BRISBANE CITY COUNCIL

ACTION MINUTES

DRAFT

THURSDAY, MARCH 3, 2016

BRISBANE CITY HALL, 50 PARK PLACE, BRISBANE

7:00 P.M. CLOSED SESSION

A. Conference with labor negotiators, all bargaining units, pursuant to Government Code Section 54959.6

8:00 P.M. CALL TO ORDER – FLAG SALUTE

Mayor Lentz called the meeting to order at 8:00 p.m. and led the flag salute.

Deputy City Attorney Stricker announced that the Council instructed the labor negotiators in the Closed Session held before the meeting.

ROLL CALL

Councilmembers present:	Conway, Davis, Liu, O'Connell, and Mayor Lentz
Councilmembers absent:	None
Staff present:	City Manager Holstine, City Clerk Spediacci, Deputy City Attorney Stricker, Public Works Director Breault, Police Chief Macias, Police Commander Meisner, Community Development Director Swiecki

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

CM Conway asked that a moment of silence be observed for the Titchener tragedy and that the meeting be closed in memory of Larold Pruett and the surfer whose vehicle was found abandoned in Half Moon Bay.

A moment of silence was held for the Titchener tragedy.

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

PRESENTATIONS

Marc Hershman, District Director for Senator Jerry's Hill's Office announced that Senator Hill was holding a Java with Jerry on Friday, March 11th at 9 A.M. at Madhouse Coffee. He also announced an annual open house at Senator Hill's San Mateo Office on April 14th. Councilmembers thanked

Mr. Hershman and Senator Hill for continually holding opportunities in Brisbane for residents to interact with Senator Hill.

A. New Employee Introductions

1. **Ricardo Monroy – Recreation Program Coordinator**
2. **Jeff Franco – Recreation Program Coordinator**
3. **Frank Lozano – Maintenance Worker I**
4. **Randy Thomas – Maintenance Worker I**
5. **Michelle Moneda – Part Time Code Enforcement Officer**

Human Resources Director Saguisag-Sid introduced each employee and gave a background about each of them. Councilmember's welcomed the new employees to the City.

B. New web-based police blotter - Commander Meisner & Kyle Adams

Commander Meisner talked about the police blotter on Facebook and the software that resident Kyle Adams designed to make information more timely, organized, and searchable. Mr. Adams gave a demonstration of the software that he developed for Brisbane. Councilmembers thanked Mr. Adams for his time and effort.

ORAL COMMUNICATIONS NO. 1

There were no members of the public wishing to speak.

CONSENT CALENDAR

CM Liu asked to remove Consent Calendar Item A.

B. Approve Monthly Investment Report as of December 31, 2016

C. Receive update on Plan Bay Area 2040

CM Conway made a motion, seconded by CM O'Connell, to approve Consent Calendar Items B & C as proposed. The motion carried unanimously by all present.

A. Adopt City Council Minutes of February 4, 2016

CM Liu pointed out a typographical error on Page 3, noting that it should be "AB 1362" instead of "SB 1362". With that change, she made a motion, seconded by CM O'Connell, to adopt the minutes as amended. The motion carried unanimously by all present.

OLD BUSINESS

A. Confirm the Council's previous direction or provide clarifying direction on the cultivation of medical marijuana for personal use

Mayor Lentz indicated that he had contacted staff after the last meeting to express his concern that the Council might not have had time to fully discuss and give direction on the personal caregiver part of the cultivation of medical marijuana. He reviewed what the current direction provides for and his concern over having multiple caregivers and multiple plants which would allow for a

commercial grow house in residential Brisbane.

He said he wanted to get clarity from the other Councilmembers on their direction to the Planning Commission. He also said that there was currently no business license needed for a personal medical marijuana caregiver even though it could be a business.

Paul Bouscal said he was speaking on behalf of the community and said he was opposed to "collaboratives" and recalled a situation on his block where there turned out to be an illegal grow house. He stated that the risk of fire and burglary was greater with a grow house in the neighborhood.

Councilmembers asked questions of Police Chief Macias and Deputy City Attorney Stricker about language in a proposed ordinance that would prevent illegal grow houses in residential neighborhoods. They discussed regulating collaborative and collective cultivation by the number of plants and the size of the area of cultivation in certain zoning districts.

Kima Hayuk said that he had Avascular Necrosis and that he had a medical marijuana card to help him with his pain. He agreed that medical marijuana grow houses should not be allowed in residential neighborhoods. He requested that an allowance for up to six plants for personal growth and use of medical marijuana. He said he was speaking on behalf on many residents. He asked that any language that was adopted would allow for six mature or twelve small plants be allowed to be grown for personal use.

Mayor Lentz asked that Councilmembers discuss and consider making an adjustment to the direction that was previously given to the Planning Commission.

After Councilmember questions and discussion, they concurred that additional language options should be considered by the Planning Commission that would allow those to grow medical marijuana for personal use but possibly putting restrictions on the amount of plants or amount of square footage of the growing area, in an effort to close the loop hole which would allow grow houses in residential neighborhoods.

NEW BUSINESS

A. Consider introduction of Ordinance No. 600, waiving first reading, amending Division VII of Title 9 of the Brisbane Municipal Code to clarify the scope and meaning of the City's Weapon Control Regulations to conform those regulations to current Federal and State law

Deputy City Attorney Stricker said that the Calguns Foundation contacted City staff to inform them that, in their view, state and federal law preempted the City's current regulations governing how firearms may be carried in Brisbane. She said that this assertion caused City staff to take a comprehensive look at the City's 50-plus year old weapon control ordinance.

She then talked about the City's current weapon control regulations which she said had not been changed in any significant way since their adoption in 1962. She went through the different sections of the current ordinance and the recommended amendments regarding carrying provisions, the narrowing of restrictions on sales to minors, narrowing and clarifying the discharge and use restrictions, incorporating State law terms and definitions, and clarifying the scope of the weapons that would be regulated.

After Councilmember questions and clarifications, CM Conway made a motion, seconded by CM Davis, to introduce Ordinance as presented. The motion carried unanimously by all present.

STAFF REPORTS

A. City Manager's Report on upcoming activities

City Manager Holstine reminded Councilmembers about the upcoming Council Priority Based Budgeting Workshop on March 8th and the second community workshop regarding coyotes and how to deal with them.

MAYOR/COUNCIL MATTERS

A. Countywide Assignments/Subcommittee Reports

Councilmembers reported on the various meetings that they had attended including the C/CAG Subcommittee on water issues, the Peninsula Clean Energy Advisory Committee Meeting, the Ridge Neighborhood Watch Meeting, Congresswoman Speier's Town Hall Meeting on the affordability of rents, the meeting with Supervisor Pine in Brisbane on sea level rise, the upcoming Skyline College Breakfast, a Trade and Investment Conference in China to build economic ties, and the upcoming Brisbane Artist Evening of Sharing.

Mayor Lentz reported that his schedule didn't allow him to attend the Local Policy Makers Group on Cal-modernization. After some discussion, it was decided that staff would continue to attend and monitor the meetings until another Councilmember would be able to take over attendance at these meetings.

B. Written Communications

Councilmembers reported on a communication regarding the height of the dirt piles at the Brisbane Soils Processing business on the Baylands. City Manager Holstine said that the heights were below the state standard and that the reports show that their net importing had decreased.

ORAL COMMUNICATIONS 2

Paul Bouscal reported on an electric motorcycle prototype accident he recently witnessed and asked the City to check on Alta Motors, a business in Brisbane, which may be testing their prototypes on City streets and causing dangerous situations. He also said he was happy to see the Public Works employees that were recently promoted.

ADJOURNMENT

The meeting was adjourned at 9:57 P.M. in memory of Larold Pruett and the surfer whose vehicle was found abandoned in Half Moon Bay.

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Sheri Marie Spediacci, City Clerk