



**BRISBANE CITY COUNCIL**  
**ACTION MINUTES**

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**THURSDAY, JANUARY 15, 2015**

*BRISBANE CITY HALL, 50 PARK PLACE, BRISBANE*

**7:30 P.M. CALL TO ORDER – FLAG SALUTE**

Mayor O’Connell called the meeting to order at 7:33 p.m. and led the flag salute.

**ROLL CALL**

Councilmembers present: Conway, Lentz, Liu, Miller, and Mayor O’Connell  
Councilmembers absent: None  
Staff present: City Manager Holstine, City Clerk Spediacci, Assistant City Attorney Stricker, Administrative Services Director Schillinger, Community Development Director Swiecki, Public Works Director Breault, Deputy Public Works Director Kinser, Deputy Finance Director Cooper, Police Chief Macias, Police Commander Meisner

**ADOPTION OF AGENDA (Deletions, Additions, Changes and Adoption)**

CM Conway asked that the meeting be closed in memory of his step daughter Rona Faletose. Mayor O’Connell asked that Item G be pulled from the Consent Calendar for discussion. She also asked that New Business Item A be put to the end of the agenda due to Public Works Director Breault having to attend another meeting.

CM Conway made a motion, seconded by CM Miller, to adopt the agenda as proposed. The motion carried unanimously by all present.

**INTRODUCTION OF NEW POLICE OFFICERS**

- 1. Officer Giovanni Perez**
- 2. Officer Jason Quan**
- 3. Officer Karena Shum**
- 4. Officer Robert Malone**
- 5. Officer Dominic Flores**
- 6. Officer Luke Olson**

Police Chief Macias introduced each of the new Police Officers, giving a brief background of each officer. She said the hiring process was very challenging but that each of these individuals was a great fit for the organization. She also thanked the Council for their ongoing support.

Councilmembers expressed their appreciation for the new officers and welcomed them to Brisbane.

## **ORAL COMMUNICATIONS NO. 1**

Shaunda Scruggs, Director of Tobacco Prevention for the San Mateo County Health System, said that Foster City and Unincorporated San Mateo County both adopted ordinances prohibiting smoking in multi-unit residences and regulating electronic cigarettes. She said that she and her office staff were available to work with Brisbane if there was an interest in the issue.

CM Liu indicated that the Council Health and Safety Committee has been looking at this issue and would be making recommendations to the full Council in the near future.

## **CONSENT CALENDAR**

Mayor O'Connell removed Item G when the agenda was adopted.

Councilmembers also asked to remove Items B & D.

- A. Approve City Council Minutes of November 3, 2014**
- C. Approve City Council Minutes of November 17, 2014**
- E. Accept Monthly Investment Report as of October 31, 2014**
- F. Accept Monthly Investment Report as of November 30, 2014**
- H. Adopt Resolution No. 2015-01 declaring one police vehicle surplus and providing for the disposition through an auction process**

CM Conway made a motion, seconded by CM Lentz, to approve Consent Calendar Items A, C, E, F, & H as proposed. The motion carried unanimously by all present.

- B. Approve City Council Minutes of November 6, 2014**

CM Liu proposed an addition to the comments from Charlene Marson and on Page 4 "*She noted that, unlike other residents in Brisbane, Altamar residents do not have two free pickups per year for bulky items.*" and to Page 4 adding "*CM Lentz asked if SSFSC would consider allowing two free "building" pickup days per year at Altamar. Mr. Formosa said that SSFSC could consider it and would need to look at the details.*"

With those additions, CM Liu made a motion, seconded by CM Conway, to approve the minutes as amended. The motion carried unanimously by all present.

**D. Approve City Council Minutes of November 20, 2014**

CM Liu proposed the following addition to Page 5, clarifying language after Program HI.1.B & C “to eliminate language regarding secondary dwelling units at Landmark at the Ridge.”

CM Miller proposed adding the following paragraph stating why he voted against the Housing Element, “*CM Miller objected to the high density overlay proposal for the commercial warehouses on Park Lane. He argued that it was a mistake for two reasons. First, it potentially removes fiscally viable commercial properties from the tax rolls. Second, it potentially places large numbers of residents in the middle of a warehouse district with 24 hour-a-day noise and pollution – an unhealthy environment. He said that this is especially true for the biggest and most westerly of the three properties involved. He said that if the focus remained on this area of the City, then the proposed rezoning of the Brisbane Village parcel should continue to be mixed use, as was the case in the last Housing Element. Furthermore, CM Miller argued that other locations where the prospect for housing is more realistic should be investigated. He suggested Sierra Point and the Levinson property. He said that allowing some housing at the Main Street base of the Levinson property could provide leverage for obtaining a substantial part of this property as dedicated open space as envisaged in the Open Space Plan.*”

CM Liu noted that the minutes don’t usually give details about the Councilmember discussion. She asked that she be able to go back and review what other Councilmembers said and propose additions.

After Councilmember discussion, they agreed to pull the minutes from the agenda pending any further additions from other Councilmembers.

**G. Accept report of the Open Space and Ecology Committee’s Annual Accomplishments**

Councilmembers acknowledged the hard work and accomplishments of the Open Space and Ecology Committee. CM Miller said that the Vegetation Management Program had dropped off and is now back on track.

Deputy Public Works Director Kinser said that Fred Smith brought the Vegetation Management Proposal to the Open Space and Ecology Committee and that they are ready to move forward.

**OLD BUSINESS**

**A. Consider adoption of Ordinance No. 593, waiving second reading, repealing Section 2.20.020 – “Members not to hold other offices” of the Brisbane Municipal Code**

CM Lentz recused himself for the discussion due to a conflict of interest and left the dais.

Assistant City Attorney Stricker said that at the last meeting the Council introduced an ordinance that would remove Section 2.20.020 of the Brisbane Municipal Code that would eliminate the prohibition of a Parks and Recreation Commissioner to hold other offices.

She said that the Council asked for changes to the proposed ordinance and that those changes were reflected in the redline version in the Council packet. She reviewed those changes, including additional clarity on the guidelines and a clarification that the Parks and Recreation Commission brings “policy” issues to the Council.

CM Conway noted that the City Attorney’s signature was not on the “approved as to form” portion of the ordinance. Assistant City Attorney Stricker confirmed that she had drafted the ordinance.

CM Miller noted that the Cooperative Agreement with the School District was due to be updated. CM Conway said that the Council Subcommittee recently met with the School regarding Teen Services and agreed that the agreement should be updated to also include the new Teen Services arrangements.

After Councilmember discussion, they asked the Assistant City Attorney to amend the language that both satisfies the current situation as well as wording that could deal with future conflicts.

After Councilmember questions, clarifications and discussion, CM Conway made a motion, seconded by CM Miller, to adopt Ordinance No. 593 as amended. The motion carried unanimously by all present.

CM Miller proposed referring the update of the Cooperative agreement with the Brisbane School District to the City/School Subcommittee for future recommendations to the full Council. Councilmembers concurred.

## **NEW BUSINESS**

New Business Item A was moved to later in the meeting pending the arrival of Public Works Director Breault.

### **B. Consider adoption of Resolution No. 2015-02 adopting the First Revised and Restated Joint Exercise of Powers Agreement (JPA) for the San Mateo Operational Area Emergency Services Organization**

CM Conway stated that he serves on the Emergency Services Council and indicated that both he and Public Works Director Breault attend the meetings. He confirmed that both he and Mr. Breault support the revisions proposed in the agreement before the Council for consideration. He said that while the proposed revisions were not perfect, they were definitely a step in the right direction and indicated that Mr. Breault had been very involved in the updating process.

After Councilmember clarifications and discussion, CM Conway made a motion, seconded by CM Lentz, to adopt Resolution No. 2015-02 as proposed. The motion carried unanimously by all present.

**C. Consider adoption of Resolution No. 2015-03 approving a loan to the Successor Agency in order to provide funding to cover the Successor Agency's 14-15B Recognized Obligation Payment Schedule (ROPS) obligations and providing the Successor Agency will place on its 15-16A ROPS this loan for repayment**

Administrative Services Director Schillinger said that when the Successor Agency had provided information to the Department of Finance (DOF), a duplicate subtraction had been approved by the DOF in error. He said that in speaking with the DOF, they concurred with the error and advised City Staff to put a loan on the 14-15 ROPS and then pay it back on the 15-16 ROPS. He said that the loan is necessary in order to avoid defaulting on an upcoming loan payment. He said the City would be getting back the shortfall in May or June so it would not affect any Marina projects.

Mayor O'Connell noted that the Successor Agency was meeting later this evening.

CM Miller asked about the e-mail from the DOF indicating that they would approve the repayment of the loan on the next ROPS and asked that a copy of that e-mail be provided to the Council and Oversight Board.

After Councilmember questions, CM Miller made a motion, seconded by CM Conway, to adopt the resolution as proposed. The motion carried unanimously by all present.

**D. Consider directing staff to review City Regulations of Short Term Home and/or Room Rentals in Residential Zones**

Community Development Director Swiecki said that in late 2014 a citizen complaint was filed against all properties in Brisbane with an active AirBNB listing. One party in that complaint questioned the City's current regulations. Mr. Swiecki indicated that a copy of the City's current regulations was provided in the Council packet for reference.

He said that under the current regulations AirBNB's would be included in the hotel category, which is not allowed in residential Brisbane. He indicated that the Council's decision, at this point, was whether or not staff should be directed to draft zoning changes allowing for this use in residential Brisbane. The draft would then go before the Planning Commission. He advised that if the Council chose not to direct staff to draft the change, the current complaint would move forward as usual. He also indicated that these regulations were in effect at least back to 1998 and clarified that the current regulations do not specifically define the term "Bed & Breakfast".

Councilmembers discussed the fact that a lot of thought to consider all of the complicated issues would need to be done to update the outdated regulations. They discussed sending it through the Planning Commission for a thorough review.

Due to the pending complaint and Councilmember discussion of the need for an update to the current regulations, they asked staff to work as expeditiously as possible to work through the many issues that were raised and draft needed changes for the Planning Commission's review and subsequent recommendations to the Council.

Community Development Director Swiecki said he thought the process might take approximately 90 days before coming back to the Council. Councilmembers agreed to put enforcement of the complaint in abeyance pending the regulation review.

**A. Consider authorizing the Mayor to sign the Professional Services Agreement with Erler & Kalinowski, Inc. in the amount of \$190,500 to perform work on Water and Sewer Master Plan Updates**

Public Works Director Breault said that the Water and Sewer Master Plans are important tools to evaluate the City's existing water and sewer infrastructure, and to recommend improvements necessary to handle the future anticipated demands on the utility systems. He said that regular updates of those plans on an approximate 10-year cycle are indispensable to maintaining a valid long-term Capital Improvement Plan (CIP) based on current engineering criteria and on the latest planning projections. He indicated that the latest Water and Sewer Master Plans were completed in 2003. He said that staff is recommending Council approve a contract with Erler & Kalinowski, Inc. (EKI) because of their professionalism and the ease in working with them on other projects.

Mr. Breault responded to questions from Councilmembers concerning why certain Baylands scenarios are being studied, sea level rise and settlement issues at Sierra Point and the Baylands, sewer infrastructure in the Baylands under the Bayshore Sanitary Districts' control and the lawsuit, invoicing milestones in the agreement, and the need for the Council Facilities Subcommittee and Council approval of the Master Plan.

Mayor O'Connell said she was not familiar with the Bayshore Sanitary District Lawsuit discussed earlier and asked that staff provide a detailed memo or make a presentation at a future Council meeting.

After further Councilmember discussion, Public Works Director Breault reiterated the changes proposed by Council including the highlighted language dealing with meeting appropriate milestones when billing is received, acknowledging the Bayshore Sanitary District in the scope of work, having the work product be subject to approval by the Council Subcommittee and Council, adding language explaining why only two Baylands alternatives are being studied, and adding language recognizing design challenges to settlement at Sierra Point and the Baylands.

With those proposed changes, CM Miller made a motion, seconded by CM Conway, to authorize the Mayor to sign the agreement as amended. The motion carried unanimously by all present.

**STAFF REPORTS**

**A. City Manager's Report on upcoming activities**

City Manager Holstine said he had nothing to report.

## **MAYOR/COUNCIL MATTERS**

### **A. County-wide Assignments/Subcommittee Reports**

Councilmembers reported a Commute.org Meeting, the San Mateo County Housing Endowment and Regional Trust Meeting, the Seton Hospital Hearing Meeting, School Subcommittee Meeting, upcoming Community Choice Aggregates Meetings, Women's Policy Summit, the Council of Cities Meeting, the C/CAG Meeting, and the Baylands Sustainability Meetings.

Mayor O'Connell asked that staff agendaize becoming part of a JPA for Community Choice Aggregates (CCA). She said that she had a PowerPoint that highlights the CCA. She said that the first step would be for Council to consider adoption of a resolution or a letter of supporting the idea.

### **B. Written Communications**

Mayor O'Connell referred to a letter received regarding the AirB&B issue and e-mail from a citizen regarding parking and enforcement issues.

City Manager Holstine commented that the parking and enforcement issue is complex and advised that the Complete Streets Safety Committee could look at this issue and make recommendations to the Council.

CM Miller asked about the follow up to the Inter Mune letter. City Manager Holstine said he would provide the information to the Council.

### **C. Consider appointment of two Councilmembers to work with the joint subcommittee of the Planning Commission and Open Space and Ecology Committee regarding the Green Building Ordinance**

Councilmembers agreed that the OSEC Liaison Subcommittee members serve on the Green Building Ordinance Committee.

### **D. Review Council Subcommittee List**

Councilmembers discussed proposed changes to the Subcommittee List. CM Lentz would be appointed the alternate to the City/County Association of Government, CM Liu to serve on the County Library JPA in place of Mayor O'Connell, CM Liu to serve on the School/City Subcommittee in place of CM Lentz, Mayor O'Connell to serve on Finance in place of CM Lentz.

CM Lentz proposed creating a new ad hoc committee to look at options for using the money from the sale of the spur property for things like trails, open space, or similar items. CM Miller

proposed that a Subcommittee of OSEC and P&R be formed to make recommendations to the Council. Councilmembers concurred with that idea.

CM Lentz inquired about the Measure A Funds for the Crocker Park Trail. City Manager Holstine replied that this issue would be brought to Council in February.

**E. Consider setting Monday, March 2, 2015 as a Special Meeting Date to consider Mid-Year Budget Review and Work Plan Update**

Mayor O'Connell stated that March 2, 2015 doesn't work for all Councilmembers. After some discussion, the Council decided on March 17, 2015 with the packet for that meeting being distributed by March 6, 2015.

**F. Discussion of presentation to Planning Commission/Baylands White Paper regarding application processing**

City Manager Holstine said that the Planning Director made a presentation to the Planning Commission on the Baylands White Paper but that staff felt there was further need for the City Attorney and members of a Council Subcommittee to explain the Baylands White Paper with more context. He said that there were two possible options for Council representation: the Council Baylands Subcommittee or the Council Liaison to the Planning Commission.

After Councilmember discussion, it was the consensus that the Council Baylands Subcommittee was more familiar with the White Paper and therefore should attend the presentation by the City Attorney to the Planning Commission.


CM Lentz mentioned the upcoming Council of Cities City Selection Committee Meeting and Councilmembers acknowledged that so far the appointments were uncontested. CM Conway said he was attending the upcoming meeting and that the City Clerk would send the proxy letter.

**ORAL COMMUNICATIONS 2**

There were no members of the public wishing to speak.

**ADJOURNMENT** in memory of Rona Faletese and to the Successor Agency Meeting.

The meeting was adjourned at 10:59 p.m.

  
Sheri Marie Spediacci, City Clerk