



BRISBANE CITY COUNCIL

ACTION MINUTES

CITY COUNCIL MEETING

THURSDAY, JULY 7, 2022

VIRTUAL MEETING

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Mackin called the meeting to order at 7:39 P.M. and led the Pledge of Allegiance.

ROLL CALL

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

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 Public Works Director Kinser, Sustainability Manager Etherton, Maintenance Manager Black, Community Development Director Swiecki, Senior Planner Johnson, Parks and Recreation Director Leek, Communications Manager Cheung, Police Chief Macias, , Police Commander Garcia and Legal Counsel Roush

REPORT OUT OF 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 Closed Session Items D and E.

ADOPTION OF AGENDA

Councilmember Davis made a motion, seconded by Councilmember 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 members of the public wished to speak.

AWARDS AND PRESENTATIONS

A. Proclamation Recognizing July as Parks and Recreation Month

Mayor Mackin read a proclamation recognizing July as Park and Recreation month.
Director of Parks and Recreation Leek thanked the City Council for their continued support.

CONSENT CALENDAR

B. Accept Investment Report as of April 2022

C. Adopt Resolutions to Appoint Committee Members of the Inclusion, Diversity, Equity, and Accountability Committee, and the Complete Streets Safety Committee

D. 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

E. Adopt Resolution Establishing the Business License Tax for Liquid Storage Facilities for 2022 as to Kinder Morgan/SFPP

F. Adoption of a Revised Conflict of Interest Code to Include the Assistant City Manager, the Communications Manager, and the Assistant Fire Marshal and Deleting Park and Recreation Commission

Councilmember O'Connell made a motion, seconded by Councilmember Davis to adopt the Consent Calendar Items B-F. 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. Adoption of Ordinance to Impose a Business License Tax on Hotels and Resolution Amending the Ballot Question for the Measure/Ordinance to be Submitted to the Voters Imposing a Business License Tax on Hotels

H. Adopt an Ordinance Adding a New Chapter 3.22 to the Brisbane Municipal Code Imposing a Transactions and Use Tax to be Administered by the California Department of Tax and Fee Administration and Resolution Amending the Ballot Question for the Ordinance to be Submitted to the Voters levying a half cent Transaction and Use Tax

Mayor Mackin requested to have the definitions and text of the accompanying Resolution and Ordinance match the ballot measure question. After no public comment, Councilmember O'Connell made a motion, seconded by Councilmember Davis to adopt the Consent Calendar Items G and H as amended. The motion was carried unanimously by all present.

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

AWARDS AND PRESENTATIONS CONTINUED

I. Administer Oath of Office to Newly Appointed Committee Members

- 1. Gregory J. Strecker, Complete Streets Safety Committee for a term through January 2026**
- 2. Christian Allan Bustos, Inclusion, Diversity, Equity and Accountability Committee for an initial term through January 2023**
- 3. Miyoko Nida, Inclusion, Diversity, Equity and Accountability Committee for an initial term through January 2023**

City Clerk Padilla administered the Oath of Office to newly appointed Committee Members Strecker, Bustos, and Nida.

PUBLIC HEARING

J. Consideration of Entering into Energy Service Contract Pursuant to the Provisions of the California Government Code Section 4217.10, Et Seq. for the City of Brisbane Community Pool Electrification Project

City Engineer Breault reported that the purpose of this item is to complete the process necessary for entering into a sole source energy service contract with Willdan Energy Solutions. It is being recommended to adopt a Resolution "Approving an Energy Service Contract with Willdan Energy Solutions." and transfer \$183,394 from the General Fund to pay the city's share of project funds.

After Council questions and statements from the Mayor and the Clerk to open the public hearing, Michele Salmon commented that she strongly supports this item.

Councilmember 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, O'Connell and Mayor Mackin
Noes: None
Absent: None
Abstain: None

Councilmember Lentz made a motion, seconded by Councilmember Davis to adopt a Resolution “Approving an Energy Service Contract with Willdan Energy Solutions.” and transfer \$183,394 from the General Fund to pay the city’s share of project funds. The motion was carried unanimously by all present.

Ayes: Councilmembers Cunningham, Davis, Lentz, O’Connell and Mayor Mackin
Noes: None
Absent: None
Abstain: None

K. 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 overruling protests and ordering the improvements and confirming the diagram and assessments for Fiscal Year 22/23

After hearing the statements from Deputy Public Works Director Kinser, Mayor Mackin and Clerk Padilla, and some council questions, Mayor Mackin opened the public hearing.

No members of the public wished to make public comment.

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

Ayes: Councilmembers Cunningham, Davis, Lentz, O’Connell and Mayor Mackin
Noes: None
Absent: None
Abstain: None

Councilmember Cunningham made a motion, seconded by Councilmember O’Connell to adopt a Resolution overruling protests and ordering the improvements and confirming the diagram and assessments for Fiscal Year 22/23. The motion was carried unanimously by all present.

Ayes: Councilmembers Cunningham, Davis, Lentz, O’Connell and Mayor Mackin
Noes: None
Absent: None
Abstain: None

L. City of Brisbane Local Stormwater Program Fees

- 1. Open the Public Hearing and take public comment. Close the Public Hearing, and if appropriate, overrule any objections to the imposition of fees related to the National Pollutant Discharge Elimination System (NPDES)**
- 2. Consider adoption Resolution, “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 2022-2023 County Tax Roll, and Authorizing the County Tax Collector to Collect Such Charges.”**

City Engineer Breault introduced Maintenance Manager Black who reported on the City of Brisbane’s Local Storm Water Program Fees. After no Council questions, Mayor Mackin opened the public hearing.

Michele Salmon- asked what were the indirect cost noted in the staff report?

After clarifying questions, Michele Salmon stated that mega mansions should be responsible for higher share.

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

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

Noes: None

Absent: None

Abstain: None

Councilmember O’Connell made a motion, seconded by Councilmember Cunningham to adopt a Resolution imposing charges for funding the Local Brisbane Stormwater Program, authorizing placement of said charges on the 2022-2023 County Tax Roll, and authorizing the County Tax Collector to collect such charges. The motion was carried unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

CONTINUED PUBLIC HEARING

- M. Applicant Appeal of the Planning Commission’s April 4, 2022 Decision Denying the Modification of Interim Use Permit 2021-UP-3 to Allow the Use of a Vacant Site On the Baylands To Be Used For a Google Bus Staging Yard

(This public hearing item was continued from the City Council Meeting of May 19, 2022. City Council will consider applicant appeal of the Planning Commission’s April 4, 2022 decision denying the modification of Interim Use Permit 2021-Up-3 to allow the use of a vacant site on the Baylands to be used for a Google Bus staging yard (Planning Commission Resolution 2021-UP-3-M) and revoking Interim Use Permit 2021-UP-3 (Planning Commission Resolution 2021-UP-3-R); Eric Aronsohn, applicant; Oyster Point Properties Inc, applicant/owner.)

Councilmember Cunningham recused herself from the item and left the room.

Senior Planner Ken Johnson, reported that in response to the concerns raised at the previous City Council meeting, BDI has proposed the following measures and Tunnel Ave improvements (see further detail in Attachment 1):

1. Removal or relocation of the concrete barricades that are currently located along Tunnel Ave.
2. Improvement of the existing roadway shoulder on the east side of Tunnel Ave to include an 8 ft wide approximately 4,500 ft long compacted, decomposed granite (“DG”) path, to improve the existing bicycle/pedestrian access.
3. Provide crossings at the Tunnel Ave and Lagoon Way intersection.
4. Installation of plastic delineators along the east side of Tunnel Avenue. These would provide separation between the roadway and the new DG bike path.
5. Add 4 new “no dumping” signs along Tunnel Ave.
6. BDI will routinely patrol the area and commit to removing any trash dumped within 24-hours when identified by BDI, City or members of the public.
7. For dust mitigation, the yard surface would be treated with a calcium-based binder, which would binder the surface gravel while allowing the surface to remain pervious to rainwater.
8. BDI has proposed to implement fines on Google for drivers violating the prohibition on using Tunnel Ave south of the site.

After Council questions, Mayor Mackin opened the public hearing and heard from the Applicant Aronsohn. After more Council questions, Michele Salmon commented that she would be concerned about plastic bollards and about the Golden State Lumber’s permit use expiring.

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

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

Noes: None

Absent: None

Abstain: None

Recusal: Councilmember Cunningham

After more Council discussion, Councilmember O’Connell made a motion, seconded by Councilmember Lentz to approve an interim use permit extension until the continued public hearing on September 15th. Council directed applicant to provide a formalized permit process, e.g., operational hours, route deviation and consequences, fines (should fines received go to the City or to BDI), timeline of road maintenance, reporting mechanisms and permit revocation and grounds.

The motion was carried unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

Recusal: Councilmember Cunningham

NEW BUSINESS

N. Authorize the City Manager to Enter into an Agreement with Flock Safety Group for the installation of Automated License Plate Readers within the City of Brisbane

(If approved, the agreement with Flock Safety Group will be in the amount of \$39,700 for FY 2022-2023. The funding this year and moving forward will be funded from the Police Department's budget.)

Police Chief Macias reported that they are recommending to authorize the City Manager to enter into agreement with Flock Safety Group for the installation and maintenance of twelve Stationary Automated License Plate Reader units (ALPR) and one mobile mountable ALPR, as additional investigative tools to assist the Police in investigations. The implementation of an ALPR program will aid the Brisbane Police Department in its investigative efforts in the following ways:

- Locate stolen, wanted and subject of investigation vehicles
- Provide leads to assist with investigation into crimes committed within the city
- Detect vehicles associated with missing persons and at-risk persons, including those on active Amber Alerts
- Detect vehicles associated with subjects with outstanding arrest warrants or otherwise lawfully sought by law enforcement

Police Commander Garcia shared a presentation on how the ALPR program will be coordinated. After some Council questions, Councilmember O'Connell made a motion, seconded by Councilmember Lentz to extend the meeting till 11:00 P.M. The motion was carried unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

After some council questions of staff and Hector Soliman Valdez from Flock Safety Group, Clerk Padilla noted for the record that public comment was received by the council prior to the meeting from Luke Kowalski (7/5/22) License Plate Reader In support and Carol Zoltowski (7/7/22) license plate reader (ALP): Brisbane.

After some Council discussion, Councilmember Cunningham made a motion, seconded by Councilmember Lentz to authorize the City Manager to enter into agreement with Flock Safety Group for the installation and maintenance of twelve Stationary Automated License Plate Reader units (ALPR) and one mobile mountable ALPR, as additional investigative tools to assist the Police in investigations. 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

O. City Manager's Report on Upcoming Activities

Due to the late hour no report was given.

MAYOR/COUNCIL MATTERS

P. Countywide Assignments and Subcommittee Reports

Due to the late hour, no report was given.

Q. Written Communications

The Council received the following written communication from June 17-July 7, 2022:

- David Schooley (6/27/22)--Quarry
- San Mateo County Child Care Partnership Council and Build Up San Mateo County (7/5/22): Policy recommendations for Housing Element Updates
- Luke Kowalski (7/5/22) License Plate Reader In support
- Carol Zoltowski (7/7/22) license plate reader (ALP): Brisbane

ORAL COMMUNICATIONS NO. 2

No member of the public wished to speak.

ADJOURNMENT

Mayor Mackin adjourned the meeting at 10:57 P.M.

Ingrid Padilla, City Clerk