



BRISBANE CITY COUNCIL
ACTION MINUTES

DRAFT

MAY 5, 2014

6:30 P.M. CLOSED SESSION

- A. Conference with legal counsel; Amicus Brief on Land Use Issues, pursuant to Government Code Section 54956
- B. Conference with legal counsel regarding one case of potential litigation, pursuant to Government Code Section 54956.9
- C. Liability Claims; Ramon Serrano and Fernando Da Silva, pursuant to Government Code Section 54956.95

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, Public Works Director Breault

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

CM O'Connell made a motion, seconded by CM Miller, to adopt the agenda as proposed. The motion carried unanimously by all present.

PRESENTATION & PROCLAMATIONS

A. Proclamation recognizing May 18-24, 2014 as Public Works Week

Mayor Conway read the proclamation and thanked the employees of the Public Works Department for their hard and dedicated work.

REPORT FROM CLOSED SESSION

City Attorney Kahn reported that direction was given but no action taken on Closed Session Items A & B and that both claims were denied in Closed Session Item C.

B. Jerry Lami – Farmers Market

Executive Director of West Coast Farmer's Markets, talked about the possibility of adding a second market on Saturday mornings. He said the Brisbane Farmer's Market has been in existence for about a year-and-a-half and he felt that the community could support another shopping day.

He further explained his idea that the Thursday Market would become seasonal and that Saturday would become the year-round market from about 9-1pm.

Councilmembers discussed the timing and placing of the market and decided that Sunday from 9-1pm might be a better day and time and that having it in the Community Park when available would be more desirable.

They thanked Mr. Lami for his hard work in making the market successful.

ORAL COMMUNICATIONS NO. 1

Michele Salmon expressed her concern and displeasure with the prospect of selling public land and urged the Council not to approve it.

Prem Lall spoke about his concern over the dirt mounds on the Baylands and asked that the Council not be overly influenced by the property owner, Universal Paragon Corporation.

CONSENT CALENDAR

A. Approve Monthly Investment Report as of February 28, 2014

B. Adopt the following resolutions regarding the Sierra Point Landscape and Lighting District:

- 1. Resolution No. 2014-10 appointing Attorney for Fiscal Year 2014/2015**
- 2. Resolution No. 2014-11 appointing Engineer for Fiscal Year 2014/2015**
- 3. Resolution No. 2014-12 describing improvements and direction preparation of Engineer's Report for Fiscal Year 2014/15**

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

OLD BUSINESS

A. Consider approval of a Purchase and Sales Agreement with South Hill Properties, LLC for real property described as Lot 1, Block I near 201 South Hill Drive

Public Works Director Breault explained that this item was first heard by the City Council on April 7, 2014 and referred to the information in the staff report that was given at that time.

He said that at that meeting the Council requested changes in the agreement language dealing with the maintenance of the concrete vee-ditch, asked for a copy of the future trail plans for that area, asked for building permit information previously submitted by Sheng Kee Bakery, asked for images of existing conditions, asked for information regarding the required fire buffer, and for more information about the process for the use of funds to be received if the sale was approved. He indicated that all of those items were addressed or attached to the updated staff report. He then answered questions from Councilmembers.

Renee Marmion Chair of the Parks & Recreation Commission, said that she approved of the sale of the property and of the funds to be received for trails and parkways.

Tom Heinz submitted for the record and read a letter from Dana Dillworth stating that she objected to the sale of public land for private enterprise. They both asked that the Council reject the proposal.

Due to Councilmember concern and discussion about maintained control of the drainage canal on the property, a break was taken in the meeting allowing time for staff to meet with the property owner to agree to additional language to that effect.

After the meeting reconvened, City Attorney Kahn said the following language was proposed to be added to Section 7, Maintenance of Drainage Canal:

“Prior to conducting any such cleaning, maintenance or repair, BUYER shall first contact CITY and obtain CITY’s approval of such work”

City Attorney Kahn said that the Buyer was agreeable to the added language.

Councilmembers discussed the process to be used for determining how the funds would be used and agreed that it would be discussed at a future Council meeting.

After further Councilmember questions and clarifications, CM Miller made a motion, seconded by CM Lentz, to approve the Purchase and Sales Agreement as amended. The motion carried unanimously by all present.

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

City Attorney Kahn said that this Memorandum of Agreement (MOA) was on the April 21, 2014 Council agenda for consideration and approval. He reported that the Council requested several revisions and additions to the MOA, and that the matter was continued to this meeting to allow City staff time to revise the MOA pursuant to the Council's direction.

He noted that the revisions included a change to the Exhibit A Map to designate all dirt piles on the site, the incorporation of the Soil Management and Quality Assurance Plan as an exhibit to the MOA, a requirement for particulate monitors on the site, and a requirement to retain hydro-seeding on Pile E.

Councilmembers asked that language be added to say Hydroseeding would be required whenever a pile was going to be in-active.

Luc Brouchard spoke about the truck haul fee structure.

After further Councilmember questions, clarification, and discussion, CM Miller made a motion, seconded by CM Lentz, to authorize the City Manager to execute the Memorandum of Agreement as amended. The motion carried 4-1, CM O'Connell opposed.

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

Community Development Director Swiecki said that this matter was introduced at prior meetings with concerns raised over flammable tanks near schools or residential areas.

He explained that subsequent to preparation of the April 21, 2014 staff report, a request was made by Councilmember Miller to geographically regulate locations of above-ground tanks by General Plan sub-district and not zoning district. He said that this was primarily based on a concern that there are potential general plan/zoning consistency issues in the Baylands subarea that may need to be resolved during the time period this version of the Building Code will be in effect.

He explained the redlined and clean versions of the draft Ordinance that was prepared to address those changes.

Mayor Miller opened the Public Hearing. There being no members of the public wishing to speak, CM Miller made a motion, seconded by CM Lentz, to close the public hearing. The motion was carried unanimously by all present.

CM O'Connell made a motion, seconded by CM Lentz, to introduce the Ordinance as presented. The motion carried unanimously by all present.

NEW BUSINESS

- A. Consider introduction of Ordinance No. 586, waiving first reading, amending Section 2.44.020 of the Municipal Code concerning regular meeting dates of City Council Meetings**

City Clerk Spediacci reported about the need to change the date of Council meetings due to Councilmember work conflicts and to allow the public and the Council more time to review the information provided in the staff reports.

After Councilmember discussion, CM Lentz made a motion, seconded by CM O'Connell, to introduce the Ordinance as presented. The motion carried unanimously by all present.

STAFF REPORTS

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

There was no report given.

MAYOR/COUNCIL MATTERS

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

- * 2 x 2 School/City Subcommittee
- * Sustainability Subcommittee
- * Community Survey Subcommittee
- * Solid Waste Subcommittee
- * Update on Airport Noise
- * Health & Safety Subcommittee
- * Facilities Subcommittee

Councilmembers gave updates on each of the meetings listed above.

- B. Written Communications**

There were no written communications.

- C. Review Proposed City Council Meeting Schedule**

There were no changes made to the proposed schedule.

ORAL COMMUNICATIONS 2

There were no members of the public wishing to speak.

ADJOURNMENT

The meeting was adjourned at 10:35 p.m.

Sheri Marie Spediacci, City Clerk