



BRISBANE CITY COUNCIL
ACTION MINUTES

DRAFT

AUGUST 19, 2013

6:30 P.M. CLOSED SESSION

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

- B. Conference with labor negotiators; All Bargaining Units, pursuant to Government Code Section 54957.6**

7:30 P.M. CALL TO ORDER – FLAG SALUTE

Mayor Miller called the meeting to order at 7:34 p.m. and led the flag salute.

ROLL CALL

Councilmember's present:	Conway, Lentz, O'Connell, and Mayor Miller
Councilmember's absent:	None
Staff present:	City Manager Holstine, Administrative Services Director Schillinger, City Clerk Spediacci, City Attorney Kahn, Public Works Director Breault, Community Development Director Swiecki

REPORT FROM CLOSED SESSION

City Attorney Kahn indicated that direction was given to staff but no action was taken.

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

Councilmembers asked that the meeting be closed in memory prominent business member William Spencer.

CM Conway made a motion, seconded by CM Lentz, to adopt the agenda as amended. The motion carried unanimously by all present.

ORAL COMMUNICATIONS NO. 1

Carine Risely, Brisbane Library Manager spoke about the new library hours which included some mornings and an additional hour on Saturday. She also advised the Council about the Tricycle Music Fest to be held on Sunday, September 8th and Sunday, October 19th.

Michele Salmon expressed her concern about the ever increasing litter in and around Brisbane. She asked that the Council take action to create a citywide anti-garbage campaign.

Jamie Dunn spoke about recent problems with the quality of the televised commission and committee meetings.

Brad Block spoke about the dust problems coming from the Baylands Soil Processing site and asked that the Council suspend the permit for active operations until the problem could be resolved.

PRESENTATION

A. Mosquito Abatement District Update

Brisbane's representative on the San Mateo County Mosquito and Vector Control District Board of Directors, Robert Maynard, gave the Council a copy of the Districts' most recent Report which included data on Mosquito Sources Treated, West Nile Virus Surveillance & Risk Assessment, and the Balance Sheets and Profit & Loss Statements. He also introduced Mr. Robert Gay, the Districts' Manager.

Karen Cunningham cautioned using mosquito repellents and suggested checking with the Mayo Clinic before advising citizens of their use.

Michele Salmon also urged being careful about the use of insecticides.

After Councilmember questions and clarifications they thanked Mr. Maynard and Mr Gay for their report.

B. Response to Grand Jury

City Manager Holstine advised that there was a draft letter in the Council's packet in response to the Grand Jury's recent report regarding the management and operation of the Mosquito District.

CM Conway made a motion, seconded by CM O'Connell, to approve the letter of response as presented. The motion carried unanimously by all present.

CONSENT CALENDAR

A. Approve City Council Minutes of June 3, 2013

B. Approve City Council Minutes of June 10, 2013

CM Conway made a motion, seconded by CM O'Connell, to adopt the Consent Calendar as proposed. The motion was carried unanimously by all present.

OLD BUSINESS

B. Consider requests to extend the Baylands DEIR comments deadline (taken out of order)

Community Development Director Swiecki reported that the Baylands Draft Environmental Impact Report was published on June 11, 2013. He said the California Environmental Quality Act states that the public review period for a draft shall not be less than 30 days nor should it be longer than 60 days except under unusual circumstances. He said that in recognition of the complexity of the Draft EIR and importance of the Baylands to the future of the entire community, the City Council established a 120-day public comment period closing on October 8, 2013.

He also advised that since that time, there had been two written requests to extend the comment deadline. He said the Open Space and Ecology Committee has requested that the deadline be extended an additional 115 days to January 31, 2014 and the Bayland DEIR Citizen's Committee had requested a 45-day extension to November 22, 2014. He also stated that Mountain Watch had requested an unspecified time-extension as well.

City Attorney Kahn clarified that there is no legal requirement to grant a further extension, and it is entirely up to the Council's discretion whether to do so based on additional unusual circumstances.

Greg Anderson talked about the Citizens Committee and the process they devised to review the chapters. He explained their need for more time to get through each of the periods.

Michele Salmon spoke of the importance to thoroughly review and comment on the DEIR the Open Space & Ecology Committee's need to extend the comment period through January 31, 2014.

Jonathan Scharfman suggested making the City's consultants available to any committee who needs help to get through the process in a timely manner.

Michele Salmon spoke about the importance of not using a consultant's summary to make comments. She advocated for citizens reading what the document actually says.

Greg Anderson supported Ms. Salmon's comments.

Anja Miller, Chair of the Citizens Committee spoke about other projects that are happening near Brisbane and the importance of how they affect Brisbane and the Baylands DEIR.

Jonathan Scharfman, advocated for facilitated assistance to City Commissions and Committees so they can meet the comment deadlines that he believes are reasonable. He clarified that any cost for facilitation would be covered under the reimbursement agreement with UPC if within the 120 review period.

Brad Block talked about the importance of a thorough review and advocated for the January 2014 extension.

Michele Salmon asked that Councilmembers read the Draft EIR so they could understand how much time it takes to comment on such a large document.

After Councilmember questions and discussion, CM O'Connell made a motion, seconded by CM Conway, to extend the deadline by 45-days and have the Council liaisons to the OSEC meet with them to discuss the process and timing they need, with the possibility of extending the deadline further, pending the results of that meeting. The motion was carried unanimously by all present.

C. Receive Report on Status of Brisbane Soil Processing and Recycling Permit

Community Development Director Swiecki stated that the subject of the soil stockpiling and recycling operation on the Baylands has been a recurring issue before the City Council in recent months, with specific concerns pertaining to stockpiling heights and dust control. He then talked about the regulatory history, the physical site changes over time, and the upcoming permit extension request. He indicated that there were many complex issues that would need to be discussed and addressed in the Planning Commissions' review of the permit renewal.

Mayor Miller asked that City Attorney Kahn address the questions he had submitted to him earlier in the day. City Attorney Kahn clarified the legal authority in which the City was operating, the issue of the illegal dirt pile height in relation to the base elevation, and the respective responsibility of the City and other regulatory agencies.

City Manager Holstine reported that he and the Public Works Director had been having many recent discussions with both businesses in question and the regulatory authorities. He also said that inspectors had made many on-site visits to each operation.

Michele Salmon said she had been complaining about this for years and talked about the wording in the actual permit issued in 2004. She questioned the timing of the request for extension and why it has taken so long to look at. She said the operations were in clear violation of their permit.

Brad Block expressed his opinion that the permit probably qualified for a CEQA exemption because of the 25' height limit requirement and stated that the requirement must therefore be complied with.

Jamie Dunn expressed her anger at the situation and asked that the Council rectify this situation immediately.

Anja Miller asked that a stop work order be placed on the businesses that were violating the conditions of the permit until the issues could be clarified and resolved.

Jonathan Scharfman of UPC said he would be happy to sit down with staff to discuss solution and live within conditions of any permit that is approved or extended.

After Councilmember questions, clarifications, and discussion they decided to have the Council Subcommittee review all of the information submitted and work with staff, the property owner, and

regulatory authorities and bring back a recommendation to the full Council at its September 3rd meeting.

- A. Consider approval of overall interim roof repair and mold remediation project at the Brisbane Fire Station and approve a supplemental appropriation request for \$76,000 for the repair (taken out of order)**

Public Works Director Breault indicated that this issue was talked about and reviewed at the City Council meeting of July 29, 2013 and was re-agendized for this meeting for further consideration.

CM Lentz indicated that he had met with staff and had his questions answered and thanked the Council for the additional time to do this and then made a motion, seconded by CM Conway, to approve the repairs as proposed. The motion carried unanimously by all present.

NEW BUSINESS

- A. Consider appointing one Councilmember and having the Complete Streets Safety Committee appoint one member to the newly formed Geneva-Harney Bus Rapid Transit Community Advisory Committee**

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

- B. Consider directing staff to complete the process by working with the Association of Bay Area Governments (ABAG) to designate four areas within the City as Priority Conservation Areas (PCA's), in addition to working with the County, South San Francisco, Daly City, and Mountain Watch to designate San Bruno Mountain as a PCA**

City Manager Holstine said that earlier this year the City Council requested that staff investigate Priority Conservation Areas (PCA's) and review the potential funding opportunities. He then introduced Mr. Tony Aguilar who was working with the City as a Summer College Intern.

Mr Aguilar said that the Association of Bay Area Governments grants money to purchase open space or maintain open space within designated PCA's. He said that currently the City does not have any areas designated as PCA's and gave a general description of the definition of that term. He said that the City consulted with San Bruno Mountain Watch to determine an appropriate location and they recommended the Levinson and Peking Handicraft Properties would be a good fit for the screening criteria of the grant. He also said that the Open Space and Ecology Committee members recognized the McKesson Properties as potential PCA's as well. He also said that San Bruno Mountain Watch is having discussions with staff from Brisbane, Daly City, and South San Francisco to designate San Bruno Mountain as a PCA. Mayor Miller suggested that getting the whole mountain designated as a PCA, despite its complexities, would enhance the likelihood of receiving funding for the acquisition of smaller, ancillary properties.

After Councilmember clarifications and discussion, CM Lentz made a motion, seconded by CM Conway, to direct staff to complete the process by working with ABAG to designate the four areas recommended in the staff report. The motion was carried unanimously by all present.

C. Consider Feasibility and Market Study for Sierra Point Hotel prepared by RSBA & Associates and give direction to staff

Mr. Rick Swig of RSBA & Associates referred to the detailed report that was presented to Council and said that due to the late hour, he would just present the bottom line. He said it would not be advisable to put a 700 room hotel at Sierra Point at this time. He indicated that it was not the lack of demand but the quality of demand that would not give a reasonable return to any developer. He also gave details of other hotels in the area and his future projections. His report indicated that the study findings recommend a smaller 200 room hotel and that it not be built until such time as the current office buildings are leased up and the two developments currently approved, but not built, are constructed and filled.

Councilmembers thanked Mr. Swig for his detailed report and asked that staff use the report as a background report or technical appendix to the upcoming General Plan Update.

D. Discuss the next steps in developing and implementing the City's Economic Development Plan

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

STAFF REPORTS

A. City Manager's Report on upcoming activities

City Manager Holstine said that he had nothing to report.

MAYOR/COUNCIL MATTERS

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

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

B. Communications

There were no communications to report.

C. League of California Cities Annual Conference Resolutions Packet

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

D. Resilient Communities for America Agreement

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

ORAL COMMUNICATIONS 2

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There were no members of the public wishing to speak.

ADJOURNMENT

The meeting was adjourned in memory of William Spencer at 12:06 a.m.

Sheri Marie Spediacci, City Clerk