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**BRISBANE CITY COUNCIL/  
BRISBANE/GVMID PUBLIC FINANCING  
AUTHORITY**

**ACTION MINUTES**

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**THURSDAY, MAY 7, 2015**

*BRISBANE CITY HALL, 50 PARK PLACE, BRISBANE*

**7:00 P.M. CLOSED SESSION**

- A. Public Employee Performance Evaluation: City Manager, Pursuant to Government Code Section 54957**

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

Mayor O'Connell called the meeting to order at 8:04 p.m. and led the flag salute.

**ROLL CALL**

Councilmembers present:	Conway, Lentz, Liu, Miller, and Mayor O'Connell
Councilmembers absent:	None
Staff present:	City Manager Holstine, City Clerk Spediacci, City Attorney Roush, Public Works Director Breault, Administrative Services Director Schillinger, Police Commander Meisner, Community Development Director Swiecki, Administrative Management Analyst Cheung, Deputy Finance Director Cooper

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

CM Miller asked that the meeting be closed in memory of former Brisbane Planner Bruce Balshone. Mayor O'Connell asked that the status reports under City Manager's Reports be heard after Item B under Presentations and Proclamations. CM Conway made a motion, seconded by CM Lentz, to adopt the agenda as amended. The motion carried unanimously by all present.

**PROCLAMATION & PRESENTATION**

- A. Proclamation recognizing National Public Works Week**

Mayor O'Connell read and presented the Proclamation to Public Works Director Breault who thanked the Council and introduced the members of the department.

Councilmembers acknowledged the essential functions of Public Works and thanked the members of the department for their hard work.

**B. Chindi Peavey, San Mateo County Mosquito Abatement District Manager  
Study of San Bruno Mountain on ticks, the plague and Hanta Virus**

Robert Maynard, the City's representative on the San Mateo County Mosquito Abatement District, introduced Ms. Chindi Peavey who gave a Powerpoint Presentation regarding the District's role in preventing and controlling mosquitoes, ticks, and various viruses.

After Councilmember questions and clarifications, they thanked Ms. Peavey for her presentation.

**ORAL COMMUNICATIONS NO. 1**

Andy Torvik, spoke about a land-use property issue on Kings Road and submitted pictures of a second unit and garage structure. He asked that the Council look into the matter.

CM Lentz clarified the background of the property in question and the steps taken prior to the its purchase.

Michael Barnes, suggested that the Council consider moving the existing skate park elements to the Brisbane Marina area when the new skate park was constructed. He noted that there might be funds available in the future provided by property owners out at Sierra Point that could fund a skate park for workers in that area.

**STAFF REPORTS (Taken Out of Order)**

**A. City Manager's Report on upcoming activities  
- Status Report – S.F. Transit/Transportation Planning Efforts Impacting  
Brisbane**

City Manager Holstine said that he would give a status report on San Francisco Transit/Transportation Planning Efforts Impacting Brisbane and said that Susan Maynard who was a member of the Citizen Advisory Committee for the Interim Bus Rapid Transit Feasibility Study would be providing a Power Point presentation.

City Manager Holstine gave a summary of the various work programs that are underway such as the Relocation of the Caltrain Railyard at 4<sup>th</sup> and King Streets in S.F., the Bayshore Station Location Study, the Geneva Avenue/Harney Way Interim Bus Rapid Transit (BRT) Feasibility Study, and the Geneva Avenue Design Status.

Ms. Susan Maynard gave more detailed information on the Geneva Harney BRT Study, which included SF Muni bus routes, Candlestick, Hunters Point, Geneva Avenue, and Balboa Park BART. She spoke about the various challenges that were being discussed and about how future development in that area impacts that study. She also spoke about Brisbane's current lack of transportation options and how that could be improved.

After Councilmember questions and clarifications they thanked Ms. Maynard for her informative presentation.

**- Status Report on Community Fundraising for the Skatepark Project**

Administrative Management Analyst Cheung gave a status report about the proposed fundraising efforts to raise \$36,000 toward the construction of the new Skatepark Project. She explained the donor brick program, the outreach for in-kind donations, the possibility of a skate-a-thon fundraiser.

CM Liu also suggested the idea of money collection jugs to be placed around town, donor benches at the site, and new fencing around both the Skatepark and the existing basketball courts.

CM Conway suggested that advertising regarding the fundraising efforts be done through the City News publication first with a reminder announced at the Concerts in the Park.

**CONSENT CALENDAR**

**A. Approve City Council Minutes of April 16, 2015**

**B. Approve Monthly Investment Report as of March 31, 2015**

**D. Adopt Resolution No. 2015-14 adopting an updated Conflict of Interest Code for designated positions**

CM Liu noted her proposed addition to Page 7, Item E. of the April 16<sup>th</sup> Minutes to say "Councilmembers discussed the applicants for LAFCo and SamCTA, and agreed that the Mayor would support Ray Mueller for LAFCo and Cameron Johnson for SamCTA."

With that change, CM Conway made a motion, seconded by CM Miller, to approve Consent Calendar Items A, B, & D. The motion carried unanimously by all present.

**C. Adopt Resolution No. 2015-12 identifying the terms and conditions for fire department response away from their official duty station and assigned to an emergency incident**

CM Miller proposed adding language to the Resolution regarding the City requiring reimbursement as discussed in the staff report.

City Attorney Roush agreed to add that language to the Resolution before it was signed by the Mayor.

With that change, CM Miller made a motion, seconded by CM Conway, to adopt the Resolution with the proposed addition. The motion carried unanimously by all present.



## **PUBLIC HEARING**

### **A. Consider introduction of Ordinance 595, amending the Brisbane Municipal Code Section 17.32.032, Wireless Telecommunications Facilities, by revising definitions and modifying City procedures to bring them into conformance with new Federal Communications Commission requirements**

Community Development Director Swiecki reported that the Federal Communications Commission (FCC) recently adopted rules clarifying the application of two existing Federal laws (the Communications Act and the Spectrum Act) regulating wireless telecommunication facilities. He said that the City is required to bring its local regulations into compliance with these FCC regulations, which requires minor amendments to the Zoning Ordinance.

He indicated that the changes do not modify the City's current restrictions and said that staff is recommending introduction of Ordinance 595.

After Councilmember questions and clarifications, Mayor O'Connell opened the Public Hearing. There being no members of the public wishing to speak, CM Conway made a motion, seconded by CM Miller, to close the Public Hearing. The motion carried unanimously by all present.

CM Conway then made a motion, seconded by CM Lentz, to introduce Ordinance No. 595 as proposed. The motion carried unanimously by all present.

## **NEW BUSINESS**

### **A. Consider authorizing the Mayor to execute a contract with MB Consulting for Economic Development Services**

City Manager Holstine said that Mr. Mitch Bull of MB Consultant was present to answer any questions that the Council might have about the contract and Scope of Work. Mr. Holstine said that the contract was for a 6-month period of time and that Mr. Bull would have a working title of Economic Development Director. He also explained the functions that Mr. Bull, along with City staff, would focusing on.

Mr. Mitch Bull, of MB Consultant and the CEO and President of the Chamber of Commerce, said he looked forward to working with the Council and city staff to promote Brisbane and give it a vision, and to have it known to others in the county. He said it would be an honor and a privilege to serve the City.

After Councilmember questions and clarifications, CM Miller asked to add "promoting the green business program" to the Scope of Work and proposed to strike "a" and "b" under the "Default" section of the agreement. City Attorney Roush and other Councilmembers concurred with that change.

CM Conway made a motion to approve the contract as amended.

CM Liu asked that “encouraging local businesses to use online marketing” also be added to the Scope of Work.

After further Council questions and discussion, CM Miller seconded the motion to approve the contract as amended. The motion carried unanimously by all present.

**B. Consider adoption of Resolution No. 2015-13 establishing the business license tax charged to liquid storage facilities under Section 5.20.011 of the Brisbane Municipal Code**

City Attorney Roush said that at the General Election in November 2013, Brisbane voters approved an annual business license tax on persons engaged in the business of operating, leasing, supplying, or providing a liquid storage facility in the City of Brisbane. He said that ballot measure added Section 5.20.011 to the Brisbane Municipal Code allowing the City to impose up to a maximum business license tax of \$115.28 per year for each 1000 cubic feet of liquid storage capacity.

He further reported that in 2014, the City Council imposed a business license tax of \$38.91 for each 1000 cubic feet of storage capacity. He said that for Kinder Morgan, the owner of the largest liquid storage facility in Brisbane, that rate translated to a tax of \$135,000, which they paid in December, 2014 under protest.

He said that although the City Council has the authority under the Ordinance to impose up to \$115.28 for each 1000 cubic feet of liquid storage capacity, staff is recommending that the Council impose the same rate as last year based on discussions last year with a Kinder Morgan representatives in which the City indicated it was open to maintaining the same rate for 2015 as was imposed in 2014.

CM Conway made a motion, seconded by CM Lentz, to adopt the resolution as proposed.

CM Miller asked the City Attorney to report on the potential legal risks. City Attorney Roush said he and his firm have opined that the tax is not confiscatory and said that he felt that he would be able to successfully defend any legal challenge.

The motion carried unanimously by all present.

**City & Brisbane/GVMID Financing Authority Actions**

**C. Consider amending the Utility Revenue Bonds**

- 1. Adopt City Resolution No. 2015-15 amending and restating Resolution No. 2015-11, adopted on April 16, 2015, approving proceedings to finance and refinance improvements to the City's and Guadalupe Valley Municipal Improvement District's combined water and wastewater enterprise, approving the issuance of Utility Revenue Bonds by the Brisbane/Guadalupe**



**Valley Municipal Improvement District financing Authority for such purposes and approving the related documents and official actions**

- 2. Adopt Brisbane/GVMID Financing Authority Resolution No. BGVMIDFA 2015-02 amending and restating Resolution No. BGVMIDFA 2015-01, adopted on April 16, 2015, authorizing the issuance and sale of Utility Revenue Bonds to finance and refinance improvements to the City of Brisbane's and Guadalupe Valley Municipal Improvement District's combined water and wastewater enterprise and approving related documents and official actions**

Administrative Services Director Schillinger said that on April 16, 2015, the City Council approved the documents for the sale of bonds related to necessary improvements to the City's water and wastewater improvements.

He said that subsequent to the April 16<sup>th</sup> Meeting, Standard and Poor's asked the City about a provision in the 2012 refinancing of the 2002 utility bonds. He said that the provision related to the acceleration payment provision in the 2012 bond document. He advised resolving that concern and improving our credit rating through Standards and Poor's would thereby benefit the City's interest rate.

He said that the City's Financial Advisor performed a cost benefit analysis on the three options presented in the staff report for solving the concern and determined that refinancing the 2012 bonds as part of the 2015 bonds would be the best course of action for the City.

After Councilmember questions and clarification, CM Conway made a motion, seconded by CM Miller, to adopt both the City Resolution No. 2015-15 and Brisbane GVMID Resolution No. BGVMIDFA 2015-02 as presented. The motion carried unanimously by all present.

**City & Brisbane/GVMID Financing Authority Actions**

**D. Consider issuing Bonds for Dredging Improvements to the Brisbane Marina**

- 1. Adopt City Resolution No. 2015-16 approving the form and authorizing the execution of certain installment sale financing documents in connection with the financing of certain improvements to the City's Municipal Marina and authorizing and directing certain actions with respect thereto**
- 2. Adopt Brisbane/GVMID Financing Authority Resolution No. BGVMIDFA 2015-03 approving the form and authorizing the execution of certain installment sale financing documents in connection with the financing of certain improvements to the City of Brisbane's Municipal Marina and authorizing and directing certain actions with respect thereto**

Administrative Services Director Schillinger reviewed the recent Council actions to approve the dredging of the Brisbane Marina and entrance channel. He said that the amount needed for the

project was \$4,150,000 and approval of the proposed bond documents were needed to pay for these costs.

He said that the winning bidder for the bonds was CoBiz Public Financing and estimated that the interest rate for the 12-year bond issue is 3.02% a year.

He said that Mr. Marty Johnson with J & A Consulting was present to answer any questions on the bond issue.

After questions and clarifications of both Mr. Schillinger and Mr. Johnson, CM Conway made a motion, seconded by CM Miller, to adopt both City Resolution No. 2015-16 and the Brisbane GVMID Resolution No. BGVMIDFA 2015-03 as presented. The motion carried unanimously by all present.

## **STAFF REPORTS**

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

City Manager Holstine noted that information regarding the drought and the various issues that need to be discussed will be on the next Council agenda on May 21<sup>st</sup>.

- **Status Report – S.F. Transit/Transportation Planning Efforts Impacting Brisbane**
- **Status Report on Community Fundraising for the Skatepark Project**

Both status reports were given at the beginning of the meeting.

## **MAYOR/COUNCIL MATTERS**

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

Councilmembers reported on the San Mateo County Progress Seminar in Monterey, an AGAG event dealing with the One Bay Area Plan, the Council Liaison Subcommittee to the Parks & Recreation Commission regarding stipends, the Sustainable San Mateo County Luncheon, a meeting regarding the Caltrain Modernization Project, a CalMod meeting concerning platform heights, the results of the recent City Selection Committee Meeting, the Finance Subcommittee Meeting regarding the bonds, and the recent Recology Scoping Meeting and issues that came out of that meeting.

### **B. Written Communications**

- **Request for Armenian Genocide Proclamation**

CM Lentz said that the County had already adopted the proclamation and suggested it not be agendized. Other Councilmembers concurred.

Councilmembers noted the receipt of a letter from Brisbane Dance Workshop regarding the need for more community meeting space in the new proposed library and from the Open Space and

Ecology Committee regarding a change in the zoning ordinance.

**C. Consider selection process for Planning Commission Applicants**

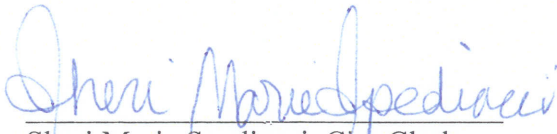
After discussion of various dates, Wednesday, May 27<sup>th</sup> at 7:00 p.m. was chosen for the date to interview Planning Commission Applicants.

**ORAL COMMUNICATIONS 2**

There were no members of the public wishing to speak.

**ADJOURNMENT**

At 11:03 in memory of Bruce Balshone, City Planner in the 1980's.

  
Sheri Marie Spediacci, City Clerk