



BRISBANE CITY COUNCIL

ACTION MINUTES

CITY COUNCIL MEETING AGENDA THURSDAY, SEPTEMBER 5, 2024

HYBRID MEETING, 50 PARK PLACE, BRISBANE, CA 94005

7:30 P.M. CALL TO ORDER – PLEDGE OF ALLEGIANCE

Mayor O’Connell called the meeting to order at 7:31 P.M. and led the Pledge of Allegiance.

ROLL CALL

A. Consider any request of a City Councilmember to attend the meeting remotely under the “Emergency Circumstances” of AB 2449

No Councilmembers made a request under the Emergency Circumstances of AB 2449.

Councilmembers present: Councilmembers Cunningham, Davis, Lentz, Mackin, and Mayor O’Connell

Councilmembers absent: None

Staff Present: City Manager Dennis, City Clerk Padilla, City Attorney McMorrow, Finance Director Yuen, City Engineer Breault, Community Development Director Swiecki, Senior Planner Johnson, Assistant to the City Manager Cheung, Economic Development Director Bull, Deputy Fire Chief Abelson, Police Commander Garcia, and Administrative Management Analyst Ibarra

REPORT OUT OF CLOSED SESSION

City Attorney McMorrow reported that Councilmembers took action on Liability Claim Item D and Liability Claim Item E.

ADOPTION OF AGENDA

Councilmember Cunningham made a motion, seconded by Councilmember Mackin, to approve the City Council Meeting agenda as it stands. The motion passed unanimously by all present.

Ayes: Councilmembers Cunningham, Davis, Lentz, Mackin, and Mayor O’Connell.

Noes: None

Absent: None

Abstain: None

ORAL COMMUNICATIONS NO. 1

David Schooley spoke about his concern for the Oak Grove at the entrance of Brisbane.

Michael Barnes congratulated the Council for the High Speed Rail agreement and asked the City to provide Bicycle Accident Reports by the Police Department on the City's website as noted in the City's response to a Grand Jury report on bicycle safety.

Michele Salmon thanked the council for the High Speed Rail resolutions.

Del Schembari shared a leaflet from the Mountain Butterfly Collective to stop the development of the quarry.

CONSENT CALENDAR

- B. Approve Minutes of City Council Special Meeting of July 15, 2024**
- C. Approve Minutes of City Council Closed Session Meeting of July 18, 2024**
- D. Approve Minutes of City Council Meeting of July 18, 2024**
- E. Approve Investment Report as of June 2024**
- F. Approve Investment Report as of July 2024**
- G. Approve Response to Grand Jury Report on Restaurant Exteriors: The Neglected Space**
- H. Approve Response to Grand Jury Report on the State of Compost Compliance in San Mateo County**
- I. Adopt a Resolution "Authorizing the Director of Public Works/City Engineer to execute agreements with the California Department of Transportation for a Brisbane Lagoon and U.S. Highway 101 Adaptation Planning Study"**
(The grant award amount is \$259,920. Once the grant is finalized, city staff will request an obligation of \$34,000 to meet the required local match.)
- J. Approve Resolutions Appointing Committee Members from Open Space Ecology Committee, Inclusion, Diversity, Equity, and Accountability Committee, Complete Streets Safety Committee and San Mateo County Mosquito and Vector Control District Board of Trustees**
- K. Authorize staff to publish the Public Art RFP to solicit prospective artists for the Alvarado to San Benito Stairway as recommended by the Public Art Advisory Committee**
- L. Approve David L. Brown Productions' 25th Anniversary documentary screening as a cosponsored event**
- M. Award the Smart Corridors Northern Cities - Brisbane construction contract (Project No. 924D) to Bear Electrical Solutions, Inc. in the amount of \$2,915,935 and authorize the mayor to sign the Agreement on behalf of the City**

Councilmember Cunningham made a motion, seconded by Councilmember Mackin, to approve Consent Calendar Items B-M. The motion passed unanimously by all present.

Ayes: Councilmembers Cunningham, Davis, Lentz, Mackin, and Mayor O'Connell.

Noes: None

Absent: None

Abstain: None

N. Approve Excelsior Running Club's 6th Annual Star City San Bruno Mountain Half Marathon and 5K as a cosponsored event

Due to a conflict of interest, Councilmember Lentz left the room and recused himself from voting on this item. Councilmember Davis made a motion, seconded by Councilmember Cunningham, to approve Consent Calendar Item N. The motion passed 4 votes and 1 recusal.

Ayes: Councilmembers Cunningham, Davis, Mackin, and Mayor O'Connell.

Noes: None

Absent: None

Abstain: None

Recused: Councilmember Lentz

O. Approve the Sierra Point Yacht Club's 2024 Regatta as a cosponsored event

Due to a conflict of interest, Mayor O'Connell left the room and recused herself from voting on this item. Councilmember Davis made a motion, seconded by Councilmember Lentz, to approve Consent Calendar Item O. The motion passed 4 votes and 1 recusal.

Ayes: Councilmembers Cunningham, Davis, Lentz and Mackin

Noes: None

Absent: None

Abstain: None

Recused: Mayor O'Connell

AWARDS AND PRESENTATIONS CONTINUED

P. Swearing In Newly Appointed Committee Members

City Clerk Padilla administered the Oath Or Affirmation of Allegiance for Public Officers for the newly appointed committee members:

- Anthony Walker, Open Space & Ecology Committee term through 2026
- Michael Goldman, San Mateo County Mosquito & Vector Control District Board of Trustee term through 2028
- Paul Bouscal, Complete Streets Safety Committee term through 2028
- Emily Wirowek, Complete Streets Safety Committee term through 2028
- Lailah Khalil, Inclusion, Diversity, Equity, and Accountability Committee term through 2026
- Carol Zoltowski, Inclusion, Diversity, Equity, and Accountability Committee term through 2026

Quita Highsmith was appointed to the Inclusion, Diversity, Equity, and Accountability Committee with a term through 2026. She was not able to attend the City Council Meeting and will be sworn in at a later time.

Q. Proclaiming September as National Preparedness Month

Mayor O'Connell proclaimed September 2024 as National Preparedness Month and encouraged all Brisbane residents to increase their knowledge and awareness of proper safety measures to follow before, during, and after a disaster.

Deputy Fire Chief Abelson accepted the proclamation on behalf of North County Fire Authority.

CONTINUED PUBLIC HEARING

R. Consider Introducing an Ordinance Approving a Zoning Text and Map Amendment 2024-RZ-1, Overlay to R-1 Residential District and the R-BA Brisbane Acres Residential District in Entirety

(It is being recommended to introduce an ordinance approving a zoning text and map amendment 2024-RZ-1 amending regulations within Title 16 and 17 of the Brisbane Municipal Code to add the R-TUO residential two unit overlay district as new chapter 17.05 and related amendments; and finding that this project is exempt from environmental review under CEQA Guidelines Sections 15061(b)(1) & (3), Section 15183. This item was continued from the City Council Meeting of June 6, 2024 and July 18, 2024.)

Community Development Director Swiecki presented a graphic to explain what happens in Brisbane with the proposed ordinance and without the proposed ordinance.

After Council questions, Mayor O'Connell opened the public hearing.

Peter Sutherland shared his concerns about road safety and the quality of soil in the acres.

Stephen Goodwin shared his public health and safety concerns about the proposed Ordinance.

Rachel asked what the federal protections for the trees are.

Tom Heinz commented there is strength in numbers to join the other cities against SB 9.

Sherry Goodwin submitted petitions signed by 224 members of the public not to approve the Ordinance and have the public decide on the issue through an election.

Linda Salmon commented that the residents need protection from earthquakes, mudslides and fires.

DeeDee Porter commented that she signed the petition to prevent overdevelopment in the area above Kings Road and that she should have read up more on the proposed ordinance, SB 9 and SB 1037. She added that the ordinance does not mandate that we develop the Acres and that SB 9 cannot be implemented in areas that do not have infrastructure. The ordinance will also help protect the City more and not lessen restrictions. All of this is public opposition is to SB 9 and not the council's proposed ordinance.

Michele Salmon asked the Council to read the Open Space Ecology Committee letter regarding this issue and delay the vote for two more weeks.

Prem Lall asked for more information about the trust-like option for Open Space.

Paul Bouscal agrees with developing plans to protect the Acres.

Leesa Greenlee agrees with developing plans to protect the Acres if it is just a matter of semantics. She also shared her concerns about Margaret Road.

Ron Coloma commented that Council should preserve the property rights of property owners in the lower acres.

Michele Salmon, Peter Sutherland, Dana Dillworth and Paul Bouscal added follow up comments.

Councilmember Cunningham made a motion, seconded by Councilmember Davis, to close the public hearing. The motion passed unanimously by all present.

Ayes: Councilmembers Cunningham, Davis, Lentz, Mackin, and Mayor O'Connell.

Noes: None

Absent: None

Abstain: None

After a brief break, Council continued the public hearing Item R to a future City Council meeting in order for staff to provide more information to Council on zoning district issues including protection of City-owned open space, public street standards and related development standards, ownership of non-public roadways, and solar shading.

S. Consider Introducing an Ordinance Approving a Zoning Text Amendment 2024-RZ-2, City-wide

(It is being recommended to introduce an ordinance approving omnibus zoning amendments to modify the development standards for multifamily and residential mixed use zoning districts consistent with California Senate Bill SB 478 ("housing opportunity act") and as provided in the 2023-2031 Housing Element; and finding that this project is exempt from environmental review under CEQA Guidelines Sections 15061(b)(3), Section 15183. This item was continued from the City Council Meeting of June 6, 2024 and July 18, 2024.)

Due to the late hour, Continued Public Hearing Item S was not discussed and will be continued to a future meeting.

STAFF REPORTS

T. City Manager's Report on Upcoming Activities

City Manager Dennis reported on an upcoming event.

MAYOR/COUNCIL MATTERS

U. Update on Vacancy on the Open Space Ecology Committee and IDEA Committee

City Clerk Padilla reported that Committee Member Glenn Fieldman from OSEC and Miyoko Nida from the IDEA Committee had resigned from their committees. Councilmembers directed Clerk Padilla to begin recruitment to fill these two seats and other expiring seats in 2025. Interviews will be scheduled January of 2025.

V. Update on the City Council Meeting 2024 Schedule

Councilmembers approved the remaining schedule for the City Council Meetings of 2024, which includes the following:

October 3, 2024 Proposed Special Meeting Best Practices/Code of Conduct Workshop

October 17, 2024 Regular Meeting

November 7, 2024 Regular Meeting

November 21, 2024 Special Meeting (Mayoral Rotation) & Regular Meeting

December 5, 2024 Regular Meeting

December 12, 2024 Special Meeting for the City Council Reorganization

December 19, 2024 Meeting Cancellation

W. Countywide Assignments and Subcommittee Reports

Councilmembers reported on their county wide assignments and subcommittee activities.

X. Written Communications

City Clerk Padilla reported that written communication were received from the following:

Faust (7/23/24) Silverspot Nursery Lease and Funding
Dillworth (8/24/24) Rezone Editor
Ames (8/24/24) Rezoning Brisbane Acres
Nunan (8/28/24) OSEC Response Letter to Rezoning Proposal
Goodwin (9/1/24) Reject 2024 RZ1 and RZ2
Ramirez (9/3/24) Fire in the Ring
Dillworth (9/5/24) Rezoned

ORAL COMMUNICATIONS NO. 2

No member of the public wished to make public comment.

ADJOURNMENT

Mayor O'Connell adjourned the meeting at 10:52 P.M.

Ingrid Padilla
City Clerk