



**CITY COUNCIL/REDEVELOPMENT/GVMID**

**MINUTES**

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**January 5, 2009**

*BRISBANE CITY HALL, 50 PARK PLACE, BRISBANE*

**CLOSED SESSION**

- A. Conference with labor negotiator regarding all bargaining units, pursuant to Government Code Section 54957.6**

At 7:00 p.m., the City Council met in closed session to discuss collective bargaining issues.

**CALL TO ORDER/FLAG SALUTE**

Mayor Richardson called the meeting to order at 7:31 p.m. and led the flag salute.

**ROLL CALL**

Councilmembers present: Barnes, Bologoff, Conway, Waldo, and Mayor Richardson  
Staff present: City Manager Holstine, Police Commander Macias, Community Development Director Prince, Deputy City Manager/Administrative Services Director Schillinger, Parks and Recreation Director Skeels, City Clerk Spediacci, Principal Planner Swiecki, City Attorney Toppel, Marina Services Director Warburton

**ADOPTION OF AGENDA**

CM Conway made a motion, seconded by CM Barnes, to adopt the agenda as proposed. The motion was carried unanimously by all present.

**PRESENTATIONS**

- A. Libby Wilson – San Mateo County Youth Advisory Commission (YAC)**

Mayor Richardson congratulated Libby Wilson on her appointment to the San Mateo County Youth Advisory Commission and invited her to make a presentation to the City Council.

Ms. Wilson distributed copies of the Children's and Youth Bill of Rights drafted by the Youth Advisory Commission and approved by the County Board of Supervisors. She asked that the Brisbane City Council adopt and endorse the Bill of Rights.

James Pollock, member of the Youth Advisory Commission, explained the origin and purpose of the ten-point Bill of Rights. Ms. Wilson highlighted key provisions in the Bill of Rights.

CM Conway recommended submitting the document to the staff so it can be included on a future agenda.

- B. Mayor's Art Achievement Award**
- 1. Ray Beldner, Visual Artist**
  - 2. Michael Grebanier, Performing Artist**
  - 3. Sharon Grebanier, Performing Artist**

Mayor Richardson read brief biographies of Ray Beldner, Michael Grebanier, and Sharon Grebanier. She congratulated the artists and presented each with an award. Councilmembers, staff, and audience members applauded the award recipients. The artists thanked the City for the recognition.

Mayor Richardson invited artists, guests, and members of the public to join the Council for refreshments in the lobby. At 7:43 p.m., the City Council took a brief recess.

Mayor Richardson reconvened the meeting at 7:55 p.m.

## **ORAL COMMUNICATIONS NO. 1**

Anja Miller, Brisbane resident, wished the City Council a happy new year. She commended the City for adopting the green building ordinance, but expressed her opinion that the LEED Silver standard was inadequate to ensure that future developments include renewable energy. She urged the Council to strengthen the green building ordinance. Ms. Miller observed that the new development proposed for Sierra Point has no renewable energy components.

Ms. Miller noted that LEED standards were currently being amended nationwide. She said she understood the current ordinance has a provision automatically adopting the latest standard, and she recommended going further and considering a LEED "plus" standard, as proposed by the Open Space and Ecology Committee.

CM Conway recalled that the Council's intent was to revisit the provisions of the green building ordinance from time to time, and he suggested placing this topic on a future City Council agenda.

Other Councilmembers agreed.

Dana Dillworth, Brisbane, informed the City Council that the southern part of the railyard has been cleared so people can use the area as a remote control racecar track. She said killdeer are nesting at this time of year and their eggs are getting run over by cars. She requested that the City close off the area and post signage warning about disturbing migratory bird habitat.

Ms. Dillworth advised that she had some aerial photographs of the Baylands she wanted to submit for the Council's review as part of the open space planning process.

City Manager Holstine noted that the racecar activity was taking place on private property. He said the staff will contact the property owner.

#### **CONSENT CALENDAR**

Councilmembers requested that Items B, E, and I be removed for further discussion.

- A. Adopt City Council Minutes of November 17, 2008**
- C. Adopt City Council Minutes of December 1, 2008**
- D. Receive report from Open Space and Ecology Committee on annual accomplishments**
- F. Authorize the Mayor to execute an agreement between the County of San Mateo and the City of Brisbane to toll statutes of limitations for claims regarding property tax administration fees**
- G. Adopt Resolution No. 2009-02 adding the classification of Director of Marina and Aquatic Services to the Class Specification Manual and adopt Resolution No. 2009-03 amending the Memorandum of Understanding between the City of Brisbane and the Executive Management Employees Group, adding the classification of Director of Marina and Aquatic Services**
- H. Adopt Resolution No. 2009-04 amending the current Memorandum of Understanding between the City of Brisbane and the Police Commander Association effective July 1, 2008 through June 30, 2010**

CM Barnes made a motion, seconded by CM Waldo to approve Items A, C, D, F, G, and H. The motion was carried unanimously by all present.

**B. Adopt City Council Minutes of November 23, 2008**

CM Barnes recommended including the following in the next-to-last paragraph on Page 3:  
“Mayor Barnes observed that a public campaign by community organizations that would stand to benefit from this change, such as Brisbane Dance Workshop, Mothers of Brisbane, Friends of the Brisbane Library, and parents of teens who go to the Teen Center, could help change people’s opinions in favor of a redevelopment agency. He said between community organizations, some businesses, and even individuals, there may be a critical mass to overcome objections by promoting the benefits to the community.”

CM Waldo made a motion, seconded by CM Barnes, to adopt the November 23 minutes with amendment. The motion was carried unanimously by all present.

**E. Accept low bid in the amount of \$4,944 from Mountain F. Enterprises for removal of eucalyptus trees at 94 Paul Avenue and authorize the City Manager to execute the contract**

CM Barnes made a motion, seconded by CM Bologoff, to accept the low bid and authorize the contract as proposed. The motion was carried, 3 – 0 (CM Conway and CM Waldo abstaining).

**I. Introduce Ordinance No. 536 adding Chapter 8.44 to the Brisbane Municipal Code concerning skateboard parks**

CM Barnes noted a new state law requires cities to adopt regulations requiring users of skate parks to wear helmets and protective equipment. He proposed reducing the fines to \$5 for a first offense, \$10 for a second, and \$20 for a third. He said the purpose of the ordinance is to limit the City’s liability for injuries, and harsh penalties are not likely to make a difference.

Police Commander Macias stated that most skate park users wear helmets and protective equipment, but some parents are unable to afford the extra equipment.

CM Barnes recommended not unduly discouraging kids from using the skate park.

CM Conway made a motion, seconded by CM Bologoff, to introduce Ordinance No. 536 with the reduced fees proposed by CM Barnes. The motion was carried unanimously by all present.

**PUBLIC HEARING**

**Joint Public Hearing with City Council and Brisbane Public Financing Authority**

Administrative Services Director Schillinger noted that the documents before the City Council reflect the financing plan the Council approved at the last meeting to pay for the City Hall remodel project. He said the City would finance \$1,900,000 through a lease revenue bond. He advised that the staff recommends using an underwriting for a negotiated sale rather than a competitive sale.

Administrative Services Director Schillinger explained that the resolutions put a mechanism in place that will allow the City to take advantage of the best interest rates and terms when they become available. He observed that the current demand for municipal bonds was extremely low.

Administrative Services Director Schillinger noted that one of the “whereas” clauses on the second page of the resolution was inadvertently included and should be deleted.

CM Conway asked how much bond debt was currently outstanding. Administrative Services Director Schillinger said the City issued approximately \$4.5 million in bonds a few years ago for water and sewer, \$2 or \$3 million in revenue bonds, and \$5 million for the previous City Hall bond issue.

CM Conway asked questions about entries on the financial statements and pointed out some errors. Administrative Services Director Schillinger said the financial statements would be revised.

- A. Consider adoption of Brisbane City Council Resolution No. 2009-01 approving proceedings to provide for the financing of the completion of renovations and improvements to, and expansion of, Brisbane City Hall, approving the issuance and sale of lease revenue bonds by the Brisbane Public Financing Authority for such purpose and approving related documents and official actions**

Mayor Richardson opened the public hearing and welcomed comments from audience members. There being no members of the public who wished to address the City Council, CM Conway made a motion, seconded by CM Waldo, that the public hearing be closed. The motion was carried unanimously by all present and the public hearing was closed.

CM Barnes made a motion, seconded by CM Conway, to adopt Resolution No. 2009-01, with the deletion of the “whereas” clause at the top of Page 2. The motion was carried unanimously by all present.

- B. Consider adoption of Brisbane Public Financing Authority Resolution FA**

**2009-01 authorizing the issuance and sale of lease revenue bonds to provide for the financing of the completion of renovations and improvements to, and expansion of, Brisbane City Hall, and approving related documents and official actions**

Mayor Richardson opened the public hearing and welcomed comments from audience members. There being no other members of the public who wished to address the City Council, CM Conway made a motion, seconded by CM Waldo, that the public hearing be closed. The motion was carried unanimously by all present and the public hearing was closed.

CM Conway made a motion, seconded by CM Waldo, to adopt Resolution FA 2009-01 as proposed. The motion was carried unanimously by all present.

**NEW BUSINESS**

**A. Review existing agreement with the Altamar at the Ridge Owners Association regarding billing for water and sewer service and provide direction to staff**

Administrative Services Director Schillinger noted that in August 2000, the City signed an agreement with the Altamar Homeowners Association to read individual meters in the condominium units instead of billing the association from a main meter and having the association allocate the costs among homeowners. He said the 2000 agreement allows the City to charge \$6 per individual meter read, with the ability to increase the fee as needed. He estimated that the meter-reading fee generates approximately \$7,800 in annual revenues for the water and sewer fund. Administrative Services Director Schillinger welcomed guidance from the City Council.

CM Waldo asked if the staff recommended any changes. Administrative Services Director Schillinger responded that the staff is not recommending any change, and services are being provided efficiently. He explained that Kevin McHenry, president of the homeowners association, approached the City in November of 2008 about eliminating the agreement.

CM Conway pointed out that lowering the fee would reduce water and sewer fund revenues. He said he and CM Bologoff spent considerable time reviewing the current rate structure, and he expressed unwillingness to take any action that would reduce revenues.

CM Conway made a motion, seconded by CM Waldo, to make no adjustment in the rates at this time.

Kevin McHenry, board president, Altamar at the Ridge Homeowners Association, said the reason

homeowners want the contract eliminated is because the agreement is inherently discriminatory against Altamar at the Ridge. He said no other residents of Brisbane are charged for water meter reading. He noted that the 1990 agreement was negotiated by the developer, but it is not fair to homeowners. Mr. McHenry stated that homeowners are willing to pay reasonable fees for services, but \$8,000 per year is too high.

Mr. McHenry observed that the agreement requires the association to guarantee water bills for 214 residents, and the association has incurred thousands of dollars in costs that have never been reimbursed. Again, he noted, there are no other parts of Brisbane that guarantee payment of water bills for residents, another indication of how the agreement is discriminatory.

Mayor Richardson said she understood the association had been paying higher meter-reading rates to a private contractor prior to negotiating the agreement with the City. Mr. McHenry said he thought the difference was insignificant.

City Manager Holstine recalled that the association was paying \$8 to \$9 per reading, and the contractor was not performing satisfactorily. He said this situation is what led the association to seek an agreement with the City. He pointed out that the \$6 fee has not been increased since 2000.

City Attorney Toppel clarified that the reason for the guarantee provision was to limit the City's exposure when individual meters were installed. CM Waldo added that the condominium association remains liable for the entire water bill, regardless of how the charges are split and billed to individual unit owners.

Mr. McHenry asked why Viewpointe was receiving different treatment. He requested that the City reconsider its position.

Mayor Richardson recommended that the Council's Water and Sewer Subcommittee discuss this issue.

City Manager Holstine said Viewpointe had individual meters from the start, unlike Altamar, and residents there have always been billed like single-family homes.

Carolyn Parker, board member, Altamar at the Ridge Homeowners Association, explained that the association has no ability to shut off water when people do not pay their bills. She recommended changing that part of the agreement to have the City of Brisbane turn water off in units with unpaid bills.

City Manager Holstine said he understood the association's concerns and would talk with the

staff about producing more timely water bills.

CM Conway asked if residents pay a base charge to cover meter reading and billing. Administrative Services Director Schillinger said administrative costs are built into the rates but they are no longer called “base charges.”

**B. Receive City of Brisbane Financial Update – Review of Five-Year Budget Projections**

Administrative Services Director Schillinger presented his latest five-year financial projections for the City. He noted the Dow Jones has declined to one third of its highest level and the state is anticipating a huge deficit. He drew attention to the adjustments in his assumptions about property tax revenues, sales tax growth, and room taxes. He reviewed projected expenditures and discussed increases in PERS rates and postponements in retirements.

Administrative Services Director Schillinger referred to the chart on the second page of his written report showing projected fund balances over the next five years, assuming voters approve an increase in the transient occupancy tax on next November’s ballot. He observed that the City will still be operating at a deficit of about \$1.3 million, and the staff will be coming back with suggestions for how best to close that gap in the next two-year budget. Administrative Services Director Schillinger recommended reducing expenses, which could entail cutting back on some City services.

Mayor Richardson commended the City for its prudent investment and reserve policies, which have made Brisbane healthier financially than many other cities. Administrative Services commented that the conservative approach taken by this City Council and the foresight of previous Councils were important factors. He added that the staff has also been diligent about cutting expenses wherever possible, and he cited some particular examples.

CM Barnes asked about Brisbane’s prospects for revenue growth over the coming years. Administrative Services Director Schillinger said the Baylands development, the biotech development, and the new office buildings at Sierra Point will increase revenues. He noted that Measure T provides an incentive to attract new businesses that generate sales taxes to come to Brisbane. He expressed optimism about future revenue opportunities.

Mayor Richardson thanked the staff for their support and assistance. She expressed her appreciation to three former Brisbane mayors in the audience, Clara Johnson, Anja Miller, and Ray Miller, for their contributions to the City.

**C. Receive Baylands Planning Process Update and authorize staff to move**

**forward with the work program**

Community Development Director Prince noted that in December, the City Council appointed a subcommittee to make recommendations regarding the continued processing of the Baylands specific plan, and he noted the staff report details the subcommittee's recommendations.

Community Development Director Prince said the subcommittee looked at four issues: public space planning, community alternative, community survey, and sustainability analysis. He said the Council also authorized hiring a consulting firm to assist with the planning process for the public space.

Community Development Director Prince recommended holding a workshop with the consultant and a panel of experts on January 26. He said the consultant can meet with the City's advisory groups during the month of February, and then return to the Council with a draft plan in March.

Community Development Director Prince reviewed the steps leading to the development of the three alternatives to the project proposed in the Baylands specific plan. He said the City Council still needs to select the final draft alternative.

Community Development Director Prince noted that the subcommittee discussed having a community survey regarding alternatives and concluded it would be best to survey people after the draft environmental impact report (EIR) has been published.

With respect to the sustainability analysis, Community Development Director Prince reported that the EIR consultant met with the staff and subcommittee to identify the issues that will be considered in the environmental review. The subcommittee recommends that the City Council establish a joint committee consisting of members of the Planning Commission and Open Space and Ecology Committee to review and make comments on the sustainability aspects of the EIR.

Community Development Director Prince discussed use of life cycle assessment and life cycle costing in evaluating sustainability. He said the Council may want to require an alternative life cycle method for specific projects.

Ray Miller, Brisbane, talked about information he learned at an Association of Bay Area Governments (ABAG). He said LEED now has a set of green standards for evaluating an entire project, and the standards are now being tested in pilot projects throughout the U.S., including some in the Bay Area. He stated that the communities of Sonoma Mountain Village and Angwin Echo Village are incorporating sustainability measures in their EIR's, which are due to be released within the next few weeks. He recommended waiting to obtain their information and investigating the new LEED green neighborhood standards.

CM Conway said the subcommittee and consultant discussed the Sonoma Mountain and Angwin EIR's.

Joan Douglas Fry, project manager and EIR consultant, advised that the Angwin EIR had been delayed and was due in two or three months, and the Sonoma Mountain Village EIR should be released at the end of January.

Clara Johnson, Brisbane resident, emphasized the importance of incorporating sustainability, and also making sure the measurements adequately address real sustainability. Ms. Johnson noted that the Open Space and Ecology Committee spent considerable effort developing an Open Space Plan for the City, and she questioned the need to start over. She said that if the City proceeds to develop a new master plan before identifying a community alternatives, the community's choices will be limited. She recommended doing the preliminary analysis before the preferred community alternative, and deciding on the preferred community alternative before a draft EIR.

Ms. Johnson expressed support for having a community survey. She also encouraged the Council to consider having a "Have Your Say Day" for face-to-face input from the public.

CM Conway clarified that the Open Space Plan would be included in the Baylands analysis, and the new plan would be a refinement rather than starting over.

Community Development Director Prince said the preferred community alternative will be defined before the EIR. He noted that the General Plan requires a minimum of 25 percent open space at the Baylands, which natural sites, public open space, and open areas. He commented that the staff plans to involve the City's economic consultants to address long-term sustainability issues.

CM Conway noted that the City Council expected to be revisiting the green building ordinance, and the new LEED green building standard could be incorporated as part of the revision of the green building ordinance.

Mayor Richardson expressed support for having a "Have Your Say" Day to gather input from the public.

CM Conway drew attention to the flow chart in the staff report illustrating the steps in Baylands planning process, and Community Development Director Prince showed that slide on the overhead screen. Community Development Director Prince reviewed what had been done so far and described the next steps and estimated time frames. He observed that there will be ample

time to consider the new LEED standards and the sustainability provisions in EIR's for other projects. Community Development Director Prince pointed out that after the draft EIR is released, the Council can appoint a subcommittee to develop a community survey.

Steve Hanson, Universal Paragon Corporation, expressed support for the process outlined by the staff. He noted that UPC has five LEED-certified people working on the Schlage Lock site, and similar expertise will be employed for the Baylands development. Mr. Hanson stated that UPC just submitted a lengthy technical report addressing geotechnical and building issues. He urged the City Council to publish the draft EIR by the end of the year.

CM Barnes noted that public input at planning sessions was the impetus behind creating a master plan for the open space. He emphasized the importance of defining the community's needs to make sure they are addressed in the EIR.

City Manager Holstine recommended that the City Council approve the schedule and plan described in the staff report.

CM Barnes made a motion, seconded by CM Bologoff, to authorize the staff to proceed with the Baylands work program as proposed. The motion was carried unanimously by all present.

## **STAFF REPORTS**

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

City Manager Holstine said he had nothing to report.

## **MAYOR/COUNCIL MATTERS**

### **A. Subcommittee reports**

CM Bologoff reminded everyone of the dedication of the new bike lane, scheduled for Saturday, January 10, at 10:00 a.m., and the Quarry Road clean-up event that same day.

Mayor Richardson summarized the actions taken by the City Council on each agenda item.

## **ORAL COMMUNICATIONS NO. 2**

There were no members of the public who wished to address the City Council.

## **ADJOURNMENT**

There being no further business, CM Waldo made a motion, seconded by CM Conway, that the meeting be adjourned. The motion was carried unanimously by all present and the meeting was adjourned at 9:56 p.m. with no announcements.

ATTEST:

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Sheri Marie Spediacci  
City Clerk