



BRISBANE CITY COUNCIL

ACTION MINUTES

CITY COUNCIL MEETING

THURSDAY, JUNE 2, 2022

VIRTUAL MEETING

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Mackin called the meeting to order at 7:34 P.M. and led the Pledge of Allegiance.

ROLL CALL

Councilmembers present: Councilmembers Cunningham, Davis, Lentz, and Mayor Mackin

Councilmembers absent: Councilmember O'Connell

Staff Present: City Manager Holstine, City Clerk Padilla, City Attorney McMorrow, Assistant City Manager Schillinger, Deputy Public Works Director Kinser, Public Works Director Breault, Finance Director Yuen, Admin Management Analyst Ibarra, and Police Commander Garcia

REPORT OUT OF CLOSED SESSION

City Attorney McMorrow reported that updates were provided to Council and no action was taken at Closed Session regarding Closed Session Items D and E.

ADOPTION OF AGENDA

Councilmember Cunningham made a motion, seconded by Councilmember Davis to adopt the agenda as it stands. The motion was carried unanimously by all present.

Ayes: Councilmembers Cunningham, Davis, Lentz, and Mayor Mackin

Noes: None

Absent: Councilmember O'Connell

Abstain: None

AWARDS AND PRESENTATIONS

A. June 2022 as Pride Month Proclamation

Mayor Mackin proclaimed the month of June as Pride Month in support of and recognition of the City's LGBTQ residents who make Brisbane a vibrant community to live in.

San Mateo County's LGBTQ Commissioner Craig Weisner received the proclamation and thanked the Council for celebrating Pride.

ORAL COMMUNICATIONS NO. 1

No members of the public wished to make public comment.

CONSENT CALENDAR

- B. Approve Minutes of Joint City Council and Guadalupe Valley Municipal Improvement District Meeting of May 19, 2022
- C. Approve Minutes of City Council Closed Session of May 19, 2022
- D. Adopt Ordinance 579, Waiving Second Reading, Amending Chapters 15.01 (Grading Ordinance) and Section 17.32.220, Brisbane Municipal Code (Review of Grading Permits)
- E. Adopt a Resolution Declaring the Continued Need to Conduct City Council, Commission and Committee Meetings Remotely Due to Health and Safety Concerns for the Public
- F. Approve Award of 18 Solano Retaining Wall Construction Contract

(It is being recommended for Council to do the following:

1. Reject the bid received from Central Pacific Engineering LLC as non-responsive to material issues; 2. Waive the minor irregularities in the bid received from Michael Glynn Construction Inc.; 3. Award the contract for 18 Solano Street Retaining Wall Project (Job No. 922B) to Michael Glynn Construction Inc. in the amount of \$217,250; 4. Authorize a supplemental appropriation of \$238,975 from the General Fund to Fund 400 for the purpose of constructing this wall.)

Councilmember Cunningham made a motion, seconded by Councilmember Davis to approve Consent Calendar Item B-F. The motion was carried unanimously by all present.

Ayes: Councilmembers Cunningham, Davis, Lentz, and Mayor Mackin

Noes: None

Absent: Councilmember O'Connell

Abstain: None

NEW BUSINESS

G. Consider adoption of a Resolution Revising the Conflict of Interest Code to Include the Complete Streets Safety Committee, Open Space and Ecology Committee, Public Arts Advisory Committee, and the Communications Manager

City Attorney McMorrow reported that the State's Political Reform Act's conflict of interest prohibitions apply only to certain "public officials" and only to governmental decisions that have a financial effect. The Act applies specifically to members of the City Council and the Planning Commission, city managers, city attorneys and other public officials, such as finance directors and others who manage public investments. In addition, the Act requires cities to adopt a conflict of interest code and include therein which "other" officials within the a city must comply with the disclosure and disqualification provisions of the Act. It is being recommended to add the Communications Manager to the Designated Positions List and for Council to consider whether other members of City Committees should be added to Designated Positions List.

After council questions, City Clerk Padilla noted for the record that Council received written public comment from Patrick Tainter stating that Committee are strictly acting as an Advisor to City Council.

After council discussion, Council directed staff remove the Parks and Recreation Commission members from the Designated Positions List at a future date and Councilmember Cunningham made a motion, seconded by Councilmember Davis to direct staff to send a memo to all Committee Members and Commissioners about the proper procedures and protocol relative to voting. The motion was carried unanimously by all present.

Ayes: Councilmembers Cunningham, Davis, Lentz, and Mayor Mackin

Noes: None

Absent: Councilmember O'Connell

Abstain: None

Councilmember Davis made a motion, seconded by Councilmember Lentz to add the Communications Manager to the Conflict of Interest Code's designated positions list. The motion was carried unanimously by all present.

Ayes: Councilmembers Cunningham, Davis, Lentz, and Mayor Mackin

Noes: None

Absent: Councilmember O'Connell

Abstain: None

STAFF REPORTS

H. City Manager's Report on upcoming activities

i. High Speed Rail Update

City Manager Holstine report on the latest City event and City News. City Attorney McMorrow provided a status update on the High Speed Rail Authority's upcoming meeting scheduled for June 16, 2022.

MAYOR/COUNCIL MATTERS

I. Committee Recruitment Update

City Clerk Padilla reported she received one application for Complete Streets Safety Committee and two applications (one of which was submitted after the deadline) for the Inclusion, Diversity, Equity, and Accountability Committee. Council directed staff to accept all three applications and to schedule their interviews.

J. Countywide Assignments and Subcommittee Reports

The Mayor and Council reported on their activities within their Countywide assignments and subcommittees.

K. Written Communications

Written communication was received from Karen Lentz (5/28/22) regarding Measure G.

ORAL COMMUNICATIONS NO. 2

No members of the public wished to speak.

ADJOURNMENT

Mayor Mackin adjourned the meeting at 8:43 P.M.

Ingrid Padilla, City Clerk