



BRISBANE CITY COUNCIL  
ACTION MINUTES

**DRAFT**

APRIL 21, 2014

**7:00 P.M. CLOSED SESSION**

- A. Conference with legal counsel regarding one case of potential litigation, pursuant to Government Code Section 54956.9(b)**

**7:30 P.M. CALL TO ORDER – FLAG SALUTE**

Mayor Conway called the meeting to order at 7:32 p.m.

**ROLL CALL**

Councilmember's present: Lentz, Liu, Miller, O'Connell, and Mayor Conway  
Councilmember's absent: None  
Staff present: City Manager Holstine, City Clerk Spediacci, City Attorney Kahn, Community Development Director Swiecki, Deputy Fire Chief Johnson, Fire Chief Myers, Public Works Director Breault, Administrative Services Director Schillinger, Principal Analyst Saguisag-Sid, Deputy Finance Director Cooper

**ADOPTION OF AGENDA (Deletions, Additions, Changes and Adoption)**

Mayor Conway noted that the date for the LAFCO meeting under Mayor Council Matters should be April 25<sup>th</sup> instead of April 18<sup>th</sup>. CM O'Connell made a motion, seconded by CM Miller, to adopt the agenda as amended. The motion passed unanimously by all present.

**PRESENTATION & PROCLAMATION**

**A. James L. Martin Award Presentation to Public Works Director Randy Breault**

San Mateo City Manager Larry Patterson said he was representing Keith Cook who was the President of the League of California Cities. He presented Public Work Director Breault with the James L. Martin Award and spoke about his commitment to the profession.

Legislative Aide Anthony Valdez also presented a Commendation from the Board of Supervisors prepared by Supervisor Adrienne Tissier's Office.

Councilmembers congratulated Mr. Breault for his hard work and professionalism and recognized

how important the public works function was to the community.

Mr. Breault thanked the League and the Councilmembers for their recognition.

**B. Proclamation proclaiming the week of April 20<sup>th</sup> through April 26<sup>th</sup>, 2014 as West Nile Virus and Mosquito and Vector Control Awareness Week in the City of Brisbane**

Mayor Conway presented a Proclamation declaring the week of April 20<sup>th</sup>-26<sup>th</sup> as West Nile Virus and Mosquito and Vector Control Awareness Week in the City of Brisbane to Brisbane's representative Robert Maynard who then gave the Council a quarterly update and answered questions from the Council.

Councilmembers thanked Mr. Maynard for his presentation.

**C. Receive information on the Annual Weed Abatement Program**

Deputy Fire Chief Johnson outlined the annual program 2014 Wildfire and readiness activities in the City. He said that letters for the program went out on April 1<sup>st</sup> asking homeowners to clear their property of weeds. He stated that they would then receive a door hanger notice if they haven't complied by May 1<sup>st</sup> followed by a letter, and finally a certified letter if they were not in compliance. He said that then a City-paid contractor would go out to clear the weeds and the charges would then go on the property tax rolls for that property.

He also notified the Council of the annual fire break program and the annual fire preparation day scheduled for June.

After Councilmember questions and comments, they thanked Mr. Johnson for his presentation.

**ORAL COMMUNICATIONS NO. 1**

Michele Salmon asked that the fire buffer clearing be sensitive to native plants, talked about the maintenance of urban waterways of herbicides, the signal timing at the entrance to Brisbane, and the importance of public input when considering the sale of public lands.

Susan Sullivan Maynard advised that Thursday, May 8<sup>th</sup> was Bike to Work Day which she said was a major event in the Bay Area. She invited those interested to participate and asked that a sign be posted on the Community Sign Board advertising the need for volunteers.

CM O'Connell urged everybody to check the City website to find out details about the Costanos Canyon Clean-up on Saturday, May 8<sup>th</sup>.

**CONSENT CALENDAR**

CM Liu asked to remove Item E for discussion.

**A. Approve City Council Minutes of March 10, 2014**

- B. Adopt Ordinance No. 584 amending Chapter 10.36 of the Brisbane Municipal Code pertaining to speed zones**
- C. Approve Co-sponsorship of Brisbane Dance Workshop's Holiday Fair**
- D. Adopt Resolution No. 2014-09 declaring a compressor surplus and providing for the disposition of such**

CM Miller made a motion, seconded by CM O'Connell, to approve Consent Calendar Items A-D as proposed. The motion carried unanimously by all present.

**E. Approve the Downtown Brisbane Car Show on July 12, 2014**

Councilmember Liu asked for clarification on the parking and where the proceeds would be used.

Administrative Management Analyst Chueng explained the use of the Post Office spots for the Downtown Brisbane Car Show. She said that the organizer of the event has pledged to donate half of the proceeds of the show to the City for the Skatepark and half to the Brisbane Schools and advised that this was the second annual event.

CM O'Connell made a motion, seconded by CM Liu, to approve the Car Show as proposed. The motion carried unanimously by all present.

**OLD BUSINESS**

- A. Consider approving donated photo for the front cover of the History Book, select contest winner for the back cover, and approve the addition of a dedication page**

Principal Analyst Saguisag-Sid explained the background of the Photo Contest and the Council History Subcommittee's recommendation that the front cover be the photo donated to the City by Kevin Fryer and that the back cover be the collage of stars submitted by Lee Panza as part of the photo contest.

She also said that the History Subcommittee discussed and approved including a dedication page for former Mayor and Councilmember Steve Waldo. She explained that Mr. Waldo was an active member of the history subcommittee up until the time that he left the Council and prior to his passing in 2013.

After Councilmember discussion, CM Miller made a motion, seconded by CM Lentz, to approve the recommended cover photos. The motion passed unanimously by all present.

After discussion about the dedication page, CM Lentz made a motion, seconded by CM Miller, to approve the dedication page as recommended. The motion passed unanimously by all present.

**NEW BUSINESS**

**A. Consider authorizing the City Manager to execute the Memorandum of Agreement between the City of Brisbane and Sunquest Properties, Inc. for continued operations under Use Permit UP-8-03**

City Attorney Kahn explained the background of Interim Use Permit 8-03 allowing clean soil processing and stockpiling on the Baylands property.

He said that although the new Interim Use Permit will address control, mitigation, and height issues at the Baylands dirt processing site when it is reviewed by the Planning Commission, the Council had requested that a “bridge” agreement be prepared to address resident and Council concerns prior to the review of the new Interim Use Permit application.

He explained that the Memorandum of Agreement establishes multiple standards and requirements to allow the City to monitor and control the site. He said it incorporates the October 14, 2013 Air and Dust Management Plan previously adopted pursuant to Bay Area Air Quality Management District regulations, prohibits operations at the site after 10:00 p.m., and requires ongoing soil testing to insure that only clean fill is accepted for processing.

He then explained the issue of the height of the stockpiles and said that the goal for both the “bridge” Memorandum of Agreement and for any future interim use permit is to establish objective elevation benchmarks that can be used to monitor and regulate future increases or decrease in height.

He said that the proposed maximum elevations would permit continued operations consistent with the projects that the operator is currently working on, and allow time for the Planning Commission to review the application for the Interim Use permit.

Councilmembers discussed their many concerns and gave direction to the City Attorney to add language to Page 4, Paragraph 8, to refer to the maximum elevation heights above Mean Sea Level and incorporate the Air & Dust Management Plan and the Soil Management and Quality Control Plan as exhibits to the agreement.

Michele Salmon questioned many aspects of the operation and the agreement and urged the Council to be very careful with the wording of this agreement and any future extension of permits.

Molly Burke expressed her view that the dirt piles were affecting property values as well as being a serious health issue to many residents of Brisbane.

Jonathan Scharfman, property owner, shared the concerns of residents and questioned the benefit to increasing the pile heights.

Dana Dillworth shared her concerns over the blight and the health and welfare of the community. She also questioned the weight of the piles forcing toxins into the Bay. She urged the Council to discontinue the operation.

Barbara Ebel questioned the set back from the lagoon and whether the agreement had enough effective enforcement mechanisms in it.

Greg Anderson questioned the amount of revenue the operation is generating and said that if the stock pile operation was not benefiting Brisbane then it should be shut down and remediated.

After further Councilmember questions, clarification, and discussion, they decided to continue this item to the City Council Meeting of May 5, 2014 to allow time for the City Attorney to incorporate the changes that were discussed.

**B. Consider directing staff to begin the Proposition 218 process for setting a rate for capital improvements of the water and sewer system**

Due to the late hour this item was continued to the next City Council meeting.

**C. Consider the Open Space and Ecology Committee's recommendation that the City not invest funds under City control in fossil fuels and directing staff to send a letter to CalPERS, which has Brisbane funds under management, to divest from fossil fuels within the next five years**

Administrative Services Director Schillinger explained that the Open Space and Ecology Committee felt that it was important to cease investing in the fossil fuels industry due to the environmental impacts of global warming such as sea level rise that are already apparent and that will increase unless fossil fuel use is drastically reduced. Open Space and Ecology Committee member Glen Fieldman explained the long-term catastrophic effects of not taking action today and urged the Council to divest in the Fossil Fuel Industry as well as encourage the Public Employee's Retirement System Board to divest as well. She asked that the Council send a resolution and a letter to PERS.

After Councilmember questions and clarification, CM O'Connell made a motion, seconded by CM Miller, to ask staff to bring back a Resolution and Proposed Letter to the PERS Board for Council consideration at the next meeting. The motion passed unanimously by all present.

## **PUBLIC HEARING**

**A. Consider introduction of Ordinance No. 583, amending the Brisbane Municipal Code Title 15 regarding the 2013 California Building Standards Codes, with certain local modifications, and the 2012 International Property Maintenance Code**

Due to the late hour, this item was continued to the next Council meeting.

## **STAFF REPORTS**

**A. City Manager's Report on upcoming activities**

City Manager Holstine reminded the Council of the Library Park Dedication on Saturday, May 3<sup>rd</sup>.

## **MAYOR/COUNCIL MATTERS**

**A. County-wide Assignments/Subcommittee Reports**

**\* Planning Issues Subcommittee**

Councilmembers discussed how to move forward with the issues raised as follow up items from the #8 Thomas appeal. Mayor Conway suggested that Councilmembers send their issues and concerns to the Community Development Director Swiecki and then have him bring it back to the Council for review.

**\* Facilities/Water & Sewer Subcommittee**

There was no report given.

**\* Economic Development Subcommittee**

CM Liu gave an update of the Crocker Park TAP Report, staffing options for Economic Development, and a potential entryway beautification project

**\* History Book Subcommittee**

No report was given because of the earlier agenda action item.

**\* Solid Waste Subcommittee**

City Manager Holstine reported that the Council Subcommittee was working through the various revisions of the contracts with both South San Francisco Scavengers and Recology and would be bringing them before Council when ready.

**\* Baylands Soil Processing Subcommittee**

No report was given on this item due to it being on the agenda earlier.

CM Lentz reported on the Federal Aviation Administration Workshops that he attended, reported on the upcoming Brisbane 5k & Community Student Fun Run as well as inviting Councilmembers to the Housing Endowment and Regional Trust Luncheon on May 7<sup>th</sup>.

**LAFCO Appointment at April 18th City Selection Committee Meeting**

Councilmembers discussed the upcoming appointment and decided to support Councilmember Allan Alifano from the City of Half Moon Bay.

**B. Written Communications**

Councilmembers discussed the letter to the FAA asking for an extension of the OAPM EIR.

**ORAL COMMUNICATIONS 2**

None

**ADJOURNMENT**

The meeting was adjourned at 11:45.

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Sheri Marie Spediacci, City Clerk