



**BRISBANE CITY COUNCIL**

**ACTION MINUTES**

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**THURSDAY, MARCH 5, 2015**

*BRISBANE CITY HALL COMMUNITY ROOM, 50 PARK PLACE, BRISBANE*

**6:30 P.M. CLOSED SESSION**

- A. Conference with legal counsel regarding anticipated litigation (Government Code, section 54954.5) Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code, section 54956.9 (one case)**
- B. Conference with legal counsel regarding anticipated litigation (Government Code, section 54954.5) Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code, section 54956.9 (one case)**

**8:00 P.M. CALL TO ORDER – FLAG SALUTE**

Mayor O’Connell called the meeting to order at 8:05 p.m.

**ROLL CALL**

Councilmembers present: Lentz, Liu, Miller, and Mayor O’Connell  
Councilmembers absent: Conway  
Staff present: City Manager Holstine, City Clerk Spediacci, City Attorney Roush, Public Works Director Breault, Community Development Director Swiecki, Administrative Services Director Schillinger, Harbormaster Hahn

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

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

City Attorney Roush reported that Council provided direction to staff on both matters in Closed Session, but that there was no action taken.

## ORAL COMMUNICATIONS NO. 1

Sonny Koya introduced himself as a member of Citizens Advisory Committee at Samtrans and gave a status of the Committee's current projects. He also thanked the Council, members of the public, and staff for their support in the efforts to save Route 292. He also provided a copy of the nearly completed San Mateo County Transit District's Short Range Transit Plan and asked that Council receive a copy of it.

After Councilmember questions and clarifications of Mr. Koya, Mayor O'Connell thanked him for the information and for his service.

Josiane Emorine acknowledged Mr. Koya's work and stated the importance of Council's support. She also talked about questionable activities that she had observed at the Bayshore Boulevard Park N' Ride Lot and said that it needed cleaning and monitoring.

After Councilmember questions, staff responded that they would find out if SSF Scavengers, as part of the new franchise agreement, would be picking up litter at the Park N' Ride site.

Karen Cunningham questioned the Council's support of, and confidence in, its Planning Commission and the City Attorney's advice to a Councilmember in addressing the Planning Commission regarding its final recommendation to the City Council on the Housing Element after the State's preliminary review.

After Councilmember questions, City Attorney Roush responded to the legal question of a Councilmember addressing the Planning Commission on a matter that would eventually come back to Council for action.

Councilmembers requested that this issue be agendaized and discussed at a future meeting.

## CONSENT CALENDAR

- A. Approve City Council Minutes of February 17, 2015**
- B. Approve City Council Minutes of February 19, 2015**
- C. Direct staff to submit the 2014 Annual Housing Element Progress Report to the California Department of Housing and Community Development (HCD) and the Governor's Office of Planning and Research (OPR)**
- D. Adopt Resolution No. 2015-06 authorizing an Application for Non-Motorized Boating Facility Grant Funding with the State of California**

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

## **PUBLIC HEARING**

### **A. Consider adoption of Resolution No. 2015-05 amending the Slip Fee Schedule for the Brisbane Marina**

Administrative Services Director Schillinger said that the proposed rate increase was discussed in-depth by the Council at their meeting of February 5, 2015. He reiterated that the increase in slip fees would be used to pay for the much needed Dredging Project that staff had reported to Council at a prior meeting. He then reviewed the proposed rate structure, which consisted of a 3-year, phased-in increase of 30%, or 10% each year.

CM Miller pointed out two typographical errors: one in the Resolution and one in the Exhibit that would need to be changed.

Mayor O'Connell opened the public hearing and asked if anyone wished to speak.

Svend Schjoerring said he was a tenant at the Marina for more than 25 years and that recently, with the new Harbormaster, he had seen lots of improvement. He also advocated for more security and programming of events.

After Councilmember questions and clarifications, CM Lentz made a motion, seconded by CM Liu, to adopt Resolution No. 2015-05 as amended. The motion was carried unanimously by all present.

## **NEW BUSINESS**

### **A. Consider approval of the publication of the Notice Inviting Bids to complete a 2-year dredging project at the City of Brisbane Marina**

Public Works Director Breault explained that the Council had begun a discussion of the need to dredge the marina in the summer of 2013. He reported the results of the study and the need for dredging. He said that the Council reviewed results of the study and approved a professional services agreement with Anchor QEA to complete the permitting and design work for dredging at their meeting of September 2, 2014. He then explained the short time frame needed to get this project started by June 1<sup>st</sup>, 2015.

After Councilmember questions and comments, CM Miller made a motion, seconded by CM Liu, to approve the publication of the Notice Inviting Bids as proposed. The motion carried unanimously by all present.

### **B. Consider authorizing the Mayor to execute a first amendment to the agreement for professional services with Anchor QEA LLC for bid support and construction management during the maintenance dredging program**

Public Work Director Breault spoke of the experience and professionalism of Anchor QEA LLC and the complicated process of construction management of a dredging project. He said that

staff was recommending a first amendment to the contract approved in September of 2014 for Anchor QEA to provide these important services.

Josh Burnam and Katie Chamberlan with QEA explained the complexities of a dredging project and the many regulatory agencies that are involved in the process. Mr. Burnam said the dredging window was tight and that it required a lot of oversight. He also said that Brisbane's dredging does not have a lot of environmentally complicated issues, but that because it was a tight space in a fully active marina it would make the project difficult.

After Councilmember questions and clarifications, CM Lentz made a motion, seconded by CM Miller, to approve the Construction Management Contract as proposed. The motion carried unanimously by all present.

**C. Consider introduction of Ordinance No. 591 amending Chapter 13.04 of the Brisbane Municipal Code pertaining to "Sewer System"**

Public Works Director Breault reported that the City's Sewer Ordinance was very out-of-date and explained the needed updates. He explained the homeowner's responsibilities for the lines coming from their homes out to the street. He also said that he contacted all of the local real estate agents and they responded favorably to the proposed updates to the Ordinance.

Councilmembers proposed changing Section 13.04.452.A to clarify that any costs of providing testing or inspection necessary to issue a sewer lateral certificate are the responsibility of the property owner.

Councilmembers also discussed agendaing a future discussion of setting up a Homeowner's Assistance Program for people who could not afford necessary sewer repairs.

After Councilmember questions and clarifications, CM Lentz made a motion, seconded by CM Liu, to introduce Ordinance 591 as amended. The motion carried unanimously by all present.

**D. Consider introduction of Ordinance No. 594, waiving first reading, amending Section 8.28 of the Brisbane Municipal Code regarding Noise Control**

City Attorney Roush said that this was a matter that came before the Health and Safety Subcommittee to aid the Police Department with a more efficient and expeditious way for them to deal with noise complaints. He explained the problems with officers being at the scene for a lengthy period of time to conduct decibel readings and reviewed the suggested changes, which also included some non-substantive language changes and clarifications.

After Councilmember questions and discussion, CM Miller made a motion, seconded by CM Liu, to introduce Ordinance 594 as proposed. The motion carried unanimously by all present.

**City/GVMID Action**

**D. Consider appointment of representatives for the City and the Guadalupe Valley Municipal Improvement District (GVMID) water systems to the Bay Area**

## **Water Supply & Conservation Agency (BAWSCA) and Bay Area Regional Water System Financing Authority (RFA) Appointments**

City Manager Holstine explained that the Council and GVMID Board were being asked to select two different appointments to BAWSCA and RFA to represent the City and GVMID. He said that Public Work Director Breault currently serves as the GVMID representative and that staff is recommending Council reappoint Mr. Breault and consider reappointing Ms. Sepi Richardson to represent the City.

CM Lentz made a motion, seconded by CM Liu, to reappoint Mr. Breault to represent GVMID and to reappoint Ms. Richardson to represent the City. The motion carried unanimously by all present.

### **STAFF REPORTS**

#### **A. City Manager's Report on upcoming activities**

City Manager Holstine reminded the Council of the March 17<sup>th</sup> Council Mid-year Budget and Workplan review and priority setting. He also said that the General Plan Update Process would be discussed.

### **MAYOR/COUNCIL MATTERS**

#### **A. County-wide Assignments/Subcommittee Reports**

Councilmembers reported on various meetings and subcommittees, including the Economic Development Subcommittee, the Council Liaison meeting with the Planning Commission on the Baylands White Paper, and the Airport Noise Conference.

Mayor O'Connell asked that they discuss the Planning Commission vacancy and whether we should initiate the process for recruitment. They directed the City Clerk to begin the application process for filling the vacancy and to contact past applicants to advise them of the opening.

#### **B. Written Communications**

There were no written communications discussed.

#### **C. Consider proposed Council Meeting Schedule for 2015**

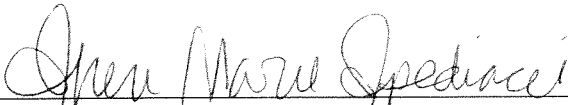
Councilmembers reviewed the proposed schedule and advised the staff of the meetings that they could not attend. It was the consensus of the Council to revisit the schedule at the next Council meeting when CM Conway was present and to look at alternate dates for the budget hearings.

### **ORAL COMMUNICATIONS 2**

There were no members of the public wishing to speak.

**ADJOURNMENT**

The meeting was adjourned at 10:17 p.m.

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Sheri Marie Spediacci, City Clerk