



**BRISBANE CITY COUNCIL**

**ACTION MINUTES**

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**MONDAY, NOVEMBER 5, 2012**

*BRISBANE CITY HALL, 50 PARK PLACE, BRISBANE*

**6:00 P.M. CLOSED SESSION**

- A. Liability Claims; Khalil Jaser; pursuant to Government Code Section 54956.95**
- B. Conference with real property negotiator regarding 185 Visitacion, pursuant to Government Code Section 54956.8**
- C. Conference with real property negotiator regarding a portion of public right-of-way adjoining parcel 007-521-030, pursuant to Government Code Section 54956.8**

**CALL TO ORDER – FLAG SALUTE**

The meeting was called to order at 7:34 and Mayor Lentz led the flag salute.

City Attorney Toppel indicated that the claim presented in closed session was denied and that there was no other action taken.

**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)**

CM Conway made a motion, seconded by CM Richardson, to move Item C of New Business before Item A since there were citizens present for that item. After further discussion, CM O'Connell made a motion, seconded by CM Conway, to move New Business before the Public Hearing and to move the Update on Notice of Preparation for Baylands project under Staff Reports to be

immediately after the Consent Calendar due to citizens present to speak on that issue as well. The motion was carried unanimously by all present.

## **ORAL COMMUNICATIONS NO. 1**

Michele Salmon spoke of her concern about the closed session item regarding a public right-of-way in Crocker Industrial Park.

Nancy Lacsamana, thanked Council and staff for their assistance in getting SamTrans bus to Jefferson High School extended to stop at Westmoor High School and asked for continued support in protesting SamTrans proposal to cut service on the 292 bus route.

Sony Koya, South San Francisco resident, indicated his protest for SamTrans proposed route changes and asked for support at the next SamTrans board meeting on November 14<sup>th</sup> at 2:00 pm.

Claudia Crook, stated her concerns with the 292 SamTrans Bus Route service cuts.

Michele Salmon, asked Council to take a more proactive approach with Sam Trans and asked that all information regarding SamTrans routes and these proposed service plan changes be available on the City's website.

Councilmembers and staff indicated that they were working with SamTrans on these issues and encouraged citizens to attend the SamTrans meeting on November 14<sup>th</sup> to make their concerns heard.

Tara Madden, ask that Council consider a 24 hour vendor machine outside City Hall to make sodas, snacks, toiletries, etc. available around the clock.

## **CONSENT CALENDAR**

CM Conway asked to remove Item B.

- A. Approve City Council Minutes of September 17, 2012**
- C. Introduce Ordinance No. 577 amending Section 2.44.020 of the Municipal Code concerning location of City Council Meetings**
- D. Approve Swimming Pool Energy Efficiency Analysis and Recommendation**

CM Richardson made a motion, seconded by CM Miller, to approve Items A, C, & D. The motion was carried unanimously by all present.

- B. Receive update and approve the use of Peckham & McKenney professional services for the recruitment of a City Attorney**

CM Conway asked for clarification that the full Council would interview the finalists. Councilmembers concurred with this understanding. He then made a motion, seconded by CM Miller, to approve the contract. The motion was carried unanimously by all present.

## **STAFF REPORTS**

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

#### **- Update on Notice of Preparation for Baylands project**

CM Holstine explained that a Notice of Preparation (NOP) was reissued based on an identified water supply. He indicated that the due date for comments to be received is November 21st.

Councilmembers expressed their concern that the NOP did not clearly reflect the wording in the recently approved Water Transfer Term Sheet, their concerns with the way the Renewable Energy Alternative was being studied in the Draft Environmental Impact Report (DEIR), and the inclusion of the Environmental Protection Agency/National Renewable Energy Laboratory feasibility study in the DEIR.

Michele Salmon, advocated that the same attention and importance to be given to the Renewable Energy Alternative as for any of the other proposed alternatives.

Anja Miller, distributed a letter for the record outlining the continuing concerns held by the Committee for Renewable Energy in the Baylands (CREBL), specifically that the proposed Renewable Energy Alternative is not being seriously considered in the Baylands EIR review process and that the EPA/NREL study be incorporated by reference as an appendix of the DEIR. She asked that Council take appropriate action to direct such measures before the DEIR is released.

Michele Salmon, asked if the NOP was still being covered under the CEQA process.

John Christopher Burr, stated his concerns about the public's position in the CEQA process, the toxic conditions on Baylands, the EIR consultant's lack of sensitivity to citizen's needs, and the global climate crisis.

Clara Johnson, asked that the reissued Notice Of Preparation be revised to more clearly reflect the wording of the recently approved Term Sheet. She asked that the Renewable Energy Alternate be considered at the same level of detail as all of the other alternatives.

Staff answered questions the responded to the various concerns raised by Councilmembers and members of the public.

Linda Dettmer questioned the known disclosure of the UPC property owners when the property was bought. She advocated for renewable energy and cautioned against building housing on a brownfield site.

After further discussion CM Miller made a motion, seconded by CM O'Connell, that the Council submit a comment letter in response to the NOP, directing that any discussions regarding a future

water transfer agreement clearly and accurately reflect the City Council's actions in approving the term sheet, reiterating the need that the Renewable Energy Alternative be analyzed in a thorough manner, and requesting that the Environmental Protection Agency/National Renewable Energy Laboratory Feasibility Study to be included with in the DEIR as an appendix, if finalized in time. The motion carried unanimously by all present.

CM Holstine suggested that the memo circulated by CM Miller prior to the meeting be put in a letter form and be signed by the Mayor. Councilmembers agreed to this approach.

## VIII. NEW BUSINESS

### **C. Consider authorizing the City Manager to execute a License Agreement with Seven Mile House Sports Bar & Grill to use a portion of the public right-of-way adjacent to the bus stop improvement project for outdoor dining**

Community Development Director Swiecki indicated that the 7 Mile House Sports Bar & Grill had requested permission to use the sidewalk area in front of their restaurant for outdoor dining. He outlined the detail of the license agreement.

CM Richardson made a motion, seconded by CM Conway, to authorize the agreement

CM Miller questioned the police chief about the closing hour of the outside patio area. Police Chief Macias indicated that she was comfortable with the hours that the applicant proposed. CM Miller stated his concerns about the late hour and asked that a review process be built in to make sure that any potential problems with the hours could be addressed if necessary. Councilmembers agreed to review the license agreement in 6 months and add that language to the agreement.

Clara Johnson asked if the dining area would impede pedestrians at the bus stop and if the project was ADA compliant. Staff responded that the area would not impede pedestrians at the bus stop and that the project was ADA compliant.

With the addition proposed by CM Miller, the motion carried unanimously by all present.

### **A. Receive report on follow up to Parking and Pedestrian Issues and provide direction to staff**

City Manager Holstine gave a historical background of issues relating to streets, parking, and street design. He also spoke about recently-held meetings with concerned members of the community over parking requirements for new construction, the white line program to promote emergency vehicle access, non-use of garages for storage of vehicles, stop signs, the safe route to schools program, and other concerns. He talked about various approaches to resolve some of these issues including the use of the current Traffic Advisory Committee, the creation of a Council subcommittee, the formation of a new citizens committee, or a hybrid of any of the above. He asked that Council give direction of whether these issues should be addressed and if so, how they would like to proceed.

Clara Johnson cautioned that this is a very important and personal issue to people. She advised that it should only be tackled when time was available to make a thorough review.

Anja Miller said that this issue should be solved incrementally and with the use of Council appointed committees or citizens committees that could provide recommendations to the Council.

Colleen Mackin advocated for solving the problem before it gets worse by using the Traffic Advisory Committee.

Michele Salmon observed that the issue is very complicated and indicated that speeding was a primary issue.

Councilmembers discussed the various issues raised and the different committee scenarios that could be utilized to work through a resolution to the problems. They also discussed the need to establish a structure for a committee, a determination of what exactly the group would be working on, and rules and procedures that would be followed, such as how often they should meet.

Due to the late hour, this item was continued to the next City Council Meeting for further discussion.

**B. Consider directing the Parks and Recreation Commission to develop an ordinance which would provide a method to fund public art**

Administrative Services Director Schillinger reviewed the background of the Parks and Recreation Commission creating a Public Art Funding Subcommittee. He indicated that the Commission thought the idea of a method to fund public art was worth further exploration and was requesting the City Council's permission to develop an ordinance which would meet the needs of the community.

After Councilmember discussion and staff clarification, CM Richardson made a motion, seconded by CM Conway, to refer this matter to the Parks and Recreation Commission to discuss and provide a recommendation to Council. The motion passed unanimously by all present.

**VII. PUBLIC HEARING**

**A. Consider adoption of Resolution No. 2012-37 amending the 2012/2013 Master Fee Schedule to increase the aquatics fees**

Administrative Services Director Schillinger indicated that during the budget adoption process the City Council requested that the Parks and Recreation Commission review the programs and fees offered by the Department and that the first area that was reviewed was for the Swimming Pool. He reviewed the various increases that were being proposed by the Commission.

After Councilmember questions and clarifications, the Public Hearing was opened.

Anja Miller indicated that she supported the proposed increases.

After closing the public hearing, CM Richardson made a motion, seconded by CM Miller, to adopt Resolution No. 2012-37 as proposed. The motion was carried unanimously by all present.

- B. 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**

Due to the late hour this item was continued to the City Council Meeting of November 26, 2012.

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

Due to the late hour this item was continued to the City Council Meeting of November 26, 2012.

- D. 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**

Due to the late hour this item was continued to the City Council Meeting of November 26, 2012.

## **STAFF REPORTS**

- A. City Manager's Report on upcoming activities**
  - Status report on Yard Waste Collection Day**

Senior Human Resource Analyst Saguisag-Sid gave a report about the upcoming Yard Waste Collection Day on November 17<sup>th</sup> and 18<sup>th</sup>.

## **MAYOR/COUNCIL MATTERS**

- A. Subcommittee Report**

There were no subcommittee reports.

- B. Communications**

There were no communications.

- C. Discuss proposed City Council Meeting Schedule**

Councilmembers approved the proposed schedule and decided to add a City Council Budget Workshop Meeting on Tuesday, November 20<sup>th</sup> beginning at 6:30 p.m.

**ORAL COMMUNICATIONS**

There were no members of the public wishing to speak.

**ADJOURNMENT**

The meeting was adjourned at 11:40 p.m.

A handwritten signature in cursive script, appearing to read "Wendy Ricks".

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Wendy Ricks, Deputy City Clerk