



BRISBANE CITY COUNCIL

ACTION MINUTES

**DRAFT**

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THURSDAY, NOVEMBER 20, 2014

*BRISBANE CITY HALL, 50 PARK PLACE, BRISBANE*

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

Representatives from the local chapter of the Veterans of Foreign Wars presented the Color Guard. Then Mayor Conway led the Flag Salute and called the meeting to order at 7:32 p.m.

**ROLL CALL**

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

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

Councilmembers proposed moving New Business Item A before the Consent Calendar. With that change, CM Miller made a motion, seconded by CM Lentz, to adopt the agenda as amended. The motion carried unanimously by all present.

**PRESENTATION**

**A. Proclamation honoring Veterans of Foreign Wars**

Mayor Conway read and presented the Proclamation honoring the Veterans of Foreign Wars and thanked the representatives from the local chapter for their dedication and for presenting the Color Guard at the beginning of the meeting.

**NEW BUSINESS (Taken out of order)**

**A. Consider letter from Bay Area Olympic and Paralympic Organization Committee and provide direction to staff**

Mayor Conway introduced Ms. Anne Warner Cribbs, a former Olympic winner and a member of the Bay Area Olympic and Paralympic Exploratory Organizing Committee.

City Manager Holstine said that in July of this year the Mayor and he were approached by members of the Bay Area Olympic Exploratory Organizing Committee who are working on a potential bid for both the Summer Olympic and Paralympic Games of 2024.

He said the exploratory committee is currently evaluating a variety of sites throughout the Bay Area as venues for various events and sports competitions. He said that they have identified the Brisbane Baylands as a potential site for a temporary “pop up” Olympic Stadium that would be used for opening and closing events as well as the Track & Field competition. He noted that the stadium would be torn down and its materials repurposed after the Games end. He also noted that the organizing committee has approached the property owner and is conducting very preliminary and exploratory discussions.

He said that this issue has come before the Council Economic Development Subcommittee and referred to the letter before the Council for consideration.

He made clear that the actual discussions of Brisbane as a potential site for venues was in its very early stages and that any actual proposal would require environmental review as well as a City Council approved land-use permit.

Ms. Anne Warner Cribbs then answered questions posed by the Council and indicated that the Olympic Committee has been meeting with the Universal Paragon Corporation staff. She also described the need for a large stadium to not only host the opening and closing ceremonies, but also to be designed to accommodate Track & Field competitions.

After further Councilmember questions and clarifications, Councilmembers agreed that they had no problem with considering the idea.

CM Miller made a motion, seconded by CM Lentz, to send a letter expressing interest in the concept. The motion passed unanimously by all present.

**ORAL COMMUNICATIONS NO. 1**

Michele Salmon urged the Council to use caution in considering the Olympic proposal and to make sure that the highest level of mitigation on the Baylands would be used if the idea proceeds.

**CONSENT CALENDAR**

CM Lentz asked that all items on the Consent Calendar be removed for further consideration.

**A. Approve City Council Minutes of September 18, 2014**

CM Liu proposed adding language to Page 5 indicating that South San Francisco Scavenger Representatives answered questions from the Council and to make a typographical correction to Page 6 of the minutes. With those changes, CM O'Connell made a motion, seconded by CM Liu, to approve the minutes as amended. The motion carried 4-1, CM Conway abstaining due to his absence at the meeting.

**B. Request of County/City of San Francisco for Brisbane staff to participate in a Technical Advisory Committee (TAC) for the Bayshore Caltrain Station Location Study**

After Councilmembers questions and clarifications to staff as to Brisbane's level of input in the process, CM O'Connell made a motion, seconded by CM Lentz, to approve Brisbane staff's participation in the TAC for the Bayshore Caltrain Station Location Study. The motion passed unanimously by all present.

**C. Authorize the City Manager to enter into a contract and sign the Agreement with the lowest responsive, responsible bidder for the Brisbane Community Pool Renovation**

CM Miller asked that they follow the normal tradition and authorize the Mayor to sign the contract, rather than the City Manager. Other Councilmembers concurred.

With that change, CM Miller made a motion, seconded by CM O'Connell, to authorize the Mayor to execute the agreement with the lowest responsive, responsible bidder for the Brisbane Community Pool Renovation Project. The motion passed unanimously by all present.

**PUBLIC HEARING**

**A. Consider adoption of Resolution No. 2014-46 setting the rate for a capital charge for water and sewer services**

Administrative Services Director Schillinger gave a PowerPoint Presentation and indicated that the City Attorney would explain the Proposition 218 process, Senior Civil Engineer Kinser would outline the Capital Projects requiring funding, and that he would review the funding methodology.

City Attorney Roush explained that the Proposition 218 process requires that a notice be mailed to property owners and rate payers no less than 45 days prior to the Public Hearing. He further explained that the City must consider all written protests against the fee and, if there was a majority protest, the City could not impose the fee or charge.

Senior Civil Engineer Kinser gave a presentation describing how the drinking water and sanitary sewer system operated and then reviewed the Capital Improvement Projects that would be completed, pending the bond issuance. She said these projects included the replacement of the existing proprietary and substandard Supervisory Control and Data Acquisition System

(SCADA), the Glen Park Booster Pump Station Rehabilitation, the Pressure Reducing Valve & Fire Main Upgrade, and the Bayshore Boulevard Underground 8" Force Main Project.

Administrative Services Director Schillinger then talked about the funding for the projects, including the pay-as-you-go method and the borrowing method. He reviewed the three different models that the Council Subcommittee considered, including the Single Rate Per User (Model 1), the "Based on the % of Water Used" (Model 2), and a Graduated Rate with Various Tiers (Model 3). He said that after a careful review the Council Subcommittee was recommending the Tiered Rate Structure which gives the ability to set rates based on usage, get a relatively stable income, allows for a resetting of the rates annually so water conservation is rewarded, assures that higher users pay more, and is moderately easy to administer.

He also indicated that he had received about ten calls and written communications, some relating to the low-income program, all of which he had responded to.

After initial Councilmember questions to staff, Mayor Conway opened the public hearing.

Alex Perez from Altamar at The Ridge expressed his concern over the proposed rate structure and his view that Altamar homeowners would be experiencing a greater increase than others.

Michele Salmon said that the landscaping at the Ridge development uses a large amount of precious water and said that the Mission Blue Nursery could help replace the landscaping with drought resistant plants.

Clara Johnson spoke in favor of a flat rate fee which she said would be easier to administer. She also said that it would have been helpful to understand what improvements were needed before receiving the letter about the rate increase.

Alex Perez from Altamar at The Ridge spoke about the mandatory aspect of maintaining the existing landscaping at Altamar and how that would be affected if the City imposes mandatory conservation measures.

Michele Salmon cautioned that the Ridge is in the Habitat Conservation Plan area and is subject to different regulations.

There being no further members of the public wishing to speak, CM Lentz made a motion, seconded by CM O'Connell, to close the public hearing. Councilmembers then discussed the option of keeping the public hearing open and continuing the matter to the next meeting.

Administrative Services Director Schilling then answered questions from Councilmembers regarding the rate structure and the Council Subcommittee's many meetings where these issues were carefully studied. Councilmembers also discussed the low-income program that was in place to help those in need.

Alex Perez from Altamar at The Ridge questioned the logic of the tiered-rate structure and asked that the Council approve a rate structure that penalizes large-quantity water users.

Camilia from Altamar at The Ridge advocated for a proportionate rate structure where a person using 40 units of water would pay four times the amount of someone using 10 units.

Councilmembers asked questions of staff relating to the issues raised by members of the public. Administrative Services Director Schillinger explained the need for everyone to pay for the fixed costs of operating a water and sewer system and clarified that under the proposed structure people who use the most water do pay more.

CM Miller asked that information in regards to the improvements, rate structure, and increase be available on the City's website. Other Councilmembers concurred.

After further Councilmember discussion, Mayor Conway noted that CM Lentz had made a motion, seconded by CM O'Connell, to close the public hearing. The motion passed unanimously by all present.

CM O'Connell then made a motion, seconded by CM Liu, to adopt Resolution No. 2014-46 as presented. The motion carried unanimously by all present.

## **OLD BUSINESS**

- A. Consider adopting Resolution no. 2014-40 directing staff to forward the Draft 2015-2022 Housing Element to the California Department of Housing and Community Development (HCD) to review**

Community Development Director Swiecki reported that there had been two previous City Council meetings where this issue was discussed and that at the last meeting Councilmember's agreed to send any questions or proposed changes regarding the Housing Element Policies to staff for response. He indicated that the written response to those questions and changes were provided to the Council and the public in the agenda packet distributed prior to this meeting.

Councilmembers discussed the proposed rezoning and issues related to minimum and maximum density, building height limits, mixed use, the penalties and process of not complying with the State's requirements or deadlines, and legal ramifications.

CM Miller referred to the revisions of the policies and programs proposed by staff in response to his suggestions. Councilmembers reviewed and discussed those proposed changes and concurred with the revisions.

CM Liu also made two suggested language changes to Program HI.1.B & C to eliminate language regarding secondary dwelling units at Landmark at the Ridge. Other Councilmembers concurred.

Anja Miller expressed her concern with the proposed zoning changes to Crocker Park and stated that an EIR should have to be conducted if housing was allowed in the Industrial Park. She urged the Council to take more time to come up with a better rezoning scenario.

Michele Salmon expressed her concern over the proposed rezoning and the height of buildings that could occur in the Crocker Industrial Park. She said she'd rather see higher density in places that already have housing.

Community Development Director Swiecki and Senior Planner Johnson used an excel spreadsheet to show how the various re-zoning scenarios discussed by Council would affect the Regional Housing Numbers Allocation (RHNA) numbers.

Michele Salmon spoke of her concern with playing a numbers game with the State and urged Councilmembers to consider changes to the Planning Commission's recommendation.

CM Miller objected to the high density overlay proposal for the commercial warehouses on Park Lane. He argued that it was a mistake for two reasons. First, it potentially removes fiscally viable commercial properties from the tax rolls. Second, it potentially places large numbers of residents in the middle of a warehouse district with 24 hour-a-day noise and pollution – an unhealthy environment. He said that this is especially true for the biggest and most westerly of the three properties involved. He said that if the focus remained on this area of the City, then the proposed rezoning of the Brisbane Village parcel should continue to be mixed use as was the case in the last Housing Element. Furthermore, CM Miller argued that other locations, where the prospect for housing is more realistic, should be investigated. He suggested Sierra Point and the Levinson property. He said that allowing some housing at the Main Street base of the Levinson property could provide leverage for obtaining a substantial part of this property as dedicated open space as envisaged in the Open Space Plan.

Councilmembers continued to discuss various changes to Planning Commission's recommended zoning changes and also about the upcoming deadlines imposed by the State.

After some discussion, Mayor Conway proposed going forward and approving the Planning Commission's recommendations with the language changes to the policies and programs discussed earlier. CM Miller and O'Connell expressed their desire to continue to consider other rezoning scenarios.

After further Councilmember questions and clarification, CM Lentz made a motion, seconded by CM Liu, to adopt Resolution No. 2014-40 with the attached changes proposed by CM Miller and CM Liu. The motion passed 3-2. CM Miller and CM O'Connell opposed.

## **STAFF REPORTS**

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

City Manager Holstine said that the notes from the Economic Development Workshop were before them on the dais. Councilmember's agreed to look them over and give any changes to staff before staff posting them on the City's website.

## **MAYOR/COUNCIL MATTERS**

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

Councilmembers gave updates on the Subcommittee Meetings regarding Economic Development, Health and Safety, and Baylands Sustainability.

**B. Written Communications**

Councilmembers discussed responding to issues raised on Social Media sites. After some discussion, it was decided to post a statement on non-City forums, directing citizens to the City's Website or Facebook Page for an official City response to issues raised.

**C. Set date and time to discuss Council Re-organization**

Councilmembers concurred that CM O'Connell would be the next Mayor and that CM Lentz would be the next Mayor Pro Tem and that no meeting was necessary in advance of the Reorganization to discuss that issue.

**ORAL COMMUNICATIONS 2**

There were no members of the public wishing to speak.

**ADJOURNMENT**

The meeting was adjourned at 11:56 p.m.

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Sheri Marie Spediacci  
City Clerk