

“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 August 27, 2013 7:00 p.m.

1. **CALL TO ORDER: THIS IS TO CERTIFY THAT** the San Bruno City Council met on August 27, 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, Ibarra and Salazar. **City Attorney Zafferano** led the Pledge of Allegiance. Recording by City Clerk Bonner.

3. ANNOUNCEMENTS:

- a. **Mayor Ruane** said Jennifer Carey made her World Championship debut in the 400 meter race in Moscow where she was asked to run for Ireland.
- b. **Mayor Ruane** announced on September 9 there will be a third anniversary memorial of the Glenview/Crestmoor Fire at the scene of the blast. Residents will be welcomed. The event starts at 6:00 p.m.
- c. **Mayor Ruane** announced 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. **Vice Mayor O'Connell** urged everyone to participate.

4. PRESENTATIONS:

Recreation Supervisor Tucker gave an Oral Report from the 2013 San Bruno Sister City Student Exchange Delegation to Narita Japan. She introduced the students, a teacher, a counselor and a chaperone. She gave a slide show of their major activities and each student present shared their favorite experience as well as the chaperones. **Tucker** also read comments from two students who were unable to attend.

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

6. **APPROVAL OF MINUTES:** Special Study Sessions of July 9 and 19, 2013 and City Council Meeting of July 23, 2013. Councilmember Ibarra asked the minutes of the 23rd be corrected to show he was present. The balance of the minutes were approved as submitted.

7. CONSENT CALENDAR:

- a. **Approve:** Accounts Payable of July 15, 22, 29 and August 5, 12 and 19 2013.
- b. **Approve:** Payroll of July 19, August 2 and 16, 2013.
- c. **Accept:** Reconciliation of General Ledger to Bank Reports and the Investment Reports Dated June 30 and July 31, 2013.
- d. **Adopt:** Resolution Authorizing the City Manager to Execute a Contract in the Amount of

\$112,040 with the San Mateo County Area Agency on Aging for the City of San Bruno's Congregate Nutrition and Transportation Programs for Seniors for Fiscal Year 2013-14.

e. **Adopt:** Resolution Rescinding Resolution 1986-34 and Appointing Directors to ABAG Plan Corporation.

f. **Receive:** The Bi-Annual Report on City's Investment Portfolio.

g. **Approve:** Out-of-State Travel for Two Central Garage Mechanics for Training on Servicing Vactor Vehicles in Streator, Illinois in September 2013 and Spring 2014.

Councilmember Medina asked Item 7.g. be pulled.

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

Councilmember Medina questioned the cost factor. He assumed this would be done in house. If we keep 100% of it after the training, we might have to get tools, parts. There is the labor factor involved for our staff. He asked what we spend on an annual basis when we have it going out currently. He said he was trying to understand where the cost is, where is the savings and where is value?

City Manager Jackson said Councilmember Medina had previously requested cost and she believed the amount provided was \$11,000. the City has spent over the past year for maintenance of the vactor equipment. That number did not include the full calculation of the value of down time for staff for related activities that are not paid cash out of pocket. She said they could evaluate the cost effectiveness of the proposal by expending \$4,000 for lodging and travel that would be required to allow our two mechanics to take advantage of the training to provide better troubleshooting and to minimize our exposure necessary for costs associated with maintenance and repair of the equipment by being able to better evaluate what might be needing to be adjusted with the equipment to be able to perform going forward basic maintenance tasks and being able to extend the useful life of the equipment long into the future. She said it will not eliminate the need for the equipment to be serviced out-of-house but it is an initiative for the City's ability to properly operate, maintain and avoid long term exposure.

Councilmember Salazar asked how confident we are about the numbers. **Fabry** said it is an assumption and estimate.

Councilmember Medina asked how we look back on this and see if it is a good investment.

M/S O'Connell/Medina to approve Item 7.d. and passed with all ayes.

8. **PUBLIC HEARINGS:** None.

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

Receive Annual Report from the Senior Advisory Committee. **Florie Green, San Bruno Senior Advisory Board Chair** shared all the activities that take place at the Senior Center. She introduced the members of the Advisory Board. She did a powerpoint presentation showing the numbers of people using the Center, reviewed what the Board has done over the last year and the plans for the coming year. **Mayor Ruane** thanked the Senior Advisory Board for all they do.

Councilmember Ibarra asked if the Senior Advisory Board has long-term plans for improvements to the Bocce Court. **Assistant Community Services Director Alita** said some of

the concerns have been referred to the Facilities staff. He said an inventory has been taken of the capital equipment at the Senior Center so needs can be addressed before they become a problem.

9. PUBLIC COMMENT ON ITEMS NOT ON AGENDA:

Robert Riechel, 7th Ave. shared the upcoming events the Chamber has planned for the Farmer's Market on Sundays from 10:00 to 2:00 p.m. on San Mateo Ave. September 1 will be a blood drive. October 6, Jackie Speier, Kevin Mullin, Dave Pine and Mayor Ruane will be present to answer questions. October 13 the Council Candidates will attend and October 20 the San Bruno Park School District Candidates will be in attendance. He invited everyone to come and support the market.

Riechel gave an update on the District's activities on mosquito abatement.

Marty Medina, Garden Ave. declared his candidacy for San Bruno's City Council. He talked about increases to water/wastewater rates and the need for an alternative. He asked if this has been revisited. He talked about fees that were written off and he said there are ways to recover those write-offs. He said there are lots of ways to save money and we need to change the way we do business and he would like to be a member of Council.

Perry Peterson, Scenic Ct. said San Bruno has been fined for sewer maintenance. He said the water/wastewater increases are appropriate.

Kathy DeRenzi, Claremont Dr. wanted everyone to know they are not fine in the Glenview/Crestmoor area. She said the neighborhood is a nuisance. She talked about the PG&E funds being used to replace the failing orangeburg pipes. The Mayor told her she could speak when this topic came up under Conduct of Business. She asked about what is happening on Skyline Blvd. near College Dr. She also commented on the airport noise she really experienced.

City Manager Jackson said Caltrans is doing a slope stabilization project which is scheduled to be completed roughly the middle of October.

Councilmember Ibarra said anyone experiencing unusual airport noise please contact him.

Andy T. Mason, Cherry Ave. introduced himself as a San Bruno City Council candidate. He felt our water rates are high and cuts should be made in other areas; he expressed his passion for the schools and how they can learn from industry, have forums and town hall meetings and expand technology; and he talked about local job creation.

10. CONDUCT OF BUSINESS:

a. Adopt Resolution Approving Bylaws for the San Bruno Community Foundation and Provide Direction Regarding Selection Process for Directors to the Board.

City Attorney Zafferano gave an overview of the staff report and he asked for questions.

Councilmember Salazar said he didn't want to prohibit councilmembers from being on the Board, he simply wanted to remove the requirement. He talked about the Brown Act and asked if there was a conflict. Would the Foundation be responsible for any fees? **Zafferano** said it would have to be figured out when and how it happens and would be based on the information the Board gets from their own independent advisor.

Councilmember Salazar said approval of indebtedness on the final page has no specific amount. **Zafferano** said it would not be out of the ordinary to say the same signature authority as the City Manager has of \$25,000.

Councilmember Ibarra said it seems a conflict for a Councilmember to be on the Council and the Board. Majority of San Bruno residents. He was concerned about having directors who have expertise. **Zafferano** said the bylaws say the directors should include people with certain expertise, not required to have that specific expertise. **Councilmember Ibarra** agreed with the \$25,000.

Vice Mayor O'Connell said the City Council are the people directly responsible to the voters. She asked about the \$25,000 and **City Manager Jackson** said the \$25,000 authority is generally for those things in the budget, authorized and expected expenditures. **Zafferano** pointed out on the final page the indebtedness

Zafferano said the Executive Director has not been picked yet without coming to the City Council and getting approval.

Councilmember Medina said this is the elected body who is overall responsible for budgets and any expenditures that come from Commissions and Boards and there is a need for transparency. He is having difficulty with the way it is formulated. He said this was money entrusted to the City to do what is best for the community and its citizens.

Mayor Ruane said politics could come into play if Council members are on this Board. He said he wanted to segregate the City Council from the Board in order to not jeopardize the Not-for-Profit status going forward.

Mayor Ruane asked for confirmation that he and Councilmember Salazar remain on the subcommittee to meet very shortly.

Zafferano said he heard two Councilmembers state they wanted to prohibit Councilmembers from being on the Board of the San Bruno Community Foundation, two said they wanted to require them and one didn't make a firm decision. **Councilmember Salazar** withdrew his objection to language and asked it be left as written.

Councilmember Salazar introduced the resolution for adoption and passed with three ayes, Councilmembers Salazar and Ibarra and Mayor Ruane. Councilmembers Medina and Vice Mayor O'Connell were in opposition.

Zafferano said the City has maintained a website for those individuals who wish to be on the Board. He said a selection/application process needs to be developed with the assistance of staff, a subcommittee to be appointed by the subcommittee as well as the experts of the Silicon Valley Foundation who have done this before.

City Manager Jackson said this would come back to the September 10 Council meeting with recommendations.

b. Adopt Resolution Authorizing Extension of the 2013 San Bruno Park Swimming Pool Season through September 29, 2013.

Recreation Supervisor Brewer gave an overview of the staff report and asked for questions.

Councilmember Ibarra made it clear the funding is not coming from the PG&E funds.

Councilmember Medina said these offer good value, there is a need and he supported it.

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

c. Receive Report on the Results of Soil and Materials Testing of PG&E Line 132 and Provide Direction to Staff Regarding the Filling of Line 132 in the Crestmoor Neighborhood.

Project Manager Burrowes gave an overview of the staff report. He said they would start work on September 23, 2013 and would be approximately four weeks in duration and asked for questions.

Councilmember Ibarra asked how hydro carbons would be treated. **Burrowes** said they will excavate down around the pipeline, a tent will be put over those excavations, there will be air monitors and workers will wear masks and there will be a filtering system pumping the air out of the excavation area.

Kathy DeRenzi asked if PG&E took the samples or was a third party hired to test? **Burrowes** said PG&E hired a professional independent third party.

DeRenzi said after the explosion some of the soil was brought to Brisbane where it was rejected and they had to move the soil down to Half Moon Bay because of the toxics. **City Manager Jackson** said the County of San Mateo oversaw the removal of the soil fully within standards and the area was safe for human occupancy. She said the City does not have the jurisdiction or authority to identify how this was done.

DeRenzi said she understood the air was tested by the County but they don't have the proper equipment to test the air quality. She said she wished someone was looking out for them better. **Burrowes** said an independent contractor, Acumen Industrial Hygiene did the testing of the soils and will be doing the air quality testing within the next few months.

Councilmember Ibarra asked what more needs to be done.

Betty Kunze, Claremont Dr. said she was satisfied with what has been done so far and all she wants now is the pipeline to be filled.

Mayor Ruane said he wanted the pipe filled.

Councilmember Salazar asked if there was information on the debris taken to Brisbane. **Mayor Ruane** said his understanding was a lot was ash and debris from the initial fire.

Tina Pellegrini, Claremont Dr. said when the dirt was taken from their property to Brisbane, Brisbane required a very clean soil and the dirt was then sent to Ox Mountain.

DeRenzi said it took the residents to call PG&E when the 48 pipe was opened. She said fill the pipe.

Council was in full agreement to fill the pipe.

d. Adopt Resolution Approving a Sanitary Sewer Lateral Replacement Program in the Crestmoor Neighborhood.

Project Manager Burrowes gave an overview of the staff report and asked for questions.

Councilmember Ibarra asked what it would cost to provide the sewer lateral. **Burrowes** said about half a million dollars.

City Manager Jackson said there are conditions on private property within the trust. She said there are a variety of different circumstances as well as costs. She said if work were to be done, she strongly recommended it not be done by the City. She said staff's recommendation was intended to provide a program that would provide a level amount of benefit that would provide an opportunity for residents of this neighborhood to receive a significant benefit of the installation cleanout.

Councilmember Ibarra said he did not want to jeopardize the trust and he said it needed to be clarified. He said this neighborhood did not ask to have infrastructure replaced and it is not a typical neighborhood. He said, on an average basis, the City should give as much as they can, especially more than \$1700.

Mayor Ruane said he believed we should give more than \$1700. If it wasn't for the explosion it would not be necessary to have this discussion.

Councilmember Medina said he believed \$1700 wasn't a lot. He suggested it be looked at again. He also talked about permit fees.

City Manager Jackson said permit fees would be waived.

Vice Mayor O'Connell said \$1700 was small. How can it be increased without jeopardizing the trust? She asked the timeline and stated if it is delayed much longer will it jeopardize people's abilities to have their laterals done simultaneously with the contractor coming in. **City Manager Jackson** said it was a strong issue of interest to the neighborhood but a little more time can be taken.

Vice Mayor O'Connell asked if there was enough staff. **Burrowes** said, yes, there is enough staff to administer this.

Councilmember Salazar asked about the upper lateral work in conjunction with the lower lateral work. **Burrowes** said ideally it would occur at the same time.

Kathy DeRenzi asked if it would help for the residents to submit their bids on what it will cost for each house.

John McGlothlin, Claremont Dr. applauded the City for taking this on and said he felt it is very important. He said they had made the decision to have the orangeburg pipe replaced when they did their landscaping. He said anything that can be done to give relief would be wonderful. He said it would be great for local plumbers to get the business.

Councilmember Ibarra said we need to be prudent in minimizing the type of contractors by keeping them local, reputable and proven. Are there are other options where they can abandon the lateral in order to save the driveway? **Burrowes** said it varies.

City Manager Jackson said they will return with further information.

Mayor Ruane called a short break.

e. Adopt a Resolution Authorizing the City Manager to:

Execute a Contract with JMB Construction for Construction of the College Water Pump Station (No. 4) Project in the Amount of \$2,449,000 with a Construction Contingency of \$367,350;

Execute an Amendment to the Contract with Brown and Caldwell for Design Support Services during Construction in the Amount Not to Exceed \$65,549;

Execute a Contract for Construction Inspection Services with West Yost Associates in an Amount not to Exceed \$169,695; and
Appropriate an Additional \$201,864 Water Capital Funds to the Project.

Public Services Director Fabry gave an overview of the staff report and asked for questions.

Vice Mayor O'Connell asked what is going to happen to the old station. **Fabry** said it will be demolished and revegetated which is included in the cost. The old pipes will be connected to the new pipes at the new pump station.

Councilmember Ibarra said he liked the idea of it being moved. He asked how near the curb it is? **Associate Engineer Anderson** said there is a Caltrain right of way, six feet from the curb.

Marty Medina, Garden Ave. questioned the contract and said it amounted to \$142.71 an hour for inspection services. He said in Fremont a liquid oxygen upgrade to a water sewage plant, a \$2.3 millionollar project. He said he found three inspectors and their cost was around \$97.00 per hour and they were brought out when needed. He said there is a large gap and he felt it was high. **Fabry** said full time inspection is not required, it is based on need.

Councilmember Salazar asked if the contract is written on an hourly basis. **Fabry** said not to exceed based on an hourly rate. **Councilmember Salazar** asked the hourly rate and Anderson said they specified the various tasks to be performed and for each task there is an allotment of both hours based on the rates and the not to exceed costs.

Councilmember Medina asked the hourly rate? **Fabry** said she didn't remember but she said the rate is very consistent between consultants and the rates vary according to the inspection. She said she would follow-up with the information. She was then provided with a rate of between \$118 and \$170 depending on the type of inspection provided.

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

f. Adopt Resolution:

Amending Resolution No. 2006-75 Establishing Salary and Benefits for the Elected City Clerk and City Treasurer Position;

Adopt Resolution Amending the Cable Television Promotional Account Policy to Include City Clerk and City Treasurer Positions.

City Manager Jackson gave an overview of the staff report and asked for questions.

Vice Mayor O'Connell said she is opposed to any automatic pay raises for elected officials. She said they don't necessarily have any qualifications for the job they are elected to.

Councilmember Salazar said in the staff report it states the City Council reserves the discretion to determine in any future year of economic constraint where salary increases for employees are not being provided to similarly not grant the annual cost of living adjustment to the City Clerk and City Treasurer. He this statement does not appear in the resolution. **City Manager Jackson** said that will be incorporated into the adoption of the resolution.

Councilmember Ibarra said he received confirmation that indexes were correct.

Councilmember Ibarra said an incumbent gets a 6% increase, collectively equaling an 18% increase over four years. A 2% cap would be an 8% cap for the next four years. He said he was in favor. He said he would like to see any future City Council have the right to alter that increase.

Councilmember Medina said there is a potential of a 2% increase. He felt it should not be automatic.

Councilmember Salazar asked Council provide direction presenting the option to make these positions appointed rather than elected. **Mayor Ruane** said it needs to be looked at very seriously. He felt it was a good time to look at it and put on the ballot in two years.

Councilmember Salazar introduced the resolution establishing salary and benefits for the elected City Clerk and City Treasurer with the option that the City Council reserve the right to cancel the increase in years determined to be financial hardship years and passed with four ayes and one no, Vice Mayor O'Connell.

Councilmember Salazar introduced the resolution amending the Cable Television Promotion Account Policy and passed with a unanimous vote.

g. Adopt Resolution Amending the Fiscal Year 2013-14 Fire Department Budget to Include an Additional \$25,000 for Hose.

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

Councilmember Medina introduced the resolution for adoption and passed with a unanimous vote.

11. REPORT OF COMMISSIONS, BOARDS, & COMMITTEES:

Receive Annual Report from the Senior Advisory Committee. (Moved to follow Item 8.)

12. COMMENTS FROM COUNCIL MEMBERS:

Councilmember Salazar asked for concurrence from Council to ask staff to get look into making the City Clerk and Treasurer positions appointed. Council concurred.

Councilmember Ibarra complimented and thanked staff and the residents for their participation in the park.

13. CLOSED SESSION:

14. ADJOURNMENT:

Mayor Ruane closed the meeting at 10:50 p.m. The next regular City Council Meeting will be held on September 10 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
September 10, 2013



Carol Bonner, City Clerk



Jim Ruane, Mayor