Coun "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

July 23, 2013

7:00 p.m.

1. CALL TO ORDER: THIS IS TO CERTIFY THAT the San Bruno City Council met on July 23, 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 Medina, Salazar and Ibarra. **Interim Parks and Recreation Director Burns** led the Pledge of Allegiance. Recording by City Clerk Bonner.

3. ANNOUNCEMENTS:

Mayor Ruane announced:

a. The Regular City Council Meeting of August 13 is cancelled.

b. The Beautification Task Force is accepting nominations for the Annual Beautification Awards Program. Applications can be found on the website as well in the City Clerk's office and the deadline is Friday, August 30, 2013 at 5:00 p.m.

c. Mayor Ruane said he flew in this morning from Denver, Colorado where he spoke at the National Association of Regulatory Utility Commissioners and shared his experience here in San Bruno with the gas line blast which was received with a great deal of interest.

4. PRESENTATIONS:

Mayor Ruane presented a Proclamation Declaring August 6, 2013 as National Night Out in San Bruno to Brendan Lau who thanked San Bruno and invited everyone to come out on that night. .

5. REVIEW OF AGENDA: Mayor Ruane moved Item 11 to follow Item 8.

6. APPROVAL OF MINUTES: City Council Meeting of July 9, 2013, approved as submitted.

7. CONSENT CALENDAR:

a. **Approve:** Accounts Payable of July 1 and 8, 2013.

b. **Approve:** Payroll of July 5, 2013.

c. **Waive:** Second Reading and Adopt Ordinances.

A) Ordinance Imposing a 2.61% Rate Increase to Recology Garbage and Recycling Services for 2013-14 to be Effective September 1, 2013.

B) Ordinance Imposing a 4.48% Rate Increase for Recology to Initiate an Organics Program to be Effective January 1, 2014.

d. **Appoint :** Voting Delegate to the Annual League of California Cities Conference September 18-20, Sacramento, CA.

f. **Adopt:** Resolution Authorizing the Closure of 200 Linear Feet of the 200 Block of Santa Inez Avenue on Friday, August 9, 2013 between the hours of 11:00 AM and 7:00 PM for Happy Hall School's 62nd Anniversary Party.

g. **Adopt:** Resolution Authorizing the City Manager to Execute a Three-Year Extension to the Technical Services Agreement with BEAR Data Solutions in the Amount of $107,348 for the City's Fiber Network and Commercial Network Services Support.

Alan Lubke, Fleetwood Dr. asked Item 7.c. be pulled.

Councilmember Medina asked Item 7.f. be pulled.

M/S Medina/O'Connell to approve the remainder of the Consent Calendar and passed with all ayes.

Alan Lubke, Fleetwood Dr. spoke about the July 9th meeting and expressed his displeasure at the way the item was handled from the mailing to the presentation at the meeting.

Councilmember Ibarra was absent from the July 9th meeting but gave his approval to the item.

M/S Ibarra/O'Connell to accept Item 7.c. and passed with all ayes.

Councilmember Medina asked Mary Lou Johnson from Happy Hall to come up and share the event with Council and the City. She said Happy Hall will be celebrating 62 years of providing programs for children and they will be celebrating on August 9 from 3:00 to 6:00 p.m. They have invited the neighbors from the neighborhood to enjoy the fun-filled afternoon.

MS Medina/Ibarra to approve Item 7.f. and passed with all ayes.

8. PUBLIC HEARINGS: None.

11. REPORT OF COMMISSIONS, BOARDS, & COMMITTEES: Moved to follow Item 8.

Sujendra Mishra, Chair, Planning Commissioner introduced the members of the Planning Commission. He reviewed the significant activities of the Commission over the last year and the plans they have for the upcoming year.

Councilmember Ibarra asked how the Commission feels about the changes since the inception of the design guidelines. **Mishra** said it has been helpful and staff has been able to communicate better with the applicants. He said it is a document that facilitates better design and over time, things will become better.

Vice Mayor O'Connell asked if there is another tool the Commission is looking for. **Mishra** said the General Plan amendments will be helpful because they are more specific.

Mayor Ruane thanked the Chair for his presentation and all the work the Commission does.

9. PUBLIC COMMENT ON ITEMS NOT ON AGENDA: None.

10. CONDUCT OF BUSINESS:

a. Appoint Citizens to Fill Vacancies on Commissions, Boards and Committees.

Mayor Ruane said there are three vacancies to fill on the Citizens Crime Prevention Committee and one vacancy on the Bicycle and Pedestrian Committee.

Council postponed choosing an applicant for the Bicycle and Pedestrian Committee until there are more applicants who have an interest.

Councilmember Salazar nominated Roberto Donlucas and seconded by Vice Mayor O'Connell.

Councilmember Salazar nominated Nawied Amin and seconded by Vice Mayor O'Connell.

Councilmember Salazar nominated Sehar Muzaffar and seconded by Vice Mayor O'Connell.

M/S Medina/O'Connell to approve the nominations and passed with all ayes.

b. Receive Oral Report Regarding City Council Subcommittee Review of the Salary and Benefits for the Elected City Clerk and City Treasurer Positions.

City Manager Jackson gave an overview of the salary and benefit program for the elected City Clerk and City Treasurer positions. She briefly outlined the consensus of the subcommittee, made up of Councilmembers Ibarra and Salazar.

She said in 2006 a four-step salary range was set-up and that four-step salary step shall remain in place for any newly elected City Clerk or City Treasurer. She said in 2009 Council undertook the scheduled review and declined to take any action to amend the salary and benefit program put into effect in 2006.

The subcommittee is recommending Council consider a cost of living adjustment based on a cost of living index to be determined up to an amount not to exceed 2%, provided on an annual basis beginning at the conclusion of the fifth year of any incumbent's service to the elected Clerk or Treasurer's office and would be provided only to the top step for that re-elected incumbent. She said the subcommittee determined the four-step salary range remain in effect for any newly elected Clerk or Treasurer until the fourth year is achieved. If that individual is re-elected, in the fifth year and annually thereafter a cost of living adjustment would be provided to the stop step as long as their elected service continues.

The subcommittee also considered the provision of a benefit not currently extended to those two elected positions but that is extended to the elected officials on the City Council. That benefit is an opportunity to take advantage of the City's internet service and a reduced rate for provision of cable television services.

Councilmember Ibarra reiterated what the City Manager said. He said the consensus of the subcommittee was not to change the salary for the first four years. The added benefit would be the free internet and the reduced cost for full cable services. He talked about the 2% cap increase and how it would compare with no increases with the rest of the employees. He said that needs to be discussed and maybe there is a condition in comparison with other bargaining units. He said these elected officials should be separated from mid-management and management.

Councilmember Salazar echoed Councilmember Ibarra's comments about the separation of the career employees represented by the bargaining units vs. an elected position which he felt was a different enough position which is really contingent on the public's opinion of that person's performance. After the initial term, an individual's salary would become stagnant and it is clearly a benefit to have one person stay. Go to person. If a new City Clerk were elected that new person would be starting at the bottom of the step. He said statistically, San Bruno's City Clerk is a little below the other clerks in the County, but a cost of living increase would keep the position from falling too out of sync. He said this change only affects City Clerks or Treasurers elected to a second or third term.

Mayor Ruane asked if the comparison of City Clerk positions were appointed or elected. **Councilmember Salazar** said they were both.

Discussion with Council took place regarding when the increase would occur if a City Clerk were re-elected. **Councilmember Salazar** said no talk took place regarding retro-active increases. It was concluded that a salary increase would occur at the end of the fourth year, beginning the fifth year.

Clerk Bonner stressed that her office and the Treasurer's office did not feel they should be awarded a cost of living raise when the rest of the City did without one.

Alan Lubke, Fleetwood Dr. said someone listening to this report won't understand what is going on. **Councilmember Ibarra** explained there are four steps and every newly elected Clerk and Treasurer start at step one. The discussion tonight is about what would happen after year four.

Councilmember Salazar said he questioned why we needed four steps for an elected position where the duties are clearly defined by law. He said he agreed with the rationale that a person starting would be inexperienced and not providing as much value as they would be after completing a four year term. He said there is a merit based increase over those four years and after that, on year five it would not be expected they go back to their year one experience. Based on that, the experienced person would have an adjustment from the fourth year level going forward.

Councilmember Ibarra said the percentage increase between each step is 6%, an 18% increase from step one.

Vice Mayor O'Connell said the internet added on is an excellent idea. She said she had a philosophical problem with any elected official getting raises and steps. She understood the City Clerk has office hours, but said she was starting her nineteenth year and had never had a raise. She said was definitely opposed.

Councilmember Medina said he didn't have a firm position since nothing is in writing. He did not agree with an automatic raise and he would like to see a formula. He felt the internet made a lot of sense.

Mayor Ruane said this is a special circumstance because we do have a very competent City Clerk and a very competent City Treasurer and the City is lucky. He said both these positions should be appointed but that will take a vote of the people. He said the automatic bothers him but given the circumstance of where we are right now with this being a one-off he said he would go along with the recommendation of the sub-committee in this particular case.

Councilmember Ibarra said he was fully supportive of recommending an increase, the question is what it will be and at what time will it be implemented.

City Manager Jackson said she understood there would be no change except for the provision of the same benefit the City Council receives relative to the Cable Television services. Otherwise for a potentially newly elected Clerk or Treasurer who might take office this year, following the November, 2013 election, there would be no change to the existing salary and benefits program. The only change she was hearing as a result of the subcommittee's recommendation is to consider what might happen for an elected official whose tenure begins beyond the first term.

Councilmember Medina said these positions are elected by the people and the way these positions are set up with a four-step increase, he felt reduced the tension of having the dialogue between the two parties. He said once there is a formula, he was willing to review it.

Councilmember Ibarra said maybe a formula could be put in place and the elected official can make the proposal. He said during hard times there probably should not be an automatic.

City Manager Jackson said they will return on August 27 for an action.

c. Adopt Resolution Authorizing the City Manager to Execute a Contract with Hydroscience Engineers for Design of the Spyglass Drive and Merion Drive Water Main Replacement in an Amount Not to Exceed $47,457.

Associate Engineer Cervantes gave an overview of the staff report and asked for questions.

Councilmember Ibarra asked about corrosion of the pipes? **Cervantes** said they are double iron pipes with a lot of protection.

Vice Mayor O'Connell introduced the resolution for adoption and passed with a unanimous vote.

d. Adopt Resolution Authorizing the City Manager to Execute a Construction Contract for the State Local Partnership Program Street Rehabilitation and Reconstruction Project with O'Grady Paving, Inc. in the Amount of $1,604,435, Approving a Construction Contingency of $241,000, and Appropriating $400,000 Measure A Funds and $400,000 Gas Tax Funds to the Project.

Engineer Kim gave an overview of the staff report and asked for questions.

Vice Mayor O'Connell asked when Huntington and San Antonio and San Bruno Ave. from El Camino to 101 are going to be done. **Public Services Director Fabry** said they were deferred until the grade separation project is done.

Councilmember Medina asked if there was a way to narrow down to a closer range than three years. He asked about the contingency of $241,000. What qualifies this street vs. another street? **Kim** said the streets chosen have a low pavement condition index between 0 and 65. Throughout the year they hear citizen complaints and some come back from the maintenance crew and this is developed in conjunction with the software program through the MTC which is a requirement for any public agency to use to get grant funds in order to justify grant funds are being used in an optimal manner. The contingency of 15% is a standard used on our construction projects.

Councilmember Ibarra asked if we would know early on in the project whether that contingency is necessary. **Kim** said they would know more as they go along. **Fabry** concurred with the contingency request.

Councilmember Medina asked as this goes forward if Council can receive a rating of the streets so it is in the staff report for the public's information and if the contingency can be highlighted at the end of the project.

Robert Riechel, 7th Ave. asked about the additional $10,000 for City inspection. **Kim** said this is for staff's time to administer the project and make sure bid items are quantified.

Councilmember Medina questioned City staff going out to inspect the property if they are already on the payroll. **Fabry** said it is typical to charge 10% and this can be done by City employees or in certain instances, outside resources can be hired when needed.

Vice Mayor O'Connell introduced the resolution for adoption and passed with a unanimous vote.

e. Receive Report on the Fire Department's Fire Hose Replacement Program and Replacement of Fire Hose for Fire Engines.

Deputy Chief Downing gave an overview of the staff report and asked for questions.

Councilmember Medina said we never know what is needed and when it is needed. He said he believed taking us from a standard and adequate to being pro-active, we need to be prepared by spending resources where they benefit and value the community he has to answer to. He said he believed spending an additional $25,000 should bring us up to par where we should be. **Councilmember Ibarra** concurred.

Councilmember Medina asked a resolution be brought to the next meeting increasing $25,000 to the budget for purchase of additional hose for this year's budget.

Councilmember Salazar asked if a hose purchase could go to equipment reserve. **Downing** said this is something being looked at regarding all equipment.

f. Adopt Resolution Authorizing the City Manager to Execute an Agreement between the San Bruno Park School District and the City of San Bruno to Provide a Reimbursable After School Education and Safety Program (ASES) at Allen Elementary School for School Years 2013-14 through 2015-16.

Community Services Superintendent Brewer gave an overview of the staff report and asked for questions.

Councilmember Ibarra said the School District is awarded a grant to provide after school services at their facility, they can track with the City to provide the services and they initially want to charge rent. **City Manager Jackson** said they are still cautious because there has been no action on the fee schedule itself.

Vice Mayor O'Connell introduced the resolution for adoption and passed with a unanimous vote.

11. REPORT OF COMMISSIONS, BOARDS, & COMMITTEES:

Receive Annual Report from the Planning Commission. (Moved to follow Item 8.)

12. COMMENTS FROM COUNCIL MEMBERS:

Mayor Ruane said June 5, 1950 was the beginning of the Korean War and it ended on July 27, 1953. He said it is often referred to as the forgotten war and we should remember this, especially since one of our former Councilmembers Chris Pallas' brother was a POW in that war.

13. CLOSED SESSION:

Mayor Ruane said they would be going into closed session with no reportable action. Conference with Legal Counsel--Existing Litigation pursuant to Government Code section 54956.9(d)(1): Vistica v. City of San Bruno, San Mateo County Superior Court Case #CIV517956.

14. ADJOURNMENT:

Mayor Ruane closed the meeting at 8:40 p.m. The next regular City Council Meeting will be held on August 27, 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
August 27, 2013

Carol Bonner, City Clerk

Jim Ruane, Mayor