



**BURLINGAME CITY COUNCIL
Unapproved Minutes
Regular City Council Meeting on June 17, 2024**

1. CALL TO ORDER

A duly noticed meeting of the Burlingame City Council was held on the above date in person and via Zoom at 7:02 p.m.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

The pledge of allegiance was led by Jennifer Pfaff.

3. ROLL CALL

MEMBERS PRESENT: Beach, Brownrigg, Colson, Pappajohn, Stevenson

MEMBERS ABSENT: None

4. REQUEST FOR AB 2249 REMOTE PARTICIPATION

There were no requests.

5. REPORT OUT FROM CLOSED SESSION

a. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1)

1.1. CHENGQUO DONG, ET AL. V CITY OF BURLINGAME, ET AL., SAN MATEO COUNTY SUPERIOR COURT CASE NO. 21-CIV-05900

1.2. DOMINICK J. CRISAFI, ET AL. V. JAMES P. SARGEN, CITY OF BURLINGAME ET AL. SAN MATEO COUNTY SUPERIOR COURT CASE NOS. 355462, 341895

b. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(2)

2.1. CLAIM OF RAYMOND WU – BU 1437

2.2. CLAIM OF RAYMOND WU AS SUCCESSOR IN INTEREST TO THE ESTATE OF BENA CHIWA NG – BU 1437b

- 2.3. CLAIM OF RAYMOND WU AS SURVIVING SPOUSE OF DECEDENT BENA CHIWA NG – BU 1437c
- 2.4. CLAIM OF WOO KWAN NG AS SURVIVING FATHER OF DECEDENT BENA CHIWA NG – BU 1437d
- 2.5. CLAIM OF LAI CHUNG LO AS SURVIVING MOTHER OF DECEDENT BENA CHIWA NUG – BU 1437e
- 2.6. CLAIM OF THOMAS CHI YAN NG AS SURVIVING BROTHER OF DECEDENT BENA CHIWA NG – BU 1437f
- 2.7. CLAIM OF CHAI SAEPHAN – BU 1437g
- 2.8. CLAIM OF WILSON CHUN, DOUGLAS HWA, VICKI LEE, JUSTIN SEETO, OLIVER WONG, KELLY ZHEN, NICHOLAS ZHEN, AND CLINTON ZHEN – BU 1437h

City Attorney Guina stated that direction was given, but no reportable action was taken.

6. UPCOMING EVENTS

Mayor Colson reviewed upcoming events in the city.

7. PRESENTATIONS

a. PROCLAMATIONS RECOGNIZING JUNETEENTH

Mayor Colson read the proclamation recognizing June 19 as Juneteenth.

The Council discussed the importance of recognizing and remembering this holiday.

Councilmember Brownrigg stressed the importance of creating a more perfect union.

Vice Mayor Beach encouraged people to read the book 1619 Project.

Mayor Colson opened the item up for public comment. No one spoke.

9. PUBLIC COMMENTS

There were no public comments.

10. APPROVAL OF CONSENT CALENDAR

Mayor Colson asked the Councilmembers and the public if they wished to remove any item from the Consent Calendar. There were none.

Councilmember Brownrigg made a motion to adopt the Consent Calendar; seconded by Councilmember Stevenson. The motion passed unanimously by roll call vote, 5-0.

a. APPROVAL OF CITY COUNCIL MEETING MINUTES FOR THE JUNE 3, 2024 CLOSED SESSION

City Clerk Hassel-Shearer requested Council approve the City Council Meeting Minutes for the June 3, 2024 Closed Session.

b. APPROVAL OF CITY COUNCIL MEETING MINUTES FOR THE JUNE 3, 2024 REGULAR CITY COUNCIL MEETING

City Clerk Hassel-Shearer requested Council approve the City Council Meeting Minutes for the June 3, 2024 Regular City Council Meeting.

c. ADOPTION OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT No. 1 TO THE FY 2023-24 TRAFFIC SIGNAL MAINTENANCE SERVICES AGREEMENT WITH BEAR ELECTRICAL SOLUTIONS IN THE AMOUNT OF \$60,000 FOR A NOT-TO EXCEED AMOUNT OF \$135,000 AND EXTEND THE AGREEMENT TO ADD FY 2024-25 FOR A NOT-TO-EXCEED AMOUNT OF \$100,000

DPW Murtuza requested Council adopt Resolution Number 081-2024.

d. ADOPTION OF A RESOLUTION ESTABLISHING THE ON-STREET PARKLET DINING POLICY BEGINNING JULY 1, 2024

Interim CDD Hurin requested Council adopt Resolution Number 082-2024.

e. ADOPTION OF A RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH SCS ENGINEERS FOR ENGINEERING AND REGULATORY COMPLIANCE SERVICES RELATED TO THE CLOSED BURLINGAME LANDFILL IN THE AMOUNT OF \$203,200 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

DPW Murtuza requested Council adopt Resolution Number 083-2024.

10. PUBLIC HEARINGS

a. PUBLIC HEARING AND ADOPTION OF RESOLUTIONS (1) ADOPTING THE FY 2024-25 OPERATING AND CAPITAL BUDGETS AND AUTHORIZING THE FINANCE DIRECTOR TO ASSIGN USES OF FUND BALANCE AMOUNTS; AND (2) APPROVING THE GANN APPROPRIATION LIMIT

Finance Director Yu-Scott began with a review of the FY 2024-25 budget highlights:

- Economic Recovery
 - Moderate revenue growth
 - Deficit of \$6.23 million
 - Draw from unassigned fund balance
 - Capital Investment Reserve is 100% earmarked
- Budget Strategies
 - Priority on quality municipal service delivery
 - Balance discretionary spending and capital needs
 - Long-term financial sustainability

Finance Director Yu-Scott reviewed the changes that staff made to the budget as a result of Council's discussion at the May 22 Budget Study Session:

- Hold off on the \$500,000 contribution to the Pension Trust Fund
- Updated the five-year General Fund forecast

Finance Director Yu-Scott discussed the breakdown of the proposed FY 2024-25 General Fund revenues:

SOURCE	AMOUNT
Property Tax	\$31,417,115
Sales and Use Tax	\$17,493,660
Transient Occupancy Tax	\$22,666,000
Other Taxes <ul style="list-style-type: none"> • Franchise Tax • Business Tax • Real Property Transfer Tax • State HOPTR 	\$1,965,000 \$1,700,000 \$500,000 \$64,000
Licenses and Permits	\$82,600
Fines, Forfeitures, and Penalties	\$678,000
Use of Money and Property	\$995,000
Charges for Services	\$7,314,572
Other Revenue	\$387,000
State Subventions	\$215,000
Interest Income	\$1,885,000
TOTAL GENERAL FUND REVENUES	\$87,327,947

Finance Director Yu-Scott reviewed the proposed FY 2024-25 General Fund expenditures:

SOURCE	AMOUNT
General Administration	\$8,736,979
Public Safety <ul style="list-style-type: none"> • Fire and Disaster Preparedness • Police and Dispatch 	\$15,778,139 \$20,973,082

• Parking Enforcement	\$792,243
Public Works	\$9,881,445
Community Development	\$2,846,092
Leisure and Neighborhood Services	
• Aquatics Center	\$547,000
• Library	\$6,772,485
• Parks and Tree Maintenance	\$9,454,276
• Recreation	\$5,251,134
TOTAL GENERAL FUND EXPENDITURES	\$81,032,875

Finance Director Yu-Scott stated that in comparison to FY 2024-25, the proposed expenditures are up 1.8%, or approximately \$1.5 million.

Finance Director Yu-Scott reviewed the proposed General Fund operating budget for FY 2024-25. She stated that the General Fund revenues of \$87.33 million cover the proposed expenditures of \$81.03 million. However, after transfers to debt service obligations and the Capital Improvement Program, the City faces a deficit of \$6.23 million. She noted that as can be seen in the below chart, the deficit of \$6.23 million is covered by the General Fund's unassigned fund balance. The General Fund reserves remain untouched.

Finance Director Yu-Scott reviewed the FY 2024-25 General Fund balance assignments:

General Fund (in thousands)	FY 2022-23 Actual	FY 2023-24 Adopted Budget	FY 2023-24 Amended Budget	FY 2024-25 Proposed Budget
Economic Stability Reserve	\$18,118	\$19,322	\$20,074	\$20,959
Catastrophic Reserve	\$2,000	\$2,000	\$2,000	\$2,000
Contingency Reserve	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>
• Subtotal, Assigned Fund Balance	\$20,618	\$21,822	\$22,574	\$23,459
Add: Restricted for Pension Trust Fund	\$17,564	\$17,366	\$18,432	\$18,432
Add: Unassigned Fund Balance	\$16,811	\$2,397	\$7,731	\$612
Total, Ending Fund Balance (Projected)	\$54,993	\$41,585	\$48,737	\$42,503

Finance Director Yu-Scott reviewed the General Fund 5-Year Forecast (summary):

General Fund (in thousands)	FY 2023-24 Amended	FY 2024-25 Proposed	FY 2025-26 Forecast	FY 2026-27 Forecast	FY 2027-28 Forecast	FY 2028-29 Forecast
Total Revenues	\$83,642	\$87,328	\$91,674	\$95,170	\$98,825	\$102,658
Total Expenditures	(\$79,582)	(\$81,033)	(\$84,573)	(\$87,774)	(\$91,000)	(\$94,531)

Transfer to Debt Service Fund	(\$3,623)	(\$3,650)	(\$3,122)	(\$3,105)	(\$3,104)	(\$3,112)
Other Transfers In (Out)	\$1,871	\$1,961	\$2,030	\$2,100	\$2,174	\$2,252
Rev Over (Under) Exp and Operating Transfers	\$2,308	\$4,606	\$6,009	\$6,391	\$6,895	\$7,267
Transfer to Capital Project Fund	(\$8,564)	(\$10,840)	(\$10,720)	(\$7,620)	(\$6,920)	(\$5,620)
Adjustment – Transfer to Pension Trust	(\$868)	0	0	0	0	0
Transfer to Capital Project/Pension Trust	(\$9,432)	(\$10,840)	(\$10,720)	(\$7,620)	(\$6,920)	(\$5,620)
Net Surplus/(Deficit)	(\$7,124)	(\$6,234)	(\$4,711)	(\$1,229)	(\$25)	(\$1,647)

Mayor Colson discussed the City’s decision to utilize unassigned funds for the Capital Improvement Program in order to repair decaying infrastructure. She noted that getting ahead of these projects assists in reducing future costs and liability.

Finance Director Yu-Scott continued reviewing the General Fund 5-Year Forecast by focusing on the General Fund Balance:

Fund Balance (in thousands)	FY 2023-24 Amended	FY 2024-25 Proposed	FY 2025-26 Forecast	FY 2026-27 Forecast	FY 2027-28 Forecast	FY 2028-29 Forecast
General Fund Beginning Balance	\$54,993	\$48,737	\$42,503	\$37,791	\$36,563	\$36,538
General Fund Ending Balance	\$48,737	\$42,503	\$37,791	\$36,563	\$36,538	\$38,185
Assigned Balance						
• Economic Stability Reserve at 24% of Revenue	\$20,074	\$20,959	\$22,002	\$22,841	\$23,718	\$24,638
• Catastrophic Reserve (\$2 million)	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000
• Contingency Reserve (\$500)	\$500	\$500	\$500	\$500	\$500	\$500
PARS Restricted Cash	\$18,432	\$18,432	\$18,432	\$18,432	\$18,432	\$18,432
Unassigned Fund Balance	\$7,731	\$612	(\$5,143)	(\$7,210)	(\$8,112)	(\$7,385)

Finance Director Yu-Scott stated that if the City’s projections do not change for the better, the City’s unassigned fund balance will be in the red in the next few years. She explained that the City will need to

utilize funds from the Pension Trust or Economic Stability Reserve to cover the deficit. She added that the Council would need to consider cost-reduction measures.

Mayor Colson stated that a cost-cutting measure could be reducing funding into infrastructure projects. Finance Director Yu-Scott replied in the affirmative.

Councilmember Brownrigg noted that the City has a relatively conservative forecast. Therefore, he was hoping that the above numbers look better in reality.

Finance Director Yu-Scott reviewed the FY 2024-25 Capital Improvement Program:

Program	Proposed Budget (in thousands)
Street	\$9,005
Parks and Trees	\$7,940
Parking and Garages	\$400
Facilities	\$6,400
Storm Drain	\$1,500
Water	\$5,000
Sewer	\$4,865
TOTAL	\$35,110

She noted that \$10.84 million of the proposed CIP comes from the General Fund.

Vice Mayor Beach stated that \$35 million is programed for Capital Improvement, but only \$10.84 million is coming from the General Fund. She noted that the City is getting a lot of investment from State, County, and Federal funds.

Finance Director Yu-Scott reviewed the proposed FY 2024-25 proposed Citywide budget:

- General Fund - \$81 million
- Capital Improvements - \$35.1 million
- Utilities (Water and Sewer) - \$30.7 million
- Other Funds - \$12.8 million

She stated that the total budget for FY 2024-25 is \$150.6 million. She explained that this is \$4 million more than FY 2023-24.

Vice Mayor Beach asked if she was correct that the budget includes the City running fully-staffed. Finance Director Yu-Scott replied in the affirmative.

Vice Mayor Beach stated that at mid-year, the City could see cost savings and then be able to contribute to the Pension Trust. Finance Director Yu-Scott replied in the affirmative.

Mayor Colson opened the item up for public comment. No one spoke.

Vice Mayor Beach made a motion to adopt Resolution Number 084-2024; seconded by Councilmember Stevenson.

Councilmember Brownrigg thanked Finance Director Yu-Scott for the clarity of her presentation.

The motion passed unanimously by roll call vote, 5-0.

Councilmember Pappajohn made a motion to adopt Resolution Number 085-2024; seconded by Councilmember Brownrigg. The motion passed unanimously by roll call vote, 5-0.

The Council thanked staff for their hard work on finalizing the budget.

Finance Director Yu-Scott thanked her team.

11. STAFF REPORTS AND COMMUNICATIONS

a. DISCUSSION OF TREE ORDINANCE UPDATE

City Arborist Holtz began by reviewing the current challenges with the City's tree ordinance:

- Hasn't been updated in 25 to 52 years
- Doesn't follow industry practices
- Doesn't allow for equitable replacement of trees removed
- Limits tools available to the City to adapt to immediate needs
- Hasn't been an effective deterrent to intentional wrong doing

City Arborist Holtz stated that staff held several community meetings in regard to what should be included in the tree ordinance update. He noted that staff reviewed challenges and proposed changes at the following meetings:

- Beautification Commission on November 2, 2023
- City Council on November 20, 2023
- Beautification Commission on May 2, 2024
- Planning Commission on May 28, 2024

City Arborist Holtz explained that from these meetings, staff heard the following concerns from the community:

- The rate protected size trees are removed
- Tree removals approved due to development
- Public involvement in the removal process
- Appeal fees (and effect on public involvement)

- “Undesirable species” list
- Removal criteria
- “Arborist Shopping”
- Conflict between trees and solar
- Permit costs
- Effects of large trees on insurance policies
- Lack of native trees to support native animals

City Arborist Holtz stated that staff also heard the following concerns from the City Council and Commissions at the above-listed meetings:

- Fee for a tree that perished naturally
- Tree protection versus State mandates
- Use of Tree Replacement Fund for private trees
- Better definition of “undesirable” trees
- Criteria for trees in wildland areas
- Outreach to new property owners
- Opportunities for developers to save trees
- Effects of large trees on homeowner’s insurance
- Easier to understand rules for the public
- Requiring evergreen or specific species
- Proactive approach by City to designate planting location
- Undue burden on development

City Arborist Holtz reviewed the goals that staff wanted to address by updating the code:

1. Define Terms and Roles – Many terms and practices have been defined by the industry over the last 50 years. The update will include modern definitions and identify what parties, including City staff and Commissions, have authority.
2. Address Development – The update seeks to stress the importance of mature tree retention and to increase requirements where possible in the design phase.
3. Establish Removal Criteria – There are many reasons an applicant seeks to remove a tree. Some should not be appealable or subject to the public noticing process. Criteria will be established to clearly define what requirements must be met.
4. Refine Replacement Requirements – The current replacement model does not keep pace with what the actual loss is to the urban forest. Replacement requirements will be increased and better defined.
5. Increase Penalties – In addition to an increase in the fines for failure to follow the code, persons may also be criminally prosecuted by the City Attorney.

City Arborist Holtz reviewed the proposed definition of a protected tree:

- Any City-owned or maintained tree

- Any private tree with a circumference of 44 inches or more when measured 54 inches above natural grade
- A designated heritage tree or grove, or any other tree or stand of trees or species of tree, so designated by the Beautification Commission, City Council, Parks and Recreation Director, and/or City Arborist
- Replacement trees, regardless of size, that were required to be planted as replacements for tree removals or required as conditions of development

City Arborist Holtz discussed some additional definitions that staff proposed for the updated ordinance:

- Landscape tree – trees that are single stem, non-fruiting or nut-bearing, have broad canopy, and grow to be at least 15 feet tall and 10 feet wide within 20 years
- Tree Protection Zone (“TPZ”) – areas of physical exclusion to prevent certain activities during construction from damaging a tree
- Project arborist – a certified arborist retained by the property owner/developer to monitor TPZ and TPP and provide inspection reports verifying contractor compliance
- Tree Protection Plan (“TPP”) – a plan prepared by a project arborist to protect trees that could be damaged by construction activity

City Arborist Holtz stated that the updates will address development by:

- Clearly defining which trees require identification, assessment, and valuation
- Encouraging tree retention through alternative designs to development in favor of trees
- Establishing tree protection requirements
- Incorporating trees into the development project approvals and appeals
- Increasing planting requirements
- Providing alternative planting opportunities
- Specifically authorizing staff to issue Stop-Work orders

ACA Spansail reviewed the proposed Planning Commission process under the new ordinance:

- Development applications requiring discretionary review must include desired tree removals, which are then reviewed by the City Arborist. Development Applications will be considered simultaneously with the request for a removal permit for protected size trees.
- City Arborist reviews planting requirements and need for a Tree Protection Plan.
- If the project is approved by the Planning Commission, noted tree removals are approved and become part of project approval. The tree permit requirements apply, and the public can appeal the project under current Zoning Code procedures.

ACA Spansail discussed developments that do not require Planning Commission approval because of State-mandated ministerial approval such as SB 9. He explained that the City is legally constrained from slowing/stopping projects requiring state-mandated ministerial approval. He added that the City must approve tree-removal permits for trees that would physically preclude construction of the state-regulated

development. He noted that the City intends to apply replanting requirements and/or in-lieu fees in these instances.

City Arborist Holtz discussed the proposed removal process:

- Public noticing for all private protected tree removals
- Public noticing for City trees with 44" circumference or larger
- Retain existing factors for removal
- Add the following factors
 - Tree root conflict and alternatives
 - Species desirability/susceptibility
 - Public benefit of the tree remaining
- Appeal available in all private protected tree scenarios except State-mandated ministerial development approvals, emergencies, and trees that are dead or dying (no appeal proposed for City tree removal)
- Non-development appeals are heard by Beautification Commission
- Differentiate between commercial and residential

City Arborist Holtz discussed proposed replacement requirements including:

- Increase payment required to Tree Replacement Fund
- Increase size and quantity of trees planted
- Authorize staff to adjust planting requirements to site conditions
- Allow off-site planting within neighborhood (300 feet)
- Allow in-lieu fees
- Expand opportunity for Tree Replacement Fund
- Create tree planting deposit

City Arborist Holtz reviewed the proposed commercial replacement plans:

DSH (Diameter at Standard Height) Equivalent	Replacement Landscape Tree Container
One Inch	15-Gallon Container
Two Inch	24-Inch Box
Three Inch	36-Inch Box
Four Inch	48-Inch Box

City Arborist Holtz discussed the Tree Replacement Plan for private protected trees. He noted that the plan must provide for the replacement of trees at a ratio of one to one. He explained that when trees cannot be replaced on-site or off-site within the neighborhood, staff suggests that the applicant pay an in-lieu fee or apportioned amount payable to the Tree Replacement Fund. He stated that these funds will be utilized for the planting and fostering of young trees elsewhere in the urban forest.

Vice Mayor Beach asked if the DSH fee for was only for commercial. City Arborist Holtz replied in the affirmative.

Vice Mayor Beach asked if there are different standards for replacement of trees on commercial property versus residential property. City Arborist Holtz replied in the affirmative.

City Arborist Holtz reviewed the residential replacement requirements:

Trunk Diameter	Replacement Landscape Tree
14 Inches to 20 Inches	One 24-Inch Box or Two 15-Gallon
20 Inches to 30 Inches	One 26-Inch Box, Two 24-Inch Box
30 Inches to 40 Inches	Two 36-Inch Box, Three 24-Inch Box
40 Inches to 50 Inches	One 48-Inch Box, Two 36-Inch Box, Four 24-Inch Box
50 Inches	Two 48-Inch Box, Three 36-Inch Box, Five 24-Inch Box

City Arborist Holtz discussed the reforestation requirements:

Development Type	Reforestation Plan Requirements
One and Two-Unit Dwellings	One Landscape Tree/1,000 Square Feet of Habitable Space
Multi-Unit Dwellings	One Landscape Tree/2,000 Square Feet of Structural Lot Coverage
Commercial Zoning	One Landscape Tree/5,000 Square Feet of Structural Lot Coverage

City Arborist Holtz stated that staff proposes offering alternative reforestation options when necessary including:

- In-lieu fees
- Off-site planting
- Modified planting schedule (approved by City Arborist)

ACA Spansail reviewed the proposed penalties:

- Restitution equal to the value of the lost tree, including replanting and maintenance costs
- Increase fines payable to the Tree Replacement Fund (\$1,000)
- Specifically authorize the City Attorney to prosecute as a misdemeanor

Vice Mayor Beach asked how a tree's value is appraised. ACA Spansail replied that the assessed value is in the ISA Guide for Tree Appraisal.

Mayor Colson added that the guide book is equivalent to the Kelly Blue Book for trees.

Mayor Colson asked in a private property case if it would be the developer or property owner that would be prosecuted for a misdemeanor. ACA Spansail replied that it would be determined on a case-by-case basis.

ACA Spansail reviewed a few penalty scenarios to explain when the City would seek prosecution.

City Arborist Holtz stated that staff was looking for the City Council's recommendations on the following:

- Appeal processes (including increased appeal fee)
- Removal criteria – should it include impact on insurance coverage/rates, species undesirability, etc.
- Alternative design for tree preservation
- Replanting and replacement requirements such as species/types of trees, quantity, etc.
- Use of in-lieu fees
- Public noticing – distance and cost

Councilmember Brownrigg asked if the City could create an approved list of arborists to help prevent arborist shopping. City Arborist Holtz replied in the affirmative. He noted that other cities have created approved lists for applicants to pick from, or the City could assign the arborist.

Councilmember Brownrigg asked if the City could require a real estate disclosure regarding the Burlingame tree ordinance. ACA Spansail replied that staff would need to look into this.

Vice Mayor Beach asked about the City Arborist's thoughts on requiring native trees to be planted. City Arborist Holtz replied that he would prefer to see planting native trees as an incentive rather than a requirement.

Vice Mayor Beach asked if staff considered penalties for tree removal companies that assist in protected tree removals. ACA Spansail replied that if a company is consistently violating the tree ordinance, the City could take away their business license.

Vice Mayor Beach asked if appeals not being available in emergency situations due to active failure might also include imminent threat. She gave the example of when a large tree in a grove is in active failure, it could be an imminent threat for surrounding trees and might require some additional removal. City Arborist Holtz replied in the affirmative.

Councilmember Pappajohn asked if the ordinance should include a timeframe for mitigation measures regarding tree removals. City Arborist Holtz replied that the permit requires six months of mitigation.

Councilmember Pappajohn asked if appeals would come to the City Council. ACA Spansail replied in the affirmative. He explained that tree removal permits that are submitted with applications to the Planning Commission can be appealed to the Council. However, all other tree removal requests will be appealed to the Beautification Commission.

Mayor Colson asked about notice requirements for emergency tree removals. City Arborist Holtz replied that noticing would be done after the fact.

Mayor Colson discussed the need for public education on removal of City owned trees not being appealable.

Vice Mayor Beach discussed the replacement of residential trees that are 40 inches in diameter and above. She asked if they could replace the tree with several different smaller trees. City Arborist replied in the affirmative. He added that it is important to give discretion to staff as every situation is different.

Vice Mayor Beach asked if the in-lieu fee only applied to commercial replacement. City Arborist Holtz replied in the negative. He explained that presently the City has a failure to plant fee, which is only \$1,500. He explained that under the proposed process, an individual would be responsible for the actual cost of the tree removed.

Mayor Colson discussed changing the Tree Replacement Fund to Tree Replacement and Maintenance Fund. She explained that due to climate change, she thought it would be important to also look at how best to maintain some of the larger trees. She also discussed looking at trees that grow south of San Mateo County in order to have trees that can grow and thrive in warmer temperatures.

Mayor Colson opened the item up for public comment.

Chris Read discussed several issues including climate change and concern that insurance companies are failing to insure California homes with large trees. (Comment submitted via publiccomment@burlingame.org)

Leslie McQuaide discussed the importance of maintaining large species trees in the community. (Comment submitted via publiccomment@burlingame.org)

Doug Bojack asked the City to look into a reforestation plan requirement that addresses landscape trees not just in terms of structural lot coverage for commercial and mixed-use development, but in total paved or impermeable lot coverage. (Comment submitted via publiccomment@burlingame.org)

Jennifer Pfaff discussed the importance of preserving trees, adding trees to multi-unit developments, and real estate disclosure.

Michael discussed tree views from the Mills Estate.

Mayor Colson closed public comment.

Mayor Colson reviewed the questions that staff wanted recommendations on:

- Appeal processes (including increased appeal fee)
- Removal criteria – should it include impact on insurance coverage/rates, species undesirability, etc.
- Alternative design for tree preservation
- Replanting and replacement requirements such as species/types of trees, quantity, etc.

- Use of in-lieu fees
- Public noticing – distance and cost

Vice Mayor Beach stated that she thinks it's important that staff have discretion to make reasonable decisions to replenish the urban canopy. She also stated that she thought that replacing trees within the 300 feet neighborhood is a discretionary item for staff.

Vice Mayor Beach stated that she liked the idea of a list of approved arborists for individuals to use. She added that she was concerned about insurance companies denying coverage due to large trees and thought it was something that the City Arborist should take into consideration when tree removal applications are filed.

Councilmember Pappajohn stated that having the City Arborist give recommendations to the Planning Commission at the beginning of the process will assist all parties.

The Council discussed when trees need to be reported to staff for removal on private property. City Arborist Holtz clarified that individuals are allowed to lawfully remove trees that are not protected without City approval. However, he noted that staff has had conversations about how this has led to some clear cutting of lots. He added that this would be a scenario where staff discretion is important in order to make the owner increase planting requirements.

Councilmember Stevenson stated that he liked the idea of a Tree Replacement and Maintenance Fund.

Councilmember Brownrigg discussed getting rid of the incentive for detached garages in order to make room for more protected trees.

Councilmember Brownrigg stated that because of the amount of time the commissions and Council have spent on this topic, he thought the ordinance should be brought back directly to the Council and not taken through the various commissions.

Mayor Colson discussed the importance of deference to staff. She also voiced her support for a list of approved arborists.

The Council agreed that the item should be brought back directly to the Council.

Councilmember Brownrigg stated that he didn't support in-lieu fees.

City Arborist Holtz discussed an example of a lot that has underground utilities and therefore the developer can't plant. He noted that the in-lieu fees would ensure that the trees are planted elsewhere.

Mayor Colson stated that she approved using in-lieu fees at staff's discretion.

The Council concurred with Mayor Colson.

The Council thanked staff for their thorough report.

12. COUNCIL COMMITTEE AND ACTIVITIES REPORTS AND ANNOUNCEMENTS

Council reviewed their committee appointments.

13. FUTURE AGENDA ITEMS

There were no future agenda items.

15. ACKNOWLEDGMENTS

The agendas, packets, and meeting minutes for the Planning Commission, Traffic, Safety & Parking Commission, Beautification Commission, Parks & Recreation Commission, and Library Board of Trustees are available online at www.burlingame.org.

16. ADJOURNMENT

Mayor Colson adjourned the meeting at 9:50 p.m. in memory of Joaquin Jimenez Alvarado and Cody Crosby.

Respectfully submitted,

Meaghan Hassel-Shearer
City Clerk