



**BURLINGAME CITY COUNCIL
Unapproved Minutes
Regular City Council Meeting on October 7, 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 7:00 p.m.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

The pledge of allegiance was led by Nancy Call.

3. ROLL CALL

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

MEMBERS ABSENT: None

4. REQUEST FOR AB 2249 REMOTE PARTICIPATION

There was no request.

5. REPORT OUT FROM CLOSED SESSION

There was no closed session.

6. UPCOMING EVENTS

Mayor Colson reviewed upcoming events in the city.

7. PRESENTATIONS

a. PROCLAMATION RECOGNIZING OCTOBER 2024 AS DOMESTIC VIOLENCE AWARENESS MONTH

CORA Legal Services Manager Melissa Gibbs accepted the proclamation on behalf of CORA. She thanked the City Council for presenting the proclamation and bringing awareness to this issue.

The Council discussed the importance of CORA and thanked the organization for its hard work.

b. PROCLAMATION HONORING ART ATTACK!'S 30TH ANNIVERSARY

Mayor Colson read the proclamation recognizing Nancy Call and her art studio, Art Attack!, on its 30th anniversary.

The Council all spoke about the impact art has on an individual's life and thanked Ms. Call for her commitment to the community.

Nancy Call thanked Council for the proclamation and the recognition.

8. PUBLIC COMMENTS

An individual discussed his concerns about Peninsula Avenue and asked the City to work with the City of San Mateo to make it more pedestrian safe.

9. APPROVAL OF CONSENT CALENDAR

Mayor Colson asked the Councilmembers and the public if they wished to remove any item from the Consent Calendar.

Councilmember Lee pulled item 9j. Councilmember Pappajohn and members of the public pulled item 9c.

Councilmember Brownrigg made a motion to approve items 9a, 9b, 9d, 9e, 9f, 9g, 9h, and 9i; seconded by Vice Mayor Stevenson. The motion passed unanimously by roll call vote, 5-0.

a. APPROVAL OF CITY COUNCIL MEETING MINUTES FOR THE SEPTEMBER 16, 2024 CLOSED SESSION

City Clerk Hassel-Shearer requested Council approve the City Council meeting minutes for the September 16, 2024 Closed Session.

b. APPROVAL OF CITY COUNCIL MEETING MINUTES FOR THE SEPTEMBER 16, 2024 CITY COUNCIL MEETING

City Clerk Hassel-Shearer requested Council approve the City Council meeting minutes for the September 16, 2024 City Council meeting.

c. ADOPTION OF AN ORDINANCE ADDING CHAPTER 13.56, "ELECTRIC MICROMOBILITY DEVICES," TO TITLE 13 OF THE BURLINGAME MUNICIPAL CODE; CEQA DETERMINATION: EXEMPT PURSUANT TO STATE CEQA GUIDELINES SECTIONS 15378, 15061(B)(3)

Councilmember Pappajohn stated that she supported the ordinance as written. However, she explained that she heard from members of the community that they wanted to see the City not include Class I e-bikes in the ordinance as they are similar to regular bikes. She added that she wanted to receive an update from staff after the ordinance takes effect.

Mayor Colson opened up public comment.

Mike Swire voiced concern about the ordinance and stated that the City should focus on vehicle safety. (Comment submitted via publiccomment@burlingame.org)

Matt Jones, from Silicon Valley Bike Coalition, thanked Council for the ordinance and for the continued allowance of e-bikes on the Bay Trail. He hoped to see more collaboration between his organization and the City in the future.

Mayor Colson closed public comment.

Mayor Colson made a motion to adopt Ordinance Number 2031; seconded by Vice Mayor Stevenson. The motion passed unanimously by roll call vote, 5-0.

- d. **ADOPTION OF A RESOLUTION APPROVING THE VESTING TENTATIVE MAP (PM 23-05), LOT COMBINATION OF LOTS 1, 2, 3, 4 AND 5, BLOCK 7, MAP OF EAST MILLSDALE INDUSTRIAL PARK NO. 2 SUBDIVISION AT 1499 OLD BAYSHORE HIGHWAY; CEQA DETERMINATION: EXEMPT PURSUANT TO STATE CEQA GUIDELINES 15061 (B)(3)**

DPW Murtuza requested Council adopt Resolution Number 119-2024.

- e. **ADOPTION OF A RESOLUTION APPROVING THE TENTATIVE AND FINAL PARCEL MAP (PM 24-03) FOR CONDOMINIUM PURPOSES, SUBDIVISION OF LOT 5, BLOCK 6, MAP OF EASTON ADDITION SUBDIVISION AT 1029 CAPUCHINO AVENUE; CEQA DETERMINATION: EXEMPT PURSUANT TO STATE CEQA GUIDELINES 15061 (B)(3)**

DPW Murtuza requested Council adopt Resolution Number 120-2024.

- f. **ADOPTION OF A RESOLUTION APPROVING THE TENTATIVE AND FINAL PARCEL MAP (PM 24-02) FOR CONDOMINIUM PURPOSES, SUBDIVISION OF LOT 6, BLOCK 6, MAP OF EASTON ADDITION SUBDIVISION AT 1025 CAPUCHINO AVENUE; CEQA DETERMINATION: EXEMPT PURSUANT TO STATE CEQA GUIDELINES 15061 (B)(3)**

DPW Murtuza requested Council adopt Resolution Number 121-2024.

- g. **ADOPTION OF A RESOLUTION AMENDING THE CITY'S RETENTION SCHEDULE**

City Clerk Hassel-Shearer requested Council adopt Resolution Number 122-2024.

h. OPEN NOMINATION PERIOD TO FILL TWO ART LIAISON VACANCIES

City Manager Goldman asked Council to open the nomination period to fill two vacancies.

i. OPEN NOMINATION PERIOD TO FILL TWO VACANCIES ON THE TRAFFIC, SAFETY & PARKING COMMISSION

City Manager Goldman asked Council to open the nomination period to fill two vacancies.

j. APPROVAL OF QUARTERLY INVESTMENT REPORT PERIOD ENDING JUNE 30, 2024

Councilmember Lee explained that she wanted to re-examine the decision to have corporate notes in the City's investment portfolio. She stated that having worked for a credit risk agency, she is aware that things that are rated investment grade can go bankrupt in days. She added that she is concerned about the amount of corporate credit in the portfolio and whether the risk is worth the return.

Finance Director Yu-Scott stated that the City's investment policy is updated every year. She added that the City contracts with PFM Asset Management to assist in managing the City's portfolio. She explained that roughly 10% of the City's portfolio is corporate notes.

Councilmember Brownrigg asked if the corporate notes are held individually or as part of a basket of securities. Finance Director Yu-Scott replied that they are held individually.

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

Mayor Colson suggested creating an ad-hoc investment subcommittee with Councilmember Brownrigg and Councilmember Lee serving on the subcommittee.

Councilmember Lee made a motion to accept the Quarterly Investment Report for the period ending June 30, 2024, with an addition of forming an ad-hoc subcommittee comprised of Councilmembers Lee and Brownrigg; seconded by Vice Mayor Stevenson. The motion passed unanimously by roll call vote, 5-0.

10. PUBLIC HEARINGS

There were no public hearings.

11. STAFF REPORTS AND COMMUNICATIONS

a. **DISCUSSION OF TREE ORDINANCE UPDATE - BURLINGAME MUNICIPAL CODE TITLE 11 (TREES AND VEGETATION)**

City Arborist Holtz began with a review of the current challenges of Municipal Code Chapters 11.04 and 11.06:

- Has not been updated in decades
- Does not follow current industry practices
- Does not allow for equitable replacement of trees removed
- Limits tools available to the City when addressing urgent needs
- Has not been an effective deterrent to intentional wrong-doing

City Arborist Holtz stated that over the past year, staff has done several presentations to the community, Commissions, and Council in order to obtain feedback. He reviewed the concerns that staff received 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 participation)
- “Undesirable species”
- Removal of criteria and considerations
- “Arborist shopping”
- Permit costs and processes
- Effects of large trees and insurability
- Lack of native trees to support local wildlife

Next, City Arborist Holtz reviewed the feedback that staff received from the City’s Commissions and Council:

- Requirements for trees that perish naturally
- Tree protection vs. 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
- Preservation and reforestation opportunities for developers
- Effect of large trees on insurability
- Easier to understand rules for the public
- Species of replacement and reforestation trees
- Proactive approach by city to designate planting location
- Undue burden on development

City Arborist Holtz explained that the City actively began the process to update the City’s tree ordinance in 2018. He stated that since 2018, staff has reached out to various tree cities including Pasadena, Palo Alto, Menlo Park, and Sacramento, and talked with private arborists and City contractors about their concerns.

City Arborist Holtz reviewed the goals of updating Chapter 11.06 of the City’s Municipal Code:

1. Define terms including the expansion of trees protected by municipal code and clarifying responsibilities.
2. Address development including codifying tree preservation requirements and requiring real estate disclosure.
3. Refine removal process including increased public notification and expanded evaluation.
4. Replacement requirements including increased replacement requirements, differentiation between commercial and residential, and planting alternatives.
5. Increase penalties including fines, civil penalties, and criminal penalties.

City Arborist Holtz stated that staff is proposing that seven days prior to the close of real property transactions, individuals are required to disclosure protected trees on the property. He added that the disclosure form would be provided by the City.

City Arborist Holtz reviewed the proposed replacement plans for both commercial and residential properties:

Commercial Replacement Concept	
DSH Equivalent	Replacement Landscape Tree Container Size
One Inch	15 Gallon Container
Two Inch	24 Inch Box
Three Inch	36 Inch Box
Four Inch	48 Inch Box
Five Inch	60 Inch Box

Residential Replacement Concept	
Trunk Diameter	Replacement Landscape Tree
14 to 29 Inches	One – 24-Inch Box or Two – 15-Gallon
30 to 45 Inches	One – 36-Inch Box, Two – 24-Inch Box, or Four – 15 Gallon
>45 Inches	Two – 36-Inch Box, or Three – 24-Inch Box

City Arborist Holtz reviewed the proposed native replacement plans for both commercial and residential properties:

Commercial Native Replacement Concept	
DSH Equivalent	Replacement Landscape Tree Container Size

Two Inch	15-Gallon Container
Four Inch	24 Inch Box
Six Inch	36 Inch Box
Eight Inch	48 Inch Box
Ten Inch	60 Inch Box

Residential Native Replacement Concept	
Trunk Diameter	Replacement Landscape Tree
14 to 29 Inches	One- 15-Gallon
30 to 45 Inches	One- 24-Inch Box, or Two- 15-Gallon
>45 Inches	One- 36-Inch Box, or Two- 24-Inch Box

Next, City Arborist Holtz reviewed 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/2,000 square feet of paving
Commercial zoning	One landscape tree/5,000 square feet of structural lot coverage /5,000 square feet of paving

City Arborist Holtz reviewed a few additional elements of the proposed tree ordinance:

- Unique economic burdens such as insurance policies being canceled due to trees
- Giving the Director authority to create regulations to implement Chapter 11.06 requirements
- Increased tree preservation requirements
- Inclusion of replacement and reforestation trees as protected trees
- This update rescinds Chapters 11.04 and 11.06, replacing them with a new, all-inclusive chapter 11.06

Councilmember Brownrigg asked if this would require a full CEQA review. ACA Spansail replied that the City would know what type of CEQA review is needed after sending the proposed ordinance out for review.

Mayor Colson opened the item for public comment.

Brian Benn discussed the tree replacement needs and the in-lieu fee. (Comment submitted via publiccomment@burlingame.org)

Gerard Manning discussed trimming of trees around solar panels. (Comment submitted via publiccomment@burlingame.org)

Leslie McQuade voiced concern about enforcing tree replacement. (Comment submitted via publiccomment@burlingame.org)

Kris Cannon voiced her support for the proposed amendments. (Comment submitted via publiccomment@burlingame.org)

John Easterbrooke voiced concern about distressed trees in the city. (Comment submitted via publiccomment@burlingame.org)

Tony Paul discussed the classification of the dead trees before the rainy season.

Mayor Colson closed public comment.

Councilmember Pappajohn asked about the in-lieu fee. City Arborist Holtz replied that the cost given was an example. He noted that a fee study would be necessary. He explained that the fee to not plant a tree is high on purpose, as the City wants to incentivize the replanting of trees.

Mayor Colson stated that she wasn't sure removing a tree for a solar panel is better for the environment. City Arborist Holtz replied that a majority of the solar versus tree matters are private matters.

Councilmember Brownrigg voiced support for the updated ordinance. He wondered if a resident should be held to the same replacement standards if the tree is removed due to a utility issue or health of the tree rather than the removal of a healthy tree. City Arborist Holtz replied that through research, they learned that most cities don't differentiate between trees being removed voluntarily or due to natural causes. He added that it is about what the tree provides to the community.

Mayor Colson suggested renaming the tree replacement fund to tree replacement and maintenance fund. City Arborist Holtz replied that the tree replacement fund language is crafted to help maintain the urban forest via planting or by Council direction.

Vice Mayor Stevenson asked about the replacement of trees like for like versus one big tree for four smaller trees and if the tree fund can help offset this cost. ACA Spansail replied that the tree replacement fund is set up to capture money for tree replacement in one place, and the uses for the funds have not been fully outlined yet.

Councilmember Lee asked about the estimated 500 staff hours that are getting absorbed without adding additional staff. City Arborist Holtz replied that it is an estimate, and they are going to work it into their schedule.

Councilmember Brownrigg supported sending educational cards out to realtors about the rules and regulations of the urban forest. He noted that his street has oaks that are planted right under PG&E wires and that he hoped there would be some common sense about tree planting.

Council thanked City Arborist Holtz for his report.

12. COUNCIL COMMITTEE AND ACTIVITIES REPORTS AND ANNOUNCEMENTS

Council reviewed their committee appointments.

13. FUTURE AGENDA ITEMS

Councilmember Brownrigg commented on the increase in emails related to traffic and wanted to be proactive about it. He suggested addressing it at the next goal setting meeting.

14. 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.

15. ADJOURNMENT

Mayor Colson adjourned the meeting at 9:05 p.m. in memory of Sidar Ergin.

Respectfully submitted,

Meaghan Hassel-Shearer
City Clerk