



**BRISBANE CITY COUNCIL**

**ACTION MINUTES**

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**CITY OF BRISBANE CITY COUNCIL**

**REGULAR MEETING AGENDA**

**THURSDAY, FEBRUARY 7, 2019**

*BRISBANE CITY HALL, 50 PARK PLACE, BRISBANE*

**6:30 P.M. CLOSED SESSION** (*To Be Held in the Large Conference Room Immediately following the Brisbane City Council Workshop*)

- A. Approval of the Closed Session Agenda**
- B. Public Comment**
- C. Adjournment into Closed Session**
- D. Conference with Labor Negotiators Regarding All Bargaining Units Pursuant to Government Code Section 54957.6**

**CITY MANAGER REPORT OUT OF CLOSED SESSION**

City Manager Holstine reported that no action was taken regarding the Closed Session Item D.

**7:30 P.M. CALL TO ORDER – PLEDGE OF ALLEGIANCE**

Mayor Davis called the meeting to order at 7:32 P.M. and led the Pledge of Allegiance.

**ROLL CALL**

Councilmembers present: Councilmembers Cunningham, Lentz, O'Connell, and Mayor Davis

Councilmembers absent: Councilmember Conway

Staff present: City Clerk Padilla, City Attorney Roush, City Manager Holstine, City Engineer Breault, Community Development Director Swiecki, Principal Analyst Saguisag-Sid, Recreation Manager Leek, and Police Chief Macias

## **ADOPTION OF AGENDA**

CM O'Connell made a motion, seconded by CM Cunningham, to approve the agenda as it stands. The motion was carried unanimously by all present.

## **ORAL COMMUNICATIONS NO. 1**

Michele Salmon invited the public to a Volunteer Planting Day at Owl Canyon with San Bruno Mountain Watch and the City on Saturday, February 9, 2019.

## **CONSENT CALENDAR**

- A. Adopt City Council Minutes of City Council Workshop of November 8, 2018**
- B. Adopt City Council Minutes of City Council Special Meeting Closed Session of November 8, 2018**
- C. Adopt City Council Minutes of January 17, 2019**
- E. Adopt Ordinance 634, Waiving Second Reading, to Amend Chapter 15.12 of the Brisbane Municipal Code To Extend Building Permit Expiration Dates from 180 Days from Permit Issuance to 1 Year from Permit Issuance, Consistent With State Law (AB 2913)**
- F. Introduce Ordinance 631, Waiving First Reading, Amending Chapter 15.56 of the Brisbane Municipal Code Concerning "Floodplain Management"**
- G. Introduce Ordinance 635, Waiving First Reading, Amending Title 18 of the Brisbane Municipal Code To Disallow Unpermitted "Anchor-Outs" and Beaching Of Vessels In City Waters**
- H. Introduce Ordinance 636, Waiving First Reading, to Amend the Municipal Code to Increase the Amount of the Fines for Violations of Building and Safety Regulations**
- I. Adopt Resolution No. 2019-04 Accepting a Portion of Annis Road as Public Right of Way**
- J. Approve Emergency Ordinance No. 637 Amending § 13.12.005 of the Brisbane Municipal Code Concerning the Water System, and Approve the Director of Public Works' Revision to Table 4-5 of the City's Water Shortage Contingency Plan.**
- K. Adopt Resolution No. 2019-02 Adding History Project Assistant to Classification Specification Manual.**
- L. Reject All Bids Received on December 3, 2018 for the Childcare Modular Replacement Project and Direct Staff to Negotiate for Services to be Performed as Economically as Possible.**

Mayor Davis pulled Item D from the Consent Calendar.

CM O'Connell made a motion, seconded by CM Cunningham, to approve Consent Calendar A, B, C and E-L. The motion was carried unanimously by all present.

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

Noes: None

Absent: Councilmember Conway

#### **D. Adopt City Council Minutes of City Council Special Meeting of January 17, 2019**

Mayor Davis made a request to amend the minutes of the Special Meeting of January 17, 2019 to include the County and Subcommittee Assignments List for 2019.

CM O'Connell made a motion, seconded by CM Lentz, to approve Consent Calendar Item D as amended. The motion was carried unanimously by all present.

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

Noes: None

Absent: Councilmember Conway

#### **PUBLIC HEARING**

##### **A. Consider Adopting Resolution 2019-05 to Update the City's General Plan, Health and Safety Element to Include the Previously Adopted Local Hazard Mitigation Plan Consistent With State Assembly Bill 2140**

Community Development Director Swiecki reported that the purpose of this resolution is to amend the Safety Element of the General Plan to incorporate the Local Hazard Mitigation Plan by reference, consistent with the requirement of State law (AB 2140).

Mayor Davis opened the Public Hearing.

Dana Dillworth stated that the maps in the packet do not have the correct information regarding soil classification.

CM Cunningham made a motion, seconded by CM Lentz to close the Public Hearing. The motion was carried unanimously by all present.

After Council discussion and questions with staff, Community Development Director Swiecki was directed to amend the Resolution to revise the typographical errors Program 148b and add another section to state that the Hazard maps that are provided in the General Plan and the LHMP are illustrative of hazards on a city-wide scale and are not intended to substitute for site specific study, as may be required on a case-by-case basis for discretionary permits and/or building permits.

CM Lentz made a motion, seconded by CM O'Connell to adopt Resolution 2019-05 as amended. The motion was carried unanimously by all present.

Ayes: Councilmembers Cunningham, Lentz, O'Connell and Mayor Davis  
Noes: None  
Absent: Councilmember Conway

## **OLD BUSINESS**

### **A. Short Term Residential Rentals**

Community Development Director Swiecki reported that the purpose of this item is for the City Council to consider the input from the City Council Planning Issues Subcommittee (Councilmembers Cunningham and O'Connell) and provide further policy direction regarding the regulation of short term residential rentals.

Members of the Planning Issues Subcommittee, Mayor Davis and Councilmember Cunningham presented the six regulatory program components for short term residential rentals:

- Allow for hosted rentals (homeowner stays in the unit) with no time limits
- Allow for non-hosted rentals; (homeowner not in the unit) with time limits (duration TBD, subcommittee discussed maximum limits of 60-90 days)
- Require "Good Neighbor" policies/practices (noise, parking, garbage, etc.) with failure to comply with these measures as grounds for permit revocation
- Owner to demonstrate insurance/liability coverage
- Reasonable tax structure- transient occupancy tax, business license tax, and planning permit fee shouldn't be overly burdensome to homeowners
- Prohibit STRs in accessory dwelling units

After councilmember questions, members of the public came up to speak about the recommended components.

Jamie Dunn wrote a letter to the Council stating the importance of the short term rental to her income and being able to afford her home.

Kim Follien said short term rentals erodes neighborhood safety.

Michele Salmon stated that short term rentals allows members to leverage their resources.

Deb Horen stated that short term rentals should have owners on site.

Prem Lall stated his concern for enforcement and cost of enforcement of the policy.

Barbara Ebel shared her question about how the policies will affect the City's affordable housing numbers.

Aaron Kleven stated his concern that the prohibition of Accessory Dwelling Units will not work as most short term rentals are using in-law units.

Michael Barnes stated that short term rentals is an erosion of zoning laws.

Rosanna Lyons stated that short term rentals has worked for her family and has been helpful financially.

Michele Salmon agreed that in-law units and Accessory Dwelling Units would be needed to make this work.

After further Council discussion and questions, Mayor Davis made a motion, seconded by CM Lentz, to forward to the Planning Commission for consideration of zoning ordinance changes based on the Planning Issues Subcommittee policy regulatory program components. The motion was carried unanimously by all present.

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

Noes: None

Absent: Councilmember Conway

## **NEW BUSINESS**

### **A. Consider Adopting the Civility Policy as Recommended by the Public Information/Technology Subcommittee and Consider Adopting the Social Media Policy for the City Council and Its Appointed Commissions and Committees**

City Attorney Roush reported that the Civility Policy and Social Media Policy is being forwarded to the full Council for its consideration and discussion. The Civility Policy provides generally that elected and appointed officials and City employees will treat members of the public with respect and expect the same in return and that meetings are free from disruption. The Social Media Policy was developed from concern that social media may easily lend itself to a violation of the open meeting laws and an appearance of unacceptable probability of bias.

After some council discussion, members of the public were asked to speak to the council regarding this item:

Dana Dillworth, Michele Salmon, Danny Ames, Prem Lall, Barbara Ebel, Karen Klaber, and Meg Ankenbruck disagreed with the need for a Civility Policy and Social Media Policy because everyone will be abiding by the Brown Act and public engagement will be discouraged if the policies were adopted.

Michael Barnes disagreed with the need for a Civility Policy because disagreements are part of the democracy.

Kim Follien stated that the Social Media Policy is needed because members of the public are being discouraged to participate and engage when they read negative material on Social Media.

Kevin Fryer believed that Social Media is distracting to his role as a Parks and Recreation Commissioner.

CM Lentz shared that he believed there should be a policy for Mayor rotation.

After further Council discussion that there was no need for either policy, Mayor Davis shared that she wanted the opportunity for the Council to discuss this and agreed with the Council that the Civility and Social Media policies are not needed at this time. Councilmember Cunningham was agreeable to the decision.

**B. Consider Acceptance of the Emergency Operations Plan (EOP) Base Plan and the Annexes for Earthquake, Wildfire, and Flood**

City Engineer Breault highlighted the completion of the most recent update to the City's Emergency Operations Plan (EOP). The report contains annexes for Earthquake Wildfire, and Flood.

After some Council discussion, CM Lentz suggested that perhaps there could be incentives for the members of the public to read the plans and be prepared for disasters.

After Council questions and discussion with City Engineer Breault, CM Lentz made a motion, seconded by CM Cunningham, to accept the Emergency Operations Plan Base Plan and the Annexes for Earthquake, Wildfire and Flood. The motion was carried unanimously by all present.

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

Noes: None

Absent: Councilmember Conway

**STAFF REPORTS**

**A. City Manager's Report on Upcoming Activities**

City Manager Holstine reported out upcoming activities and events in the month of February.

**MAYOR/COUNCIL MATTERS**

**A. Countywide Assignments/Subcommittee Reports**

Council reported their activities in following Countywide assignments and Subcommittees: Airport Noise, Public Art Advisory Committee, Home for All Kickoff Meeting, San Mateo County Library JPA, SMC Climate Change Forum.

Mayor Davis also reported that she will be connecting with the San Jose Mercury News to discuss Housing.

**B. City Council Meeting Schedule**

Please note the March 3<sup>rd</sup> Goal Setting Workshop has been cancelled. The next City Council meeting is scheduled for February 21, 2019.

Councilmembers Cunningham and O'Connell are unable to make the City Council Meeting of May 16, 2019.

### **C. Written Communications**

Council received written communication from the following members of the public:

Ray Miller (2/3/19, 2/4/19, 2/5/19)  
Kim Follien (2/6/19, 2/5/19, 2/7/19)  
Peter Bollier (2/5/19)  
Michele Salmon (2/7/19)  
Joe & Jeri Sulley (2/7/19)

### **ORAL COMMUNICATIONS NO. 2**

Councilmember Karen Cunningham stated for the record that the accusations stated by a member of the public at the City Council Meeting of December 6, 2018 were false.

### **ADJOURNMENT**

CM O'Connell made a motion, seconded by CM Lentz to adjourn the meeting at 10:33 P.M. The motion was carried unanimously by all present.

Ayes: Councilmembers Cunningham, Lentz, O'Connell and Mayor Davis  
Noes: None  
Absent: Councilmember Conway

### **PUBLIC MEETING VIDEOS**

The replay schedule for public meetings can be found on the Live Streaming page <http://brisbaneca.org/live-streaming>. Past meetings will be replayed on Comcast Channel 27 and at <http://brisbaneca.org/live-streaming> and can be found on the All Meetings page (<http://brisbaneca.org/city-government/meetings>) once the video has been archived

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Ingrid Padilla  
City Clerk