



BRISBANE CITY COUNCIL

ACTION MINUTES

THURSDAY, JANUARY 5, 2017

BRISBANE CITY HALL, 50 PARK PLACE, BRISBANE

CLOSED SESSION

- A. Liability Claims: Claimant Sione Misi, pursuant to Government Code, section 54956.95.**

CALL TO ORDER – PLEDGE OF ALLEGIANCE

Mayor Liu called the meeting to order at 7:30 p.m. and led the Pledge of Allegiance.

ROLL CALL

Councilmembers present:	Conway, Davis, Lentz, O’Connell and Mayor Liu
Councilmembers absent:	None
Staff present:	City Manager Holstine, City Attorney Roush, Interim City Clerk Padilla, Administrative Services Director Schillinger, City Engineer Breault, Community Development Director Swiecki, Police Commander Meisner, Deputy City Engineer Kinser, Parks and Recreation Director Leek, Parks and Recreation Coordinator Monroy, and Management Analyst Cheung

REPORT OUT OF CLOSED SESSION

City Attorney Roush reported that Councilmembers gave direction to deny the claim presented under Closed Session.

ADOPTION OF AGENDA (Deletions, Additions, Changes and Adoption)

Mayor Liu asked to add a Presentation from the Public Works Department regarding Storm Preparation.

CM Lentz asked to move New Business Item A after Oral Communications No. 1.

CM Conway made a motion, seconded by CM Lentz to adopt the agenda as amended. The motion carried unanimously by all present.

PRESENTATION

A. Receive Presentation from the Public Works Department Regarding Storm Preparation

City Engineer Breault reported on the storm preparation activities the City is implementing for the anticipated storm for the upcoming weekend. City Engineer is encouraging the public to sign up for the San Mateo County alert system and pick up sand bags from City Hall.

After some Councilmembers discussion and questions of City Engineer Breault, Mayor Liu encouraged everyone to stay home and be safe this weekend.

ORAL COMMUNICATIONS NO. 1

Alie Sobczak from HIP Housing presented the Council with their 2017 calendar. She also requested the Councilmembers to help publicize HIP's home sharing program and their housing services to Brisbane residents.

NEW BUSINESS

A. Receive an Update from the Mountain Festival Ad Hoc Subcommittee

Admin Services Director Schillinger reported that the City Council's Mountain Festival Ad hoc Subcommittee met with the Parks and Recreation Commission Events Subcommittee and explored the possibility of organizing a special event either in July 1st or July 8th. He also added that the event will possibly include a running event sponsored by the Excelsior Running Club plus concerts with higher quality bands. Depending on the type of event the City would like to put on, the cost could vary from \$6,000 to \$60,000 less any revenues the City makes.

CM Davis said she saw this as an opportunity to raise a rainy day fund for the Parks and Recreation Department.

After Councilmembers discussion and questions of Administrative Services Director Schillinger, members of the public were asked to comment.

Jimmy Leslie and Michael Ross presented their ideas and proposal for possible scenarios for the Mountain Festival.

After further Councilmembers discussion, the City Council directed staff to explore the 2nd idea proposed which would consist of one regional band, one locally known band, food trucks, Lion's Club barbecue and a small beer garden.

CONSENT CALENDAR

- A. Approve City Council Minutes of December 8, 2016**
- B. Approve City Council Minutes of December 12, 2016**
- C. Approve City Council Minutes of December 15, 2016**
- D. Adopt Ordinance No. 613, waiving second reading, to Amend Brisbane Municipal Code Title 15 by Adopting the 2016 California Building Standards Codes, with Certain Local Modifications to the Fire and Energy Codes and Other Related Sections, and Adopting the 2015 International Property Maintenance Code.**
- E. Adopt Resolution No. 2017-01 to agree to Comply with the State's Surplus Land Act**
- F. Adopt Resolution No. 2017-02 to establish Cost Recovery Provisions when Parking Citations are not paid timely**
- G. Receive 2016 OSEC Report of Accomplishments**

Mayor Liu directed Interim City Clerk Padilla to correct some typographical errors on the City Council Minutes of December 8, 2016.

CM Conway moved, seconded by CM Davis to approve Consent Calendar Item A as amended and to approve Consent Calendar Items B, C, D, E, F, and G as proposed. The motion was carried unanimously by all present.

PUBLIC HEARING

- A. Consider introduction of Ordinance 615 to amend Brisbane Municipal Code Title 17, Zoning, Chapters 17.02, 17.32, 17.34, and 17.43 to update existing accessory (secondary) dwelling unit regulations to be consistent with recently adopted amendments to Section 65852.2 of the California Government Code intended to streamline the approval process of accessory dwelling units by local jurisdictions.**

Community Development Director Swiecki stated that the purpose of this Ordinance is to update various sections of Title 17, Zoning, of the Brisbane Municipal Code to achieve consistency with recently update California Government Code regulations pertaining to accessory (secondary) dwelling units. He added that the proposed text amendment addresses both State-mandated procedural requirements and development standards such as maximum unit size and elimination of off street parking requirement.

After Councilmembers discussion and clarifications, Mayor Liu opened the Public Hearing.

Barbara Ebel had concerns about parking issues in the neighborhood and suggested perhaps we can charge a transportation fee to pay for city services such as better shuttle bus services.

After no other members of the public wished to speak, CM Conway moved, seconded by CM O'Connell, to close the public hearing. The motion carried unanimously by all present.

CM Conway requested for Ordinance to be amended to eliminate the minimum lot size requirement for accessory dwelling units in the R-1 district, and to maintain the existing maximum floor area requirement of 1,000 square feet.

CM Conway moved, seconded by CM Lentz, to introduce Ordinance 615 as amended. CM O'Connell abstained. The motion was carried with a 4 to 0 vote.

Ayes: Councilmembers Conway, Davis, Lentz, and Mayor Liu

Noes: None

Abstain: Councilmember O'Connell

OLD BUSINESS

A. Consider Introduction of Ordinance 614, to Change the Year to which City Council Elections must be Held to Even Numbered Years (Statewide Elections) and Determine whether to shorten or extend the terms of Office for City Council Members.

City Attorney Roush reported that this item was continued from the City Council Meeting of December 8, 2016 and based on the City Council's direction he drafted three draft Ordinances which include the following:

- Attachment 1 is the Ordinance that was attached to the December 8, 2016 agenda report that would extend the terms of office for Council members elected in 2013 (Conway, Lentz and Liu) to 2018 and would extend the terms of office for Council members elected in 2015 (Davis, O'Connell) to 2020. Municipal elections would be held in November of even numbered years beginning in November 2018 and Council members elected in 2018 (and 2020) would serve four year terms.
- Attachment 2 is an Ordinance that would keep in place municipal elections in November 2017 and 2019 but those members elected in 2017 and 2019 would serve only three years, i.e., to 2020 and 2022, respectively. Municipal elections would be held in November of even numbered years beginning in November 2020 and Council members elected in 2020 (and 2022) would serve four years.

- Attachment 3 is an Ordinance that would keep in place municipal elections in November 2017 and 2019 but those members elected in 2017 and 2019 would serve five years, i.e., to 2022 and 2024, respectively. Municipal elections would be held in November of even numbered years beginning in November 2022 and Council members elected in 2022 (and 2024) would serve four years.

City Attorney Roush also reported that there are other options the Council could consider and still comply with the State law.

Ray Miller made a recommendation for the City to hold City Council elections in June of 2018 because the public will have a better chance of getting involved and not get distracted by national elections in November. He stated that the Baylands is a significant matter and the Council deserves to have more time if they need it.

Tony Verreos stated that he believed anyone elected will be competent on the Baylands issue so that should not be the deciding factor on the election.

Joel Diaz advocated for the City Council to respect and maintain the democratic process with a November 2017 election.

Barbara Ebel commented that she agreed with Tony Verreos and Joel Diaz.

After some Councilmember discussion and questions of City Manager Holstine and City Attorney Roush, CM Conway directed staff to come back with a timeline and cost analysis for a June 2018 Election. CM Conway also directed staff to change the City Council schedule back to a once a month Baylands Hearing schedule.

CM O'Connell stated she wanted to make a decision as soon as possible on how to be in compliance. She advocated for a November 2017 election with a three year or a five year term.

CM Davis wanted to make a decision soon and did not want to push it back because we do not want to cause tension among the Councilmembers and have this issue come between the Council's work.

Mayor Liu is concerned that a June 2018 election may decrease voter turnout so she continued to stand for the term extension of one year.

Tony Verreos stated that he believed that since there are 3 incumbents, having a November 2017 election will not hurt your chances of winning.

Barbara Ebel suggested that perhaps the Brisbane Baylands Hearings can be postponed for a month so Councilmembers can focus on campaigning.

After further Councilmembers discussion, questions, and clarifications, CM Lentz requested Ordinance 614 to be amended and extend the terms of office for Council members elected in 2013 (Conway, Lentz and Liu) to June of 2018 and would extend the terms of office for Council

members elected in 2015 (Davis, O'Connell) to June of 2020. Municipal elections would be held in June of even numbered years beginning June of 2018 and Council members elected in June 2018 (and June 2020) would serve four year terms.

Joel Diaz stated that there is high potential for a backlash and he believed that because the Councilmembers are conflicted, the Councilmembers are not being objective.

CM Lentz made a motion, seconded by CM Conway to introduce Ordinance 614 as amended.

The motion was carried with a 3 to 2 vote.

Ayes: Councilmembers Conway, Lentz and Mayor Liu

Noes: Councilmembers Davis and O'Connell

B. School Bus Service to Terra Nova and Oceana High Schools

Recreation Coordinator Monroy reported that Metro Trans confirmed that their company is not interested in renewing their school bus contract for the 2017/18 school year. Metro Trans staff felt that the route is dangerous and their drivers have experienced behavioral challenges from students. Recreation Coordinator also reported that schools and parents have expressed their frustration and dissatisfaction with Metro Trans due to a number of incidents that have occurred.

CM Conway directed staff to coordinate a 2x2 meeting with the Jefferson School District and with the new Superintendent.

After some Councilmember questions and discussion with Administrative Services Director Schillinger and Recreation Coordinator Monroy, Mayor Liu directed staff to write a letter to the high school district that we want to come up with other solutions.

CM Conway directed staff to ask the San Mateo Sheriff's Department if they are willing to let the City use their bus to transport students.

CM O'Connell directed staff to inform parents that the City does not have an option for school bus services for the 2017/18 school year.

C. New Brisbane Library Fundraising Strategy

Management Analyst Cheung as directed from the City Council Meeting of December 8th, returned to present the Council a donor policy and a donation flowchart.

After the staff presentation, CM Conway directed staff to simplify the donation policy and create simple donor wall for all donors.

Michael Schuman and Kevin Fryer of the Friends of the Brisbane Library stated that raising \$300,000 is too high of a bar to fundraise with an all-volunteer group.

Kevin Fryer made the suggestion for staff to reach out to the architects of the new library and ask for their help with the fundraising strategy.

After further Councilmember discussion and questions of staff, Michael Schuman and Kevin Fryer, CM Davis recommended that if large donor was interested in naming a space of the library, the Friends of the Library should bring it back to the group for discussion.

Kevin Fryer recommended lowering the fundraising goal to an achievable amount of \$100,000.

Councilmember Conway directed staff to lower the fundraising goal amount to \$100,000. He also suggested for the Councilmembers to meet with Supervisor Canepa regarding Measure A Sales Tax Extension and have a unified ask of \$300,000 from the San Mateo County Board of Supervisors for the new Brisbane Library.

STAFF REPORTS

A. City Manager's Report on upcoming activities

Due to the late hour, there was no report given.

MAYOR/COUNCIL MATTERS

A. Review County-wide Assignments/Subcommittees

Due to the late hour, there was no discussion on this matter.

B. Baylands Schedule and City Council Meeting Schedule

After some Councilmembers discussion and questions of City Manager Holstine, Councilmembers Conway, Davis & O'Connell directed staff to return to the once a month Brisbane Baylands Schedule. Mayor Liu stated that she would like to make sure deliberations still happen during the months of June and July.

C. Confirm attendance for the Workshop Tour on January 21, 2017 to the Sonoma Mountain Village in Rohnert Park, CA.

Due to the lack of Councilmembers able to attend the Workshop Tour on January 21st, Mayor Liu directed staff to cancel the Workshop Tour to the Sonoma Mountain Village.

D. Update on the City of Brisbane Board of Trustee Open Position for the San Mateo County Mosquito and Vector Control District and set interviews for January 30, 2017

Councilmembers directed staff to set interviews for the two applicants for the City of Brisbane Board of Trustee Open Position for the San Mateo County Mosquito and Vector Control District on January 30, 2017.

CM Lentz reported that Sharon Boggs had sent an application to be considered for the Planning Commission vacancies. Councilmembers directed staff to not interview Ms. Boggs because the application deadline had passed back in October 28, 2016 but instead, keep her informed about other vacancies on City Commissions, Committees and Boards as they open up.

E. Written Communication

Mayor Liu acknowledged the following non-Baylands related written correspondence received by the City Council (from 12/3/16-1/5/17): Jay Patel (12/3/16), Nancy Coon (12/6/16), Ray Miller (12/6/16), Coleen Mackin (12/8/16), Peter Grace (12/8/16), Tony Verreos (2 letters dated 12/8/16), Maryanne Mcguire-Hickey (12/8/16), Linda Dettmer (12/30/16), Coleen Mackin (12/30/16), Karen Cunningham (1/5/17), and Jamie Dunn (1/5/17).

ORAL COMMUNICATIONS 2

No member of the public wished to speak.

ADJOURNMENT

The meeting was adjourned at 11:49 P.M.

TO ADDRESS THE COUNCIL

When an item you're concerned with appears on the agenda, you may address the Council at that time. Otherwise, you may address the Council under Oral Communications. Please fill in a "Notice of Request to Address Brisbane City Council" and give to the City Clerk so that your name can be accurately included in the minutes. When recognized, please come up to the microphone, and begin by stating your name and address. Conciseness is appreciated. Any attendee who wishes accommodation for a disability should contact Ingrid Padilla, Interim City Clerk at (415) 508-2113.