BRISBANE CITY COUNCIL

ACTION MINUTES

DRAFT

TUESDAY, DECEMBER 8, 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 7:30 p.m. and led the flag salute.

ROLL CALL

Councilmembers present:	Conway, Lentz, Liu, Miller, and Mayor O'Connell
Councilmembers absent:	None
Staff present:	City Manager Holstine, City Clerk Spediacci, Community Development Director Swiecki, City Attorney Roush, Administrative Services Director Schillinger, Public Works Director Breault, Police Chief Macias

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

Mayor O'Connell asked the City Attorney to give a report out of Council Subcommittee Closed Session on the Sierra Point real property negotiations. City Attorney Roush reported that the Subcommittee provided direction to staff and no action was taken.

NEW BUSINESS

A. Recognize CM Miller for his service to the City of Brisbane

Recognitions were presented from Congresswoman Speier's Office, Senator Jerry Hill, County Board of Supervisor Tissier's Office, and from Mayor O'Connell on behalf of the Brisbane City Council.

CM Miller commented on his years of service and thanked his constituents, colleagues, staff, and family. He also provided a copy of his remarks, which are an attachment to these minutes.

Councilmembers thanked CM Miller for his long and important service.

B. Consider adoption of Resolution No. 2015-44 adopting the County of San Mateo's Certification of Votes and declaring results to fill two Council Seats at the General Municipal Election held on November 3, 2015

CM Miller made a motion, seconded by CM Conway, to adopt Resolution No. 2015-44 as presented. The motion carried unanimously by all present.

C. Administration of Oath of Office of newly-elected Councilmembers

Senator Jerry Hill administered the Oath of Office to newly elected Councilmember Madison Davis and re-elected Councilmember Terry O'Connell.

The newly elected Councilmembers thanked their constituents and family for their support and expressed their honor in serving the citizens of Brisbane.

D. Election of New Mayor and Mayor Pro Tem

CM Conway made a motion, seconded by CM Davis, to elect CM Lentz to serve as Mayor. The motion carried unanimously by all present.

CM Lentz made a motion, seconded by CM Conway, to elect CM Liu to serve as Mayor Pro Tem. The motion carried unanimously by all present.

E. Administration of Oath of Office of newly-elected Mayor and Mayor Pro Tem

Senator Jerry Hill administered the Oath of Office to newly elected Mayor Lentz and to newly elected Mayor Pro Tem Liu.

Mayor Lentz and Mayor Pro Tem Liu both thanked their family and constituents for their support and made comments on the importance of the coming year and their honor in serving as Mayor and Mayor Pro Tem.

F. Recognize outgoing Mayor O'Connell for her service

Mayor Lentz presented a Proclamation and a gavel plaque to outgoing Mayor O'Connell and thanked her for her year of service as Brisbane's Mayor.

Break for Refreshments

Mayor Lenz adjourned to break for refreshments.

ORAL COMMUNICATIONS NO. 1

There were no members of the public wishing to speak.

CONSENT CALENDAR

CM Conway asked to remove Consent Calendar Item A.

B. Receive Monthly Investment Report as of September 30, 2015

C. Receive Monthly Investment Report as of October 31, 2015

D. Accept report from Community Development Director describing the measures the City has taken to alleviate the conditions that led to the adoption of the Interim Ordinance imposing a 45-day moratorium on establishing, operating, permitting and/or licensing of any new electronic cigarette retailer with the City of Brisbane

E. Adopt Ordinance 602 Enacting Chapter 8.45 of the Brisbane Municipal Code to Prohibiting Smoking of Tobacco Products and other Products, including the use of e-cigarettes and Smoking and Vaping of Medical Marijuana, in Public Places and businesses patronized by the Public, and to impose certain restrictions on the distribution and sale of tobacco products and e-cigarettes; and (2) Amending Chapter 8.44 of the Brisbane Municipal code to extend the city's existing tobacco retail permit requirements to electronic cigarette retailers

CM O'Connell made a motion, seconded by CM Conway, to approve Consent Calendar Items B, C, D, & E as presented. The motion carried unanimously by all present.

A. Approve City Council Minutes of October 27, 2015

CM Conway acknowledged that there was an amended front page changing Thursday to Tuesday on the front page of the minutes. With that change, CM Conway made a motion, seconded by CM O'Connell, to approve the minutes as amended. The motion carried unanimously by all present.

STAFF REPORTS

A. City Manager's Report on upcoming activities

City Manager Holstine said that the Council would be reviewing their Subcommittee List and considering new appointments at their next meeting.

MAYOR/COUNCIL MATTERS

A. County-wide Assignments/Subcommittee Reports

Councilmembers gave updates on the Economic Development Subcommittee, the C/CAG Meeting regarding water issues, and the SFO Roundtable Meeting.

B. Written Communications

There were no written communications acknowledged.

C. Consider setting either Tuesday, January 19th or Tuesday, January 26th as a workshop date for the Community Choice Energy topic

After some discussion, Councilmember selected Tuesday, January 26th at 7:30 p.m.

D. Set date for Commission/Committee interviews

After Councilmember discussion of the number of applicants and potential dates, City Clerk Spediacci said she would bring potential dates for Council consideration at their next meeting.

ORAL COMMUNICATIONS 2

Michele Salmon expressed her concern about excessively long Council meetings resulting in the public not participating late at night. She suggested starting the meetings earlier and setting reasonable agendas.

ADJOURNMENT

The meeting was adjourned at 9:42 p.m.

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Sheri Marie Spediacci, City Clerk

Farewell Comments

Council Member Ray Miller
December 8, 2015

Many thanks everybody! Special thanks to Senator Jerry Hill and former Mayor Clara Johnson for their very kind personal remarks. Retirement parties are great because you actually get to hear all the nice things that people have to say. This is my second retirement from Council service.

Additionally, you get your turn to thank those special people who have enhanced the experience from which you are retiring, in this case 32 years of public service to the Brisbane community.

The first set of special people I would like to thank are those Councilmembers with whom I have had the most harmonious and effective working relationships. The first group includes Fred Smith and Jeannine Hodge. They strongly supported my election in 1984, and my success turned the Council from 3 to 2 one way to 3 to 2 another way on almost every issue. Not long after my election, the Northeast Ridge developer filed a lawsuit against the City and the three of us personally. The personal part was under Federal Law as California Law does not permit personal suits against legislators. It took 5 years for us to finally win. Read all about it in the two Brisbane History books. If you don't have your books yet, they will be available for free during the break. Santa says only one of each per person.

The second set of Councilmembers for whom I have a special appreciation are those I served with in 1993-1995. They were the best. That Council included Clarke Conway, who thankfully is still around, Steve Waldo, who sadly is no longer around having passed away about two years ago, and the retired Clara Johnson and Lee Panza. That Council engaged in intelligent, balanced, knowledgeable and respectful deliberations. Out of their deliberations came our excellent, still in place 1994 General Plan.

When I retired in 1995 I had no intention of returning to the Council, but when a seriously ill Steve Waldo asked me to replace him on the Council, I promised him that I would run in the 2011 election. My experience during this past four years has been an evolving one. I do thank all of my colleagues during this period for tolerating my proclivity to investigate and deliberate thoroughly as well as listen as

long as necessary to public input. It has meant longer meetings, as I predicted in my installation speech four years ago.

I have spent almost as long a time on the Open Space and Ecology Committee as on the Council - thirteen years. I am very happy with the Open Space Plan that we created and its significant implementation with the public acquisition of most of the critical open space habitat in the Brisbane Acres. During my tenure there have been many fine contributing public members of the Committee, but I specially want to thank Mary Gutekanst, Glenn Fieldman, Elena Court, Lisa Greenlee, Anjana Richards, and Paul Bouscal.

I also want to thank the City Managers that worked for Brisbane during most of my Council career. Robin Leiter was willing to move from Southern California to a small City that was under siege from a litigious developer and that had a nearly non-existent staff. Fortunately, thanks to her skills and our legal victory, we survived and thrived. I had a role in hiring Robin, but Clay Holstine was already in place when I arrived on the Council. He invited me to come see him whenever I wished, and I arranged weekly meetings in which I reminded him of all the things that haven't been done yet. He listened with good humor while surrounded with piles of projects in process, but some important things did get done as referenced earlier by Mayor O'Connell.

I have also had good working relationships with many department heads over the years for which I am highly appreciative. My special thanks to the late Finance Director Roger Khalil, former Planning Director Carole Nelson, former Police Chief Tom Hitchcock, current Finance Director Stuart Schillinger, and current Public Works Director Randy Breault.

My biggest and heartfelt thanks go to my family. My wife Anja and I have worked together as a Brisbane public service team since 1973 when she was elected to the Council as the first woman in the town's history. In those days Council meetings were pretty tumultuous, and I attended partly as a security guard. These days Anja can sit at home and watch the proceedings on television. Afterwards Anja, and sometimes our daughter Elna, have provided me with a candid review of the Council deliberations. They are both very discerning, analytical and honest. There is no way I could get complacent with that kind of performance evaluation. However, there were a few occasions when I did okay.

Since everyone is being so kind and discrete, there has been no mention of a record that I have set. I'm the oldest guy to have ever served on the Brisbane City Council.

I'm now 81. Both Bill Lawrence and Cy Bologoff came close, but not quite. Because no members of the current Council are in my age bracket, the record will stand for a while.

When I previously retired from the Council I made some observations about our political culture. Then I was optimistic about the future state of the world and California in particular. I have changed my mind. What I am about to share is global in scope. Consequently, Lee Panza would never allow it on Brisnet. I fear that the excess concentration of wealth and its control over the political process has severely undermined democracy, especially in the United States. At the federal level we have become a plutocracy, facilitated by the pro-rich Citizens United decision of the U.S. Supreme Court. We still have some real democracy at the local level, notably in small towns like Brisbane. For example, in 2013 the owners of the tank farm, Kinder Morgan, mounted a very negative campaign against a proposed tax on storage tanks. They spent $161,000 on their losing campaign that garnered only 23% of the votes cast or $810 per no vote. Whereas the yes vote campaign utilized small town door to door tactics and spent less than $1,000. However, at the national level a concerted effort is being made by some of the rich and their agents to remove the middle class protections that were put in place during the New Deal period.

Simultaneously with the undermining of democracy, not only in the U.S. but also around the world, human civilization is facing a climate catastrophe. As the earth warms and the climate changes, primarily attributable to fossil fuel burning, the dominant plutocracies of the world are unwilling and unable to agree on a realistic and enforceable program. If you have been following the Paris summit on this issue, you know what I am talking about. Even if all the offered voluntary reductions in the amount of green house gas emissions are fulfilled, the projected warming by the end of the century will exceed 3 degrees Celsius or 5.4 degrees Fahrenheit, a likely catastrophic level. However, it's even questionable whether these promised reductions would be achieved. For instance, the United States, the second largest emitter of green house gases, has a Congress that is not interested in addressing the issue. California is one of the few states that is taking this threat to human civilization seriously.

This depressing set of economic and environmental circumstances leads me to consider a radical suggestion that is not original with me. I first read about something similar in the late Professor Callenbach's book, *Ecotopia.* Maybe it's time that the states of Washington, Oregon, California and Hawaii separate from the rest of the United States. This group of states has the capacity and the political will to demonstrate that only by the long-term sustainability of our intertwined economic,

environmental and equity practices does human civilization have a viable future. As my five-year old granddaughter says, "We need to save the world." And I would add, "for human habitation."

We here in Brisbane have an opportunity to make a difference on this issue. We need to insist that development in the Baylands is based on a rational sustainability program that demonstrates it can be done. We have an obligation to provide a viable future for our grand children and beyond. It's the only feasible alternative. I will be watching your progress as you work toward this goal.

Finally, I wish to thank everyone who has enabled and facilitated whatever small contributions I have been able to make to the current and future welfare of our community.

Minor revisions - January 6, 2016 - Ray Miller