



BRISBANE CITY COUNCIL

ACTION MINUTES

CITY COUNCIL MEETING

THURSDAY, FEBRUARY 16, 2023

HYBRID MEETING, 50 PARK PLACE, BRISBANE, CA 94005

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Davis called the meeting to order at 7:32 P.M. and led the Pledge of Allegiance.

ROLL CALL

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

Councilmembers absent: None

Staff Present: City Manager Holstine, City Clerk Padilla, Legal Counsel Roush, Community Development Director Swiecki, Senior Planner Johnson, City Engineer Breault, Police Commander Garcia, and Administrative Analyst Ibarra

ADOPTION OF AGENDA

Mayor Davis requested we closed the meeting in memory of Marina resident Roy Perez. Councilmember O'Connell made a motion, seconded by Councilmember Mackin, to adopt the agenda as amended. The motion passed unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

AWARDS AND PRESENTATION

Napallo Gomez-Somer, HIP Housing board member, presented the City Council with their 2023 calendars.

ORAL COMMUNICATIONS NO. 1

Michael Barnes spoke about wanting to see the results and data from the Sierra Point Park Open Space community survey. Adding bicycle features and biking belong everywhere.

Kim Follien asked to extend the public comment time limit from 2 minutes to 3 minutes.

CONSENT CALENDAR

- A. Approve Minutes of City Council Closed Session Meeting of February 2, 2023**
- B. Approve Minutes of City Council Meeting of February 2, 2023**
- C. Approve Resolution Amending the Current Public Works Maintenance Worker I/II and Public Works Maintenance Lead Worker Job Descriptions**
- D. Request to Seek Donations/Sponsorships for the 2023 Summer Concerts in the Park Series**
- E. Introduce an Ordinance, waiving first reading, amending Section 13.04.420 of Chapter 13.04 of the Brisbane Municipal Code pertaining to "Sewer System"**

(Introduction of this Ordinance is not subject to further environmental review because it is not a project under the California Environmental Quality Act (CEQA). CEQA Guidelines, section 15378 (b) (2). The purpose of this ordinance is to update the municipal code chapter relating to joint sewer laterals.)

Councilmember Lentz made a motion, seconded by Councilmember Cunningham, to approve consent calendar items A-E. The motion passed unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

PUBLIC HEARING

- F. SP-CRO Sierra Point Commercial District; Zoning Text Amendment 2022-RZ-4; Zoning text amendment to Title 17, Chapter 17.18 of the Brisbane Municipal Code (BMC) to update existing research and development use provisions and performance standards; and finding that this project is exempt from environment review under CEQA Guidelines Section 15183(a)**

(It is being recommended for Council to decide on the draft ordinance to amend the SP-CRO Sierra Point Commercial District Research & Development provisions)

Senior Planner Johnson reported that on January 26, 2023 the Planning Commission considered the following draft amendments:

- Elimination of the use permit category of R&D using live animals. Thus, R&D using specifically named live

animal groups would be permitted by right, and the use of all other animals would be prohibited.

- Rabbits would be removed from the permitted R&D uses category.
- Permitted R&D uses would be expanded beyond insects to the larger category of invertebrates (i.e. animals without a backbone such as insects, spiders, worms, etc.). Permitted uses would also be expanded from amphibians to also include reptiles.
- Aside from animal testing, use permits for R&D utilizing biological agents exceeding National Institute of Health (NIH) Risk Group 3 would still be required, but the approving authority would be the Planning Commission, instead of City Council, with Council still being the authority on appeal of a Planning Commission decision, as is the process for other use permits.
- An organizational cleanup of the performance standard provisions was also included in the draft ordinance.

Senior Planner Johnson reported that the Planning Commission, by a vote of 3-1, recommended that City Council deny the proposed ordinance.

After some Council questions, Mayor Davis opened the public hearing.

Michael Barnes asked for the Council to look to neighboring City of South San Francisco's policies on Biotech Research and Development.

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

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

Noes: None

Absent: None

Abstain: None

After Council discussion, Councilmember Davis asked that more direct outreach to biotech companies is needed.

After further Council discussion and questions with staff, Councilmember O'Connell made a motion, seconded by Councilmember Mackin, to introduce the Ordinance with a modification to continue to have City Council serve as the reviewing authority for conditional use permits rather than the Planning Commission, for facilities that would exceed

National Institute of Health (NIH) Biosafety Level 3. The motion passed with a 3 to 2 vote.

Ayes: Councilmember Cunningham, Mackin, and O'Connell

Noes: Councilmember Lentz and Mayor Davis

Absent: None

Abstain: None

Council directed staff to do more outreach to Biotechnology Companies for the second reading of the Ordinance.

NEW BUSINESS

- G. Consider Approval of First Amendment to Lease for Property at 25 Park Place, Brisbane, CA. Approval of this First Amendment is exempt from further review under the California Environmental Quality Act because it is not a “project”. Section 15378 (b), CEQA Guidelines.**

City Manager Holstine reported that it is being recommended to approve the First Amendment to the Standard Industrial/Commercial Single Tenant Lease-Gross between the Orsini Court Trust and the City of Brisbane for the property located at 25 Park Place, Brisbane, CA, extending the term of the Lease for an additional 15 years (through December 31, 2046) and setting forth the annual rent increases for the property at a rate of 3% annually, subject to a reset of the rent in 2034.

After Council questions and discussion, Councilmember Mackin made a motion, seconded by Councilmember Cunningham, to approve of First Amendment to Lease for Property at 25 Park Place, Brisbane, CA. the motion passed unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

STAFF REPORTS

H. City Manager’s Report on Upcoming Activities

No report was given.

MAYOR/COUNCIL MATTERS

I. Countywide Assignments and Subcommittee Reports

Councilmembers reported out on their county assignments and subcommittee meetings.

J. Written Communications

Council received the following correspondence:

Jeffrey Tong (2/16/23) Why We Need A Dedicated I-101/380 Bike & Ped Overpass

Dana Dillworth (2/15/23) Animal Testing on 2/16 council meeting

Brenda Moreno (received 2/7/23) Gun Safety - Safe Storage Ordinance in Brisbane

ORAL COMMUNICATIONS NO. 2

Kim Follien asked the Council to reach out to actual scientist about Research and Development and Animal Testing

Michael Barnes commented that by introducing the Public Hearing Item the Council has ignored the community and acted based on being politically correct.

ADJOURNMENT

Mayor Davis adjourned the meeting in memory of Roy Perez at 8:56 P.M.

Ingrid Padilla, City Clerk

DRAFT