



**BRISBANE CITY COUNCIL**

**ACTION MINUTES**

---

**CITY OF BRISBANE CITY COUNCIL**

**SPECIAL MEETING AGENDA**

**THURSDAY, DECEMBER 12, 2019**

*BRISBANE CITY HALL, 50 PARK PLACE, BRISBANE*

**7:00 P.M. CLOSED SESSION (*To Be Held in the Large Conference Room*)**

**A. Approval of the Closed Session Agenda**

**B. Public Comment. Members of the public may address the Councilmembers on any item on the closed session agenda**

**C. Adjournment into Closed Session**

**D. Conference with legal counsel--Anticipated litigation. Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9 (One potential case)**

**E. Liability Claim: Claimant All State (Johnathan Lopez), pursuant to Government Code, section 54956.95**

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

Mayor Davis called the meeting to order at 7:33 p.m. and led the Pledge of Allegiance.

**ROLL CALL**

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

Staff Present: City Clerk Padilla, City Manager Holstine, Interim City Attorney McMorrow, Director of Administrative Services Schillinger, Community Development Director Swiecki, City Engineer Breault, Police Chief Macias, and Sustainability Management Analyst Etherton.

## **REPORT OUT OF CLOSED SESSION**

Interim City Attorney McMorro reported that no action was taken regarding Closed Session Item D and Closed Item E was denied.

City Manager Holstine provided an update on the hillside on Kings Road as well as the timeline on the zoning text amendments for cannabis retail businesses which is projected to be brought forth to the Council sometime early next year.

Community Development Director Swiecki reported that the Council will be provided at a future meeting, the Planning Commission's recommendations as well as all the public comment regarding the zoning text amendments for cannabis retail businesses.

## **ADOPTION OF AGENDA**

Staff asked Consent Item F to be pulled for discussion.

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

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

Noes: None

## **ORAL COMMUNICATIONS NO. 1**

Mary Rogers and Sarah Duffy spoke on allowing up to four permits for Cannabis retail businesses is too many.

Sherry Goodwin spoke about reducing number of permits for Cannabis retail businesses. She also wanted an update on the Brisbane acres and possible developments.

Prem Lall wanted more information about the Brisbane acres and the hillside on Kings Road. He also shared that allowing four dispensaries in the city is too excessive. He also submitted an article on short-term rentals to City Clerk Padilla for the City Council.

## **CONSENT CALENDAR**

- A. Adopt City Council Workshop Minutes of November 7, 2019**
- B. Adopt City Council Minutes of November 7, 2019**
- C. Adopt City Council Minutes of November 21, 2019**
- D. Adopt City Council Workshop Minutes of November 21, 2019**
- E. Adopt Ordinance No. 644, Waiving Second Reading, to Establish the Brisbane Building Efficiency Program (BBEP) to Reduce the Environmental Impact of Existing Commercial**

**Buildings through Annual Energy and Water Benchmarking, Auditing, Retro-commissioning and/or Retrofits.**

**G. Adopt Resolution No. 2019-61 to Update the Master Salary Schedule for the Salary Range for Deputy Finance Director and Human Resources Administrator**

CM Conway made a motion, seconded by CM Cunningham, to adopt Consent Calendar Items A-E and G. The motion was carried unanimously by all present.

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

Noes: None

**F. Adopt Resolution No. 2019-51 to approve Tentative Agreement for the Police Officer Association**

After some Council questions for Director of Administrative Services Schillinger, CM O'Connell made a motion, seconded by CM Cunningham, to adopt Consent Calendar Items F. The motion was carried unanimously by all present.

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

Noes: None

**OLD BUSINESS**

**A. Consider Adoption of Ordinance 643, Waiving Second Reading, to Adopt the Most Recent Version of the California Building Standards Codes (Code of Regulations, Title 24 or CBC) and the International Property Maintenance Code, Including Local Fire, Building Energy, and Electric Vehicle Reach Codes.**

Community Development Director Swiecki reported that it is being recommend to adopt Ordinance 643. Exceptions for non-electric cooking appliances and fireplaces will be reinstated for new residential development and exceptions for financial hardship for new commercial development will be reinstated in the code. Lastly, the effective date will be January 1, 2021.

After no Council questions, members of the public were asked to comment on this item.

Greg Leyh commented that these reach codes may produce more carbon dioxide into the atmosphere.

Barbara Ebel commented that if we are requiring all electric developments then we should also require the solar to balance the energy demand.

Dashiell Leeds, Diane Bailey, Robert Whitehair, Terry Nagel, and Christine Kohl-Zangg commented not to delay the effective date and to remove the exemptions of the codes because we are in a climate crisis.

After further Council discussion and questions of staff, CM O'Connell made a motion, seconded by CM Lentz, to Adoption of Ordinance 643, Waiving Second Reading, to adopt the most recent version

of the California Building Standards Codes (Code of Regulations, Title 24 or CBC) and the International Property Maintenance Code, including Local Fire, Building Energy, and Electric Vehicle Reach Codes with the reinstated exceptions and a new effective date of January 1, 2021. The motion was carried unanimously by all present.

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

Noes: None

## **NEW BUSINESS**

### **A. Recognize Outgoing Mayor Madison Davis for Her Service**

With a proclamation, Mayor Pro Tem O'Connell recognized outgoing Mayor Davis for her service during her year long tenure as Mayor.

Councilmembers thanked outgoing Mayor Davis for her leadership and Mayor Davis thanked the community and fellow Councilmembers for their support throughout her tenure as Mayor.

### **B. Adoption of Resolution No. 2019-62 adopting the County of San Mateo Certification of Votes and declaring results of Measure B at the Municipal Election held on November 5, 2019**

According to the County of San Mateo Certification of Votes, Measure B is the Uniform Transient Occupancy Tax Measure passed by a majority of 72%.

CM Conway made a motion, seconded by CM O'Connell, to adopt Resolution No. 2019-62 adopting the County of San Mateo Certification of Votes and declaring results of Measure B at the Municipal Election held on November 5, 2019. The motion was carried unanimously by all present.

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

Noes: None

### **C. Adoption of Resolution No. 2019-63 adopting the County of San Mateo Certification of Votes and declaring results of Measure C at the Municipal Election held on November 5, 2019**

According to the County of San Mateo Certification of Votes, Measure C is the Liquid Storage Facilities Business License Tax Measure. It passed by a majority of 84%.

CM Conway made a motion, seconded by CM O'Connell, to adopt Resolution No. 2019-63 adopting the County of San Mateo Certification of Votes and declaring results of Measure C at the Municipal Election held on November 5, 2019. The motion was carried unanimously by all present.

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

Noes: None

**D. Adoption of Resolution No. 2019-64 adopting the County of San Mateo Certification of Votes and declaring results of Measure E at the Municipal Election held on November 5, 2019**

According to the County of San Mateo Certification of Votes, Measure E is the Cannabis Business License Tax Measure. It passed by a majority of 82%.

CM Conway made a motion, seconded by CM O'Connell, to adopt Resolution No. 2019-64 adopting the County of San Mateo Certification of Votes and declaring results of Measure E at the Municipal Election held on November 5, 2019. The motion was carried unanimously by all present.

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

Noes: None

**E. Adoption of Resolution No. 2019-65 adopting the County of San Mateo's Certification of Votes and declaring results to fill 2 three-year term Council Seats at the General Municipal Election held on November 5, 2019**

According to the County of San Mateo Certification of Votes, General Municipal Election held on November 5, 2019, incumbents Terry O'Connell and Madison Davis were both re-elected to fill a three-year term City Council seat.

Mayor Davis made a motion, seconded by CM Cunningham, adopt Resolution No. 2019-65 adopting the County of San Mateo's Certification of Votes and declaring results to fill 2 three-year term Council Seats at the General Municipal Election held on November 5, 2019. The motion was carried unanimously by all present.

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

Noes: None

**F. Administration of Oath of Office of Newly-elected Councilmembers**

City Clerk Padilla administered the Oath of Office of Newly-elected Councilmembers Terry O'Connell and Madison Davis.

**G. Election of New Mayor and Mayor Pro Tem**

CM Lentz made the motion, seconded by CM Conway, to elect CM Terry O'Connell as the new Mayor and CM Karen Cunningham as the new Mayor Pro Tempore. The motion was passed unanimously by all present.

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

Noes: None

## **H. Administration of Oath of Office of Newly-elected Mayor and Mayor Pro Tem**

City Clerk Padilla administered the Oath of Office of Newly-elected Mayor Terry O'Connell and Mayor Pro Tempore Karen Cunningham.

After the ceremony, the Council took a brief break for refreshments.

## **MAYOR/COUNCIL MATTERS**

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

Councilmembers reported on their activities in the following groups:

- Economic Development Subcommittee (with Economic Development Director Mitch Bull providing an update on the minimum wage issue, Clear Channel's proposal for a billboard, and the statewide policy for businesses to provide commuter benefits)
- Baylands Subcommittee
- Cannabis Issues Ad Hoc Subcommittee
- Lunafest Film Festival Ad Hoc Subcommittee
- Public Art Selection Committee
- Airport Community Roundtable

### **B. City Selection Committee Appointments**

Council were in agreement to support CM Lentz for the San Mateo County Transportation Authority (SMCTA) appointment at the upcoming City Selection Committee Meeting on December 20, 2019. Mayor O'Connell will be attending the meeting.

### **C. Written Communications**

The following written correspondences were received by the City Council between 11/15/19-12/12/19.

- Jim Lissner (11/15/2019) Red Light Cam Ticketing has Doubled or more next door in Daly City
- Jason Nunan (11/25/19) Kings Road Safety
- Alwin Warfel (11/27/19) App. No.: Zoning Text Amendment RZ-3-19
- Clara Johnson (11/28/19) Giving Thanks to you
- Residents of Kings Road (12/09/19) November 21st City Council Meeting
- William Brissman (12/10/19) Sports and Recreational Facility Development

## **ORAL COMMUNICATIONS NO. 2**

No member of the public wished to speak.

## **ADJOURNMENT**

CM Davis made a motion, seconded by CM Conway, to adjourn the meeting. Mayor O'Connell adjourned the meeting at 9:45 p.m.

## **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

---

Ingrid Padilla  
City Clerk