



**BRISBANE CITY COUNCIL**

**ACTION MINUTES**

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**MONDAY, OCTOBER 15, 2012**

*BRISBANE CITY HALL, 50 PARK PLACE, BRISBANE*

**I. 6:30 P.M. CLOSED SESSION**

- A. Conference with real property negotiator regarding "Lot 2" (former SPRR easement) of parcel 005-300-050, pursuant to Government Code Section 54956.8**
- B. Conference with real property negotiator regarding a portion of public right-of-way adjoining parcel 007-521-030, pursuant to Government Code Section 54956.8**
- C. Conference with real property negotiator regarding 162 Golden Eagle Lane, pursuant to Government Code Section 54956.8**
- D. Liability Claims; State Farm Insurance for Picazo; pursuant to Government Code Section 54956.95**

Mayor Lentz made an announcement that Item D, the liability claim, had been denied and that all other closed session items were still pending.

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

The meeting was called to order at 7:35 p.m. and Mayor Lentz led the flag salute.

**ROLL CALL**

|                          |   |
|--------------------------|---|
| Councilmember's present: | Conway, Miller, O'Connell, Richardson, and Mayor Lentz  |
| Councilmember's absent:  | None  |
| Staff present:           | City Manager Holstine, Administrative Services Director Schillinger, City Clerk Spediacci, City Attorney Toppel, Public Works Director Breault, Community Development Director Swiecki, Administrative Management Analyst Cheung, Financial Services Manager Cooper |

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

CM Conway made a motion, seconded by CM Miller, to adopt the agenda as proposed. The motion was

carried unanimously by all present.

## **ORAL COMMUNICATIONS NO. 1**

Jamie Dunn spoke about her concerns regarding the recent salary cuts being inadequate, the importance of not cutting services such as police, fire, and school services, and of listening to members of the public who take the time to study issues and speak at City Council meetings.

Dana Dillworth spoke about her communications to the Council, Successor Agency, and Oversight Board regarding the importance of Low and Moderate Income Housing Programs and her application for those services. She requested a written response.

City Manager Holstine reviewed the complexity of the unwinding of Redevelopment Agencies because of the recent changes in the law and its effect on Low and Moderate Income Housing programs and projects.

## **CONSENT CALENDAR**

Mayor Lentz asked to remove Item B from the Consent Calendar for discussion.

### **A. Approve City Council Minutes of September 12, 2012**

CM Miller made a motion, seconded by CM Conway, to adopt the minutes as proposed. The motion was carried unanimously by all present.

### **B. Authorize the City Manager to execute a second amendment and extension of a license agreement with West Coast Farmers Market Association pertaining to the operation of a farmers market at the Brisbane Community Park**

Mayor Lentz asked Mr. Jerry Lami of West Coast Farmers Market Association to give the Council an update on how the farmer's market was doing and also to thank him for all of his efforts.

Mr. Lami reported about the new vendors, the success of a good amount of shoppers, the possibility of moving dates around Thanksgiving and the change of shopping days to weekend mornings in the winter.

After Council questions and clarifications, the Council directed the City Attorney to add language to the agreement modifying the previous prohibition on amplified sound, as long as the sound was low enough to not disturb neighbors, delete the hours operation restrictions to instead say that hours of operation would be mutually agreed upon with City staff prior to any change, and to add wording to allow flexibility to the site plan map depending on the time of year and weather and light conditions.

CM Conway made a motion, seconded by CM Richardson, to approve the agreement as amended. The motion carried unanimously by all present.

## **PUBLIC HEARING**

**A. Consider introduction of Ordinance No. 566 amending Chapter 16.12, Tentative and Final Parcel Maps and Subdivision Maps, where required; Chapter 16.16, Tentative Map Procedures; Chapter 16.20, Final Map Procedures; Chapter 16.24, Park Improvements-Bay Access-Natural Heating and Cooling; Section 17.02.150, Condominium; and Chapter 17.30, Condominiums, of the Municipal Code**

Community Development Director Swiecki outlined the information provided in the staff report regarding changes to Brisbane Municipal Code Sections 16 and 17 which primarily related to Condominiums.

Dana Dillworth read a letter that she submitted for the record dealing with multiple concerns about the proposed language modifications, including her concern for the environmental impacts, noticing requirements, final map extensions, air quality standards, carbon monoxide detectors, and review for toxic molds.

Jamie Dunn reported that her primary concern was about the Parks and Recreation information and how much developers would be asked to give and when. She spoke about her concern in accepting in lieu fees.

Community Development Director addressed some of the concerns that were raised and indicated that he would come back with further information on other items.

CM Conway asked that introduction of this Ordinance be continued due to the number of issues raised and asked that a written response be provided to Council by staff at a subsequent meeting.

Councilmembers asked questions and clarifications of staff regarding the language dealing with moderate and low and moderate levels of qualifying income, vacancy rates in condominiums complexes in Brisbane over the years, the reference to the franchise agreement with South San Francisco, the use of "private" recreational spaces and their ownership and maintenance, the exemption of commercial or industrial, development standards, the City named as a third party beneficiary, the first sale clause vs. using the certificate of occupancy timing, the number of washers and dryers in each condo complex per unit, and required off-street parking.

Because of the number of questions that had arisen, the Council asked for a written response to the questions posed and continued introduction of the proposed ordinance to the next City Council meeting of November 5, 2012.

**OLD BUSINESS**

**A. Consider approval of a Term Sheet with Oakdale Irrigation District for Water Transfer**

Public Works Director Breault reviewed the background of the Term Sheet and indicated that the Council had considered this proposed Term Sheet at the last two City Council meetings.

CM O'Connell indicated that although she could not be present at the last meeting, she had reviewed the video and was impressed with the speakers and concerns. She expressed her own concerns and asked for clarifications from staff.

Mike Ferreira of the Sierra Club Loma Prieta Chapter, answered questions that had arisen from the prior meeting and questioned why this action was essential if it had no weight. He indicated that the Sierra Club generally doesn't support this kind of water transfer.

Michael Barnes expressed his view that clean-up and development of the Baylands is essential to the health and well being of the City and the schools and urged the Council to approve the Term Sheet so the Baylands EIR could be completed.

After further Council discussion and clarification, CM Conway made a motion, seconded by CM Richardson, to approve the Term Sheet as modified previously by the Council Subcommittee and as presented at this meeting. The motion was carried 4-1. CM O'Connell opposed.

## NEW BUSINESS

### **A. Consider adoption of Resolution No. 2012-36 establishing the business license fee for recycling establishments pursuant to Section 5.20.100 of the Brisbane Municipal Code**

City Manager Holstine reviewed the history of the voter approved ordinance to allow the City to increase a business license fee to recycling establishments. He indicated that San Francisco is waiting for word of this official action to establish the fee before they can add it into their rate base. He also indicated that approval and collection of this fee would bring this year's budget into balance and give the City a planning period for future budget issues.

After Councilmember questions and clarifications, CM Conway made a motion, seconded by CM O'Connell, to adopt the resolution as proposed. The motion was carried unanimously by all present.

### **B. Consider directing staff to begin the process of placing an increase in the business license tax on tank farms on the November, 2013 ballot**

City Attorney Toppel outlined the information provided in the staff report. He asked that the Council give direction to staff whether to proceed and, if so, with what amount tax increase.

After Council questions and clarifications, they gave direction to the City Manager make contact with the tank farm operators and open discussions about the increased tax that the Council was considering to put on the ballot for approval.

## STAFF REPORTS

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

City Manager Holstine reported on a request by the Open Space and Ecology Committee Chairperson for the Mayor to send a letter to the California Building Standards Commission

encouraging the avoidance of using invasive plants in the code changes being proposed for the 2013 edition of the California Green Building Standards Code.

After Councilmember discussion they supported the Mayor sending the proposed letter.

**- Update on New Community Park Playground Equipment**

Administrative Management Analyst Cheung reviewed the background of the order and delivery of the new community park playground equipment and site preparation. She indicated that September 29<sup>th</sup> Build Day had to be postponed due to delivery delays.

She also reported on the Mother's of Brisbane Fundraising effort to sell gold stars to be placed on the playground seat wall and the fact that sponsoring stars were still available for purchase.

**MAYOR/COUNCIL MATTERS**

**A. Subcommittee Report**

CM Conway gave an update on the recent C/CAG meeting and CM Richardson gave an update on the recent Airport Roundtable Meeting.

**B. Communications**

**- Report on status of billings with Universal Paragon Corporation**

Due to the late hour, Councilmembers decided to continue this item until the next meeting. City Manager Holstine indicated that a revised spreadsheet had been passed out showing the recent payments that Universal Paragon Corporation had made.

**C. Review Council Meeting Tentative Schedule**

Councilmembers review the tentative schedule and indicated a need for an additional meeting prior to the December 3<sup>rd</sup> re-organization meeting. They also discussed the need for a second meeting in November. Staff advised that they would come back with a revised schedule for Council consideration.

**ORAL COMMUNICATIONS**

There were no members of the public wishing to speak.

**ADJOURNMENT**

The meeting was adjourned at 11:33 p.m.

Sheri Marie Spediacci, City Clerk