



CITY COUNCIL/REDEVELOPMENT/GVMID

MINUTES

CITY COUNCIL REGULAR MEETING

February 17, 2009

BRISBANE CITY HALL, 50 PARK PLACE, BRISBANE

CALL TO ORDER/FLAG SALUTE

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

ROLL CALL

Councilmembers present:

Barnes, Bologoff, Conway, and Waldo

Councilmembers absent:

Mayor Richardson

Staff present:

City Engineer/Public Works Director Breault,
Administrative Analyst Cheng, Information Technology
Administrator Duro, City Manager Holstine, Community
Development Director Prince, Deputy City
Manager/Administrative Services Director Schillinger, City
Clerk Spediacci, Parks and Recreation Director Skeels,
City Attorney Toppel

ADOPTION OF AGENDA

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

ORAL COMMUNICATIONS NO. 1

Michele Salmon, Brisbane resident, said she was surprised to receive a flyer announcing a Planning Commission hearing on February 26 about the 325 Valley Drive freight forwarding application,

Community Development Director Prince stated that the applicant has revised and submitted the application.

Ms. Salmon said she understood the matter would be reviewed by the City Council first. She

pointed out that allowing freight forwarders in Brisbane jeopardizes the safety of children and adults in Brisbane and was contrary to the City's expressed interest in sustainability. She noted that the proposed freight forwarding facility is close to nearby schools, athletic fields, and the community swimming pool. She observed that the negative health effects of diesel emissions are well known, and people in Brisbane clearly do not want any more freight forwarding facilities.

Community Development Director Prince clarified that the City Council denied the original application last October without prejudice, leaving open the opportunity for the applicant to submit a revised application.

Ms. Salmon recalled that the City Council expressed a desire to review any revised proposal before it went to the Planning Commission.

City Manager Holstine indicated the staff would check the record to find out if the Council stipulated a preliminary review. He noted that resubmitted applications are normally heard by the Planning Commission, and Planning Commission decisions can always be appealed to the Council.

Mitch Bull, Executive Director, Brisbane Chamber of Commerce, said he recently met with business owners and service providers to discuss a proposal for including Brisbane businesses in bidding for all City and private projects in Brisbane. He noted that formation of a local business enterprise program to stimulate the local business climate. Mr. Bull commented that local businesses are often at a disadvantage when bidding against larger, out-of-town firms. He explained that a local business enterprise program can provide guidelines and procedures to evaluate and select local businesses. He said a 10 percent bidding credit, for example, would establish a more level playing field.

Mr. Bull pointed out that helping local businesses win contracts will stimulate the local economy, compared to out-of-town contractors who spend their money elsewhere.

CM Conway said he, CM Bologoff, and City Manager Holstine met with a number of local businesses. He observed that using local businesses is consistent with our sustainability goals. He suggested that the City Council consider this topic and direct the staff to work with the Chamber in developing an ordinance.

CM Bologoff expressed interest in seeing sample ordinances from other cities.

CM Barnes proposed including this item on the next agenda. City Manager Holstine said the staff would compile some information for the March 2 Council meeting.

C. J. McDonald, Brisbane resident and local business owner, said he would very much appreciate an opportunity to bid on City and private projects.

CM Barnes advised that the City already has an open bidding process. City Manager Holstine confirmed that anyone can bid on City projects.

CONSENT CALENDAR

CM Barnes proposed removing Item B, and CM Bologoff requested removal of Item D. CM Conway asked to pull Item A.

- C. Adopt Resolution No. 2009-07 authorizing the City to request its share of funds from the Citizens Option for Public Safety (COPS) Program**

- E. Adopt Resolution No. 2009-09 supporting the American Recovery and Reinvestment Act of 2009 (ARRA) funding and authorizing the filing of an application for federal American Recovery and Reinvestment Act of 2009 funding and stating the assurance to complete the project**

CM Waldo made a motion, seconded by CM Bologoff, to approve Items C and E. The motion was carried unanimously by all present.

A. Adopt City Council Minutes of December 15, 2008

CM Conway drew attention to the last sentence of the fourth paragraph on Page 4 and proposed changing “parents and adults” to “adults.” On Page 8, seventh paragraph, he noted that “Mayor” should be “CM.”

Referring to the last sentence in the third paragraph from the bottom of Page 9, CM Bologoff suggested eliminating the words “to try” before “to schedule.”

CM Conway made a motion, seconded by CM Barnes, to adopt the December 15 minutes as amended. The motion was carried unanimously by all present.

B. Adopt City Council Minutes of January 26, 2009

CM Barnes recommended inserting “and what numbers of visitors are envisioned to activate the public spaces” at the end of the first sentence in the fourth paragraph on Page 5. After the fifth paragraph on that same page, he suggested adding the following: “CM Barnes said having this information will be useful to the planning of public spaces on the Baylands.” In the next

paragraph, after the last sentence, he suggested adding, “and if the Baylands are built to the density of the Presidio, the Baylands would contain about 2 million square feet of building.”

Referring to Page 8, CM Barnes clarified that Daniel Ames spoke about “mycoremediation” rather than “microremediation.”

CM Barnes made a motion, seconded by CM Waldo, to adopt the January 26 minutes as amended. The motion was carried unanimously by all present.

D. Adopt Resolution No. 2009-08 declaring certain property surplus and providing for the disposition of such

CM Bologoff asked how long the City’s old blue van would remain in service. Parks and Recreation Director Skeels replied that the blue van is only used occasionally to transport materials and equipment. He noted that although the vehicle still operates, it is no longer safe for passengers and the seats have been removed.

CM Bologoff made a motion, seconded by CM Barnes, to adopt Resolution No. 2009-08 as proposed. The motion was carried unanimously by all present.

PUBLIC HEARING

A. Accept Annual Housing Element Progress Report

Community Development Director Prince said the staff submits an annual report to the State Department of Community Development describing the City’s progress in meeting the goals specified in the Housing Element of the General Plan. He advised that state law requires a public hearing before the report is submitted to the state by the April 1 deadline.

CM Waldo drew attention to Page 4 of Exhibit C, referring to a December 2002 deadline for refining condominium standards, indicating that the Planning Commission held five study sessions and a draft ordinance was being prepared. He asked about the status of the draft ordinance. Community Development Director Prince said the staff was working on a draft ordinance. He said the staff will provide an update when the City revises its housing ordinance in June or July.

CM Conway opened the public hearing and invited comments from audience members.

There being no members of the public who wished to address CM Waldo made a motion, seconded by CM Barnes, to close the public hearing. The motion was carried unanimously by all

present and the public hearing was closed.

Community Development Director Prince advised that no further action was required.

OLD BUSINESS

- A. Consider January 2009 Revised Geotechnical and Geological Investigation 3710-3760 Bayshore Boulevard and determine whether any changes in the conditions of approval are appropriate, and provide direction to staff as necessary to implement these changes**

CM Barnes asked why this item was being continued. City Manager Holstine indicated that the City's consultant was not available until the March 2 meeting.

- B. Consider adoption of Ordinance No. 534, waiving second reading, amending Chapter 17.02 of the Zoning Regulations and the SP-CRO Sierra Point Commercial District Regulations to permit child care centers and approve Mitigated Negative Declaration; Walmart.com, applicant; APN 007-164-010 & -020, 007-165-110 & -120**

Community Development Director Prince said no changes were made to Ordinance No. 534 since its introduction on February 2.

CM Barnes made a motion, seconded by CM Bologoff, to adopt Ordinance No. 534 as proposed.

CM Conway noted that he had reservations about having a childcare center at Sierra Point, but recognized that parents employed at the site would prefer to have their children close by. He observed that the City retains discretion to consider use permits on a case-by-case basis.

CM Barnes commented that most activities at daycare centers take place indoors, and any outdoor play areas would be fenced and designed to prevent exposure to contaminated landfill soil.

The motion was carried unanimously by all present.

- C. Consider adoption of Ordinance No. 537, waiving second reading, adding Chapter 17.31 to the Municipal Code pertaining to affordable housing**

Community Development Director Prince noted that two revisions were made to Ordinance No. 537 since the Council first considered it on February 2. First, the chart showing the number of

units was clarified to show the ordinance applies to projects over 200 units, and language in Section 17.31.040 was added to clarify that affordable units can be on smaller lot sizes than market-rate units in the same development, but all lots must meet the City's minimum lot size standard for the applicable zoning district, unless smaller lots are authorized as a density bonus incentive.

CM Bologoff questioned where a 200-unit project would fit in Brisbane. Community Development Director Prince explained that the language reflects only a theoretical possibility.

CM Bologoff drew attention Item Y on Page 5 pertaining to senior citizen housing, and he and asked for clarification of that provision. Community Development Director responded that this section refers to the state law defining a senior citizen housing development as a residential project of 35 or more dwelling units, which could include a mobilehome park.

CM Waldo made a motion, seconded by CM Barnes, to adopt Ordinance No. 537 as proposed. The motion was carried unanimously by all present.

D. Consider adoption of Resolution No. 2009-06 establishing a policy for development projects to include a renewable energy component

City Attorney Toppel said Resolution No. 2009-06 was considered at the last meeting and revised to incorporate some of Ray Miller's language. He drew attention to the new paragraph clarifying that the Baylands development will meet a higher standard. He noted that Mr. Miller is happy with the current wording. He advised that a sentence was added indicating that a development can comply with the policy by participating in an off-site renewable energy project.

CM Barnes drew attention to the provision at the bottom of Page 1 requiring every covered project to include a renewable energy component in the development agreement. He indicated that he was more comfortable with the original language which only required that developers consider a renewable energy component. He observed that vehicle emissions are a major source of global warming, and the Bay Area already has lower cooling and heating costs than other regions and states. CM Barnes pointed out that there might be certain uses or sites that would promote energy reduction in other ways, such as reducing commuting. He said mandating renewable energy could discourage developers from building in Brisbane, resulting in higher energy impacts elsewhere.

CM Waldo suggested inserting "consideration of" before "renewable energy component" in Paragraph A. CM Conway expressed his opinion that "consideration" weakens the policy. He noted that the resolution gives developers an option of participating in an off-site renewable energy project.

City Attorney Toppel clarified that the purpose of the resolution was to require discussion of renewable energy and evaluation of its feasibility rather than mandating its inclusion. He recommended keeping “consideration” in the language. CM Waldo and CM Bologoff agreed.

CM Barnes observed that passive solar energy and reducing energy usage are other ways to achieve the goal of reducing greenhouse gas emissions.

CM Barnes questioned the reference to biofuels in the fourth “whereas” paragraph, noting that biofuels can still result in combustion that generates carbon dioxide emissions.

Michele Salmon, Brisbane, urged the City Council to make the resolution as strong as possible, and she recommended deleting “consideration of.” She said developers should be required to provide renewable energy as part of every project built in Brisbane. She agreed that the reference to biofuels should be removed.

CM Conway favored deleting the reference to biofuels and leaving the rest of the language as written. He added that he would still vote in support of the resolution.

CM Waldo made a motion, seconded by CM Conway, to adopt Resolution No. 2009-06 as written, with the deletion of the reference to biofuels.

City Attorney Toppel clarified that the resolution is intended as a goal rather than a development standard. He said addition of “consideration of” would clarify this intent, but the language as written would achieve the same result.

The motion was carried, 3 – 1 (CM Barnes opposed).

E. Consider approval of the Parks, Beaches and Recreation Commission’s recommendation on the Volunteer of the Year plaque

Parks and Recreation Director Skeels said that in October, the City Council considered the Parks, Beaches and Recreation Commission’s (PB&R’s) recommendation to honor recipients of the Volunteer of the Year award with a permanent plaque in Community Park. He noted the Council endorsed the idea, but proposed a location in or around City Hall. He reported that the PB&R Commission considered various locations and decided that the grassy area next to the City Hall entrance would be best place for a monument and plaque. Parks and Recreation Director Skeels advised that the total cost would be \$2,100, which could come from the remaining state park bond funds.

CM Conway asked if new names could be added. Parks and Recreation Director Skeels indicated that the plaque was removable, so new names can be added each year.

CM Bologoff made a motion, seconded by CM Barnes, to approve the PB&R Commission's recommendation. The motion was carried unanimously by all present.

NEW BUSINESS

A. Consider adoption of Resolution No. 2009-05 regarding the Peninsula Partnership on Children Bill of Rights

Parks and Recreation Director Skeels noted that representatives from the Peninsula Partnership on Children made a presentation at the City Council's January 5 meeting and asked the City to endorse their draft Bill of Rights for Children and Youth. He said the staff subsequently met with the proponents of the Bill of Rights, and the City's Youth Advisory Committee adopted the document.

Michael Garb, Chief Executive Officer, Youth and Family Enrichment Services, and a member of the Peninsula Partnership Leadership Council, explained that the purpose of the Bill of Rights was to provide guidance to cities when they consider programs and activities for children and youth. He recommended adoption by the City Council.

Michele Salmon, Brisbane, commented that the Bill of Rights reflects important values and goals. She cautioned that the Council should not adopt the resolution unless its principles are taken seriously and put into practice.

CM Bologoff said he supported the idea of rights for youth, but cautioned that young people should not be used as pawns to advance certain political agendas.

CM Barnes noted that his son attended a childcare facility for five years that was built on top of landfill and in close proximity to a freight forwarding facility. He said that although he and other Brisbane parents are interested in protecting the safety of their children, they also recognize that there are situations that warrant certain tradeoffs. He expressed his opinion that the Bill of Rights was a good step for Brisbane. He thanked Libby Wilson for bringing this document to the City's attention.

CM Barnes made a motion, seconded by CM Waldo, to adopt Resolution No. 2009-05 as proposed. The motion was carried unanimously by all present.

B. Consider report on the current security issues with the City's and give

direction to staff

Administrative Analyst Caroline Cheng noted that after the City's Website experienced intrusions by hackers last spring, the staff consulted with a Web security expert to identify ways of enhancing the Website's security. She said the expert identified a number of vulnerabilities in the City's code and recommended specific improvements to prevent attacks in the future. She advised that \$50,000 in federal grant funds could be used for this purpose.

CM Bologoff asked how the changes would affect public access to the Website. Information Technology Administrator Duro responded that members of the public will still be able to access the Website. He clarified that he was responsible for the City's computer hardware, and the City uses a contractor to manage and administer the Website.

CM Barnes asked about the extent of the changes proposed. Administrative Services Director Schillinger said the City will solicit bids for a Website designer to develop a new Website for the City. Information Technology Administrator Duro noted the City's current Website is built on old technology. Administrative Services Director Schillinger added the City Council's subcommittee will be involved in selection of the contractor and determining the features to be included on the Website.

CM Barnes recommended establishing a maximum budget and then finding out what vendors will provide for that amount.

CM Conway suggested soliciting bids from local businesses.

Robert Howard, Brisbane resident, cautioned that setting a maximum amount was an incorrect approach. Instead, he recommended developing specifications and acceptance criteria first. He said the kinds of attacks the City's Website experienced have been known for many years, and he expressed his opinion that the City should hold its Website contractor responsible for not taking preventive measures.

CM Conway proposed that the subcommittee consider options and make recommendations. Other councilmembers agreed.

C. Provide direction to staff regarding priorities of projects for which the City is requesting funds from the federal government

Administrative Services Director Schillinger noted that for the past several years, the City has been successful in obtaining federal funds for water and sewer projects and police technology improvements, some of which will help pay for creation of the new Website. He proposed

continuing this process by applying for federal grants for three water and sewer projects: undergrounding the 8-inch wastewater line along Bayshore Drive, repairing the Crocker water tank, and installing pressure-reducing valves for the Annis Road area. He said all three projects were approved as part of last year's master plan and capital improvement plan. He also recommended applying for federal funds to repave Bayshore Boulevard.

Administrative Services Director Schillinger welcomed feedback from the City Council. He said Brisbane's projects will be submitted through Senator Feinstein and Congresswoman Speier.

Councilmembers expressed support for applying for federal funds for the water and sewer projects and road work recommended by the staff.

CM Barnes made a motion, seconded by CM Bologoff, to approve applying for federal funds as proposed by the staff. The motion was carried unanimously by all present.

STAFF REPORTS

A. City Manager's Report on upcoming activities

City Manager Holstine asked City Engineer/Public Works Director Breault to provide an update on the anticipated completion of the hardscape work around City Hall.

City Engineer/Public Works Director Breault said the parking lot work will progress as soon as the weather is dry and warm enough.

MAYOR/COUNCIL MATTERS

A. Subcommittee reports

There were no subcommittee reports.

ORAL COMMUNICATIONS NO. 2

Terry O'Connell, Brisbane resident, noted that a freight forwarder recently applied for a permit to install a generator for back-up power, and the Bay Area Air Quality Management District imposed a series of conditions to restrict operation and testing of the generator during school hours to prevent exposure to diesel emissions. She said this facility is farther away from the school than the 325 Valley Drive facility, and she expressed concern about allowing a freight forwarder at that location. She urged all interested citizens to attend the February 26 Planning Commission meeting to register their concerns about the revised application.

CLOSED SESSION

There being no further business, the meeting was adjourned to a closed session at 8:54 p.m.

- A. Liability Claims; RGW Construction, pursuant to Government Code Section 54956.95**

ADJOURNMENT

At the conclusion of the closed session at 9:10 p.m., the meeting was adjourned with no announcements.

ATTEST:

Sheri Marie Spediacci
City Clerk