



**BRISBANE CITY COUNCIL**

**ACTION MINUTES**

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**CITY OF BRISBANE CITY COUNCIL**

**MEETING AGENDA**

**THURSDAY, OCTOBER 1, 2020**

*VIRTUAL MEETING*

**CALL TO ORDER – PLEDGE OF ALLEGIANCE**

Mayor O’Connell called the meeting to order at 7:45 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, City Engineer Breault, Community Development Director Swiecki, Fire Inspector Clyde Preston and Police Commander Garcia

**ADOPTION OF AGENDA**

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

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

Noes: None

Absent: None

Abstain: None

**PRESENTATION AND AWARDS**

**A. County Elections Division Presentation on the November 3, 2020 Elections**

Jim Irizarry, San Mateo County's assistant chief elections officer and assessor-county clerk recorder, presented the latest updates on the November 3, 2020 Elections including news on the COVID-19 safety measures the County will be implementing throughout Election season.

After a few council questions, Councilmembers thanked Mr. Irizarry for his presentation.

**B. October is Fire Prevention Month**

Mayor O'Connell read the proclamation announcing October is Fire Prevention Month. Fire Inspector Preston received the proclamation on behalf of North County Fire Authority.

**ORAL COMMUNICATIONS NO. 1**

Anja Miller asked for more information about High Speed Rail

Michele Salmon commented that the Council needs to know the background information about the McKesson Property

Jim Oshea commented that the Black Lives Matter flag should not be flown in the City

James Christie- asked about the possibility of a vacancy tax to protect small businesses in the City

**CONSENT CALENDAR**

**C. Approve Minutes of City Council Meeting of June 18, 2020**

**D. Approve Minutes of City Council Meeting of September 17, 2020**

**E. Approve Minutes of City Council Closed Session Meeting of September 17, 2020**

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

**G. Adopt Resolution No. 2020-59 approving and re-certifying the City's 2020 Sewer System Management Plan (SSMP)**

**H. Acknowledge the School District Study Report and Receive a School District Study Update**

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

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

Noes: None

Absent: None

Abstain: None

## **PUBLIC HEARING**

- I. Consider Introduction of Ordinance No. 653 amending Title 17 of the Brisbane Municipal Code to Regulate Accessory Dwelling Units and Junior Accessory Dwelling Units and Amending Title 15 of the Brisbane Municipal Code to Regulate Alterations and Additions to Existing Structures**

**(Due to technological issues, the public hearing on this item was not opened at the City Council's meeting of September 17, 2020 and was continued to the City Council meeting of October 1, 2020)**

Councilmember Conway left the virtual meeting and recused himself from the consideration of Public Hearing Item I.

Community Development Director reported that it is being recommended to introduce Ordinance No. 653 to achieve consistency with the new state law regulations throughout Title 17 to regulate accessory dwelling units and junior accessory dwelling units. The draft Ordinance also contains recommended amendments to Title 15 to regulate alternations and additions to existing structures.

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

Michele Salmon texted CM Davis and asked how this item will affect the Baylands.

CM Cunningham made a motion, seconded by CM Lentz, to close the public hearing. Motion passes with a 4-0 vote with Councilmember Conway's recusing himself from the consideration of the item.

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

Noes: None

Absent: None

Abstain: None

Recused: Councilmember Conway

After some Council discussion, CM Cunningham made a motion, seconded by CM Lentz, introduce Ordinance No. 653 amending Title 17 of the Brisbane Municipal Code to regulate Accessory Dwelling Units and Junior Accessory Dwelling Units and Amending Title 15 of the Brisbane Municipal Code to Regulate Alterations and Additions to Existing Structures . The motion passed with a 4-0 vote with Councilmember Conway's recusing himself from the consideration of the item.

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

Noes: None

Absent: None

Abstain: None

Recused: Councilmember Conway

**J. Consider Introduction of Ordinance No. 657 Brisbane amending sections 17.06.040, 17.08.040, and 17.10.040 of the Brisbane municipal code concerning the floor area ratio exemption for garages on small lots.**

**(Due to technological issues, the public hearing on this item was not opened at the City Council's meeting of September 17, 2020 and was continued to the City Council meeting of October 1, 2020)**

Community Development Director Swiecki reported that the purpose of this item is to amend the Brisbane Municipal Code to increase the floor area ratio (FAR) exemption from 200 square feet to 400 square feet for garages on lots 3,700 square feet or smaller in size in the R-1, R-2 and R-3 residential zones.

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

Michele Salmon commented that the ordinance should be denied due to parking issues.

Michele Salmon spoke on behalf of Dolores Gomez, she commented that there is already no parking in the City and is against the introduction of the ordinance.

Michele Salmon commented that we should revisit this in a year.

Barbara Ebel and Prem Lall agreed with Ms. Salmon and were against the introduction of the Ordinance.

CM Conway made a motion, seconded by CM Davis, to close the public hearing. The motion is carried unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

After some Council discussion, CM Cunningham made a motion to introduce Ordinance No. 657. The motion failed with a lack of a second.

CM Davis wanted staff to provide more information to the Council about how many properties this policy will impact.

**K. Consider Adoption of Resolution No. 2020-56 Imposing Assessments on Certain Specially Benefitted Property Owners in Sierra Point for Developing, Implementing and Maintaining a Utility Structure Monitoring Program**

**(Due to technological issues, the public hearing on this item was not opened at the City Council's meeting of September 17, 2020 and was continued to the City Council meeting of October 1, 2020)**

City Engineer Breault reported that the purpose of Resolution No. 2020-56 is to impose assessments on certain specially benefitted property owners in Sierra Point for developing, implementing, and maintaining a utility structure monitoring program rather than spreading the cost of the this program on all water customers of the City.

After one clarifying question, Mayor O'Connell opened the public hearing.

No members of the public wished to speak on this item.

CM Lentz made a motion, seconded by CM Davis, to close the public hearing. The motion is carried unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

CM Davis made a motion, seconded by CM Conway, to adopt Resolution No. 2020-56 imposing assessments on certain specially benefitted property owners in Sierra Point for developing, implementing and maintaining a utility structure monitoring program. The motion is carried unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

## **NEW BUSINESS**

### **L. Consider Potential Sale of City Parcel APN 005-300-999 (formerly, S.P.R.R. SBE 872-41-23R)**

**(This item is for the purpose of providing full transparency on the context of a potential future sale of this City parcel. The terms and conditions of an actual sale of this City parcel, should it take place, would be on a future City Council agenda. Adoption of Resolution No. 2020-50 will declare that the City parcel is surplus land as defined in the Surplus Lands Act of the State of California.)**

City Engineer Breault reported that is for the purpose of providing full transparency on the context of a potential future sale of this City parcel. The terms and conditions of an actual sale of this City parcel, should it take place, would be on a future City Council agenda. Adoption of Resolution No. 2020-50 will declare that the City parcel is surplus land as defined in the Surplus Lands Act of the State of California.

After council questions with staff, Dana Dillworth wrote that she opposed the this potential sale and declaring the parcel as surplus land and Michele Salmon commented that the Council should read the McKesson Agreement for background before making a decision.

After Council discussion and questions with staff, no action was taken. The item failed due to a lack of motion. Mayor and Council expressed the need to wait on a decision until the Master Trail Plan is finalized.

#### **M. Dog Park Resurfacing**

**(Council will consider approving funding in the amount of \$60,000 for resurfacing of the dog park as recommended by the Parks & Recreation Commission)**

Recreation Manager Leek reported that is being recommended to approve funding of \$60,000 for resurfacing of the dog park as recommended by the Parks and Recreation Commission.

Public comments from Sue Cochran about maintenance of the dog park and Barbara Ebel about the need for an environmentally friendly dog park were made.

After some Council questions Michele Salmon made a comment about her concern about drainage.

After some Council discussion, Council directed staff to return to a future meeting and provide more options that are more environmentally friendly with larger patches of turf. This item will be continued at a future City Council meeting.

#### **N. Temporary shelter improvement for Lunch Truck at Park n Ride Site**

City Manager Holstine reported that it is being recommended to approve a temporary shelter patio addition at the Park N Ride site for Brisbane Lunch Truck. The proposed shelter will be subject to building permit review and inspection.

Dana Dillworth's questions about the temporary shelter were read into the record.

After some Council questions, CM Conway made a motion, seconded by CM Lentz, to approve the temporary shelter improvement for the Lunch Truck at the Park n Ride Site. The motion is carried unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

#### **STAFF REPORTS**

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

- i. Update on Plan Bay Area 2050**
- ii. Update on Regional Housing Needs Assessment**

City Manager Holstine provided an update on Play Bay Area 2050 and the Regional Housing Needs Assessment.

## **MAYOR/COUNCIL MATTERS**

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

Council reported back on the following Countywide Assignments:

- San Mateo County Emergency Services Council
- Joint MTC/ABAG Meeting

### **Q. City Council Meeting Schedule**

The next scheduled City Council Meeting is on October 15, 2020.

### **R. Written Communications**

Mayor and Council received the following written communications:

- Roland Lebrun (dated 9/9/20) San Francisco to San Jose draft EIR/EIS comments
- Anja Miller (dated 9/14/20) Council Action on High Speed Rail EIR/EIS
- Mike Griffiths, Torrance Councilmember (9/25/20) The Death of Local Control?
- Steve Kessler (9/26/20) Sept. 16 Brush Fire at the Ridge Likely PG&E, what's being done?
- Deborah (9/27/20) Save the Acres
- Claire Rappoport (9/22/20) Requesting Amendment to Smoking Ordinance 611
- Peninsula Clean Energy (dated 9/15/20) Joint Powers Agreement
- Dept of Alcoholic Beverage Control (10/1/20) Prime Now LLC
- Dana Dillworth (10/1/20) Comments for council meeting 10/1

## **ORAL COMMUNICATIONS NO. 2**

Jason Nunan commented via text that he agreed with the comments of Michele Salmon on Item L.

## **ADJOURNMENT**

### **S. Close the meeting in memory of Supreme Court Justice Ruth Bader Ginsburg**

Mayor O'Connell adjourned the meeting at 11: 39 p.m.



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Ingrid Padilla, City Clerk