



**BRISBANE CITY COUNCIL**

**ACTION MINUTES**

---

**MONDAY, OCTOBER 21, 2013**

*BRISBANE CITY HALL, 50 PARK PLACE, BRISBANE*

**6:30 P.M. CLOSED SESSION**

- A. Conference with legal counsel – Anticipated Litigation; Consideration of initiation of litigation pursuant to Government Code Section 54956.9(c); 1 potential case**
- B. Conference with legal counsel – Existing Litigation; Watkins vs. City of Brisbane, pursuant to Government Code Section 54956.9(c)**

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

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

**ROLL CALL**

|                          |   |
|--------------------------|---|
| Councilmember's present: | Conway, Lentz, and Mayor Miller   |
| Councilmember's absent:  | O'Connell   |
| Staff present:           | City Manager Holstine, Finance Director Schillinger, City Clerk Spediacci, City Attorney Kahn, Public Works Director Breault, Police Chief Macias |

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

CM Conway asked to close the meeting in memory of Nobel Vanover, long-time resident of Brisbane.

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

**REPORT FROM CLOSED SESSION**

City Attorney Kahn reported that there were two items in Closed Session in which direction was given but no action was taken.

## **ORAL COMMUNICATIONS NO. 1**

Lori Liu thanked the Council and City staff for a great Day in the Park event. She also spoke about the Children's Concert at the Library and her support for Measure T on the November ballot.

John Burr also spoke in favor of Measure T. He asked that Council approve the highest tax possible.

## **PRESENTATIONS & ANNOUNCEMENTS**

### **A. Volunteer of the Year Award**

Mayor Miller reviewed the history of volunteerism in Brisbane and announced that this year the Volunteer of the Year award was being presented to Mr. Dan Sorrentino. He talked about his many contributions to the community and then presented him with a plaque.

Mr. Dan Sorrentino, thanked the Mayor and Councilmembers for their recognition. He also thanked his wife Nancy, and his daughter Rita for helping with the recycling program benefiting the schools.

Renee Marmion, P&R Commissioner talked about the many letters that were received in support of Mr. Sorrentino receiving the award.

Clara Johnson also talked about his many accomplishments, particularly with the Community Emergency Volunteers.

Councilmembers thanked Dan for his many contributions.

### **B. Complete Streets Safety Committee Applications due October 29, 2013**

City Clerk Spediacci made an announcement of the October 29th deadline for applications to be received to apply for the Complete Streets Safety Committee.

## **CONSENT CALENDAR**

### **A. Approve City Council Minutes of August 19, 2013**

### **B. Approve City Council Minutes of September 3, 2013**

CM Conway made a motion, seconded by CM Lentz, to adopt the Consent Calendar as presented. The motion was carried unanimously by all present.

## **PUBLIC HEARING (Continued to November 4, 2013)**

- A. Consider introduction of Ordinance No. 579 amending the Brisbane Municipal Code Title 15, Buildings and Construction, Chapter 15.01, Grading, and Title 17, Zoning, Section 17.32.220, "Grading Permit- When Required"; to comprehensively revise the Grading Ordinance, including the addition of revegetation requirements,**

**expansion of the scope of the ordinance, coordination with the HCP, and adoption of additional penalties for violations, and to revise the Zoning Ordinance to clarify the circumstances under which grading permits are subject to Planning Commission review and to establish review criteria upon which the Planning Commission will evaluate grading permit applications. (Staff is recommending continuance of this item until the City Council Meeting of November 4, 2013)**

CM Conway made a motion, seconded by CM Lentz, to continue this item until the City Council meeting of November 18, 2013. The motion carried unanimously by all present.

## **OLD BUSINESS**

- A. Approve the Funding Agreement San Mateo County Transportation Authority Measure A Funds US 101/Candlestick Interchange, and authorize the Mayor to sign the agreement on the city's behalf and Approve the Professional Services Agreement for the 101/Candlestick Interchange Supplemental Technical Studies with consultant Biggs Cardosa Associates Inc., and authorize the Mayor to sign the agreement on the city's behalf**

Public Works Director Breault explained that the two proposed agreements will approve the use of grant funds to perform Supplemental Technical Studies related to the US 101/Candlestick Interchange project, the Geneva Avenue Extension, and the neighboring developments. He said the first agreement was with the San Mateo County Transportation Authority (SMCTA) and the second agreement was with consultant Biggs Cardosa Associates Inc. He then explained the history of the use of Measure A funds and the many pieces of the planning process.

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

## **NEW BUSINESS**

- A. Consider request from the Open Space and Ecology Committee to spend up to \$3,000 for assistance in drafting comments for the Baylands Draft Environmental Impact Report**

Administrative Services Director Schillinger explained that since the Baylands Draft Environmental Impact Report was released on in June of 2013, the Open Space and Ecology Committee had been meeting frequently to review and comment on the document. He said that given the amount of time and energy the Committee has spent on this important document they wanted to make sure their comments are written in an appropriate way which will elicit the most appropriate response. He said the Committee is requesting technical assistance from the consultant, Terry Rivasplata, in an amount not to exceed \$3,000 that could either be funded by the developer, the Open Space Budget, or from General Fund Reserves.

After Councilmember questions and clarifications, CM Conway made a motion, seconded by CM Lentz, to approve the request and extended the same services to the Baylands Citizens Committee

who had also been working diligently on providing comments for many months. The motion was carried unanimously to all present.

## **STAFF REPORTS**

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

City Manager Holstine said he had nothing to report.

### **B. Baylands Use Permit Code Enforcement Status**

City Manager Holstine said that the Council Subcommittee met last week to discuss interim use code enforcement, the air quality plan with the operators, and the application plan and process for the new use permit. He said that staff was collecting additional information and would be meeting with the subcommittee sometime in November with an update to the full Council at its next meeting.

### **C. Update on Baylands Environmental Processing**

City Attorney Kahn gave a summary of the October 15<sup>th</sup> Baylands Subcommittee Meeting. He explained the CEQA Environmental review process, the land use review and planning process and the legal issues associated with them, the many opportunities for public process, and the intent of the Council to have the public vote on the final plan.

## **MAYOR/COUNCIL MATTERS**

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

CM Conway reported on the recent C/CAG meeting and the PG&E update on Gas Line 101.

### **B. Written Communications**

There were no written communications.

### **C. Vacant Bayside Cities/Counties seat on the Governing Board of the San Francisco Bay Restoration Authority**

Councilmembers discussed the opening and agreed to give it some thought to see if any Councilmember was interested in applying for the open seat.

## **ORAL COMMUNICATIONS 2**

There were no members of the public wishing to speak.

## **ADJOURNMENT**

The meeting was adjourned at 9:05 p.m.

City Council Agenda

October 21, 2013

Page 5

  
Sheri Marie Spediacci, City Clerk