



BRISBANE CITY COUNCIL

ACTION MINUTES

**CITY COUNCIL MEETING AGENDA
THURSDAY, NOVEMBER 16, 2023**

HYBRID MEETING, 50 PARK PLACE, BRISBANE, CA 94005

7:30 P.M. CALL TO ORDER – PLEDGE OF ALLEGIANCE

Mayor Davis called the meeting to order at 7:45 P.M. and led the Pledge of Allegiance.

ROLL CALL

A. Consider any request of a City Councilmember to attend the meeting remotely under the “Emergency Circumstances” of AB 2449

No Councilmembers made a request to attend the meeting remotely.

Councilmembers present: Councilmembers Lentz, Mackin, O’Connell and Mayor Davis

Councilmembers absent: Councilmember Cunningham

Staff Present: City Manager Holstine, City Clerk Padilla, City Attorney McMorrow, Sustainability Manager Etherton, Public Works Deputy Director Kinser, Senior Planner Ayers, Community Development Director Swiecki, Police Commander Garcia and Management Analyst Ibarra

REPORT OUT OF CLOSED SESSION

City Attorney McMorrow reported that the City Council made no decision and staff was given direction on the Existing Litigation Item.

ADOPTION OF AGENDA

Mayor Davis made a request to amend the agenda and move up the discussion of New Business Item H before Old Business Item G. Councilmember O’Connell made a motion, seconded by Councilmember Lentz, to approve the agenda as amended. The motion was carried unanimously by all present.

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

Noes: None

Absent: Councilmember Cunningham

Abstain: None

ORAL COMMUNICATIONS NO. 1

Tom Heinz apologized to the council for his behavior in a previous meeting due to a misalignment of information.

Michele Salmon commented if the City can work out an arrangement for horses to access San Bruno Mountain without impact the newly paved Crocker Trail.

Roland Lebrun praised the State of the City presentation and asked for better transparency with on the West Hill property negotiation item.

Michele Salmon commented that the City should not sell the public property on West Hill since it gives us access to the mountain.

CONSENT CALENDAR

- B. Approve Minutes of City Council Meeting of November 2, 2023**
- C. Approve Minutes of City Council Closed Session Meeting of November 2, 2023**
- D. Approve Lyrical Opposition's "Re-Entrification" Documentary Screening as a Cosponsored Event**
- E. Award the Contract for the Public Art Master Plan to NINE dot ARTS, in the Amount of \$75,000**

(The cost of NINE dot ARTS master planning services for this project is \$75,000 and will be paid for using the Public Art Fund (Fund 275). The Public Art Advisory Committee is also recommending a 20% contingency (or \$15,000) to draw from as needed to support master planning efforts.)

- F. Adopt a Resolution to Amend a Project List for Fiscal Year 2023-23 Funded by SB 1: The Road Repair and Accountability Act of 2017**

(The pavement projects listed in the proposed Resolution are categorically exempt from CEQA per CCR Title 14 §15302. The following amended list of the proposed projects will be funded in-part or solely with \$104,377 of Fiscal Year 2022-23 Road Maintenance and Rehabilitation Account revenues.)

Councilmember Mackin made a motion, seconded by Councilmember Lentz, to approve Consent Calendar Items B-F. The motion was carried unanimously by all present.

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

Noes: None

Absent: Councilmember Cunningham

Abstain: None

NEW BUSINESS

- H. Consider Introduction of the Dark Sky Ordinance, waiving first reading, adding Chapter 15.88**

Outdoor Lighting Standards to the Brisbane Municipal Code

(This Ordinance is exempt from further environmental review under the California Environmental Quality Act (CEQA) because it is not a project (CEQA Guidelines, §15378 (b) (2)). As proposed, the ordinance will result in required changes to streetlights and other public facilities within fifteen (15) years of the effective date, with an estimated cost upwards of \$1M. Additional implementation costs may include equipment and training for police officers. Staff proposes to create a program to systematically make updates over time.)

Sustainable Manager Etherton and John Barentine of Dark Sky Consulting reported that the purpose of the Dark Sky Ordinance is to protect and enhance the local environment and public health by reducing light pollution at night through reasonable restrictions on outdoor lighting. Altogether, the proposed standards attempt to balance lighting needs for safety, security and outdoor activities while eliminating or reducing lighting that doesn't serve a useful purpose.

Compliance is addressed across various timelines depending on difficulty:

- All new or replaced outdoor lighting after the effective date shall comply. Planning and building application requirements will be modified to include lighting inventories and other details to demonstrate compliance with the ordinance.
- Within one year of the effective date of the ordinance, all existing outdoor lights (except streetlights) shall make the "easy fixes": directing lighting downward if possible, adjusting dimmers and motion timers to comply where lighting is equipped with them, and replacing bulbs to meet color and lumen thresholds when they are replaceable.
- More extensive changes, such as replacement of fixtures, shall be completed within:
 - Five (5) years for non-residential zones;
 - Ten (10) years for residential zones;
 - Fifteen (15) years for streetlights and other City facilities.
 - Extensions for financial or other hardship up to one year may be requested.
- Deviations may be approved for unique circumstances and shall achieve the intent of the ordinance to the maximum extent feasible. Decisions shall be noticed publicly and to property owners within a 300' radius and are appealable to the City Manager.
- Enforcement would be complaint-based and subject to the City's regular Administrative Citation process.

After Council question, the following Public Comments were made:

Barbara Ebel commented that the policy was drafted to consider the migration of birds and bees. She also wanted to note that decreasing glare can also increase public safety because eyes function better with less glare.

Michele Salmon thanked the Open Space and Ecology Committee for their worked and she believed this Ordinance will make the quality of life better for the community.

Roland Lebrun said he was concerned about street lighting and being able to walk safely at night as well as having the enforcement of the policy to be non-invasive procedures.

Erin Becker commented that the Open Space and Ecology Committee was being pragmatic and considered the

various needs of the community by creating a tiered compliance timeline.

Council discussed adding clarifications around entry way lighting, moving the holiday lighting dates moved to September 15 through January 31st and disseminating information to the public regarding the Ordinance and how it will benefit the community.

Councilmember Lentz made a motion, seconded by Councilmember O'Connell, to introduce a Dark Sky Ordinance. The motion was carried unanimously by all present.

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

Noes: None

Absent: Councilmember Cunningham

Abstain: None

OLD BUSINESS

G. Consider Adoption of a Resolution to Adopt an Affordable Housing Strategic Plan

(The Affordable Housing Strategic Plan (AHSP) is a framework that establishes options guiding the City's investments in preserving existing affordable housing, preventing the displacement of low-income Brisbane residents, and developing new affordable housing.)

Senior Planner Ayers reported that the AHSP is consistent with and implements the adopted 2023-2031 Housing Element specifically related to financing affordable housing programs. Its implementation timeline is tied to the eight-year Housing Element implementation cycle. The AHSP is a living document and is intended to be revisited regularly as the City's funding priorities and opportunities shift over time. It is a document that lists options in preserving and developing affordable housing as well as preventing low-income Brisbane residents from being displaced.

After some Council questions with Staff and Chris Blakney of ECONorthwest and having received no public comment, Council discussed adding a section to the Affordable Housing Strategic Plan that explains the purpose of the document. Councilmember O'Connell made a motion, seconded by Councilmember Mackin, to adopt a resolution to adopt an Affordable Housing Strategic Plan as amended. The motion was carried unanimously by all present.

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

Noes: None

Absent: Councilmember Cunningham

Abstain: None

STAFF REPORTS

I. City Manager's Report on Upcoming Activities

City Manager Holstine reported on the latest City news about an upcoming City road project.

MAYOR/COUNCIL MATTERS

J. Countywide Assignments and Subcommittee Reports

Councilmembers reported on their subcommittee meeting and activities within their Countywide Assignments.

K. Written Communications

City Clerk Padilla stated that the following correspondence were received between 11/3/23-11/16/2023:

- Danny Ames (11/14/23) Push back on State Housing mandate—fight to maintain local land use decisions

ORAL COMMUNICATIONS NO. 2

Barbara Ebel asked the Council to join the lawsuit to address the State Housing mandates.

Roland Lebrun commented that the City needs to change how the City deals with developers in regards to the State Housing Mandates by having a timeline. He also offered his assistance with the City Manager recruitment.

ADJOURNMENT

Mayor Davis adjourned the meeting at 10:02 P.M.



Ingrid Padilla
City Clerk