



BRISBANE CITY COUNCIL

ACTION MINUTES

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THURSDAY, APRIL 21, 2016

*BRISBANE CITY HALL, 50 PARK PLACE, BRISBANE*

**7:00 P.M. CLOSED SESSION** (Held in the City Hall Large Conference Room)

- A. Conference with legal counsel—Pending Litigation; SFPP, LP (Kinder Morgan) vs. City of Brisbane, Case No. CIV 537659 San Mateo County Superior Court; pursuant to Government Code, section 54956.9 (b) arising out of claims filed by Kinder Morgan concerning its business license tax
  
- B. Conference with legal counsel--Initiation of litigation pursuant to Government Code, section 54956.9 (c) [One case] Potential acquisition of real property through the use of eminent domain

**8:00 P.M. CALL TO ORDER – FLAG SALUTE**

Mayor Lentz called the meeting to order at 8 P.M. and led the flag salute.

**ROLL CALL**

Councilmembers present: Conway, Davis, Liu, O’Connell, and Mayor Lentz  
Councilmembers absent: None  
Staff present: City Manager Holstine, Deputy City Manager Schillinger, City Clerk Spediacci, City Attorney Roush, Community Development Director Swiecki, Planning Special Assistant Tune, Police Chief Macias

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

City Attorney Roush reported that direction was given to staff on both of the Closed Session items.

Councilmembers asked that the meeting be closed in memory of Roy Peters. With that addition, CM Conway made a motion, seconded by CM O’Connell, to adopt the agenda as amended. The motion carried unanimously by all present.

**ORAL COMMUNICATIONS NO. 1**

Patrick Tainter asked that the Council hold a community workshop regarding airplane noise and the changes that the FAA was considering.

Jay Patel concurred with Mr. Tainter's recommendation and noted that the issue was very complicated.

Dr. Sabharwal spoke in support of Earth Day noting that San Francisco enacted a law requiring solar panels on all new construction. He also spoke in favor of the parking structure ordinance later in the agenda.

## CONSENT CALENDAR

CM Conway asked to remove Item C for further information.

- A. **Adopt City Council Minutes of March 3, 2016**
- B. **Adopt City Council Minutes of March 17, 2016**
- D. **Adopt Ordinance No. 606, waiving second reading, amending Chapter 17.02, Definitions; Chapter 17.32, General Use Regulations; and Chapter 17.52, Appeals, of the Municipal Code**

CM Conway made a motion, seconded by CM O'Connell, to approve Consent Calendar Items A, B D as proposed. The motion carried unanimously by all present.

- C. **Approve the Letter of Commitment to the Business Council on Climate Change Regarding Residential Solar and Electric Vehicle (EV) Bulk Purchase Program – "Peninsula SunShares"**

Management Analyst Cheung explained that the proposed program makes it as affordable as possible for individuals and families to install solar on residential rooftops and for procuring an electric vehicle. She noted the many outreach methods the City was using to promote the program.

After Council questions and clarifications, CM Conway made a motion, seconded by CM O'Connell, to approve the letter as proposed. The motion carried unanimously by all present.

## PUBLIC HEARING

- A. **Consider introduction of Ordinance No. 576 to amend the Brisbane Municipal Code Title 17 Regarding Garage/Carport Minimum Setbacks and Height Limits in the Residential Districts, Off-Street Parking Regulations, and Alteration/Expansion of Nonconforming Structures**

Community Development Director Swiecki noted that this item had been discussed by the City Council at their last meeting on April 7<sup>th</sup>, and that Special Planning Assistant Tune would be presenting the information that Council had requested.

Special Planning Assistant Tune showed several illustrations of driveways and slopes in Brisbane and showed which ones would require variances under the proposed ordinance and which ones would not.

Councilmembers asked questions about the different properties shown and discussed the Planning Commission's original recommendation as opposed to the Council Planning Issues Subcommittee's

recommendation.

Mayor Lentz opened the public hearing. There being no members of the public wishing to speak, CM Conway made a motion, seconded by CM Davis, to close the public hearing. The motion carried unanimously by all present.

After further questions and clarifications of Mr. Tune, CM Conway made a motion, seconded by CM Davis, to introduce the ordinance as recommended by the Council Subcommittee, with the exception of the Planning Commission's differing recommendation regarding the exceptions to the height limits for garages/carports in the residential districts. The motion carried unanimously by all present.

Staff noted that a clean copy of the ordinance would be presented at the next City Council meeting for the Council to consider adoption.

## **NEW BUSINESS**

### **A. Consider approval of a supplemental appropriation in the amount of \$50,000 to construct additional hardscape in the Police Department's parking lot**

Public Works Director Breault spoke about the need for more parking for the police department vehicles and for an area for the police evidence locker.

Police Chief Macias spoke about the police officers personnel vehicles being vandalized when parked outside the secure area.

After Councilmember questions and clarifications, CM Conway made a motion, seconded by CM O'Connell, to approve the supplemental appropriation as requested. The motion carried unanimously by all present.

### **B. Consider approval of the First Amendment to the Contract with MB Consulting for Economic Development Services**

City Manager Holstine gave a brief history of the current contract with MB consulting and said that Mr. Mitch Bull would be giving a more detailed report. Mr. Holstine noted that the amendment had only one change to make the contract run continuous until canceled by either party.

Economic Development Director Bull gave a report on his efforts to not only attract new businesses to Brisbane but to retain the ones who currently were doing business there. He said he was also actively working with brokerage firms to fill the buildings that were vacant, especially out at Sierra Point. He reported that part of his work was to act as an Ombudsman to work with businesses and utility companies and with the City.

After questions and clarifications from the Council, CM Conway made a motion, seconded by CM Davis to approve the contract amendment as proposed. The motion carried unanimously by all present.

## **STAFF REPORTS**

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

City Manager Holstine reminded Councilmembers about the upcoming Habitat Conservation Day, National Bike Month, and the Parkside Plan Study Session scheduled for June 2<sup>nd</sup>.

## **MAYOR/COUNCIL MATTERS**

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

Councilmembers reported on various meetings that they had attended including the C/CAG Water Board Meeting, the Sierra Point Council Subcommittee Meeting, the Peninsula Clean Energy Board Meeting, the Economic Development Subcommittee Meeting, the Smoking Ordinance Workshops, the upcoming China Silicon Valley Mayors' trade mission to China, and the Association of Bay Area Governments meeting regarding the Metropolitan Transportation Commission merger.

### **B. Written Communications**

Councilmembers noted the e-mail from Ben Cohen to support AB 2502 regarding inclusionary housing policies. City Manager Holstine said he would check with the League of California Cities to see if they were support the Bill.

### **C. Review proposed City Council Meeting Schedule for Budget Dates, Summer Schedule, and Evaluations**

Councilmembers concurred on the schedule as proposed.

### **D. Consider Saturday, October 1<sup>st</sup> as date for City's 55<sup>th</sup> Anniversary Party**

Saturday, October 1<sup>st</sup> was approved for the City's 55<sup>th</sup> Anniversary Party.

### **E. Brisbane's letter to FAA regarding FAA Initiative**

Mayor Lentz reviewed the background of the FAA initiative and discussed the different points in the proposed letter.

Patrick Tainter said that the frequency of the flight over Brisbane makes it very difficult for anyone to concentrate. He cautioned making changes that would make noise over the Ridge worse. He recommended giving the FAA an objective to reduce noise rather than telling them how that should be accomplished.

Jay Patel concurred with Mr. Tainter's comments and discussed different points in the proposed letter.

Peter Grace said that the noise was a quality of life issue in Brisbane and that vectoring has always been the problem. He suggested that the flights should be put through the Golden Gate area and that the vectoring should be stopped.

Councilmembers thanked them for their feedback on the issues and Mayor Lentz noted that the nuts and bolts of these issues are being discussed at the Airport Roundtable Meetings in great detail. He welcomed the public to attend those meetings.

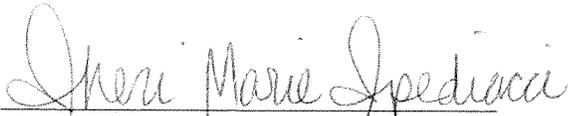
## ORAL COMMUNICATIONS 2

Andy Torvik expressed his frustration regarding a property issue next to his home. He referred to a letter he had sent to the City and asked that the Council read his letter.

CM Conway responded that this issue had been going on for years and that it was not a City easement and had been there before the City was incorporated in 1961. He also reported that the County of San Mateo had tested the water that Mr. Torvik was concerned about and that had determined that it was safe and clean.

## ADJOURNMENT

The meeting was adjourned at 10:36 p.m. in memory of Roy Peters.



Sheri Marie Spediacci, City Clerk