



## **BRISBANE CITY COUNCIL**

### **ACTION MINUTES**

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## **BRISBANE CITY COUNCIL MEETING AGENDA**

**THURSDAY, JUNE 17, 2021**

*VIRTUAL MEETING*

### **CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Mayor Cunningham called the meeting to order at 7:41 P.M. and led the Pledge of Allegiance.

### **ROLL CALL**

Councilmembers present: Councilmembers Davis, Lentz, Mackin, O'Connell and Mayor Cunningham  
Councilmembers absent: None

Staff Present: City Manager Holstine, City Clerk Padilla, City Attorney McMorrow, Assistant City Manager Schillinger, Finance Director Yuen, City Engineer Breault, Police Chief Macias, Human Resources Administrator Partin, and Administrative Management Analyst Ibarra

### **REPORT OUT OF CLOSED SESSION**

City Attorney McMorrow reported that action was taken by Council and denied Liability Claim Item D.

### **ADOPTION OF AGENDA**

Council Member Mackin requested to discuss Consent Calendar Items H and I.  
CM O'Connell made a motion, seconded by CM Lentz to adopt the agenda as it stands. The motion was carried unanimously by all present.

Ayes: Councilmember Davis, Lentz, Mackin, O'Connell, and Mayor Cunningham

Noes: None

Absent: None

Abstain: None

### **AWARDS AND PRESENTATIONS**

#### **A. PG&E Presentation**

Bill Chiang and Frank Fraone from PG&E presented on PG&E's Wildfire Safety Work in San Mateo County. After some Council questions, Mr. Chiang and Mr. Fraone were thanked by Council for the information presented.

#### **B. San Bruno Mountain Watch Presentation**

Ariel Cherbowsky Corkidi and Reina Kahn made a presentation on the San Bruno Mountain Watch's activities and accomplishments. Councilmembers thanked the San Bruno Mountain Watch for their work and were excited about attending future events.

#### **C. Juneteenth Proclamation**

Mayor Cunningham read the Juneteenth Proclamation encouraging all community members to observe June 19, 2021 as Juneteenth with activities and reflections on freedom and justice.

#### **ORAL COMMUNICATIONS NO. 1**

Roland Lebrun made public comment about the new Governor's Executive Order on remote public meetings.

#### **CONSENT CALENDAR**

##### **D. Sierra Point Lighting and Landscaping District**

- 1. Approve Resolution No. 2021-53, "Appointing Attorney for the Sierra Point Landscaping and Lighting District for the Fiscal Year 2021-2022."**
- 2. Approve Resolution No. 2021-54, "Appointing Engineer for the Sierra Point Landscaping and Lighting District for the Fiscal Year 2021-2022."**
- 3. Approve Resolution No. 2021-55, "A Resolution of Preliminary Approval of Engineer's Report - Fiscal Year 2021-2022 - Sierra Point Landscaping and Lighting District"**
- 4. Approve Resolution No. 2021-56, "A Resolution of Intention to order the levy and collection of assessments pursuant to the Landscaping and Lighting Act of 1972 - Fiscal Year 2021-2022 - Sierra Point Landscaping and Lighting District"**

**E. Adopt Resolution No. 2021-51 Agreement with Turbo Data Systems, Inc. for Parking Citation Processing and Adjudication Services**

**F. Adopt Resolution 2021-39 establishing the Appropriation Limit for Fiscal Year 2021/22**

**G. Approve Resolution No. 2021-57 adopting one (1) project, the overlay of Visitacion Ave between San Francisco Ave and Monterey St, for fiscal year 2021-2022 funded by Senate Bill 1 (SB 1): the Road Repair and Accountability Act of 2017.**

CM Davis made a motion, seconded by CM O'Connell to approve Consent Calendar Items D-G. The motion was carried unanimously by all present.

Ayes: Councilmember Davis, Lentz, Mackin, O'Connell, and Mayor Cunningham

Noes: None

Absent: None

Abstain: None

**H. Approve Capital Improvement Projects (DPW 77 and DPW 87- DPW91) that were not included in the June 3, 2021 Council Packet**

After Council questions and discussion with staff about the Capital Improvement Projects that were not included in the June 3, 2021 Council Packet, CM O'Connell made a motion, seconded by CM Lentz to approve Capital Improvement Projects DPW 88, 89, 90 and 91. The motion passed with a 4 to 1 vote.

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

Noes: Councilmember Mackin

Absent: None

Abstain: None

**I. Introduce Ordinance No. 662 to Require the Safe Storage of Firearms in a Residence**

After some Council questions and discussion with staff about the ordinance, CM Lentz made a motion, seconded by CM Davis to introduce Ordinance No. 662 to Require the Safe Storage of Firearms in a Residence. The motion was carried unanimously by all present.

Ayes: Councilmember Davis, Lentz, Mackin, O'Connell, and Mayor Cunningham

Noes: None

Absent: None

Abstain: None

**PUBLIC HEARING**

**J. Consider Adoption of Resolution No. 2021-38 Amending the Master Fee Schedule Adopted on June 4, 2020.**

Finance Director Yuen reported that it is being recommended to Adopt Resolution 2021-38, which generally increases fees by 2%. After Council questions, Mayor Cunningham opened the public hearing.

No members of the public wished to make public comment.

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

Ayes: Councilmember Davis, Lentz, Mackin, O'Connell, and Mayor Cunningham

Noes: None

Absent: None

Abstain: None

CM Lentz made a motion, seconded by CM O'Connell to adopt Resolution No. 2021-38 Amending the Master Fee Schedule Adopted on June 4, 2020. The motion was carried unanimously by all present.

Ayes: Councilmember Davis, Lentz, Mackin, O'Connell, and Mayor Cunningham

Noes: None

Absent: None

Abstain: None

## **OLD BUSINESS**

### **K. Consider Approval of the Implementation Guidelines for the Public Art Ordinance with Any Changes Approved by City Council**

Assistant City Manager Schillinger reported that the Public Art Committee suggested changes to the Implementation Guidelines for the Public Art Ordinance. The changes suggested by the Public Art Committee is to remove the Parks and Recreation Commission as on Oversight Board of the Public Art Committee and allow the Public Art Committee to make recommendations on final installations directly to the City Council. The other change is to formally remove the Public Art Selection Committee from the Guidelines.

After Council questions, Michael Barnes stated that the process worked. The guidelines does not need to be changed because more civic engagement is important.

Kim Follien stated that there was prejudice against skateboarders from the start and felt that created a toxic environment.

After Council discussion and further questions, CM O'Connell made a motion, seconded by CM Davis to adopt Resolution No. 2021-38 Amending the Master Fee Schedule Adopted on June 4, 2020. The motion passed by a 3 to 2 vote.

Ayes: Councilmember Davis, O'Connell, and Mayor Cunningham

Noes: Councilmember Lentz and Mackin

Absent: None

Abstain: None

## **NEW BUSINESS**

### **L. Consider Approval of Resolution Nos. 2021-41-50 and 2021-52, Adopting Pay Schedules and Master Pay Schedules for Fiscal Year (FY) 2021-22**

Human Resources Administrator Partin provided highlights of updates to the upcoming pay schedules that have been approved in the current labor agreements which are as follows:

- Confidential Management Employees: The positions in this group will receive 2% pay increases in both July and January. The current filled positions in this group and their respective top step pay rates include: Assistant City Manager at \$121.00 and \$123.42 per hour and Finance Director at \$100.69 and \$102.70 per hour.
- Executive Management: The pay schedule will reflect 2% pay increases in both July and January. The current filled positions in this group and their respective top step pay rates include: City Clerk at \$65.24 and \$66.54 per hour, Community Development Director at \$101.76 and \$103.79 per hour, Parks and Recreation Director at \$97.02 and \$98.96 per hour and Public Works Director/City Engineer at \$119.12 and \$121.50 per hour.
- Police Chief: The pay schedule will reflect 2% pay increases in July and January. The new pay rate will be \$118.73 and \$121.10 per hour at the top step.
- Confidential Employees Group, General Employees Association Group, Mid-Management and Professional Employees Group, and Police Commander: The pay schedule will reflect 2% pay increases for all covered positions in July and January.
- Brisbane Police Officers Association: The pay schedule will reflect a 4% increase for all covered positions in July.
- International Association of Firefighters, Local 2400: The pay schedule will reflect a 2.5% pay increase in July and a 2% increase in January for all covered positions.

Also, Human Resources Administrator Partin added staff is asking council to approve a similar 2.0% increase to the pay scales for hourly employees, with the exception of the Intern, Habitat Restoration Aide, Habitat Restoration Lead Worker and Special Assistant positions, in FY 2021-22.

After Council discussion, CM O'Connell made a motion, seconded by CM Lentz to adopt Resolution Nos. 2021-41-50 and 2021-52, Adopting Pay Schedules and Master Pay Schedules for Fiscal Year (FY) 2021-22. The motion passed unanimously by all present.

Ayes: Councilmember Davis, Lentz, Mackin, O'Connell, and Mayor Cunningham

Noes: None

Absent: None

Abstain: None

### **M. Consider Approval of Resolution No. 2021-40 Confirming Pay Schedule for the City Manager Under the City Manager Employment Agreement and Authorizing the Mayor to Sign a Second Amendment to the Employment Agreement**

Mayor Cunningham read a statement for New Business Item M. She read: "In accordance with Government Code Section 54953 (c)(3), a summary of the City Manager's s

Salary and benefits is reported as follows:

The bi-weekly salary for the City Manager will be \$10,132.73 bi-weekly, beginning July 2021.

The City Manager will receive 80 hours of administrative leave in 2021 and 2022 but such leave must be used within 12 months from the time the leave is granted.

Through the City's contract with the Public Agency Retirement Service (PARS), City will pay for Mr. Holstine all required contributions under the 1% at 63 Formula.

Consistent with the benefits provided to Department Heads of the City, the City Manager will receive paid time off for holidays and vacation leave and is eligible for health benefits which include vision, dental, and comprehensive medical insurance. Other benefits include life and disability insurance as well as workers' compensation.

The Employment Agreement also reflects a City equity loan to Mr. Holstine for his personal residence in Brisbane, in the amount of \$200,000. Interest in the amount of \$51,500 has accrued (through 2020) and will continue to accrue. The loan and interest will be repaid within six months of the Manager's retirement. Upon retirement from the City, anticipated to be December 31, 2022, the City Manager will receive a monthly stipend consistent with other retired Executive Management employees who started working for the City prior to July 2008 and retired after 2000."

After Council discussion, CM O'Connell made a motion, seconded by CM Lentz to adopt Resolution No. 2021-40 Confirming Pay Schedule for the City Manager Under the City Manager Employment Agreement and Authorizing the Mayor to Sign a Second Amendment to the Employment Agreement. The motion passed unanimously by all present.

Ayes: Councilmember Davis, Lentz, Mackin, O'Connell, and Mayor Cunningham

Noes: None

Absent: None

Abstain: None

#### **N. Consider Approval of Agreement to Pay Consultants' Costs Concerning a Proposed Project in Sierra Point**

Community Development Director Swiecki reported it is being recommended to approve the attached Agreement for HCP Life Science REIT, Inc. ("Healthpeak") to pay Consultants' Costs concerning Healthpeak's proposal to redevelop a 16 acre site in Sierra Point and authorize the execution of the Agreement. He added that there is no predetermination to agreeing to this project in Sierra Point.

After Council questions, it was noted for the record that Dana Dillworth wrote correspondence to the Council regarding this item.

After Council discussion, CM Davis made a motion, seconded by CM O'Connell to approve the Agreement to Pay Consultants' Costs Concerning a Proposed Project in Sierra Point. The motion passed unanimously by all present.

Ayes: Councilmember Davis, Lentz, Mackin, O'Connell, and Mayor Cunningham

Noes: None

Absent: None

Abstain: None

Council requested to take a break and CM Lentz made a motion, seconded by CM O’Connell to extend the meeting till 11:30 p.m. The motion passed unanimously by all present.

Ayes: Councilmember Davis, Lentz, Mackin, O’Connell, and Mayor Cunningham

Noes: None

Absent: None

Abstain: None

## **O. Baylands Planning Process Update and Consideration of Preliminary Comments**

Community Development Director Swiecki reported that the Baylands Subcommittee worked with MIG to define a list of observations/questions with the draft plan, as well as other goals or features they would encourage the developer Baylands Development Inc., “BDI” to consider incorporating into the draft plan.

Mukul Malhotra of MIG presented the broad overview on the Baylands Planning Process.

After Council discussion, Council directed staff to bring back the item at the City Council Meeting of July 15, 2021 to finalize comments on the Baylands Planning Process.

Public comment was received from Dana Dillworth regarding the Baylands Planning Process and Roland Lebrun regarding the Bayshore Caltrain Station.

Roland Lebrun made public comment about remediation and the Caltrain station.

Mayor Cunningham made a motion, seconded by CM Lentz to continue this item to the July 15, 2021. The motion passed unanimously by all present.

Ayes: Councilmember Davis, Lentz, Mackin, O’Connell, and Mayor Cunningham

Noes: None

Absent: None

Abstain: None

## **STAFF REPORTS**

### **P. City Manager’s Report on upcoming activities**

City Manager Holstine reported briefly on upcoming city events and latest news.

## **MAYOR/COUNCIL MATTERS**

### **Q. Creation of Ad-hoc Subcommittee for Transportation Demand Management Policy**

Due to the late hour, this item was not discussed and will be scheduled for discussion at the City Council Meeting of July 15, 2021.

## **R. Countywide Assignments and Subcommittee Reports**

Due to the late hour, no reports were made by Council.

## **S. City Council Meeting Schedule**

The July 1, 2021 City Council Meeting will be cancelled and the next City Council Meeting is scheduled for July 15, 2021.

## **T. Written Communications**

Due to the late hour, this item was not reported on.

Written Communication was received by the Council (from June 2, 2021 through June 17, 2021) from the following members of the public:

- SMC Stonewall (6/2/21) You're Invited to our LGBTQ+ Training
- Christine Wang (6/3/21) Public comment for Brisbane Housing Authority Workshop on June 3
- Elaine Straw (6/5/21) Open Items Fwd: Trucks on Valley – Chronic
- Tony Verreos (6/9/21) Brisbane Fire Safety
- Kevin Fryer (6/16/21) Comments for tomorrow's Council Meeting, A further request
- Renee Marmion (6/16/21) Letter to City Council 6/17/2021
- Dana Dillworth (6/16/21) Sierra Point 14-Story Project
- Dana Dillworth (6/16/21) Comments on Baylands Planning Process Item "O"
- Dana Dillworth (6/17/21) Correction on Baylands document

## **ORAL COMMUNICATIONS NO. 2**

Roland Lebrun commented on the importance of tracking legislation about remote public meetings and the Brown Act.

## **ADJOURNMENT**

Mayor Cunningham adjourned the City Council Meeting of June 17, 2021 at 11:34 P.M.



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Ingrid Padilla  
City Clerk