



BRISBANE CITY COUNCIL

ACTION MINUTES

CITY COUNCIL MEETING

THURSDAY, OCTOBER 6, 2022

VIRTUAL MEETING

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

Mayor Mackin called the special meeting to order at 7:33 P.M. and led the Pledge of Allegiance.

ROLL CALL

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

Councilmembers absent: Councilmember Lentz

Staff Present: City Manager Holstine, City Clerk Padilla, City Attorney McMorrow, Assistant City Manager Schillinger, Finance Director Yuen, Community Development Director Swiecki, Senior Planner Johnson, Senior Planner Ayers, Deputy Fire Chief Kavanaugh, Assistant Fire Marshal Wittner, Administrative Management Analyst Solis, Police Commander Garcia, Human Resources Technician Solis and Admin Management Analyst Ibarra

REPORT OUT CLOSED SESSION

City Attorney McMorrow reported that updates were provided to Council, direction was given to staff and no action was taken at Closed Session regarding the two cases in Closed Session Item D. Liability Claim Item E was rejected by Council and agreed to settle the claim for the claimant’s out of pocket expense in exchange for a signed release of all claims.

ADOPTION OF AGENDA

Councilmember Davis made a motion, seconded by Councilmember Cunningham, to adopt the agenda as it

stands. The motion was carried unanimously by all present.

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

Noes: None

Absent: Councilmember Lentz

Abstain: None

AWARDS AND PRESENTATIONS

A. Proclamation for the Volunteer of the Year

Mayor Mackin declared June Heavner, the 2022 Brisbane Volunteer of the Year. June Heavner thanked her family and friends for their support and the Council for the award.

B. Proclaiming National Hispanic & Latinx Heritage Month

Mayor Mackin declared September 15 to October 15, 2022, as Hispanic and Latinx Heritage Month.

Elizabeth Solis, Administrative Management Analyst, Office of the Fire Chief and Carla Solis, Human Resources Technician, Human Resources Office accepted the Proclamation as mother and daughter. They each shared how proud they are of their heritage and achievements of the Hispanic and Latinx communities.

C. Proclamation of Fire Prevention Week of October 9th - 15th

Mayor Mackin proclaimed October 9-15, 2022, as Fire Prevention Week and urged residents to implement simple and proven preventative measures to ensure the safety of their homes and families.

Craig Wittner, Assistant Fire Marshal, Special Services Bureau, Fire Prevention Services Division accepted the proclamation and thanked the Council for their support.

ORAL COMMUNICATIONS NO. 1

Nancy Lacsamana shared that bully tactics were being used by City Council candidates.

Paul Bouchard shared his concerned about the City Council candidates' statements during the Candidate's Forum.

Jamesanne Dunn shared that the endorsement signs supporting the two incumbents was unfair.

Kim Follien was concerned about the social media attacks pertaining to postings about the City Council race

CONSENT CALENDAR

- D. Approve Minutes of City Council Special Meeting of July 14, 2022**
- E. Approve Minutes of City Council Closed Session Meeting of July 14, 2022**
- F. Approve Minutes of City Council Special Meeting of August 4, 2022**
- G. Approve Minutes of City Council Special Meeting of September 1, 2022**
- H. Approve Minutes of City Council Closed Session Meeting of September 1, 2022**
- I. Accept Investment Report as of August 2022**
- J. Approve Co-Sponsorship Event for San Bruno Mountain Watch**
- K. Approve Co-Sponsorship Event Excelsior Running Club**
- L. Approve Co-Sponsorship Event for Brisbane Chamber of Commerce**
- M. Approve Co-Sponsorship Event for Brisbane Dance Workshop**
- N. Adoption of a Resolution Declaring the Continued Need to Conduct City Council, Commission and Committee Meetings Remotely Due to Health and Safety Concerns for the Public**

Councilmember O'Connell made a motion, seconded by Councilmember Davis, to approve Consent Calendar Items D-K and M-N. The motion was carried unanimously by all present.

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

Noes: None

Absent: Councilmember Lentz

Abstain: None

Councilmember Davis recused herself of the discussion and vote of Consent Calendar Item L and left the meeting. Councilmember O'Connell made a motion, seconded by Councilmember Cunningham to approve Consent Calendar Item L. The motion was passed by 3-0 and Councilmember Davis was recused.

Ayes: Councilmembers Cunningham, O'Connell and Mayor Mackin

Noes: None

Absent: Councilmember Lentz

Abstain: None

Recusal: Councilmember Davis

- O. Approve Purchase of Fire Apparatus Ahead of Current Vehicle Replacement Budget Schedule (The cost of the apparatus is \$930,000. We will pay 50% now in the amount of \$465,00 and the remaining 50% upon completion.)**

After a brief report from Councilmembers Cunningham and O'Connell on their discussion at the

subcommittee level, Councilmember Davis made a motion, seconded by Councilmember Cunningham to approve Consent Calendar Item O. The motion was passed unanimously by all present.

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

Noes: None

Absent: Councilmember Lentz

Abstain: None

PUBLIC HEARING

P. Review of the Draft 2023-2031 Housing Element; Application Number: General Plan Amendment 2022-GPA-1

(City Council's action at this time will be to direct staff to submit the Housing Element to the California Dept. of Housing and Community Development (HCD) for review prior to its adoption by Council at a future public hearing.)

The Housing Element is a mandated element of the City's General Plan that must be updated every eight years and establishes the city's goals, policies, and programs to address current and future housing needs. Community Development Staff provided a report on the following:

- New state regulations
- Goals, policies and programs
- How the City will meet the Regional Housing Needs Assessment (RHNA)
- Comments on the public review draft Housing Element
- The California Environmental Quality Act (CEQA) Determination
- Next steps and timing

Staff reported that once City Council authorizes the submission of the draft to HCD for review, staff will forward it

along to the California Dept. of Housing and Community Development (HCD, which has up to 90 days to review and provide comments on the draft element. Once comments are received by the City, the draft element will likely require revision to respond to HCD comments. The final deadline for adoption of the final Element by Council and HCD certification is May 31, 2023.

After Council questions, Mayor Mackin opened the Public Hearing.

Michele Salmon mentioned that ADU's in the North East Ridge should not be allowed and could affect the stability of the development.

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

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

Noes: None

Absent: Councilmember Lentz

Abstain: None

After Council discussion, Councilmember Cunningham made a motion, seconded by Councilmember Davis to adopt a resolution directing staff to submit the Housing Element to the California Dept. of Housing and Community Development and approve the programs outlined in the Housing Element . The motion was passed unanimously by all present.

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

Noes: None

Absent: Councilmember Lentz

Abstain: None

Q. Consider Adoption of a Resolution to Implement the Second of Four Capital Facilities Fee for the Utility Fund.

(It is being recommended to Adopt a Resolution setting the rate for the second Capital Charge for water and wastewater services. Over a 17-year period, the City is phasing in four planned fee increases in order to pay for improvements to the City's aging water and wastewater systems. If adopted, the City will raise approximately \$350,000 a year in this second phase. The cost for a customer who uses 10 units of water (approximately 7,480 gallons) every two months, would be \$35 per bill or \$210 a year.)

Assistant City Manager reported In April of 2014 the City Council approved a policy to create a Capital Charge to pay for Capital Improvements need for the water and sewer systems. The Capital Charge would pay for the needed projects on the City's Capital Improvement Plan. If Council adopts a Resolution to Implement the Second of Four Capital Facilities Fee for the Utility Fund , then the City will raise approximately \$350,000 a year it the second phase. The cost for a customer who uses 10 units of water (approximately 7,480 gallons) every two months, would be \$35 per bill or \$210 a year. The projects that will be completed with this round of funding are:

- Lift Station Condition Assessment and Hydraulic Evaluation
- Sewer Pipeline Replacements
- Glen Park Pump Station Upgrade
- SCADA System Replacement
- Water Meter AMI (Advanced Metering Infrastructure) System
- Water Pipeline Replacements

After Council questions, Mayor Mackin opens the Public Hearing.

Michele Salmon thanked Assistant City Manager Schillinger for securing our water supply.

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

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

Noes: None

Absent: Councilmember Lentz

Abstain: None

After Council discussion, Mayor Mackin emphasized that the water and sewer infrastructure is old. Councilmember Davis made a motion, seconded by Councilmember O'Connell to adopt a Resolution to implement the second of four Capital Facilities Fee for the Utility Fund. The motion was passed unanimously by all present.

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

Noes: None

Absent: Councilmember Lentz

Abstain: None

STAFF REPORTS

R. City Manager's Report on Upcoming Activities

- **Update on Application Status of Baylands Specific Plan**

Community Development Director Swiecki provided an update on the application status of Baylands Specific Plan and City Manager Holstine reported on the latest news and events for the coming weeks.

MAYOR/COUNCIL MATTERS

S. Mickelson Pool Request

The Mayor reported that Council received a request from Jane Stahl, secretary of Warm Water Wellness Inc. In June 2021, Sutter Health permanently closed the Mickelson Therapy Pool in San Mateo. The members of the group are asking that the City of Brisbane pass a resolution recognizing the plight of those seeking relief from pain and demanding the pool's reopening. Alternatively, Sutter Health should return the amount originally donated — \$7.2 million in today's money — to build a new facility.

After council questions, Jane Stahl requested the Council's support on this issue. After Council discussion, Councilmember O'Connell made a motion, seconded by Councilmember Davis, to authorize the Mayor to modify the template Resolution and adopt the resolution in support of the reopening of the Mickelson Therapy Pool. The motion was carried unanimously by all present.

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

Noes: None

Absent: Councilmember Lentz

Abstain: None

T. Countywide Assignments and Subcommittee Reports

Councilmembers reported on their subcommittee meetings and activities within their Countywide Assignments.

U. Written Communications

Written communication was received from United Against Hate on October 6, 2022 about the Planning Meeting - October 13th.

ORAL COMMUNICATIONS NO. 2

No members of the public wished to speak.

ADJOURNMENT

Mayor Mackin adjourned the meeting at 9:18 P.M.

Ingrid Padilla, City Clerk

DRAFT