



BRISBANE CITY COUNCIL
ACTION MINUTES

DRAFT

THURSDAY, MARCH 19, 2015

BRISBANE CITY HALL COMMUNITY ROOM, 50 PARK PLACE, BRISBANE

7:00 P.M. CLOSED SESSION

- A. Conference with legal counsel regarding anticipated litigation (Government Code, section 54954.5) Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code, section 54956.9 (one case)**

7:30 P.M. CALL TO ORDER – FLAG SALUTE

Mayor O’Connell called the meeting to order at 7:37 p.m. and led the flag salute.

City Attorney Roush reported that Council gave staff direction in Closed Session but did not take any action.

ROLL CALL

Councilmembers present: Conway, Lentz, Liu, Miller, and Mayor O’Connell
Councilmembers absent: None
Staff present: City Manager Holstine, City Clerk Spediacci, City Attorney Roush, Public Works Director Breault, Community Development Director Swiecki, Administrative Services Director Schillinger, Police Chief Macias

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

CM Conway asked that the meeting be closed in memory of Richard Kabash and that Old Business Item A regarding the Skatepark be move to immediately after the Consent Calendar due to the number of school-age citizens who were here to listen or speak on the matter.

With those changes, CM Conway made a motion, seconded by CM Miller to adopt the agenda as amended. The motion passed unanimously by all present.

ORAL COMMUNICATIONS NO. 1

There were no members of the public wishing to speak.

CONSENT CALENDAR

- A. Approve City Council Minutes of March 5, 2015**
- B. Approve Monthly Investment Report as of January 31, 2015**
- C. Adopt Ordinance No. 591, waiving second reading, amending Chapter 13.04 of the Municipal Code pertaining to Sewer System**
- D. Adopt Ordinance No. 594, waiving second reading, amending Chapter 8.28 of the Municipal Code pertaining to Noise**

Councilmembers asked that staff respond to Mr. Pete Mozzetti's letter about his concerns on Consent Calendar Item C regarding amendments to the Sewer System Ordinance.

CM Conway made a motion, seconded by CM Liu, to approve the items on the Consent Calendar as proposed. The motion carried unanimously by all present.

OLD BUSINESS (Taken Out of Order)

- A. Consider approval of Skatepark Design Option 2; Consider the proposed financing plan for Design Option 2; Authorize the construction document preparation phase of the design contract with Spohn Ranch Skateparks; and approve a supplemental appropriation of \$15,500 from the General Fund for construction documents**

Deputy Public Works Director Kinser reported that after many meetings with the Council and Parks and Recreation Joint Subcommittee and two Community Workshops, Skatepark Design Option 2 was the design being recommended for conceptual approval at this meeting.

She said that the first step would be for the Council to approve the Conceptual Design so that the consultant could proceed with the geotechnical phase before the final details and construction plan specification phase.

Administrative Services Director Schillinger said that the cost of Option 2 would be approximately \$250,000 and described the proposed financing plan. He said that donations and fundraising monies received from the community were proposed to go towards the optional amenities such as a water fountain, seating, fencing, and lighting.

Councilmembers discussed the design layout, public art features, the offer for the Lion's Club to dismantle the existing park, landscaping and maintenance of the park, enforcement of safety

measures such as wearing helmets and other protective gear, and the lack of existing services for high-school age members of the community.

Juliana Johnson spoke in support of skating for physical health and for preventing idle time for teenagers therefore reducing crime in the community.

Paul Bouscal acknowledged the lack of amenities in the community for the age groups that would be served by a new skatepark. He spoke in support of the new skatepark.

Dee Dee Porter spoke in support of the skatepark and acknowledged what an important asset it would be to the community. She also spoke in support of the use of protective gear. She said that she is a member of the Mothers of Brisbane and that they also support the project.

Malcolm Barnes talked about how many people supported the skatepark. He said that people also use the skatepark for other fun activities and for a place to go meet and gather.

Ethan Velho thanked Michael Barnes for his hard work in moving this project forward and for his fundraising. He also thanked the Council for considering building a new skatepark.

Jacob Lipmann asked the Council to approve the financing plan for the funding of the new skatepark. He said that Brisbane deserves quality facilities because it is a beautiful town.

Jada Escoveto said that the skatepark is a place for people to come and meet up and that it is a much needed facility.

Dawn David spoke in support of a new skatepark and new library. She said that a water fountain and landscaping are very important. She spoke in support of enforcing the helmet law and of considering the offering of skate camps.

Juanita Yee said that her daughter learned so many life lessons from skating. She also expressed her opinion that this age group is very under represented.

Debbie Horn said that skateparks are great places for people to go and spoke in support of thinking of the park in a larger sense.

Jada Escoveto described how much she used the skatepark and asked for Council's support for a new one.

Michael Barnes said that between 15-25% of kids skate according to Tony Hawk Foundation. He said that the current skatepark is hard to skate in because of its uneven surfaces and respectfully requested that the Council approve the project and the financing plan.

Ethan Velho said that a lot of kids don't use helmets at other skateparks.

Malcolm Barnes advocated for approving the project to make skating safer with the improved surfaces and said that he has gotten more injuries playing baseball.

Michele Salmon spoke in favor of enforcing the helmet laws to protect both the individuals as well as the community in having to pay for a lifetime of disability resulting from head injuries.

Miranda Sulley said that there was a gap in services for teenagers and spoke in favor of the new skatepark as well as other types of programs that support teenagers with constructive things to do.

After further Councilmember discussion, they acknowledged the community's support of the project and the fundraising efforts to date and asked that staff reach out to local contractors and community groups about additional fundraising option as well as in-kind donations.

After discussing different approval scenario's, CM Lentz made a motion, seconded by CM Conway, to approve Skatepark Conceptual Design Option 2, conceptually approve the financing plan for \$316,000, which included the optional amenities of which the community would be involved in the fundraising process for, authorize the construction document preparation phase of the design contract with Spohn Ranch Skateparks, and approve the supplemental appropriation of \$15,500. The motion carried unanimously by all present.

A. Consider selection of Priority Conservation Areas (PCAs) for application to the Association of Bay Area Governments (ABAG)

Deputy Public Works Director Kinser said that the Priority Conservation Area (PCA) Program is a collaborative initiative between the Association of Bay Area Governments (ABAG), the Metropolitan Transportation Commission (MTC), and the Bay Area Air Quality Management District (BAAQMD) which would identify key regional spaces in the Bay Area for environmental conservation, protection, and/or use as urban green space or for regional recreation.

She said that the proposed PCA area map is a follow up to the Council action on July 17, 2014 adopting a resolution approving the application for PCA status for San Bruno Mountain and corresponding areas.

Ms. Kinser said that since the adoption of the resolution and approval of the application process by Council, an ad hoc committee consisting of City staff, two members of the Open Space and Ecology Committee and members of San Bruno Mountain Watch met and reviewed potential properties and area for inclusion in the San Bruno Mountain PCA application. She said that since those initial brainstorming sessions, staff presented the proposed area and properties for inclusion in the application to the Open Space and Ecology Committee Council Liaisons Liu and Miller. She said that staff had also been working with the Senior Regional Planner for ABAG, JoAnna Bullock.

Ms. Kinser said that the Lower Brisbane Acres are included on the map as a "Citizen Committee additional recommended area" because this area was identified by the ad hoc citizen committee as important to be included. She said that the Council Liaison Committee was not recommending inclusion of the Lower Brisbane Acres because those properties were not

included in the Open Space Plan, but that the ad hoc citizens committee requested review of this area for inclusion in the PCA by the full Council before making a final determination.

City Attorney Roush gave his legal opinion that the privately-owned land proposed to be included in the PCA would not adversely affect their potential development.

Councilmembers discussed additional areas that should be included and why some areas were not included.

Ken McIntire thanked the Council for their support of the PCA designated areas being submitted to ABAG. He acknowledged that some landowners were uncomfortable with their land being placed in the PCA and spoke in favor of excluding any properties that the land owners didn't want in it.

Del Schembari said that he was a San Bruno Mountain Watch (SBMW) Boardmember and thanked the Council for their support on the PCA project. He said that PCA's make it easier to get grant funds and that Mountain Watch is considering lobbying the State for putting more money in the PCA Program. He also asked that as much of the Brisbane Lower Acres be included as possible because the frog habitat was very important.

Kevin Tram said that his family owns property at #8 Thomas and expressed his concern with how being included in the PCA might affect the building of their project.

Jamie Dunn said that she observes large birds and hawks flying through the Lower Brisbane Acres and supported its inclusion in the PCA.

Andy Turner said that he was representing Dr. Sabharwal who owns property in the Lower Brisbane Acres. He said that Dr. Sabharwal does not want his property included in the PCA because it would substantially adversely affect the value of his property.

Miranda Sulley said that she was on the Board of SBMW and advocated for including the Lower Brisbane Acres in the PCA because she felt it would have a positive impact both economically and for scenic value.

Luc Bouchard thanked the City Attorney and City staff for answering his questions and concerns regarding the PCA. He said that there should be a definition of the PCA on the City's website and agreed with Mr. McIntire that property owners should be able to opt out of inclusion in the PCA.

Paul Bouscal said that he was a SBMW Boardmember and gave some historical information regarding the lower acres and said that they have ecological value and asked that they be included in the PCA.

Michele Salmon said that she was a Boardmember for SBMW and member of the Open Space and Ecology Committee. She advocated for including the Lower Brisbane Acres in the PCA

and said that they are not trying to stop building on the Brisbane Lower Acres. She said they are just trying to open the door for help in the future to restore parts of those properties.

Debbie Horn, said she was on the Board of SBMW and expressed her view that inclusion of the Brisbane Lower Acres has no impact on a land-owner but rather makes funding available to them.

Dr. Sabharwal spoke in support of working with property owners to explain what impacts would affect them by being in the PCA. He talked about his proposed development. He asked that he be kept informed about any proposed changes to his property. He asked that his property not be included in the PCA.

Jamie Dunn said that the Council should consider excluding Mr. Sabharwal's property and go forward with all of the other Brisbane acres properties.

Michele Salmon suggested taking Dr. Sabharwal's property off of the proposed PCA map.

After Council questions, clarifications, and discussion they directed staff to exclude Dr. Sabharwal's properties and #8 Thomas from the map of the Priority Conservation Areas and to include the following properties:

- Properties between Icehouse Hill and the Fire Station
- Sliver of property north of Icehouse Hill and east of Bayshore Blvd.
- Sliver of property south of Peking Handicraft property, west of Brisbane Technology Park, and east of Guadalupe Canyon Parkway
- City property bounded by Monarch Dr., Mission Blue Dr. and the ball field
- Parcel R on Sierra Point

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

NEW BUSINESS

A. Consider selection process and funding for architectural services for a proposed new library project and creation of a Library Planning Stakeholder Group

Due to the late hour, this item was continued to the meeting of April 2, 2015.

B. Consider authorizing the Mayor to execute an agreement with the County of San Mateo and the San Mateo County Cities for facilitation and coordination of Animal Control Services

Due to the late hour, this item was continued to the meeting of April 2, 2015.

STAFF REPORTS

A. City Manager's Report on upcoming activities

City Manager Holstine said that he had nothing to report.

MAYOR/COUNCIL MATTERS

A. County-wide Assignments/Subcommittee Reports

Due to the late hour this item was continued to the meeting of April 2, 2015

B. Written Communications

CM Lentz referred to the letter from former Planning Commissioner Cunningham asking for reinstatement to the Planning Commission and asked if Councilmembers would like to agendaize consideration of her reinstatement at the next Council meeting.

After some discussion, CM Conway made a motion, seconded by CM Lentz, to discuss the Planning Commission vacancy and how to fill that position at their next meeting.

Councilmembers asked the City Attorney to research what processes were in place, if any, to fill a vacancy and/or reinstate a commissioner.

The motion carried 3-1-1, CM Miller abstaining and Mayor O'Connell voting nay.

C. Consider proposed Council Meeting Schedule for 2015

Due to the late hour this item was continued to the meeting of April 2, 2015.

ORAL COMMUNICATIONS 2

Paul Bouscal thanked the Council for their time and effort they put in to serve the citizens of Brisbane and for approving the Lower Brisbane Acres in the Priority Conservation Area (PCA).

ADJOURNMENT

The meeting was adjourned at 12:22 p.m. in memory of Richard Kabash.