



**BRISBANE CITY COUNCIL**

**ACTION MINUTES**

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**JOINT CITY OF BRISBANE CITY COUNCIL/  
BRISBANE HOUSING AUTHORITY**

**SPECIAL MEETING AGENDA**

**THURSDAY, MAY 2, 2019**

*BRISBANE CITY HALL, 50 PARK PLACE, BRISBANE*

**7:30 P.M. CALL TO ORDER – PLEDGE OF ALLEGIANCE**

Mayor Davis called the meeting to order at 7:35 p.m. and led the Pledge of Allegiance.

**ROLL CALL**

Councilmembers present: Councilmembers Conway, Cunningham, Lentz, O’Connell, and Mayor Davis

Councilmembers absent: None

Staff present: City Clerk Padilla, City Manager Holstine, Interim City Attorney McMorrow, Administrative Services Director Schillinger, Community Development Director Swiecki, City Engineer Breault, and Senior Planner Johnson

**ADOPTION OF AGENDA**

Mayor Davis asked to close the meeting in memory of Yvonne Creason.

CM O’Connell asked to move the Presentation Item B ahead of Presentation Item A.

City Manager Holstine asked to remove New Business Item B from the agenda. This Item will be brought back to the Council at a forthcoming meeting.

CM O’Connell made a motion, seconded by CM Conway, to adopt the agenda as amended. The motion was passed unanimously by all present.

**ORAL COMMUNICATIONS NO. 1**

No member of the public wished to speak.

## **PRESENTATION**

### **B. Declaring May 19-25, 2019 as Public Works Appreciation Week**

City Engineer Breault received the Proclamation from Mayor Davis declaring May 19-25 as Public Works Appreciation Week.

City Engineer Breault reported that the Public Works Department is always ready to serve and solve diverse problems that come their way. He also highlighted Public Works Assistant Engineer II Justin Yuen who came onboard as a Public Works Intern when he was a senior in high school and five years later joined the Public Works Department as a full time employee.

Mayor Davis and Councilmembers thanked the Public Works staff in the room for their excellent service to the community at large.

### **A. Recology's Presentation on their Development Plans for Brisbane and San Francisco**

John Porter, Vice President and Group Manager from Recology, presented on Recology's 2019 Project Proposal for Brisbane and San Francisco. He reported that the majority of the project is on the San Francisco side of the property and Recology has submitted their proposal to the San Francisco Planning Department. Recology will work closely with Brisbane staff on the development of the new maintenance shop on the Brisbane side of their property.

After some Council questions of Mr. Porter about the new construction triggering Brisbane's Public Art Ordinance, and the possibility of adding solar panels to the parking areas and an anaerobic digestion program, the Council thanked John Porter for the information he presented.

## **CONSENT CALENDAR**

- A. Adopt City Council Minutes of April 18, 2019**
- B. Accept Investment Report as of February 2019**
- C. Adopt Resolution No. 2019-11 adopting a new city-wide records retention policy and schedule**
- D. Award the construction contract for the Tunnel Avenue Rehabilitation Project to contractor G. Bortolotto & Company, Inc. and authorize the Mayor to sign the Agreement on behalf of the City**

CM O'Connell made a motion, seconded by CM Conway, to approve Consent Calendar Items A-D. The motion was carried unanimously by all present.

Ayes: Councilmembers Conway, Cunningham, Lentz, O'Connell and Mayor Davis

Noes: None

Absent: None

Abstain: None

## **NEW BUSINESS**

### **A. Consider Introduction of Ordinance No. 638 Amending Chapter 12.12 of the Municipal Code Establishing Private Tree Regulations**

Community Development Director Swiecki reported that draft Ordinance No. 638 is as provided by the Planning Commission/ Open Space and Ecology Committee (OSEC) Subcommittee and the purpose is to amend the Brisbane Municipal Code to update the regulations pertaining to trees on private property. Some of the amendments to the code include the following:

- Require a notice to the City of intended action for non-protected trees, instead requiring a ministerial permit. For the non-protected trees, the ordinance would require the filing of a notice of intended action with the City at least 7 days before the commencement of work.
- Add invasive trees and severe trimming to activities that require notice.
- For protected trees, require a minimum of one-to-one tree replacement with a minimum 15-gallon nursery container tree size. For a large protected tree or removal of a protected tree on a site that has been largely denuded of landscaping, the Planning Director may require even more trees or larger replacements.
- Add procedural requirements, including an expanded subsection on contents of an application, adding required findings and establishing notice of approval to be sent by the City to all property owners within 300 feet of the subject property at least 7 days before the permit is effective.

Secondly, Community Development Director Swiecki reported that the Open Space and Ecology Committee provided additional proposed revisions to the tree removal ordinance.

OSEC was especially concerned with early removals of the trees protected by species, Coast Live Oak, California Bay and California Buckeye, given their apparent slow rates of growth. OSEC suggested that the permit required size threshold should be reduced from 30 inches in trunk circumference to 24 inches in circumference. Additionally, they indicated that for all other species, removal of any one or more trees (versus three or more of those trees) of 30 inches in circumference or more, including invasive trees, should be in the permit required class.

Councilmember Cunningham wanted more input from the Fire Department regarding the draft Ordinance. She expressed concern about how these amendments will impact homeowners insurance. She also wanted to more resources on the City's website about tree species that are appropriate for planting.

Mayor Davis expressed concern about the ordinance possibly discouraging residents to apply for tree removal permits due to increase in regulations. She also expressed concern about the open definition of enjoyment of property in the tree removal permit application and directed Interim City Attorney McMorro to provide Council with a more detailed definition.

After further Council questions of staff and Council discussion, the motion to introduce Ordinance No. 638 Amending Chapter 12.12 of the Municipal Code Establishing Private Tree Regulations failed on CM O'Connell's motion, CM Conway second on a 2-3 vote. Those members voting aye were: Councilmembers O'Connell and Conway. Those voting nay were: Councilmembers Cunningham, Lentz, and Mayor Davis.

Council discussed forming an ad hoc subcommittee that would consist of two Councilmembers and potentially representation from the Planning Commission and OSEC. City Manager Holstine agreed to schedule the discussion for the next City Council Meeting on June 6, 2019. Councilmember O'Connell and Mayor Davis conveyed interest in being members.

**B. Consider Adoption of Resolution HA 2019-01 Adopting Amendments to the Brisbane Housing Authority First Time Homebuyer Loan Program**

This item was pulled from the agenda and will be brought forward to the Council at a future City Council meeting.

**STAFF REPORTS**

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

City Manager Holstine reported on the upcoming city activities for the month of May as well as the upcoming presentations for upcoming City Council Meetings.

**MAYOR/COUNCIL MATTERS**

**A. Countywide Assignments/Subcommittee Reports**

Mayor Davis and Councilmembers reported on their activities in the following County assignments and City Council subcommittees:

- Economic Development Committee
- Cannabis Issues Ad Hoc
- Public Art Subcommittee
- Infrastructure, Franchise & Utilities Subcommittee
- Peninsula Clean Energy Board
- Caliva Tour
- MTC/ABAG's Housing Bill Legislative Task Force
- Council of Cities Dinner hosted by City of Daly City
- Airport Land Use Committee
- Sierra Point Design Guidelines Ad Hoc

**B. City Council Meeting Schedule**

Mayor Davis reported that the City Council Meeting of May 16, 2019 is cancelled. Secondly, the

City Council has scheduled a Special Meeting on Monday, June 3, 2019 in the Large Conference Room, to interview applicants to fill committee vacancies. The next Regular City Council Meeting is scheduled for June 6, 2019.

### **C. Written Communications**

Written communication was received by the Council from the following members of the public:

Karen Cunningham (5/2/2019) Regarding the Tree Ordinance

### **ORAL COMMUNICATIONS NO. 2**

No member of the public wished to speak.

### **ADJOURNMENT**

CM O'Connell made a motion, seconded by CM Cunningham, to adjourn the meeting at 9:45 p.m. in memory of Yvonne Creason. The motion was carried unanimously by all present.

### **PUBLIC MEETING VIDEOS**

The replay schedule for public meetings can be found on the Live Streaming page <http://brisbaneca.org/live-streaming>. Past meetings will be replayed on Comcast Channel 27 and at <http://brisbaneca.org/live-streaming> and can be found on the All Meetings page (<http://brisbaneca.org/city-government/meetings>) once the video has been archived

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Ingrid Padilla  
City Clerk