



BRISBANE CITY COUNCIL
ACTION MINUTES

DRAFT

THURSDAY, FEBRUARY 18, 2016

BRISBANE CITY HALL, 50 PARK PLACE, BRISBANE

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, City Clerk Spediacci, Deputy City Attorney Stricker, Administrative Services Director Schillinger, Deputy Public Works Director Kinser, Police Commander Meisner

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

CM O’Connell made a motion, seconded by CM Conway, to adopt the agenda as proposed. The motion carried unanimously by all present.

ORAL COMMUNICATIONS NO. 1

Michele Salmon reported that the dirt piles on the Baylands were getting higher and questioned who does the reporting to the City on the heights. She also announced the San Bruno Mountain Watch Native Plant Sale on Saturday, February 20th from 9 A.M. to 2 P.M.

Patrick Painter encouraged the Council to send a letter supporting the Concerned Citizens of Brisbane’s letter to the Federal Aviation Administration regarding Aircraft Noise in Brisbane.

Greg Anderson asked about the future steps in developing the Parkside Plan. He said that if four-story residential housing was going to be considered that more data would be needed from the consultant’s economist.

Bill Dettmer said that the Parkside Plan could be a good thing for the community, explaining that a high density residential development with elevators could serve the young, old, and handicapped.

Mayor Lentz asked City Manager Holstine to give an update on the Parkside Plan. City Manager Holstine said that a Council Study Session on the Parkside Plan was being scheduled for April 21st.

After questions from the Council, he reported that the results from the last Parkside Plan Workshop were available on the City’s website and that citizens would be given another chance to give input.

Councilmembers also asked that the conceptual plans being shown, be more realistic and that the Regional Housing numbers be explained to the public as part of the Parkside Plan Workshops.

Fe Conway asked that a stop sign be considered at the crest of San Bruno Avenue at the Thomas Avenue intersection. She cited the many dangers at that intersection and urged for a quick solution.

CM Conway explained that an engineering solution was being looked at by the City Engineer.

Michele Salmon asked that the Regional Housing (RHNA) Numbers obligation be made clear to the public during the Parkside Planning Process. City Manager Holstine said that an explanation of RHNA obligations as well as the Parkside Plan would be in the upcoming STAR publication as well as on the City's website.

CONSENT CALENDAR

- A. Adopt City Council Minutes of January 7, 2016**
- B. Adopt City Council Minutes of January 21, 2016**
- C. Adopt City Council Minutes of January 24, 2016**
- D. Adopt City Council Minutes of January 26, 2016**
- E. Adopt Ordinance No. 605, waiving second reading, authorizing the implementation of a Community Choice Aggregation Program**

CM Conway made a motion, seconded by CM O'Connell, to approve the consent calendar as proposed. The motion carried unanimously by all present.

NEW BUSINESS

- A. Consider awarding the construction contract for the Brisbane Community Skatepark Project to Spohn Ranch Skateparks for \$309,938.19, authorize the City Manager to sign the agreement on behalf of the City, approve a supplemental appropriation of \$5,000 from the Capital Facilities Fund, and provide direction to staff regarding whether to include the additive alternate "Quarter Pipe Transition" in the contract for the bid amount of \$16,077.59**

Deputy Public Works Director Kinser reported that the City received one bid on February 2, 2016, from Spohn Ranch Skateparks for \$309,938.19 and said that staff reviewed the bid and determined that the proposal was responsive and the bidder was responsible.

She said that the Council had previously approved including an additive alternate bid item for a "Quarter Pipe Transition" element at the community's request.

Ms. Kinser said the total value of construction for completion of the skatepark is estimated at \$345,000, with approximately \$40,000 of construction to be completed as in-kind donation work by local contractors. She said that the single bid of \$309,938.19 was approximately \$5,000 more than the engineer's estimate of \$305,000 and that approval of a supplemental appropriation of that

\$5,000 would be needed to award the contract. She also said that if Council voted to approve the additive alternate of the Quarter Pipe Transition an additional supplemental appropriation of \$16,077.59 would need to be approved.

Councilmembers asked questions about the additional fundraising for the “donation” bricks, the possible reasons for receiving just one bid, the original estimates of the project vs. the amount it will end up actually costing, and about the green scape around the project.

Malcolm Barnes suggested naming the new Skatepark “8 Mile” since it was near the historic “7 Mile House” and also related to the movie.

After further discussion, and acknowledging the community’s great job in fundraising for the project, CM Conway made a motion to award the contract to Spohn Ranch Skateparks, approve the addition of the Quarter Pipe Transition, and approve the supplemental appropriations as noted above. CM Liu seconded the motion and the motion carried unanimously by all present.

Councilmembers also acknowledged Malcolm Barnes creativity in suggesting a name.

B. Consider items related to new State laws governing medical marijuana-related businesses:

- 1. Consider adoption of Resolution No. 2016-07 confirming that State Law precludes the State from issuing any license to cultivate medical marijuana with the City of Brisbane because the City’s zoning ordinance bans commercial cultivation of marijuana in every zone**
- 2. Discussion of, and provide direction to staff regarding, possible new regulations governing the cultivation of marijuana for commercial and/or personal use and a variety of marijuana-related businesses, including businesses engaged in researching and developing, manufacturing/processing, warehousing, testing, transporting, distributing, dispensing and/or delivering of marijuana or marijuana products**

Deputy City Attorney Stricker said that the purpose of this item was for the Council to determine, in light of the new State laws regulating medical marijuana-related businesses, whether to follow the recommendations of the Council’s Health and Safety Subcommittee regarding the City’s existing marijuana regulations and possible new marijuana regulations. She said that none of the new regulations recommended by the Committee would restrict the *use* of marijuana in Brisbane.

She then reviewed the Council Subcommittee’s five recommendations listed as follows:

1. The Committee recommends that the Council adopt the resolution that accompanies this report to confirm that under the state’s new medical marijuana laws, the state may *not* issue a license to cultivate medical marijuana within Brisbane because the City’s zoning ordinance bans commercial cultivation of marijuana in every zone.
2. The Committee further recommends that the Council *not* consider amending the zoning ordinance to allow commercial cultivation of medical marijuana.

3. The Committee also recommends that the Council consider adopting a variety of *new* medical-marijuana related regulations. In particular, the Committee recommends that the Council:
 - Direct staff to initiate a zoning text amendment process before the Planning Commission to consider banning the cultivation of marijuana for *personal* medical use;
 - Direct staff to draft an ordinance banning the delivery of marijuana or marijuana products to qualifying patients, primary caregivers and testing facilities located within Brisbane;
 - Direct staff to initiate a zoning text amendment process before the Planning Commission to consider adopting an *express* prohibition against marijuana dispensaries; and
 - Direct staff to initiate a zoning text amendment process before the Planning Commission to consider banning other types of marijuana-related businesses in Brisbane, such as those engaged in researching and developing, manufacturing/processing, warehousing, testing, transporting and distributing of marijuana and/or marijuana products.
4. Should *any* marijuana-related businesses be allowed to operate in Brisbane, whether restricted or not, staff recommends that the Council consider directing staff to draft an ordinance requiring such businesses to obtain a license from the City.
5. Staff recommends that the Council plan to adopt any legislation imposing new regulations on marijuana-related businesses *no later than early 2017* to ensure that those regulations take effect well before the state begins issuing licenses to such businesses.

After initial Councilmember discussion of the various recommendations proposed, they asked questions of Deputy City Attorney Stricker and Police Commander Meisner.

Michele Salmon then read a letter from her husband Dan Ryan about the need for medical marijuana for illnesses such as Rheumatoid Arthritis. He urged the Council to not make it more difficult for citizens to get the medicine that they may need.

Michele Salmon urged the Council not to legislate by supposition and exceptions and not to adopt ordinances based on fear.

After further Councilmember questions, clarifications, and discussion, CM Conway made a motion, seconded by CM Liu, to adopt Resolution No. 2016-07, noting that the spelling of the Mayor's name needed correction. The motion carried unanimously by all present.

Council also decided *not* to consider amending the zoning ordinance to allow commercial cultivation.

Councilmembers were in consensus that personal cultivation of medical marijuana for personal use should be allowed and that deliveries of medical marijuana, as defined under State law, would not be banned.

Councilmembers also directed staff to initiate a zoning ordinance amendment to (a) add an express ban on medical marijuana dispensaries, (b) allow research, development and testing of marijuana as a matter of right in certain zoning districts and (c) and make manufacturing, processing, warehousing, transporting and distributing of marijuana a conditional use in certain zoning districts.

C. Consider adoption of Resolution No. 2016-06 establishing guidelines for the selection of Mayor and Mayor Pro Tem

City Manager Holstine said that the Council had recently met to discuss options for establishing guidelines/rules for the selection of the Mayor and Mayor Pro Tem. He said that the proposed resolution reflected the direction that Council gave staff at that time.

He said that the staff report also proposed additions to the resolution regarding rules for developing and maintaining a rotation list.

After Councilmember discussion, it was the consensus not to include that additional language. Councilmembers also noted that Mayor Pro Tempore should be fully spelled out throughout the document.

With those corrections, CM O'Connell made a motion, seconded by CM Davis, to adopt the resolution as amended. The motion carried unanimously by all present.

STAFF REPORTS

A. City Manager's Report on upcoming activities

City Manager Holstine reminded Council about the upcoming Tuesday night Coyote Workshop and of the May 5th City Council Meeting conflict with the City Attorney's League of California Cities meeting. He said that the City Council Meeting of May 5th would probably not be needed.

He also said that San Mateo County Election's Office was recommending the use of the Brisbane City Hall Community Room as a voting center in future elections due to the handicap accessibility issues that they found at the Community Center. He said that staff would work with the County to make sure the public was fully informed of this change.

MAYOR/COUNCIL MATTERS

A. Countywide Assignments/Subcommittee Reports

Councilmembers reported on the various meetings that they attended including the San Mateo County Library JPA Meeting, the Affordable Housing Subcommittee Meeting, a Workforce Housing Survey that would be going out to City Employees, and an upcoming Town Hall Meeting being held by Jackie Speier on February 22nd in San Carlos.

B. Written Communications

There were no written communications reported.

C. Receive Tentative City Council Meeting Schedule for 2016

There were no changes made to the tentative schedule.

ORAL COMMUNICATIONS 2

There were no members of the public wishing to speak.

ADJOURNMENT

The meeting was adjourned at 11:35 p.m.

Sheri Marie Spediacci, City Clerk