BRISBANE CITY COUNCIL

ACTION MINUTES

DRAFT

THURSDAY, MAY 19, 2016

BRISBANE CITY HALL, 50 PARK PLACE, BRISBANE

7:00 P.M. CLOSED SESSION

A. Liability Claims, Claimant: Craig M Hardy, pursuant to Government Code Section 54956.95

B. Conference with Labor Negotiators; all bargaining units, pursuant to Government Code Section 54957.6

C. Conference with Real Property Negotiator City Manager Clay Holstine pursuant to Government Code, section 54956.7
Negotiating party: Sierra Point, LLC, concerning price and terms of payment concerning leased property adjacent to 3000-3500 Marina Boulevard, Brisbane, CA

8:00 P.M. CALL TO ORDER – FLAG SALUTE

Mayor Lentz called the meeting to order at 8:04 p.m. and led the flag salute.

ROLL CALL

Councilmembers present:	Conway, Davis, Liu, O'Connell, and Mayor Lentz
Councilmembers absent:	None
Staff present:	City Manager Holstine, Deputy City Manager Schillinger, City Clerk Spediacci, City Attorney Roush, Community Development Director Swiecki, Planning Special Assistant Tune, Police Chief Macias

REPORT OUT OF CLOSED SESSION

City Attorney Roush reported that the claim had been rejected in Closed Session Item A, and that direction had been given to staff on Closed Session Items B and C.

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

CM O'Connell made a motion, seconded by CM Conway, to move Oral Communications to before the Presentation & Proclamations and adopt the agenda as amended. The motion carried unanimously by all present.

ORAL COMMUNICATIONS NO. 1

Mitchell Oster of the SMC Democratic Central Committee spoke in favor of Measure AA, a San Francisco Bay Restoration Authority "Clean and Healthy Bay" Parcel Tax. He advocated support from the City of Brisbane.

Mayor Lentz asked City Attorney Roush how the Measure could be supported by the Brisbane City Council. Councilmembers authorized the Mayor to send a proclamation in support.

Karen Cunningham read her letter requesting a resolution or proclamation regarding Brisbane's position on inclusion. She expressed her concerns over recent negative comments in the community regarding China.

Dana Dillworth questioned the legal issues regarding Sierra Point that was the subject of closed session and her concern for the potential giveaway of public open space. She also spoke about Ms. Cunningham's letter and CM Liu's recent trip to China.

Paul Bouscal, member of San Bruno Mountain Watch (SBMW), asked to be able to give a fifteen minute presentation at the next budget hearing on funding to expand the work that SBMW is doing on the Guadalupe Valley Water Shed and Owl and Buckeye Canyon.

PRESENTATION & PROCLAMATIONS

A. Declaring May as Public Works Appreciation Month

Mayor Lentz read and presented the proclamation and thanked the members of the public works department for their hard work and dedicated service to the public.

B. Declaring May as West Nile Month

Mayor Lentz read and presented the proclamation declaring the week of June 26th through July 2nd as West Nile Virus Awareness Week.

C. Presentation from San Mateo County China Trade Association

George Mozingo, Executive Director of the San Mateo County China Trade Association, said the Association was largely a volunteer non-profit organization established during the recent recession to rethink San Mateo County's economy and the potential for multiple sources of revenue as a way to survive during difficult times. Mr. Mozingo also talked about the membership of the Association and their sources of funding. He then introduced former Mayor and Councilmember from Millbrae, George Gottschalk.

Mr. Gottschalk gave information about the recent trip to China, explaining that the purpose for these trips was for businesses in this County and businesses in China to find ways to cooperate with each other. He explained that he had participated in this type of trip six times when he was Mayor and Councilmember for Millbrae. He said that the result of the recent trip was the promise to increase communication and visit regularly. He explained where the expenses for the trip were paid from, stressing that no expenses were paid by the City of Brisbane. He explained the benefits of the development a business to business relationship

Councilmembers asked questions of Mr. Mozingo about other elected official and chamber of commerce members from other cities who also attended the trip.

Mr. Mozingo then gave a power point presentation giving more detailed information about the trip.

CM Liu, who attended the recent trip to China, explained that she went on the trip representing the City in her role as Vice Mayor and as a member of the City's Economic Development Subcommittee. She talked about the value of business revenue to pay for programs and services that Brisbane residents enjoy. CM Liu gave further details about the trip and the possible business opportunities for Brisbane as a result. She also addressed the economic reporting requirements through the Fair Political Practices Commission and her intention to file the necessary forms when due.

Councilmembers discussed their concerns about communicating with the Council about future trips well in advance and the potential for setting up a Council policy about these types of trips. They also discussed the benefits of such trips and gathering knowledge that could provide diversity for economic development.

Barbara Ebel expressed her concerns over accusations of racist comments on social media and questioned the purpose and funding of the China trip.

Mitch Bull, Economic Development Director for the City and CEO of the Brisbane Chamber of Commerce responded to a recent inquiry about his participation in the trip and clarified that he was not asked to participate. He also answered Councilmembers questions about the Chamber's choice of sending a board member.

Joel Diaz expressed his concern over holding people accountable and questioned the procedures and checks and balances in making decision on Councilmember attendance on the China trip.

Kevin Fryer spoke in favor of the trip and said he thought it was valuable and would make Brisbane smarter and stronger.

Tony Verreos thanked the Councilmembers for discussing the issue and expressed his opinion that the City Council should weigh in ahead of time when a Councilmember attends a trip where they represent the Council.

Patrick Tainter expressed his support for the trip and said that one-on-one meetings such as this were important.

Robert Gottschalk clarified that the SMC China Trade Association was a non-profit corporation in the process of applying for tax-exempt status.

CONSENT CALENDAR

CM Liu noted a small change on Consent Calendar Item B. Councilmembers concurred with her change. CM O'Connell noted that a member of the public wished to speak on Item C and asked to remove it from the Consent Calendar for that purpose.

A. Adopt City Council Minutes of April 7, 2016

B. Adopt City Council Minutes of April 21, 2016

D. Approve Co-sponsorship of the Downtown Brisbane Car Show

E. Authorize the City Manager to enter into master professional services agreements with qualified biological consultants (as determined in consultation with the HCP Plan Operator) for biological studies within the San Bruno Mountain HCP area

F. Adopt Resolution No. 2016-10 calling on the State Legislature and Governor of California to prohibit industrial clear-cut logging in the forests of California and adopt sustainable selective logging practices, which will leave our diverse ecosystems intact

CM Conway made a motion, seconded by CM O'Connell, to approve Consent Calendar Item B as amended and Items A, D, E, & F as proposed. The motion carried unanimously by all present.

C. Adopt Ordinance No. 576, waiving second reading, amending Brisbane Municipal Code Title 17, Chapters 17.06 (R-1 Residential District), 17.08 (R-2 Residential District), 17.10 (R-3 Residential District) and 17.12 (R-BA Brisbane Acres Residential District), regarding garage/carport minimum setbacks and height limits; Chapter 17.32 (General Use Regulations) regarding exceptions to the setback requirements for garages, carports and parking decks; Chapter 17.34 (Off-Street Parking), regarding off-street parking regulations; and Chapter 17.38 (Nonconforming Uses and Structures), regarding alteration/expansion of nonconforming structures

CM O'Connell noted that she pulled this item from the Consent Calendar because a member of the public wished to speak.

Dana Dillworth questioned language in Section 17.06 regarding specific height limits, the requirement of roll-up garage doors, bio swales for landscaping in parking lots, the use of only diamond shaped tree wells, and the lack of preference for native plants.

Councilmembers and Community Development Director Swiecki responded to Ms. Dillworth's questions and concerns and explained the many meetings where this proposed ordinance was discussed in detail.

CM Conway made a motion, seconded by CM Davis, to adopt the ordinance as proposed. The motion carried 4-1, CM O'Connell opposed.

NEW BUSINESS

A. Consider approval of Day in the Park Events on Saturday, September 24, 2016 and approve additional funding in the amount of approximately $8,500

Parks and Recreation Commission Jimenez reported that the Park and Recreation Day in the Park Subcommittee had been meeting with the Council Park and Recreation Liaison Subcommittee of CM Liu and CM Davis to discuss the event. She said that the recommendation was to expand the event this year in honor of the events 30th anniversary and noted that they were asking for an

additional $8,500 in funding. She explained the ideas for expansion of the event and answered questions from the Council.

After Councilmember discussion, CM Conway made a motion, seconded by CM Davis, to approve the changes to the event and additional funding as requested. The motion carried unanimously by all present.

B. Review Five-year Budget Projection and Fiscal Model

City Manage Holstine said that given the lateness of the hour, this item could be moved to the June 2nd City Council Meeting. Councilmembers concurred.

C. Consider adoption of Resolution No. 2016-09 establishing the Business License tax charged to Liquid Storage Facilities under Section 5.20.011 of the Brisbane Municipal Code

City Attorney Roush reported that the voters approved the Business License Tax in November 2014 and said that in 2014 and 2015 the City Council imposed a business license tax at a lessor rate than allowed by the voter approved ordinance. He said that at this point staff is now recommending that the Council impose the fully allowed fee of $400,000 by adopting the proposed resolution.

CM O'Connell made a motion, seconded by CM Liu, to adopt the Resolution as proposed. The motion carried unanimously by all present.

STAFF REPORTS

A. City Manager's Report on upcoming activities

City Manager Holstine reported on the upcoming North County Fire Authority's Annual Wildland Training Exercise, the 75th Annual Memorial Day Observance at Golden Gate National Cemetery, the June 7th Primary Election change in polling place to City Hall, the Skate park Ribbon Cutting Ceremony, and the launching of the Peninsula Sun Shares program in late July.

MAYOR/COUNCIL MATTERS

A. Countywide Assignments/Subcommittee Reports

Councilmembers reported on the meetings that they had recently attended, including the Peninsula Clean Energy Board Meeting, the ABAG General Assembly Meeting on the MTC Merger Study, the Park and Recreation Liaison Meeting, the Economic Development Subcommittee Meeting, and the Infrastructure, Utilities, and Franchise Subcommittee Meeting, and the SFO Community Roundtable Meeting.

B. Written Communications

Councilmembers acknowledged an E-mail received from Lisa Boucher regarding her support for the Day in the Park changes.

C. Update on ABAG/MTC Merge Study Recommendation

This item was discussed under Mayor Council Matters Item A.

ORAL COMMUNICATIONS 2

Paul Bouscal said that he was recently hiking with Mr. Steven Wong who procures funding for major metropolitan projects at the airport who suggest that Brisbane apply for funding provided for cities that are impacted by the airport. He recommended that the City apply for those mitigated funds in regards to restoration of habitat that can't be done at the airport.

Mayor Lenz asked Mr. Bouscal to put him in contact with Mr. Wong.

Joel Diaz expressed his concerns with the Fair Political Practices requirements regarding gifts and the fact that their requirements were not being met regarding the China trip. He also spoke about inappropriate communications on social media.

ADJOURNMENT

The meeting was adjourned at 10:46 p.m.

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Sheri Marie Spediacci, City Clerk