



**BRISBANE CITY COUNCIL**

**ACTION MINUTES**

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**THURSDAY, JUNE 1, 2017**

*BRISBANE CITY HALL, 50 PARK PLACE, BRISBANE*

**CALL TO ORDER – PLEDGE OF ALLEGIANCE**

The Mayor called the meeting to order at 7:33 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, City Clerk Padilla, Police Chief Macias, City Engineer Breault, Community Development Director Swiecki, Financial Services Manager Yuen, Police Sergeant Garcia, Recreation Manager Leek, Associate Planner Capasso, and Economic Development Director Bull

**REPORT OUT OF CLOSED SESSION**

- A. Conference with legal counsel--Anticipated litigation. Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9 (One potential case)**
- B. Conference with Legal Counsel regarding pending litigation; SFPP, LLC vs. City of Brisbane, pursuant to Government Code Section 54956.9**

City Attorney Roush reported that no action was taken by the Council.

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

The agenda will be closed in memory of former Brisbane City Attorney David Friedenber. Mayor Liu requested the Presentations be moved after the Public Hearing Items. CM Conway made a motion, seconded by CM Lentz to approve the agenda as amended. The motion was carried unanimously by all present.

## **ORAL COMMUNICATIONS NO. 1**

Jimmy Leslie and Mikel Ross, organizers of the upcoming Star City Festival, provided an update to the Council on the family friendly music event happening on July 8<sup>th</sup>, 2017 in Brisbane's Community Park.

## **CONSENT CALENDAR**

- A. Approve City Council Minutes of April 27, 2017**
- B. Approve City Council Minutes of May 4, 2017**
- C. Adopt Ordinance No. 620, waiving second reading, changing the Year at which City Council Elections Must be Held to Even Numbered Years (Statewide Elections) and Shortening the Term of Office for Council Members Elected in November 2017 and November 2019 by One Year**
- D. Adopt Resolution No. 2017-33 calling a General Municipal Election for Tuesday, November 7, 2017 and consolidating with the County of San Mateo to provide election services**

CM Conway directed the City Clerk to include his statement about the City was not historically in the school bus service business to the minutes of the City Council Meeting of April 27, 2017. With this amendment, CM Conway made a motion, seconded by CM O'Connell to approve Consent Items A-D. The motion was carried unanimously by all present.

Ayes: CM Conway, Davis, Lentz, O'Connell and Mayor Liu

Noes: None

## **PUBLIC HEARING**

- A. Consider introduction of Ordinance 617 to amend Zoning Text to Chapters 17.02, 17.06, 17.08, 17.10, 17.12, 17.16, 17.18, 17.19, and to add new Chapter 17.33 to Title 17, Zoning, of the Brisbane Municipal Code to define and regulate personal cultivation of medical cannabis by qualified patients and caregivers, and medical cannabis caregivers. Add new Chapter 8.12 to Title 8, Health and Safety, to adopt performance standards for personal cultivation of medical cannabis.**

## **B. Receive update on New Law California Prop 64, the California Marijuana Legalization Initiative**

Community Development Director Sweicki reported that this item was continued from the City Council Meeting of April 27, 2017. This proposed ordinance is to update various sections and add a new chapter to Title 17, Zoning, of the Brisbane Municipal code and to Title 8, Health and Safety, to regulate personal cultivation of medical cannabis by qualified patients and caregivers, and medical cannabis businesses.

Community Development Director Sweicki is asking the Council for direction regarding the personal cultivation of nonmedicinal cannabis and non-medicinal cannabis businesses as stipulated in the Adult Use of Marijuana Act (AUMA).

After some Councilmember discussion with Community Development Director Swiecki, Police Chief Macias, Sergeant Garcia and other staff, the Council opened the floor for Public Comment.

Michelle and Randy Dizitser advocated for City permits for delivery only models.

Dana Dillworth believed that dispensaries can be a great source of income for the City.

Michelle Dizitser asked the Council to learn more about the Trailer Bill an upcoming policy in the State to help streamline the regulations for nonmedicinal and medicinal cannabis.

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

After more Councilmember discussion, the City Council directed staff to amend Draft Ordinance 617 to expand the Planning Commission-recommended cannabis business regulations to include non-medicinal cannabis manufacturing, distribution (includes transporting and warehousing), and testing (research and development). The Council also directed staff to amend the Draft Ordinance to allow both indoor and outdoor personal cultivation of non-medicinal cannabis on residential properties subject to the same performance standards drafted for personal cultivation of medicinal cannabis.

The City Council further directed staff to do bring back additional information regarding the following:

- the proposed State budget trailer bills intended to unify medicinal and non-medicinal cannabis business regulation
- limitations on the location of cannabis businesses
- the type of retail operations that could be licensed (e.g., walk-up storefronts vs. delivery only)
- how the City could potentially obtain local revenue from cannabis businesses

## **PRESENTATIONS**

**A. Presentation of proposed Recreational Vehicle (RV) Park on City owned properties at Sierra Point**

City Manager Holstine introduced Carl Arnold, of Arnold Hotel Group. Mr. Arnold presented his proposal to build a Recreational Vehicle Park at Sierra Point on City of Brisbane owned parking lot. Mr. Arnold is proposing a glamping experience with Airstream Recreational Vehicles for tourists and not for long term stay.

Bonnie Boswell, Joel Diaz, and Barbara Ebel spoke in support of the project.

Tom Heinz, Dana Dillworth, and Simon Clarke, representing 7000 Marina, all spoke in opposition of the project.

Economic Development Director Bull noted that the City did not actively recruit for this project and that the issue of a land swap was never discussed.

After further Councilmember discussion and questions, the Council directed Mr. Arnold to work with the City Manager to talk to the property owners.

CM Conway made a motion, seconded by CM O'Connell to extend the meeting till 11:00 p.m. The motion was carried unanimously by all present.

**NEW BUSINESS**

**A. Consider Approval of Supplemental Appropriation for Demolition of Teen Center**

The Council will consider whether to approve a \$75,000 budget for the demolition of the Teen Center at 22 San Bruno Ave.—a facility that is beyond its useful life. No repurposing of the site has been identified.

Barbara Ebel asked the City to hire a building dismantler to look at recyclable parts and materials of the building.

Dana Dillworth asked if this particular building was considered a historical landmark.

After some Council discussion, the Council directed City Engineer Breault to look into hiring a building dismantler. CM O'Connell made a motion, seconded by CM Davis, to approve the supplemental appropriation for demolition of Teen Center. The motion was carried unanimously by all present.

Ayes: CM Conway, Davis, Lentz, and O'Connell and Mayor Liu

Noes: None

### **B. Memorial Bench & Plaque Policy**

Due to the late hour, this item was moved to the next City Council Meeting.

### **C. Skatepark Naming Process**

Recreation Manager Leek reported that after a lengthy process the Parks & Recreation Commission proposed the skatepark name of Brisbane “8 Mile” Skatepark.

Michael Barnes noted that his son made this proposal over a year ago. He’s advocating for the Council to follow the naming policy.

After some City Council discussion, CM Lentz made a motion, seconded by CM Davis to approve the Skatepark name to The Brisbane Skatepark with a symbol referencing 8 Mile placed somewhere in the skatepark. The motion was carried with a 4 to 1 vote.

Ayes: CM Davis, Lentz, and O’Connell and Mayor Liu

Noes: CM Conway

### **D. Discuss and Provide Direction on Minimum Wage**

Due to the late hour, this item was moved to the next City Council Meeting.

## **STAFF REPORTS**

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

Due to the late hour, no report was made.

## **MAYOR/COUNCIL MATTERS**

### **A. Designation of Voting Delegate and Alternate for League of California Cities Annual Conference on September 13-15, 2017 in Sacramento**

After some Council discussion, the Council designated Mayor Lori Liu as the voting delegate and Councilmember Conway as the alternate for League of California Cities 2017 Annual Conference.

### **B. County-wide Assignments/Subcommittees Reports**

Due to the late hour no reports were made.

### **C. City Council Meeting Schedule**

No changes were made to the City Council Meeting Schedule.

### **D. Written Communications**

Mayor Liu reported that non-Baylands written correspondences were received from Tony Verreos, Cris Hart, Michelle Salmon and Jonathan Scharfman from Universal Paragon Corporation.

Mayor Liu announced to check out the City's website to read a letter from her which expresses the City's commitment to curbing global warming and uphold the commitments to the goals and measures of our Climate Action Plan.

### **ORAL COMMUNICATIONS 2**

No member of the public wished to speak.

### **ADJOURNMENT**

The meeting was adjourned at 11:31 p.m. in honor of David Friedenber.

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Ingrid Padilla, Interim City Clerk