



BRISBANE CITY COUNCIL
ACTION MINUTES

DRAFT

SEPTEMBER 18, 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 7:33p.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, City Attorney Roush, Administrative Services Director Schillinger, Public Works Director Breault, Community Development Director Swiecki, Deputy Finance Director Cooper, Police Commander Meisner

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

Mayor Pro Tem O’Connell noted that staff had advised her that Presentation Item B would be deferred to another City Council meeting.

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

PRESENTATION

A. Introduction of new City Attorney Michael Roush

Mayor Pro Tem O’Connell introduced the new City Attorney Michael Roush. Mr. Roush said that he looked forward to serving the Council and the Community.

B. Presentation by Half Moon Bay City Council

This item was deferred to a future Council meeting.

ORAL COMMUNICATIONS NO. 1

Michael Barnes reviewed the history of how the skate park came to be and the many meetings in the process to update and or replace the existing park. He expressed his displeasure that the location of the skate park was now being re-evaluated and the delays that would happen because of it. He asked that the Council continue to move forward with the process.

City Manager Holstine acknowledged that a Subcommittee meeting needed to be postponed due to the Mayor's absence but that the process would indeed be moving forward.

Robert Bernardo, Commissioner for the San Mateo County Harbor Commission, gave an update on current issues and events at the Harbor District and on the Strategic Business Plan, which was a blue print on the future of the harbors. He said he was available by phone to anyone who needed further information.

CONSENT CALENDAR

CM Liu asked that Item A be removed for a typographical correction.

B. Approve Monthly Investment Report as of June 30, 2014

C. Approve Monthly Investment Report as of July 31, 2014

CM Miller made a motion, seconded by CM Lentz, to approve Consent Calendar Items B & C as presented. The motion carried unanimously by all present.

A. Approve City Council Minutes of July 17, 2014

CM Liu corrected the word "there" on the top of page 3, noting it should say "three". With that change she made a motion, seconded by CM Lentz, to adopt the minutes as amended. The motion carried unanimously by all present.

PUBLIC HEARING

A. Consider introduction of Ordinance No. 588 to amend the Brisbane Municipal Code Title 15 to establish an Art in Public Places Program and establish contribution requirements for new development to create a Public Arts Fund

Community Development Director Swiecki reported that in November, 2012, the City Council directed the Parks and Recreation Commission to develop an ordinance which would provide a method to fund public art. He said that the Commission then created a Public Art Funding Subcommittee to prepare the draft ordinance which was subsequently approved by the Park and Recreation Commission in December of 2013.

He said the purpose of the Ordinance was to provide a funding source for public art and direct the development of implementation guidelines establishing procedures for the selection and siting of public art.

He further reported that the Planning Commission then reviewed the proposed ordinance and indicated that they were recommending deleting some language in Section 15.85.060A that established parameters for the art selection process. He said they felt that the forthcoming implementation guidelines were the appropriate way to establish the selection process.

After initial Councilmember questions and clarifications, Mayor Pro Tem O'Connell called on members of the public wishing to speak on the matter.

Karen Lentz, Parks & Recreation Commissioner, thanked the Council for considering the ordinance. She reminded the Council that this ordinance was the first step of the public process to create the implementation guidelines. She also said she agreed with the Planning Commission's suggested change.

Kevin Fryer said that he was on the Park & Recreation Commission when this ordinance was drafted and said that they looked at many different city ordinances. He pointed out that this was not a tax on homeowners but rather a fee attached to development.

Dana Dillworth said that although she supported public art she was concerned with it being tied to development. She also question whether City employees should be on a judging panel.

Tom Heinz said that the art ordinance was a great concept but expressed his view that it shouldn't be tied to development and that city staff should not be on any selection committee.

Beth Grossman cautioned against public art being an afterthought in the development process and said that art should be considered at the beginning of the building process.

After further Councilmember discussion, questions and clarifications, they directed staff to make certain revisions to the text of the proposed ordinance including deletion of Section 15.85.070 concerning Waiver of conditions, and adding language providing that the Public Art Committee to be appointed by the Park 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, and correcting the low and "moderate" income housing projects would be exempt from the Ordinance.

With those changes, CM Miller made a motion, seconded by CM Lentz, to introduce the ordinance as amended. The motion carried unanimously by all present.

NEW BUSINESS

- A. Consider co-sponsorship of the Friends of the Brisbane Library 2015 Chamber Concert Series "Live at Mission Blue"**

City Manager Holstine Holstine outlined the details about the co-sponsorship request and said that Kevin Fryer would be reporting to the Council on the details of the Concert Series.

Mr. Kevin Fryer showed a slide presentation reviewing the details of the program and each performance.

Councilmembers thanked Mr. Fryer for his continued hard work and dedication to bringing such a great program to Brisbane.

CM Miller made a motion, seconded by CM Liu, to approve the co-sponsorship request. The motion carried unanimously by all present.

B. Consider approval of Resolution No. 2014-38 authorizing the Private Party Reimbursement of \$33,070.38 to Torrance and Nancy Bynum, for Public Improvements

This item was continued to a future City Council meeting where Mayor Conway could be present.

E. Consider authorizing the Mayor to execute a Franchise Agreement between the City of Brisbane and South San Francisco Scavenger Company, Inc. for the collection and disposal of recyclable materials, organic materials, and solid waste in the City of Brisbane (Item taken out of order)

Principal Analyst Saguisag-Sid reviewed the historic background of the franchise agreement with South San Francisco Scavenger Company, Inc. (SSFSC) indicating that the current exclusive franchise agreement had been in effect since March of 1999 and been set to expire on March 1st of 2014. She referred to the many Council Subcommittee meetings that were held and to the extensive redrafting of the new proposed franchise agreement.

She also talked about the City Council action in 2013 establishing multiple solid waste collection zones for the purpose of having the ability to award separate franchise agreements to each zone as the City deemed necessary. She said that staff was directed to negotiate a new franchise agreement for Zone 1 & 2 with SSFSC and Zone 3 with Recology.

She reviewed the services provided by the former SSFSC agreement and said that the new proposed agreement would continue to maintain current services in addition to new ones such as organic materials collection, an increase in containers provided to the city at no cost for the annual yard waste clean-up, abandoned waste clean-up collection for the City's right-of-way areas, and implementation of a trash container management policy. She said that the additional services include ones that are required to comply with the City's 2009 Municipal Regional Stormwater Permit Requirement.

She then referred to a chart showing which service measures would require the current franchise fee to increase from 2% to 14% and to the additional services being requested by the City for

SSFSC to perform requiring an additional 5% increase in rates. She said that the overall increase would be 17% and then showed the impact to the rates to the users, noting one example would be \$4.13 per month for a standard 32-gallon residential can.

Public Works Director Breault then gave a Powerpoint presentation on the storm water permit requirements and the imposed fines for not complying. He said that priorities included enhancing street sweeping and implementing product ban ordinances.

After Councilmember initial questions and clarifications of staff, Mayor Pro Tem O'Connell called upon members of the public who wished to speak.

Carolyn Parker talked about the complicated and expensive process of modifying the garbage/garage structures at Altamar which would allow for lower rates. She asked the Council to help resolve this matter so that homeowners at the Ridge were paying comparable rates to central Brisbane.

Dana Dillworth objected to the need for raising rates in addition to the fees that are charged on the property tax rolls for the National Pollution Discharge Elimination System.

Tom Heinz also expressed his concern with raising rates when Social Security checks were not increasing.

After Councilmember discussion and further questions and clarifications of staff, they asked staff to come back with further analysis on the multi-unit housing rates and the feasibility of a new way to collect garbage at the ridge to alleviate the higher costs.

City Manager Holstine said staff was expecting to hear back from Altamar Homeowner's Association on the feasibility of the redesign of their garbage pick-up areas and staff would bring back further information on that issue at the next meeting.

CM Lentz made a motion, seconded by CM Miller, to continue discussions and approval of the franchise agreement to the next meeting allowing time for to review further changes and for discussion of the remaining issues raised. The motion carried unanimously by all present.

C. 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**
- 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**

Due to the late hour, this item was continued to the meeting of October 2, 2014.

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

Due to the late hour, this item was continued to the meeting of October 2, 2014.

E. Consider authorizing the Mayor to execute a Franchise Agreement between the City of Brisbane and South San Francisco Scavenger Company, Inc. for the collection and disposal of recyclable materials, organic materials, and solid waste in the City of Brisbane

STAFF REPORTS

A. City Manager's Report on upcoming activities
- Update on Economic Development Workshop on 9/30

Councilmembers tentatively decided on Monday, November 3rd pending Mayor Conway's availability.

MAYOR/COUNCIL MATTERS

A. County-wide Assignments/Subcommittee Reports
- Economic Development Subcommittee
- Finance Subcommittee
- Health & Safety Subcommittee
- Facilities Subcommittee

There were no reports given due to the late hour.

B. Written Communications

There were no written communications.

ORAL COMMUNICATIONS 2

There were no members of the public wishing to speak.

ADJOURNMENT

The meeting was adjourned at 12:04 p.m.