



BRISBANE CITY COUNCIL  
ACTION MINUTES

**DRAFT**

---

**THURSDAY, November 19, 2015**

*BRISBANE CITY HALL, 50 PARK PLACE, BRISBANE*

**6:30 P.M. CLOSED SESSION**

**A. Conference with labor negotiators regarding all bargaining units pursuant to Government Code Section 54957.6**

Deputy City Attorney Stricker reported that on November 12<sup>th</sup>, the Sierra Point Ad Hoc Subcommittee met and gave direction to the Real Property Negotiator.

Ms. Stricker also reported that tonight the Council met and gave instruction to the Labor Negotiator.

**7:30 P.M. CALL TO ORDER – FLAG SALUTE**

Mayor O’Connell called the meeting to order 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, Deputy City Attorney Stricker, Administrative Services Director Schillinger, Police Chief Macias, Senior Management Analyst Cheung

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

CM Lentz asked to remove Item D, CM Conway asked to remove Item C and CM Miller asked to remove Items B & E.

CM Conway made a motion, seconded by CM Miller, to adopt the agenda as amended. The motion carried unanimously by all present.

**ORAL COMMUNICATIONS NO. 1**

There were no members of the public wishing to speak.

## **INTRODUCTION & PRESENTATIONS**

### **A. Proclamation recognizing Paul Bouscal as Volunteer of the Year**

Mayor O'Connell read a Proclamation honoring Mr. Bouscal for his dedicated volunteer service to the City of Brisbane and presented him with a commemorative Volunteer of the Year hooded jacket with the City logo imprinted on it. Councilmembers thanked Paul for his dedicated service to Brisbane.

### **B. Introduction of Carolina Yuen, New Financial Services Manager**

Administrative Services Director Schillinger introduced the City's new Financial Services Manager Carolina Yuen and welcomed her. He said the Ms. Yuen is a Certified Public Accountant with over ten years of experience in accounting and financial analytics. City Councilmembers welcomed Ms. Yuen.

### **B. Presentation of "Brisbane Town Hall"**

Principal Analyst Cheung introduced a new addition to the city website called "Brisbane Town Hall". She said the program will highlight topics of interest to the community, inviting input and feedback. She said that the topics on the home page will be rotated on three-week intervals to keep the topics fresh and that the comments would be monitored daily by city staff.

Councilmembers questions how they would receive the citizen input and feedback and Ms. Cheung said that she would provide that to Council on a regular basis.

Council voiced concerns about possibly violating the Brown Act if they respond to comments on the "Town Hall" topics. Deputy City Attorney Stricker noted if a Council member wished to respond to a comment, they could comment directly to the individual only, being sure to not include the rest of council on the communication.

Councilmembers thanked Ms. Cheung for her presentation.

Tom Heinz inquired whether everyone would be able to see all comments posted. Ms. Cheung said that they would be able to.

Jamie Dunn cautioned against discriminating against people who did not have access to the internet. Councilmembers assured her that this form of input would be only one tool used and that there would be meetings and printed formats as well.

Barbara Ebel questioned what types of communications would be removed as inappropriate. Ms. Cheung said it would only be monitored for profanity, offensive, or discriminatory language.

## **CONSENT CALENDAR**

Councilmembers removed Consent Calendar Items B, C, D, & E for questions/further discussion.

### **A. Approve City Council Minutes of October 15, 2015**

CM Conway made a motion, seconded by CM Miller, to approve the minutes as presented. The motion carried unanimously by all present.

### **B. Approve City Council Minutes of October 27, 2015**

CM Miller asked that the minutes have more detail about the results of the Baylands Survey. City Clerk Spediacci suggested attaching the survey results to the minutes and agendizing the approval of the minutes at the next meeting. Councilmembers concurred with that idea.

### **C. Adopt Resolution No. 2015-45 to approve the grant of funds from the State Coastal Conservancy and to authorize execution of documents on behalf of the City for the San Bruno Mountain Brisbane Acres Acquisition 5**

Special Assistant to the City Manager Fred Smith reported that the City had entered into a purchase agreement with the owners of Lot 79 in the Brisbane Acres and has been approved for a grant in the amount of \$60,000 from the California Coastal Conservancy (CCC) to fund a portion of the purchase. He said that in order to receive the funds from the Conservancy, a resolution and grant agreement need to be approved by the Council.

Councilmembers asked questions about the issue of permanent protection, the signage required by the CCC, the timing of the Eucalyptus tree removal, other lots that had recently sold in the area, and the status of the purchase of Lot 42.

After discussion they asked City Attorney Stricker to give a written opinion on deed restricting the City owned parcels and how conservation easements might be used.

Paul Bouscal said he was happy that the Deputy City Attorney would be investigating the issues of permanent protection and spoke in favor of a conservation easement and having open space parcels transferred to the County Park System.

CM Conway made a motion, seconded by CM Miller, to adopt Resolution No. 2015-45 as presented. The motion carried unanimously by all present.

### **D. Adopt Resolution No. 2015-46 to proclaim “No Traffic Ahead”— Brisbane taking a stand against human trafficking in the Bay Area before the 2016 Super Bowl and beyond**

CM Miller questioned the language in the resolution which said the City would ensure what other agencies would participate in and asked about why the resolution specifically targets the 2016 Super Bowl.

Police Chief Macias gave a brief report on why this resolution was being considered. She then introduced San Mateo County Human Trafficking Coordinator Mike Brosnan who gave information about human trafficking and what was being done by the County.

Councilmembers suggested alternate language to the third "Resolved" paragraph of the resolution stating that the City would work collaboratively with agencies in available human trafficking training.

Mr. Brosnan said that the Super Bowl was picked because of \$1 million people are expected in the region during that time and more people increase the criminal sex industry.

Councilmember Liu asked that the two hotels in Brisbane be asked to sign the Code of Conduct referred to in the resolution.

CM Miller made a motion, seconded by CM Conway, to adopt Resolution No. 2015-46 as amended. The motion carried unanimously by all present.

**E. Adopt Ordinance No. 599 (Zoning Text Amendment RZ-2-15), second reading, to amend Brisbane Municipal Code (BMC) Chapter 17.20 (M-1 Manufacturing District) to expand the permitted and conditionally permitted uses and make related amendments to BMC Chapter 17.02 (Definitions)**

Mayor O'Connell voiced concerns about changing the zoning text, as she was uncomfortable with the levels of contamination at the site. She reported on the BBCAG she attended recently where there was a report from a Regional Water Control Board representative about contamination on the subject site.

Councilmembers discussed the regulatory agencies responsible for enforcing the cleanup and the importance of getting the site ready to be used again.

Dana Dillworth spoke against the passing the amendment to the zoning text and expressed her opinion that an EIR be done.

Tom Heinz also spoke against the amendment to the zoning.

Paul Bouscal inquired if there was any notice of the residents within 300 feet of the property.

Joel Diaz spoke against passing the amendment ordinance until the Remedial Action Plan was completed.

Mayor O'Connell asked staff if residents within 300ft had been notified. Community Development Director Swiecki confirmed that they were.

After further discussion, CM Lentz made a motion, seconded by CM Liu, to adopt Ordinance No. 599 as proposed. The motion carried 4-1, Mayor O'Connell opposed.

## NEW BUSINESS

**A. Consider discussion and possible adoption of Interim Ordinance No. 603 as an urgency measure, pursuant to Government Code Section 65858, imposing a 45-day moratorium on establishing, operating, permitting and/or licensing of any new electronic cigarette retailer (VAPE SHOPS) within the City of Brisbane**

Deputy City Attorney Stricker explained that although there are no vape shops in Brisbane, the City does not have any current regulations that address these shops. She said that the City's current zoning ordinance, however, does allow a vape shop to be established in any district that allows retail businesses.

She said that based on concerns that a vape shop might be established in Brisbane, at its meeting on October 15, 2015, the Council directed staff to prepare a moratorium preventing this while the City determines what regulations should be imposed on such businesses.

She also said that the ordinance would expire 45 days after adoption unless at a noticed public hearing, the Council extends the moratorium for up to another 10 months and 15 days.

CM Miller pointed out a typographical error on page seven of the proposed ordinance. City Attorney Stricker confirmed that the adoption of the ordinance would require at least four affirmative votes not "six" as written in error.

With that change, CM Conway made a motion, seconded by CM Liu, to adopt Ordinance 603 as amended. The motion carried 4-1, Mayor O'Connell opposed.

**B. Adopt Resolution No. 2015-47, a Resolution of Intention to initiate an amendment to the zoning ordinance of the City of Brisbane to amend the M-1 Zone as appropriate to ensure consistency in terminology between the zoning ordinance and the adopted 1994 General Plan and to create distinct geographic districts as needed**

Community Development Director Swiecki said that in conjunction with the adoption Ordinance No. 599, the Council had directed staff to bring back this resolution to initiate an amendment to make the terminology consistent between the zoning ordinance and the adopted 1994 General plan and to look into whether different use regulations should be established.

John Burr spoke about the inconsistency in the zoning maps with the General Plan and expressed his opinion that the Council's decision to approve Consent Calendar Item E on the zoning amendment was illegal.

Deputy City Attorney Stricker noted the while the terms are different in the zoning text and the General Plan, the definitions are the same, and that this proposed resolution of intention was to initiate an amendment to make the terms match.

CM Miller made a motion, seconded by CM Conway, to adopt Resolution No. 2015-47 as proposed. The motion carried unanimously by all present.

## **STAFF REPORTS**

### **A. City Manager's Report on upcoming activities**

City Manager Holstine reminded the Council of the upcoming Council of Cities Dinner being hosted by Brisbane at the Doubletree Hotel.

## **MAYOR/COUNCIL MATTERS**

### **A. County-wide Assignments/Subcommittee Reports**

Councilmembers reported on various meetings that they attended including the Greenbelt Alliance, the Sustainable San Mateo County Indicator Summit, the Baylands Subcommittee Meeting, the Liaison Meeting to the Open Space and Ecology Committee, the CCE Peninsula Clean Energy Meeting, the CCAG Meeting, the BBCAG Meeting, and the Commute.org Meeting.

### **B. Written Communications**

CM Lentz reported on a recent letter received by Congresswoman Jackie Speier to the FAA.

### **C. Consider setting Thursday, December 3rd as the Council Meeting date for considering re-introduction of the Smoking Ordinance with possible adoption at the City Council Meeting of Tuesday, December 8, 2015**

Councilmembers confirmed the proposed dates and decided to have a 7pm start time at the December 3<sup>rd</sup> Council Meeting to discuss the selection of Mayor and Mayor Pro Tem.

Councilmember elect Madison Davis said that she was available to attend the 7pm meeting on Thursday, December 3<sup>rd</sup> and also ready to discuss the Smoking Ordinance if it was not decided upon before she took office.

Mayor O'Connell noted that she has received communications from several citizens complaining that the Council meetings were going too late which didn't allow for public participation and inquired whether the Council wanted to consider meeting weekly instead of twice a month.

Conway suggested that the Council have that discussion next year when the new Council is in place.

Madison Davis suggested starting the meetings at 6:30 p.m. as one possibility for consideration.

### **D. Set date for Community Choice Energy Workshop in January, 2016**

Councilmembers discussed possible dates with no resolution. City Clerk Spediacci said she

would bring back proposed dates for consideration at the next City Council meeting.

**ORAL COMMUNICATIONS 2**

There were no members of the public wishing to speak.

**ADJOURNMENT**

The Council meeting was adjourned at 11:34 p.m.

---

Sheri Marie Spediacci, City Clerk