



“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

April 9, 2013

7:00 p.m.

**Meeting Location: Senior Center, 1555 Crystal Springs Road, San Bruno**

### 1. CALL TO ORDER:

**THIS IS TO CERTIFY THAT** the San Bruno City Council met on April 9, 2013 at the San Bruno Senior Center, at 1555 Crystal Springs Rd., San Bruno, CA. The meeting was called to order at 7:00 p.m. **Mayor Ruane** thanked the Garden Club for the beautiful flower arrangement.

### 2. ROLL CALL/PLEDGE OF ALLEGIANCE:

Presiding was Mayor Ruane, Vice Mayor O’Connell, Council Members Ibarra, Medina, and Salazar. **City Attorney Zafferano** led the Pledge of Allegiance. Recording by Deputy Clerk Hasha.

### 3. ANNOUNCEMENTS:

- a. **Mayor Ruane** announced San Bruno Police Department in coordination with Congresswoman Jackie Speier and other North San Mateo County Police Agencies, will co-sponsor a Gun Buyback Saturday April 23<sup>rd</sup> from 9:00 a.m. to 12:00 noon at 1050 Old Mission Road in South San Francisco. Guns will be accepted for buyback from residents of North San Mateo County.
- b. **Mayor Ruane** congratulated Parks and Recreation Commissioner Lorry Greenberg on an award given to her by the Parks and Recreation Commission. This award recognizes a volunteer in the community that supports or is engaged in the services and programs offered by the Community Services Department, which includes the Parks and Recreation Department and the Library. Mayor Ruane thanked Lorry Greenberg for all the hard work she does for the community.

**Councilmember Ibarra** questioned the date of the Gun Buyback event, thinking it might wrong.

**Chief of Police Telford** clarified that the date was in error, the event will be held the coming Saturday, April 13<sup>th</sup>.

**Councilmember Salazar** asked if someone just wants to turn a gun in any time without a cash reward, can they?

**Chief Telford** said, people can call the police non-emergency line at 616-7100 at any time and the police department will make arrangements for the gun to be turned in to them.

#### 4. PRESENTATIONS:

- a. Receive Presentation from Deborah Owdom, Project Director Retired and Senior Volunteer Program (RSVP) of San Mateo County and Present Proclamation on Mayors Day of Recognition for National Service.

**Deborah Owdom** gave an overview of the program, explained this is the 1<sup>st</sup> Annual Mayors Day of Recognition for National Service and received the proclamation from the Mayor.

**Councilmember O’Connell** asked how someone might volunteer and what the minimum age is.

**Ms. Owdom** answered the minimum age is 55 and that the RSVP program can be reached by contacting Mills Peninsula Health Services.

**Mayor Ruane** thanked Ms. Owdom and also acknowledged and thanked two volunteers at Skyline College Joshua Jubelirer, who is a Spark Point Vista member who is focused on developing the capacity of the center to meet the needs of their clients and is an invaluable member of their team. Also Sabrina Lawrence Gomez, and AmeriCorp National Service member who serves with Climate Corps Bay Area.

- b. Present Proclamation Recognizing the Bay Area Water Supply and Conservation Agency (BAWSCA) on its 10th Anniversary of Service to Residents of its Member Cities.

**Mayor Ruane** presented the proclamation to Councilmember Irene O’Connell who is the Council’s representative and chair of BAWSCA.

**Councilmember O’Connell** thanked the mayor and stated that the mission of the agency is to continue to work with the San Francisco Public Utilities Commission to ensure that clean, good quality, reliable water is available to us at a fair price. She was elected as chair in January and looks forward to serving her term with BAWSCA.

- c. Present Proclamation Declaring the Week of April 21 Through April 27, 2013 as West Nile Virus and Mosquito and Vector Control and Awareness Week in San Bruno.

**Mayor Ruane** presented the proclamation to Ben Rusmisl, the technician for the San Mateo County Mosquito and Vector Control responsible for control, inspections and consultations in San Bruno. The Mayor also thanked the City of San Bruno’s Representative on the board, Robert Riechel for all his hard work. Mr. Rusmisl thanked the City for its continued support of the District.

#### 5. REVIEW OF AGENDA:

**Mayor Ruane** moved Item 11, Annual Report of the Crime Prevention Committee, to follow Item 8, Public Hearings.

#### 6. APPROVAL OF MINUTES:

Regular City Council Meeting of March 26, 2013, approved as submitted.

#### 7. CONSENT CALENDAR:

- a. **Approve:** Accounts Payable of March 18 & 25, April 1, 2013.
- b. **Approve:** Payroll of March 24, 2013.

- c. **Approve:** Appointment of Vice Mayor Irene O’Connell to a Four Year Term on the Bay Area water Supply and Conservation Agency (BAWSCA) Board of Directors Through June 30, 2017.
- d. **Adopt:** Resolution Authorizing the City Manager to Execute an Agreement with the U.S. Soccer Foundation Accepting a \$50,000 Grant for Lions Field Synthetic Turf Project.

**Councilmember Salazar** pulled Item 7.d.

**Councilmember Ibarra** pulled Item 7.c.

**M/S Medina/Salazar** to approve the remainder of the Consent Calendar, and it passed with all ayes.

**Councilmember Ibarra** commended Vice Mayor O’Connell on her dedication to serving on BAWSCA since the agency’s beginning. He thanked her and wished her well in her future involvement with BAWSCA.

**M/S Ibarra/Medina** to approve Item 7.c. and it passed with all ayes.

**Councilmember Salazar** acknowledged that the City has received this very generous grant and that it is appreciated. He asked, since the grant came in after the project was completed, instead of replenishing the fund used for the project, could we create a separate reserve fund or use an existing reserve fund for this grant, so we have more flexibility in meeting the needs of Lions Field or some other parks and recreation facility that might need attention, that might not qualify for the Park in Lieu fund.

**Vice Mayor O’Connell** thought Councilmember’s suggestion was an excellent one, but asked if there are restrictions on the grant

**Community Services Superintendent Brewer** wasn’t sure if there were restrictions and offered to find out. She explained that there is a newly established reserve fund that gets its funding from rentals of the field.

**Councilmember Medina** had concerns in the earlier part of this process about the maintenance of the field and specifications of the grant, but appreciated the work put into it by staff, who reassured him it had been investigated and determined the best way to use the resources that we did to move forward with the project.

**Mayor Ruane** stated that while tonight’s item intended to authorize the acceptance of the grant, he would like staff to provide a clearer picture of where the grant funds can go.

**City Manager Jackson** offered to bring back an action item to an upcoming meeting that will define the grant specifics and how the Park In Lieu fund can be replenished of the funds that were advanced to do the project before receipt of the grant and also how to accomplish the ability to address facility maintenance and other future facility needs.

**Councilmember Salazar** asked if the action tonight will approve accepting the grant.

**City Manager Jackson** advised that the council approve accepting the grant with the understanding that staff will bring back a subsequent item to confirm the movement of monies to accomplish the council’s objectives.

**M/S Salazar/Ibarra** to approve Item 7.d. accepting the grant and for staff to bring back an item confirming the movement of monies and it passed with all ayes.

## 8. PUBLIC HEARINGS:

Hold Public Hearing, Waive First Reading, and Introduce Ordinance Amending the Municipal Code to Establish Police Permit System for New Firearms Dealers.

**City Attorney Zafferano** gave an overview of the proposed ordinance and noted some changes that were made to it upon further staff review. Section 6.08.070 h 1, will apply after the zoning code amendments, this relates to new firearms dealers being located only in the M -1 industrial zone, the zoning code amendments will be completed by the end of the year. Another change is that new firearms dealers must be a minimum of 250 feet from residences. Also that the Police Chief may establish hours of operation for firearms dealers and a reference to the purpose of this ordinance, which is to protect the establishment, its patrons and the public. Lastly there was a wording change made to the portion that said weapons had to be kept in a safe place, it now also says “or a safe room” in the event that the weapons don’t fit in a safe.

**Councilmember Ibarra** asked what was involved in the investigation process.

**City Attorney Zafferano** answered that it includes an application and a police background check on the proposed firearms dealer.

**Mayor Ruane** opened the public hearing.

**Chuck Zelnik, Merced Drive**, asked if dealers would be allowed to sell guns out of their homes.

**City Attorney Zafferano** answered, no, firearms dealers may not sell guns in a residential district, only in the M -1 industrial zone.

**Mayor Ruane** asked if anyone else would like to address the council, no one else wished to speak.

**M/S Medina/Ibarra** to close the Public Hearing.

**Councilmember Salazar** asked if a licensed firearms dealer could sell firearms over the internet.

**City Attorney Zafferano** explained that in this particular ordinance a firearms dealer is define as someone who is in the business of selling, transferring, leasing or offering for sale any firearm.

**Police Chief Telford** answered State Law requires a Federal Firearms License and State Law refers back to a local city that may enact a permit process. So State Law and our proposed ordinance compliment each other and the result is firearms cannot be sold from a residence.

**Councilmember Ibarra** asked if firearms dealers can be restricted from doing internet sales and/or participating in gun shows.

**City Attorney Zafferano** said at this time he is not aware of any local regulations preventing firearms dealers from selling on-line or at gun shows. However it would be a Federal regulation and currently there are efforts in that direction with respect to background checks.

**M/S O’Connell/Ibarra** to waive the first reading and it passed with all ayes.

**Vice Mayor O’Connell** introduced the ordinance for adoption and it passed unanimously.

## 11. REPORT OF COMMISSIONS, BOARDS, & COMMITTEES:

Moved to this earlier place from its original place later in the agenda.

Receive Annual Report from the Citizens Crime Prevention Committee.

**Citizens Crime Prevention Committee Co-Chair Peter Carey** gave an overview of the committee's accomplishments in the past year and their plans for the next year.

**Vice Mayor O'Connell** asked what exactly a neighborhood watch is and why people should be involved in it and how they can become involved in one.

**Co-Chair Carey** explained that a Neighborhood Watch is a way to get together with your neighbors and organize yourselves so you can look out for each other. Many times Neighborhood Watch participants are responsible for the apprehension of burglary suspects.

**Vice Mayor O'Connell** asked how residents can get involved in a Neighborhood Watch.

**Co-Chair Robert Riechel** said people should call the Police Department at 616-7100 to ask for information and the Citizens Crime Prevention Committee will contact them and assist them.

**Councilmember Medina** commented on his attendance at the last National Night Out at Grundy Park and how effective the event was as he witnessed two people who lived across the street from each other for years, meet for the first time. He said it is also important to know your neighbors in the event of an emergency or disaster, so that we can look out for one another. Its very important to reach out to your neighbors and be part of these programs.

**Mayor Ruane** expressed his gratitude to the committee for the many hours of their time that are volunteered and thanked them for their efforts. He also reminded that there are currently two vacancies on the Citizens Crime Prevention Committee and encouraged any interested residents to apply in the City Clerks Office.

## 9. PUBLIC COMMENT ON ITEMS NOT ON AGENDA:

**Robert Riechel**, announced that he is working with Councilmember Ibarra and several others to make sure that the Relay for Life San Bruno on April 27th and 28th at Capuchino High School is a success and encouraged people to come to the event and sign up to walk or they can also support the effort by going to Pasta Pomodoro, Monday April 15<sup>th</sup> through Wednesday April 17<sup>th</sup> a donation will be made by the restaurant to the American Cancer Society for all meals served.

## 10. CONDUCT OF BUSINESS:

- a. Adopt Resolution Authorizing the City Manager to Execute a Contract with HydroScience Engineers, Inc. for the Design of Olympic Pump Station Rehabilitation and Force Main Replacement Project in an Amount Not-to-Exceed \$261,069.

**Director of Public Services Fabry** gave a background of the item and asked the council if they had any questions.

**Councilmember Ibarra** brought up a report given to council in January about this and one other project, the costs at that time were \$11 and \$12 million dollars, he asked for clarification on the cost of the Olympic Pump Station Rehabilitation and Force Main Replacement Project.

**Director Fabry** stated that the estimated cost for design and construction was 3.1 million dollars and that the design portion alone was estimated at \$500,000 but was negotiated down to \$261,069.

**Councilmember Medina** asked about a panel that Director Fabry referred to in her overview of the project and asked who serves on the panel.

**Director Fabry** an internal panel interviewed the firms. It was comprised of the Project Manager, Wing Wong, the Acting City Engineer at that time, Ray Razavi, Dennis Bosch the Wastewater Manager and the two pump mechanics from the Public Services Department who are most familiar with this particular pump station.

**Councilmember Medina** wanted to confirm that the panel was in unanimous agreement that this recommendation be brought to the Council.

**Director Fabry** replied that yes, everyone on the panel was in agreement without exception.

**Councilmember O'Connell** introduced the resolution for adoption and it passed with all ayes.

- b. Adopt Resolution Authorizing the City Manager to Execute a Construction Contract with Bay Cities Pyrotector, Inc. for the Cable and Technology Fire Suppression System Project in the Amount of \$69,545 Approving a Construction Contingency of \$10,430 and Amending the Budgeted Appropriation of Funding for the Project.

**Engineer Nader Dahu** explained the projects criteria and gave some details on how the fire suppression system will protect sensitive equipment in the areas the system is installed in by using metal aerosol canisters containing an ultra fine particle fire retardant that is more effective than a sprinkler system for fire protection in this type of situation.

**Councilmember Medina** introduced the resolution for adoption and it passed with all ayes.

- c. Review Report and Authorize Process for the Disposition and Development of Vacant Lots Within the Crestmoor Neighborhood.

**City Manager Jackson** explained that seven of the vacant lots are owned by PG&E and that the City owns five lots for a total of 12, however staff has identified two lots that could potentially be used for expansion of an existing park area footprint or other public use. She stated a desire by staff to develop these lots as soon as possible. PG&E prefers to this process to be a coordinated effort with the City taking the lead. One of the options staff has considered for disposition of the lots is to offer them for private sale, so individuals could purchase and develop them. Another option is for the City to act as the landowner and developer, purchasing the properties from or PG&E develop them then sell them. After extensive evaluation the recommendation is that in coordination with PG&E and with the City in the lead managing and controlling a process to select through a request for proposals (RFP) a qualified and capable developer who would purchase the properties and develop them in a coordinated manner, much like a mini sub division and that they be developed as close to, all at one time as possible. Some of the benefits of this approach are, it would help to minimize the impact on the neighborhood if there is only one developer

instead of many, it will be easier to coordinate the development and the time period that the development is occurring in. PG&E is agreeable to this approach.

**Mayor Ruane** agrees that it would be best to accomplish this as a package and sooner rather than later with the least amount of impact to the neighborhood that has already been through so much.

**Chuck Zelnik, Merced Drive**, suggested that this item be tabled until the next meeting because the staff report wasn't available until earlier that day. He would like to purchase one of the lots but has been unable to do so because of the City's first right of refusal on the PG&E owned lots and feels that having one developer would create a cookie cutter look in the neighborhood.

**City Manager Jackson** clarified that the agreement between the City and PG&E for community restitution does not require the first right of refusal, it simply calls for PG&E to coordinate and collaborate with the City relative to any additional lots they would acquire and the City Manager feels that PG&E has done that.

**Mayor Ruane** knows that PG&E doesn't want to get involved in the land business and they are very sensitive to being in the neighborhood and just want to get this behind them. A number of scenarios have been looked at and the neighbors have been talked to. He believes a package deal and collaboration with PG&E is the best way to go. This way the City has control over design and all of the things that go into building.

**Councilmember Ibarra** agrees with the Mayor and feels that the neighborhood would benefit from continuity, that's what made the neighborhood so attractive before and isn't in favor of all different designs.

**Vice Mayor O'Connell** clarified that the people in the neighborhood have been informed of all the negotiations and it is the Council's job to help the process along and see the re-building gets done as quickly as possible and as well as possible. She understands that individuals want to purchase lots and the Council is trying to be as fair as possible. She asked if there can be detailed specifications in the RFP documents.

**City Manager Jackson** said yes there could be. The goal is to blend the old with the new in a way to create something that everyone will be happy with going into the future.

**Councilmember Salazar** said it would have been helpful to have had the staff report earlier. But he knows that we have been soliciting input from the neighborhood for a long time and the people have been able to express their opinions so he trusts that tonight's recommendation reflects the wishes of the people in the neighborhood and that it's the best thing for the neighborhood.

**Councilmember Medina** asked does the fact that the staff report was made available late, change any obligation or legal requirements.

**City Attorney Zafferano** explained that because it was an informational report and noted that because there are members of the public in attendance, they were obviously aware that the item was going to be discussed tonight, it would be up to the discretion of the Council to continue the item but there is no legal requirement to do so. He also pointed out that a number of other actions that are going to be required for this item will also come to the Council in public session.

**Councilmember Medina** agrees to go forward and agrees with Councilmember Salazar that there is someone up in the neighborhood getting input from the neighbors and acknowledges that this is a delicate situation and it is not going to be easy to put it back together and its not going to be possible to make everyone happy but we will do the best that we can.

**Councilmember Ibarra** asked for clarification as to whether PG&E is not prevented from selling these lots.

**City Manager Jackson** answered that they are not prevented from selling the lots, but they are required by virtue of the settlement agreement with the City, to consult and coordinate with the City and she feels that PG&E's actions are very much in the spirit of compliance with that agreement.

**Councilmember Ibarra** expressed concern that there may be a number of people very interested in purchasing lots and if PG&E were free to negotiate with them, it would be a mess and the City would have no control.

**City Manager Jackson** is aware that there are other individuals interested in purchasing lots from the City or from PG&E and that is why the City considered that strategy as an alternative and she does realize that no matter how carefully we proceed keeping the best outcome for the neighborhood and its residents, it is not possible to please everyone.

**M/S O'Connell/Ibarra** to move forward with the RFP process that specifies time limits and other details that were discussed earlier in the item and also that we collaborate with PG&E, and it passed with all eyes.

**City Manager Jackson** these homes will eventually be purchased by individuals who will live in them happily ever after in them, we hope that people continue to pay attention to this process and continue to be interested and there will be a great opportunity down the road purchase and home and participate in making this neighborhood spring back to life.

**Councilmember Medina** is sure that the City will do its due diligence to let the community know when these matters are coming forward.

**City Manager Jackson** concurred with absolute certainty.

#### **11. REPORT OF COMMISSIONS, BOARDS, & COMMITTEES:**

This item was moved to follow Item 8.

Receive Annual Report from the Citizens Crime Prevention Committee.

#### **12. COMMENTS FROM COUNCIL MEMBERS:**

**Vice Mayor O'Connell** reminded that April 22<sup>nd</sup> is Earth Day and also the day that stores in San Mateo County will no longer be distributing plastic bags. Also on May 4<sup>th</sup> is Operation Clean Sweep.

**Councilmember Medina** hopes that in the upcoming budget preparations we can find a way to re-instate some of the services that we have reduced in the past five years.

**Councilmember Ibarra** encouraged people to participate in Relay for Life, he is very proud of the residents, the volunteers, the business owners the City Staff and that everyone has been touched by cancer, and that Relay for Life is saving lives.

**Councilmember Salazar** sent well wishes to City Clerk Carol Bonner who has missed a couple of meetings because she has been out sick and we miss her and hope she is feeling better.

**Mayor Ruane** added that we have received numerous inquiries about Carol and that she doing much better and will hopefully be back on the job in the next two or three weeks.

**13. CLOSED SESSION:**

- a. Conference with Legal Counsel—Existing Litigation Pursuant to Government Code Section 54956.9(d)(1) One Case: AT&T v. City of San Bruno, San Mateo County Superior Court Case #518268.
- b. Conference with Real Property Negotiator Pursuant to Government Code Section 54956.8  
Property: Parcel Nos. 019-024-220 and 019-024-240  
Agency Negotiator: City Manager  
Negotiating Parties: City of San Bruno and Bullis Family and Greig Family  
Under Negotiation: Price and Terms of Payment

**14. ADJOURNMENT:**

Mayor Ruane closed the meeting at 8:38 p.m. and the Council entered into a closed session. The next regular City Council Meeting will be held on April 23, 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  
April 23, 2013

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Vicky Hasha, Deputy City Clerk

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Jim Ruane, Mayor