



**BRISBANE CITY COUNCIL**

**ACTION MINUTES**

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**CITY COUNCIL MEETING AGENDA  
THURSDAY, JUNE 6, 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.

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

Councilmembers absent: None

Staff Present: Interim City Manager Holstine, City Clerk Padilla, City Attorney McMorrow, Finance Director Yuen, City Engineer Breault, Deputy Public Works Director Kinser, Parks and Recreation Director Leek, Human Resources Director Partin, Community Development Director Swiecki, Senior Planner Johnson, Assistant to the City Manager Cheung, Economic Development Director Bull, Police Commander Garcia, Deputy Fire Chief Abelson and Administrative Management Analyst Ibarra

**REPORT OUT OF CLOSED SESSION**

Interim City Manager Holstine reported that Councilmembers rejected the Liability Claims D. Councilmembers were also provided an update on the Pending Litigation Item G and direction was provided to staff.

**ADOPTION OF AGENDA**

Mayor O’Connell made the request to move Public Hearing items Q and R at the beginning of the Public Hearing items and to adjourn the meeting in memory of Alex Reisman. Councilmember Davis made a motion, seconded by Councilmember Cunningham to adopt the agenda as amended. The motion was carried unanimously by all present.

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

Noes: None

Abstain: None

## **AWARDS AND PRESENTATIONS**

### **B. Proclaiming June 2024 as Pride Month**

Mayor O'Connell proclaimed the month of June 2024 as Pride Month in support of the LGBTQ community and in recognition of all LGBTQ residents whose influential and lasting contributions to our neighborhoods make the City of Brisbane a vibrant community in which to live, work and visit.

Planning Commissioner Sandip Patel accepted the proclamation on behalf of his partner Brandon Ahlstrom, a public health nurse and a resident of Brisbane for the past 12 years. He thanked the Council for the recognition.

### **C. Juneteenth Proclamation**

Mayor O'Connell proclaimed that the City of Brisbane will observe Juneteenth on June 19, 2024. She acknowledged Juneteenth as a day for all Americans to commit to our collective prosperity and humanity.

Quita Highsmith accepted the Juneteenth Proclamation. Ms. Highsmith, resident of Brisbane for the past 14 years and Vice President and Chief Diversity Officer at Genentech. She thanked the Mayor and Council for the proclamation and acknowledgement.

## **ORAL COMMUNICATIONS NO. 1**

Jonathan Scharfman, thanked City Manager Holstine for his service to the City and wished him well on his retirement.

A member of the public, spoke about the Brisbane Acres.

## **CONSENT CALENDAR**

### **D. Approve Minutes of City Council Meeting of May 2, 2024**

### **E. Approve Minutes of City Council Closed Session Meeting of May 16, 2024**

### **F. Approve Minutes of City Council Meeting of May 16, 2024**

### **G. Approve Minutes of Special City Council Meeting of May 30, 2024**

### **H. Accept Investment Report as of April 2024**

### **I. Introduce an Ordinance Amending Section 8.44.180 of the Brisbane Municipal Code Requiring That Tobacco Retailers Be Inspected At Least Twice Every 12 Months to Ensure They Are Complying with the Tobacco Retailer Permit Ordinance**

### **J. Award the Construction Contract for the 2023 Slurry Seal to Graham Contractors, Inc. in the Amount of \$249,500, and Authorize the Mayor to Sign the Agreement for the City**

**K. Adopt a Resolution Establishing the 2024 Business License Tax for Liquid Storage Facilities as to Kinder Morgan/SFPP**

**L. Sierra Point Landscaping and Lighting District for the Fiscal Year 2024-2025**

**i. Adopt a Resolution, "Appointing Attorney for the Sierra Point Landscaping and Lighting District for the Fiscal Year 2024-2025."**

**ii. Adopt a Resolution, "Appointing Engineer for the Sierra Point Landscaping and Lighting District for the Fiscal Year 2024-2025."**

**iii. Adopt a Resolution, "A Resolution of Preliminary Approval of Engineer's Report - Fiscal Year 2024-2025 - Sierra Point Landscaping and Lighting District"**

**iv. Adopt a Resolution, "A Resolution of Intention to order the levy and collection of assessments pursuant to the Landscaping and Lighting Act of 1972 - Fiscal Year 2024-2025 - Sierra Point Landscaping and Lighting District"**

**M. Adoption of Resolution establishing the Appropriation Limit for Fiscal Year 2024-2025**

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

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

Noes: None

Abstain: None

Absent: None

**PUBLIC HEARING**

**Q. Consider Introduction of 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)**

Community Development Director Swiecki reported that the purpose of this item is to amend the zoning ordinance to establish regulations for urban lot splits and two-unit developments consistent with the requirements of Senate Bill SB 9. It is being recommended to introduce the ordinance amending the zoning text and zoning map to establish the R-TUO Residential Two Unit Overlay district and related code amendment.

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

Paul Bouscal, a member of the public and Erin Becker made a comment about the Zoning Text and Map amendment.

After some Council discussion about public hearing and community outreach strategies, Councilmember Davis made a motion, seconded by Councilmember Mackin to continue the public hearing on July 18, 2024. The motion was carried unanimously by all present.

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

Noes: None

Abstain: None

Absent: None

#### **R. Consider Introduction of 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)**

Senior Planner Johnson reported that the purpose of this item is to amend the zoning text provisions in a number of Chapters in the Brisbane Municipal Code, consistent with the revised 2023-2031 Housing Element goals, policies and programs. It is being recommended to introduce the ordinance amending the zoning text

After council questions, Mayor O'Connell opened the public hearing and no member of the public wished to speak.

Councilmember Cunningham made a motion, seconded by Councilmember Davis to continue the public hearing on July 18, 2024. The motion was carried unanimously by all present.

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

Noes: None

Abstain: None

Absent: None

Council discussion.

After Public Hearing Item R, Council took a brief break.

#### **N. Consider Adoption of Resolutions to Approve the Budget for Fiscal Year 2024/25**

##### **1. Adopt Resolution adopting the annual budget for Fiscal Year 2024-2025 and making appropriations for the amounts budgeted for the City, the Successor Agency and Housing Authority**

Finance Director Yuen reported that on May 30, 2024, Staff presented an overview of the budget to the City Council. Staff also initiated reviews of departmental budgets including highlights from previous year, variances from previous year and budgeted requests. Council requested staff come back on June 6, 2024, with proposed items that were identified to either be placed on hold or pushed to the FY26 budget to minimize budgeted deficit. She also reported that the General Fund budget for Fiscal Year 2024/25 is balanced within available resources and the anticipated Net Use of Fund Balance is \$2,699,000.

After council questions, Mayor O'Connell opened the public hearing. No member of the public wished to speak.

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

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

Noes: None

Abstain: None

Absent: None

After some Council discussion, Councilmember Lentz made a motion, seconded by Councilmember Cunningham, to adopt a resolution adopting the annual budget for Fiscal Year 2024-2025 and making appropriations for the amounts budgeted for the City, the Successor Agency and Housing Authority. The motion was carried unanimously by all present.

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

Noes: None

Abstain: None

Absent: None

## **2. Adopt Guadalupe Valley Municipal Improvement District Resolution adopting the annual budget for Fiscal Year 2024-2025 and making appropriations for the amounts budgeted**

After no public comments were received, Board member Lentz made a motion, seconded by Board member Cunningham to close the public hearing. The motion was carried unanimously by all present.

Ayes: Board members Cunningham, Davis, Lentz, Mackin, and Chair O'Connell

Noes: None

Abstain: None

Absent: None

Board member Mackin made a motion, seconded by Board member Lentz, to Adopt Guadalupe Valley Municipal Improvement District Resolution adopting the annual budget for Fiscal Year 2024-2025 and making appropriations for the amounts budgeted. The motion was carried unanimously by all present.

Ayes: Board members Cunningham, Davis, Lentz, Mackin, and Chair O'Connell

Noes: None

Abstain: None

Absent: None

## **O. Consider Adoption of Resolution Adopting a Master Fee Schedule**

Finance Director Yuen reported that the purpose of this item is to ensure the users of services as outlined in the City's Cost Recovery Policy pay for the services provided by the City. It is being recommended by staff to adopt a Master Fee Schedule Resolution, which generally increases fees by 2.5%. Finance Director Yuen also commented that there were also amendments to the Planning Department Fees.

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

Parks and Recreation Commissioner, Leesa Greenlee thanked the council for their support of kids and senior programming.

Mayor O'Connell made a motion, seconded by Councilmember Davis, to close the public hearing. The motion was carried unanimously by all present.

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

Noes: None

Abstain: None

Absent: None

Councilmember Cunningham made a motion, seconded by Councilmember Davis, to adopt a resolution adopting a master fee schedule. The motion was carried unanimously by all present.

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

Noes: None

Abstain: None

Absent: None

**P. Consider Adoption of Resolution Imposing a National Pollutant Discharge Elimination System (NPDES) Compliance Fees on Commercial Property Owners Within an Identified Study Area**

City Engineer Breault reported the purpose of this item is to hold the public hearing required before considering approval of a resolution imposing new fees on commercial property owners to pay for costs associated with the city's compliance with National Pollutant Discharge Elimination System (NPDES). He added that the City received 15 written protests out of over 200 parcels.

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

Nick Fafoutis of Prologis, Julia Johnson, and John Lee made a comment about the NPDES Compliance Fees. Paul Bouscal made a comment about impact on habitat.

After Council discussion, Councilmember made a motion, seconded by Councilmember to close the public hearing. The motion was carried unanimously by all present.

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

Noes: None

Abstain: None

Absent: None

After some Council discussion, Councilmember Mackin made a motion, seconded by Councilmember Lentz, to adopt a resolution imposing a National Pollutant Discharge Elimination System (NPDES) Compliance Fees on commercial property owners within an identified study area. The motion was carried unanimously by all present.

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

Noes: None

Abstain: None

Absent: None

**OLD BUSINESS**

**S. Consider Adopting a Resolution to Amend the Master Pay Schedule**

Human Resources Director Partin reported that the purpose of this item is to ensure the City maintains competitive pay rates to retain qualified, stable and dedicated workforce for the community. She added that there are updates to the

master pay schedule which included the following:

- Confidential Management Employees: The classifications in this group will receive a 6% pay increase and the current filled positions in this group and their respective top step pay rates include: Finance Director at \$115.49 per hour and Human Resources Director at \$113.35.
- Executive Management: The classifications in this group will receive a 6% pay increase and the current filled positions in this group and their respective top step pay rates include: Assistant to the City Manager at \$92.48 per hour, City Clerk at \$74.83 per hour, Community Development Director at \$116.72 per hour, Parks and Recreation Director at \$111.29 per hour and Public Works Director/City Engineer at \$136.64 per hour.
- Police Chief: This classification will receive a 6% pay increase and the new pay rate will be \$136.19 per hour at the top step.
- The following bargaining groups will also receive a 6% pay increase: Brisbane Fire Management, Confidential Employees, General Employees Association, International Association of Firefighters, Local 2400, Mid-Management/Professional Employees, Police Commander, and Police Officers Association.

After no Council questions, no public comment and Council discussion, Councilmember Mackin made a motion, seconded by Councilmember Lentz, to adopt a resolution amending the Master Pay Schedule. The motion was carried unanimously by all present.

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

Noes: None

Abstain: None

Absent: None

**T. Consider Adoption of a Resolution to Initiate a Test Residential Parking Permit Program on Thomas Ave Based Upon Results of Outreach to Residents**

Deputy Public Works Director Kinser reported that the purpose of the item is to initiate a test residential parking permit program (RPPP) on Thomas Avenue lasting six months, and to later receive feedback from staff on the effectiveness of the program. She added that in April, Council approved the municipal code revision to reduce the number of households needed to initiate a program on their street to a simple majority, versus the prior 70%.

After some Council questions and no public comment, Councilmember Mackin made a motion, seconded by Councilmember Cunningham, to adopt a resolution to initiate a test Residential Parking Permit Program on Thomas Avenue based upon results of outreach to residents. The motion was carried unanimously by all present.

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

Noes: None

Abstain: None

Absent: None

**STAFF REPORTS**

**U. City Manager's Report on Upcoming Activities**

Interim City Manager Holstine on the latest City news.

**MAYOR/COUNCIL MATTERS**

**V. Update on Committee Recruitment**

City Clerk Padilla reported that there were 2 applications received for the Complete Streets Safety Committee vacancy in addition to the 1 application received for the Open Space Ecology Committee vacancy, 4 applications for the Inclusion, Diversity, Equity and Accountability Committee vacancies, and 2 applications for San Mateo County Mosquito & Vector Control District Trustee vacancy received in May.

City Clerk Padilla was directed by Council to schedule a special meeting for interviews in July.

**W. Countywide Assignments and Subcommittee Reports**

Councilmembers reported on their countywide assignments and subcommittee reports.

**X. Written Communications**

Councilmembers received the following communication from May 6-June 6, 2024:

Cansino (05-06-2024) Pride proclamation

Sangamo (05-28-2024) CA Warn Act Notice to Brisbane City Council 2023-11-01

Sangamo (05-28-2024) Amended CA Warn Act Notice to Brisbane City Council (Brisbane location) 2024-05-24

Bianchi (06-04-2024) NPDES Fee

Dillworth (06-05-2024) Remove from Agenda

Yuen (06-05-2024) Memo FY 25 Budget Dept Expenses

Lassus (06-04-2024) Vote No on ACA-1

Kirsch (06-06-2024) Catalysts Fact Sheet

Dillworth (06-06-2024) Dillworth Rezoning for Housing Items Q & R

Kirsch (06-05-2024) Remove 2 Ordinances from 06-06-2024 Meeting Agenda

**ORAL COMMUNICATIONS NO. 2**

No members of the public wished to speak.

**ADJOURNMENT**

Mayor O'Connell adjourned the meeting at 10:31 P.M. in memory of Alex Reisman.

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Ingrid Padilla  
City Clerk