



BRISBANE CITY COUNCIL

ACTION MINUTES

**CITY OF BRISBANE CITY COUNCIL
REGULAR MEETING AGENDA
THURSDAY, MAY 17, 2018
*BRISBANE CITY HALL COMMUNITY MEETING ROOM
50 PARK PLACE, BRISBANE***

6:30 P.M. CLOSED SESSION (*To Be Held in the Large Conference Room*)

- 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. Closed session under Government Code, section 54957.1 (b)(1): Evaluation of performance of City Attorney services
- E. Liability Claim: Claimant Chien, pursuant to Government Code, section 54956.95
- F. Liability Claim: Claimant Szabo, pursuant to Government Code, section 54956.95

CLOSED SESSION REPORT BACK

City Attorney Roush reported that the City Council voted unanimously to deny Closed Session Item E regarding Claimant Chien and resolve Liability Claim regarding Claimant Szabo in the amount of \$1,642.05.

7:30 P.M. CALL TO ORDER – PLEDGE OF ALLEGIANCE

Mayor Conway called the meeting to order at 7:30 p.m.

ROLL CALL

Councilmembers present: Councilmembers Cunningham, Davis, Lentz, O’Connell, and Mayor Conway
Councilmembers absent: None

Staff present: City Clerk Padilla, Administrative Services Director Schillinger, City Attorney Roush, City Engineer Breault, and Deputy Police Chief Meisner

ADOPTION OF AGENDA

CM O'Connell asked to close the meeting in memory of City Manager Holstine's mother Margaret Mary Reilly Holstine and Principal Analyst Saguisag-Sid's father Tony V. Saguisag, Jr.

CM O'Connell made a motion, seconded by CM Madison to adopt the agenda as amended. The motion was carried unanimously by all present.

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

Noes: None

Abstain: None

ORAL COMMUNICATIONS NO. 1

Nancy Laesamana provided an update on her work as a new member of the Citizens Advisory Committee for SamTrans.

Michele Salmon invited the Council and members of the public to the upcoming San Bruno Mountain Watch Native Plant Sale.

Dan Carter invited the Council and members of the public to the one year anniversary celebration for the volunteer group G3.

PRESENTATION AND PROCLAMATION

A. Public Works Week

Mayor Conway read the Proclamation recognizing May 21-27, 2018 as Public Works Week. City Engineer Breault accepted the Proclamation on behalf of the Public Works Department. Council congratulated the Public Works staff members for all their hard work and dedication.

B. Receive an Update from Get Us Moving San Mateo County

Matt Wilson, SamTrans staff, provided an update from Get Us Moving San Mateo County. Mr. Wilson encouraged the members of the public to continue to get involved, attend a Town Hall meeting and spread the word about Get Us Moving San Mateo County.

C. Presentation Regarding Baylands Soils Processing

City Engineer Breault stated that in response to news stories on the Hunters Point Naval Shipyard (HPNS) in San Francisco and speculation that radioactive soils may have been brought to Brisbane, more specifically to the Soils Processing business on the Baylands, the City is proposing four courses of action to address this issue:

1. Conduct Records Search – Under our Memorandum of Agreement with the property owner (UPC), the City has a right to audit operations on the site.
2. Create a Plan for Soils Analysis –City staff has approached consultant Dr. G. Fred Lee to assist in developing a strategy of how we would explore the landfill site to test materials for radioactive materials.
3. Contact U.S Attorney and Lawyers representing Whistle Blowers –the City Attorney will work with the following parties to see if there is any information regarding the allegations that toxic soils have been brought to Brisbane.
4. Investigate further the news article regarding bringing of material to Recology

After some Council questions and discussion, CM O’Connell wants Dr. Lee’s plan to include soil testing when soil is moved within the site and when it is exported.

City Engineer Breault stated that he will forward to the Council the source document used by the news reporter for their story.

The Council discussed the issue of unification of the entire Baylands under the jurisdiction of the Department of Toxic Substances Control (DTSC). Council directed staff to contact UPC and let them know that the Council wants the unification of entire Baylands under the jurisdiction of the Department of Toxic Substances Control (DTSC).

Dana Dillworth asked the Council if they have proof that no contaminated materials were brought into Brisbane.

Clara Johnson made a comment about the Remedial Action Plan.

Michele Salmon stated that there needs to be full disclosure of the soils manifest, including activity in the quarry.

After further Council discussion and questions, CM O’Connell directed staff to look into the class action lawsuit Dana Dillworth mentioned in her public comment, and to look into the importation activity happening in the quarry.

CONSENT CALENDAR

A. Adopt City Council Minutes of April 19, 2018

B. Adopt City Council Minutes of May 3, 2018

C. Adopt Ordinance No. 626 to amend Chapters 17.02, 17.08, 17.10, 17.12, 17.16, and 17.43 of Title 17, Zoning, of the Brisbane Municipal Code to update accessory

dwelling unit regulations in the R-BA, R-2, R-3, and SCRO-1 zoning districts consistent with current State law.

D. Approve Resolution No. 2018-35 to Amend the Franchise Agreement between the City of Brisbane and Recology and Approve the Solid Waste Annual Rate Increase effective July 1, 2018

E. Approve Resolution No. 2018-36 to Amend the Franchise Agreement between the City of Brisbane and South San Francisco Scavenger Company and Approve the Solid Waste Annual Rate Increase effective July 1, 2018

F. Adopt Resolution No. 2018-32 for one Public Art Advisory Committee Appointment for a term through January 2020

G. Approve Resolution No. 2018-37 to Oppose Pending Ballot Measure Sponsored by California Business Roundtable

H. Join Coalition to Protect Local Transportation Improvements

I. Accept Monthly Investment Report as of August 31, 2017

CM Davis made a motion, seconded by CM Lentz to approved Closed Session Item A through I. The motion was carried unanimously by all present.

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

Noes: None

Abstain: None

SWEARING IN

A. Administering Oath of Office to Newly Appointed City Committee Member

City Clerk Padilla administered the Oath of Office to Daniel Carter as the newly appointed member of the Public Art Advisory Committee.

OLD BUSINESS

A. Adopt Resolution 2018-27 to become an Associate Member of the California Enterprise Development Association JPA, and consenting to the inclusion of properties within the City's jurisdiction in the Figtree Property Assessed Clean Energy (PACE) Financing Program.

(Continued from the City Council Meeting of April 19, 2018)

After no further Council discussion, CM Davis made a motion, seconded by CM Cunningham to Adopt Resolution 2018-27 to become an Associate Member of the California Enterprise Development Association JPA, and consenting to the inclusion of properties within the City's

jurisdiction in the Figtree Property Assessed Clean Energy (PACE) Financing Program. The motion was carried unanimously by all present.

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

Noes: None

Abstain: None

B. Adopt Resolution 2018-28 to become an Associate Member of the Golden State Finance Authority, and consenting to the inclusion of properties within the City's jurisdiction in the Community Facilities District No. 2014-1 and Adopt Resolution 2018-29 to become an Associate Member of the Golden State Finance Authority, and consenting to the inclusion of properties within the City's jurisdiction in the Authority's Property Assessed Clean Energy (PACE) Financing Program.

(Continued from the City Council Meeting of April 19, 2018)

After no further Council discussion, CM O'Connell made a motion, seconded by CM Cliff to Adopt Resolution 2018-28 to become an Associate Member of the Golden State Finance Authority, and consenting to the inclusion of properties within the City's jurisdiction in the Community Facilities District No. 2014-1 and Adopt Resolution 2018-29 to become an Associate Member of the Golden State Finance Authority, and consenting to the inclusion of properties within the City's jurisdiction in the Authority's Property Assessed Clean Energy (PACE) Financing Program. The motion was carried unanimously by all present.

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

Noes: None

Abstain: None

C. Authorize Mayor to Sign Agreement to Award the New Brisbane Library Project Construction Contract for \$6,329,000 to D.L. Falk Construction, Inc. and Overrule the Bid Protest Submitted by Agbayani Construction Corporation

City Engineer Breault shared that he was happy to have received six bids for the project. He stated that a bid protest was received from Agbayani Construction and after consultation with the City Attorney, staff believes that the protest lacked merit.

After some Council questions and discussion with the City Engineer, CM Davis made a motion, seconded by CM Cunningham to overrule the Bid Protest Submitted by Agbayani Construction Corporation. The motion was carried unanimously by all present.

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

Noes: None

Abstain: None

CM Davis made a motion, seconded by CM O'Connell to authorize Mayor to Sign Agreement to Award the New Brisbane Library Project Construction Contract for \$6,329,000 to D.L. Falk Construction, Inc. The motion was carried unanimously by all present.

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

NEW BUSINESS

A. San Bruno Mountain Watch Civic Garden Proposal

(Council will consider whether to approve the proposed installation and whether or not they will approve the funding request for \$9,500).

Ariel Cherbowsky, Programs Director of San Bruno Mountain Watch, presented to the Council the San Bruno Mountain Watch Civic Garden Proposal.

After further Council discussion and questions, CM Davis made a motion, seconded by CM Lentz to approve the proposal and funding request for \$9,500 from the City Council's Volunteer Projects Fund. The motion was carried unanimously by all present.

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

STAFF REPORTS

A. City Manager's Report on upcoming activities

Administrative Services Director Schillinger invited the public to attend the Brisbane Dance Workshop's Spring Performance, stop by the Pacific Islands Together (P.I.T.) 5th Annual Shine! Family Day, vote on Election Day June 5th, sign up for the Brisbane Got Talent Event and save the date for the City-wide Yard Sale on July 21st.

MAYOR/COUNCIL MATTERS

A. Countywide Assignments/Subcommittee Reports

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

- Liaison to Open Space and Ecology Committee
- Caltrain Modernization Local Policy Maker Group
- Airport Land Use Committee
- Brisbane Baylands Community Advisory Group
- City/County Association of Governments Retreat
- Homeless 4 All Event
- School/City 2x2 Subcommittee with the Brisbane School District

CM Cunningham emphasized the importance of educating the community on rat poison and how it

harms the natural animal habitat.

B. City Council Meeting Schedule

No changes were made to the City Council Meeting Schedule.

C. Written Communications

Council received written communication from Iesha Mandolph (5/8/18) and Sherry Goodwin (5/16/18).

ORAL COMMUNICATIONS NO. 2

No member of the public wished to speak.

ADJOURNMENT

Mayor Conway adjourned the meeting at 9:48 p.m. in memory of City Manager Holstine's mother Margaret Mary Reilly Holstine and Principal Analyst Saguisag-Sid's father Tony V. Saguisag, Jr.

Ingrid Padilla
City Clerk