



BRISBANE CITY COUNCIL

ACTION MINUTES

CITY COUNCIL MEETING

THURSDAY, DECEMBER 15, 2022

VIRTUAL MEETING

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Mackin called the meeting to order at 7:32 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, City Engineer Breault, Community Development Director Swiecki, Finance Director Yuen, Police Chief Macias, Police Commander Garcia, Economic Development Director Bull, Communications Manager Cheung, Deputy Fire Chief Kavanaugh, Human Resource Administrator Partin, and Administrative Analyst Ibarra

ADOPTION OF AGENDA

Mayor Mackin requested to correct typographical error. The Brief Break will be held after Item X. Also under Mayor and Council Matters, she wanted to add Item FF to discuss appointments for the City Selection Committee.

Councilmember Cunningham would also like to move the New Business Item AA- Water and Sewer Rate presentation after Item S.

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

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

Noes: None

ORAL COMMUNICATIONS NO. 1

Nancy Lacsamana will write to the City Manager asking when the City decided to hold the meeting as a hybrid meeting.

Kim Follien said the meeting agenda was noticed as an exclusively virtual meeting and she is not buying the COVID excuse.

Michael Barnes said the Council is violating their own rules because the meeting was noticed as an exclusively virtual meeting and that the public is losing trust.

James Christie will share his comment about the mayor rotation during the item.

CONSENT CALENDAR

- A. Approve Minutes of City Council Meeting of October 20, 2022
- B. Approve Minutes of City Council Closed Session Meeting of October 20, 2022
- C. Approve Minutes of City Council Closed Session Meeting of October 25, 2022
- D. Approve Minutes of City Council Closed Session Meeting of October 26, 2022
- E. Approve Minutes of City Council Closed Session Meeting of November 3, 2022
- F. Approve Minutes of City Council Meeting of November 3, 2022
- G. Approve Minutes of City Council Closed Session Special Meeting of November 9, 2022
- H. Approve Minutes of City Council Closed Session Meeting of November 17, 2022
- I. Approve Minutes of City Council Special Meeting of November 17, 2022
- J. Approve Minutes of City Council Meeting of November 17, 2022
- K. Approve Minutes of City Council Closed Session Meeting of December 1, 2022
- L. Approve Minutes of City Council Special Meeting of December 1, 2022
- M. Approve Minutes of City Council Closed Session Special Meeting of December 8, 2022
- N. Accept Investment Report as of October 2022
- O. Approve Co-sponsorship application for the annual Mothers of Brisbane Shop event on 2/9-2/11/22
- P. Adopt Ordinance to Administer and Implement the Business License Tax Imposed on Hotels and Other Places Designed for Occupancy by Transients, Waiving Second Reading

(Note: This Ordinance is exempt from review under the California Environmental Quality Act because it

is not a “project”. Section 15378 (b)(5) of the CEQA Guidelines)

Q. Adopt Resolutions approving the Memoranda of Understanding between the City and the following groups: Mid-management/Professional and the Brisbane Police Officers Association, each for the term of July 1, 2022 to June 30, 2026

R. 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

Councilmember O’Connell made a motion, seconded by Councilmember Lentz, to adopt Consent Calendar Items A-R. The motion was carried unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

NEW BUSINESS

S. Recognize Assistant City Manager Stuart Schillinger for His Over Two Decades of Service to the City of Brisbane

Mayor Mackin read a proclamation recognizing Assistant City Manager Schillinger for his service to the City of Brisbane. Assistant City Manager Schillinger is retiring after over 21 years of service.

Councilmembers, Michele Salmon, Nancy Lacsamana, Maria Sid, Economic Development Director Bull, and the Offices of County Supervisor Canepa and State Senator Becker thanked him for his service, his leadership, and support throughout his tenure.

Assistant City Manager Schillinger thanked the Council, staff, City Manager Holstine, his parents, his family and the larger community for all their support.

AA. Review Projected Water and Sewer Rate Increases and Direct Staff to begin the 218 Process to increase Rates

(The following rate increases are being proposed: Fixed water charge increase from \$22.67 to \$33.52 for 5/8th inch meter and 9% increase each year until 2026/27. Water rate will increase 9% a year until 2026/27. Wastewater rate increase of approximately 25% rate increase each year until 2026/27)

Assistant City Manager Schillinger reported that water and sewer rates have not been raised for day to day use since 2012. Catherine Tseng, principal of the Lechowicz and Tseng Municipal Consultants, highlighted the Water and Sewer Operation Rate, the Water Use Service, Sewer Utility, and Sewer Rate Components.

After council questions, a member of the public asked the following questions and made the following observations in Zoom:

- The proposal will treat the commercial and residential customers the same?
- Are there resources for residents to investigate occult losses of water?
- Rate increase for increase usage penalizes residents that might try to be high-density or have accessory dwelling units.
- Thank you for you diligent work for water and water conservation and keeping Brisbane fiscally sound

After Council discussion, Councilmember Davis made a motion, seconded by Councilmember O'Connell, to direct Staff to begin the 218 Process to increase Rates: Fixed water charge increase from \$22.67 to \$33.52 for 5/8th inch meter and 9% increase each year until 2026/27. Water rate will increase 9% a year until 2026/27. Wastewater rate increase of approximately 25% rate increase each year until 2026/27. The motion was carried unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

- T. Consider adoption of Resolution adopting the County of San Mateo's Certification of Votes and declaring results to fill 2 four-year term Council Seats at the General Municipal Election held on November 8, 2022

City Clerk Padilla reported that Madison Davis and Terry O'Connell won the race to fill 2 four-year term Council Seats at the General Municipal Election held on November 8, 2022.

Councilmember Cunningham made a motion, seconded by Councilmember Lentz, to adopt Resolution adopting the County of San Mateo's Certification of Votes and declaring results to fill 2 four-year term Council Seats at the General Municipal Election held on November 8, 2022. The motion was carried unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

- U. Administration of Oath of Office of Newly Elected Councilmembers

Assistant City Manager Schillinger administered the oath of office of Newly Elected Councilmembers Davis and O'Connell.

V. Election of New Mayor and Mayor Pro Tem

Nancy Lacsamana said she is extremely disappointed about the collusion against Councilmember Lentz to rotate from Mayor Pro Tem to the new Mayor. She asked where and why did this happen?

Mea Christie advocated for the Council to honor Councilmember Lentz' hard work and elect him as Mayor.

James Christie urged the Council to forgive one another, let go of grudges, and allow Councilmember Lentz to serve as Mayor.

Sarah Duffy commented she support Councilmember Lentz to have his turn as Mayor because he is responsible, thorough and listens to the community.

Michele Salmon shared that trust is more important than tradition and she trusts the Councilmembers to make a decision on the mayor rotation.

Clerk Padilla acknowledged receipt of correspondence from Jim Oshea regarding Item V.

Tony Verreos commented that something impossible must have happened and it does not make sense at all.

After Council discussion, Councilmember O'Connell made a motion, seconded by Councilmember Cunningham, to nominate Madison Davis as the new Mayor. The motion passed with a 4 to 1 vote.

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

Noes: Councilmember Lentz

Absent: None

Abstain: None

Councilmember Davis made a motion, seconded by Councilmember Cunningham, to nominate Terry O'Connell as the new Mayor Pro Tem. The motion passed with a 4 to 1 vote.

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

Noes: Councilmember Lentz

Absent: None

Abstain: None

W. Administration of Oath of Office of Newly Elected Mayor and Mayor Pro Tem

City Manager Holstine administered the Oath of Office of Newly Elected Mayor Davis and Mayor Pro Tem O'Connell.

X. Recognize Outgoing Mayor Coleen Mackin for Her Service

(A Brief Break Will Be Held After Item X)

Newly elected Mayor Davis read a proclamation recognizing outgoing Mayor Mackin for her service.

Councilmember O'Connell 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

Councilmembers, Michele Salmon, Economic Development Director Bull thanked her for her meeting facilitation skills, passion and leadership.

Council took a brief break for ten minutes.

Y. Consider Adoption of Resolution authorizing the Mayor to sign the Fourth Amendment to the City Manager's Employment Agreement increasing the Manager's salary by 3% in January 2023 and extending the term of the Agreement to December 31, 2023

(If approved by the Council, the City Manager's salary would be \$11,371 bi-weekly)

Mayor Davis reported that the Council will consider adopting the Resolution confirming a revised Pay Schedule for the City Manager, approving a related fourth amendment to the City Manager's Employment Agreement, and authorizing the Mayor to sign the fourth amendment. The Resolution provides for three changes to the City Manager's Employment Agreement. In accordance with Government Code Section 54953(c)(3), the three changes to the City Manager's salary and benefits would be:

- To increase the City Manager's biweekly salary to \$11,371.20 as of the first full pay period of January 2023;
- To extend the City Manager's Term in office to December 31, 2023; and
- To provide that the City Manager shall also be credited with 80 hours of administrative leave in July 2023 but such administrative leave must be used by December 31, 2023 or it will be lost."

After no Council questions, Councilmember O'Connell made a motion, seconded by Councilmember Cunningham, to adopt a Resolution authorizing the Mayor to sign the Fourth Amendment to the City Manager's Employment Agreement increasing the Manager's salary by 3% in January 2023 and extending the term of the Agreement to December 31, 2023. The motion was carried unanimously by all present.

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

Z. Consider Adoption of Resolution to Amend the Master Pay Schedule

Mayor Davis reported that Item Z calls on the Council to consider adopting a resolution updating the City's Master Pay Schedule to reflect the various MOU's that City Council adopted on December 8, 2022 and the City Manager's new hourly rate given the Council's approval of the resolution confirming a revised Pay Schedule for the City Manager under Item Y.

As is noted in the agenda report for Item Z, state law and regulation, as well as CalPERS guidance, require that the City post a Master Pay Schedule that accurately reflects all of the City's pay schedules in a single document.

Given the City Council's approval of the MOU's with various employee organizations and an amendment to the City Manager's Employment Agreement under Item Y, the City Council must therefore act to amend the City's Master Pay Schedule to bring it into conformance with the revised compensation for employees covered by MOU's and with the City Manager's revised compensation.

Specifically, the Council must amend the schedule to reflect the City Manager's new compensation as:

- Monthly –\$24,637.60
- Biweekly – \$11,371.20
- Hourly - \$142.14

A revised Master Pay Schedule that reflects these changes is included in the agenda packet under Item Y as Appendix A..

After no Council questions, Councilmember Cunningham made a motion, seconded by Councilmember Mackin, to adopt a Resolution to Amend the Master Pay Schedule. The motion was carried unanimously by all present.

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

STAFF REPORTS

BB. City Manager's Report on Upcoming Activities

No report was given.

MAYOR/COUNCIL MATTERS

CC. Countywide Assignments and Subcommittee Reports

Council reported on their County assignment and Subcommittee activities.

DD. City Council Meeting Schedule

Council agreed to schedule a special meeting on January 12, 2023.

EE. Written Communications

Council received the following correspondence:

Olga Alexander (12/11/22) Children First! The Custody Crisis in Brisbane

Sukhmani Purewal (12/12/2022) City Selection Committee Meeting Packet

James O'shea (12/15/22) Mayoral Rotation

FF. City Selection Committee Appointments

Mayor Davis will discuss with proxy Councilmember Mackin on the appointments.

ORAL COMMUNICATIONS NO. 2

No member of the public wished to speak.

ADJOURNMENT

Mayor Mackin adjourned the meeting at 10:59 P.M.

Ingrid Padilla, City Clerk