



**BRISBANE CITY COUNCIL**

**ACTION MINUTES**

---

**THURSDAY, DECEMBER 11, 2014**

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

**CALL TO ORDER – FLAG SALUTE**

Mayor Conway called the meeting to order at 7:31 p.m.

**ROLL CALL**

Councilmembers present: Lentz, Liu, Miller, O’Connell, and Mayor Conway  
Councilmembers absent: None  
Staff present: City Manager Holstine, City Clerk Spediacci, Deputy City Clerk Ricks, Assistant City Attorney Stricker, Deputy Finance Director Cooper, Deputy Public Works Director Kinser

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

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

**ORAL COMMUNICATIONS NO. 1**

There were no members of the public wishing to speak.

**CONSENT CALENDAR**

CM Liu asked to remove Consent Calendar Item A.

**B. Monthly Investment Report as of September 30, 2014**

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

**A. Approve City Council Minutes of October 2, 2014**

CM Liu referred to her proposed changes on Pages 2, 3, and 5 of the minutes and indicated that a copy of those proposed changes was available in front of each Councilmember on the dais.

Michele Salmon corrected her statement on Page 2 of the minutes.

Councilmembers concurred with the proposed changes. CM O'Connell made a motion, seconded by CM Liu, to approve the minutes as amended. The motion carried 4-0-1, Mayor Conway abstaining.

## **ELECTION OF NEW MAYOR & MAYOR PRO TEM**

### **A. Consider motions to elect a new Mayor and Mayor Pro Tem**

CM Miller made a motion, seconded by CM Lentz, to elect CM O'Connell to serve as Mayor. The motion carried unanimously by all present.

CM O'Connell made a motion, seconded by CM Liu, to elect CM Lentz to serve as Mayor Pro Tem. The motion carried unanimously by all present.

### **B. Administer Oath of Office to new Mayor and Mayor Pro Tem**

San Mateo County Supervisor David Pine administered the Oath of Office to Mayor O'Connell and Mayor Pro Tem Lentz.

### **C. Proclamation honoring Mayor Conway's service to the City of Brisbane**

Mayor O'Connell presented outgoing Mayor Conway with a proclamation and gavel plaque and thanked him for this dedicated service to the City of Brisbane.

Outgoing Mayor Conway thanked his colleagues for their flexibility in changing the scheduling of Council meetings and for their thoughtful consideration of each and every issue. He also thanked his family for their support.

There was a short break for refreshments.

## **OLD BUSINESS**

### **A. Consider approval of a supplemental appropriation from the General Fund in the amount of \$168,000 for the Brisbane Community Pool Renovation Project**

Deputy Public Works Director Kinser reported that at its November 6, 2014 meeting, the Council approved the publication of the Notice Inviting Bids for the Swimming Pool Renovation Project, which would provide preventative maintenance and repair to the shell and deck. She said that with the goal of completing the work during the already publicized time period, Council authorized the Mayor to sign a contract with the lowest responsible, responsive bidder, as determined by staff.

She indicated that two bids were received by the deadline of November 24, 2014 and that the bid amounts exceeded the engineer's estimate of \$200,000.

She then explained that there were several reasons for the unexpected cost increase. She said that the project was subject to some amount of "scope creep" and indicated that, when the project was funded with the 2014-15 budget, the scope was considered to be limited to the replacement of the plaster and tile in the pool, and the removal and replacement of the sections of concrete deck showing evidence of rusted rebar. She said that in the design phase, it was determined to be effective and economical to replace the deck drainage piping and inlets, and to replace the problematic in-pool lights with a new LED light system. She also said that the refurbishment of the wading pool was added to the scope for economy of scale purposes. The last reason for the higher amount was due to the limited number of specialty contractors holding a C-53 license, particularly with regard to the concrete deck and associated drainage system replacement.

She recommended that Council approve a supplemental appropriation of \$168,000 and award the contract to Tricon Aquatics in the amount of \$367,975.

After Councilmember questions, clarifications and discussion, CM Conway made a motion, seconded by CM Liu, to approve the supplemental appropriation and award of contract as proposed. The motion carried unanimously by all present.

## **STAFF REPORTS**

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

City Manager Holstine reminded Councilmembers of the upcoming meetings: December 18, 2014 and the one Council meeting scheduled in January, 2015 on the 15<sup>th</sup>.

## **MAYOR/COUNCIL MATTERS**

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

Councilmembers reported on a Joint City Council/Park and Recreation Subcommittee Meeting, a Baylands Sustainability Meeting, a Mosquito Abatement Facility Tour, a Commute.org Meeting, a SFO Roundtable Meeting, a Facilities Subcommittee Meeting, and an upcoming Planning Issues Subcommittee Meeting regarding a Quarry development proposal.

Councilmembers asked that Council Subcommittee Meetings be posted on the City Website.

Principal Analyst Saguisag-Sid gave an update on Commute.org's new Google Map App that includes shuttle maps and schedules.

### **B. Written Communications**

Councilmembers reported receiving communications from Inter Mune and from Karen Lentz.

### **C. Consider request to amend Section 2.20.020 of the Brisbane Municipal Code**

**regarding Parks & Recreation Commissioner's holding other public offices**

CM Lentz recused himself from the discussion due to a conflict of interest and left the room.

Assistant City Attorney Stricker reported that there was a request to amend Section 2.20.020 of the Municipal Code prohibiting members of the Parks and Recreation Commission from holding any other office within the City. She said that this issue arose when a member of the City's Park and Recreation Commission was elected to the Brisbane School Board.

She advised that if the Council requests the City Attorney to draft an ordinance to alleviate this conflict, they could then consider re-appointment of the affected Commissioner, who had resigned as of December 3, 2014.

She also advised that the Council may also wish to direct the City Attorney to draft a document listing categories of issues that a person would have to recuse themselves from and other potential conflicts to consider.

After Councilmember questions, clarifications and discussion, CM Conway made a motion, seconded by CM Miller, to direct the City Attorney to draft an ordinance to alleviate this conflict to match with State law, with a memo from the City Attorney regarding likely issues concerning potential recusal and regarding non-compliance with the duty of loyalty for all advisory bodies. The motion passed 3-1, CM O'Connell opposed.

**D. Give direction to the Mayor regarding City Selection Committee Appointments**

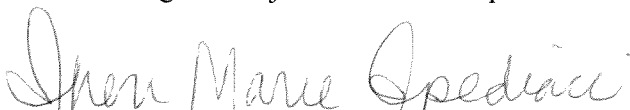
After Councilmember discussion, they gave direction to Mayor O'Connell to select Mayor David Canepa from Daly City for the Bay Area Air Quality Management District position and Vice Mayor Terry Nagel of Burlingame for the San Mateo County Transportation Authority Central Cities position. It was decided to continue the selection of the Samtrans position for further discussion at the next Council meeting.

**ORAL COMMUNICATIONS 2**

Michele Salmon asked that Council Subcommittee Agendas be posted on the City website and encouraged ongoing maintenance at the Brisbane Swimming Pool Facility.

**ADJOURNMENT**

The meeting was adjourned at 10:05 p.m.

  
Sheri Marie Spediacci, City Clerk