



BRISBANE CITY COUNCIL  
ACTION MINUTES

**DRAFT**

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**THURSDAY, SEPTEMBER 17, 2015**

*BRISBANE CITY HALL, 50 PARK PLACE, BRISBANE*

**7:00 P.M. CLOSED SESSION**

- A. Conference with legal counsel—existing litigation; Macey vs. City of Brisbane; EAMS Case Number ADJ9446976, pursuant to Government Code Section 54956.9(1)(d)**

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

Mayor O’Connell called the meeting to order and led the flag salute.

**ROLL CALL**

Councilmembers present: Conway, Lentz, Liu, Miller, and Mayor O’Connell  
Councilmembers absent: None  
Staff present: City Manager Holstine, City Clerk Spediacci, Deputy City Attorney Stricker, Administrative Services Director Schillinger, Deputy Finance Director Cooper, Public Works Director Breault, Police Commander Meisner, Community Development Director Swiecki, Principal Analyst Saguisag-Sid, Senior Planner Ken Johnson & Deputy Director of Public Works Karen Kinser

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

Mayor O’Connell said that she would like to make an announcement prior to Oral Communications and asked to move the discussion of the League Resolutions under Mayor Council Matters to after the Consent Calendar. CM Conway made a motion, seconded by CM Miller, to adopt the agenda as amended. The motion carried unanimously by all present.

Mayor O’Connell announced the Lagoon Cleanup on Saturday, September 19 and encouraged everyone to attend.

**ORAL COMMUNICATIONS NO. 1**

Mark Hamlen expressed his gratitude for completion of Phase 1 of the Marina Dredging Project and complimented Marina staff on being informative and trustworthy. He said he was proud and happy to be a part of the Marina.

Tony Ferrante asked that the City remove the 24-minute parking restriction in front of the old Hilltop Market since the business was no longer operating there. He expressed frustration about the lack of parking in that area for residents.

City Manager Holstine indicated that staff had met with Mr. Ferrante and noted that a couple of different solutions were being considered and that a recommendation would be brought to Council for consideration. CM Conway suggested that the issue be reviewed by the Complete Streets Safety Committee.

Dana Dillworth questioned the integrity and the effectiveness of the recently sent out Baylands Survey and said that her family would not be returning their surveys. She said that the Survey doesn't fairly acknowledge the CREBL alternative.

Michele Salmon also expressed her disappointment in the Baylands Survey and questioned the amount of money spent for what she considered a poor product.

Coleen Mackin said that she heard that people were cutting control numbers off the surveys and asked for a definitive answer as to whether those surveys would be considered.

Jameel Munir agreed with the prior comments regarding the survey. He said that the online version of the Survey was very difficult to fill out due to its glitches. He questioned the Planning Commission's ability to make a recommendation on the FEIR if the Survey results were incomplete. He suggested that there be a discussion as to the validity of the survey.

Barbara Ebel said that the Survey lacked of clarity on whether someone's satisfaction with Brisbane was pre-development or post-development of the Baylands.

City Manager Holstine said that the analysis of the Survey and a preliminary review of the data that has come out of it would be reviewed by the Council Subcommittee and then come before the full Council for consideration. He indicated that many of the concerns and questions would be addressed at that time.

Jameel Munir stated that without the results of the survey it would be difficult for the Planning Commission to come up with a final decision which could potentially delay the schedule of the FEIR hearings.

## **CONSENT CALENDAR**

Councilmembers asked to remove Consent Calendar Items A, B, & E.

### **C. Approve Monthly Investment Report as of June 30, 2015**

**D. Approve Monthly Investment Report as of July 31, 2015**

CM Conway made a motion, seconded by Lentz to adopt Consent Calendar Items C & D as proposed. Motion carried unanimously by all present.

**A. Approve City Council Minutes of August 20, 2015**

CM Miller noted a correction on page 4, under Item A. indicating that the vote of 4-1 needs to be added, as well as a minor correction on page 2, indicating that the comments made by Michele Salmon should state “rotting fishing pier” instead of “rotting dock”.

CM Miller made a motion, seconded by Conway, to adopt Item A as amended. Motion carried unanimously by all present.

**B. Approve City Council Minutes of September 3, 2015**

CM Liu noted a correction on page 3, New Business Item A, clarifying that the proposed changes were to be “such as three requests totaling over 15 hours of estimated work” at the end of the paragraph.

CM Conway made a motion, seconded by Miller, to adopt Item B as amended. Motion carried unanimously by all present.

**E. Approval of Resolutions 2015-39 and 2015-40, adding the New Job Classification of Regulatory Compliance Program Manager (Maintenance Program Manager) to Class Specification Manual and to the Mid-Management/ Professional Employees Group’s Memorandum of Understanding and Pay Scale**

Principal Analyst Saguisag-Sid pointed out typographical corrections to the proposed Resolution and indicated that an amended version of the resolution was given to the Council.

CM Miller expressed his concern about the lack of a college equivalent requirement instead of high school equivalent for a middle management position. Mayor O’Connell expressed similar concerns due to the salary of the position.

Principal Analyst Saguisag-Sid explained the reasoning of staff for recommending the minimum of a high school equivalent.

City Manager Holstine said that these are minimum qualifications and that staff is concerned with eliminating viable candidates due to a college equivalent requirement.

CM Lentz, CM Conway and CM Liu concurred with staff’s recommendation.

CM Conway made a motion, seconded by CM Lentz, to approve resolutions as amended. The motion carried unanimously by all present.

## MAYOR/COUNCIL MATTERS

### **D. Consider League of California Cities Resolutions:**

*(Item taken out of order)*

- 1. Bylaws Amendments Regarding Succession of League Officers to Fill Vacancies**
- 2. Limit on How Many Group Homes Could Be In Residential Neighborhoods.**
- 3. Direct Compensation to Customers Affected by Prolonged Power Outages Under Specified Circumstances**
- 4. Continued Local Flexibility for Cities on Temporary Rentals**

Mayor O'Connell said that she would be attending the League of California Cities Meeting where four resolutions would be voted on. She asked for direction from Council for voting purposes at the meeting.

After some discussion it was the consensus of the Council to support all four of the League recommended resolutions.

## PUBLIC HEARING

- A. Consider the adoption of Ordinance No. 599 (Zoning Text Amendment RZ-2-15) to amend Brisbane Municipal Code (BMC) Chapter 17.20 (M-1 Manufacturing District) to expand the permitted and conditionally permitted uses and make related amendments to BMC Chapter 17.02 (Definitions).**

Community Development Director Swiecki said that the applicant is the prospective owner of the former VWR site in Southeast Bayshore, which has remained largely vacant since the departure of VWR in 2012. He said the property is zoned M-1-Manufacturing and that the applicant is seeking to expand the permitted and conditionally permitted uses consistent with the underlying General Plan designation to enhance the range of reuse options for the existing warehouse buildings.

He said that the proposed M-1 permitted use changes would include commercial gyms and health facilities, light manufacturing, assembling & processing, offices, printing, research & development, and retail sales & rental and warehousing and/or distribution.

He said that the proposed conditional use changes would include commercial recreation, data centers, food production & distribution, freight forwarding, gasoline service stations, heavy equipment & auto repair, outside storage of trucks & equipment when properly screened, and restaurant/bars connected with restaurant use.

Mr. Swiecki explained several differences between what the applicant originally requested to be Permitted-by-Right and what the Planning Commission was recommending as Conditional Uses to allow for a case-by-case approval.

Deputy City Attorney Stricker explained a minor clerical revision to the definition of “Data Center” as noted in the ordinance by adding “Business providing for” to make it consistent with the zoning ordinance definition.

Councilmembers asked questions of staff and discussed the difference between warehousing and distribution facilities, the changes proposed by the Planning Commission on conditional uses, freight forwarding and traffic concerns, data centers and solar panels, the difference between permitted uses and conditional uses, and concerns with toxics on the site and clean up requirements.

Mayor O’Connell invited the representative of the applicant, Prologis, to address the Council.

Mr. Dan Letter, Senior Vice President of Capital Deployment said that he was representing Prologis and showed a Power point presentation explaining who the company is, what they do, and the research and proposed plans for the site at 3745-3775 Bayshore Boulevard.

He explained that the subject property was a risky endeavor for the company due to environmental and maintenance issues. He said that the property has been vacant since 2012 and has not seen any maintenance in many years and that a significant amount of capital would need to go into the properties in order to attract any sort of leasing. He said that Prologis has done traffic and environmental cleanup assessments of the site and explained that VWR had entered into a voluntary clean-up program. He further explained that remedial action plans for the property were presently being drafted for submittal to the Regional Water Quality Control Board and the Department of Toxic Substance Control.

After Councilmember questions and clarifications of Mr. Letter, Mayor O’Connell then opened the public hearing.

Michele Salmon expressed her concerns over the toxicity of the VWR site and the need for clean up before any business there is considered. She also spoke of her traffic concerns.

Dana Dillworth expressed concerns over several problems with the proposal. She provided Councilmembers with a packet of information on Data Centers to give information on the impacts of those types of businesses. She urged Council to do a little more work before approving the proposal.

Greg Anderson said that the Planning Commission had not seen any information on traffic or toxicology. He said that without that information, he thought it was more appropriate to make uses conditional.

Jameel Munir agreed with Commissioner Anderson. He said he has been seeing more traffic backup on Bayshore Boulevard and supported the conditional use process.

Coleen Mackin cautioned Council to consider the cumulative traffic impact of every type of development in the area. She said that when Highway 101 is backed up, overflow traffic bleeds onto Bayshore Boulevard.

Paul Bouscal spoke about the impacts of freight forwarders to the neighborhood right across from the old VWR site. He also noted that there is no tax benefit to the City from third-party tenants.

Linda Dettmer noted that there are residents living across from the next to old VWR site who would be affected and spoke about traffic concerns and health and safety concerns.

There being no other members of the public wishing to speak, CM Conway made a motion, seconded by CM Lentz, to close the Public Hearing. The motion carried unanimously by all present.

After continued Councilmember questions and clarifications of staff on freight forwarding, traffic studies, toxicology and remedial action plan issues, sea level rise and the flood zone, and a discussion of the conflict between the zoning map and the General Plan, the Council decided to continue discussion of this matter to a future Council Meeting pending further information from staff and the applicant.

CM Lentz made a motion, seconded by CM Conway, to continue this matter to a future meeting pending further information. The motion carried unanimously by all present.

**B. Consider the adoption of Resolution 2015-38 (General Plan Amendment GPA-1-15) ; Proposal of the City of Brisbane to amend the Circulation Element of the General Plan to incorporate Complete Street and Green Street provisions and incorporate other recommended text changes from the 2005-2007 General Plan update.**

Community Development Director Swiecki said that the City has a deadline to amend the Circulation Element of January 31, 2016, in order to maintain eligibility for discretionary transportation funding through the Metropolitan Transportation Commission's One Bay Area Grant Program. He said in March 2015 the Council provided further direction to staff that the previous General Plan update work should be used as a basis for moving forward. He said that in this particular document, staff incorporated revisions which include Complete Streets, Green Streets, imbedded a number of the policy and program updates, and a new section on alternative transportation modes. He said that the document was reviewed by the Planning Commission and the Complete Streets Safety Committee and that there was some inconsistency between what they are both recommending on the inclusion of street trees and other landscaping features and the wording relating to San Bruno Mountain native plants.

CM Conway asked that the reference to "Peninsula Congestion Relief Alliance" be changed to "Commute.org."

CM Miller said he spoke to Mr. Swiecki about updating the footnotes and Mr. Swiecki said that staff would be making those changes.

Councilmembers discussed the Complete Streets Safety Committee's (CSC) recommended language regarding street trees and the use of native plants.

Linda Dettmer said that she was in favor of native trees to be used as street trees and disagreed with the Planning Commission's recommended language.

Coleen Mackin said that the intent of the CSC was that consideration should be given to San Bruno Mountain native plants, where appropriate and feasible.

Michele Salmon said that native plants should be given first consideration and asked that Council honor the mountain and the use of native plants whenever it works.

Jameel Munir supported the language proposed by the CSC.

Mayor O'Connell read a communication from Dana Dillworth regarding assessment districts for circulation improvements and bicycle parking facilities.

Barbara Ebel supported the CSC language and also spoke about including fruit trees.

CM Conway made a motion, seconded by CM Lentz, to close the Public Hearing. The motion carried unanimously by all present.

After some discussion about the wording in Policy C8 of the proposed document regarding street trees, CM Miller made a motion, seconded by CM Conway, to change the language to say "Landscaping should use San Bruno Mountain native plants, where feasible. In any case, plants should be non-invasive and drought resistant." The motion carried unanimously by all present.

CM Miller also proposed adding "and San Bruno Avenue" to Policy C6, adding "and medical facilities" to Program C35e. He also proposed adding the following language to Policy 53b "Encourage the use of electric, fuel cell, and other clean energy vehicles and provide charging stations at public facilities and encourage installation of charging stations at existing private sites, as reasonable and feasible. Other Councilmembers concurred with those changes.

CM Conway made a motion, seconded by CM Miller, to adopt Resolution No. 2015-38 as amended. The motion carried unanimously by all present.

## **NEW BUSINESS**

### **A. Consider approval of the Climate Action Plan**

CM Conway made a motion, seconded by CM Miller, to approve the Climate Action Plan.

Deputy Public Works Director Kinser said that the Open Space and Ecology Committee (OSEC) has been discussing measures to reduce greenhouse gas emissions for almost a decade, which was initiated soon after AB32 was passed via the work of an Energy Strategy Subcommittee. Ms. Kinser then outlined efforts underway that are not specifically included in the Plan, but that OSEC is recommending, such as adopting a Residential Energy Conservation Ordinance, reducing business license fees for local hiring, and partnering with a neighboring agency to provide additional sewer treatment facilities.

CM Liu said that she would like to see language added to develop a plan to provide workforce housing to ensure that City and local employees have reduced commutes in addition to wording emphasizing a more plant-based whole foods diet.

Mayor O'Connell and Councilmembers thanked the Open Space and Ecology Committee and everyone else who was involved in the development of the Climate Action Plan.

Glenn Feldman expressed her pleasure in getting the Climate Action Plan finished and asked that the Council push the County to get every business to audit their energy use. She also asked that the Council introduce the Plan to the residents at a public meeting or event.

Barbara Ebel said that she supported the Climate Action Plan but felt that steps should happen faster, yet realized that it would have to be worked on incrementally.

Mayor O'Connell called the vote on the earlier motion and it passed unanimously by all present.

**C. Consider Authorization for City Manager to execute a Consultant Agreement with MIG Consultants to prepare Parkside at Brisbane Village Precise Plan  
(Taken out of order)**

Community Development Director Swiecki said that the City's 2015-16 Budget allocated \$200,000 for the preparation of the Parkside at Brisbane Village Precise Plan. He said that the plan is intended to reflect the community's land use and design vision for the approximately 25-acre parkside area (extending from the gateway to the City to northwesterly from the Bayshore Boulevard/Old County Road intersection.) He said that the plan will further incorporate zoning for housing and mixed-use development to fulfill the City's obligations under the City's adopted Housing Element.

He then reported that in July 2015, the City issued a Request for Proposals to eight qualified consultant firms to prepare the precise plan. He said that five proposals were received, and that three firms were interviewed by the Economic Development Subcommittee consisting of Councilmembers Lentz and Liu.

CM Liu and CM Lentz then reported that they were recommending that MIG be awarded the contract and explained their reasons for their recommendation.

Chris Beynon of MIG said that he would be the project manager and said that MIG is a multidisciplinary consulting firm that specialized in urban planning and design, multimodal



transportation planning, public engagement, and consensus building. He said that he considered it a great opportunity to work with Brisbane, which was a special and unique city between the mountain and the bay. He emphasized the community outreach plans and the importance of public engagement.

Michele Salmon expressed her displeasure with this project and asked that Council consider how this would affect the current retail establishments.

Coleen Mackin advocated for having a hearing to find out what people think about this proposal. She expressed her view that citizens were unaware of this project.

CM Miller and Mayor O'Connell expressed their concerns with the timing of this developing the Precise Plan and it distracting people from the current Baylands EIR process.

Other Councilmembers expressed their support for the project and supported award of the contract to MIG, acknowledging that public outreach would be key.

After further Councilmember discussion, CM Lentz made a motion, seconded by CM Liu, to retain the consultant services of MIG to prepare the Parkside at Brisbane Village Precise Plan. The motion carried 3-2, CM Miller and Mayor O'Connell opposed.

#### **B. Discuss Councilmember compensation and give direction to staff**

Administrative Services Director Schillinger said that Council currently gets paid a \$165.00 stipend per month and explained the rules for increasing or adjusting that amount. He said that the last time the Council stipend was raised was in 1982 and according to the State law required formula, the amount could be increased to a maximum of \$437.00 per month. He then reviewed the total compensation study conducted by L.B. Hayhurst & Associates that compared Brisbane to other cities in San Mateo County and said that the median salary in the County was \$499.00 per month.

After Councilmember questions, clarifications, and discussion of various scenarios of increasing compensation, it was the consensus of the Council to direct staff to bring back an ordinance at their next meeting to increase the stipend to \$400 per month.

### **STAFF REPORTS**

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

The City Manager has nothing to report.

### **MAYOR/COUNCIL MATTERS**

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

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

**B. Written Communications**

There were no written communications discussed.

**B. Letter from Supervisor Carol Groom regarding Brisbane becoming a member of  
“Closing the Gap, the San Mateo County Affordable Housing Task Force”**

After some discussion, Councilmembers concurred that Mayor Pro Tem Lentz should be Brisbane’s representative.

**D. Consider League of California Cities Resolutions Packet**

This item was discussed earlier in the meeting.

**E. Review and Approve Council Meeting Schedule through December 2015**

The Councilmembers concurred with the proposed schedule.

**ORAL COMMUNICATIONS 2**

There were no members of the public wishing to speak.

**ADJOURNMENT**

The Council meeting was adjourned at 12:40 a.m. on September 18, 2015.

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Sheri Marie Spediacci, City Clerk