, O'Connell
Councilmember's absent: Mayor Conway
Staff present: City Manager Holstine, City Clerk Spediacci, Assistant City Attorney Stricker, Administrative Services Director Schillinger, Public Works Director Breault, Community Development Director Swiecki, Deputy Finance Director Cooper, Police Chief Macias, Deputy Fire Chief Panacci, Community Development Special Assistant Tune

ADOPTION OF AGENDA (Deletions, Additions, Changes and Adoption)

City Clerk Spediacci noted that Old Business Item B.2 needed to be removed as it was being considered on a separate GVMID Meeting after the regular City Council meeting. Assistant City Attorney Stricker noted that the Council Agenda did not get posted as a joint meeting of the City and GVMID Board therefore needing a separate meeting notice.

With that change, CM Miller made a motion, seconded by CM Lentz, to adopt the agenda as amended. The motion carried unanimously by all present.

PROCLAMATION & PRESENTATION

A. Declaring October, 2014 as Fire Prevention Month

Mayor Pro Tem O'Connell read the proclamation and presented it to Deputy Fire Chief Preston.

B. Beth Grossman – Imagining

Beth Grossman said she was a Cultural Agent for the United States Department of Arts and Culture (USDAC) and gave a Powerpoint Presentation on the recent imagining event held at the Brisbane Community Center.

She said that the event focused on participants imagining 20 years in the future and describing what would be happening in the community around the arts. She said they then discussed how to make that a reality.

Councilmembers thanked her for putting on the program and for her informative presentation.

ORAL COMMUNICATIONS NO. 1

Michele Salmon spoke about the garbage dumped on Tunnel Road, Sierra Point Parkway, and Guadalupe Canyon Parkway. She also expressed her view that Tunnel Road was dangerous and unmaintained. She urged the Council to take a hardline approach with Universal Paragon Corporation to address the issues on Tunnel Road and for the police to monitor and enforce littering elsewhere. She also urged the Police to talk with tanker trucks traveling to/from the Kinder Morgan tank farm that do not stop at the Stop sign on Tunnel Road.

City Manager Holstine responded that the City Attorney will review the License Agreement between Universal Paragon Corporation and the City, and will confer with the Fire Department, to determine the obligations of all parties with respect to garbage and weed abatement.

Beth Grossman asked that the Council engage the artist community to solve the litter problem.

CONSENT CALENDAR

- A. Approve City Council Minutes of August 21, 2014**
- B. Authorize staff to initiate an amendment to the Circulation Element of the General Plan to incorporate provisions for Complete Streets pursuant to the Complete Streets Act of 2008**
- C. Accept Brisbane's share (\$568.90) of the Regional FEMA Firefighter Assistance Grant Award of \$56,890 for the purchase of Fire Ground Survival Training Mobile Trailer and Instructor Training within North County Fire Authority**
- D. Adopt Resolution No. 2014-41 authorizing execution of Grant Agreements with the State of California**

CM Miller made a motion, seconded by CM Lentz, to adopt approved the items on the Consent Calendar as proposed. The motion carried unanimously by all present.

OLD BUSINESS

A. Consider adoption Ordinance No. 588, waiving second reading, adding Chapter 15.85 to Title 15 of the Municipal Code and amending Section 15.12.280 concerning an Art in Public Places Program

Assistant City Attorney Stricker advised the Council that Ordinance 588 was introduced at the regular Council meeting of September 18th. She noted that at that meeting Council had directed staff to make certain revisions to the text of the ordinance, including providing that the “Public Art Committee” to be appointed by the Parks and Recreation Commission be “broadly represented”; clarifying that the funds could be used to acquire and maintain art on private, as well as on public property; making clear that contributions shall be “in an amount equal to at least” one percent of the Building Development Costs; corrected that low and “moderate” income housing projects would be exempt from the Ordinance; and providing that the Implementation Guidelines that the Public Art Subcommittee will recommend for City Council’s consideration will include the process to select public art pieces, as well as a process and specifications for waiving provisions of the Ordinance.

After Councilmember discussion, CM Miller made a motion, seconded by CM Liu, to adopt the Ordinance with the proposed revisions. The motion carried unanimously by all present.

B. Consider formation of a new Financing Authority between the City of Brisbane and the Guadalupe Valley Water District in order to assist in the financing of future City projects:

1. Adopt Resolution 2014-39 of the City of Brisbane authorizing the execution and delivery of a joint exercise of powers agreement by and between the City of Brisbane and the Guadalupe Valley Municipal Improvement District

Administrative Services Director Schillinger explained that the mechanism that the City has used for selling bonds was the Brisbane Public Financing Authority (BPFA), which allowed the City to sell lease revenue bonds. He said the BPFA owned the asset which was securing the loan and the City leased the facility from the Authority. The BPFA was a joint exercise of power between the City of Brisbane, the Guadalupe Valley Municipal Improvement District (GVMID), and the Redevelopment Agency of the City of Brisbane. He said that since the Redevelopment Agency no longer exists, the City can no longer use the BPFA for future lease revenue bonds. He explained the need to create a new financing authority.

He said that the new financing authority would be a joint exercise of power between the City and GVMID. He also said that one of the first projects the new Brisbane Financing Authority (BFA) would be was to undertake a proposed refinancing of the 2005 City Hall Bonds. He said that by refinancing the bonds in today’s interest rate environment, the City would save about \$278,000 over the life of the bonds or on average about \$13,900 a year.

He reported that a concern was expressed about changing the name of the new Brisbane Financing Authority to the Brisbane/GVMID Financing Authority to differentiate it significantly from the former Brisbane Public Financing Authority to avoid confusion in the future. He said

there was also a suggestion to add a “Whereas” to Resolution No. 2014-39 referring to the letter sent out to utility users about the increased rates. Councilmembers concurred with these proposed changes.

After Councilmember discussion and additional clarifications, CM Miller made a motion, seconded by CM Liu, to adopt the Resolution as amended. The motion carried unanimously by all present.

2. Adopt Resolution GVMID 2014-03 of the Guadalupe Valley Municipal Improvement District (GVMID) authorizing the execution and delivery of a joint exercise of powers agreement by and between the City of Brisbane and GVMID

This item was removed at the beginning of the meeting for consideration on a separate agenda immediately following this Council meeting.

C. Consider adoption of Resolution No. 2014-36 expressing official intent regarding certain expenditures to be reimbursed with proceeds of obligations

Administrative Services Director Schillinger explained that in June of 2013 the City Council adopted the 2013/14 Budget which included four capital improvement projects for the water and sewer systems. He further explained that the projects were the Bayshore Blvd. South – 8” Force main relocation, the Glen Park Pump Station Upgrade, the Pressure Reducing Valves Construction and Fire Main on Annis, and the Supervisory Control and Data Acquisition System Replacement.

He said that the City has not begun work on these projects since the funding source identified for these projects were future bond proceeds and that the process for implementing the bond process and rate increase was beginning to move forward, including a letter to all users of the system and property owners.

He further reported that in order to begin projects during this upcoming year, the City would need to begin the design process now and that Resolution no. 2014-36 was a necessary step in order for the City to repay itself for any cost of the design done prior to the sale of the bonds. He also pointed out that a suggestion had been made to add an additional “Whereas” to the Resolution referring to the letter that had been sent out to users and property owners and to attach that letter as an exhibit to the Resolution. Councilmembers concurred with this addition.

Tony Verreos spoke against the percentages of the rate structure and expressed his opinion that the business community and large homeowners associations should pay a larger percentage.

Administrative Services Director Schillinger explained that there would be a Public Hearing at the November 20th City Council Meeting at which time staff would give a full report on the rate structure and take public testimony on the issue.

After Councilmember questions and clarifications, CM Lentz made a motion, seconded by CM Miller, to adopt the Resolution as amended. The motion carried unanimously by all present.

NEW BUSINESS

A. Consider adopting Resolution No. 2014-40 directing staff to forward the Draft 2015-2022 Housing Element to the California Department of Housing and Community Development (HCD) to review

Community Development Director Swiecki reported that State law requires all jurisdictions to periodically update their General Plan Housing Elements, noting that the next Housing Element cycle runs from 2015-2022 and that the state-mandated deadline to adopt the Housing Element is January 31, 2015. He said that procedurally, the City Council is not considering adoption of the Housing Element at this meeting, rather the purpose is for the Council to authorize staff to submit the Draft 2015 Housing Element for the Department of Housing and Community Development's (HCD) review prior to its adoption at a later date by the Council, which is a procedural requirement of State law.

He explained that the purpose of adopting a Housing Elements was to plan for housing needs of all economic segments of the City's population, balanced with land-use, environmental and other City goals. He said the Housing Element also included the establishment of goals, policies, objectives, and programs for the preservation, improvement and development of housing as well as an implementation program.

He then explained the key changes which included a shortfall from 2007-2014 Housing Element of 210 units in addition to the new requirements for 2015-2022 of 83 units. He showed a chart and maps of the proposed numbers and areas that the Planning Commission recommended after holding eight housing element study sessions.

He clarified that the numbers being proposed were not for actual units being built but for the zoning to include that number of units.

It was noted that CM Liu had provided a copy of minor typographical corrections to staff.

Staff members answered initial questions from Councilmembers on the timing and consequences of getting the Draft Housing Element to HCD.

Michele Salmon expressed her concerns and displeasure with having to provide Regional Housing Numbers to the State. She also objected to allowing any secondary housing units at the Ridge and in the Brisbane Acres.

After further Councilmember discussion, clarification, and questions, it was decided to form a Council Subcommittee of CM O'Connell and CM Liu to meet with staff and Planning Commissioners to discuss various concerns and get an understanding of the Planning Commission's recommendation. They also set Monday, November 10th as the next date for the City Council to consider this issue. The Subcommittee agreed to create an outline for that meeting.

B. Consider introduction of Ordinance 590, waiving first reading, adding Chapter 8.18 (Reusable Food Service Ware) of Title 8 (Health & Safety) to the Municipal Code

Senior Civil Engineer Kinser reported that the San Mateo County Board of Supervisor's had adopted a polystyrene ordinance that took effect in July of 2011 in the unincorporated areas of the county. She said that many of the local agencies within the county have also adopted ordinance that mirrors the county ordinance. She said that the benefit to that would allow for education, outreach and enforcement by the County Environmental Health Department.

She also reported that in February of 2013, Mr. Wong, Supervisor with the San Mateo County Environmental Health Services Department, made a presentation to the Open Space and Ecology Committee regarding the County's Polystyrene Ban Ordinance.

She said that the Open Space and Ecology Committee subsequently reviewed the proposed ordinance and working with the Chamber of Commerce, later sent a letter to 33 food vendors having business licenses in Brisbane inviting them to comment on the proposed ordinance with in writing or by attending a June 19th meeting and reported that no comments came in with a concern over the proposed ban.

Mayor Pro Tem O'Connell indicated that she had proposed certain revisions to the title of the Ordinance clarifying that the Ordinance was a "Prohibition on the Use of Polystyrene Based Disposable Food Service Ware". Senior Civil Engineer Kinser noted that a revised copy of the ordinance was before the Council on the dais and that staff had no problem with that change.

Councilmembers acknowledged the work of the Open Space and Ecology Committee for their efforts in reaching out to the business community regarding the proposed ban.

After Councilmember questions and clarifications of staff, CM Liu made a motion, seconded by CM Miller, to introduce the Ordinance as amended. The motion passed unanimously by all present.

STAFF REPORTS

A. City Manager's Report on upcoming activities

City Manager Holstine indicated that he had nothing new to report.

MAYOR/COUNCIL MATTERS

A. County-wide Assignments/Subcommittee Reports

- **Economic Development Subcommittee**
- **Finance Subcommittee**
- **Health & Safety Subcommittee**
- **Facilities Subcommittee**

Councilmembers gave updates on various meetings that they had attended including the Economic Development Subcommittee Meeting, the Public Information and Technology Subcommittee Meeting, the Health and Safety Subcommittee Meeting, and recent attendance at the Complete Streets Safety Committee Meeting and the SFO Roundtable Meeting.

B. Written Communications

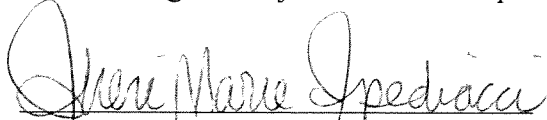
There were no written communications.

ORAL COMMUNICATIONS 2

There were no members wishing to speak.

ADJOURNMENT

The meeting was adjourned at 11:44 p.m.


Sheri Marie Spediacci, City Clerk