



BRISBANE CITY COUNCIL

ACTION MINUTES

**CITY OF BRISBANE CITY COUNCIL
MEETING AGENDA**

THURSDAY, JUNE 18, 2020

VIRTUAL MEETING

CALL TO ORDER & PLEDGE OF ALLEGIANCE

Mayor O'Connell called the meeting to order at 7:41 p.m. and led the Pledge of Allegiance.

ROLL CALL

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

Councilmembers absent: None

Staff Present: City Manager Holstine, City Clerk Padilla, Interim City Attorney McMorrow, Director of Administrative Services Schillinger, Community Development Director Swiecki, City Engineer Breault, Deputy Director of Public Works Kinser, Senior Planner Ayres, Police Chief Macias, Police Commander Garcia and Deputy City Clerk Ibarra

REPORT OUT OF CLOSED SESSION

Interim City Attorney McMorrow reported that direction was provided to staff. No formal action was taken.

ADOPTION OF AGENDA

Mayor O'Connell noted that Public Hearing Item J 2 had a typographical error. It should say Fiscal Year 20/21. She also noted that Public Hearing Item M will not be heard at tonight's meeting.

CM Conway made a motion, seconded by CM Lentz , to adopt the agenda as amended. The motion was carried unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

PRESENTATION AND AWARDS

A. Consider Adoption of Resolution 2020-47 Affirming the City's Commitment to Stand in Solidarity with the Black Community and Condemn Racism

Mayor O'Connell read Resolution 2020-47 to affirm the City's commitment to stand in solidarity with the black community and take a stand against racism.

CM Davis made a motion, seconded by CM Lentz, to approve Resolution 2020-47 affirming the city's commitment to stand in solidarity with the black community and condemn racism. **The motion was carried unanimously by all present.**

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

Noes: None

Absent: None

Abstain: None

ORAL COMMUNICATIONS NO. 1

Deborah advocated for police funding.

Mary Rogers shared her concerns regarding the current brightness of lighting on the Sierra Point Lumber property.

CONSENT CALENDAR

- B. Accept Investment Report as of May 2020**
- C. Adopt Ordinance No. 652, Waiving Second Reading, Adding chapter 5.70 to the Brisbane Municipal Code Concerning the Determination of Public Convenience or Necessity for an Alcoholic Beverage Control License**
- D. Adopt Resolution No. 2020-48 calling a General Municipal Election to be held on Tuesday, November 3, 2020 and adopting procedures pertaining to the conduct and administration of such election including requesting the San Mateo County Clerk-Recorder to provide specified election services.**
- E. Adopt Resolution No. 2020-49 Affirming the Continuation of the Proclamation of the Existence of a Local Emergency in Response to the Covid-19 Pandemic**
- F. Adopt Resolution No. 2020-50, Revising the 2020 Business License Tax for Liquid Storage Facilities as to Kinder Morgan/SFPP and Rescinding Resolution 2020-42**

G. Receive Solid Waste Franchise Rate Update

1. Acknowledge South San Francisco Scavenger's 2020 rate increase of 2.04%, and their request to delay said increase until at least October 1, 2020.

2. Acknowledge Recology Brisbane's 2020 rate increase of 2.22%, with an effective date of July 1, 2020.

H. Approve the Encroachment Agreement for Installation of Fiber Optic Network Facilities Within the Public Right-of-Way with Intermountain Infrastructure Group, LLC.

I. Authorize the Mayor to sign Memorandum of Understanding to join the San Mateo County Weed Management Area

CM Conway made a motion, seconded by CM Cunningham, to approve Consent Calendar Items B, C, D, E, F, G, H and I. The motion was carried unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

PUBLIC HEARING

J. 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 No. 2020-46 address protests and ordering the improvements and confirming the diagram and assessments for Fiscal Year 20/21

To complete the process via a public hearing for the imposition of annual tax roll charges that fund Sierra Point's Landscape and Lighting Assessment District, which provides for maintenance of the landscaping, irrigation and lighting installed in 1989.

The Statement of Engineer of Record was read by Deputy Public Works Director Kinser. Mayor O'Connell read the Mayor's Statement and City Clerk Padilla read her statement into the record.

Mayor O'Connell opened the public hearing. No member of the public wished to speak.

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

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

Noes: None

Absent: None

Abstain: None

CM Conway made a motion, seconded by CM Cunningham, to adopt Resolution No. 2020-46 to address protests and ordering the improvements and confirming the diagram and assessments for Fiscal Year 20/21.

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

Noes: None

Absent: None

Abstain: None

K. City of Brisbane Local Stormwater Program Fees

1. Open the Public Hearing and take public comment. Close the Public Hearing, and if appropriate, address any objections to the imposition of fees related to the NPDES Program

2. Consider adoption Resolution No. 2020-45, "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 2020-2021 County Tax Roll, and Authorizing the County Tax Collector to Collect Such Charges."

(The purpose of this item is to provide a public hearing and consider imposition of annual tax roll charges that fund Brisbane's Local Stormwater Program, which minimizes discharge of pollutants to San Francisco Bay in accordance with federally mandated permit requirements.)

Mayor O'Connell opened the public hearing and took public comment.

Prem Lall commented that he is concerned about stormwater management and large-scale soil-removal construction projects in Brisbane at the Planning Commission stage.

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

Ayes: Councilmembers Conway, Cunningham, Davis, Lentz, and Mayor O'Connell
Noes: None
Absent: None
Abstain: None

After some council questions of staff, Mayor O'Connell asked staff to provide an update on Proposition 218 prospective funds for consideration and for discussion at a City Council subcommittee level.

After further discussion, CM Cunningham made a motion, seconded by CM Conway, to adopt Resolution No. 2020-45, "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 2020-2021 County Tax Roll, and Authorizing the County Tax Collector to Collect Such Charges."

Ayes: Councilmembers Conway, Cunningham, Davis, Lentz, and Mayor O'Connell
Noes: None
Absent: None
Abstain: None

L. Short Term Rental Regulations- Draft Ordinance 655 and Urgency Ordinance 656

1. Consider introduction of Ordinance No. 655, and adoption of Urgency Ordinance No. 656
2. Direct the City Manager to develop a program and/or regulations to administer and enforce the adopted ordinance, including the establishment of appropriate application fees to cover administrative costs.

(The City Council will consider zoning amendments to allow for and regulate rentals of residential property for periods of less than 30 days (short term rentals). The zoning amendments would allow for hosted rentals (i.e., rentals where the permanent resident is on-site) subject to a permit process and performance standards related to occupancy limits, parking, good neighbor practices, and payment of transit occupancy tax. Unhosted rentals (i.e., rentals where the permanent resident is not on-site) would be prohibited. Ordinance 655 is being recommended to be introduced on a first reading and also adopted as Urgency Ordinance 656 to take effect immediately upon adoption by a four-fifths vote.)

Senior Planner Ayres outlined the short term rental regulations as established in draft Ordinance 655 and Urgency Ordinance 656. She added that according to Urgency Ordinance No. 656, after ninety calendar days from the effective date no host shall conduct short term rental activity in the City of Brisbane without an approved short term rental permit issued by the City, pursuant to this Chapter.

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

The following correspondences were into the record regarding Public Hearing Item L:

- Dolores Gomez supported Ordinance 655.
- Danny Ames commented he firmly supports and wants Ordinance 655 passed.
- Linda Seekins commented she wants housing resources to go to people who live here.
- C. John Skeer spoke against non-owner occupied short term rental units.
- June Heavner supported banning no-host short term rental.
- Deane and Rita Gough is concerned about noise level and wants owners at short term rental properties.
- Shane Maddox commented that residents should share the town with travelers from around the world.
- Clara Johnson opposed no host short term rentals.
- Nancy & Lory Lacsamana supports Ordinance #655 as written.
- Philipp Reichardt commented that it is crucial to maintain a reasonable allowance for un-hosted stays.
- Yanan Sun questioned why the short term rental information was inconsistent from the City.
- Mihaela Palin commented that banning non-hosted stays will cause severe hardship to the family.
- Jeri & Joe Sulley supported owner occupied rentals and a check in time of 9am.
- Sharon Boggs & Leanne Borghesi supported spaces that are hosted by a resident owner.
- Emmett C commented that he does not support no-host AirBNB.
- David S. McWaters urged the council to vote no on no-hosted short-term rentals. Adding that he supported Ordinance No. 655 as written.
- Jodi-Lyn Borghesi urged the Council to stop unhosted Air BnB's as they are not contributing to the betterment of the community.

X7445 wanted the City to explain why it stated that un-hosted stays would be permitted on its informative websites when that was not the intention.

x 8513 commented that these regulations will really hurt her family and asked for the Council to consider allowing unhosted short term rentals for a limited number of days.

x 2022 commented that occasionally hosting while out of town is really helping us financially, especially in this economic situation.

X9559 commented that the cost of living is expensive in the Bay Area and depend on the extra income to this for a few weeks per year.

X0686 commented that unhosted rentals should not be prohibited as long as all rules are followed and neighbors are not disturbed.

X8358 commented that she can only afford to take care of a family member who lives out of town if she rents out her home while she's away during that period

X7476 commented that there are so many tools to control parties

Prem Lall- commented that text messages which are not signed should be ignored.

X8552 commented that many members of the public has not voiced their concern because they were not aware that unhosted rentals will be prohibited. Unhosted rentals will not diminish the quality of life for residents.

After some council comments and staff questions, CM Conway made a motion, seconded by CM Cunningham, to close the public hearing. The motion was carried unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

After some Council discussion and questions, staff was directed to change the following in Urgency Ordinance No. 656:

- "Host" shall mean a natural person who is the owner of record, including an authorized trustee if the property is held in trust, who resides at the dwelling unit for at least 275 days out of a given consecutive 12 month period and who offers the dwelling unit for short term rental of less than thirty (30) days ("short term rental").
- At least three (3) documents providing evidence of the host's permanent residence at the subject property;
- Single-Family Dwelling Units. Short term rentals may only occur within legal single-family dwelling units. Notwithstanding the foregoing, short term rentals shall be prohibited on properties occupied by single-family dwellings with legal accessory dwelling units established on or after April 1, 2017.
- Accessory Dwelling Units. Short term rentals shall not operate in accessory dwelling units.

CM Cunningham made a motion, seconded by CM Conway, to introduce of Ordinance No. 655, and adopt Urgency Ordinance No. 656 as amended and with direction.

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

Noes: None

Absent: None

Abstain: None

M. Consider Introduction of Ordinance No. 653 Amending title 17 of the Brisbane Municipal Code to Regulate Accessory Dwelling Units and Junior Accessory Dwelling Units and Floor Area Ratio Exemption for Garages on Small Lots and Amending Title 15 of the Brisbane Municipal Code to Regulate Alterations and Additions to Existing Structures

(This item will be continued at a future City Council Meeting and will not be heard on June 18, 2020).

NEW BUSINESS

N. Consider adoption of Resolution No. 2020-25 establishing the Appropriation Limit for Fiscal Year 2020-2021

Administrative Services Director reported that the City's appropriation limit for FY 2020/21 is \$22,908,736. The City will receive \$15,494,640 in taxes, including the Guadalupe Valley Municipal Improvement District. Therefore, the City will receive about \$7,414,096 less in taxes than is allowed under the appropriation limit.

CM Conway made a motion, seconded by CM Davis, to Resolution No. 2020-25 establishing the Appropriation Limit for Fiscal Year 2020-2021.

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

Noes: None

Absent: None

Abstain: None

STAFF REPORTS

O. City Manager's Report on upcoming activities

- 1. Update on November 3, 2020 General Elections**
- 2. State Budget Update**
- 3. Equity and Equal Opportunity Status & Update**

Due to the late hour, City Manager Holstine will provide a report on upcoming activities in the City and equity updates via social media. City Clerk Padilla provided a brief update on the November 3, 2020 General elections and candidate filing information. Interim City Attorney McMorro provided a brief state budget update.

MAYOR/COUNCIL MATTERS

P. Countywide Assignments and/Subcommittee Reports

Councilmembers reported on their activities in the following assignments:

- City/County Association of Governments
- Baylands Subcommittee
- Peninsula Traffic Congestion Relief Alliance
- San Mateo County Emergency Services Council
- Association of Bay Area Governments

Q. City Council Meeting Schedule

The City Council has cancelled their City Council Meetings in July and August. The next regularly scheduled City Council Meeting will be on September 3, 2020.

R. Written Communications

Written correspondence was received by the City Council from June 4, 2020 to June 18, 2020.

- Peninsula Corridor Joint Powers Board (6/5/20) A proposal for Slow Streets for Bicycling and Walking Along the Caltrain Corridor
- 27 emails from the Ahmadiyya Muslim Community Re: Black Lives Matter
- Dr. Terry Deloria JUHSD Update: George Floyd (6/8/20), Pandemic Framework (6/17/20), and Sewing Masks (6/18/20)
- SZS Engineering Access, Inc. (6/17/20) ADA Guidance- COVID-19 Phase 3 Reopening in the Public Right of Way (Concept Plan Attached)
- Deborah (6/17/20) Police Funding
- Mary Rogers (6/18/20) Public Comment for 6.18.20 meeting

Short Term Rentals

- Emmett C (6/18/20) Air BnB
- Sharon Boggs & Leanne Borghesi (6/18/20) Brisbane Air B&B Guidelines
- Jeri & Joe Sulley (6/18/20) Note from Jeri & Joe Sulley
- Mihaela Palin (6/18/20) Non hosted stays
- Yanan Sun (6/18/20) Short term rental question
- Philipp Reichardt (6/18/20) Draft Ordinance No. 655
- Nancy & Lory Lacsamana (6/17/20) Ordinance #655 Short term rentals
- Clara Johnson (6/17/20) STR Ordinance 655
- Shane Maddox (6/17/20) Short Term Rentals in Brisbane
- Deane and Rita Gough (6/17/20) Short term rental #655 Ordinance
- June Heavner (6/16/20) public comment for vote on Ord #655 and 656
- C. John Skeer (6/16/20) Short term rental #655
- Linda Seekins (6/16/20) Ordinance 655
- Danny Ames (6/16/20) I firmly support and want Ordinance 655 passed
- Dolores Gomez (6/16/20) Thursday Council Meeting

ORAL COMMUNICATIONS NO. 2

Mea Christie asked if one sees a person who is publicly intoxicated or seems to be on drugs in town, is there a social worker or organization we can call instead of calling the police?

X7445 wanted to comment that hosted short term rentals will not work for them because they have children.

ADJOURNMENT

CM Conway made a motion, seconded by CM Cunningham, to adjourn the City Council Meeting.

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

Noes: None

Absent: None

Abstain: None

Mayor O'Connell adjourned the meeting at 11:15 p.m.

Ingrid Padilla, City Clerk

DRAFT