



BRISBANE CITY COUNCIL

ACTION MINUTES

**DRAFT**

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**TUESDAY, FEBRUARY 19, 2013**

*BRISBANE CITY HALL, 50 PARK PLACE, BRISBANE*

**CALL TO ORDER – FLAG SALUTE**

Mayor Miller called the meeting to order at 7:03 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 Toppel, Community Development Director Swiecki, Police Commander Meisner, Public Works Director Breault, Deputy Finance Director Cooper

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

Councilmembers asked that the meeting be closed in memory of former Broadmoor Police Chief Tim Guiney and long-time Brisbane resident John Gilbrecht. With that addition, CM Conway made a motion, seconded by CM Lentz, to adopt the agenda as amended. The motion carried unanimously by all present.

**RECOGNITION OF SERVICE OF FORMER COUNCILWOMAN AND MAYOR SEPI RICHARDSON**

**A. Presentations**

Mayor Miller indicated that there were many people who wished to speak and present Sepi with various forms of recognition. Presentations and congratulatory comments were made by Mark Nagales on behalf of Congresswoman Jackie Speier's office, Marc Hershman on behalf of Senator Jerry Hill and Assemblymember Kevin Mullin's office, County Treasurer Sandie Arnott on behalf of the San Mateo County Board of Supervisors, Mayor Joanne del Rosario and Councilmembers Joseph Silva and Helen Fisicaro on behalf of the Town of Colma, Mark Simon on behalf of the San Mateo County Transportation Authority, and Cliff Lentz on behalf of the San Francisco Airport Roundtable. Flowers were presented from the San Mateo County Council of Cities' Past President Marge Colapietro, with well wishes from Menlo Park Councilmember Kirsten Keith, Millbrae Councilmember Nadia Holober, South San Francisco Councilmembers Mark Adiego and Pedro Gonzales, Past Brisbane Councilmember Tony Attard, long-time friend Anke Ente, Brisbane Chamber of Commerce President and CEO Mitch Bull, Neighbor and Friend John Mazza, Former Friends of the Brisbane Library Board

Member Jeri Sulley, Local Artist Beth Grossman, and Founder of the Mothers of Brisbane, Jessica Aloft.

**B. Proclamation**

Mayor Miller presented the City Proclamation and added his personal comments on Sepi's years of service and extraordinary dedication. Other Councilmembers also thanked and recognized Sepi's efforts. Mayor Miller then presented her with a hand-made quilt by local artist Dana Dillworth and of a framed aerial photo of Brisbane taken by Lee Panza and matted and framed by local artist Kevin Fryer.

Sepi then thanked the residents of Brisbane and her colleagues, family and friends for their support and recognition.

There was a short break for refreshments and the meeting was called back to order at 8:35 p.m.

**UPDATES**

**A. Margaret Sohagi, The Sohagi Law Group, LLC  
Legal Counsel working on Baylands EIR Process**

Community Development Director Swiecki introduced outside legal counsel Ms. Sohagi and indicated that she would be a key member of the City's planning team for the Baylands planning process.

City Attorney Toppel explained Ms. Sohagi's legal relationship with the City, indicating that although Universal Paragon Corporation would be billed for her time, she would be working directly for the City of Brisbane.

Ms. Sohagi explained her background and years of experience working with CEQA law. She indicated that her firm prefers to take the preventative approach in making sure that all laws are strictly complied with to avoid possible lawsuits afterward.

Councilmembers asked questions and then thanked her for the information and services she would provide.

**B. Update on Mosquito Abatement District by Robert Maynard**

Robert Maynard gave Council an update on the different services that the district provides including education and the provision of recommendations on how to control and deal with mosquitoes, ticks, yellow jackets, and rodents. He also updated them on the districts financial status.

After Councilmember questions and clarifications, they thanked Mr. Maynard for his update.

**ORAL COMMUNICATIONS NO. 1**

Councilmember Helen Fiscaro of the Town of Colma asked for Councilmember support to be appointed to serve on the San Mateo County Transportation Authority, which would be voted on at the upcoming City Selection Committee.

Vice Mayor of Millbrae, Nadia Holober asked for Councilmember support to be appointed to the Local Agency Formation Commission, which would also be voted on at the upcoming City Selection Committee.

Karen Cunningham spoke regarding the feral cat issue and asked that a presentation be made at the March 18<sup>th</sup> City Council Meeting by Dr. Rudager of the Nine Lives Foundation.

## **CONSENT CALENDAR**

Mayor Miller asked to remove item A and C.

### **B. Approve City Council Minutes of February 4, 2013**

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

### **A. Approve City Council Minutes of January 14, 2013**

Mayor Miller proposed changes to the minutes on page five adding the date of "December 29, 2012" to the first paragraph and additional language to the third paragraph of Item C. CM Conway made a motion, seconded by CM O'Connell, to approve the minutes as amended. The motion was carried unanimously by all present.

### **C. Authorize the Mayor to execute a Reimbursement Agreement regarding real property located at 200 Annis Road regarding street improvements**

Mayor Miller asked Public Works Director to give background information to clarify the purpose and intent of the reimbursement agreement.

Public Works Director Breault indicated that the reimbursement agreement allows residents who are required to construct public improvements now, to receive a pro rata reimbursement from future developments that would have been required to construct these very same improvements if their application had been the first to be submitted.

Mr. Breault indicated that the legal description attached to the agreement needed to be modified and then answered questions from Councilmembers relative to the noticing of other affected parties in the area. Councilmembers asked that some sort of education or notification be done so that citizens were aware of these requirements.

With the understanding that staff would devise an appropriate notification and with the modification to the legal description, CM Conway made a motion, seconded by CM O'Connell, to authorize the agreement as amended. The motion was carried unanimously by all present.

## **PUBLIC HEARING**

### **A. Consider introduction of Ordinance No. 580, waiving first reading, amending Brisbane Municipal Code Title 8 (Health and Safety) by adding Chapter 8.17 to**

**incorporate all of the current requirements in County of San Mateo Ordinance #044637 prohibiting retail establishments from providing single use carry-out bags and requiring that retailers provide recycled paper bags or reusable bags a minimum charge of 10 cents (escalating to 25 cents after Jan 1, 2015) per bag**

Public Works Director Breault indicated that the purpose of the introduction of this ordinance was to ban the free distribution of single-use plastic bags by retail businesses which create litter and can adversely affect marine life if they find their way into waterways.

He outlined requirements of the proposed ordinance and gave an explanation of the required CEQA process. He also talked about the County's public outreach process and indicated if the proposed ordinance was favorably introduced, city staff would provide an updated information sheet to local businesses through the business registration renewal process, and by hand or email delivery to local store managers.

After initial Councilmember questions and clarifications, Mayor Miller opened the public hearing.

Carolyn Parker asked about the bags used at the produce section of the market and about bags used at the Farmers Market.

Chamber of Commerce Director Mitch Bull reported that he had contacted local business owners that would be affected and indicated that they had no problem with complying with the new requirements.

There being no further members of the public wishing to speak, CM Conway made a motion, seconded by CM O'Connell, to close the public hearing. The motion was carried unanimously by all present.

After extensive Council discussion, Councilmembers indicated that they generally supported the intent of the ordinance but there was significant concern over the amount of outreach that was necessary to help local businesses to understand what the impacts of this ordinance would be. Councilmembers also had many questions regarding the effect on restaurant/bar establishments, small bags used at hardware stores, and the 90% rule in the ordinance regarding the percentage of food served versus other goods.

Due to the number of unanswered questions, it was decided to continue the introduction of this ordinance to the City Council meeting of March 4<sup>th</sup> and to ask County representatives to be present to go over the details and questions that were raised.

Councilmembers also directed staff to make sure that County inspectors made personal visits to each affected business to assure that they were aware of how their business would or would not be affected.

With those directions, CM Lentz made a motion, seconded by CM O'Connell, to continue the public hearing on this matter to the City Council Meeting of March 4, 2013.

## **OLD BUSINESS**

- A. Adopt Resolution No. 2013-03 calling a general municipal election to be held on November 5, 2013 and adopting regulations pertaining to the conduct and**

**administration of such election including requesting the San Mateo County Clerk-Recorder to provide specified election services**

City Clerk Spediacci indicated that each November in odd number years the Council adopts a standard resolution calling a municipal election to either elect two or three Council seats. She said that this year, due to the resignation of former Councilmember Richardson, the Council was adopting the resolution earlier to comply with the requirement to either fill the vacancy or call an election within the 60 day deadline. She also pointed out that interested citizens would be able to take out nomination papers between July 15<sup>th</sup> and August 9<sup>th</sup> of 2013.

CM Conway questioned whether there would be an automatic extension to the filing period due to the vacancy. City Attorney Toppel indicated that he believed that it would not extend the filing deadline because it was not an incumbent who did not file by the deadline. He and City Clerk Spediacci indicated that they would double check that understanding and advise Council.

City Clerk Spediacci noted that there was a typographical error in paragraph 1 of the proposed resolution which should say that there were "three" members being elected.

With that change, CM Lentz made a motion, seconded by CM Conway, to adopt the resolution as amended. The motion was carried unanimously by all present.

**STAFF REPORTS**

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

City Manager Holstine advised the Council that Samtrans would be holding a public outreach meeting in Brisbane on Wednesday, March 20<sup>th</sup> regarding the proposed changes to their bus routes. He said that staff would make sure that residents were aware of this meeting and encourage them to attend.

**- Airport Roundtable**

Due to the late hour, City Manager Holstine said he would report on this item at the next meeting.

**- Meeting with California State Senator Jerry Hill**

Due to the late hour, City Manager Holstine said he would report on this item at the next meeting.

**- Status of Brisbane Baylands Draft Environmental Impact Report & Citizens Committee**

Community Development Director Swiecki indicated that the DEIR was now projected to be released in April.

City Clerk Spediacci reported on the Citizens Committee Meeting on February 12<sup>th</sup>. She indicated that they selected a Chairwoman, Anja Miller and Vice Chairman Greg Anderson. She also indicated that member Jessica Aloft stated that she would only be an observer to the group because of her consultant work with UPC. She indicated that some members of the group had dropped out due to other obligations and asked Council for their direction on allowing new members to join the group.

Councilmembers advised that adding new members as necessary was agreeable to them.

## **MAYOR/COUNCIL MATTERS**

### **A. City Selection Committee**

Councilmembers discussed the various appointments being considered at the City Selection Committee Meeting of February 22<sup>nd</sup>. Direction was given to the Mayor to support the selection of Councilmember Wayne Lee of Millbrae to serve on ABAG, Vice Mayor Nadia Holober of Millbrae to serve on LAFCO, and Councilmember Helen Fisicaro of Colma to serve on the San Mateo Transportation Authority.

### **B. Subcommittee Report**

Due to the late hour, this item was put off until the next meeting.

### **C. Communications**

#### **- Letter from Mayor Lee regarding model gun control legislation**

Mayor Miller indicated that a letter had been received from San Francisco Mayor Lee regarding proposed legislation dealing with the sale and possession of ammunition. He asked the City Attorney for advice on this matter.

City Attorney Toppel advised the Council to wait and see what action, if any, the City and County of San Francisco takes before considering this matter further.

## **ORAL COMMUNICATIONS 2**

There were no members of the public wishing to speak.

## **ADJOURNMENT**

The meeting was adjourned at 11:29 p.m. in memory of Tim Guiney and John Gilbrecht.

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Sheri Marie Spediacci, City Clerk