



**BRISBANE CITY COUNCIL**

**ACTION MINUTES**

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**CITY COUNCIL MEETING**

**THURSDAY, APRIL 21, 2022**

*VIRTUAL MEETING*

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Mayor Mackin called the meeting to order at 7:37 P.M. and led the Pledge of Allegiance.

**ROLL CALL**

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

Councilmembers absent: None

Staff Present: City Manager Holstine, City Clerk Padilla, City Attorney McMorrow, Assistant City Manager Schillinger, Finance Director Yuen, City Engineer Breault, Deputy Director of Public Works Kinser, Sustainability Manager Etherton, Deputy City Clerk Ibarra, and Police Chief Macias

**REPORT OUT OF CLOSED SESSION**

City Attorney McMorrow reported that direction was given to staff but no action was taken at Closed Session.

**ADOPTION OF AGENDA**

CM Cunningham made a motion, seconded by CM O'Connell, to adopt the agenda as it stands. The motion was carried unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

## **ORAL COMMUNICATIONS NO. 1**

No member of the public wished to make public comment.

## **CONSENT CALENDAR**

- A. Approve Minutes of City Council Meeting of March 3, 2022**
- B. Approve Minutes of City Council Meeting of March 17, 2022**
- C. Approve Minutes of City Council Closed Session Meeting of March 17, 2022**
- D. Accept Investment Report as of March 2022**
- E. Adopt Resolution Supporting Projects funded by Senate Bill 1 (SB 1): the Road Repair and Accountability Act of 2017**

CM Lentz made a motion, seconded by CM O'Connell, to approve Consent Calendar Items A-E. The motion was carried unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

## **NEW BUSINESS**

- F. Consider Adoption of Resolution Supporting State Pensions Divestment Bill**

Sustainability Manager Etherton introduced Open Space and Ecology Committee Member Glenn Fieldman. Committee Member Fieldman reported that it is being recommended that the Council consider supporting SB 1173 (Gonzalez) Fossil Fuel Divestment Act, which encourages the California Public Employees' Retirement System (CalPERS) and California State Teachers' Retirement system (CalSTRS) to divest their portfolios from fossil fuel investments.

The Open Space and Ecology Committee (OSEC) discussed SB 1173 and the merits of divestment and recommended the City support the bill. Senator Gonzalez's bill, if adopted into law, would prohibit CalPERS and CalSTRS from investing in the top 200 fossil fuel companies, require that they divest any current investments in those fossil fuel companies by 2027, and require they annually report on their divestment progress starting in 2024. The bill aligns with the City's 2014 resolution as well as the Climate Emergency Declaration adopted in July 2021.

After no public comment and some council discussion, CM Cunningham made a motion, seconded by CM O'Connell, to adopt a resolution supporting State Pensions Divestment Bill. The motion was carried

unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

**G. Adopt Resolution Designating Certain Ad Hoc Committees as Standing Subcommittees of the City Council and Dissolving the Special Event, Gun Safety, Luna Fest Film Festival, and Beautification Ad Hoc Committees**

City Clerk Padilla reported that staff has reviewed the current list of ad hoc committees and staff recommends that the following ad hoc committees be designated as standing subcommittees of the City Council: Sierra Point Design Guidelines, Sierra Point Park and Open Space, Cannabis Issues, Transportation Demand Management Policy, and Community Garden. Staff makes this recommendation because even though some of these committees have not met frequently, their purposes are ongoing, their subject matter jurisdiction is of interest to the community, and they should be subject to the Brown Act's requirements just as the Council's other standing subcommittees are.

City Clerk Padilla reported that staff is also recommending that:

1. The Special Event, Gun Safety, Luna Fest Film Festival, and Beautification ad hoc committees be dissolved because the Special Event and Gun Safety ad hoc committees addressed one time issues; the Luna Fest Film Festival is not run by the City; and Beautification was informally formed and does not meet the legal definition of a standing committee or of a temporary advisory committee; and

2. The Crocker Park Noise and City Manager Contract and Recruitment ad hoc committees remain for now, but subject to review by the City Attorney.

After Council questions, Councilmember Cunningham requested Beautification group should continue its work as a standing committee discussing the beautification of the entrance into the City.

After no public comment and some Council discussion, CM Cunningham made a motion, seconded by CM O'Connell, to adopt an amended Resolution designating ad hoc committees be designated as standing subcommittees of the City Council: Sierra Point Design Guidelines, Sierra Point Park and Open Space, Cannabis Issues, Transportation Demand Management Policy, Community Garden and Beautification and dissolving the Special Event, Gun Safety, and Luna Fest Film Festival Ad Hoc Committees. The motion was carried unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

## STAFF REPORTS

### H. City Manager's Report on upcoming activities

City Manager reported on the upcoming City events, latest news and recruitment proposal for vacancies in the Complete Streets Safety Committee and Inclusion, Diversity, Equity and Accountability Committee.

City Attorney McMorrow followed up on a recent question about whether the City's current conflict of interest code makes clear that the City Council expects City appointees to avoid actual and apparent conflicts of interest. The City's conflicts code will come before the City Council for review in June, and In the meantime, early next week a brief memo will be sent from the City Attorney to all City appointees reminding them about state law prohibiting conflicts of interest.

## MAYOR/COUNCIL MATTERS

### I. Countywide Assignments and Subcommittee Reports

Council reported on their recent subcommittee activities and the latest updates from their countywide assignments.

### J. Written Communications

The following written communication was received by the Council between April 8 through April 21, 2022:

Prem Lall (4/19/2022) Mylar balloons caused fire yesterday (4/18) as well as power outages and should be banned in Brisbane

## ORAL COMMUNICATIONS NO. 2

No members of the public wished to make public comment.

## ADJOURNMENT

Mayor Mackin adjourned the meeting at 8:26 P.M.

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Ingrid Padilla, City Clerk