



BRISBANE CITY COUNCIL

ACTION MINUTES

CITY COUNCIL MEETING

THURSDAY, MARCH 17, 2022

VIRTUAL MEETING

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Mackin called the meeting to order at 7:33 P.M. and led the Pledge of Allegiance.

ROLL CALL

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

Councilmembers absent: None

Staff Present: City Manager Holstine, City Clerk Padilla, City Attorney McMorrow, Assistant City Manager Schillinger, Finance Director Yuen, Associate Planner Robbins, Community Development Director Swiecki, Human Resources Administrator Partin, Deputy City Clerk Ibarra, Communications Manager Cheung, Police Commander Garcia, and Police Chief Macias

REPORT OUT OF CLOSED SESSION

City Attorney McMorrow reported that direction was given to staff but no action was taken at Closed Session.

ADOPTION OF AGENDA

CM O'Connell made a motion, seconded by CM Cunningham to adopt the agenda as it stands. The motion passed unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

AWARDS AND PRESENTATIONS

A. Proclaiming March as Women's History Month

Mayor Mackin declared that the Brisbane City Council proclaims March 2022 as Women's History Month. The City celebrates Women, and the value women and women-led organizations contribute to the strength, health, and prosperity of our City and communities.

To accept the proclamation were Michelle Woodruff and June Heavner, co-chairs of the Mothers of Brisbane.

ORAL COMMUNICATIONS NO. 1

Tom Heinz wants the community to be involved and heard on the Consent Calendar Item B.

CONSENT CALENDAR

Mayor Mackin received a request from a member of the public to remove item B from the consent calendar and removed item B to hear it separately.

- C. Adopt an Ordinance, Waiving Second Reading, Repealing Chapter 8.19 of the Brisbane Municipal Code and Adopting a New Chapter 8.19 Regulating the Use of Disposable Food Service Ware by Food Facilities to Align with State Law**
- D. Adopt a Resolution Declaring the Continued Need to Conduct City Council, Commission and Committee Meetings Remotely Due to Health and Safety Concerns for the Public**
- E. Receive Housing Element Progress Report and Direct staff to submit the 2021 Housing Element Annual Progress Report to the California Department of Housing and Community Development and the Governor's Office of Planning and Research**
- F. Receive the General Plan Progress Report and Direct staff to submit the 2021 General Plan Annual Progress Report to the California Department of Housing and Community Development and the Governor's Office of Planning and Research**
- G. Adopt a Resolution Amending Resolution No. 96-44 Respecting Delegation of Authority to the City Manager to Make Determinations Under Government Code Section 21025 Pertaining to Disability Retirements**
- H. Adopt a Resolution Restating the Creation of the Inclusion, Diversity, Equity and Accountability Committee and repealing Resolution No. 2022-07**
- I. Authorize the City Manager to sign an agreement with Management Partners to perform Process Mapping and Re-engineering for the City's Permitting, Geographic Information, and Internal Financial Reporting processes.**
- J. Tenant Improvements at 25 Park Place**

- i. **Approve Siegel & Strain’s Scope of Services and fee of \$361,719 for the design of interior building and site improvements at 25 Park Place, and authorize the City Manager or his designee to issue a Task Order for this work.**
- ii. **Authorize Transfer of \$361,719 from the General Fund to the Capital Projects Fund.**

CM Cunningham made a motion, seconded by CM Madison to approve Consent Calendar Items C-J. The motion passed unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

NEW BUSINESS

B. Adopt an Ordinance, Waiving Second Reading, Adopting a Military Equipment Use Policy per California Assembly Bill 481

After Chief Macias’s report and Council questions, Tom Heinz advocated for more public discussions around this item and spoke about his concern that this was under Consent Calendar.

After some Council discussion, CM Cunningham made a motion, seconded by CM Lentz to adopt an Ordinance, waiving second reading, adopting a Military Equipment Use Policy per California Assembly Bill 481. The motion passed unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

K. Short Term Rental Ordinance Implementation Update

(It is being recommended that the City Council receive and file report and provide additional direction it deems appropriate to staff)

Community Development Director provided an informational update on the short term rental (STR) ordinance implementation. He reported that in the approximately 9 months the STR monitoring system has been live, STR activity has been relatively modest and on the decline. As of January 31, 2022, the City has collected approximately \$5,600 in TOT from STRs, with about \$1,100 collected since the last report to the City Council.

After council questions, discussion, and no public comment. Mayor Mackin thanked staff for the report.

- L. Application to the State of California for an Equitable Community Revitalization Grant Concerning Environmental Investigation on a portion of the Brisbane Baylands site.**
- i. Consider authorizing the City Manager to submit an application to the State of California for an Equitable Communities Grant to conduct additional technical studies in connection with environmental remediation of OU-2 portion of the Brisbane Baylands. Grant funds would be allocated and distributed by the City and coordination of technical studies will be conducted with the property owner, Baylands Development Inc.**
 - ii. Consider Authorizing the Mayor to sign a Reimbursement and Indemnification Agreement, in a form as approved by the City Attorney, concerning any Equitable Community Revitalization Grant the City receives.**

(The State of California requires that only governmental agencies apply for Equitable Community Revitalization Grants. Grants can be for cleanup of private property that enhance sites for potential development and parks and recreation uses, but the work is subject to government oversight. The Reimbursement and Indemnification Agreement assures that the private property owner (Baylands Development Inc.) is both financially as well as legally responsible for compliance with all grant terms and conditions and will hold the City harmless from any noncompliance. It further places in writing that the pursuit of the grant by the City does not constitute an approval(s) as to any future use or uses of the property.)

Community Development Director Swiecki reported that the grant being sought is for planning purposes, to fund various technical studies and workplans which are required prior to commencement of work to remediate the site. No physical remediation activities would be funded through this grant. He added that in response to the subcommittee's concerns about ensuring that the city does not incur any liability or financial responsibility associated with the grant, staff has drafted a Reimbursement and Indemnification Agreement which requires Baylands Development Inc. to reimburse the City for any costs the City incurs in administering and overseeing the grant and would indemnify and defend the City for any potential exposure to liability arising out of the technical studies and workplans funded by the grant.

After Council questions, City Clerk noted for the record written correspondence from Dana Dillworth. After council discussion, CM Cunningham made a motion, seconded by CM O'Connell, to submit an application to the State of California for an Equitable Communities Grant to conduct additional technical studies in connection with environmental remediation of OU-2 portion of the Brisbane Baylands. Grant funds would be allocated and distributed by the City and coordination of technical studies will be conducted with the property owner, Baylands Development Inc. and to authorize the Mayor to sign a Reimbursement and Indemnification Agreement, in a form as approved by the City Attorney, concerning any Equitable Community Revitalization Grant the City receives, the motion passed unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

STAFF REPORTS

M. City Manager's Report on upcoming activities

City Manager Holstine reported on the latest City News and events.

MAYOR/COUNCIL MATTERS

N. Countywide Assignments and Subcommittee Reports

Mayor and Council reported on their latest subcommittee and Countywide assignment activities.

O. Written Communications

Mayor and Council received the following correspondence between March 3, 2022-March 17, 2022:

- Tom Heinz - City Council Meeting, 3 March 2022 (3/3/2022)
- Dana Dillworth- Item "B" on the Consent Calendar 3/17 (3/14/2022)
- Tom Heinz- Item B for 17 March 22 on Consent Calendar (3/16/2022)
- Dana Dillworth- New Business, Item "L" Brownfield Grant (3/17/2022)

ORAL COMMUNICATIONS NO. 2

No member of the public wished to speak.

ADJOURNMENT

Mayor Mackin adjourned the meeting at 8:55 p.m.



Ingrid Padilla, City Clerk