



**BRISBANE CITY COUNCIL**

**ACTION MINUTES**

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**THURSDAY, APRIL 27, 2017**

*BRISBANE CITY HALL, 50 PARK PLACE, BRISBANE*

**CALL TO ORDER – PLEDGE OF ALLEGIANCE**

The Mayor called the meeting to order at 7:37 p.m. and led the Pledge of Allegiance.

**ROLL CALL**

Councilmembers present: Conway, Davis, Lentz, O’Connell and Mayor Liu  
Councilmembers absent: None  
Staff present: City Manager Holstine, City Attorney Roush, Administrative Services Director Schillinger, Interim City Clerk Padilla, Police Chief Macias, Community Development Director Swiecki, Deputy City Engineer Kinser, Parks and Recreation Manager Leek, Recreation Coordinator Monroy, Associate Planner Capasso

**REPORT OUT OF CLOSED SESSION**

**A. Liability Claims: Claimant Nicholas Uchida pursuant to Government Code, section 54956.95.**

City Attorney Roush reported that Councilmembers gave direction to deny the claim presented under Closed Session.

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

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

**ORAL COMMUNICATIONS NO. 1**

Barbara Ebel asked the Council to consider reserving the May 23<sup>rd</sup> Baylands Hearing for councilmembers to coordinate a plan on how to get their questions answered before deliberations begin

Olivia Hayer and Makayla Culder thanked everyone who volunteered at the annual dog park clean up day. They hope there would be a small dog area in the dog park in the near future.  
Michelle Salmon thanked everyone who volunteered at the Habitat Restoration Day.

- A. Recognize the City of Brisbane Parks & Recreation Department for receiving an Award of Excellence from the California Parks & Recreation Society for the Annual Derby

Parks and Recreation Manager Leek reported that the Parks and Recreation Department received an Award of Excellence from the California Parks and Recreation Society for the Annual Derby.

- B. Receive the Parks and Recreation Commission's Annual Report

Parks and Recreation Commissioner Kevin Fryer presented to the Council the Parks and Recreation Commission's Annual Report.

- C. Present Couture Costume & Corsetry with the County of San Mateo's Green Business Program Certificate

Barbara Ebel of Couture Costume & Corsetry was recognized by Mayor Liu for receiving the County of San Mateo's Green Business Program Certificate.

- D. Present Proclamation Recognizing Mosquito Awareness Week and Receive an Update on the West Nile Season from Megan Sebay, Public Health Education and Outreach Officer from the San Mateo County Mosquito and Vector Control District

Carolyn Parker, Brisbane's representative on the San Mateo County (SMC) Mosquito and Vector Control District Board of Trustees, read the Proclamation Recognizing Mosquito Awareness Week. She introduced Megan Sebay, Public Health Education and Outreach Officer of SMC Mosquito and Vector Control District, who educated the Council and the public on West Nile Season.

## **CONSENT CALENDAR**

- A. Approve City Council Minutes of February 16, 2017
- B. Approve City Council Minutes of February 28, 2017
- C. Approve City Council Minutes of March 2, 2017
- D. Approve City Council Minutes of March 16, 2017
- F. Approve using funds from Public Art Fund, and refurbish the BEST/PTO Mural on side of Mid-Town Market

Items E and G were pulled by the Council for further discussion. Councilmember Conway made a motion, seconded by Councilmember Davis, to adopt Consent Calendar Items A, B, C, D, and F. The motion was carried unanimously by all present.

Ayes: CM Conway, Lentz, Davis, O'Connell and Mayor Liu

Noes: None

E. Adopt Resolution No. 2017-10 requesting Wells Fargo to Cease Funding the Dakota Access Pipeline and not fund similar projects in the future

Glenn Fieldman, member of the Brisbane Open Space and Ecology Committee, requested for the Council to approve Resolution 2017-10 and send a letter to Wells Fargo stating the City's concerns regarding its investment in the Dakota Access Pipeline project or similar projects in the future.

After some Councilmember discussion, CM Conway made a motion, seconded by CM Davis to adopt Resolution No. 2017-10.

Ayes: CM Conway, Lentz, Davis, O'Connell and Mayor Liu

Noes: None

G. Approve contract for legal services from Dannis, Woliver, & Kelley for School District Reorganization

City Manager introduced William Tunnick from Dannis, Woliver, & Kelley. City Manager Holstine reported that the contract with Dannis, Woliver, & Kelley is for legal services and a study to have a thorough understanding of the financial issues, legal issues and opportunities in the reorganizations of school districts providing K-12 education in the Brisbane Baylands Project area. The study will be paid for by the Baylands Development applicant, Universal Paragon Corporation upon approval of the scope of work that will be adopted in the subcontract.

CM Conway noted that the City never intended to be and should not be in the bus service business. Historically, CM Conway added, instead of paying for the full share of bus services, the City had provided funds to Jefferson Union High School District for Advancement Placement Classes, computer labs, and other educational enrichment services.

After some Councilmember discussion and questions of staff, Audra Pittman, Superintendent of the Bayshore Elementary School District, stated that the Bayshore Elementary School District is not interested in being consolidated with the Brisbane School District when the Bayland project is developed.

After further Councilmember discussion with staff and Superintendent Pittman, staff was directed to set up 2x2 Schools Subcommittee Meeting with the Bayshore Elementary School District to have further discussion about the proposed study.

## **OLD BUSINESS**

### **A. Receive update on the Terra Nova and Oceana High School Bus Service**

Administrative Services Director Schillinger reported that the Jefferson Union High School District will be providing a bus and contracting with a bus carrier to provide daily school bus service to Terra Nova and Oceana High School in Pacifica. The cost for the City would be a minimum of \$103,000 for the year. The school district will be managing the bus service.

Valerie Tuleileiwa stated that as a parent, she appreciates the bus service to Terra Nova and Oceana High School. Suggested to have a mandatory orientation, different levels of offences and the parents have to ride a bus for a full week if the students are unruly.

Alina Zavadnik stated that as a parent, she is grateful for the bus service and that the money is being well spent on the bus because it provides her child educational opportunities and services.

Barbara Ebel asked if there were Carbon impact grant money the City can use to fund the bus.

CM Davis suggested finding creative ways to fund the bus such as Go Fund Me drive.

Michelle Salmon stated that we need to get kids to school so they can have the educational opportunity.

After some councilmember discussion, Councilmembers directed staff to move forward with the contract and seek alternative ways to select the bus driver that is more local and prepare parents one year ahead to prepare ahead and seek transportation options.

Michael Barnes advised the council to redirect the funds towards Shasta College Prep High School.

### **B. Receive update on the Referendum Petition against Ordinance No. 614 and take action**

City Attorney Roush reported that it is being recommended to accept the Interim City Clerk's Certificate of Sufficiency, for the Referendum Petition challenging Ordinance No. 614 –an ordinance that revised the dates on which municipal elections would be held (in order to comply with recently enacted state law) and, as a consequence, extending the terms of office for current City Council members by six months.

City Attorney Roush also reported that the Council members can take one of the following two actions: (a) introduce Ordinance No. 619 repealing the Ordinance No. 614 challenged by the Petition, or (b) direct staff to bring back to Council an appropriate resolution to submit the challenged Ordinance to the voters at the Municipal Election to be held in November 2017; and if the direction is to repeal Ordinance No. 614, then Councilmembers can consider directing staff to bring back to Council another ordinance to extend or reduce the term of office for Council members elected in November 2017 and November 2019 for five or three years.

After some councilmember discussion, CM Conway made a motion, seconded by CM Davis, to receive the Interim City Clerk's Certificate of Sufficiency for the Referendum Petition Challenging Ordinance No. 614. The motion was carried unanimously by all present.

After some councilmember discussion CM Conway made a motion, seconded by CM Davis, to adopt Ordinance 619 to repeal Ordinance 614- an ordinance that revised the dates on which municipal elections would be held in order to comply with recently enacted California Senate Bill 415 the Voter Participation Act. The motion was carried unanimously by all present.

Ayes: CM Conway, Lentz, Davis, O'Connell and Mayor Liu

Noes: None

In order to comply with CA Senate Bill 415, Councilmembers directed staff to draft an ordinance for the next City Council Meeting to hold a City Council election on November 7, 2017 for three-year terms.

## **PUBLIC HEARING**

- A. Consider introduction of Ordinance 617 to amend Zoning Text to Chapters 17.02, 17.06, 17.08, 17.10, 17.12, 17.16, 17.18, 17.19, and to add new Chapter 17.33 to Title 17, Zoning, of the Brisbane Municipal Code to define and regulate personal cultivation of medical cannabis by qualified patients and caregivers, and medical cannabis caregivers. Add new Chapter 8.12 to Title 8, Health and Safety, to adopt performance standards for personal cultivation of medical cannabis.

Community Development Director Swiecki reported that the proposed ordinance is to update various sections and add a new chapter to Title 17, Zoning, of the Brisbane Municipal code and to Title 8, Health and Safety, to regulate personal cultivation of medical cannabis by qualified patients and caregivers, and medical cannabis businesses.

After some Councilmember discussion with staff, Mayor Liu opened the public hearing.

Paul Bouscal, Danny Ames, Michelle Salmon, Karen Cunningham, Barbara Ebel, and Carolyn Parker shared their opinions about Medical cannabis and Ordinance 617.

CM Davis shared she is open to discussing further the possibility of farming and commercial cultivation of cannabis.

After further councilmember discussion with staff, Councilmembers directed staff to return to the next City Council meeting with comparative data on Proposition 64 in order for the Council to understand the different regulations regarding Medical Cannabis and Recreational Cannabis. The public hearing will be continued at a future regular City Council meeting.

- B. Consider introduction of Ordinance 618, for Zoning and General Plan consistency, to Amend Title 17 of the Brisbane Municipal Code to add the TC-2 Southeast Bayshore Trade Commercial District and apply the TC-2 to the Zoning Map and rezone the properties at 3745 to 3795 Bayshore Boulevard from M-1 Manufacturing District to TC-2 and rezone the adjacent City right-of-way property, located on the West side of Bayshore Boulevard, from M-1 to O-S Open Space.

Community Development Director Swiecki reported that Ordinance 618 will Amend Title 17 of the Brisbane Municipal Code to add the TC-2 Southeast Bayshore Trade Commercial District and apply the TC-2 to the Zoning Map.

He also reported that Ordinance 618 will rezone the properties at 3745 to 3795 Bayshore Boulevard from M-1 Manufacturing District to TC-2 and rezone the adjacent City right-of-way property, located on the West side of Bayshore Boulevard, from M-1 to O-S Open Space. Community Development Director Swiecki stated that if the Council sees fit, the ordinance can also be amended to eliminate the language regarding medical cannabis uses.

After some Councilmember discussion, the Councilmembers discussed striking the language about medical cannabis uses from the Ordinance. Mayor Liu then opened the public hearing.

No member of the public wished to speak.

CM Conway made a motion, seconded by CM Lentz, to close the public hearing. The motion was carried unanimously by all present.

After some councilmember discussion, CM Conway made a motion, seconded by CM Lentz, to introduce Ordinance 618 with amendment to eliminate the language around medical marijuana.

Ayes: CM Conway, Lentz, Davis, O'Connell and Mayor Liu

Noes: None

## **STAFF REPORTS**

- A. City Manager's Report on upcoming activities

Due to the late hour, no report was made.

## **MAYOR/COUNCIL MATTERS**

A. Schedule interviews for applicants to the Parks and Recreation Commission and Complete Streets Safety Committee

City Manager Holstine reported that there were four applicants for the vacancies in the Parks and Recreation Commission and two applicants for the Complete Streets Safety Committee. After some Councilmember discussion with staff, Councilmembers directed staff to continue recruiting for the vacancies in the Parks and Recreation Commission and the Complete Streets Safety Committee through the month of June.

B. Vacancy on the Planning Commission

City Manager Holstine reported that due to Commissioner Tuong Van Do's resignation, there is one vacant seat for a term ending in January 2020 in the Planning Commission. The Council directed staff to begin the recruitment process through June and advertise the vacancy in the City Star Newsletter.

C. County-wide Assignments/Subcommittees Reports

Councilmembers reported back on all their County-wide assignments and Subcommittee activities in the month of April. Councilmember Lentz reported that he will be holding regular office hours Wednesday evenings at City Hall for the members of the public.

D. City Council Meeting Schedule

After some discussion with City Manager Holstine about the doodle poll results, Council approved to hold the regular meetings on June 1<sup>st</sup> and July 20<sup>th</sup>, and Baylands Hearings on May 23<sup>rd</sup>, June 7<sup>th</sup>, June 10<sup>th</sup> for the speakers series, June 15<sup>th</sup> and June 19<sup>th</sup>. Council also requested for the Speakers Series to be broadcasted lived and video recorded. The Regular Council Meeting will also be canceled on July 6<sup>th</sup>.

E. Written Communications

From March 2<sup>nd</sup> and April 27<sup>th</sup> non-Baylands Correspondence was received from Kameliya Vladimirova, Barbara Ebel, and Dawn Cutler.

CM O'Connell directed staff to provide a report on the status of the hillside near Mission Blue that is governed by the County Parks.

**ORAL COMMUNICATIONS 2**

No member of the public wished to speak.

**ADJOURNMENT**

The meeting was adjourned at 11:43 p.m.

*Ingrid Padilla*

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Ingrid Padilla, Interim City Clerk