



**BRISBANE CITY COUNCIL**

**ACTION MINUTES**

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**DRAFT**

**NOVEMBER 26, 2012**

*BRISBANE CITY HALL, 50 PARK PLACE, BRISBANE*

**WORKSHOP (Workshop in Large Conference Room)**

**A. Discussion of Council Re-organization**

The workshop convened from 6:45-7:27 p.m. and re-convened from 9:07-10:12 p.m.

**CALL TO ORDER – FLAG SALUTE**

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

**ROLL CALL**

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

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

Councilmember Conway asked that the meeting be closed in memory of Donny McClymond, a long-time Brisbane Public Works employee and resident. He then made a motion, seconded by CM Miller, to adopt the agenda as amended. The motion was carried unanimously by all present.

**ORAL COMMUNICATIONS NO. 1**

Carolyn Parker, member of the Planning Commission, advised the Council that the Planning Commission had recently decided to have a one of their members attend each City Council meeting especially during the period of the Baylands EIR Review.

## **CONSENT CALENDAR**

CM Miller asked to remove Consent Calendar Items A, C, D, & F.

### **B. Approve City Council Minutes of October 15, 2012**

### **E. Adopt Resolution No. 2012-38 declaring certain property surplus and providing for the disposition of such**

CM Miller made a motion, seconded by CM Conway, to approve Consent Calendar Items B & E as proposed. The motion was carried unanimously by all present.

### **A. Approve City Council Minutes of October 1, 2012**

CM Miller proposed rewording on paragraphs three and seven to Old Business Item A dealing with the Water Transfer Term Sheet. He then made a motion, seconded by CM Lentz, to approve the minutes as amended. The motion carried 4-0-1, with CM O'Connell abstaining due to her absence at that meeting.

### **C. Adopt Ordinance 577, amending Section 2.44.020 of the Brisbane Municipal Code concerning location of City Council Meetings**

City Attorney Toppel responded to a communication by a member of the public concerning closed sessions of the Council being held at other locations. He suggested that the ordinance language remain as proposed as it related to regular City Council meetings. He said that the intent of the ordinance was just to update the Brisbane Municipal Code to the current address of where City Council Meetings are held.

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

### **D. Introduce Ordinance No 578, waiving first reading, adding Section 10.40.130 to Chapter 10.40 of the Municipal Code to prohibit vehicular traffic on Lassen Street**

City Attorney Toppel noted that CM Miller had pointed out an error in Section 10.40.130 of the proposed ordinance. He distributed corrected copies that reflected that Lassen Street was located between Humboldt Road and Sierra Point Road.

CM Miller made a motion, seconded by CM Conway, to introduce the Ordinance as amended. The motion was carried unanimously by all present.

**F. Adopt Resolution 2012-41 and GVMID 2012-02 for participation in Bay Area Water Supply and Conservation Agency's (BAWSCA) Bond Issuance to Prepay Capital Debt owed to San Francisco**

Administrative Services Director Schillinger indicated that the purpose of adopting these resolutions was to reduce the amount of money the City of Brisbane and the Guadalupe Valley Municipal Improvement District (GVMID) would need to pay for the purchase of water from BAWSCA by prepaying its portion of a Capital Debt BAWSCA owes to San Francisco. He said that based on information from BAWSCA's financial advisor the City will save between \$1,934 and \$3,288 per year depending on the interest rate on the bonds and that GVMID would save between \$1,775 and \$3,018 a year.

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

**PUBLIC HEARING**

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

Community Development Director Swiecki indicated that there were several ordinances on the agenda tonight dealing with modifications and clarifications to insure that the City's regulations are consistent with State law. He also indicated that many of the proposed revisions deal with technical issues and that staff was recommending that a Council subcommittee be formed to go over the substance and the detail of the proposed changes.

After Councilmembers questions and clarifications, it was the consensus to continue Ordinance No. 566 to a future Council meeting and to appoint a Council Subcommittee at the next meeting.

**B. Consider introduction of Ordinance No. 574 amending Chapter 16.12, Tentative and Final Parcel Maps and Subdivision Maps where required, of the Municipal Code**

Community Development Director Swiecki reported that the purpose of this ordinance was to amend lot merger procedures to be consistent with State Law. He also indicated that the

City's 2007-2014 Housing Element Program H.I.I.e calls for updating the merger ordinance and that the intent of the program was to encourage the provision of new infill housing opportunities by reducing government constraints upon substandard lots that predate the City's minimum lot size standards.

After Councilmember questions and clarifications they asked the City Attorney to add a paragraph to the beginning of the ordinance clarifying its intent.

After opening the public hearing and there being no members of the public wishing to speak, the public hearing was closed. CM Conway then made a motion, seconded by CM Richardson, to introduce the ordinance as amended. The motion was carried unanimously by all present.

**C. Consider introduction of Ordinance No. 575 amending Chapter 16.32, Lot Line Adjustments; Chapter 17.08, R-2 Residential District; Chapter 17.10, R-e Residential District; and Chapter 17.32, General Use Regulations; of the Municipal Code**

Mayor Lentz indicated that he owned a parcel that would be affected by the amendment of this ordinance and stepped down from the Council dais to avoid a conflict of interest.

Community Development Director Swiecki stated that the purpose of this ordinance amendment was to update the Subdivision Ordinance's lot line adjustment procedures to be consistent with current State law, to provide consistency between the Subdivision and Zoning Ordinances regarding the lot merger procedures and modification process, to clarify the Zoning Ordinance's substandard lot provisions, and to amend the Zoning Ordinance to change the dwelling groups from conditional uses to permitted uses in the R-2 and R-3 Districts per the Housing Element.

After Councilmember questions and clarifications, the public hearing was opened.

Carolyn Parker reported on the Planning Commission's discussion in regards to this ordinance.

There being no further members of the public wishing to speak, the public hearing was closed.

CM Conway asked that a paragraph be added to the beginning of the ordinance stating its intent. With that addition, CM Richardson made a motion, seconded by CM Conway, to introduce the ordinance as amended. The motion was carried 4-0-1, Mayor Lentz absent during the vote.

Mayor Lentz returned to the Council dais.

## **STAFF REPORTS**

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

City Manager Holstine reported on street safety, parking, and vehicular issues that would be coming to a future council meeting, the availability on the City's website of the responses received to the Baylands Notice of Preparation, the delayed Community Park Playground dedication, and the recent Samtrans meeting in regards to Bus Route 292.

## **MAYOR/COUNCIL MATTERS**

### **A. Subcommittee Report**

Councilmembers reported on C/CAG Green Business Certification Program, and the Economic Development City Council Subcommittee Meeting.

### **B. Communications**

## **ORAL COMMUNICATIONS**

There were no members of the public wishing to speak.

## **ADJOURNMENT**

At 9:07 p.m. the meeting was adjourned to a continued City Council Workshop and in memory of Donny McClymond. The City Council workshop ended at 10:12 p.m.

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Wendy Ricks  
Deputy City Clerk