BRISBANE CITY COUNCIL

ACTION MINUTES

DRAFT

THURSDAY, JULY 14, 2016

BRISBANE CITY HALL, 50 PARK PLACE, BRISBANE

7:00 P.M. CLOSED SESSION

A. Conference with Legal Counsel regarding pending litigation; SFPP, LLC vs. City of Brisbane, pursuant to Government Code Section 54956.9

B. Conference with Real Property Negotiator regarding185 Visitacion Avenue, APN #007-281-090, pursuant to Government Code Section 54956.8

7:30 P.M. CALL TO ORDER – FLAG SALUTE

Mayor Lentz called the meeting to order at 7:30 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, Associate Planner Capasso

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

Councilmembers observed a moment of silence for the slain police officers in Dallas, Texas and for the recent tragedy in Nice, France.

CM Conway made a motion, seconded by CM Davis, to adopt the agenda as proposed.

City Attorney Roush reported on the Closed Session noting that no action had been taken.

PRESENTATION

A. National Night Out – Officer Robert Malone

Police Officer Robert Malone reported on an upcoming National Night Out Campaign on Tuesday, August 2nd from 7-9 p.m. at the Brisbane Community Park. He noted that the City was hosting the event this year but that the goal for future years would be for each neighborhood to host their own.

Councilmembers thanked Officer Malone for working on this project.

B. Report on Lipman Teen Program – Principal Jolene Heckerman

Michelle Chan, Coordinator of the Lipman Afterschool Program – Club Lipman gave a Power Point presentation about the objectives of the club, the student involvement and attendance. She described the activities and explained the criteria of an effective after school program.

She thanked members of the Council and the City of Brisbane for their funding towards this important program. Councilmembers asked questions of Ms. Chan and thanked her for her presentation.

ORAL COMMUNICATIONS NO. 1

Karen Cunningham spoke about the horrendous event nationally in the past week. She asked that the Council take an action to support inclusionary efforts, and speak out against violence.

CONSENT CALENDAR

CM Liu asked to remove Item A for minor corrections and CM Conway asked to remove Item D.

B. Accept Monthly Investment Report as of February 29, 2016

C. Approve response to San Mateo County Civil Grand Jury regarding the effectiveness of body worn cameras

E. Adopt Resolution No. 2016-38 establishing a procedure for disposition of Police Department Records

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

A. Adopt City Council Minutes of May 19, 2016

CM Liu noted two name changes on Page 2 noting that Robert Mozingo should be "George Mozingo" and George Gottschalk should be "Robert Gottschalk. She also noted that a period was missing from the last sentence on Page 2.

With those changes, CM Liu made a motion, seconded by CM O'Connell, to adopt the minutes as amended. The motion carried unanimously by all present.

D. Authorize the Mayor to sign the Professional Services Agreement with Erler & Kalinowski, Inc. in the amount of $305,700 to perform the work for the Annis PRV and Water Main Installation

Public Works Director Breault answered questions from CM Conway on the project.

CM Conway made a motion, seconded by CM Lentz, to approve Consent Calendar Item D as proposed. The motion carried unanimously by all present.

PUBLIC HEARING

A. Consider adoption of Resolution No. 2016-35 overruling protests and ordering the improvements and confirming the diagram and assessments – Sierra Point Landscaping and Lighting District

Deputy Public Works Director Kinser reported that this was an annually occurring process to assess the property owners at Sierra Point so the City can provide lighting and landscaping.

Mayor Lentz opened the Public Hearing. There being no members of the public wishing to speak, the Public Hearing was closed.

CM Conway made a motion, seconded by CM O'Connell to adopt Resolution No. 2016-35 as proposed. The motion carried unanimously by all present.

B. Consider adoption of Resolution No. 2016-36 imposing charges for funding the Local Brisbane Stormwater Program, authorizing placement of said charges on the 2016-2017 County Tax Roll, and authorizing the County Tax Collector to collect such charges

Deputy Public Works Director Kinser reported that this was an annually occurring process to assess the property owners in Brisbane to pay for the maintenance and statutory requirements of maintain the City's Stormwater Program.

Mayor Lentz opened the Public Hearing. There being no members of the public wishing to speak, the Public Hearing was closed.

Councilmember discussed the gap in revenues versus expenditures for the program and noted that C/CAG would hopefully be taking the lead in getting approval for the increase in fees throughout the County.

CM Conway made a motion, seconded by CM O'Connell to adopt Resolution No. 2016-36 as proposed. The motion carried unanimously by all present.

C. Consider introduction of Ordinance No. 608 adding Sections 17.02.517 and 17.44.025, and amending sections 17.02.610, 17.14.030, 17.14.040, 17.16.030, 17.18.030, 17.19.030 and 17.24.030 of the Brisbane Municipal Code modifying and adding definitions to distinguish massage from personal services, modifying conditional use provisions to include massage in various commercial and mixed use districts, and prohibiting massage as a home occupation and amending section 8.10.100 of the Municipal Code requiring that notices concerning human trafficking be posted in massage establishments

Community Development Director Swiecki said that in 2014, City Council adopted comprehensive operational regulations concerning massage establishments under the Brisbane Municipal Code Chapter 8.10. He said that these regulations were intended to provide the City some operational control over massage establishments, since the State at that time preempted local zoning regulations specific to massage establishments. He said that subsequently the State adopted AB 1147 which restored local land use authority over massage establishments.

Mr. Swiecki outlined what the proposed amendments would be if the ordinance was adopted as presented. He said that it would define massage as distinct from other personal services, allow massage establishments as a conditional use in commercial and mixed use zoning districts, prohibit massage establishments as home occupations except as home offices for out-call services, and provide that massage businesses post a notice in a conspicuous place near the public entrance that informs persons who are being forced to engage in any activity, including commercial sex, and cannot leave, to call the National Human Trafficking Resource Center or the California Coalition to Abolish Slavery or Trafficking.

Councilmembers discussed their concerns with regulating home massage occupations, the need for conditional use permits, and the human trafficking posting.

Mayor Lentz opened the Public Hearing.

Karen Cunningham spoke against prohibiting home massage in Brisbane.

Carolyn Parker spoke against prohibiting home massage businesses.

Mayor Lentz noted that two letters was received from Nancy Colman and Carolyn Parker against prohibiting home massage therapy and from Betty Hagenau from Bay Area Anti-Traficking in support of the requirement of posting the human trafficking signs.

There being no further members of the public wishing to speak, the Public Hearing was closed.

After questions of staff and further discussion by the Council, CM Conway made a motion to introduce the ordinance in part by approving only the additional sign posting requirement in Section 8, Item K. The motion was seconded by CM Davis. The motion carried unanimously by all present.

NEW BUSINESS (Taken Out of Order)

B. Consider information and provide direction to staff on process and tentative schedule for consideration of the Baylands planning applications and related environmental impact report (EIR)

Community Development Director Swiecki and Lloyd Zola of Metis Environmental Group outlined the proposed City Council Meeting Schedule for the Baylands Planning Applications and EIR.

After Councilmember questions and discussion they gave direction to staff to revise the proposed schedule to start on Thursday, September 29th and then have the first City Council meeting of each month be for regular City business and the second City Council Meeting of each month be for the Baylands Project.

OLD BUSINESS

A. Consider approval of a supplemental appropriation for the Marina Dredging Project

Public Works Director Breault referred to the four page technical memorandum included in the staff

report and said that staff was requesting a supplemental appropriation in the amount of $700,000 for completion of the dredging project and for direction from Council on the funding mechanism. He explained why the project had gone over budget explaining that it was partially due to the fact that there was approximately 15% more sedimentation to dredge than what was expecting. He explained that he would bring back a future budget request to do ongoing surveys on the sedimentation.

In response to Councilmembers questions regarding how the additional costs for the dredging project would be funded, Finance Director Schillinger explained that a boat-slip rate increase would be brought back to Council at a future meeting.

After Councilmembers questions and clarifications regarding the dredging levels and different alternatives presented, CM O'Connell made a motion, seconded by CM Liu, to approve the supplemental appropriation as presented. The motion carried unanimously by all present.

City Manager said we would bring back a resolution in September to clarify the recommended funding mechanism.

B. Discuss and give direction to staff on choosing a rate for Peninsula Clean Energy (PCE) Rate Plan for City Facilities and for City-wide options

Finance Director Schillinger said that the City can opt into an option of receiving energy that is 100% from the PCE. He said that if the City wants to do this the PCE has requested that the City decide at this meeting so they know how much renewable energy to purchase beginning in October. He explained the effect the Council decisions would have on the City's budget.

He also said that the City can also choose the option of deciding for all its residents and businesses to opt into the 100% renewable energy package instead of the base line package. He explained the effect the Council decisions would have on the City's budget.

After Councilmember questions and discussion, CM Liu made a motion, seconded by CM Davis, to receive 100% of the energy for the City municipal accounts from the PCE but not to opt in as a whole on behalf of the residents and businesses.

NEW BUSINESS

A. Review the proposed Policy to Name Parks and Recreation Facilities within the City of Brisbane and make any necessary changes prior to adopting

This item was continued to a future meeting due to the late hour and full agenda.

B. Consider information and provide direction to staff on process and tentative schedule for consideration of the Baylands planning applications and related environmental impact report (EIR)

This agenda item was considered earlier on the agenda.

C. Consider approval City employee Memorandum's of Understanding and Employment Contracts

1. **Adopt Resolution No. 2016-24 concerning wages, hours, and working conditions for the Brisbane Police Officers Association**

2. **Adopt Resolution No. 2016-25 concerning wages, hours, and working conditions for the General Employees Association**

3. **Adopt Resolution No. 2016-26 concerning wages, hours, and working conditions for the Confidential Management Group**

4. **Adopt Resolution No. 2016-27 concerning wages, hours, and working conditions for the Confidential Employees Group**

5. **Adopt Resolution No. 2016-28 concerning wages, hours, and working conditions for the Executive Management Group**

6. **Adopt Resolution No. 2016-29 concerning wages, hours, and working conditions for the Police Chief**

7. **Adopt Resolution No. 2016-30 concerning hourly pay scales**

8. **Adopt Resolution No. 2016-31 concerning wages, hours, and working conditions for the Police Commander Association**

9. **Approve second amendment to the Employment Agreement with the City Manager**

City Attorney Roush noted that Item C.9 regarding the City Manager's Employment Agreement needed to be adopted by Resolution 2016-34 which had been provided to Councilmembers and the public prior to the meeting.

CM Conway made a motion, seconded by CM Davis, to approve Resolution No. 2016-24 through 2016-31 and Resolution No. 2016-34 as proposed. The motion carried unanimously by all present.

STAFF REPORTS

A. City Manager's Report on upcoming activities

City Manager Holstine reported on the scheduling of a Noise Abatement Workshop in September, the upcoming City-wide Garage Sale, and Concert in the Park.

MAYOR/COUNCIL MATTERS

A. Countywide Assignments/Subcommittee Reports

Councilmembers reported on the various meetings that they had attended including the Library Working Group, the Complete Street Safety Committee Council Liaison Meeting, and the Economic Development Subcommittee Meeting.

B. Written Communications

There were no written communications to discuss.

C. Parkside Follow-up Discussion

Councilmembers agreed to agendize this discussion for the Council Meeting on September 1st.

D. Designation of Voting Delegate and Alternate for League of California Cities Annual Conference on October 5-7, 2016 in Long Beach

Mayor Lentz and Mayor Pro Tem Liu both indicated that they were attending and would be the Delegate and Alternate.

E. Set date for Workshop on SB 415 Election Options

Councilmember concurred with City Manager Holstine's recommendation to hold a workshop to discuss this issue at the first meeting in October, which would be on October 20th.

ORAL COMMUNICATIONS 2

There were no members of the public wishing to speak.

ADJOURNMENT

The meeting was adjourned at 11:13 p.m.

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Sheri Marie Spediacci, City Clerk