



**BRISBANE CITY COUNCIL**

**ACTION MINUTES**

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**THURSDAY, MAY 18, 2017**

*BRISBANE CITY HALL, 50 PARK PLACE, BRISBANE*

**CALL TO ORDER – PLEDGE OF ALLEGIANCE**

The Mayor called the meeting to order at 7:38 p.m. and led the Pledge of Allegiance.

**ROLL CALL**

Councilmembers present: Conway, Davis, Lentz, O’Connell and Mayor Liu  
Councilmembers absent: None  
Staff present: City Manager Holstine, City Attorney Roush, Administrative Services Director Schillinger, City Clerk Padilla, Police Chief Macias, City Engineer Breault, Deputy Police Chief Meisner, Principal Analyst Saguisag-Sid, and Financial Services Manager Yuen

**REPORT OUT OF CLOSED SESSION**

- A. Liability Claims: Claimant Chase Wagner, pursuant to Government Code, section 54956.95.**
- B. Based on existing facts and circumstances, the City Council is deciding whether to initiate litigation. Government Code, section 54956.9(d) (4).**

City Attorney Roush reported that the City Council directed staff to proceed with litigation and reject the liability claim of Mr. Chase Wagner.

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

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

**ORAL COMMUNICATIONS NO. 1**

Dana Dilworth questioned the appropriateness of agenda items under Consent Calendar and trips to China.

Michael Barnes stated that the City's financial future should not rely on dubious sources of income instead approve a Baylands development project that would give us a cleaner future.

Barbara Ebel asked to move the report back from Mayor Liu regarding Silicon Valley 2017 Mayors' China Trip earlier in the agenda.

Based on this request, CM O'Connell made a motion, seconded by CM Davis to move up the Mayor's Report back after the presentations.

## **PRESENTATIONS**

### **A. Public Works Week**

May 21-27, 2017 is National Public Works Week. This week honors the important work Public Works plays in our communities by providing, maintaining, and improving the structures and services that assure a higher quality of life for our communities. City Engineer Breault showed a brief video of the important role Public Works plays behind the scenes in our communities. City Council members commended the Public Works Department and staff who were in attendance for their dedication and service.

### **B. Police Department's Purchase of Body-Worn Cameras**

Deputy Police Chief Meisner presented a video on vendor that the department will be using to purchase the Body-Worn Cameras. He reported that body-worn cameras will increase transparency and accountability by the police department. Police Chief Macias reported that by November of this year all law enforcement agencies will have purchased body-worn cameras.

After some Council questions of Deputy Police Chief Meisner and Police Chief Macias, Mayor Liu thanked them for the presentation.

## **MAYOR/COUNCIL MATTERS**

### **A. Report back from Mayor Liu regarding Silicon Valley 2017 Mayors' China Trip**

Mayor Liu provided an update on her China Silicon Valley 2017 Mayor's China Trip during May 6-12. The trip was to visit cities in the Sichuan province in China. China Silicon Valley is a non-profit organization focusing on business investment and collaboration opportunities between cities in the Greater Silicon Valley area and fast-growing cities in China. Mayor Liu shared that no City funds was used for this trip and is in compliance with the Fair Political Practices Commission regulation.

## CONSENT CALENDAR

- A. Approve City Council Minutes of April 6, 2017
- B. Approve City sponsorship of annual Silverspot Pool Fundraiser on July 25<sup>th</sup>, 2017
- C. Adopt Ordinance No. 618, waiving second reading, for Zoning and General Plan consistency, to Amend Title 17 of the Brisbane Municipal Code to add the TC-2 Southeast Bayshore Trade Commercial District and apply the TC-2 to the Zoning Map and rezone the properties at 3745 to 3795 Bayshore Boulevard from M-1 Manufacturing District to TC-2 and rezone the adjacent City right-of-way property, located on the West side of Bayshore Boulevard, from M-1 to O-S Open Space
- D. Approve Ordinance No. 619, waiving second reading, Repealing Ordinance No. 614 following a Referendum Petition Filed on March 30, 2017 Challenging Ordinance No. 614
- E. Adopt Resolution No. 2017-08 to set fees for the City of Brisbane
- F. Adopt Resolution No. 2017-09 to establish Appropriation Limit for Fiscal Year 2017-2018.
- G. Adopt Resolution No. 2017-11 Implementing the Business License Tax for Liquid Storage Facilities for 2017
- H. Adopt Resolution No. 2017-12 acknowledging rate increase for solid waste services from South San Francisco Scavengers effective July 1, 2017 and authorize the Mayor to execute Amendment No. 1 to the Franchise Agreement with South San Francisco Scavengers
- I. Adopt Resolution No. 2017-13 acknowledging rate increase for solid waste services from Recology effective July 1, 2017 and authorize the Mayor to execute Amendment No. 2 to the Franchise Agreement with Recology Brisbane
- J. Approve the following Monthly Investment Reports
  - 1. As of July 31, 2016
  - 2. As of August 31, 2016
  - 3. As of September 30, 2016
  - 4. As of October 31, 2016
  - 5. As of November 30, 2016

6. **As of December 31, 2016**
7. **As of January 31, 2017**
8. **As of February 28, 2017**
9. **As of March 31, 2017**

**L. Approve Contract with Muni Services to provide Business License Discovery and Audit Services**

**M. Sierra Point Landscaping and Lighting District**

1. **Adopt Resolution No. 2017-28, appointing Attorney for the Sierra Point Landscaping and Lighting District for the Fiscal Year 2017-2018.**
2. **Adopt Resolution No. 2017- 29, appointing Engineer for the Sierra Point Landscaping and Lighting District for the Fiscal Year 2017-2018.**
3. **Adopt Resolution No. 2017- 30, providing Preliminary Approval of Engineer's Report - Fiscal Year 2017-2018 - Sierra Point Landscaping and Lighting District**
4. **Adopt Resolution No. 2017- 31 , providing Intention to order the levy and collection of assessments pursuant to the Landscaping and Lighting Act of 1972 - Fiscal Year 2017-2018 - Sierra Point Landscaping and Lighting District**

**N. Adopt Resolution No. 2017-32 implementing the Business License Tax for Recycling Establishments for Fiscal Years 2017/2018 and 2018/2019**

**O. Approve Refunding of the 2009A Lease Revenue Bonds**

CM Lentz made a motion, seconded by CM Conway to approve Consent Items A-J and L-O. The motion was carried unanimously by all present.

Ayes: CM Conway, Davis, Lentz, O'Connell and Mayor Liu

Noes: None

**K. Approve Resolution 2017-25 authorizing the Receipt and Allocation of \$30,174 in Board of State and Community Corrections Grant Funds to Enhance Homeless Outreach Efforts**

Police Chief Macias reported that the San Mateo Police Chiefs Association has decided to disperse the Board of State and Community Corrections Grant Funds worth \$30,174 to each law enforcement agency within the county to enhance homeless outreach efforts.

After some Council questions and discussion with Police Chief Macias, CM Lentz made a motion, seconded by CM Davis to approve Consent Item K and approve Resolution 2017-25. The motion was carried unanimously by all present.

Ayes: CM Conway, Davis, Lentz, O'Connell and Mayor Liu

Noes: None

## **OLD BUSINESS**

### **A. Consider introduction of Ordinance No. 620 changing the Year at which City Council Elections Must be Held to Even Numbered Years (Statewide Elections) and Shortening the Term of Office for Council Members Elected in November 2017 and November 2019 by One Year**

City Attorney Roush reported Ordinance No. 620 will change the year at which City Council Elections must be held to even numbered years (Statewide Elections) and shortening the term of office for Council Members elected in November 2017 and November 2019 by one year.

CM Conway made a motion, seconded by CM Lentz, to introduce Ordinance No. 620. The motion was carried unanimously by all present.

Ayes: CM Conway, Davis, Lentz, O'Connell and Mayor Liu

Noes: None

## **NEW BUSINESS**

### **A. Consider Adoption of Resolution No. 2017-07 to approve changes to the FY 2016-2017 budget for the General Fund**

Administrative Services Director Schillinger reported that if adopted, Resolution 2017-07 will amend the Fiscal Year 2016-2017 Budget. It is anticipated that revenues will be at a minimum \$615,000 higher than projected and expenditure will be about \$55,000 higher than expected.

After some Councilmember discussion, CM Conway made a motion, seconded by CM Lentz to adopt Resolution No. 2017-07 and approve the changes to the FY 2016-17 budget for the General Fund. The motion was carried unanimously by all present.

Ayes: CM Conway, Davis, Lentz, O'Connell and Mayor Liu

Noes: None

**B. Consider Adoption of the following Resolutions regarding the Pay Scales for City Employees:**

- 1. Resolution No. 2017-14 regarding the Pay Scale for Confidential Employees Group**
- 2. Resolution No. 2017-15 regarding the Pay Scale for Confidential Management Employees Group**
- 3. Resolution No. 2017-16 regarding the Pay Scale for Executive Management Employees Group**
- 4. Resolution No. 2017-17 regarding the Pay Scale for International Association of Fire Fighters, Local 2400, AFL-CIO**
- 5. Resolution No. 2017-18 regarding the Pay Scale for General Employees Association**
- 6. Resolution No. 2017-19 regarding the Pay Scale for Hourly Pay Scale**
- 7. Resolution No. 2017-20 regarding the Pay Scale for Mid-Management/Professional Employees Group**
- 8. Resolution No. 2017-21 regarding the Pay Scale for Police Chief**
- 9. Resolution No. 2017-22 regarding the Pay Scale for Police Commander**
- 10. Resolution No. 2017-23 regarding the Pay Scale for Brisbane Police Officers Associations**
- 11. Resolution No. 2017-24 regarding the Pay Scale for All Employees – Master Pay Schedule**

Principal Analyst Saguisag-Sid presented the resolutions to amend current pay schedules and create a master pay schedule for FY 2017-2018. Principal Analyst Saguisag-Sid read into the record the Pay Scales for the Executive Management Employees Group, and the Police Chief.

CM O'Connell directed staff to report back at another Council Meeting what it would cost to have the City's hourly employees have a \$15 per hour living wage.

After some Council discussion, CM Conway made a motion seconded by CM Davis to adopt the Resolutions No. 2017-14, 2017-15, 2017-16, 2017-17, 2017-18, 2017-19, 2017-20, 2017-21, 2017-22, 2017-23, and 2017-24. The motion was carried unanimously by all present.

Ayes: CM Conway, Davis, Lentz, O'Connell and Mayor Liu

Noes: None

**C. Consider Adoption of Resolution 2017-26 Calling for an Election—Increase to the Business License Tax—Recycling Establishments**

City Attorney Roush reported that if adopted, Resolution 2017-26 is calling for a consolidated election on November 7, 2017 for the voters to consider approving an increase to the business license tax for recycling establishments. Recently, the City has imposed its business license tax on Recology's recycling business in the amount of \$2,100,000. If this ballot measure is approved, the City Council could increase this tax up to \$4,000,000 plus adjustments based, for example, on the

percentage increase in the Consumer Price Index. The plan is for the tax to exceed the \$3,000,000 in fiscal year 2019/2020.

The Council agreed to sign and draft together the Argument for the Ballot Measure. After some Council discussion, CM Conway made a motion, seconded by CM Lentz to Adopt Resolution 2017-26. The motion was carried unanimously by all present.

Ayes: CM Conway, Davis, Lentz, O'Connell and Mayor Liu

Noes: None

**D. Consider recommending Artist for the Public Art Installation at the New Brisbane Library**

Administrative Services Director Schillinger asked for direction whether or not to work with artist Michele Gutlove to develop and sign a contract to allow her to create a unique piece of art to be installed in the new Brisbane Public Library. Michele Gutlove uses glass, natural light and LED lamps in her work. Administrative Services Director Schillinger reported that the cost of the installation is estimated to be around \$50,000 and the City will use funds available in the Public Art Fund to pay for the installation.

After further Councilmember discussion CM Davis made a motion, seconded by CM Conway, to approve working with artist Michele Gutlove for the Public Art Installation at the new Brisbane Library. The motion was carried unanimously by all present.

Ayes: CM Conway, Davis, Lentz, O'Connell and Mayor Liu

Noes: None

Barbara Ebel commented not to overlook the carbon footprint of the Library project and to make sure that the new library uses 100% renewal energy.

**STAFF REPORTS**

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

Due to the late hour, no report was made.

**MAYOR/COUNCIL MATTERS**

**B. Receive Information Report Concerning Sanctuary City Policies**

City Attorney Roush presented information on the number of jurisdictions, including cities in San Mateo County, that have adopted what are called "sanctuary city" policies.

After some discussion with City Attorney Roush and Police Chief Macias, CM Liu, CM Lentz and CM O'Connell shared that they liked the example from the City of Belmont which is a commitment to safeguard the civil rights of all members of the community. CM Davis did not like committing to a policy that was solely ceremonial. The Council directed City Attorney Roush to draft a policy similar to the City of Belmont and present it at the next City Council meeting.

**C. LAFCO Appointment at May 19<sup>th</sup>, 2017 City Selection Committee Meeting**

After some Council discussion, the Council agreed to vote for the reappointment of Council Member, Richard Garbarino of the City of San Francisco to serve on the Local Agency Formation Commission, for a 4 year term.

**D. County-wide Assignments/Subcommittees Reports**

Councilmembers reported back on all their County-wide assignments and Subcommittee activities in the month of May.

**E. City Council Meeting Schedule**

After some discussion about the Council's Meeting schedule, the Council directed the City Clerk to contact BBCAG to participate in the Baylands Community Presentation.

**F. Written Communications**

There were no written correspondences to report.

**ORAL COMMUNICATIONS 2**

No member of the public wished to speak.

**ADJOURNMENT**

The meeting was adjourned at 11:31 p.m.

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Ingrid Padilla, City Clerk