



BRISBANE CITY COUNCIL

ACTION MINUTES

CITY OF BRISBANE CITY COUNCIL

REGULAR MEETING AGENDA

THURSDAY, MARCH 7, 2019

BRISBANE CITY HALL, 50 PARK PLACE, BRISBANE

6:40 P.M. CLOSED SESSION (*To Be Held in the Large Conference Room Immediately following the Brisbane Housing Authority Meeting*)

- A. Approval of the Closed Session Agenda**
- B. Public Comment.** Members of the public may address the Councilmembers on any item on the closed session agenda
- C. Adjournment into Closed Session**
- D. Conference for Real Property Negotiations under Government Code, section 54956.8; APN# 007-271-050 (100 Visitacion), 007-271-060 (335 Mariposa) and 007-271-070 (335 Mariposa) ; Negotiator Clay Holstine, City Manager; Property Lessees: City of Brisbane; Property Lessors: Melvin Bradford & Linda Greer and Charles Mozzetti et al. c/o Melvin Bradford; regarding price and terms of payment concerning a lease**
- E. Conference for Real Property Negotiations under Government Code, section 54956.8; a portion of Sierra Point Parkway; Negotiator Clay Holstine, City Manager; Purchaser: Health Care Partners (HCP); regarding price and terms for the transfer/sale of City owned right of way as required under a development agreement between the City and the purchaser.**
- F. Conference with legal counsel – Anticipated Litigation; Consideration of initiation of litigation pursuant to Government Code Section 54956.9(c); 1 potential case**

G. Liability Claim: Claimant Emmett Cunningham, pursuant to Government Code, section 54956.95

REPORT OUT OF CLOSED SESSION

City Manager Holstine reported the following actions were taken:

- Council provided direction to Negotiator regarding Closed Session Items D and E.
- Council gave direction to staff not to pursue litigation regarding Closed Session Item F.
- Council denied the Liability Claim regarding Closed Session Item G with a 4-0-1 vote. Councilmember Cunningham left the meeting room and recused herself from this agenda item discussion.

8:00 P.M. CALL TO ORDER – PLEDGE OF ALLEGIANCE

Mayor Davis called the meeting to order at 8:03 P.M. and led the Pledge of Allegiance.

ROLL CALL

Councilmembers present: Councilmembers Conway, Cunningham, Lentz, O’Connell, and Mayor Davis

Councilmembers absent: None

Staff present: City Clerk Padilla, City Manager Holstine, Administrative Services Director Schillinger, Community Development Director Swiecki, Recreation Manager Leek, Police Chief Macias and Police Commander Garcia

ADOPTION OF AGENDA

CM Conway made a motion, seconded by CM O’Connell, to adopt the agenda as it stands.

ORAL COMMUNICATIONS NO. 1

No member of the public wished to speak.

PRESENTATION

A. Flood and Sea Level Rise Resiliency Agency

Larry Paterson presented on San Mateo County’s efforts to address sea level rise, flooding, coastal erosion, and large-scale stormwater infrastructure improvements. He is seeking an endorsement for the San Mateo County Flood and Sea Level Rise Resiliency Agency proposal and funding for Agency Start-Up.

After some Council comments and questions, Council thanked Larry Paterson for his presentation.

CONSENT CALENDAR

- A. Adopt City Council Minutes of February 21, 2019 Accept the Housing Element Annual Report**
- D. Approve the plans and specifications, and authorize publication of the Notice Inviting Bids for the Tunnel Avenue Rehabilitation Project (Project No. 9H02)**
- E. Approve Resolution 2019-07 to Adopt a Procurement Policy for the City of Brisbane**
- F. Accept Investment Report as of November 2018**

Mayor Davis pulled Consent Calendar items B and C for further Council discussion.

CM Conway made a motion, seconded by CM Lentz, to approve Consent Calendar Items A, D, E, & F. The motion was carried unanimously by all present.

Ayes: Councilmember Conway, Cunningham, Lentz, O'Connell and Mayor Davis

Noes: None

Absent: None

Abstain: None

B. Accept the Housing Element Annual Report

Community Development Director Swiecki reported that the City is required to prepare an annual report to the State on the City's progress in implementing the Housing Element (which was adopted April 2, 2015). Government Code Section 65400(a)(2)(B) requires that the City hold a public meeting on the report before submitting it to HCD and OPR by the April 1st deadline.

After some Council questions, CM Conway made a motion, seconded by CM Cunningham, to approve Consent Calendar Item B. The motion was carried unanimously by all present.

Ayes: Councilmember Conway, Cunningham, Lentz, O'Connell and Mayor Davis

Noes: None

Absent: None

Abstain: None

C. Approve Resolution 2019-03 endorsing the San Mateo County Flood and Sea Level Rise Resiliency Agency proposal and authorizing funding for Agency Start-up.

CM Conway pulled the item to highlight the importance of the San Mateo County Flood and Sea Level Rise Resiliency Agency.

CM Conway made a motion, seconded by CM Lentz, to approve Consent Calendar Item C. The motion was carried unanimously by all present.

Ayes: Councilmember Conway, Cunningham, Lentz, O'Connell and Mayor Davis

Noes: None

Absent: None

Abstain: None

City Manager Holstine made a request to discuss New Business Item A.

NEW BUSINESS

A. Approval of Public Art Request for Proposal for the Skateboard Park and Directing Staff to Solicit up to Two Additional Members of the Community to be on the Selection Committee.

Administrative Services Director Schillinger reported that it is being recommended for Council to take action and approve the following:

1. Budget of up to \$25,000 for Public Art from the Public Art Fund for art to be placed on and or near the ¼-pipe wall facing Old County Road.
2. Publish the Request for Proposal (RFP) for Artists for art to be placed on and or near the ¼- pipe wall facing Old County Road.
3. Direct staff to solicit for two members of the community to sit as part of the Selection Committee.

Administrative Services Director Schillinger added that the Public Art Request for Proposal for the Skateboard Park needs to be amended to the new deadline date of May 24, 2019.

Michael Barnes advocated to keep the skaters in mind for the RFP process.

After further Council discussion and questions, CM Conway made a motion, seconded by CM Lentz, to approve Public Art Request for Proposal for the Skateboard Park as amended with the new deadline date of May 24, 2019 and directing Staff to Solicit up to Two Additional Members of the Community to be on the Selection Committee. The motion was carried unanimously by all present.

Ayes: Councilmember Conway, Cunningham, Lentz, O'Connell and Mayor Davis

Noes: None

Absent: None

Abstain: None

OLD BUSINESS

A. Priority Based Budgeting Update from the Finance Department

Administrative Services Director Schillinger reported that at the Budget workshop in 2018, City Council decided that they would review these recommended results department by department prior to the beginning of next two-year budget cycle. He then provided a Priority Based Budgeting update from the Finance Department with a focus on the following programs:

- Finance – Administration
- Finance – Workforce Development
- Finance – Accounting
- Finance – Forecasting and Budgeting
- Central Services – Community Engagement
- Central Services – Public Education

After some Council discussion and questions, Councilmembers agreed that updates from other departments were not needed and they commended the Finance Department for their transparency and efforts to educate members of the public about the financial health of the City.

B. Consider Approval of the Mission Blue Sand Volleyball Court Use Policy and Amendment of the Master Fee Schedule Resolution

(It is being recommended to the Council to review the draft policy, draft application, and proposed fees regarding public use of the Mission Blue Sand Volleyball Courts, as well as amend the Master Fee Schedule resolution accordingly)

Recreation Manager Leek reported that all City of Brisbane rental facilities (Mission Blue, the Community Center, and picnic areas) have general use policies. The purpose of these policies is to ensure the safety of facility patrons and to protect the City against issues stemming from improper use. In November, the Parks & Recreation Commission reviewed and voted to recommend that the City Council adopt the use policy and amend the Master Fee Schedule as needed for the Mission Blue Sand Volleyball Courts.

She added that there are two Mission Blue Sand Volleyball Courts and the rental rates would be \$25 per hour for the resident fee and \$30 /hour for the non-resident fee.

After some Council questions of staff, CM Conway made a motion, seconded by CM Cunningham, to approve the Mission Blue Sand Volleyball Court Use Policy and amendment of the Master Fee Schedule resolution. The motion was carried unanimously by all present.

Ayes: Councilmember Conway, Cunningham, Lentz, O'Connell and Mayor Davis

Noes: None

Absent: None

Abstain: None

NEW BUSINESS

B. Consider Approval of the Reimbursement Agreement with HCP LS Brisbane, LLC *(continued from the City Council Meeting of February 21, 2019)*

(The purpose of this agreement is to provide a mechanism for sharing, and thereby reducing,

the costs of obtaining a waiver for installation of water systems on individual developments at Sierra Point)

City Engineer Breault reported that the proposed Reimbursement Agreement between the City and Health Care Partners (HCP) will require the property owners of the two undeveloped parcels at Sierra Point (Five Star and Universal Paragon Corporation) to reimburse HCP for a fair share of the cost of developing the current Division of Drinking Water waiver, to the extent either of those property owners utilize the civil and geotechnical work that HCP has paid for. In exchange for this reimbursement, these two parcels will be permitted to use the civil and geotechnical work completed by HCP to submit their waiver request, which will presumably result in an approval being obtained much faster than the two years it has taken for the HCP waiver.

After some Council questions, CM Conway made a motion, seconded by CM Cunningham, to approve the Reimbursement Agreement with HCP LS Brisbane, LLC. The motion was carried unanimously by all present.

Ayes: Councilmember Conway, Cunningham, Lentz, O'Connell and Mayor Davis
Noes: None
Absent: None
Abstain: None

STAFF REPORTS

A. City Manager's Report on upcoming activities

City Manager Holstine reported on upcoming events, City Council Meeting presentations and Council activities.

MAYOR/COUNCIL MATTERS

A. Countywide Assignments/Subcommittee Reports

Councilmembers reported their activities in the following County Assignment and Subcommittees:

- Luna Fest Film Festival Ad hoc
- Caltrain Modernization Local Policy Maker Group
- Public Art Advisory Subcommittee
- San Mateo County Peninsula Clean Energy, JPA
- Peninsula Traffic Congestion Relief Alliance
- City/County Association of Governments (C/CAG) and Home for All Event

After some Council discussion, Councilmember O'Connell was named proxy for Mayor Davis and will attend the San Mateo City Selection Committee Emergency Meeting scheduled for March 14, 2019.

B. City Council Meeting Schedule

Mayor Davis reported that the next City Council Meeting of March 21, 2019 is canceled. The next Council Meeting is scheduled for April 4, 2019.

C. Written Communications

Written correspondence was received by the Council from the following members of the public:

- Christine Oquendo (2/21/19) Amended Budget for School Study
- Bill Dettmer (3/4/19) Baylands Clean Up
- Raymond Miller (3/5/19) Specifics on Civility Policy

ORAL COMMUNICATIONS NO. 2

No member of the public wished to speak.

ADJOURNMENT

CM Conway made a motion, seconded by CM Cunningham, to adjourn the meeting. The motion was carried unanimously. Mayor Davis adjourned the meeting at 10:03 pm.

PUBLIC MEETING VIDEOS

The replay schedule for public meetings can be found on the Live Streaming page <http://brisbaneca.org/live-streaming>. Past meetings will be replayed on Comcast Channel 27 and at <http://brisbaneca.org/live-streaming> and can be found on the All Meetings page (<http://brisbaneca.org/city-government/meetings>) once the video has been archived

Ingrid Padilla
City Clerk