



BRISBANE CITY COUNCIL

ACTION MINUTES

MARCH 17, 2014

BRISBANE CITY HALL, 50 PARK PLACE, BRISBANE

6:30 P.M. COMMISSION/COMMITTEE APPLICANT INTERVIEWS

A. Madison Davis, Parks & Recreation Commission – 6:30 p.m.

After interviewing Ms. Davis, CM Lentz made a motion, seconded by CM O’Connell, to appoint her to the Parks and Recreation Commission for a 4-year term.

B. Michael Abney, Jr., Open Space & Ecology Committee – 6:45 p.m.

After interviewing Mr. Abney, CM Miller made a motion, seconded by CM Lentz, to appoint him to the Open Space & Ecology Committee for a 4-year term.

C. Linda Montenegro Dettmer, Complete Streets Safety Committee – 7:00 p.m.

After interviewing Ms. Dettmer, CM Miller made a motion, seconded by CM Lentz, to appoint her to the Complete Streets Safety Committee for a 4-year term.

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, Administrative Services Director Schillinger, Police
Chief Macias

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

Mayor Conway suggested reordering Item B before Item A under Presentations and asked that the meeting be closed in memory of Sylvia Gregory & Beatrice Jimenez. Other Councilmembers

concurring.

PRESENTATIONS & RECOGNITION

A. Presentation of Commendations to the members of the Baylands Citizens Committee

Mayor Conway indicated that the Baylands Citizens Committee had been created and members appointed in January, 2013 to review and provide comments on the Baylands Draft Environmental Impact Report (DEIR). He said that the Committee met as a whole 19 times as well many other meetings in smaller subcommittee groups. Mayor Conway and other Councilmembers thanked them for their hard work in compiling a comprehensive list of comments on the Baylands DEIR.

Mayor Conway presented Commendations to each member who was present of the following member list:

Anja Miller, Greg Anderson, Pamala Sayasane, Tony Attard, Cy Bologoff, Paul Bouscal, Danette Davis, Shannon Davis, Linda Dettmer, Dana Dillworth, Jamie Dunn, Tom Lambert, Lori Liu, Coleen Mackin, Robert Maynard, Dave Gremaux, Cheryl Brayton, Bill Dettmer, Christina Florkowski, Dee Dee Porter, Anjana Richards, Michael Schumann, David Needham, Esther Ong, Tracey Pomeroy, Elissa Primm, and Louise Schiller.

Anja Miller thanked the Council for creating the committee and appointing the many members. She reviewed the extensive process used to gather comments. She also thanked the Council for approving the extension to the original deadline allowing the Committee to do a more thorough and complete job. She then thanked each member of the Committee for their hard work and dedication.

A break for refreshments was taken to celebrate the Committee's accomplishment.

B. Red Cross Proclamation recognizing March, 2014 as American Red Cross Month

Mayor Conway presented the Proclamation to the Red Cross local representative, Chief Joseph Quadt. Mr. Quadt thanked the Council for their support.

ORAL COMMUNICATIONS NO. 1

Tom Heinz expressed his opinion that the #8 Thomas proposed project does not meet community values and the Ridgeline Ordinance requirements. He urged the Council not to approve the project.

Danny Ames also spoke against approval of the #8 Thomas project and expressed his opinion that due process had not occurred.

Beth Grossman asked that #8 Thomas issues be discussed in detail and also expressed her view that due process had not been upheld.

Michele Salmon said that the dirt piles on the Baylands were getting higher and that the mitigation measures were not working. She also expressed her concern that litter and garbage around town

and on Tunnel Road was not being adequately addressed. She asked that the Council resolve these issues.

City Manager Holstine reported that the Memorandum of Agreement with the property owner of the soil processing sites on the Baylands would be on the next City Council agenda, and once approved, would give the City greater enforcement action ability. He also said that the new garbage franchise agreements under negotiation would be addressing both of the issues that Ms. Salmon spoke about.

Barbara Ebel supported the appeal process on Planning Commission's actions and said that if the Council feels the Planning Commission overlooked something, they should be able to use their power to correct it.

Dan Carter said that the Council had taken in information on the #8 Thomas project and appeal for a very long time. He thanked them for their hard work and diligence in the matter.

CONSENT CALENDAR

CM Liu asked to remove Item A for a correction.

- B. Approve Monthly Investment Report as of January 31, 2014**
- C. Adopt Resolution No. 2014-05 support the "Close the Commercial Property Loophole" in the Campaign to Reform Proposition 13**
- D. Adopt Resolution No. 2014-02 authorizing the Mayor to sign a Memorandum of Agreement (MOA) with the County of San Mateo to share construction costs for a new animal care shelter through a 30-year interest-free lease using the proposed construction cost allocation methodology outlined in the MOA**
- E. Approve co-sponsorship of Brisbane Dance Workshop's Annual Spring Performance on May 17 & 18, 2014**

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

- A. Approve City Council Minutes of February 3, 2014**

CM Liu asked that the last sentence under Mayor Council Matters Item A be changed to reflect that the PenTV interview was on San Mateo County Special Edition. She then made a motion, seconded by CM Lentz, to approve the minutes as amended. The motion was carried unanimously by all present.

PUBLIC HEARING

- A. Consider adoption of Resolution No. 2014-03 amending the Master Fee Schedule regarding Swimming Pool Fees for Monthly Passes and Punch Passes**

Administrative Services Director Schillinger said that the Parks and Recreation Commission has been working on the pool fee issue for quite some time. He said that the proposed fee schedule would set the rate for the daily admission per group and then base the discounts for punch passes and monthly passes on this rate. He discussed the rationale used for the 15 punch pass discounts and clarified that there would be no change or discounts given to the non-resident daily rates.

After initial Council member questions and clarifications, Mayor Conway opened the public hearing.

Anja Miller expressed her support for the 15-punch pass and expressed her opinion that the monthly unlimited passes should be eliminated.

Michele Salmon concurred with Ms. Miller. She said that the monthly passes are too good of a deal. She also expressed her support for the swimming pool facility and the enjoyment that it has given to the community.

Karen Cunningham said that the monthly passes should be increased but thought that the 15-punch pass was good.

Joel Diaz also said that the monthly pass was too good of a deal. He said a cost-benefit analysis should be done and that the summer season gets really crowded so the fees should be increased for non-residents.

There being no other citizens wishing to speak, CM O'Connell made a motion, seconded by CM Miller, to close the public hearing.

After Councilmember questions and clarifications, CM O'Connell made a motion, seconded by CM Lentz, to approve the resolution as proposed and to have the Parks & Recreation re-visit the issue after a few months to determine if the changes were appropriate and bring back any further recommendations if needed. The motion passed unanimously by all present.

OLD BUSINESS

- A. Consider appeal of the Planning Commission's approval of the #8 Thomas Avenue Permits; Design Permit DP-1-13 and Grading Permit EX-1-13, for development of an approximately 5,110 square foot single family home with associated grading of approximately 1,850 cubic yards, on a Ridgeline Lot within the RB-A Brisbane Acres Zoning District; Mahn Quach, applicant/owner; APN 007-350-340; and consider adoption of Resolution No. 2014-08 approving modified conditions of approval for Design Permit Application DP-1-13**

Community Development Director said that at the close of the last meeting the Council asked the applicant to consider revisions to his project to be responsive to the concerns raised at the hearing. He said that the applicant is proposing to lower the pad elevation of the main house by 1.5 feet, thereby lowering the maximum ridgeline elevation of the roof from 289.0 ft. mean sea level (msl) to 287.5 msl. He said that the pad level for the garage would remain unchanged, but the proposed garage height would be lowered by 1.5 ft. to match the roofline of the rest of the house. He

explained that this would result in an increased grading volume of approximately 300 cubic yards for a total proposed volume of approximately 2150 cubic yards and that the final grading plans would be subject to review and approval by the City Engineer.

He then addressed the issue of site landscaping and the desire to identify a balance providing adequate greenery to soften the views of the site while minimizing the potential view blockage across the ridgeline. He said that the applicant agreed the modification of the condition regarding the landscaping to better clarify the requirements to achieve that balance.

City Attorney Kahn reiterated the hearing process and the options available to the Council in regards to a decision.

CM Miller proposed changes to the wording of the resolution and attached Findings which he passed out to members of the Council and staff for the record. Mayor Conway read the proposed changes into the record. City Attorney Kahn said that he had reviewed the changes and found them to be legally appropriate. No other Councilmembers had any objections to the wording changes.

After Councilmember discussion, questions, and clarifications, CM Lentz made a motion, seconded by CM Miller, to adopt Resolution 2014-08 as amended, modifying the Planning Commission's approval, with the modified findings and conditions of approval. The motion passed 4-1, CM O'Connell opposed.

Councilmembers also discussed agendizing a future discussion about modifications to the existing zoning and ridgeline ordinance.

NEW BUSINESS

A. Consider adoption of Resolution No. 2014-04 approving the Memorandum of Understanding (MOU) with the Fire Fighters Association

Administrative Services Director Schillinger reviewed the MOU renewal terms, cost-of-living adjustment, medical benefit contribution limits, the health and welfare reserve, and the compensation study.

After Councilmembers questions and clarifications, CM Miller made a motion, seconded by CM Lentz, to adopt the Resolution No. 2014-04 as proposed. The motion carried unanimously by all present.

B. Consider approval of Skatepark Design Request for Proposals

Administrative Services Director reported that a joint subcommittee of the Parks and Recreation Commission (Teen Services) and the Council Facilities Subcommittee met on March 22, 2014 to review the request for proposal. He said the proposal requested that the selected design firm develop three different size skateboard parks. He explained that the three sizes reflected the size of the current park, a slightly larger park which would incorporate the space around the park to the sidewalks and the City property line to the east, and finally the third option, expanded to include about 22 feet of the current basketball court, which would require the City to move the current

basketball court to take up the open space between the basketball court and the sidewalk on Park place. He further explained that at the joint subcommittee meeting a member of the public suggested adding a fourth option which would, instead of expanding the current skatepark into the basketball court, create what is called a skate spot between the basketball court and the sidewalk on Park Place. He said that the joint subcommittee agreed to this idea and the proposed Request for Proposals (RFP) reflects the four size options.

He advised that the Council approved the RFP at this meeting it would be distributed on March 18th with a deadline for responses by April 18th. After that date, staff and the joint subcommittee would review the proposals and determine which one is best suited for the community and a contract with the recommended design firm would be brought to Council at a future meeting for consideration.

Michael Barnes gave an explanation of street skating, flow courses, and skate spots.

Councilmembers discussed completing a recreation survey concurrently with waiting for the proposals to come in and corrected the RFP to reflect the “four” potential skatepark sizes throughout the document.

After Councilmember questions and clarifications, CM Liu made a motion, seconded by CM O’Connell, to approve the RFP as amended. The motion carried unanimously by all present.

C. Consider adoption of Resolution No. 2014-07 to amend the 2013/2014 General Fund Budget

Administrative Services Director Schillinger gave an overview of his Mid-year re-projections explaining the spreadsheets provided to the Council. He showed the actual revenue and expenditure figures through December, 2013, the adopted budget for FY 2013/14, the re-projected budget for FY 2013-14, the difference between the original budget and the re-projected budget, and finally the percentage difference between the two.

He said that with a beginning Fund Balance of \$10,925,000, revenues of \$493,000 higher than projected, expenditures \$141,000 higher than expected, the ending fund balance is expected to be \$10,627,000, which is higher than the \$9,031,000 shown in the adopted budget.

He explained that since the budget is adopted by resolution, changes to the budget would also need to be adopted by resolution, hence the action being recommended to implement the changes in the mid-year re-projection.

After Councilmember discussion regarding unfunded liabilities, capital improvement needs, and water and sewer fund enterprise funding, CM O’Connell made a motion, seconded by CM Liu, to adopt Resolution No. 2014-07 as presented. The motion carried unanimously by all present.

D. Consider authorize the Mayor to execute the attached consultant agreement with Metis Environmental Group and ESA Associates Inc. to prepare the Baylands Final EIR

Community Development Director Swiecki explained that the Baylands Draft Environmental Impact Report (DEIR) was prepared by ESA Associates Inc. under contract with the City, with EIR preparation costs funded by the property owners. He said the contract, and related budget, only addressed preparation of the DEIR and related consultant services through the close of the draft EIR comment period. He further explained that the contract did not include Final EIR preparation due to not being able to predict the scope and budget needed to respond to comments before such comments were received.

He said that a new consultant agreement was before the Council at this meeting for the final preparation of the EIR and explained the change in the management team at ESA and the need for continuity for the efficient preparation of the Final EIR, therefore including Metis Group in the agreement, of which Project Manager Lloyd Zola now co-owns.

He then explained the scope of work and indicated that Metis Group would be responsible for the overall document production, project management and public hearing presentation and support and that ESA would provide required technical analysis and support required for completion of the Final EIR.

Michele Salmon questioned Page 2 of the agreement and the ownership of records and said that wording in regards to biological assessments on Page 2 of the Scope of Work were inadequate.

Gary Oates, President of ESA and Lloyd Zola and Patricia Berryhill of Metis Group responded to questions regarding their coordination on the project and other questions related to the Scope of Work.

After Councilmember questions, clarifications, and discussion of the need to add and change some language in the Scope of Work, CM Miller made a motion, seconded by CM Liu, to approve the contract with Metis Environmental Group and Environmental Science Associates, subject to changes made by the Council Baylands Subcommittee to the Scope of Work. The motion was carried unanimously by all present.

STAFF REPORTS

A. City Manager's Report on upcoming activities

City Manager Holstine said he had nothing to report.

MAYOR/COUNCIL MATTERS

A. County-wide Assignments/Subcommittee Reports

Due to the late hour reporting on this item was continued to the next meeting.

B. Written Communications

There were no written communications to report.

C. Review proposed Council Meeting Schedule and make adjustments as necessary

CM Holstine reminded the Council about the upcoming Council Goal Setting workshop on Tuesday, March 25th from 6-9 p.m.

ORAL COMMUNICATIONS 2

Michele Salmon expressed her concern over the decision on the #8 Thomas appeal and asked that an emergency moratorium be adopted against any building in the Brisbane Acres until the zoning ordinance and General Plan polices were updated.

Joel Diaz supported reasonable growth in Brisbane. He also spoke about the fees to non-residents who used both the swimming pool and the Mission Blue facility.


CLOSED SESSION at 12:07a.m.

A. Liability Claims; Martin Schimm, pursuant to Government Code Section 54961

Settlement of the claim was approved as recommended by the Bay Cities Insurance adjuster.

ADJOURNMENT

The meeting was closed in memory of Sylvia Gregory & Beatrice Jimenez.



Sheri Marie Spediacci, City Clerk