



“The City With a Heart”

Jim Ruane, Mayor
Irene O’Connell, Vice Mayor
Ken Ibarra, Councilmember
Rico E. Medina, Councilmember
Michael Salazar, Councilmember

MINUTES SAN BRUNO CITY COUNCIL

February 26, 2013

7:00 p.m.

1. **CALL TO ORDER: THIS IS TO CERTIFY THAT** the San Bruno City Council met on February 26, 2013 at the San Bruno Senior Center, 1555 Crystal Springs Rd., San Bruno, CA. The meeting was called to order at 7:00 p.m.
2. **ROLL CALL/PLEDGE OF ALLEGIANCE:** Presiding was Mayor Ruane, Vice Mayor O’Connell, Council Members Ibarra, Medina, and Salazar. **Clerk Bonner** led the Pledge of Allegiance. Recording by Clerk Bonner.
3. **ANNOUNCEMENTS:**

Mayor Ruane said San Bruno were hosts last week to Ed Pawlowski, Mayor of Allentown Lynda Farrell, Pipeline Safety Coalition who came to San Bruno. He said in 2012 Allentown experienced a gas explosion where a whole City block was destroyed and five lives were taken. He said Ed was asked in December at the United States Conference of Mayors in Washington, DC, to set up a U.S. Conference of Mayors Council on Pipeline Safety and San Bruno was asked to be a part of that. The Mayor said going forward San Bruno would be very involved in this.
4. **PRESENTATIONS:** None.
5. **REVIEW OF AGENDA:** No changes.
6. **APPROVAL OF MINUTES:** Regular City Council Meeting of February 12, 2013 and Special City Council Meeting of February 20, 2013 and Special City Council and Planning Commission Meeting of February 20, 2013, approved as submitted.
7. **CONSENT CALENDAR:**
 - a. **Approve:** Accounts Payable of February 4 and 11, 2013.
 - b. **Approve:** Successor Agency Accounts Payable of February 11, 2013.
 - c. **Approve:** Payroll of February 10, 2013.
 - d. **Accept:** Reconciliation of General Ledger to Bank Reports and the Investment Reports Dated January 31, 2013.
 - e. **Adopt:** Resolution Authorizing the City Manager to Execute an Agreement for Shared Staffing Services Between the City of San Bruno, the City of Millbrae and the Central County Fire Departments.
 - f. **Adopt:** Resolution Accepting the Crestmoor (Glenview) Neighborhood Phase I Water System Improvements - Project No. 10002B as Complete and Authorizing Release of the Contract Retention Amount.

M/S Medina/Ibarra to approve the Consent Calendar and passed with all ayes.
8. **PUBLIC HEARINGS:** None.
9. **PUBLIC COMMENT ON ITEMS NOT ON AGENDA:** None.

10. CONDUCT OF BUSINESS:

a. Select a Development Team and Authorize the City Manager to Enter into an Exclusive Negotiating Rights Agreement and Commence Negotiations of a Disposition and Development Agreement for the Crossings Hotel.

City Manager Jackson gave an overview of the staff report and outlined the history and vision and next steps for the hotel site through a powerpoint presentation.

Jason Moody, Economic and Planning Systems gave an evaluation of the financial aspects of the proposals as well as the requested subsidies. There were four candidates and the two finalists had the most resources at their disposal. He said they gave a slight nod to OTO because of the size of their portfolio of projects and they committed equity to a project of this nature, they applied more financial information about their available equity.

Todd Turner, OTO Development introduced Steve Peters the head of real estate for this region and Mike Gallen, Director of Development for the West Coast. **Turner** gave a powerpoint presentation regarding their company, development expertise, sponsorship and track record, properties developed and managed.

Councilmember Salazar said the estimate of the City's contribution was an estimate and asked what is the track record of OTO's estimates? **Turner** said their estimate was the best guess on what we know today, which is not much. He said they would know more in 60 days.

Councilmember Salazar asked in his experience what was the key driver and what could be dug up? **Turner** said the per square foot construction cost of the building and the subterranean parking and prevailing wage of the construction project itself.

Councilmember Medina asked how close to target have you been on your projects? **Turner** asked the Director of Development how they come in on their final numbers vs. their estimates from a year ago. **Mike Gallen** said historically they have done a good job on the vast majority of every project. In Palo Alto they saw a little bit of a spike but they were well within the contingency. He thought there was much more competition in the market.

Councilmember Medina why do we need concessions and how are they derived? **Turner** said factors in the equation on how the hotel market performs and how this hotel is going to perform. This research is done from data used from Smith Travel who collects data on all the hotels in the country to see how the market is doing. Nine hotels were studied in San Bruno and Oyster Point and they put together trends and analysis of how this market performs. A very good sense of how this market is doing today, at the end of 2012 the market was 82% occupied at an average rate of \$142.00.

Vice Mayor O'Connell asked if they have ever had a failure? **Turner** said 2009 was the worse lodging since 1936 and they had to let some projects go.

Mayor Ruane asked Moody about the return on the investment. **Moody** said the City would make money for the City on TOT and property tax.

Councilmember Ibarra said he felt good that OTO was attracted to San Bruno. **Turner** said San Bruno and this site have the characteristics of what they look for.

Cory Creath, Principle with AXIS Architecture on behalf of R. D. Olson shared a few thoughts and asked Council consider a different outcome since the vote has not been taken yet.

Maria Rose, Resident of San Bruno, Local 2, said they should have union workers.

A lady, Resident of San Bruno, Local 2 said the union gives security for their jobs and a new hotel needs to be staffed by union members.

Laszlo, Resident of San Bruno, Local 2 said the hotel should not employ non-union workers.

Lemoine Werlein, President of the San Mateo Labor Council-representing Local 2 said their hope is the hotel will become a union hotel.

Maya, Resident of San Bruno, Local 2 said she has worked in union hotels and non-union hotels and she would like a union hotel.

Councilmember Ibarra said he has seen the development of this site and he is pleased to see this day.

M/S Ibarra/O'Connell to select a development team and passed with all ayes.

b. Provide Discussion and Direction to Adopt Resolution Supporting Federal and State Gun Violence Legislation, and to Identify Specific Local Measures to Reduce the Risk of Gun Violence.

City Attorney Zafferano gave a powerpoint presentation of the staff report.

Police Chief Telford said all public and private school safety plans are being reviewed to make sure their plans are adequate. In April there will be a School Safety Summit throughout the County.

Mayor Ruane said he brought this before the City Manager and Chief and whether it be pipeline safety or gun violence this has to start from the bottom up. He asked staff look at the permitting issue.

Councilmember Salazar said this is a very emotional national topic and looked asked that things be looked at realistically. He said regarding the limit to purchase 500 rounds, are we prepared to follow up on those reports? What can we legally do if someone purchases 500 rounds? **Telford** said there is nothing to prohibit a person from purchasing 500 rounds; the only thing is the Police would be warned.

Councilmember Salazar asked if it could be ordered off the internet. **Telford** said yes.

Councilmember Salazar said, noting he was not a spokesman for the NRA, if things are made illegal, legal people are affected by this and those who choose not to obey the law will continue to do what they are doing. He said if we are to put something on the books, he wanted to make sure it would stop a crime from happening.

Councilmember Salazar asked what we do with the information on stolen guns? **Telford** said that information is entered into a nationwide database, firearm serial number, etc.

Councilmember Salazar asked if there is data of a gun store in a community leading to greater violence in the community. **Telford** said there have been two or three burglaries of firearms from gun stores in San Bruno. Some of the guns have been recovered some of them have not.

Councilmember Salazar said maybe there should be requirements on how the gun stores secure their inventory. He said focusing on dangerous individuals might be better than focusing on the weapons. Through a tip line, people who are likely to be violent can be identified.

Councilmember Ibarra said we need to do something. He said study the 500 rounds, the lost and stolen program is great. He said we need stronger background checks. He said the Council should endorse the resolution by Mayor Lee.

Vice Mayor O’Connell said if 500 rounds are reported to our Police Station, this information should be shared with other cities. She said the zoning and how many gun stores should be looked at. She asked about at home dealers and is there any way to regulate those? **Zafferano** said gun dealers are not permitted in any zoning district other than the Central business district. **Vice Mayor O’Connell** suggested that be added to the tip line if someone is illegally selling guns through their home.

Councilmember Salazar asked if someone was a federally licensed gun dealer they could sell a gun from their home. **Zafferano** said if you have a federal license to sell weapons they cannot be sold from their home. We wouldn’t know that unless we were told.

Vice Mayor O’Connell said there are over 300 federal laws regulating guns but the funding to regulate the laws has been reduced over 50% in the last eight years. She encouraged funding of enforcement. She agreed something needs to be done.

James Mahon, Legal Community against Violence said they have a wonderful source of information on their website to get statistics. Focus on resolutions that have a real affect.

Ryan Mahoney, San Bruno resident said to purchase 500 rounds is nothing in scale. An avid shooter could go through a box in a weekend. Hollow point ammo is designed to stop; round ball ammo is designed to penetrate. He said he was an avid shooter and he had never committed a crime nor did he plan to. He saw no reason for an active legislation that keeps taking away the rights of the law-abiding citizen. The problems we have are not gun problems, they are people problems.

Councilmember Salazar asked the City’s ability to limit who can own a gun? **Zafferano** said the laws that restrict people’s ability to possess guns exist at the State level not the local level.

Councilmember Salazar asked for comments on the number of rounds or the logic singling out hollow points? **Telford** said 500 rounds for an avid shooter you could go through over a period of time. He said he felt if the sale of ammunition was reported within twenty-four hours and the Police Department knew the person was an avid target shooter who went through 100 rounds a month, it would not raise a red flag. He said on the other hand, a person who purchases 500 rounds one day and 500 more rounds the second day that may raise an issue. He said more research could be done on this. He concurred with Mahoney’s description of hollow point vs. round ball ammo.

Vice Mayor O’Connell said is it more the function or the caliber of the bullet? **Telford** said more research would need to be done. **Vice Mayor O’Connell** said if someone purchases 500 rounds how would we know? **Telford** said it would be recorded and the seller would have to provide the information to the Police within twenty-four hours.

Councilmember Medina said since they can be ordered on line, there is no sure way of knowing that it will be recorded, as well as fake id’s. Do we have the resources? He said he believed it needed to be studied a little more and asked where we came up with the idea of 500? He said whatever this Council or the community needs to make sense, needs to be enforced and we need to achieve it. He said many times decisions are made on emotion but it needs to come down to the right choices to improve the situation. He said zoning should be looked into. He said he would like to see what could be done on a local basis.

Mahoney said California has a State law regarding purchasing of the ammo; you must be 18 years old to buy rifle ammunition and 21 to buy handgun ammunition. ID has to be presented.

Zafferano said he heard general support for supporting the President's plan. He said they would monitor the State legislation and get back to Council. He said he heard some general support for the permit system, but desire to have more information and study, specifically of the San Francisco request that we ban all point ammunition and the 500 rounds. **Mayor Ruane** suggested he check with Mayor Lee's office with what their reasoning was behind the two criteria. **Zafferano** said on the potential draft amendments to the zoning ordinance he heard the majority indicating to look at those aspects to do further study to see what we can do. He said if the two gun shops we have are sufficient, which would ultimately go to the Planning Commission first.

Councilmember Salazar pointed out there is one location that is permitted to be a gun dealer but is currently not operational. He asked if any changes to the current zoning affect any of those three businesses, two in operation and one that is not. **Zafferano** said it will depend on how long the business that is currently not in operation and whether it stays out of operation. Our zoning code provides a six-month amortization period so if the use is discontinued upward of six months, after a change in zoning, then it is determined the use can lapse so there are no more rights to operate a legal non-conforming use. **Councilmember Salazar** said if we move forward, he would like some evidence of what the expected benefit would be of limiting gun stores. He also asked what impact the current businesses would have.

Zafferano said he also heard there was interest in a gun buy-back program and a tip line.

11. REPORT OF COMMISSIONS, BOARDS, & COMMITTEES: None.

12. COMMENTS FROM COUNCIL MEMBERS: None.

13. CLOSED SESSION:

Mayor Ruane said they would be going into closed session with no reportable action. Conference with Real Property Negotiator Pursuant to Government Code Section 54956.8
Property: Parcel Nos. 019-041-010; 019-043-020; 019-024-230; 019-014-180; 019-023-250;
019-043-460; 019-043-010; 019-041-030; 019-023-280; 019-014-150; 019-023-080.
Agency Negotiator: City Manager; Negotiating Parties: City of San Bruno and PG&E
Under Negotiation: Price and Terms of Payment.

14. ADJOURNMENT:

Mayor Ruane closed the meeting at 9:10. The next regular City Council Meeting will be held on March 12, 2013 at 7:00 p.m. at the Senior Center, 1555 Crystal Springs Road, San Bruno.

Respectfully submitted for approval
at the City Council Meeting of
March 12, 2013

Carol Bonner, City Clerk

Jim Ruane, Mayor