



**BRISBANE CITY COUNCIL**

**ACTION MINUTES**

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**CITY COUNCIL MEETING AGENDA  
THURSDAY, SEPTEMBER 7, 2023**

*HYBRID MEETING, 50 PARK PLACE, BRISBANE, CA 94005*

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

Mayor Davis called the meeting to order at 7:31 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

Mayor Davis stated that no requests have been made on Roll Call Item A.

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, Finance Director Yuen, City Engineer Breault, Community Development Director Swiecki, Parks and Recreation Director Leek, Police Chief Macias and Administrative Analyst Ibarra

**REPORT OUT OF CLOSED SESSION**

Legal Counsel Roush reported that Council rejected Liability Claims D, E, and F. He added that no action was taken by Council regarding Closed Session Anticipated Litigation Item G and Pending Litigation Item H.

**ADOPTION OF AGENDA**

Staff had requested to move Consent Calendar Items I, J, and K to New Business. Councilmember O’Connell made a motion, seconded by Councilmember Cunningham, to approve the agenda as amended. The motion was carried unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

## **AWARDS AND PRESENTATIONS**

### **B. September Recovery Happens Month**

Mayor Davis proclaimed September 2023 as Recovery Happens Month which promotes the importance of prevention, treatment, and recovery. In this spirit, this year's theme is: "Recovery is for Everyone: Every Person. Every Family. Every Community."

### **C. Suicide Prevention Month**

Mayor Davis designated September 2023 as Suicide Prevention Month and called upon everyone in our community to find their role in suicide prevention.

Sheri Boles, a volunteer with our San Mateo County Behavioral Health & Recovery Services Office of Diversity and Equity, thanked the City Council for their support and accepted both proclamations.

## **ORAL COMMUNICATIONS NO. 1**

No member of the public wished to make a public comment.

## **CONSENT CALENDAR**

- D. Accept Investment Reports as of May 2023
- E. Accept Investment Reports as of June 2023
- F. Adopt an Ordinance, waiving second reading, amending Chapter 8.41 of Title 8 of the Brisbane Municipal Code pertaining to "Water Conservation"
- G. Approve Response to Grand Jury Report, "Accessory Dwelling Units: Affordable Housing's Panacea or Prevarication"
- H. Introduce an Ordinance Repealing Chapter 8.44 of the Brisbane Municipal Code, Enacting a New Chapter 8.44 to the Brisbane Municipal Code to Clarify Existing Definitions and to Enact Additional Requirements for Tobacco Retailer Permits, and Finding that No Further Environmental Review is Required Concerning this Ordinance
- L. To Appoint Director of Public Works Randy Breault as Representative of the City's Water System to BAWSCA and RFA

Councilmember O'Connell made a motion, seconded by Councilmember Cunningham, to approve Consent Calendar Items D-H and L. The motion was carried unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

Mayor Davis announced that Items I, J and K will be moved to New Business. Items I, K and J involve groups in which Mayor Davis, Councilmember Lentz and Councilmember O'Connell have leadership positions outside of the Council and they will continue to individually abstain and move back from the dais during any discussion and action on the item. Then each item will be taken up individually without the participation of the involved Councilmember.

## OLD BUSINESS

### **M. Receive presentation by C/CAG staff and Consider Authorizing the City Manager to sign a Funding Agreement for the Initial Installation of Conduit and Fiber Optic Liners in Bayshore Blvd**

City Engineer Breault introduced C/CAG Executive Director Sean Charpentier. Mr. Charpentier presented on the C/CAG project of installation of conduit and fiber optic liners in Bayshore Boulevard.

After some Council questions, Dana Dillworth commented that she wanted to know whether construction will be at night, and who will be in charge of the posting of the traffic signs. She also added that no cell phone towers are allowed near schools.

After some Council discussion, Councilmember Lentz made a motion, seconded by Councilmember Cunningham, to authorize the City Manager to sign a funding agreement for the initial installation of conduit and fiber optic liners in Bayshore Blvd. The motion was carried unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

## NEW BUSINESS

### **O. Consider the approval of the Phase 3 Proposal Package for Privately Installed Public Art**

Parks and Recreation Director Leek introduced Phase 3 representatives who provided a presentation on their proposal package for privately installed public art. Phase 3 is the developer of the Genesis Marina life sciences campus located at 3000-3500 Marina Blvd.

After Council questions, Tom Heinz commented that there was no public input and more residents should have received the public notice.

Kim Follien commented that the Carbon Dioxide statue is confusing.

Council took a brief break due to technical difficulties.

Dana Dillworth showed videos that contained public art that she would prefer in the space.

After Council discussion, Councilmember Cunningham made a motion, seconded by Councilmember O'Connell, to approve the Phase 3 Proposal Package for Privately Installed Public Art. The motion was carried unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

## NEW BUSINESS

### I. Approve Brisbane Chamber's Event Co-sponsorship Application for Halloween and Anniversary events

Councilmember Lentz made a motion, seconded by Councilmember Mackin, to approve the Brisbane Chamber's Event Co-sponsorship Application for Halloween and Anniversary events. The application was approved by a 4-1 vote.

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

Noes: None

Absent: None

Abstain: Mayor Davis

### J. Approve Excelsior Running Club's Event Co-sponsorship Application for a Half Marathon event

Mayor Davis made a motion, seconded by Councilmember O'Connell, to approve the Excelsior Running Club's Event Co-sponsorship Application for a Half Marathon event. The application was approved by a 4-1 vote.

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

Noes: None

Absent: None

Abstain: Councilmember Lentz

### K. Approve Sierra Point Yach Club's Event Co-sponsorship Application for the 2023 Regatta

Councilmember Cunningham made a motion, seconded by Councilmember Mackin, to approve the Sierra Point Yach Club's Event Co-sponsorship Application for the 2023 Regatta. The application was approved by a 4-1 vote.

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

Noes: None

Absent: None

Abstain: Councilmember O'Connell

## OLD BUSINESS

### N. Information Report Concerning Development Impact Fees

City Manager Holstine provided a brief background on Old Business Item N. The purpose of it being to review the Information Report concerning Development Impact Fees and provide direction concerning such Fees, keeping in mind, as will be explained below, that it is not permissible to adopt one development impact fee that would cover a multitude of improvements.

Legal Counsel Roush provided information on Development Impact Fees, the Mitigation Fee Act, Feasibility Studies, and current Development Impact Fees in Brisbane and next steps.

After Council questions, Leesa Greenlee advocated for Council to use fees for use in Recreation and facilities to support kids, seniors and businesses.

City Clerk Padilla reported that Nancy Lacsamana wrote a comment urging the Council to use Development Impact Fees for use in Recreation and Park and also the need for affordable Housing Projects in Brisbane.

Mayor Davis made a motion, seconded by Councilmember Cunningham, to extend the meeting until 11:-00 P.M. The motion was carried unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

Council took a brief break.

After council discussion, staff were directed to return to Council with more information about Development Impact Fees and how it relates to affordable housing, parks facilities, city facilities, and other capital improvement projects.

## **STAFF REPORTS**

### **P. City Manager's Report on Upcoming Activities**

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

## **MAYOR/COUNCIL MATTERS**

### **Q. Countywide Assignments and Subcommittee Reports**

Councilmembers reported on their subcommittees and county assignments.

### **R. Written Communications**

#### **The Council received the following Written Correspondence (6/30-9/7/23):**

- Barbara Ebel (9/6/23) Public art
- Dana Dillworth (9/5/23) Comments on Public Art Proposal
- Dana Dillworth (9/7/23) Additional information for Art Installation 9/7 agenda
- Christina Florkowski (9/6/23) Complete Streets Safety Committee - and the safety of Brisbane
- Dr. Michael Abney (8/28/23) City Sign
- Dana Dillworth (8/23/23) Additional Comments for 8/24 PC Meeting
- Sarah Kinahan (8/7/23) Child care needs in Brisbane
- Dan Dudley (8/4/23 ) new business
- Steve Kerekes (7/8/23) code enforcement

## **ORAL COMMUNICATIONS NO. 2**

No member of the public wished to make public comment.

## **ADJOURNMENT**

Mayor Davis adjourned at 11:02 P.M.

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Ingrid Padilla  
City Clerk