



BRISBANE CITY COUNCIL

ACTION MINUTES

**CITY OF BRISBANE CITY COUNCIL
MEETING AGENDA**

THURSDAY, OCTOBER 4, 2018

BRISBANE CITY HALL, 50 PARK PLACE, BRISBANE

7:00 P.M. CLOSED SESSION (*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 Real Property Negotiator, Clay Holstine pursuant to Government Code Section 54956.8 , regarding potential lease on a portion of the lot owned by the City of Brisbane located at 3501 Bayshore Blvd., Brisbane, CA.

REPORT OUT OF CLOSED SESSION

City Attorney Roush reported that direction was given to real property negotiator Holstine regarding Closed Session Item D and will bring the matter back at a future City Council Meeting.

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

Mayor Conway called the meeting to order at 7:30 P.M. and led the Pledge of Allegiance.

ROLL CALL

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

Councilmembers absent: None

Staff present: City Clerk Padilla, City Manager Holstine, Administrative Services Director Schillinger, City Attorney Roush, City Engineer Breault, Community Development Director Swiecki, Senior Management Analyst Cheung, Recreation Supervisor Noreen Leek, Inspector Preston, and Summer Multimedia Intern Xiao

ADOPTION OF AGENDA

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

ORAL COMMUNICATIONS NO. 1

Michele Salmon shared her disappointment in the mailing and distribution of the Frequently Asked Questions regarding Measure JJ. She feels this is a misuse of public funds. Ms. Salmon forwarded to the City Clerk additional questions that she would like answered pertaining to Measure JJ.

City Attorney Roush responded that the Frequently Asked Questions is not for advocacy but provided information to the public.

City Manager Holstine replied that the City Council, per the advice of the City Attorney, was not involved in the selection of the questions or the drafting of the Frequently Asked Questions for Measure JJ.

PRESENTATION

A. Present Commendation to Ryan Cheung, Eagle Scout Candidate

Recreation Manager Leek introduced Eagle Scout Candidate Ryan Cheung and shared with the Council the Eagle Scout Service Project he completed over the summer beautifying and cleaning the park behind the library and community center. Mayor Conway presented Mr. Cheung with a commendation to recognize his efforts and service to the larger Brisbane community.

B. City of Brisbane Vignettes

Senior Management Analyst Cheung introduced Summer Multimedia Intern Xiao to the City Council. Intern Xiao presented clips of videos he created during his summer internship to provide more visibility to city programs, departments and services. Intern Xiao's videos were shared widely in the City's website and social media sites. Mayor Conway thanked Intern Xiao for his contributions to the City and the videos that many will enjoy for years to come.

C. Declaring October 7-13, 2018 as Fire Prevention Week

Mayor Conway read a proclamation declaring October 7-13, 2018 as Fire Prevention Week. Inspector Preston thanked the Council for the proclamation and received the proclamation. After some Council discussion, Councilmember Davis stated that based on a personal experience, installing fire detectors and having fire extinguishers do prevent fires and protect homes.

CONSENT CALENDAR

A. Adopt City Council Minutes of September 6, 2018

- B. Approve Friends of the Brisbane Library Chamber Concert Series as a Co-sponsored Event**
- C. Approve response to Grand Jury Report “Law Enforcement Officers + Narcan = Lives Saved From Opioid Overdoses” dated June 28, 2018**
- D. Approve response to Grand Jury Report “ Smoke-Free Multiunit Housing: No Ifs, Ands, Or Butts” dated June 26, 2018**
- E. Accept Monthly Investment Report as of March 2018**
- F. Accept Monthly Investment Report as of April 2018**
- G. Approve Mothers of Brisbane Clothing Sale as a Co-sponsored Event**

CM O’Connell made a motion, seconded by CM Davis to adopt Consent Calendar Items A-G. The motion was carried unanimously by all present.

Ayes: Councilmember Cunningham, Davis, Lentz, O’Connell and Mayor Conway
Noes: None
Absent: None
Abstain: None

OLD BUSINESS

A. History Committee Presentation

Administrative Services Director Schillinger reported that the City Council approved a budget of \$50,000 earlier this year for the Citizen’s History Committee’s video and digitization projects. He anticipates the expenses to be closer to \$30,000 to \$40,000 with some money savings due to working with local film maker Keith Moreau who will donate his time and equipment for the video projects. The Citizen’s History Committee is very eager to start the video project and begin interviews. The Committee will also hire a part time assistant to support all the video and digitization projects of the Committee.

Mayor Conway thanked Keith Moreau for volunteering his time and equipment.

CM O’Connell made a motion, seconded by CM Davis, to reappropriation and release \$50,000 for the Citizen History Committee’s video and digitization projects. The motion was carried unanimously by all present.

Ayes: Councilmember Cunningham, Davis, Lentz, O’Connell and Mayor Conway
Noes: None
Absent: None
Abstain: None

STAFF REPORTS

A. City Manager's Report on upcoming activities

City Manager Holstine invited the public to attend the Day in the Park on October 6, 2018, Derby Day Coffee with Senator Jerry Hill and Mayor Conway on October 6, 2018, Fire Service Day on October 13, 2018 and Underwater Pumpkin Patch on October 14, 2018. City Manager also reported that he is working with the City of South San Francisco to improve the Street Sweeping Program.

City Attorney Roush provided a preview of the additional questions added to the Frequently Asked Questions regarding Ballot Measure JJ. These new questions were raised by community members and will be posted on the City's website. The additional questions presented included the following:

Question 12: If Measure JJ is approved by the voters and UPC elects not to modify its Specific Plan application to be consistent with Measure JJ, what happens next?

Question 13: If the City approves a Specific Plan for the Baylands and UPC and the City enter into a development agreement and thereafter UPC sells the property, does that invalidate the Specific Plan and/or the development agreement? Will new property owners be able to build more housing than what's specified in Measure JJ?

Question 14: Will development of the Baylands vastly increase the City's Regional Housing Needs Allocation ("RHNA") since such development would have an effect on the jobs to housing balance?

Question 15: If the City were to secure a RHNA "exemption" because Measure JJ is approved by the voters, when would the exemption come into effect? For example, would it apply before housing is actually built or only after the property has been developed?

Question 16: Now that SB 828 has been signed into law, will it suddenly have an impact on Brisbane if Measure JJ is approved by the voters? For example, does SB 828 "override" Measure JJ?

Question 17: If Measure JJ passes and the Baylands is developed, how will traffic generated by Baylands development be mitigated?

After Councilmember questions addressed to City Attorney Roush and Community Development Director Swiecki, Mayor Conway transitioned to the state legislature update.

B. State Legislature Update

Thomas McMorrow, Partner of Manatt, Phelps & Phillips, LLP, provided an overview of the Governor's last signing bill period from the 2016-2018 legislative session. He reported that housing continued to be a hot topic with state leaders due to lack of affordability and shortage of housing in the area.

Delilah Clay, Legislative and Regulatory Advisor of Manatt, Phelps & Phillips, LLP., provided an overview of three pieces of legislation that were of interest to the City.

- SB 828 (Wiener) Land Use: Housing Element

Ms. Clay reported that SB 828 makes a number of changes to the criteria to be considered in the regional housing needs allocation (RHNA) process. RHNA for each city and county is a projection of additional housing units needed to accommodate existing households and projected household growth at all income levels by the end of the planning period. The California Department of Housing and Community Development (HCD) projects new RHNA numbers every eight years, or in some rural areas every five years. HCD makes regional projections that must be informed by data from and consultation with the Council of Governments (COG) for each region. Then the COGs determine the actual distribution of that housing need within the region to individual cities and counties. Brisbane's COG is the Association of Bay Area Governments (ABAG) which includes local governments across nine different counties and representing more than 7 million people.

Ms. Clay further explained that the housing element law requires local governments to adequately plan to meet their existing and projected housing needs including their share of RHNA. RHNA for each city and county may impact a local government's need to zone for additional housing. However, because SB 828 will have a broader regional impact on how RHNA numbers are calculated and distributed, it is unclear the direct impact the bill might have on any individual city, including Brisbane. The provisions of SB 828 become effective on January 1, 2019.

- AB 2923 (Chiu) San Francisco BART Transit-Oriented Development

Ms. Clay reported that AB 2923 applies a streamlined approval process to eligible transit-oriented development (TOD) projects in the San Francisco Bay Area Rapid Transit (BART) District on BART-owned land. The bill requires cities and counties to adopt zoning standards consistent with BART's TOD guidelines.

Because BART owns no property and has no station located within Brisbane city limits, Ms. Clay explained, that the provisions of AB 2923 have no current impact on the City of Brisbane. It is, however, an example of several recent laws enacted by the state which place new or additional restrictions on housing-related land use decisions by local government. The provisions of AB 2923 become effective January 1, 2019.

Ms. Clay and Mr. McMorrow also discussed SB 827, the Transit Zoning Bill, which initially failed but is anticipated to return and to be reconsidered at the next legislative session. This bill in its new form may be further reaching in regards to reducing local control of land zoning near public transit stations.

Mr. McMorrow also discussed SB 35 (Affordable Housing: Streamlined Approval Process) which was passed out of the legislature in 2017 and became effective on January 1, 2018. The bill created a streamlined approval process for infill developments in localities that have failed to meet their regional housing needs assessment. SB 35 does apply to Brisbane generally but does not apply to the Baylands based on a number of the exemptions in the law.

After further Council questions, Michele Salmon asked City Attorney Roush and Mr. McMorrow about the ambiguous answer to question number 12, asked for information about fair share funding for transportation in the Baylands, and asked for confirmation that legislative interference can still occur even if Measure JJ passes.

MAYOR/COUNCIL MATTERS

A. Countywide Assignments/Subcommittee Reports

Councilmembers reported on their activities with the following groups:

- Public Art Advisory Committee
- Economic Development Subcommittee
- Public Information & Technology Subcommittee
- Airport Noise Subcommittee
- Airport Community Roundtable
- Caltrain Modernization Local Policy Maker Group
- County Library JPA

B. City Council Meeting Schedule

The City Council Meeting of January 3, 2019 will be canceled. The next City Council Meeting is scheduled for October 18, 2018.

C. Written Communications

Written Correspondence was received from the following parties between September 7, 2018 through October 4, 2018:

- Clesi Bennett, San Francisco Bay Conservation and Development Commission (9/11)
- Luc Deschaumes (9/11)
- Dana Dillworth (9/14)
- Bill Bray (9/22)
- Prem Lall (9/29)

ORAL COMMUNICATIONS NO. 2

No member of the public wished to speak.

ADJOURNMENT

Mayor Conway adjourned the meeting at 9:34 pm.

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