



BRISBANE CITY COUNCIL

ACTION MINUTES

CITY COUNCIL MEETING AGENDA THURSDAY, JULY 18, 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 7:30 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. Councilmember Lentz participated by teleconference at New Chitose Airport Business Service Facility Domestic 4F, Bibi, Chitose, Hokkaido Prefecture 066-0012 as publicly noticed.

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

Councilmembers absent: None

Staff Present: City Manager Dennis, City Clerk Padilla, City Attorney McMorro, Finance Director Yuen, Deputy Public Works Director Kinser, Parks and Recreation Director Leek, Parks and Recreation Supervisor Houghton, Community Development Director Swiecki, Senior Planner Johnson, Associate Planner Robbins, Harbor Master Rehberg, Public Works Maintenance Worker Redfield, Sustainability Manager Etherton, Assistant to the City Manager Cheung, Economic Development Director Bull, Police Commander Garcia, Legal Counsel Roush and Administrative Management Analyst Ibarra

REPORT OUT OF CLOSED SESSION

City Attorney McMorro reported that Councilmembers did not discuss Liability Claim D due to lack of information. Councilmembers were also provided an update on the Pending Litigation Item E and direction was provided to staff.

ADOPTION OF AGENDA

It was requested to adjourn the meeting in memory of Bob Wilson and Joy Mejia. It was also requested to move up Item Q Election Issues after Consent Calendar H. Councilmember Mackin made a motion, seconded

by Councilmember Cunningham to adopt the agenda as amended. The motion was carried unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

AWARDS AND PRESENTATIONS

B. Designating July as Parks and Recreation Month

Mayor O'Connell proclaimed July 2024 as Parks and Recreation Month. Parks and Recreation Commissioner Julie Sims received the proclamation and thanked Council for their support of the Parks and Recreation department.

C. Presenting Brisbane Marina Harbormaster Rehberg and Public Works Maintenance Worker Redfield with Lifesaving Commendation Award

Mayor O'Connell commended Brisbane Marina Harbormaster Rehberg and Public Works Maintenance Worker Redfield for saving a life and their brave rescue at the Brisbane Marina on July 5, 2024.

ORAL COMMUNICATIONS NO. 1

- Nancy Bui, the newly hired Superintendent of the Brisbane School District, introduced herself to the City Council.
- Ron Colona commented about the need to research hillside community policy for safety.
- Tom Heinz made a comment about how life experiences equals wisdom.
- Sherry Goodwin made a comment about the Coyote problem in Brisbane.
- Chris Florkowski made a comment about the City of Brisbane's lack of engagement with Caltrain.

CONSENT CALENDAR

D. Approve Minutes of City Council Closed Session Meeting of June 20, 2024

E. Approve Minutes of City Council Meeting of June 20, 2024

F. Accept Investment Report as of May 2024

G. Approve Annual Military Equipment Report per AB 481

Councilmembers requested to pull Item H, I, J and K for further discussion. Councilmember Cunningham made a motion, seconded by Councilmember Mackin to approve Consent Calendar Items D-G. The motion was carried unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

H. Adopt a Resolution “Adopting the Countywide and City of Brisbane Local Roadway Safety Plan and accompanying Vision Zero Goal”

(This Resolution is exempt from CEQA because it is not a project (CCR Title 14 §15378 (b) (2))

After Council discussion, staff was directed to provide an update to Council at a future meeting on this matter, possibly in a workshop format. Councilmember Cunningham made a motion, seconded by Councilmember Davis to approve Consent Calendar Item H. The motion was carried unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

OLD BUSINESS

Q. Election Issues

i. Consider Adoption of a Resolution to Place on the November 5, 2024 Ballot an Ordinance To Establish Term Limits For City Council Members

Legal Counsel Roush reported that a resolution was before the Council placing on the November 5, 2024 Ballot an ordinance to establish term limits for the City Council Members.

After some Council questions, Paul Bouscal commented to place both election items on the ballot. Michele Salmon does not agree with the Mayoral Rotation but felt the term limits are fine for the ballot. Chris Florkowski made a comment about her concern that not many people want to run for City Council.

After Council discussion, Councilmember Lentz made a motion to adopt a resolution to place on the November 5, 2024 Ballot an ordinance to establish term limits for City Council members, seconded by Councilmember Davis. The motion failed with a 2 to 3 vote.

Ayes: Councilmembers Lentz and Davis

Noes: Councilmembers Cunningham, Mackin and Mayor O’Connell

Abstain: None

Absent: None

ii. Discuss whether to place on the November 5, 2024 Ballot an ordinance by which City Council will appoint the Mayor and the Mayor Pro Tempore

Legal Counsel Roush reported that it is before the Council to discuss whether to place on the November 5, 2024 Ballot an ordinance by which City Council will appoint the Mayor and Mayor Pro Tem but no resolution was provided.

After no council questions, Dana Dillworth, Tom Heinz, Chris Florkowski, and Michele Salmon commented on

their position on the Mayor and Mayor Pro Tem appointment and rotation.

After Council discussion, staff was directed to provide a City Council Workshop in October regarding best practices and code of conduct.

Council took a brief break.

After returning from the break, it was requested to amend the agenda due to the late hour. It was proposed to not discuss Continued Public Hearing Items N and O and continue the public hearing. It was proposed to not discuss Old Business P and continue to a future a meeting. Councilmember Cunningham made a motion, seconded by Davis, to amend the agenda accordingly. The motion was carried unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

CONSENT CALENDAR CONTINUED

I. Adoption of Urgency Ordinance amending the Brisbane Municipal Code sections concerning Electrical Vehicle Infrastructure and adding a new Chapter 15.83 Energy Performance Reach Code

(This Ordinance is categorically exempt from environmental review under CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment.)

After some council questions, Danny Ames made a comment about conduits. After some council discussion, Councilmember Mackin made a motion, seconded by Councilmember Cunningham to approve Consent Calendar Items I. The motion was carried unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

J. Authorize City Manager to Solicit Proposal and Negotiate Sole-Source Contract from Good City Co. for 70 Old County Road Community Engagement and Planning Project

After Community Development Director Swiecki's report and Council questions, Michele Salmon commented that the focus should be the former Bank of America building. After Council discussion, Councilmember Davis made a motion, seconded by Councilmember Cunningham to approve Consent Calendar Items J. The motion was carried unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

K. Authorize the City Manager to sign the Construction Agreement for Alvarado to San Benito Stairway Project

(This work is categorically exempt from CEQA per CCR Title 14 §15301.)

Councilmember Cunningham made a motion, seconded by Councilmember Davis to approve Consent Calendar Items J. The motion was carried unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

After Council questions about the need to involve the Public Art Committee with the further discussion of this item, Danny Ames commented that he hopes this project is completed as soon as possible. Staff was directed to continue the discussion of this matter after it has been discussed with the Public Art Committee.

PUBLIC HEARING

L. City of Brisbane Local Stormwater Program Fees

1. Open the Public Hearing and take public comment. Close the Public Hearing, and if appropriate, overrule any objections to the imposition of fees related to the National Pollutant Discharge Elimination System (NPDES)

2. Consider adoption of a Resolution, "A Resolution of the City Council of the City of Brisbane Imposing Charges for Funding the Local Brisbane Stormwater Program, Authorizing Placement of Said Charges on the 2024-2025 County Tax Roll and Authorizing the County Tax Collector to Collect Such Charges."

After a staff report from Deputy Public Works Director Kinser and no Council questions, Mayor O'Connell opened the public hearing. After no members of the public wished to speak, Councilmember Davis made a motion, seconded by Councilmember Cunningham, to approve to close the public hearing. The motion was carried unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

After no Council discussion, Councilmember Mackin made a motion, seconded by Councilmember Davis, to adopt a resolution imposing charges for funding the local Brisbane Stormwater Program,

authorizing placement of said charges on the 2024-2025 County Tax Roll and authorizing the County Tax Collector to collect such charges. The motion was carried unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

Sierra Point Landscaping and Lighting District

1. Hear Statement of Engineer of Record, Read Mayor's Statement, Hear City Clerk Statement, Open Public Hearing to hear any testimony, Close Public Hearing

2. Consider adoption of Resolution overruling protests and ordering the improvements and confirming the diagram and assessments for Fiscal Year 24/25

After the statements from the Engineer of Record, Mayor O'Connell, City Clerk Padilla, Mayor O'Connell opened the public hearing.

Michele Salmon spoke about the need to better care for the Marina including the landscaping. Dana Dillworth wrote a comment about the broken water fountain in the Marina.

Councilmember Mackin made a motion, seconded by Councilmember Cunningham to close the public hearing. The motion was carried unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

Councilmember Cunningham made a motion, seconded by Councilmember Davis to adopt a Resolution overruling protests and ordering the improvements and confirming the diagram and assessments for Fiscal Year 24/25. The motion was carried unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

CONTINUED PUBLIC HEARING

M. 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.)

Due to the late hour, Council voted earlier in the meeting to not discuss and to continue the Continued Public Hearing Item N to a future City Council meeting.

N. 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.)

Due to the late hour, Council voted earlier in the meeting to not discuss and to continue the Continued Public Hearing Item O to a future City Council meeting.

OLD BUSINESS

O. Consider Adoption of Resolution Approving an Agreement for the Purchase and Sale of Vacant City Property in Crocker Park (28,000 square feet +/-) and Authorizing the City Manager to Sign the Agreement and All Other Documents Necessary to Carry Out the Sale

(This action is not subject to further environmental review as it is not a project under the California Environmental Quality Act. CEQA Guidelines, Section 15378 (b) (4).)

Due to the late hour, Council voted earlier in the meeting to not discuss and to continue Old Business Item P to a future City Council meeting.

STAFF REPORTS

R. City Manager's Report on Upcoming Activities

No City Manager report was provided.

MAYOR/COUNCIL MATTERS

S. Countywide Assignments and Subcommittee Reports

Councilmembers reported on their activities, countywide assignments and subcommittee meetings. Councilmember Lentz will be replacing Councilmember Davis as the alternate representative to the SFO Roundtable.

T. Written Communications

Written Communication was received by Councilmembers from the following members of the public:

- Kerekes (06-26-2024) Parking enforcement
- Dillworth (06-27-2024) Planning commission agenda tonight
- Cui (07-01-2024) Rolled curb parking violation
- Limper (07-03-2024) Mission Blue Rd
- Gillespie (07-12-2024) Sea Scout ship
- Lloyd (07-13-2024) Bayshore Hwy
- Dillworth (07-15-2024) Buildout Scenarios
- Dillworth (07-18-2024) Rezone Comments
- Lacsamana (07-18-2024) Term Limits
- Florkowski (07-18-2024) Caltrain Engagement
- Dillworth (07-18-2024) Rezone details #1
- Nunan (07-18-2024) Address to Council from David
- Dillworth (07-18-2024) Rezone Completed details #2

ORAL COMMUNICATIONS NO. 2

Michele Salmon made a comment about Senate Bill 9.

ADJOURNMENT

Mayor O'Connell adjourned the meeting at 10:58 P.M. in memory of Bob Wilson and Joy Mejia.

Ingrid Padilla
City Clerk