



**BRISBANE CITY COUNCIL**

**ACTION MINUTES**

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**CITY OF BRISBANE CITY COUNCIL MEETING**

**THURSDAY, JULY 18, 2019**

*BRISBANE CITY HALL, 50 PARK PLACE, BRISBANE*

**6:30 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. Liability Claim, Claimant Matthew Canfield, pursuant to Government Code, section 54956.95**
- E. Conference with Labor Negotiators Regarding all Bargaining Units Pursuant to Government Code Section 54957.6**
- F. Conference with Real Property Negotiator City Manager Clay Holstine, pursuant to Government Code, section 54956.8, regarding terms and conditions of the potential purchase of the Eagle's property on 185 Visitacion Avenue, Brisbane, and regarding terms and conditions of the potential sale of the former location of the Teen Center, 22 San Bruno Avenue, Brisbane.**
- G. Conference with Real Property Negotiator City Manager Clay Holstine, pursuant to Government Code, section 54956.8, regarding terms and conditions of the potential purchase of a portion of the Dolby Property on 175 S. Hill Drive #3, Brisbane, APN 005-290-070.**

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

Mayor Davis called the City Council meeting of July 18, 2019 to order at 7:37 P.M. and led the Pledge of Allegiance.

## **ROLL CALL**

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

Councilmembers absent: Councilmember Conway (on medical leave of absence per Council approval)

Staff present: City Clerk Padilla, City Manager Holstine, Interim City Attorney McMorrow, Administrative Services Director Schillinger, Community Development Director Swiecki, City Engineer Breault, Police Commander Garcia, Deputy Director of Public Works Kinser, Recreation Manager Leek, and Principal Analyst Sid

## **REPORT OUT OF THE HOUSING AUTHORITY CLOSED SESSION AND THE CITY COUNCIL CLOSED SESSION**

Interim City Attorney McMorrow reported that no action was taken regarding Closed Session Items E, F, and G. Council approved Item D, given that Claimant provides an itemized receipt.

## **ADOPTION OF AGENDA**

Staff requested to pull items Consent Calendar D and New Business Item A7.

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

## **ORAL COMMUNICATIONS NO. 1**

Dana Dillworth submitted a letter regarding the Housing Authority item, discussed the Dolby property and not supporting the funding of the Charter Schools study.

Michelle Dizitser and Randy Dizitser spoke about the difficulty of finding rentals for Cannabis businesses and wanted to discuss rezoning M1 as a possible solution.

Mayor Davis directed staff to place this issue on the next Cannabis Subcommittee Meeting agenda.

## **PRESENTATION**

### **A. Proclaiming July as Parks and Recreation Month**

Mayor Davis read a Proclamation declaring July as Parks and Recreation Month. Recreation Manager Leek thanked Mayor Davis and then presented a video highlighting the achievements of the Parks and Recreation Department.

Mayor Davis commended the Parks and Recreation Department for helping make the City of Brisbane a special place to live.

### **B. Commendation -Eagle Scout Steven Tom**

Mayor Davis presented Eagle Scout Steven Tom with a City Commendation for his restoration project on Quarry Trail Park.

### **C. California High Speed Rail Preferred Alternative Presentation**

Boris Lipkin, Northern California Regional Director at California High-Speed Rail Authority, along with his team from the California High Speed Rail Authority, presented on the California High Speed Rail Preferred Alternative Presentation on the San Francisco to San Jose Project Section.

The Light Maintenance Facility alternatives were: Port of San Francisco, East Brisbane/West Brisbane and San Francisco International Airport.

Authority staff recommended Alternative A- East Brisbane which is the recommended State's preferred alternative due to the following criteria:

- Fewest displacements
- Fewest road closures
- Fewest impacts on wetlands and habitats
- Fewest impacts on natural resources
- Fewest major visual impacts
- Slower HSR, faster Caltrain peak hour travel time
- Lowest capital cost
- Policy-level alignment with the Caltrain Business Plan

After some Council questions of Mr. Lipkin and Authority staff, Greg Vilkin, CEO of Universal Paragon, stated that if the Authority used UPC's EIR study for their research it's incomplete.

City Attorney McMorrow asked why the Port of San Francisco and Gilroy were ruled out without the Authority having all the information.

After further Council questions of Authority staff, City of Brisbane staff and Mr. Vilkin of Universal Paragon, Roland Lebrun presented and spoke on alternative sites that can operate with less acreage.

Kim Follien stated that housing is the highest need for this region.

Michael Barnes were concerned that the Authority only answers to the State and are not an elected body.

Dana Dillworth wanted to know why Authority meetings were not held in Brisbane

Nancy Lacsamana said she was upset about this plan by the Authority because it is not what Brisbane wants.

Deb Horen advocated for the community members to speak to the state legislators about what the community thinks about the Preferred Alternative.

#### **D. Caltrain Business Plan Update**

Sebastian Petty, Director of Policy and Development from Caltrain, presented on the Caltrain Business Plan Update. He reported that this is not a project but a plan of growth. The Caltrain corridor is growing and that by 2040 the corridor expected to add 1.2 million people and jobs within 2 miles of Caltrain and 80% growth expected in San Francisco and Santa Clara Counties. Mr. Petty discussed the different growth 2040 service growth scenarios: High Growth, Moderate Growth, and Baseline Growth.

After some Council questions of staff and Mr. Petty, Greg Vilkin, CEO of Universal Paragon Corporation, stated that he wants a plan that is truly regional with all the stakeholders.

Roland Lebrun presented and spoke on how it possible to run more trains per hour with a Transbay blended tunnel.

#### **CONSENT CALENDAR**

**A. Accept Investment Report as of May 2019**

**B. Adopt City Council Minutes of June 20, 2019**

**C. Award Contract for Phase 2 of PRV and Fire Main Project**

**E. Sign Board Upgrade Project**

*( It is being recommended to approve funding for the signboard upgrade project through the City's Capital Improvement Plan in the amount of \$90,000)*

CM Lentz made a motion, seconded by Cunningham to approve Consent Calendar Items A, B, C, and E.

The motion passed unanimously by all present.

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

Noes: None

Absent: Councilmember Conway

**D. Award Contract for the Fire Station 81 Standby Generator Upgrade Project**

This item was pulled from the Agenda and was not discussed by the Council.

#### **PUBLIC HEARING**

**A. Sierra Point Landscaping and Lighting District**

- 1. Hear Statement of Engineer of Record as to the Nature of this Project, Read Mayor’s Statement, Hear City Clerk Statement, Open Public Hearing to hear any testimony, Close Public Hearing**
- 2. Consider adoption of Resolution No. 2019-17 overruling protests and ordering the improvements and confirming the diagram and assessments for Fiscal Year 19/20**

Deputy Public Works Director Kinser read the statement of Engineer of Record and described the project. Mayor Davis read the Mayor’s Opening Statement and City Clerk Padilla read the Clerk’s Statement and reported on the various notices given in connection with the hearing.

Mayor Davis opened the Public Hearing to hear any testimony. No member of the public wished to speak.

CM Lentz made a motion, seconded by CM Cunningham to close the Public Hearing.

The motion passed unanimously by all present.

Ayes: Councilmembers Cunningham, Lentz, O’Connell and Mayor Davis.

Noes: None

Absent: Councilmember Conway

After the Public Hearing was closed, CM O’Connell made a motion, seconded by CM Cunningham to adopt Resolution No. 2019-17 overruling protests and ordering the improvements and confirming the diagram and assessments for Fiscal Year 19/20.

The motion passed unanimously by all present.

Ayes: Councilmembers Cunningham, Lentz, O’Connell and Mayor Davis.

Noes: None

Absent: Councilmember Conway

## **B. 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. 2019-18, “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 2019-2020 County Tax Roll, and Authorizing the County Tax Collector to Collect Such Charges.”**

*(The purpose of this item is to provide a public hearing and consider imposition of annual tax roll charges that fund Brisbane’s Local Stormwater Program, which minimizes discharge of pollutants to San Francisco Bay in accordance with federally mandated permit requirements.)*

Mayor Davis opened the Public Hearing to take public comment. No member of the public wished to speak.

C O’Connell made a motion, seconded by CM Cunningham to close the Public Hearing.

The motion passed unanimously by all present.

Ayes: Councilmembers Cunningham, Lentz, O’Connell and Mayor Davis.

Noes: None

Absent: Councilmember Conway

After closing the Public Hearing, CM O’Connell made a motion, seconded by CM Cunningham to adopt Resolution No. 2019-“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 2019-2020 County Tax Roll, and Authorizing the County Tax Collector to Collect Such Charges.”

The motion passed unanimously by all present.

Ayes: Councilmembers Cunningham, Lentz, O’Connell and Mayor Davis.

Noes: None

Absent: Councilmember Conway

**C. Brisbane Weed Abatement Program**

- 1. Open Public Hearing and hear any objections by the noticed property owners of properties on which a nuisance has been declared to exist within the Brisbane Weed Abatement Program**
- 2. Close the Public Hearing and sustain or overrule any objections which have been raised, and give direction to the enforcement officer to clear the properties that have not complied with the notice**

Mayor Davis opened the Public Hearing. No member of the public wished to speak.

CM O'Connell made a motion, seconded by CM Cunningham to close the public hearing. The motion passed unanimously by all present.

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

Noes: None

Absent: Councilmember Conway

After closing the Public Hearing, CM O'Connell made a motion, seconded by CM Cunningham to give direction to the enforcement officer to clear the properties that have not complied with the notice.

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

Noes: None

Absent: Councilmember Conway

**D. Consider Adopting Ordinance No. 640 as an Urgency Ordinance of the City of Brisbane to take effect immediately upon its adoption regarding Zoning Text Amendments to Chapter 17.32 and Chapter 17.36 of Title 17, Zoning, of the Brisbane Municipal Code to add Section 17.32.260 – Election Signs, providing new regulations for election signs, and amending Section 17.36.020 – Definitions to provide a cross reference to the new Election Signs section.**

Planning Director Swiecki reported that Urgency Ordinance No. 640 would regulate election signs on both city property and private property, with placement on city property being limited in terms of the allowed locations per the direction of the City Council.

After some Council questions, Mayor Davis opened the Public Hearing. No member of the public wished to speak.

CM Cunningham made a motion, seconded by CM O'Connell to close the Public Hearing.

After further Council discussion, CM Lentz made a motion, seconded by CM Cunningham to adopt Ordinance No. 640 as an Urgency Ordinance of the City of Brisbane to take effect immediately upon its adoption regarding Zoning Text Amendments to Chapter 17.32 and Chapter 17.36 of Title 17, Zoning, of the Brisbane Municipal Code to add Section 17.32.260 – Election Signs, providing new regulations for election signs, and amending Section 17.36.020 – Definitions to provide a cross reference to the new Election Signs section. The Council also chose two election sign locations on city property: Monarch Drive and Mission Blue, and Old County Road, across the Community Park.

The motion passed unanimously by all present.

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

Noes: None

Absent: Councilmember Conway

## **IX. NEW BUSINESS**

### **A. Consider Approval of City Employees' Memorandums of Understanding and Employment Contracts**

- 1. Adopt Resolution No. 2019-45 of the City Council of the City of Brisbane Concerning Wages, Hours and Working Conditions for the Confidential Employees Group**
- 2. Adopt Resolution No. 2019-46 of the City Council Of The City Of Brisbane Concerning Wages, Hours And Working Conditions for the Confidential Management Group**
- 3. Adopt Resolution No. 2019-47 of the City Council of the City of Brisbane Concerning Wages, Hours and Working Conditions for the Executive Management Group**
- 4. Adopt Resolution No. 2019-48 of the City Council of the City of Brisbane Concerning Wages, Hours and Working Conditions for the General Employees Association**
- 5. Adopt Resolution No. 2019-49 of the City Council of the City of Brisbane Concerning Wages, Hours and Working Conditions for the International Associations of Firefighters, Local 2400, AFL-CIO**
- 6. Adopt Resolution No. 2019-50 of the City Council of the City of Brisbane Concerning Wages, Hours and Working Conditions for the Mid-Management/Professional Employees Group**
- 8. Adopt Resolution No. 2019-52 of the City Council of the City of Brisbane Concerning Wages, Hours and Working Conditions for the Police Chief**
- 9. Adopt Resolution No. 2019-53 of the City Council of the City of Brisbane Concerning Wages, Hours and Working Conditions for the Police Commander Association**
- 10. Adopt Resolution No. 2019-54 of the City Council of the City of Brisbane Concerning Wages, Hours and Working Conditions for the Hourly Employees**



Director of Administrative Services Schillinger reported that the following resolutions will approve tentative agreements concerning wages, hours, and working conditions for the following groups: Confidential Management,/Professional, General, and Fire. Over the three years of the contract, the estimated cost of all of the changes is approximately \$2.8 million.

After some Council questions and discussion, CM O'Connell made a motion, seconded by CM Cunningham to Adopt Resolutions 2019-45 to 50 and Resolutions 2019-52 to 4 approving City Employees' Memorandums of Understanding and Employment Contracts.

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

Noes: None

Absent: Councilmember Conway

**7. Adopt Resolution No. 2019-51 of the City Council of the City of Brisbane  
Concerning Wages, Hours and Working Conditions for the Brisbane Police  
Officers Association**

This item was pulled from the agenda and was not discussed by City Council.

**B. Consider Adoption of Resolution No. 2019-55 approving the Employment Agreement  
with the City Manager**

*(Under this employment agreement, if approved by Council, the City Manager will earn the Bi-weekly salary of \$9551.20, with an annual escalator, of 3% in July 2020 and 3% in July 2021).*

Mayor Davis read an oral report and stated that the bi-weekly salary for the City Manager will be \$9551.20 with an annual escalator, if approved by the City Council, of 3% in July 2020 and 3% in July 2021. The City Manager will receive 80 hours of administrative leave in August 2019, 2020 and 2021 but such leave must be used within 12 months from the time the leave is granted.

Mayor Davis also reported that consistent with the benefits provided to Department Heads of the City, the City Manager will receive paid time off for holidays and vacation leave and is eligible for health benefits which include vision, dental, and comprehensive medical insurance. Other benefits include life and disability insurance as well as workers' compensation. Provision in the agreement concerning two City loans for Manager's house in Brisbane is updated to note that one loan was paid in full in 2016. The other loan, equal to 20% of value of the property, remains and will be repaid when the property sells or within six months of the Manager's retirement.

Mayor Davis also added that upon retirement from the City, anticipated to be December 30, 2021, the City Manager will receive a monthly stipend consistent with other retired Executive Management employees who started working for the City prior to July 2008 and retired after 2000.

After the Mayor's oral report, CM Cunningham made a motion, seconded by CM O'Connell to approve Resolution No. 2019-55 approving the Employment Agreement with the City Manager. The motion passed unanimously by all present.

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

Noes: None

Absent: Councilmember Conway

**C. Consider Authorizing the City Manager to Execute a Professional Service Agreement with the Urban Design Firm as Recommended by the City Council Baylands Subcommittee.**

City Manager Holstine reported that the purpose of this item is for the City to hire a consultant to provide urban design services related to the Baylands Specific Plan. Consultants will interface with the developer's urban design team and provide a peer review of the draft specific plan once it is formally submitted to the City.

Planning Director Swiecki requested the Baylands Subcommittee members Mayor Davis and CM Lentz share the process of selection and their recommendation of urban design firm MIG.

After some Council questions and discussion, CM Lentz made a motion, seconded by CM Cunningham to authorize the City Manager to Execute a Professional Service Agreement with urban design firm MIG as recommended by the City Council Baylands Subcommittee.

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 on the upcoming activities for July and the month of August.

**MAYOR/COUNCIL MATTERS**

**A. Education Ad Hoc Subcommittee Request for Use of Funds to Study Charter School Options**

City Manager Holstine reported that the City Council's Education Ad hoc Subcommittee has discussed in their meetings the need to evaluate the potential of K-12 Charter School as various members aspire to have a high school on the eastern side of San Bruno Mountain. Use of funds are

being requested to study charter school options and funding scenarios. Members of the City Council's Education Ad hoc Subcommittee, Mayor Davis and CM Lentz discussed why the studies on Charter Schools are needed and mentioned that the funds used for the study will be reimbursed by the developer.

Michael Barnes spoke to oppose this request.

After Council discussion and questions of staff, CM Lentz made a motion, seconded by CM Cunningham to approve use up to \$16,900 of the funds authorized to engage the City's school finance consultant and to study Charter School Options.

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

Noes: CM O'Connell

Absent: Councilmember Conway

### **B. Designation of Voting Delegates and Alternates for the League of California Cities' Annual Conference**

CM O'Connell made the motion, seconded by CM Cunningham to designate Mayor Davis as the voting delegate for the League of California Cities' 2019 Annual Conference.

### **C. Countywide Assignments/Subcommittee Reports**

Councilmembers reported on their activities in the following assignments and subcommittees: County Library JPA, San Mateo County Bicycle and Pedestrian Advisory Committee and Pedestrian AC, Planning Issues Subcommittee, San Mateo County MTC Bus Tour, Brisbane School District / City 2x2 Subcommittee

### **D. City Council Meeting Schedule**

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

Joe and Jeri Sulley (6/25/19) Air B & B in Brisbane  
Tony Verreos (7/9/19) Links to whistle blower reports regarding toxic clean up failures  
Roland Lebrun (7/18/19) California High Speed Rail Preferred Alternative Item  
Michelle Dizitser (7/18/19) Expanding Current Cannabis Ordinance to Include M1

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

No member of the public wished to speak.

CM Lentz directed staff to write a comment letter to the CA High Speed Rail Authority regarding our position on the California High Speed Rail Alternative.

## **ADJOURNMENT**

CM O'Connell made a motion, seconded by CM Cunningham to adjourn the meeting. Mayor Davis adjourned the meeting at 11:12 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



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Ingrid Padilla  
City Clerk