



BRISBANE CITY COUNCIL

ACTION MINUTES

**CITY COUNCIL MEETING AGENDA
THURSDAY, JUNE 20, 2024**

HYBRID MEETING, 50 PARK PLACE, BRISBANE, CA 94005

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

Mayor O’Connell called the meeting to order at 7:44 P.M. and led the Pledge of Allegiance.

ROLL CALL

A. Consider any request of a City Councilmember to attend the meeting remotely under the “Emergency Circumstances” of AB 2449

No Councilmembers made a request under the Emergency Circumstances of AB 2449.

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

Councilmembers absent: Councilmember Cunningham

Staff Present: Interim City Manager Holstine, City Clerk Padilla, City Attorney McMorrow, Finance Director Yuen, City Engineer Breault, Human Resources Director Partin, Assistant to the City Manager Cheung, Economic Development Director Bull, Police Commander Garcia, Police Chief Macias and Administrative Management Analyst Ibarra

REPORT OUT OF CLOSED SESSION

Interim City Manager Holstine reported that Councilmembers took action on Liability Claim D. Councilmembers were also provided an update on the Pending Litigation Item E and direction was provided to staff.

ADOPTION OF AGENDA

Councilmember Mackin made a motion, seconded by Councilmember Lentz, to adopt the agenda as it stands. The motion passed unanimously by all present.

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

Noes: None

Absent: Councilmember Cunningham

Abstain: None

AWARDS AND PRESENTATIONS

B. Recognize City Manager Clay Holstine for More than 25 Years of Service to the City of Brisbane

Mayor O'Connell and Councilmembers Cunningham (via her proxy Emmett Cunningham), Davis, Lentz, and Mackin read a City Proclamation recognizing Clay Holstine on his retirement from the City of Brisbane after nearly 26 years of service as City Manager.

After a brief break for reception and technical difficulties. The following members of the public recognized Clay Holstine for his service and leadership:

- Saúl Miranda, representing California State Senator Becker's Office and California State Assemblymember Papan's Office
- San Mateo County Supervisor David Canepa
- Stephanie Shakofsky, Baylands Development Inc.
- Michele Salmon
- Clarke Conway
- Sherry Smith
- Lee Panza
- Mitch Bull
- Prem Lall
- Ingrid Padilla

Councilmembers praised outgoing City Manager Holstine for his dedication to the City of Brisbane. Outgoing City Manager Holstine thanked his family, his mentors, City Staff, and all the Councilmembers he served under for their support.

ORAL COMMUNICATIONS NO. 1

Dana Dillworth commented on the need for more public information and outreach on the continued public hearing items from the City Council Meeting of June 6, 2024.

CONSENT CALENDAR

- C. Approve Minutes of City Council Meeting of June 6, 2024**
- D. Approve Minutes of City Council Closed Session Meeting of June 6, 2024**
- E. Approve a Resolution Authorizing the Office of the Controller of the County of San Mateo to Place National Pollutant Discharge Elimination System Compliance Fees on Commercial Properties Within an Identified Study Area on the Property Tax Rolls**

- F. Adopt Resolution Calling a General Municipal Election to Be Held on Tuesday, November 5, 2024 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**

- G. Adopt an Ordinance, Waiving Second Reading, Amending Section 8.44.180 of the Brisbane Municipal Code Requiring That Tobacco Retailers Be Inspected At Least Twice Every 12 Months to Ensure They Are Complying with the Tobacco Retailer Permit Ordinance**

Councilmember Mackin made a motion, seconded by Councilmember Lentz, to approve Consent Calendar Items C-G. The motion passed unanimously by all present.

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

Noes: None

Absent: Councilmember Cunningham

Abstain: None

NEW BUSINESS

H. Best Practices Ad Hoc Subcommittee Update

Interim City Manager Holstine reported that the Council appointed a subcommittee to work to draft a Best Practices Guideline. The subcommittee suggests that a resolution be drafted to memorialize a protocol regarding Councilmember best practices in interacting with land use and/or zoning applicants and that each council member be requested to sign the resolution to acknowledge and agree to these guidelines.

After Council questions, Michele Salmon made a comment on the need to have a true code of conduct between councilmembers and citizens and future developers.

During Council discussion, staff was directed to hold a future City Council workshop for best practices, research examples of Codes of Conduct for City Councilmembers from cities in San Mateo County and the Institute of Local Government and incorporate the Ethics Training as the foundation of Brisbane's Code of Conduct for City Councilmembers.

OLD BUSINESS

I. Election Issues Update

Interim City Manager reported the subcommittee, as an alternative to a directly elected Mayor, drafted language regarding Mayoral rotation. He added that the Council may adopt this language by resolution and/or refer it to the voters for ratification. The former could be amended by the City Council at any time through a revised resolution. The latter would require voter approval to change.

Secondly, he reported that the subcommittee met and is recommending that terms limits be submitted to the voters for approval. Term limits would be for 3 terms or 12 years maximum. If a Councilmember assumed a term that was not full, they would still be limited to 3 terms (which may be less than 12 years). Once the 12-year, 3 term limit is met, a Councilmember will be required to have a 2-year break, at which

time they could run again and be limited to the 12 years, 3 term limit. By function of law the commencement of the 12 years, 3 term limit comes into effect after voter approval of term limits. Any terms prior to that time do not count against the limit.

After Council questions, the following members of the public made comments:

Nancy Lacsamana commented on the need for citizens to weigh in on the important issues of term limits and elections by district.

Paul Bouscal commented that the voters should have a say on term limits.

Michele Salmon advocated for no elected mayor and no districts.

CMF was concerned that the electorate is not involved.

Sher Gianini (sent via text and read by City Clerk Padilla) commented that district based elections is not needed in our small town.

Dana Dillworth agreed with the term limits, but not to district based elections. She also commented that mayor rotation should be tied to code of ethics.

Councilmember Davis made a motion, seconded by Councilmember Lentz, to extend the meeting until 11:00 p.m. The motion passed unanimously by all present.

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

Noes: None

Absent: Councilmember Cunningham

Abstain: None

During Council discussion, City Staff members were directed to bring back to a Council Meeting an amended language for the Ballot Measure for Term Limits. Councilmembers wanted to change the language from 3 terms or 12 years maximum to full three-year terms. Councilmembers also directed staff to bring back the Mayoral rotation issue to a future meeting but in the context of being tied to the code of ethics.

Lastly, Interim City Manager reported that the subcommittee met with our demographer Douglas Johnson of NDC on June 6th for his report. This issue will be a lengthier process. Some of the key findings included the following:

- 37% of total population is Asian/Pacific Islander.
- 18% of total population is Hispanic/Latino.
- Asian-American and Pacific Islander population is concentrated in the west side of the city, off West Hill Drive. Locally we refer to this area as the Northeast Ridge.
- There are no large geographic concentrations of Latino.

After council questions, the following members made public comment:

Nancy Lacsamana commented that it is important that we continue this process.

Michele Salmon wanted to know the criteria of the demographer and commented that district-based elections is divisive.

STAFF REPORTS

J. City Manager's Report on Upcoming Activities

Interim City Manager reported on the latest City news and events.

MAYOR/COUNCIL MATTERS

K. Countywide Assignments and Subcommittee Reports

Councilmembers reported on their countywide assignments and subcommittee meetings.

L. Written Communications

Councilmembers received the following written communication between June 7 through June 20, 2024:

Molina (06-13-2024) District
SMCGOV (06-13-2024) Tobacco Prevention Program
Dillworth (06-20-2024) Election Issue

ORAL COMMUNICATIONS NO. 2

No member of the public wished to make public comment.

ADJOURNMENT

Mayor O'Connell adjourned the meeting at 10:55 p.m.

Ingrid Padilla
City Clerk