



**BRISBANE CITY COUNCIL**

**ACTION MINUTES**

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**CITY OF BRISBANE CITY COUNCIL**

**SPECIAL MEETING AGENDA**

**THURSDAY, NOVEMBER 21, 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 7:32 P.M. and led the Pledge of Allegiance.

**ROLL CALL**

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

Councilmembers absent: Councilmember Conway

Staff Present: Deputy City Clerk Ibarra, City Manager Holstine, Interim City Attorney McMorrow, Director of Administrative Services Schillinger, Community Development Director Swiecki, City Engineer Breault, Police Chief Macias, Deputy Director of Public Works Kinser, and Sustainability Management Analyst Etherton.

**ADOPTION OF AGENDA**

CM Cunningham made a motion, seconded by CM O’Connell to adopt the agenda as it stands. The motion was carried unanimously by all present.

**ORAL COMMUNICATIONS NO. 1**

Clarice Veloso-Lugo from HIP Housing brought the new 2020 HIP Housing calendars for the Council.

Carolyn Parker spoke about sea level rise and asked when the last time the Crocker Park, Brisbane Marina and HWY 101 had forensic analysis done.

## PRESENTATION

### A. **Received Presentation from Universal Paragon Corporation Regarding Proposed Baylands Specific Plan**

Peter Calthorpe, Senior Vice President of HDR |Calthorpe and the urban designer for Universal Paragon Corporation's (UPC) Baylands project, presented on the proposed Baylands Specific Plan. They reviewed the general layout and the future neighborhoods, the heights of structures and roads, renovation of the Roundhouse, and the East side of the project where campuses will be built.

After receiving questions from Council, Greg Vilkin, CEO of UPC, will provide Council with local projects of similar densities as pertaining to the commercial entryway, and also provide the total acreage of street parking lots.

Mayor Davis opened the floor for public comment.

Michelle Salmon is concerned about the height of structures and high-speed rail. She is happy about the Mission Blue Nursery being preserved, but would like to confirm that there is indeed 25% open space.

Michael Barnes would like to see more recreation, such as a BMX trail.

Barbara Ebel would like to see more solar. She states that UPC should not buy carbon credits in order to get to net zero. She would also like to know the final heights of buildings.

Carolyn Parker asked how much solar will be there.

## CONSENT CALENDAR

### A. **Adopt City Council Minutes of October 3, 2019**

### B. **Adopt City Council Special Meeting Minutes of November 7, 2019**

### C. **Accept Investment Report as of October 2019**

CM O'Connell made a motion, seconded by CM Cunningham to approve Consent Calendar items A-C. The motion was carried unanimously by all present.

Ayes: Councilmember Cunningham, Lentz, O'Connell, and Mayor Davis

Noes: None

Absent: Councilmember Conway

## OLD BUSINESS

### A. **Consider Introduction of Ordinance No. 643, to adopt the most recent version of the California Building Standards Codes (Code of Regulations, Title 24 or CBC) and the International Property Maintenance Code, Including Local Fire, Building Energy, and Electric Vehicle Reach Codes**

*(This item was continued from the City Council Meeting of November 7, 2019)*

As Ordinance No. 643 was discussed on November 7<sup>th</sup>, Community Development Director Swiecki reviewed in more depth the purpose of the Reach Codes, which is focused on reducing greenhouse gas emissions. Swiecki also reviewed the differences with Mountain View's recent adoption of Reach Codes.

CM Cunningham asked for more clarification on the reasons for granting exemptions pertaining to new residential developments and new non-residential developments under Building Requirements 15.83.060. Swiecki reviewed the exemptions.

CM Lentz asked for more clarification specifically about commercial kitchens and exemptions. Community Development Director Swiecki clarified. CM Lentz also asked about the exemptions for the Life Sciences, and whether those businesses could have a "sunset" date (when their exemption would end). Interim City Attorney McMorrow said yes, but advised against it.

CM O'Connell would like to remove 15.81.060, Solar Installation Infeasibility Exemption.

After further discussion, Mayor Davis opened for public comment.

Glenn Fieldman and Barbara Ebel discussed one of the main reasons to disallow natural gas for new construction is to stop the underground need for gas pipes thus reducing gas leaks.

Dashiell Leeds is a strong supporter of the Reach Codes, but would like to see the exemption of non-electric fireplaces under 15.83.060 be removed.

Robert Whitehair would like to have economic hardship be removed as an exemption.

Michelle Salmon would like to have all exemptions removed.

After further Council questions and discussion with staff, CM Lentz, CM Cunningham and Mayor Davis did not want to remove the Infeasibility exemption under 15.81.060.

CM Lentz made a motion, seconded by CM Cunningham to Introduce Ordinance No. 643, to adopt the most recent version of the California Building Standards Codes (Code of Regulations, Title 24 or CBC) and the International Property Maintenance Code, Including Local Fire, Building Energy, and Electric Vehicle Reach Codes, but with the omission of the exemptions under Building Requirements 15.83.060.

Ayes: Councilmember Cunningham, Lentz, and Mayor Davis

Noes: Councilmember O'Connell

Absent: Councilmember Conway

## **B. Capital Improvement Plan Review**

*(It is being recommended to review the projects on the City's Capital Improvement Plan and set priorities for the completion of projects. Allocate \$100,000 towards the Pension Trust Fund.)*

Administrative Services Director Schillinger reported that the purpose of this item is to develop a plan to provide for the long-term replacement of infrastructure, and the creation of new amenities for the public.

Before Council questions, Mayor Davis opened public comment to Sherry Goodwin who has to leave early.

Sherry Goodwin stated her support for the retaining wall project on Kings Road.

After some Council questions, Mayor Davis opened for public comment.

Michelle Salmon does not support the no left turn project from San Bruno Avenue onto Bayshore Boulevard. She would like to see a revision where there could be two lanes, one to turn left and one to turn right, as there is no place for a u-turn for more than three miles

Radu Mihaila supports for the retaining wall project on Kings Road.

After more Council discussion, CM O'Connell made a motion, seconded by CM Cunningham to prioritize: \$75,000 for Fire Hydrant maintenance; \$30,000 for Sewer Station upgrades; \$30,000 for a study to determine work needed for a retaining wall at the 400 block of Kings Road; and allocate \$100,000 towards the Pension Trust Fund.

Ayes: Councilmember Cunningham, Lentz, O'Connell and Mayor Davis

Noes: None

Absent: Councilmember Conway

## **NEW BUSINESS**

### **A. Consider Introduction of Ordinance No. 644 to Establish the Brisbane Building Efficiency Program (BBEP) to Reduce the Environmental Impact of Existing Commercial Buildings through Annual Energy and Water Benchmarking, Auditing, Retro-commissioning and/or Retrofits.**

Sustainability Management Analyst Etherton reported that the goal of this item is to set policies that promote ecological sustainability.

Mayor Davis requested clarification on fines and the definition of multi-family structures, including where condominiums fit into the ordinance. Sustainability Management Analyst Etherton and City Engineer Breault reviewed the fines and defined multi-family structures and that condominiums are exempt from the ordinance. Sustainability Management Analyst Etherton will provide Frequently Asked Questions (FAQ's) clearly stating who needs to comply and how they can be in compliance.

Language will be provided to the City Clerk from Public Works to clarify the buildings affected by BBEP.

After some Council questions, Mayor Davis opened for public comment.

Charlene Larson is concerned about the language surrounding condominiums and multi-family structures.

Robert Howard would like more clarification surrounding condominiums and multi-family structures.

Glenn Fieldman spoke to the value of this program and the importance of the ordinance.

Michelle Salmon would like to see that historic buildings be exempt from the ordinance. She also asked whether a person be able to audit their own place.

Sustainability Management Analyst Etherton responded that one could do their own benchmarking, but auditing needs to be done by an independent qualified auditor.

Council requested staff to explore the status of historic buildings and at what level they should participate.

Glenn Fieldman clarified that BBEP will not destroy the historic character of a building, but encourages the owners to make small changes to be more efficient.

Carolyn Parker asked whether the three buildings that would be affected were notified.

Robert Howard again asked for more clarification surrounding condominiums and multi-family structures.

Council directed staff to clarify multi-family housing issue and reasonable exemption for historic buildings.

CM O'Connell made a motion, seconded by CM Cunningham to introduce Ordinance No. 644 as amended with the clarifications to establish the Brisbane Building Efficiency Program (BBEP) to Reduce the Environmental Impact of Existing Commercial Buildings through Annual Energy and Water Benchmarking, Auditing, Retro-commissioning and/or Retrofits.

Ayes: Councilmember Cunningham, Lentz, O'Connell, and Mayor Davis

Noes: None

Absent: Councilmember Conway

## **B. 136 Trinity Road Widening and Cost Sharing**

*(Council will consider whether the City should participate in a cost-sharing arrangement with a private party conditioned to widen a roadway)*

City Engineer Breault reported and gave background on the 136 Trinity Road subject.

After some Council questions, Mayor Davis opened for public comment.

Jerry Kuhel represents the owner of 136 Trinity and addressed the Council to explain the reasoning for the road widening.

Michelle Salmon is concerned that the road widening will impact the trail across from 136 Trinity that allows citizens to access the mountain at that location.

City Engineer Breault stated that it will not impact the trail.

Council continued discussion with staff responding to questions. Council would prefer to only share in the widening of 50 feet of roadway and pay the upfront split cost. They are not interested in widening the road to 200 feet. Money can be allocated to other more important projects.

Staff to bring back the cost mid-year 2020 estimate.

CM O'Connell made a motion, seconded by CM Cunningham to participate in a cost-sharing arrangement with a private party conditioned to widen the roadway for 50 feet on 136 Trinity Road.

Ayes: Councilmember Cunningham, Lentz, O'Connell, and Mayor Davis

Noes: None

Absent: Councilmember Conway

## **STAFF REPORTS**

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

No updates due to the lateness of the hour.

## **MAYOR/COUNCIL MATTERS**

### **A. Countywide Assignments/Subcommittee Reports**

No updates due to the lateness of the hour.

### **B. City Council Meeting Schedule**

The next City Council Meeting is scheduled for December 12, 2019.

### **C. Written Communications**

The following written communications were received by the City Council:

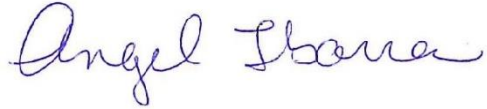
- Clara Johnson (11/11/19) Planning Commission Meeting, Thursday November 14, 2019
- Laurie Borg (11/13/19) Moms Demand Action for Gun Sense in America
- Kelly Traver (11/18/19) Follow up call for "Moms Demand Action for Gun Sense in America"
- Campaign for Fossil Free Buildings in Silicon Valley (11/20/19) Support for Draft Ordinance 644 Establishing the Brisbane Building Efficiency Program
- Bay Area Air Quality Management District (11/21/19) Support for Draft Ordinance 644 Establishing the Brisbane Building Efficiency Program

## **ORAL COMMUNICATIONS NO. 2**

Barbara Ebel said that she disagreed with the removal of the exemption to gas burning fireplaces. She also felt that the solar installation on residential homes should not have an exemption.

## ADJOURNMENT

CM Cunningham made a motion, seconded by CM O'Connell to adjourn the meeting. Mayor Davis adjourned the meeting in memory of Ernie Knolls at 11:45 P.M.

A handwritten signature in blue ink that reads "Angel Ibarra". The signature is written in a cursive, flowing style.

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Angel Ibarra,  
Deputy City Clerk