



CITY COUNCIL/REDEVELOPMENT/GVMID

MINUTES

CITY COUNCIL REGULAR MEETING

JULY 21, 2008

BRISBANE COMMUNITY CENTER/LIBRARY, 250 VISITACION AVENUE, BRISBANE

CLOSED SESSION

At 7:00 p.m., the City Council met in closed session in the Library Conference Room.

- A. Conference with labor negotiator regarding International Association of Fire Fighters and Police Commander Unit; pursuant to Government Code Section 54957.6**

CALL TO ORDER/FLAG SALUTE

Mayor Barnes called the meeting to order at 7:30 p.m. and led the flag salute.

ROLL CALL

Councilmembers present: Bologoff, Conway, Richardson, Waldo, and Mayor Barnes
Staff present: City Engineer/Public Works Director Breault, Police Commander Macey, Community Development Director Prince, Administrative Services Director Schillinger, Assistant to the City Manager Smith, City Clerk Spediacci, City Attorney Toppel, Senior Planner Tune

ADOPTION OF AGENDA

Mayor Barnes proposed adding a commendation before "Oral Communications No. 1."

CM Waldo recommended taking Item A of "Old Business" before the "Public Hearing." CM Conway suggested taking both "Old Business" items before "Public Hearing."

CM Conway made a motion, seconded by CM Waldo, to adopt the agenda as amended. The motion was carried unanimously by all present.

COMMENDATION

Mayor Barnes commended the North Peninsula Neighborhood Services Center (NPNSC) for providing emergency services to low-income families in Brisbane and other Bay Area communities. He thanked NPNSC for its work and congratulated the organization on its 35th anniversary.

Carla Molina, Executive Director, NPNSC, expressed appreciation for the City's recognition and described more details about her organization's services. She expressed hope the NPNSC will strengthen its partnership with Brisbane schools and service clubs to better weather the increasingly difficult economic conditions facing low-income populations and the working poor. She provided the Council with additional information about NPNSC's programs. Ms. Molina invited Brisbane residents to attend the 35th anniversary celebration and fundraiser on August 8.

Mayor Barnes presented Ms. Molina with a written commendation.

ORAL COMMUNICATIONS NO. 1

Paul Bouscal, Brisbane resident, expressed concern about comments made by the Fire Chief after the recent firestorm on San Bruno Mountain. He said he was frustrated because of Brisbane's continued susceptibility and vulnerability to a catastrophic fire. He pointed out that Brisbane was lucky the prevailing winds were coming from the southeast that day rather than the northwest, and he noted that this factor had more to do with controlling the spread of the fire than the efforts of the firefighters.

Mr. Bouscal stated that he advocated wetting down portions of town to prevent spread of burning embers, but Fire Chief Myers disagreed, saying it would be virtually impossible to wet the whole town. Mr. Bouscal clarified that he never proposed wetting the whole town; he said wetting just the higher streets would allow water to drain down and wet lower areas.

Mr. Bouscal recommended that the City consider storing water to use for firefighting purposes on the mountain. He observed that fixed-wing airplanes were invaluable in the days after the fire.

Mr. Bouscal noted that when he asked why Brisbane was not included on the fire severity map and thus eligible for funding, Fire Chief Myers responded that the Fire Department has worked hard to keep Brisbane off the map so residents could still obtain fire insurance. Mr. Bouscal reported that he contacted a few insurance companies and learned that affordable coverage is indeed available for high-risk communities on the fire severity map.

Mr. Bouscal said Brisbane's former fire chief used to assert that Brisbane was not at risk, and the present chief incorrectly cites the unavailability of insurance as a problem. He urged the City to

consider undertaking a study to identify additional protective measures, such as wetting and water storage, that would make Brisbane safer.

Mayor Barnes thanked Mr. Bouscal for his comments.

CM Conway suggested that Mr. Bouscal meet with the City Manager and Fire Chief to discuss the issues in more detail.

Michele Salmon, Brisbane, said her sister, Linda, planned to attend the next meeting to talk about the destruction of frog ponds by the gardeners working for the homeowners associations at the Northeast Ridge. She noted that Thomas Reid and Associates contacted the associations in the past about this issue, but they continue to flush endangered frogs down the drain. She stated that the frog ponds were placed there deliberately as part of the mitigation efforts for the Northeast Ridge. She added that she was disheartened and disappointed by the lack of communication and cooperation.

Mayor Barnes said he believed the City contacted Brookfield Homes, and he would ask the City Manager for an update when he returns.

CONSENT CALENDAR

CM Waldo requested that Item A be removed, and CM Conway indicated that he wished to discuss Item B.

- C. Authorize the Mayor to execute an agreement to transfer unused entitlements between HCP LS Brisbane, Sierra Point, LLC, and the City of Brisbane**
- D. Adopt Resolution No. 2008-35 amending current hourly pay scales to include an annual cost of living adjustment effective July 7, 2008**
- E. Approve Friends of the Brisbane Library as a co-sponsored series of concerts and three special events in the Mission Blue Center from October, 2008, to April, 2009**
- F. Approve the plans and specifications and authorize publication of the Notice Inviting Bids for construction of the Bayshore Corridor North-South Bikeway Project - Phase I**

CM Richardson made a motion, seconded to CM Waldo, to approve Items C through F. The motion was carried unanimously by all present.

A. Adopt City Council Minutes of June 16, 2008

CM Waldo noted that the minutes incorrectly refer to "Mayor Waldo." Mayor Barnes observed that the City Engineer/Public Works Director's name appears as "Skeels" in several places.

CM Waldo made a motion, seconded by Mayor Barnes, to approve the June 16 minutes as amended. The motion was carried, 4 - 0 - 1 (CM Conway abstaining).

B. Adopt City Council Minutes of June 23, 2008

CM Conway drew attention to the fifth paragraph on Page 11, and noted the word "scare" should be "scarce."

CM Conway made a motion, seconded by CM Bologoff, to approve the June 23 minutes as amended. The motion was carried unanimously by all present.

OLD BUSINESS (Out of Order)

A. Update on Options for Eucalyptus Removal

Assistant to the City Manager Smith noted that the staff came to the City Council last year with a series of options for removal and management of eucalyptus trees at various sites in central Brisbane, including San Mateo Lane, the 100 block of Trinity Road, the Community Park panhandle, and City-owned property at the upper end of Paul Avenue. The City Council decided at that time not to thin or remove trees from the Community Park, but expressed interest in clearing trees at the upper part of Paul Avenue at the edge of the urban-wildland interface. The staff came back with a proposal, which the City Council approved, and those trees were removed as well as some trees on County park land and an adjacent private parcel.

Mr. Smith provided an update on the status of the remaining projects. He indicated that tree removal along San Mateo Lane would be fairly easy to implement because those trees are on public property adjacent to a street; he estimated the cost would be between \$12,000 and \$14,000. He noted that these trees have posed a maintenance problem for several years, and there are still complaints from citizens about debris.

Mr. Smith advised that the work along Trinity Road entails removing a row of trees next to the street between 108 and 136 Trinity Road. He said the trees appear to be on the adjacent private property, so the City would need the cooperation of the owner to remove trees there. He recalled that the City Council talked about working out some kind of agreement for the property owners to reimburse the City for the work. Absent a repayment arrangement, he noted, the City Attorney recommends not using public funds to remove these trees. Mr. Smith added that the City obtained estimates ranging from \$29,000 to \$59,000 to remove those five trees.

Mr. Smith reported that the City removed all eucalyptus trees and thinned brush from City-owned property at the end of Paul Avenue to eliminate fire fuels. He said the County funded about \$7,500 worth of work on the County's adjacent property and that of a private property owner.

Referring to the map in the staff report, Mr. Smith drew attention to the row of trees next to the street on the downhill side, located on the privately owned Lot 79 in Brisbane Acres. He noted the property owner has not responded to City inquiries about removing the trees. He said there is a possibility the City could obtain an easement, but this would be a difficult process.

Mr. Smith stated that eucalyptus removal is a part of the City's ongoing vegetation management program for the Brisbane Acres. He estimated the City has spent approximately \$9,000 over the last few years to remove eucalyptus trees from open space parcels acquired by the City. He advised that unused tree removal funds from 2007-08 will be carried forward to 2008-09 to complete eucalyptus removal on all City-owned property. Mr. Smith commented that eliminating eucalyptus will allow the vegetation management program to focus on other invasive species.

CM Richardson asked if an easement over Lot 79 would be permanent or temporary. Mr. Smith responded that the City would want a permanent access easement that included the right to manage the vegetation.

CM Richardson observed that the high cost of tree removal can be a major barrier for some people, even if the amount is repaid to the City over time or secured by a lien on the property. She asked if unpaid amounts would incur interest charges. Mr. Smith recalled that the City Attorney suggested including a provision in the note last time specifying that interest would accrue at some fixed, reasonable rate. City Attorney Toppel confirmed that the City's cost of funds rate would be much lower than commercial rates. He added that homeowners could repay the indebtedness at any time if they refinance the property.

CM Conway said he believed that the Davey Tree report last year recommended thinning the eucalyptus along San Mateo Lane and removing a few trees. Mr. Smith noted it is up to the Council to decide whether removal of all the trees was better than selected individual trees. He observed that either thinning or removal would benefit drivers. He pointed out that removing the whole row of trees would clear the area for planting native buckeyes or oaks to create a more characteristic San Bruno Mountain native landscape.

CM Conway recalled that he and CM Bologoff visited some of the Brisbane Acres parcels with the City Manager and City Engineer recently to look at clearing an old access road as a firebreak. He noted the overgrown road from the intersection of Paul and Margaret into the canyon might be a good site for a canyon clean-up day. Mr. Smith said he would look at the area.

Mayor Barnes noted that the City Council approved a \$50,000 urban forestry budget for 2008-09, and \$7,600 was carried over from 2007-08.

CM Waldo recommended taking public comments.

Chris Evers, Brisbane resident, said her house is situated just in front of the row of eucalyptus at the end of Paul Avenue. She stated that another undeveloped lot behind her house has two huge eucalyptus trees that constantly shed bark and flammable debris, and she had to hose that area to keep it wet during recent fires. She urged the City to do something to abate this fire hazard. Ms. Evers noted that the U.S. Forest Service considers eucalyptus trees highly flammable and unsuitable to be planted near homes or other structures.

Ms. Evers advised that there are already oaks and buckeyes along San Mateo Lane, and removing the eucalyptus would allow them to grow. She encouraged the City to continue efforts to remove all eucalyptus trees from the upper reaches of town. She emphasized the need to treat stumps from areas already cleared to prevent resprouting.

Michele Salmon, Brisbane, pointed out that all trees, including eucalyptus, contribute oxygen to the environment. She noted that native trees burn well in wildfires too. She questioned the City's authority to remove trees from private property without the owners' permission. She expressed concern that removing trees can cause problems like erosion that also need to be addressed.

Ms. Salmon recognized that eucalyptus trees were not considered desirable by many people, but she recommended being circumspect about when and where they are removed, who pays for their removal, and how they are replaced.

Tyler Coon, Brisbane resident, expressed his opinion that eucalyptus trees do pose a threat, which is magnified by the disruption of native fire cycles on San Bruno Mountain due to human development. He said the canyons burn so well because they contain an abundance of dried timber that has not been cleared. He noted the real issue is how to manage the fuel load in a responsible manner. Mr. Coon stated that removing the eucalyptus trees would be a good first step.

CM Waldo said he had a number of comments about the staff report and recommendations. He stated his strong support for removing all of the eucalyptus trees along San Mateo Lane, and indicated that the three adjoining neighbors feel the same way. He talked about being up on the Northeast Ridge during the recent fires and watching trees explode in the canyons.

With respect to the eucalyptus on private property at the end of Paul Avenue, and considering the absentee owner's lack of response, CM Waldo recommended proceeding to remove the trees. He

said he felt comfortable about the City's ability to justify its actions on the basis of abating the fire hazard the trees pose to neighboring properties.

CM Waldo observed that the owner of the Trinity Road property with the eucalyptus trees is unable to afford the high cost of removing the trees, but would like to have them cut down. He encouraged the City Council to have the staff come up with an appropriate method to deal with this kind of situation. He noted the City should have the right to enter the property, remove trees, and obtain reimbursement from the property owner.

CM Waldo advocated removing all the eucalyptus trees from City-owned lots in the Brisbane Acres. CM Richardson agreed.

CM Richardson noted the City's primary concern should be public safety. She recommended trying again to notify property owners of the City's intent to proceed and charge for the work.

CM Richardson supported working out an agreement with the property owner on Trinity. She recommended pursuing an easement for the parcel at the end of Paul Avenue.

Mayor Barnes asked about the possibility of recovering costs from the owner of Lot 79. CM Waldo expressed his opinion that pursuing reimbursement in this situation would not be cost-effective. He recommended hiring a tree company and removing the trees regardless.

CM Richardson advocated placing a lien on the property so the City could recover the costs.

City Attorney Toppel advised that the City's ability to take action depends on whether the trees are considered a nuisance. If the situation is a nuisance, the City can follow an abatement process that involves notification to the owner, a deadline to take corrective action, and a recorded lien.

City Attorney Toppel stated that the City advised the owner of Lot 79 of its intent to use the road connecting the City-owned property below Lot 79 with the City-owned property above. He said another approach would be to pursue an access easement including the area with the trees, and then remove the trees as part of the access easement. He noted that this process would require condemnation proceedings and valuation of the access portion.

CM Conway asked whether the City would have a prescriptive easement over the land. City Attorney Toppel responded that the City and members of the public have used that access route, so prescriptive rights could be an issue.

CM Richardson said doing the work without trying to recover costs could discourage other owners from abating hazards on their property. She recommended charging the property owner for the costs of tree removal.

CM Bologoff noted that property owners are in different circumstances: some can afford the work, some do not care, and some cannot afford tree removal. He expressed his opinion that it would be unfair for the City to put people in a difficult financial position. He recommended proceeding to remove the trees on Paul Avenue as proposed by CM Waldo.

CM Bologoff supported removal of the trees along San Mateo Lane. He expressed concern about the ability of the Trinity Road property owner to afford the work, and recommended that the staff contact the owner.

CM Conway emphasized that any tree removal work should be sensitive to nesting raptors. Mr. Smith said the work will be scheduled so it does not interfere with nesting, which usually takes place between February and the end of August.

CM Conway said he supporting restoring San Mateo Lane, but was not sure clear-cutting was the best solution now. He advocated targeting specific trees and doing the work in stages, as well as clearing the brush and managing the vegetation underneath. He recommended cutting the two trees on the left side of the road, one at the top, and the ones on the right identified in the Davey report.

CM Conway asked who owned the parcel behind Ms. Evers' house. Mr. Smith noted that parcel is downhill from the City's parcel, and he identified the owner.

CM Conway asked if eucalyptus trees were considered noxious weeds that would be subject to the City's weed abatement ordinance. City Engineer/Public Works Director Breault clarified that the Fire Prevention Bureau does not consider eucalyptus weeds, so trimming eucalyptus falls outside their weed abatement scope. He added that the debris underneath the eucalyptus trees would be subject to abatement. CM Conway recommended working with property owners to cut the trees in wildland interface areas, or at least keep the debris cleared.

CM Conway agreed with CM Waldo that the City should remove the eucalyptus trees along Trinity Road if the property owner agrees. He suggested informing all the neighbors and working to build consensus supporting the project.

With respect to eucalyptus trees on City-owned property in the Brisbane Acres, CM Conway agreed that the upper trees should be cut, but recommended a more detailed and defined plan for the Paul Avenue site. Mr. Smith clarified that the only eucalyptus trees near Paul and Margaret were further up the hill on Lot 82. He noted the City is negotiating with the owner of Lot 81 to have access across an existing dirt road.

CM Conway recommended clearing the brush along the roadway. Mayor Barnes suggested that this might be an appropriate target for the annual habitat restoration effort. CM Conway

emphasized the need to make sure proper erosion control and slope stability measures are implemented.

CM Conway recommended having the City Attorney contact the property owner of Lot 79 to explore the possibility of an easement. City Attorney Toppel recommended notifying the owner of the City's eucalyptus removal efforts and offering to remove the trees at no cost in exchange for granting an access easement; if the owner does not grant an easement, he said, the City can declare the trees a public nuisance and remove them.

Mayor Barnes observed that a majority of Councilmembers favor removing most of the trees, which amounts to over \$100,000. He pointed out that the amount budgeted is about \$79,000, necessitating a supplemental appropriation and exhausting both the urban forestry and vegetation management funds for this year. Mr. Smith said the Trinity Road cost would be recovered eventually, so that component should be deducted. Mayor Barnes noted the City would still need to pay the up-front costs.

Administrative Services Director Schillinger explained that the amount would be treated as an account receivable; he noted the amount could be advanced from the City's rainy-day fund as a long-term investment rather than the general fund.

Mayor Barnes said he was not in favor of the City cutting trees on private property. He recommended pursuing an access easement for Lot 79. CM Conway and CM Richardson expressed interest in pursuing an easement. Mr. Smith estimated that the easement process would take several months.

City Attorney Toppel advised that a nuisance abatement approach would allow the City to notify the property owner immediately. CM Waldo expressed his opinion that nuisance abatement would be the most expeditious and inexpensive way to deal with this public hazard.

Mayor Barnes supported the plans for cutting down eucalyptus trees on City-owned property in Brisbane Acres. He said he was not opposed to phasing the removal of the trees on San Mateo Avenue to make the change more palatable to residents.

CM Waldo made a motion, seconded by CM Bologoff, to approve removal of all the eucalyptus trees along San Mateo Lane. The motion was carried, 4 - 1 (CM Conway opposed).

CM Richardson made a motion, seconded by CM Waldo, to proceed with plans to remove eucalyptus trees from City-owned Brisbane Acres Lots 77, 78, and 82. The motion was carried unanimously by all present.

CM Waldo made a motion to instruct the City Attorney to send a nuisance abatement notice to the owner of Lot 79, and, absent a response, to have the trees cut down. CM Conway clarified

that ensuring slope stability would be part of the work. CM Bologoff seconded the motion.

CM Richardson asked if the work would be done at the City's expense. City Attorney Toppel responded that the City would pay for the tree removal and place a lien on the property to recover the costs plus interest.

The motion was carried, 4 - 1 (Mayor Barnes opposed).

CM Richardson made a motion, seconded by CM Waldo, to work with the property owner on Trinity Road to arrive at an agreeable plan to finance the removal of the trees. Mayor Barnes observed that the City Council could instruct the staff to do this without a formal motion. Councilmembers asked the staff to come back with a proposal for Trinity Road tree removal.

Paul Bouscal, Brisbane, pointed out that it makes no difference whether eucalyptus is considered a weed because weed abatement only applies to developed properties, not vacant lots. He said the City needs to recognize that the cost of removing the trees from the Paul Avenue site is roughly equivalent to the cost of replacing them. Mr. Bouscal noted that the best alternative to cutting trees down is maintaining leaf litter and eliminating ladder fuels. He pointed out that eucalyptus trees themselves are not flammable, but they are heated and ignited when surrounding vegetation burns.

Mr. Bouscal clarified that the trees CM Waldo saw exploding in Owl and Buckeye Canyons were oak and buckeye trees, not eucalyptus. He stated there are no eucalyptus trees in the canyons, and no eucalyptus trees burned.

Terry O'Connell, Brisbane, confirmed Mr. Bouscal's last statement that no eucalyptus trees were burned in the fire.

Michele Salmon, Brisbane, commented that if the City is paying for eucalyptus removal on private property, the Council should reserve enough funds in the budget for other private property owners to remove their trees. She expressed concern about the limitations on the City's funds and the large number of eucalyptus trees in Brisbane.

Robert Howard, Brisbane, asked if there were any state funds available for removing eucalyptus trees for fire prevention purposes. Mayor Barnes asked the staff to look into funding possibilities.

B. Review draft parking survey from the Traffic Advisory Committee and provide direction to staff in advance of its being mailed to residents

City Engineer/Public Works Director Breault noted that for many years, Brisbane has had to balance parking demand with on-street parking supply. In response to the City Council's request,

he said, the Traffic Advisory Committee looked at the City's residential parking permit program to identify possible ways of resolving some of the problems. He drew attention to the committee's proposed survey to explore the community's interest in residential permit parking and identify neighborhoods for a pilot program.

City Engineer/Public Works Director Breault observed that there were many public comments at the fire debriefing session about improving emergency vehicle access and evacuation efforts by enforcing parking restrictions on narrow streets. He introduced Dr. Vernon Fong, the committee's co-chair, and noted that Police Commander Macey was present to answer Council questions. He expressed his appreciation to Dr. Fong and the other committee members for their work.

CM Conway asked how the survey would help identify neighborhoods interested in participating in a pilot program. Commander Macey answered that respondents can provide an address, and if there are enough people in the same area, those residents would be asked about participating.

Mayor Barnes suggested moving Question 20 earlier in the survey, before other questions about how a permit program would work. City Engineer/Public Works Director Breault thanked Mayor Barnes and CM Conway for their comments. He said the staff will draft a cover letter explaining the purpose of the survey and asking people to indicate their willingness to participate.

Mayor Barnes asked if the philosophy statement would be part of the survey, and Commander Macey confirmed that intent. Mayor Barnes questioned the accuracy of the description of the "long-standing citizens' desire for minimalist government." He noted the survey should ask about willingness to participate in a pilot program; if the answer is "yes," respondents should be instructed to complete the remaining questions.

Mayor Barnes noted the statement above Question 3 refers to completing a pilot program "before full implementation." He suggested making the language more positive by saying that pilot program will happen before the program is implemented.

Referring to Question 5, Mayor Barnes observed that assigning parking permits based on the number of bedrooms is an approach that might tie in better with the zoning ordinance's parking requirements.

Mayor Barnes commented that Question 16 asks how many parking permits should be allocated on a long-term basis, a different question than whether it should apply only to houses without garages or off-street parking. He expressed his opinion that people with and without garages should be eligible for permits.

CM Bologoff clarified that even people who obtain parking permits would have to park within

designated white-line areas on the streets. He emphasized the need to enforce the regulations.

CM Richardson noted that Question 20 would fit better before Question 5 or Question 16.

City Engineer/Public Works Director Breault thanked Councilmembers for their comments. He said the staff will revise the survey and prepare a draft letter for Mayor Barnes' signature.

At 8:57 p.m., the City Council took a short recess. Mayor Barnes reconvened the meeting at 9:08 p.m.

PUBLIC HEARING

- A. Consider appeal of the Planning Commission's conditional approval of Design Permit and Use Permit to replace existing 130,674 sq. ft. office/warehouse with 90,000 sq. ft. freight forwarder facility at 325 Valley Drive with 20,000 cu. yds. of cut/fill**

Community Development Director Prince noted that at the previous meeting, the staff reported on the project, the process, and the environmental review. Additional issues were raised in a letter from Dr. Raymond Liu, and Bob Dettmer, president of the school board, asked questions about possible build-up of diesel emissions on still-weather days. Community Development Director Prince said Mayor Barnes also asked about the filtering on the Lipman School HVAC system. He indicated that the staff report addresses these issues, and the consultants were on hand to answer questions.

In response to Dr. Liu's letter, Community Development Director Prince clarified that the cumulative impacts of this project are taken into consideration, and impacts are compared with those would have been generated by the previous warehouse use. He stated that the experts have concluded that air quality impacts on nearby schools and residences would not be significant. He pointed out that the site could be occupied by trucking uses other than freight forwarding that are not subject to specific regulations.

Community Development Director Prince reported that City's staff, the new superintendent, and consultants hired by the applicant visited the school with Mr. Dettmer to inspect the HVAC system and consider improvements. He referred to the packet of information describing the applicant's proposal to install two new types of air filters. He said the combination of new filters and the existing system will significantly improve the interior air quality of the school.

Community Development Director Prince noted that the packet of mitigation measures includes information on retrofitting diesel school buses to reduce emissions. He said the cost ranges between \$600 and \$2,000, and the equipment will reduce particulate emissions and hydrocarbons.

Community Development Director Prince suggested taking brief presentations from the consultants before hearing from the applicant. He introduced Mike Mowry, Kimberly Horn and Associates, the consultant who worked on the transportation study.

Mr. Mowry said his firm was retained by the City to look at trip generation characteristics for freight forwarding and warehousing land uses. He stated that consultants began by reviewing existing trip generation studies for freight forwarding and warehousing land uses and confirmed that the estimates used by the City were reasonable and conservative. He noted data was collected from four sites in the Bay Area to arrive at estimates of the trip generation rates a freight forwarding use in Brisbane was likely to produce.

Mr. Mowry advised that the proposed freight forwarding use will generate more truck traffic, but it will be spread throughout the day and not add significantly to existing traffic levels. He estimated that the proposed use would generate a total of 689 trips per day, compared to 648 for the existing warehouse land use, an increase of only 41 trips, well below the 100-trip threshold of significance.

CM Richardson noted that the study indicates that 59 percent of the vehicles will be small. She commented that she did not consider FedEx and UPS delivery trucks small vehicles. Mr. Mowry explained the breakdown in truck sizes.

Mayor Barnes thanked Mr. Mowry for his presentation.

Doug Doherty, Environ International Corporation, discussed the results of the air quality risk assessment for the proposed freight forwarder use. He said he understood a number of people had raised concerns about health impacts. He noted the state and federal regulations set specific standards for gauging air pollution impacts by measuring particulate emissions.

Mr. Doherty reviewed the meteorological assumptions and factors taken into account in the air quality risk assessment. He explained that because there are no meteorological stations in Brisbane, the consultants used a screening set of data that includes a wide range of conditions. He said the consultants assumed heavy traffic conditions and unusually high levels of exposure.

Mr. Doherty summarized the results of the cancer risk assessment and hazard index for various locations near the project. He discussed state and federal air quality standards and noted that the air quality at each location tested indicates the diesel emissions from this facility would be far less than any applicable standard.

CM Conway asked for more information about the size of diesel particulate emissions. Mr. Doherty responded that size of particles ranges from very small to large, depending on the diesel source, with the average being about 2.5 microns.

CM Conway asked how far diesel emissions can travel from a source. Mr. Doherty said that on still days, a plume would rise about 30 or 40 feet into the air and disperse from there. CM Conway asked why nighttime concentrations would be higher, and Mr. Doherty explained that weather conditions tend to be more stable at night.

CM Conway noted that replacement of older and less efficient diesel trucks will help reduce emissions in the future, and he asked about average age of replacement. Mr. Doherty said years of service vary, but most companies tend to use their oldest trucks for short hauls until they are replaced. He noted there is state funding available for retrofitting diesel trucks and buses.

Randy Waldeck, Charles Salter Associates, discussed his study of the noise impacts from the proposed project. He reviewed the City's noise criteria and discussed how ambient noise levels were measured. He noted that traffic noise from Highway 101 and local roads is the major source of noise in Brisbane; aircraft flyovers and industrial noise are minor contributors.

Mr. Waldeck said his analysis of the noise generated by the proposed freight forwarding project took into account traffic studies, hours of operation, local topography, and estimated truck speeds. He advised that the results of his study indicate that noise from the facility will be substantially below existing measured noise levels. Noise from truck beepers may be audible from nearby residences and schools, but it will not create a substantial sleep disturbance or interfere with classroom learning. Mr. Waldeck stated that he looked at whether noise would be amplified at the school because of the bowl-shaped topography, and determined that truck noise would not be reflected because the school is set back from the top of the hillside.

CM Bologoff questioned the basis for the 15-mile-per-hour estimated truck speed. Mr. Waldeck said the estimate applied to trucks on the site itself; he noted he used the posted speed limit to estimate road speeds.

CM Conway asked about Mr. Waldeck's comment that every 10 additional decibels is perceived as a doubling in sound. Mr. Waldeck explained that the relationship is exponential, similar to the Richter scale for earthquakes.

CM Conway asked about the sound levels from back-up beepers on trucks. Mr. Waldeck said the loudest beepers are usually on heavy construction equipment, not trucks.

Mayor Barnes proposed reopening the public hearing. He invited comments from the applicant and members of the public.

Daniel Johnson, representing the applicant, identified the location of the proposed project. He showed a footprint comparison and pointed out that the new building will be smaller than the old warehouse. He described the major features of the new facility. He presented slides of similar

buildings in other communities. Mr. Johnson stated that the applicant will voluntarily comply with the City's green building ordinance and will meet the LEED Silver standard. He identified the primary truck traffic routes on a map.

Mr. Johnson noted the applicant and its consultants have worked hard to make the project more efficient and more attractive for the community. He said this building will enhance the City's tax base and provide substantial streetscape and landscaping improvements.

CM Conway asked if the applicant had a specific tenant for the building. Mr. Johnson replied that the improvements were being done on a speculative basis rather than for a particular tenant.

CM Conway asked if the existing building could be used by a freight forwarder. Community Development Director Prince responded that the building is currently configured as a warehouse; he noted a freight forwarding company could apply for conditional use permit to use the old building.

CM Conway asked what percentage of Crocker Park square footage was currently occupied by freight forwarders. Community Development Director Prince stated that freight forwarders currently make up 16.4 percent. He noted this project would make 19 percent, leaving an insufficient amount of space for another freight forwarder. CM Conway observed that the existing building would represent 4 or 5 percent, which would exceed the 20 percent cap.

Mayor Barnes invited comments from members of the public. He asked all speakers to be as concise as possible, given the late hour.

Michele Salmon, Brisbane, clarified that back-up beepers were not considered in the calculation of average noise levels, but they will be a disturbance to nearby residents. She questioned the adequacy of the estimate of truck trips and noted the cancer risks should be multiplied by 16 or 17 to reflect the actual level of diesel emissions this project will generate. Ms. Salmon emphasized the need to make sure people in the community are safe, and recommended making this the primary factor in the City's decision.

Ms. Salmon recalled that when she attended local schools, opening the windows and spending more time outside was the most common response to hot weather. She noted the \$30,000 the applicant is contributing to add filters to the school's HVAC system will not even cover the school's electrical bill, let alone the cost of tending a sick child.

Ms. Salmon expressed her opinion that Brisbane already has more freight forwarding businesses than necessary for a small town, and she objected to allowing more. She urged the City Council to keep the community safe.

Terry O'Connell, Brisbane resident, urged the City Council to overturn the Planning

Commission's decision to allow this freight forwarding use in Crocker Park. She noted that prior councils adopted a cap on freight forwarding because they recognized that freight forwarding was not a desirable use for the town. She said the applicant has never identified the number of truck trips the facility is expected to handle each day. Ms. O'Connell emphasized the need to protect the health, environment, and air quality of Brisbane residents.

Alan Taylor, Brisbane, echoed the comments made by previous speakers about air pollution impacts. He said he was also concerned about the increase in truck traffic along Bayshore, Lagoon Road, and Tunnel Road, and noted that more truck trips will cause more wear-and-tear on the roads. He noted that residents are already disturbed by noise from Crocker Park, and he objected to adding more noise and disturbance.

Jamie Dunn, Brisbane, said she was troubled by some of the consultants' assumptions and estimates of the impacts from this project, and she questioned the credibility of their results. She recommended paying more attention to national cancer studies in determining the risk to Brisbane. She expressed concern that actual impacts will be higher than the projections, and Brisbane will lose its ability to do anything in response. She noted that Brisbane turned down a casino proposal a number of years ago because the community did not want gambling, but the proposed facility represents a gamble and risk for the community.

Ms. Dunn pointed out that this applicant is proposing a speculative development without having any tenant in mind. She urged to turn down the proposal.

At 10:35 p.m., CM Conway made a motion, seconded by CM Bologoff, to extend the meeting. The motion was carried unanimously by all present.

Linda Salmon, Brisbane resident, stated that she had asthma throughout her childhood in Brisbane. She recalled that Crocker Park was developed with the idea of using rail transportation to ship goods rather than trucks. She noted that although trucks have been rerouted around central Brisbane, there are still many trucks going through Crocker Park and up to the Northeast Ridge. Ms. Salmon observed that with the development of the Northeast Ridge, there are more residences within close proximity to Crocker Park, and the City needs to balance the needs of people against the needs of businesses. She urged the City Council to vote no.

Bob Dettmer, Brisbane School Board president, said he shared the sentiments expressed by earlier speakers and had concerns about allowing more diesel trucks in town. He noted the health effects of diesel emissions should be investigated further, and he questioned the sufficiency of state and federal standards to protect the community. Mr. Dettmer indicated there are no good studies about the impacts of diesel emissions in still air, and the effects of Brisbane's microclimates and topography may not have been adequately taken into consideration in the risk assessment.

Mr. Dettmer expressed his appreciation to the applicant and City staff for looking at the school's air handling system to identify ways of improving air quality. He said he would welcome the contribution of \$30,000 to install equipment that will create more healthful conditions for kids.

Mr. Dettmer agreed with the City's noise consultant that truck back-up beepers are unlikely to be a problem, but he asked for the ability to come back to the Council if there are noise disturbances.

Jamie Dunn asked how much the City pays police officers. She noted that the nearly 700 truck trips to the facility will require extra police enforcement and extra wear-and-tear on local roads.

With respect to Mr. Dettmer's request to visit noise issues if they become a problem, Ms. Dunn observed that it would be easier to impose reasonable limits from the start than to try to crack down later.

Michele Salmon noted that many trucks visiting the facility will be coming from out of state, so they will not be subject to California's diesel emissions regulations. She said she calculated the length of trucks and multiplied by the number of trips to arrive at an estimate that the trucks would form a line 4 miles long.

Robert Howard, Brisbane, said the feature article in the latest issue of the Chamber of Commerce newsletter was about killing the bill to strengthen California's diesel emission standards, so trucks might not become more efficient and less polluting in the future.

In considering the applicant's offer to contribute \$30,000 to the school for additional air filters, Mr. Howard recommended finding out how it will cost the school to maintain and replace the equipment.

Mr. Howard said he understood that vehicle emissions were one of the primary causes of asthma in the Bay Area. He expressed his opinion that the City should not allow a facility that increases this problem.

Mr. Howard noted that the staff had not addressed all the health concerns raised in Dr. Liu's letter, and he recommended inviting Dr. Liu to a future meeting to discuss those issues in more detail.

There being no other members of the public who wished to address the City Council on this matter, CM Waldo made a motion, seconded by CM Richardson, to close the public hearing. The motion was carried unanimously by all present and the public hearing was closed.

Mayor Barnes welcomed suggestions from the Council. CM Conway proposed continuing this matter to allow time for the staff and consultants to respond to questions.

Administrative Services Director Schillinger noted a special City Council meeting was scheduled for July 28 to discuss the Baylands alternatives. After some discussion, the Council decided to continue this matter to the July 28 meeting. CM Waldo said he would prefer to make a decision on July 28, and other Councilmembers agreed. Mayor Barnes recommended placing this item first on the July 28 agenda.

Mayor Barnes said he received one public comment suggesting that the City lower the limit on freight forwarders in Crocker Park, and he proposed that the Council agendaize a discussion of this issue at a future meeting.

Mayor Barnes reviewed the issues raised by members of the public. He asked the staff to respond to the concern about the credibility of the consultants' work, the costs of road maintenance and policing the extra truck traffic, and still-air monitoring. He suggested adding a condition allowing noise from back-up beepers to be revisited if it becomes a problem.

CM Conway recommended finding out about the status of the truck emissions bill.

STAFF REPORTS

A. City Manager's Report on upcoming activities

City Manager Holstine said he had nothing to report.

MAYOR/COUNCIL MATTERS

A. Subcommittee Reports

There were no subcommittee reports.

ORAL COMMUNICATIONS NO. 2

Linda Salmon, Brisbane, reported that she had been working the City staff and frog experts to restore the frog ponds on the Northeast Ridge that were installed as a condition of that development. She said the frog ponds and tadpoles had been destroyed again by Brookfield Homes' landscapers. She recommended that the developer be cited for this third-time violation.

Mayor Barnes thanked Ms. Salmon for her comments and noted that this concern had been brought to the City's attention. He advised that the staff will be updating the City Council as soon as City Manager Holstine returns.

Jamie Dunn, Brisbane, asked for more information about the lifespan of the Tunnel Avenue

Bridge and the level of traffic for which it was designed. She urged the City Council to find out more about the costs of maintaining the bridge and the road.

CLOSED SESSION

There being no further business, CM Conway made a motion, seconded by CM Waldo, to adjourn to Closed Session. The motion was carried unanimously by all present, and the City Council adjourned to Closed Session at 11:20 p.m.

- A. Liability Claims: Phillip Bahn; Loran Courpet; pursuant to Government Code Section 54956.95**

ADJOURNMENT

At the conclusion of the Closed Session at 11:23 p.m., the meeting was adjourned with no announcements.

ATTEST:



Sheri Marie Spediacci
City Clerk

