



**BRISBANE CITY COUNCIL**

**ACTION MINUTES**

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**JOINT CITY OF BRISBANE CITY COUNCIL AND  
GUADALUPE VALLEY MUNICIPAL IMPROVEMENT DISTRICT  
SPECIAL MEETING AGENDA**

**THURSDAY, SEPTEMBER 3, 2020**

***VIRTUAL MEETING***

**CALL TO ORDER & PLEDGE OF ALLEGIANCE**

Mayor O'Connell called the meeting to order at 7:37 p.m. and led the Pledge of Allegiance.

**ROLL CALL**

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

Councilmembers absent: None

Staff Present: City Manager Holstine, City Clerk Padilla, Interim City Attorney McMorrow, Director of Administrative Services Schillinger, Community Development Director Swiecki, City Engineer Breault, Deputy Director of Public Works Kinser, Senior Planner Ayres, Fire Captain Abelson, Police Commander Garcia, and Deputy City Clerk Ibarra.

**REPORT OUT OF CLOSED SESSION**

Interim City Attorney McMorrow reported that liability claim Item D was denied by the City Council. Item E was a liability claim settled during the summer. He also reported that direction was provided to staff on Item F and that no formal action was taken.

**ADOPTION OF AGENDA**

CM Lentz made a motion, seconded by CM Cunningham, to adopt the agenda as it stands. The motion is carried unanimously by all present.

**PRESENTATIONS AND AWARDS**

**A. National Preparedness Month Proclamation**

Mayor O'Connell read the National Preparedness Month Proclamation. Fire Chief Abelson accepted the Proclamation and provided emergency preparedness tips for residents. Councilmembers thanked Fire Chief Abelson.

**B. Update on Action taken on the Housing Authority Meeting of July 28, 2020 regarding 1 San Bruno, Unit D**

Executive Director Holstine reported that 1 San Bruno, Unit D was sold for \$640,000 and the net proceeds will be deposited into the Housing Authority's low and moderate income housing fund.

Dana Dillworth's written correspondence was read into the record. She expressed her concern that the City did not make the effort to reach out to teachers and low-income communities before selling the property.

**ORAL COMMUNICATIONS NO. 1**

No member of the public wished to provide public comment.

**CONSENT CALENDAR**

**C. Adopt City Council Closed Session Meeting Minutes of June 4, 2020**

**D. Adopt Joint City Council and Guadalupe Valley Municipal Improvement District Meeting Minutes of June 4, 2020**

**E. Accept Investment Report as of June 2020**

**F. Accept Investment Report as of July 2020**

**G. Adopt Ordinance No. 655, waiving second reading, amending Title 17 of the Brisbane Municipal Code to regulate short term residential rentals**

**H. Ratify Award of Construction Contract to Central Striping, Inc. for the Guadalupe Canyon Parkway Safety Improvements**

**J. Approve Request of the Bridge Housing Corporation to Defer 2019 Loan Payment to December 2020**

**K. Adopt Resolution No. 2020-51 Amending the City of Brisbane's Investment Policy**

**L. Approve Request to begin the Process of Performing a Water and Sewer Rate Study**

**M. Adopt Resolution No. 2020-52 Establishing the Business License Tax on Recycling Establishments for Fiscal Years 2019/20, 2020/21 and 2021/22**

**N. Adopt Resolution No. 2020-54 Confirming and Ratifying the Proclamation Declaring the Continued Existence of a Local Emergency in the City of Brisbane in Response to the COVID-19 Pandemic**

CM Lentz requested Item I to be removed for discussion. Mayor O’Connell and the Council received public comment regarding Item O. Mayor O’Connell removed the item for discussion.

CM Conway made a motion, seconded by CM Davis, to approved Consent Calendar Items C-H, and J-N. The motion was carried unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

**O. Ratify Agreement between the City, the Friends of the Brisbane Library and Precita Eyes for the Design and Installation of Public Art (a Mural) at the New Brisbane Library**

Dana Dillworth’s written correspondence was read into the record. She expressed the pivotal images missing in the mural design.

Michelle Salmon wrote in a text her concern that an invasive species would be featured in the mural.

After some council discussion, CM Cunningham made a motion, seconded by CM Lentz to approve Consent Calendar Item O. The motion was carried unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

**I. Reject All Bids for the Guadalupe Channel Erosion Control Project**

After some Council questions and discussion with City Engineer Breault, public comment was received from Michelle Salmon asking if the High Speed Rail would affect this project.

CM Lentz made a motion, seconded by CM Cunningham to approve Consent Calendar Item I. The motion was carried unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

**1. PUBLIC HEARING**

**P. 338 Kings Road; Appeal of Grading Review EX-4-19**

*(Council will Consider Appeal of Planning Commission's denial of proposed grading plan involving approximately 357 cubic yards of soil cut and export to accommodate a new driveway and additions, including a two-car attached garage, for an existing single-family dwelling; Abraham Zavala, applicant; Huang John & Chen Joy Trust, owner)*

Interim City Attorney McMorrow reported that CM Conway and CM Cunningham do not have a conflict of interest regarding this public hearing item.

Senior Planner Ayres reported the grading permit involves approximately 357 cubic yards of soil cut and export to accommodate a new driveway and additions including a two-car attached garage, for an existing single-family dwelling. She also reported on the background information of the appeal, namely:

- Feb. 27, 2020: Planning Commission public hearing ends with vote to deny project. Findings of denial not adopted; final action deferred to next meeting.
- May 14, 2020: Planning Commission grants applicant request to allow reconsideration of revised plans before taking final action on application.
- June 25, 2020: Planning Commission holds public hearing to reconsider application with revised plans and scope and denies application.
- July 9, 2020: Property owner (appellant) appeals denial to the City Council.

Senior Planner Ayres also reported that the appellant requests that Council overturn the Planning Commission denial and approve the grading application. And that the Appeal hearing is "de novo." Council may affirm, reverse, or modify the decision of the Planning Commission.

After Council questions, Mayor O'Connell opened the public hearing.

Applicant Abraham Zavala and Owner John Huang asked the Council to consider upholding their appeal and addressed questions the Council had about their project.

Prem Lall's written correspondence asking questions about the appeal process was read into the record.

Kim Follien's written correspondence asking the Council to uphold the appeal of the property owners of 338 Kings Road.

Prem Lall spoke and wrote email and text correspondences asking the Council to deny the appeal because it could be a disaster for down slope neighbors without a hydrological study.

Michelle Salmon spoke and wrote text messages about her concerns for the tree. She also commended the Planning Commission for doing a very diligent job.

Michael Barnes spoke in support of the owners and expressed that the Council should approve the original configuration.

After Council questions, and discussion with staff, appellant and owner, CM Cunningham made the motion, seconded by CM Conway, to close the public hearing. The motion was carried unanimously by all present.

Ayes: Councilmembers Conway, Cunningham, Davis, Lentz and Mayor O'Connell  
Noes: None  
Absent: None  
Abstain: None

After Council questions and discussion with staff, Mayor O'Connell called for a 15-minute break.

After the break and further Council discussion and questions, CM Davis made a motion, seconded by CM Lentz, to adopt Resolution No. 2020-53 to uphold the appeal of the property owners of 338 Kings Road and conditionally approving grading permit EX-4-19 for driveway and site access improvements and additions to an existing single-family dwelling at 338 Kings Road, subject to staff clarifying on street parking and waiving appeal fee.

The motion passed with a 4 to 1 vote:

Ayes: Councilmembers Conway, Cunningham, Davis, and Lentz  
Noes: Mayor O'Connell  
Absent: None  
Abstain: None

## **2. OLD BUSINESS**

### **Q. Consider Adoption of Ordinance 654, waiving second reading, Authorizing an Amendment to the Contract Between the City of Brisbane and the Board of Administration of the California Public Employees' Retirement System to Add Cost-Sharing Pursuant to Government Code Section 20516**

Administrative Services Director Schillinger reported that Ordinance 654 is up for adoption to amend the City's contract with the California Public Employees Retirement System (CalPERS) to include a monthly employee contribution of 2.0% of salary as provided under Government Code Section 20516, applicable to all classic members represented by the International Association of Firefighters-Local 2400, AFL-CIO.

CM Conway made a motion, seconded by CM Lentz to adopt Ordinance 654 waiving second reading, Authorizing an Amendment to the Contract Between the City of Brisbane and the Board of Administration of the California Public Employees' Retirement System to Add Cost-Sharing Pursuant to Government Code Section 20516. The motion was carried unanimously by all present.

Ayes: Councilmembers Conway, Cunningham, Davis, Lentz and Mayor O'Connell  
Noes: None  
Absent: None  
Abstain: None

### **R. Consider Approval of funding the 400 Kings Road Slope Stability Plans Project from the General Fund in the amount of \$250,000**

CM Lentz made a motion, seconded by CM Davis, to approve funding of the 400 Kings Road Slope Stability Plans Project from the General Fund in the amount of \$250,000.

The motion was carried unanimously by all present.

Ayes: Councilmembers Conway, Cunningham, Davis, Lentz and Mayor O'Connell

Noes: None

Absent: None

Abstain: None

### **3. NEW BUSINESS**

#### **S. Use of Co-sponsorship funds to assist non-profit organizations in Brisbane**

*(Council will consider directing staff to set aside \$10,000 from Co-sponsorship budget and create a process for non-profits to submit requests for funding due to an inability to have their usual fundraisers)*

### **4. STAFF REPORTS**

#### **T. City Manager's Report on Upcoming Activities**

City Manager Holstine provided an update on short term rentals and the importance of signing up for SMC Alert. CM Davis also reminded members of the public to participate in the Open Space and Ecology Committee's Recycled Art contest and to fill out the 2020 Census.

### **5. MAYOR/COUNCIL MATTERS**

#### **U. City Council Ad Hoc Subcommittee on Equity, Diversity and Inclusion**

CM Davis reported that members of the community reached out to her about creating a subcommittee to discuss equity, diversity and inclusion issues affecting the City. Mayor O'Connell directed staff to create an ad hoc subcommittee for Equity, Diversity and Inclusion for the newly elected Councilmembers from the November 3, 2020 elections.

#### **V. Council Commissions and Committees Recruitment Update**

CM Davis reported that diversity in Council Commissions and Committees should be considered by the Council. After some Council discussion with staff, Mayor O'Connell and Council directed staff to reopen recruitment in November for City Council Commissions and Committees and begin interviews in January of 2021.

#### **W. Designation of Voting Delegates and Alternates to the League of California Cities Annual Conference and Expo –October 7-9, 2020**

Mayor O'Connell was voted delegate and Mayor Pro Tem Cunningham was voted alternate to the League of California Cities Annual Conference and Expo. This virtual event will be held on October 7 and October 9, 2020.

## **X. Countywide Assignments and/Subcommittee Reports**

Due to the late hour, no reports were given.

## **Y. City Council Meeting Schedule**

The next City Council Meeting is scheduled for September 17, 2020.

## **Z. Written Communications**

Due to the late hour written communication was not read into the record. The following written communication was received by the Council between June 19<sup>th</sup> and September 3, 2020.

- Anja Miller (6/21/20) OPPOSE the Worst Bills of 2020 and Back 1 Good Bill! Instantly
- Silicon Valley Bicycle Coalition (6/22/20) SVBC Covid emergence recommendations
- Sepi Wood (6/23/20) COMMENTS – 340 KINGS ROAD – THE WOOD FAMILY- June 23,
- Matthew Page (6/26/20) Invitation: Kaiser Permanente Youth Mental Health During COVID-19 Briefing
- David Page (7/2/20) Tele-commute talk?
- Karen Lentz (7./3/20) With Appreciation
- Alice Lee (7/16/20) [REQUEST FOR SUPPORT] Help COVID-19 Vaccines
- Stoneridge Hospitality (7/18/20) Council Correspondence: Notice of Permanent Layoff- Stoneridge Hospitality
- Nancy Lacsamana (7/19/20) AIR BNB's during COVID and during the 90-day period
- Jim O'Shea (7/22/20) Black Lives Matter Flag on City Property
- CJ MacDonald (7/22/20) City of Brisbane Short Term Rental Policy Update
- Del Shembari (7/31/20) San Bruno Mountain Watch Peking Handicraft/Levinson Property position Letter
- Karen Lentz (7/31/20) P&R application
- Jefferson Union High School District (7/31/20) 14 Day Notice of Proposal to Implement Developer Fees
- Sandie Goda (8/1/20) Save the Acres
- Jean Nordstrom (8/20/20) Receipt Confirmation
- Prem Lall (8/26/20) September 3, 2020 City Council hearing re Grading Review EX-4-19
- Dana Dillworth (9/1/20) Item O
- Kim Follien (9/2/20) BCC 9/3/2020 Meeting: 7. Public Hearing for 338 Kings Rd Appeal of Grading Review
- Dana Dillworth (9/3/20) 1 San Bruno Sale

## **6. ORAL COMMUNICATIONS NO. 2**

No members of the public wished to provide public comment.

## **ADJOURNMENT**

**AA. Closing the City Council Meeting in Memory of Robert "Rob" O'Connell, Dan Hayes, Robert (Kolbe) Keidler, and Gary B. Stockton**

Mayor Pro Tem Cunningham adjourned the meeting at 11:15 p.m. in memory of Robert "Rob" O'Connell, Dan Hayes, Robert (Kolbe) Keidler, and Gary B. Stockton



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Ingrid Padilla, City Clerk