



**CITY COUNCIL/REDEVELOPMENT/GVMID**

**MINUTES**

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**CITY COUNCIL REGULAR MEETING**

**March 16, 2009**

*BRISBANE CITY HALL, 50 PARK PLACE, BRISBANE*

**CALL TO ORDER/FLAG SALUTE**

Mayor Richardson called the meeting to order at 7:30 p.m. and led the flag salute.

**ROLL CALL**

Councilmembers present: Bologoff, Conway, Waldo, and Mayor Richardson  
Councilmembers absent: Barnes  
Staff present: Chief Hitchcock, City Manager Holstine, Fire Chief Myers, Deputy City Manager/Administrative Services Director Schillinger, Assistant to the City Manager Smith, City Clerk Spediacci, City Attorney Toppel, Marina Services Director Warburton

**ADOPTION OF AGENDA**

CM Conway proposed adding Item D to "Mayor/Council Matters," discussion of the Council of Cities Selection meeting.

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

**ORAL COMMUNICATIONS NO. 1**

Terry O'Connell, Brisbane resident, thanked the City for supporting Brisbane's community organizations. She announced that Mountain Watch's spring celebration, originally scheduled for Sunday, March 22, has been canceled due to the closure of the 23 Club. She said she would let the Council know when the event is rescheduled.

Michele Salmon, Brisbane, asked if the minutes of the October meetings dealing with freight forwarding had been reviewed to see if the Council indicated that revised proposals would need

to come to the City Council for review before being heard by the Planning Commission.

City Manager Holstine reported that the staff reviewed the minutes and found no mention that the City Council would review freight forwarding proposals before the Planning Commission.

Jerry Deal, Councilman, City of Burlingame, stated that the Council of Cities would be voting on March 27 to select someone to fill the vacant seat on the SamTrans board. He provided a brief summary of his background and experience and asked Brisbane to support his candidacy. Mr. Deal emphasized the importance of promoting mass transit as the best way to get cars off the freeways. Rather than spending scarce money on clean-fuel vehicles, he advocated increasing the number of buses and routes serving San Mateo County.

## **PROCLAMATION**

### **A. Declaring March 2009 as American Red Cross Month**

Mayor Richardson read a proclamation declaring March 2009 as American Red Cross Month and acknowledging the support and assistance the American Red Cross provides after disasters.

## **CONSENT CALENDAR**

CM Conway asked to remove Item A.

- B. Adopt City Council Minutes of March 2, 2009**
- C. Approve renewed agreement with Millbrae Community Television for the continued broadcast of City meetings**
- D. Approve Co-Sponsorship of Brisbane Dance Workshop Annual Spring Performance**
- E. Approve Co-Sponsorship of Brisbane Dance Workshop Silent Auction**
- F. Approve Co-Sponsorship event for San Bruno Mountain Watch**
- G. Approve Resolution No. 2009-10 acknowledging receipt of the San Mateo County Energy Strategy and agreeing to participate in the discussion of next steps and review the proposed strategies**

CM Bologoff made a motion, seconded by CM Waldo to approve Items B through G. The motion was carried unanimously by all present.

CM Conway thanked the staff for rewriting Resolution No. 2009-10, Item G, to reflect the changes and comments expressed at the last meeting.

**A. Adopt City Council Minutes of February 17, 2009**

CM Conway drew attention to Page 2, third paragraph from the bottom, first sentence, and proposed inserting “our sustainability” before “goals.”

CM Conway made a motion, seconded by CM Waldo, to adopt the February 17 minutes as amended. The motion was carried unanimously by all present.

**NEW BUSINESS**

**A. Consider approval of an exclusive yacht broker agreement with Anchor Boat Sales**

Marina Services Director Warburton noted the City Council approved a three-year yacht broker agreement with Brisbane Boat Sales a few years ago, but the agreement was terminated last year. He said he was recently approached by Jose Martinez, with Anchor Yacht Sales of San Rafael, about establishing a satellite location at the Brisbane Marina. He advised that the proposed agreement would allow Anchor Yacht Sales to rent space in the Marina office in exchange for an exclusive brokerage agreement under which the broker would pay the City 5 percent of commission sales, and the City would provide an incentive to bring boats to the Marina pending sales transactions.

Marina Services Director Warburton said the brokerage agreement is similar to broker agreements used by other local marinas, but the incentive provision is unique. He reported that he researched rental rates for commercial office space to arrive at a rate of \$300 per month to be paid by the broker. He said the broker will be required to provide quarterly sales reports. He recommended that the City Council approve the arrangement. He added that Mr. Martinez plans to join the Brisbane Chamber of Commerce and the Sierra Point Yacht Club and become an active member of the community.

Jose Martinez described his plans to develop a local business. He said he advertises nationwide and has a good track record of yacht sales. He stated that he hopes to attract business to the City, and noted that he will offer three months of free berthing fees to attract boats to the Brisbane Marina.

City Attorney Toppel indicated he reviewed and approved the draft agreement.

CM Conway observed that the City will also receive 1 percent of the sales tax charged for boats sold.

CM Conway asked about the broker's hours of operation. Marina Services Director Warburton said the Marina is open seven days a week during normal business hours, and Mr. Martinez could use the office during that time.

CM Conway expressed support for the yacht brokerage agreement, and he wished Mr. Martinez luck in his efforts.

CM Conway made a motion, seconded by CM Bologoff, to approve the contract as proposed. The motion was carried unanimously by all present.

Mayor Richardson welcomed Mr. Martinez to Brisbane.

**B. Review memorandum from City Attorney on the request for the City to consider adopting a Local Business Enterprise Ordinance and give direction to staff**

City Attorney Toppel said that in response to questions asked by the City Council when this issue was first introduced, he researched ordinances developed by other jurisdictions to see how certain issues were handled. He said the ordinance would apply only to contracts entered into by the City, and it allows the City to give preference to local businesses. He noted there are certain issues that need to be determined: for example, the word "local" can be defined in different ways, preferences can be given to targeted groups, such as women or minorities, and preferences can be offered in terms of price discounts or bidding credits. He welcomed feedback from the City Council.

CM Waldo asked if "local" could be defined as businesses paying sales tax within the jurisdiction. City Attorney Toppel said the ordinances he reviewed defined "local" in terms of office locations. CM Conway suggested working with the Chamber of Commerce to define "local." City Attorney Toppel noted that all the ordinances he reviewed had some kind of prequalification process, and the list of local contractors could be part of that program.

City Attorney Toppel noted that the City needs to determine whether the ordinance would apply to subcontractors hired by prime contractors to do certain types of work as well as the dollar limit or percentage. He proposed allowing a discount on the portion of work done by a local subcontractor. He recommended working with the Chamber to begin compiling a list of local subcontractors so out-of-town contractors are aware of the resources that exist in Brisbane.

CM Conway observed that a local preference program is consistent with the City Council's sustainability goals, and he supported the concept of a local business enterprise ordinance.

City Attorney Toppel said he would solicit input from the Chamber of Commerce and work on

the possible variations. He offered to come back to the City Council with some options and recommendations before proceeding to draft an ordinance. Councilmembers expressed support for this approach.

**C. Consider introduction of Ordinance No. 538, waiving first reading, adding Chapter 8.50 to the Municipal Code concerning weed and flammable waste abatement**

City Attorney Toppel noted that the City has always had a weed abatement ordinance, but it has not been used very often. He advised that the Fire Department is beginning an aggressive weed abatement campaign, so this might be a good time to consider beefing up the ordinance. He said the ordinance provides for notice to property owners and a hearing before weeds are determined to be a nuisance; if a property owner does not correct the problem, the City has the ability to do the work and recover the costs by levying an assessment on the property. City Attorney Toppel advised that the notice and assessment process takes about a year, so work done this summer would not be assessed until next year.

Fire Chief Myers said the Fire Department has worked with the property owners for many years to abate fire hazards from weeds and brush, and public education has been the primary focus of those efforts. He described plans for this year's program and the proposed schedule for inspection and notification to property owners. He noted that Brisbane typically has only a handful of properties with persistent weed abatement problems.

Fire Chief Myers displayed an aerial photograph showing the areas along upper Trinity where brush is being cleared. He said this was the area of last summer's wildfire. He showed a photo of how the land will look once it is cleared of brush and overgrown vegetation.

CM Conway recommended inserting a paragraph describing the intent of the ordinance. City Attorney Toppel suggesting including a "purpose" clause.

CM Conway noted the definitions include poison ivy, and he questioned whether there were any poison ivy infestations in California. Fire Chief Myers confirmed that poison ivy is present in some parts of California, but not in Brisbane. City Attorney Toppel said that wording can be deleted. He pointed out that poison ivy is mentioned as an example of a weed.

CM Conway recommended that the staff to research whether poison ivy is a threat locally. Fire Chief Myers stated that all brush and weeds, regardless of what they are, must be removed.

City Attorney Toppel noted that the staff will work with the habitat manager to make a distinction between hazardous weeds and protected habitat plants, and all work done will comply with Habitat Conservation Plan requirements. Fire Chief Myers added that the primary goal is to eliminate weeds from the interface between wild areas and developed property.

CM Conway said he walked through the area being cleared and noticed an old firebreak that had been covered with overgrown vegetation. He commended the Fire Department for significantly reducing the fuel load in that area.

CM Bologoff reviewed the notification periods and the time given to property owners to abate the nuisance. City Attorney Toppel explained the steps that will be taken to notify property owners and the response deadlines. Fire Chief Myers said there will be plenty of opportunity for the Fire Department to discuss situations with property owners and help them get the work done.

CM Waldo made a motion, seconded by CM Bologoff, to introduce Ordinance No. 538 as proposed, and to add a clause explaining the purpose of the ordinance. The motion was carried unanimously by all present.

## **STAFF REPORTS**

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

City Manager Holstine stated that he had nothing to report.

## **MAYOR/COUNCIL MATTERS**

### **A. Subcommittee reports**

There were no subcommittee reports.

### **B. Review proposed meeting schedule for budget workshops**

Councilmembers agreed to hold budget meetings on the dates proposed by the staff.

Mayor Richardson asked the staff to update the calendar to show the Council's summer recess in August.

### **C. Notice of Election of City Members to Housing Endowment and Regional Trust (HEART) of San Mateo County**

Mayor Richardson noted there is a vacancy on the HEART board, and she encouraged Councilmembers to consider running.

### **D. Council of Cities Selection meeting**

Councilmembers discussed the candidates for the vacant SamTrans seat and decided to support

Linda Koelling of Foster City.

CM Conway recommended letting Jerry Deal know the Council's decision.

**ORAL COMMUNICATIONS NO. 2**

There were no members of the public who wished to address the City Council.

**CLOSED SESSION**

There being no further business, the meeting was adjourned to a closed session at 8:39 p.m.

- A. Conference with real property negotiator regarding Assessor's Parcel Numbers 007-556-101, 007-560-120, 007-560-130, and 007-560-140, pursuant to Government Code Section 54956.8**

**ADJOURNMENT**

At the conclusion of the closed session at 8:55 p.m., the meeting was adjourned with no announcements.

ATTEST:

Sheri Marie Spediacci  
City Clerk