

"The City With a Heart"



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

MINUTES

SAN BRUNO CITY COUNCIL

June 8, 2010

7:00 p.m.

1. CALL TO ORDER: THIS IS TO CERTIFY THAT the San Bruno City Council met in regular session on June 8, 2010 at San Bruno's City Hall, 567 El Camino Real, San Bruno, CA. The meeting was called to order at 7:05 p.m.

Mayor Ruane thanked the **San Bruno Garden Club** for providing the beautiful floral arrangement.

2. ROLL CALL/PLEDGE OF ALLEGIANCE: Presiding was Mayor Ruane, Vice Mayor Medina and Councilmembers O'Connell, Ibarra and Salazar in attendance. Recording by Clerk Bonner. **Commander Catalano** led the Pledge of Allegiance.

3. ANNOUNCEMENTS: None.

4. PRESENTATIONS: None.

5. REVIEW OF AGENDA: No changes.

6. APPROVAL OF MINUTES: Regular City Council Meeting of May 25, 2010, approved as submitted.

7. CONSENT CALENDAR:

a. **Approve:** Payroll of May 16, 2010.

b. **Approve:** Accounts Payable of May 17 and 24, 2010.

c. **Adopt:** Resolution Amending the City Classification Plan by Adopting Position Descriptions for Assistant Planner/Associate Planner, Building Inspector, Chief Building Official, Community Development Technician I/II, Code Enforcement Officer I/II, Housing & Redevelopment Manager, Senior Building Inspector, Senior Code Enforcement Officer, Senior Community Development Technician, and Senior Planner Positions.

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

8. PUBLIC HEARINGS (Notices have been published, posted and mailed):

a. Hold Public Hearing, Waive First Reading and Adopt Planned Development (PD) Ordinance Amendment to the Development Plan to Allow Two Alternative Design Options; Adopt Resolution Approving a 12-Month Extension of Planned Development Permit 05-02, which Currently Allows for the Demolition of the Existing 308 Unit Apartment Complex and the Development of 510 New Residential Units; and Adopt Resolution Approving Planned Development Permit 10-01 and Architectural Review Permit 10-06 to Allow for the Renovation of the Existing 308 Apartment Units, Per Chapter 12 of the San Bruno Municipal Code, as an Alternative Project Design Option under the Development Plan. AIMCO San Bruno Apartment Partners, L.P., is the Owner and Applicant ("Applicant".)

Community Development Director Aknin gave a brief background of the history of the property and gave an overview of the staff report and asked for questions.

Councilmember Ibarra asked where we are with the trash compactor? **Aknin** said the trash contractor would be located about 44 feet away from the nearest building in Evergreen Ridge and it would be a completely enclosed structure. **Councilmember Ibarra** asked if the objection letters presented to Council are in opposition to that option? **Aknin** concurred. **Councilmember Ibarra** asked if there was any objection to them being relocated? **Aknin** said there are easements that interfere and other reasons that govern where a trash compactor can be placed. He said there are a lot more standards now for trash enclosures. Based on site constraints, this is the area staff is recommending.

Councilmember Salazar asked if there is anything quantifiable that could be looked at? **Aknin** said there are ambient noise requirements for residential districts and this condition could be added.

Vice Mayor Medina asked what this means? **Aknin** said ambient noise levels for construction related activities, there is a 65-decibel level for after 10:00 p.m., a hammer is a 65-decibel level. He said he could get back to Council with exact levels, such as the decibels of a car starting.

Vice Mayor Medina said the odor was a concern of some of the letter-writers? **Aknin** said top three concerns are visual, noise and odor, which is the main concern and constant. He said after meeting with Recology, he said these compactors are located directly underneath units at the Crossing and there have been no complaints of odor, which gives them confidence there would not be the odor impacts found in an open dumpster.

Patty Shwayder, AIMCO said they would like to get the project off the ground. She introduced members of her team, Sean Finnigan, Regional Development Planner, Scott MacArthur, Property Manager, Jim VanSickel, VP of Development, Cecily Barkley, George Corey, Legal Counsel. She said their goals remain the same and they want to provide a gateway to San Bruno. She gave a powerpoint presentation of the plans for the renovation of the 308 apartments, which included taking the buildings down to the studs.

Sean Finnegan, AIMCO introduced the architect, John Garrison, followed by Paul Reed of Reed and Associates, landscape architect who both reviewed the plans of the project through powerpoint presentations.

Councilmember Ibarra asked if the buildings would be thoroughly stripped? **Garrison** said yes. He said the structure is good, but improvements will be made to the structural frame to have them stronger on a building-by-building review with the City. **Councilmember Ibarra** asked if some buildings were fair would they be spared? **Garrison** said there would be removal of all drywall, roofing, doors, everything down to the studs.

Cecily Barclay, Land Use Attorney, AIMCO talked about the ownership of the roads, sewers, maintenance of buildings, meter charges and lot line adjustment. She presented a letter that outlined their wishes to the City Clerk, dated June 7, 2010. She asked for dedication of the roads. She said the roads and utilities would complicate their financing with HUD. She said AIMCO is willing to spend money for an offsite improvement that does not serve their project.

Mayor Ruane said regarding the ownership of the road, it doesn't mention utilities and the difficulty if the City did not take ownership. **Barclay** said they had not explored the path with the lender to separate the utilities from the road. HUD does not want to lend against property for which there are off-site obligations.

Councilmember Ibarra said he is not prepared to make any decision on utilities until he knows what is there. **Finnegan** said AIMCO has an existing utility plan taken from the improvement plans prepared back in 1985. He said they are confident where the utilities are.

Mayor Ruane asked if the utilities service Tree Tops. **Finnegan** said the storm drains service Evergreen. He said sewer serves their property and water is part of a loop system. **Mayor Ruane** clarified his understanding that AIMCO was willing to accept the ownership of utilities as long as it did not jeopardize the loan. **Finnegan** said that is what they are prepared to do. He said the only difference is the storm drain, which goes along with the road.

Mayor Ruane said until we have an answer this might need to be continued.

City Attorney Thompson said it is a decision for the City Council.

The AIMCO group left the chamber to take time to discuss what a delay would mean.

Mayor Ruane opened the Public Hearing and asked for questions.

Sabu, Summit Rd. said he was happy to see the project go forward; however, he was concerned about the parking.

Carolyn Livengood, Sheryl Dr., said she would like to see this project go forward. She said she would like the egress road to be corrected. She suggested that area be cleared and cleaned and maintained. She also was concerned about parking along Susan Dr. She asked if there would be a homeowners' association? She said some emphasis needed to be made on maintenance.

Maria Avuras spoke about her dissatisfaction with the placement of the trash compactors.

Brad Korinke, Partner with Evergreen had an objection to the trash compactor placement. He said he could not believe in a 13-acre project, these compactors could not be placed somewhere else.

Mayor Ruane asked where Evergreen's trash facilities are? **Korinke** said there are at least two dumpsters along the fence. **Mayor Ruane** asked if there were issues with odor? **Korinke** said no, the issue is the amount and noise. **Mayor Ruane** said how big is Evergreen in comparison to AIMCO? **Korinke** said 190 units to AIMCO's 310. **Mayor Ruane** asked how often does trash get picked up? **Korinke** said three times a week.

Councilmember O'Connell asked how Evergreen gets their trash to the debris box? **Korinke** said they carry it themselves. **Councilmember O'Connell** said there are pluses and minuses to all the sites that have been looked at.

Vice Mayor Medina said he went to Evergreen and Peninsula Place to have some kind of comparison. He said AIMCO has taken considerations to make it work. **Korinke** said it looks like they are looking for ways to have the garbage located closer to Evergreen's buildings than theirs.

Councilmember Ibarra said AIMCO is placing an enclosed trash compactor, located on the other side of the fence of Evergreen's open dumpsters. He said it makes sense to put the garbage all in one spot whether there is a property line or a fence inbetween.

William Nack, Building Construction Trades Council said it was his hope their highly skilled construction workers will be employed to build the Pacific Bay Vista Project.

M/S Medina/O'Connell to close the public hearing and passed with all ayes.

Barclay said as long as they get recorded access agreements, it would be ok for the ownership and maintenance and operation to be maintained by the owner. She asked the City maintain the storm drains. She said she believed all the other conditions could be worked out with staff.

City Manager Jackson said no additional comments.

Councilmember Ibarra asked staff's opinion as far as ownership of the storm drains? **City Manager Jackson** said that needs to be evaluated. She said it is their understanding that all the utilities serve Tree Tops property.

Mayor Ruane, addressing items under Public Comment asked about parking? **Aknin** said the primary parking issue is a lot of overspill of Evergreen residents parking along Elston. He said there isn't a lot of room to add parking. He said parking doesn't quite meet the standards of today. He said the garages couldn't be used for storage.

Mayor Ruane said it appears there was a lot of work done on the placement of the compactor? **Aknin** concurred.

Councilmember Salazar asked what mechanism would be used to enforce noise and parking. Would we still have recourse? **Aknin** said parking would be handled on a complaint basis. He said if the trash compactor exceeded noise requirements, the City would have to do something.

Mayor Ruane said the Council has made it very clear of union support and they would encourage it.

Vice Mayor Medina/Mayor Ruane asked about HOA and the roads? **Aknin** said HOA's are usually condo associations; in this case they would have an on-site project manager. He said the maintenance of Sharp Park Road is outlined in the package.

Mayor Ruane asked the City Attorney asked if there were any objection to Council adopting an ordinance? **City Attorney Thompson** said we need to see how the Council views the project as a whole and the road issue in order for her to answer.

Mayor Ruane said we have the \$179,000 where the money has been spent and the work done, which he didn't have a problem taking responsibility for work already done. He said he didn't have an objection to the City taking responsibility and ownership of the roadway, it has been public historically. He was gratified the owner will take responsibility of the utilities.

City Attorney Thompson said there are a number of conditions to work on, mainly the wording.

Councilmember Salazar said we are looking at an ordinance with two designs. How does this affect any other projects in the future? **City Attorney Thompson** said if the ordinance were introduced this evening, the resolutions would wait until the second meeting. The Council could make clear these decisions speak to this property solely.

Councilmember O'Connell said she was comfortable with the City paying the \$179,000. She said the City should take ownership of the roadway. As for the utilities, she is happy for AIMCO to take responsibility and she is eager for AIMCO to proceed.

City Attorney Thompson suggested the \$179,000 should be paid for if they build that project, but if they go back to the original project, they should pay for it.

Vice Mayor Medina said the \$179,000 needs to be paid. He said the roadway has been a project of public interest and he would like it in writing. Utilities should be a responsibility of the developer/owner.

Councilmember Ibarra said he accepted the road. He was pleased AIMCO would be taking the utilities. He agreed about the \$179,000. He believed there should be a maintenance agreement when this project is complete. Who is responsible? He said there also needs to be a maintenance agreement prior to construction.

Councilmember Salazar said he was less enthusiastic about the project. He said he heard some things were not up to standard. He asked staff about our ability to adequately inspect what is going to remain? He wanted assurance there would not be another mold problem? Conditions are not the same for a renovation as new construction. **Aknin** said under the building code issues, this property will be built up to code and will be monitored by the building inspectors as well as the County Health Department.

City Attorney Thompson suggested the ordinance be amended before the introduction that lays how this is an unusual project and dual zoning be allowed to go forward.

Vice Mayor Medina asked if the vegetation as well as noise level be included. **Aknin** said those will be in the resolution.

M/S Ibarra/Medina to waive the first reading and passed with all ayes.

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

b. Hold Public Hearing and Adopt Resolution Amending Master Fee Schedule for 2010-11 Establishing Fees for Municipal Services.

Finance Director Suen gave an overview of the changes to the Master Fee schedule and asked for questions.

Councilmember Ibarra asked about the residential design review fee, is that only if the projects do not go through any special approvals? **Aknin** said yes.

Vice Mayor Medina asked if the Park and Recreation fees were reviewed with the Parks and Recreation Commission and Senior Advisory Board. **Schwartz** said the Parks and Recreation Commission for all the prices and the Senior Advisory Board for the Senior Center and they concurred.

Vice Mayor Medina said regarding gymnasiums, the fee was \$95 an hour and now it is \$100 an hour for the gym? **Schwartz** concurred.

Vice Mayor Medina asked for a definition of direct costs on a full meeting room? **Schwartz** if staff needs to be brought in, such as a building attendant.

Vice Mayor Medina said a full meeting room went for \$250 for four hours, and now it is proposed to be \$63 an hour; does that equate to an increase? **Schwartz** said it is rounded up.

Vice Mayor Medina said as far as picnic rentals, he saw the non-resident getting closer to the resident rate. **Schwartz** said no non-residents were renting the facility because of the much higher cost. Preference would be given to San Bruno residents.

Vice Mayor Medina said he noted the rates have gone down for the Senior Assembly Room.

Councilmember Salazar was concerned when fees are changed we could drive away our customers? He asked if there was data as to how much demand we have for these services? **Schwartz** said he could pull together data. **Suen** said he had not compiled that information. **Schwartz** said other cities have been surveyed to see what is applicable.

Councilmember O’Connell asked about \$38.00 for Senior Assembly Room, six-hour minimum rental. **Schwartz** said it would be for outside groups. The Senior Advisory Board as well as the Parks and Recreation Commission discussed this as one of the premier indoor facilities the City has. To rent it out for a short duration might be lessening the revenue opportunity of a group coming in later on. **Councilmember O’Connell** noted there is a substantial savings for the non-profit groups. **Schwartz** said both the Board and Commission believed the prices needed to be lowered to make it more attractive to rent. He also said the attendant cost would be added on.

Vice Mayor Medina asked why couldn’t it be clumped together in one price to make it more user friendly? **Schwartz** said he believed that could be done for most of the events; however, some of them the set-up could be much more extensive. **Councilmember O’Connell** asked we be clear when we advertise.

Councilmember Ibarra said in the survey of other cities there were comparable rental rates; however, you could use the kitchen, at our Senior Center you are not allowed to cook in this facility.

Councilmember Ibarra asked if Beckner Shelter is rented solid during the peak season? **Schwartz** said during the peak season, yes, especially the weekends. **Councilmember Ibarra** asked how do we justify the \$300 charge? **Schwartz** said what the market would bare and what other picnic sites that were surveyed.

Councilmember O’Connell talked about using the kitchen at the Senior Center and asked it be explored. **Schwartz** said this was a point of discussion with the Board and the Commission. There are 150 to 250 meals served each day out of that kitchen where most of the other facilities surveyed are rental halls and they do not do regular food service. He said storage space was also an issue.

Vice Mayor Medina said the kitchen issue should be explored. He also asked how the rentals are doing? **Schwartz** said very few.

Councilmember O’Connell asked staff to look at different options to allow for cooking and storage and add a different fee structure. She said it would be a much more attractive facility.

Mayor Ruane opened the public hearing. No one wished to speak.

M/S Medina/Ibarra to close the public hearing and passed with all ayes.

Councilmember Ibarra introduced the resolution excluding Chapter 9, Parks and Recreation with the understanding the Committees and staff would take those issues into consideration and come back with discussion or alternatives.

City Manager Jackson asked for clarification about the particular issues. **Councilmember Ibarra** said excluding the rental of the Senior Center Assembly Room and kitchen and **Vice Mayor Medina** added direct costs should be defined and incorporated to be more user friendly.

City Manager Jackson further clarified the motion of the floor by Councilmember Ibarra would approve the fees as presented with the exception of the Senior Center Kitchen and Assembly Room Rental Rates and passed with a unanimous vote.

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

10. CONDUCT OF BUSINESS:

a. Authorize Fireworks Stand Permits for 2010 Upon Finding that the Non-Profit Organizations Meet Requirements of Resolution 2008-59 and Ordinance No. 1700.

Clerk Bonner gave an overview of the staff report and asked for questions.

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

b. Adopt Resolution Authorizing the City Manager to Execute a Contract with Flowers Electric and Service Co., Inc. for the SCADA for Wastewater Facilities Project in the Amount of \$122,764 and Approving Construction Budget in the Amount of \$141,000.

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

Councilmember Ibarra said it is basically equipment and connecting wire. **Fabry** concurred.

Councilmember Salazar asked if the bids have a lot of detail associated with them? **Fabry** said a lot depends on contractor interest and the environment at the time.

Councilmember Salazar asked the real benefits of the system? **Fabry** said they would be able to monitor 24 hours a day on an ongoing basis and at a centralized location without the need to go out to the sites. There will also be timely signals to improve response time.

Councilmember Ibarra Introduced the resolution for adoption and passed with a unanimous vote.

c. Adopt Resolution Authorizing City Manager to Execute Contract with West Coast Arborists to Perform an Inventory on Trees Maintained by the City.

Community Services Director Schwartz gave an overview of the staff report and asked for questions.

Vice Mayor Medina asked if there was anything like this in his previous position? **Schwartz** said these are becoming the industry standard.

Councilmember Salazar said this resolution includes conducting the initial inventory and one year's use of software. **Schwartz** said that is true.

Councilmember Ibarra Introduced the resolution for adoption and passed with a unanimous vote.

d. Receive Staff Report on Changes to the Operation of Youth Sports Programs During Fiscal Year 2010-11

Community Services Director Schwartz reviewed the staff report on changes to the Youth Sports Programs and asked for questions.

Councilmember Ibarra said Parkside would not be a San Bruno Youth League? **Schwartz** said this is open to 6th through 8th grade within San Bruno. Councilmember Ibarra asked what are the people from St. Robert's saying; they have their own teams. **Schwartz** said St. Robert's students would be eligible to compete on a Parkside team, but they are not eligible to compete in both.

Councilmember Ibarra asked if the program is going to be coached by volunteers through the community? **Schwartz** said teachers, open to parent coaches.

e. Adopt Resolution Approving Side Letter Agreement Between the City of San Bruno and the Miscellaneous Bargaining Unit, Represented by the Teamsters Local 856, Extending the Existing Memorandum of Understanding and Authorizing its Execution by the City Manager.

Human Services Director Yuki said a side letter agreement has been made until June 30, 2012 with the Miscellaneous Bargaining Unit. July 1, 2010 until June 30, 2011, there will be eight days of furlough and July 1, 2011 until June 30, 2012 there will be ten days of furlough. The Unit has 91 employees

11. REPORT OF COMMISSIONS, BOARDS, & COMMITTEES:

12. COMMENTS FROM COUNCIL MEMBERS:

Vice Mayor Medina said the striping is very faint on the east side of San Bruno Ave..

13. CLOSED SESSION:

Mayor Ruane said they would be going into closed session with no reportable action.

The City Manager and Human Resources Director Request a Closed Session Pursuant to Cal. Gov't Code Section 4957.6 Regarding Direction for Labor Negotiations with the San Bruno Professional Fire Fighters Associations, Public Safety Mid-Management Bargaining Unit, Mid Management Bargaining Unit, San Bruno Police Bargaining Unit and San Bruno Management Employees Association.

14. ADJOURNMENT:

Mayor Ruane closed the Council meeting at 10:00 p.m. The next regular City Council Meeting will be held on June 22, 2010 at 7:00 p.m. at the Senior Center, 1555 Crystal Springs Road, San Bruno.

Respectfully submitted for approval
at the regular City Council Meeting of
June 22, 2010

Carol Bonner, City Clerk

Jim Ruane, Mayor