



BRISBANE CITY COUNCIL

ACTION MINUTES

BRISBANE CITY COUNCIL SPECIAL MEETING

FRIDAY, DECEMBER 9, 2022

VIRTUAL MEETING

12:00 P.M. CALL TO ORDER – PLEDGE OF ALLEGIANCE

ROLL CALL

Mayor Mackin called the meeting to order at 12:-03 P.M.

ROLL CALL

City Council Present: Councilmembers Cunningham, Lentz, O'Connell and Mayor Mackin

City Council Absent: Councilmember Davis and Lentz

Staff Present: City Manager Holstine, City Attorney McMorrow, Legal Counsel Roush and City Clerk Padilla

ORAL COMMUNICATIONS NO. 1

No member of the public wished to speak.

NEW BUSINESS

Councilmember O'Connell made a motion, seconded by Councilmember Cunningham, to continue item regarding the resolutions approving the Memorandum of Understanding between the City and the Mid-Management/Professional Employees Group and their pay scale at the City Council Meeting of December 15, 2022. The motion was carried unanimously by all present.

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

Noes: None

Absent: Councilmember Davis and Lentz

Abstain: None

D. Adoption of Resolution adopting the County of San Mateo Certification of Votes and declaring results of Measure O at the Municipal Election held on November 8, 2022

(This item was continued from the City Council Special Meeting of December 8, 2022)

City Clerk Padilla reported that Measure O passed at the Municipal Election held on November 8, 2022 with the majority required (1,222 YES votes, 543 NO votes).

After no council questions, Councilmember Cunningham made a motion, seconded by Councilmember O'Connell, to adopt Adoption of Resolution adopting the County of San Mateo Certification of Votes and declaring results of Measure O at the Municipal Election held on November 8, 2022. The motion was carried unanimously by all present.

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

Noes: None

Absent: Councilmember Davis and Lentz

Abstain: None

E. Adoption of Resolution adopting the County of San Mateo Certification of Votes and declaring results of Measure U at the Municipal Election held on November 8, 2022

(This item was continued from the City Council Special Meeting of December 8, 2022)

City Clerk Padilla reported that Measure U passed at the Municipal Election held on November 8, 2022 with the majority required (1,080 YES votes, 609 NO votes).

After no council questions, Councilmember O'Connell made a motion, seconded by Councilmember Cunningham, to adopt a Resolution adopting the County of San Mateo Certification of Votes and declaring results of Measure U at the Municipal Election held on November 8, 2022. The motion was carried unanimously by all present.

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

Noes: None

Absent: Councilmember Davis and Lentz

Abstain: None

F. Consider Adoption of Transactions and Use Tax Ordinance Resolution to Implement the Transactions and Use Tax Ordinance Approved by the Voters and a Resolution Authorizing Examination of Sales or Transactions and Use Taxes Records

(This item was continued from the City Council Special Meeting of December 8, 2022)

Legal Counsel Roush reported that in July 2022, City Council adopted a Transaction and Use Tax Ordinance to be administered by the California Department of Tax and Fee Administration (CDTFA), subject to approval by Brisbane voters. A majority of Brisbane voters who voted on this measure (Measure U) on November 8, 2022 approved the tax. The tax would impose an additional one half of one percent tax (commonly referred to as a sales tax) on the sale of goods in the City. Staff estimated such tax would generate \$500,000 for general municipal purposes. The tax would be imposed effective April 1, 2023.

After no council questions, Councilmember Cunningham made a motion, seconded by Councilmember O'Connell, to adopt a resolution authorizing the City Manager to execute a Preparatory Agreement, an Administrative Agreement, and any other documents required by the California Department of Tax and Fee Administration in order to implement the voter approved Transaction and Use Tax Ordinance and to adopt a resolution authorizing certain positions within the City and representatives of MuniServices, LLC to receive/examine records from the California Department of Tax and Fee Administration.

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

Noes: None

Absent: Councilmember Davis and Lentz

Abstain: None

G. Introduction of an Ordinance to Administer and Implement the Business License Tax Imposed on Hotels and Other Places Designed for Occupancy by Transients.

(This item was continued from the City Council Special Meeting of December 8, 2022)

Legal Counsel Roush is recommending the Council to Introduce an Ordinance to add numerous sections to the Brisbane Municipal Code (Sections 5.20.036 through 5.20.044) to administer and implement the Business License Tax imposed on hotels and other places designed for occupancy by transients, which tax was approved by Brisbane voters at the November 8, 2022 general municipal election. Because of the numbering system in the Code, the current Section 5.20.040 (concerning the business license tax for street vendors) will need to be deleted and relocated to Section 5.20.235.

After no council questions, Councilmember O'Connell made a motion, seconded by Councilmember Cunningham, to introduce an Ordinance to Administer and Implement the Business License Tax Imposed on Hotels and Other Places Designed for Occupancy by Transients

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

Noes: None

Absent: Councilmember Davis and Lentz

Abstain: None

ORAL COMMUNICATIONS NO. 2

No members of the public wished to make public comment.

ADJOURNMENT

The meeting was adjourned at 12:13 P.M.

Ingrid Padilla, City Clerk