



BRISBANE CITY COUNCIL
ACTION MINUTES

DRAFT

THURSDAY, JULY 16, 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 7:31 p.m. and led the flag salute.

ROLL CALL

Councilmembers present: Conway, Lentz, Liu, and Mayor O’Connell
Councilmembers absent: Miller
Staff present: City Manager Holstine, City Clerk Spediacci, City Attorney Roush, Community Development Director Swiecki, Deputy Finance Director Cooper, Deputy Public Works Director Kinser, Police Chief Macias

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

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

ORAL COMMUNICATIONS NO. 1

Jamie Dunn, spoke about the Airbnb issue and the struggling economic situation for many. She talked about the benefits of the Airbnb program and concept. She asked that the Council look at how this program will benefit the citizens of Brisbane and said that she’d like to see further study and group discussion.

CONSENT CALENDAR

Councilmembers asked to remove Consent Calendar Items A, D, E, and H.

B. Approve City Council Minutes of June 8, 2015

C. Approve City Council Minutes of June 9, 2015

- F. Adopt Ordinance 596, waiving second reading, amending the Brisbane Municipal Code Title 15 to provide a streamlined permitting process for small residential rooftop solar energy systems**
- G. Adopt Ordinance 597, waiving second reading, increasing the number of Planning Commissioners and amending provisions concerning terms of office**
- I. Adopt Resolution No. 2015-35 granting approval for a joint sewer line serving residences in the 100 block of Tulare Street**
- J. Approve Second Amendment to Agreement for Professional Services with Anchor QEA LLC to provide Marina Channel Marker Inspection and Agency Permitting Services**

CM Conway made a motion, seconded by CM Lentz, to approve Consent Calendar Items B, C F, G, I, & J. The motion carried unanimously by all present.

A. Approve City Council Minutes of June 4, 2015

CM Conway asked that language be added to Page 2 regarding his remarks about the passing of Mr. Paul Goercke. He pointed out that the proposed language was highlighted in a document before the Council on the dais. With that addition, he made a motion, seconded by CM Lentz, to approve the minutes as amended. The motion carried 4-1-1. CM Miller absent. CM Liu abstaining due to her absence at the June 4th meeting.

D. Approve City Council Minutes of June 15, 2015

CM Conway and CM Liu referred to their proposed changes on Page 2 and pointed out that the proposed language was highlighted in a document before the Council on the dais. With those corrections, CM Liu made a motion, seconded by CM Conway, to approve the minutes as amended. The motion carried unanimously by all present.

E. Approve City Council Minutes of June 18, 2015

Mayor O'Connell proposed adding language at the bottom of Page 4 explaining her opposition to the adoption of Resolution No. 2015-27A regarding the supplemental appropriation to the budget for the Southeast Crocker Park Precise Plan. She pointed out that the proposed language was highlighted in a document before the Council on the dais. With that addition, CM Lentz made a motion, seconded by CM Conway, to approve the minutes as amended. The motion carried unanimously by all present.

H. Authorize the Mayor to execute a professional services agreement with Kitchell CEM, Inc. for a Public Facilities Assessment

Councilmembers made corrections to Attachment C of the agreement describing the City Facilities. It was noted that the Community Center was built in April, 1981, that Kids and Things building is "occupied" instead of "vacant" and is now called Silverspot Nursery School and was originally built in 1945/46 and then moved to its current location.

Councilmembers also questioned why the Teen Center was included in the assessment if it would not be used. They asked that it be noted that if the decision not to use that building is made that the amount listed in the assessment be deducted. They also asked that the Public Works Corporation Yard Trailer be listed as a Mobile Trailer.

With those changes CM Conway made a motion, seconded by CM Liu, to approve the agreement. The motion carried unanimously by all present.

PUBLIC HEARING

A. Consider adoption of Resolution No. GVMID 2015-01 adopting the annual budget for the fiscal years 2015-2016 and making appropriations for the amounts budgeted

Deputy Finance Director Cooper said that a prior budget study session was held on this item but that the Resolution was not adopted at that meeting due to inadvertence.

Mayor O'Connell opened the public hearing. There being no members of the public wishing to speak, CM Conway made a motion, seconded by CM Lentz, to close the public hearing.

CM Conway made a motion, seconded by Lentz, to adopt Resolution No. GVMID 2015-01 as presented. The motion carried unanimously by all present.

B. Sierra Point Lighting and Landscape District

- 1. Hear Statement of Engineer of Record, Read Mayor's Statement, Hear City Clerk Statement, Open Public Hearing to hear any testimony, Close Public Hearing**
- 2. Consider adoption of Resolution No. 2015-32 overruling protests and ordering the improvements and confirming the diagram and assessments for Fiscal Year 15/16**

Deputy Public Works Director Kinser explained that the public hearing and adoption of the proposed resolution is an annual process which allows for the imposition of annual tax roll charges on the properties that benefit from the maintenance of the landscaping, irrigation and lighting installed in the Sierra Point Landscaping and Lighting District.

After Councilmember questions and clarifications, Mayor O'Connell read a statement explaining the proceedings and opened the public hearing.

City Clerk Spediacci then read the Clerk's Statement indicating that required notices were mailed and posted as required by law.

There being no members of the public wishing to speak, CM Conway made a motion, seconded by CM Lentz, to close Public Hearing. The motion carried unanimously by all present.

CM Conway then made a motion, seconded by CM Lentz, to adopt Resolution No. 2015-32 as proposed. The motion carried unanimously by all present.

C. City of Brisbane Local Stormwater Program Fees

- 1. Open the Public Hearing and take public comment. Close the Public Hearing, and if appropriate, overrule any objections to the imposition of fees related to the NPDES Program**
- 2. Consider adoption Resolution No. 2015-33, "A Resolution of the City Council of the City of Brisbane Imposing Charges for Funding the Local Brisbane Stormwater Program, Authorizing Placement of Said Charges on the 2015-2016 County Tax Roll, and Authorizing the County Tax Collector to Collect Such Charges."**

Deputy Public Works Director Kinser said that each year the Council needs to adopt a resolution to put fees on the property tax roll to cover the costs of administering Brisbane's Local Stormwater Program, which minimizes discharge of pollutants to the San Francisco Bay as required by federally mandated permit requirements. She outlined the amounts being charged this year and the budget shortfall for the program. She said that County is studying the program, its funding and a potential Proposition 218 rate increase and that once that information was received the Council would be considering actions to rectify the shortfall.

Mayor O'Connell opened the public hearing.

There being no members of the public wishing to speak, CM Conway made a motion, seconded by CM Lentz, to close the Public Hearing. The motion carried unanimously by all present.

CM Conway then made a motion, seconded by CM Liu, to adopt Resolution No. 2015-33 as presented. The motion carried unanimously by all present.

NEW BUSINESS

- A. Provide comments regarding proposed letter drafted for Mayor's signature regarding re-issuance of Municipal Regional Permit**

Deputy Public Works Director Kinser explained that the proposed letter was drafted with comments on the Tentative Order for the re-issuance of the San Francisco Bay Region Municipal Stormwater Permit commenting on the re-issuance of the Municipal Regional Stormwater Permit.

She referred to the staff report which explained that the City and county “clean water program” representatives have been involved in extensive conversations with the Regional Water Quality Control Board staff over a lengthy period and that despite those meetings and the cities ongoing input, the Tentative Order contains language that the San Mateo Countywide Water Pollution Prevention Program participants and city staff believe will not further the goal of increased water quality. She said the proposed letter addresses the concern that some of the requirements in the Tentative Order are unproven as to removing the relevant contaminants, some requirements would ask cities to take actions for which they do not have the necessary legal authority, and other requirements that are an unnecessary allocation of already stretched resources.

City Attorney Roush said that one of the requirements of this new order would be to go back to projects that have already been approved. He indicated that the proposed letter addresses that issue and says that those prior projects should not be included in their requirements.

After Councilmember questions and clarifications, CM Lentz made a motion, seconded by CM Conway, to approve the letter to be signed by Mayor O’Connell. The motion carried unanimously by all present.

B. Consider adoption of Resolution No. 2015-34, a resolution of intention to initiate an amendment to the zoning ordinance of the City of Brisbane to require massage establishments intending to locate in a commercial zoning district to obtain a conditional use permit

City Attorney Roush said that in 2014, the City Council adopted comprehensive new operational regulations concerning massage establishments, specifically Chapter 8.10 of the Brisbane Municipal Code. He said that those regulations were not land use regulations in that, at the time, the State had purported to preempt most of the local land use regulations applicable to massage establishments. He said that after the Ordinance was adopted, the State law changed under AB 1147 which restored local land use authority concerning massage establishments so that cities could now impose land use regulations, such as conditional use permits.

Mr. Roush explained that the proposed Resolution of Intention is a way to ask the staff and the Planning Commission to initiate amendments to the zoning ordinance to address this change.

Police Chief Macias supported the proposed amendments and City Attorney Roush said that a Conditional Use Permit would add some additional requirements about where massage establishments can do business.

CM Liu asked that the requirement to post a 1-800 number in each massage establishment to report any illegal activity, be added to the massage establishment ordinance when amended.

After Councilmember questions and clarifications, CM Conway made a motion, seconded by CM Lentz, to adopt Resolution 2015-34 as proposed. The motion carried unanimously by all present.

STAFF REPORTS

A. City Manager's Report on upcoming activities

City Manager Holstine reported on AB 113, the Redevelopment Clean-up bill which would put the loans that the City had made to the former Redevelopment Agency at risk for being repaid as approved by the Oversight Board. He said that he would be drafting a letter of opposition for the Council's signature.

MAYOR/COUNCIL MATTERS

A. Consideration of Planning Commission recommendation regarding short-term residential rentals

After Councilmember discussion about the need for further public outreach about the issue, they directed staff and the Planning Commission to conduct further outreach and study to determine if these types of rentals are a benefit to the community and then make recommendations to the Council regarding potential regulations as well as licensing and revenue options.

B. County-wide Assignments/Subcommittee Reports

Councilmembers reported on the Airport Land Use Committee Meeting, the Community Choice Aggregate (Peninsula Clean Energy) Meeting, the Planning Issues Subcommittee Meeting, and the Economic Development Subcommittee Meeting.

C. Written Communications

There were no written communications reported.

D. League of California Cities Voting Delegates

Councilmembers appointed CM Conway as the Delegate and CM Liu as the Alternate.

ORAL COMMUNICATIONS 2

Jamie Dunn said she really appreciated the Council looking at the Airbnb issue. She expressed her opinion that it was a well-developed system and suggested that someone give a presentation about how Airbnb works. She also talked about citizen complaint and anger about barking dogs.

ADJOURNMENT

The meeting was adjourned at 9:21 p.m.

Sheri Marie Spediacci, City Clerk

