



**BRISBANE CITY COUNCIL**

**ACTION MINUTES**

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**CITY OF BRISBANE CITY COUNCIL**  
**THURSDAY, SEPTEMBER 7, 2017**  
*BRISBANE CITY HALL, 50 PARK PLACE, BRISBANE*

**REPORT BACK FROM CLOSED SESSION**

**A. Conference With Legal Counsel--Anticipated Litigation Based on Existing Facts and Circumstances, the City Council is Deciding Whether to Initiate Litigation (Government Code, section 54956.9 (d)(4)). Number of Cases: One**

City Attorney Roush reported that the City Council met in closed session. Councilmembers voted not to initiate litigation with a 4- 1 vote.

Ayes: Councilmember Conway, Davis, Lentz & O'Connell

Noes: Mayor Liu

**CALL TO ORDER – PLEDGE OF ALLEGIANCE**

The Mayor called the meeting to order at 8:01 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, Administrative Services Director Schillinger, City Clerk Padilla, Community Development Director Swiecki, Police Commander Meisner, Recreation Coordinator Monroy, and Recreation Coordinator Franco

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

CM Conway made a request to close the City Council Meeting in memory of Cleo Marshall. CM Conway made a motion, seconded by CM O'Connell, to approve the agenda as amended. The motion was carried unanimously by all present.

## **ORAL COMMUNICATIONS NO. 1**

Anja Miller requested to pull and discuss Consent Calendar Items G, I, and K.

Barbara Ebel agreed with Anja Miller's request to pull items from the Consent calendar.

Mayor Liu noted that Fe Conway had left photographs for the Council regarding the multiple car accident on San Bruno Avenue near Tulare Street.

## **AWARDS**

### **A. Present Commendations to the members of the Brisbane Pirates for winning the 2017 South San Francisco Pony Baseball Championship**

Mayor Liu presented each member of the Brisbane Pirates with commendations and a trophy for a successful season and for winning the 2017 South San Francisco Pony Baseball Championship. Coaches Todd Curtis and Dustin Cohn thanked the Council Members, the Park & Rec Department, the team members, and their families for their support throughout the season.

## **CONSENT CALENDAR**

**A. Approve City Council Minutes of July 13, 2017**

**C. Approve City Council Minutes of July 24, 2017**

**D. Approve Response to Grand Jury Report of July 12, 2017 on "A Delicate Balance: Privacy vs. Protection"**

**E. Approve Response to Grand Jury Report of June 29, 2017 on "English is Not Our Only Language: Are Local Law Enforcement Agencies Providing Multilingual Access to Outreach Programs?"**

**H. Adopt Resolution 2017-42 to Declare an Outboard Motor as Surplus, and Authorize the City Manager to Dispose of this equipment**

Council agreed with Anja Miller's public comment and pulled Items G, I, K.

CM O'Connell requested to also pull and discuss Consent Calendar Items B, F, and J

CM Davis wants to pull Consent Calendar Item M

City Engineer Breault also requested to pull Consent Calendar Item L.

Mayor Liu made a motion, seconded by CM Conway, to approve Consent Calendar Items A, C, D, E, and H. The motion was carried unanimously by all present.

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

Noes: None

Absent: None

**B. Approve City Council Minutes of July 20, 2017**

CM O'Connell edited the Minutes to reflect that the City Manager was directed to work with visiting delegation.

CM O'Connell made a motion, seconded by CM Davis, to approve Consent Calendar Item B as amended. The motion was carried unanimously by all present.

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

Noes: None

Absent: None

**F. Adopt Ordinance No. 617 (Zoning Text Amendment RZ-6-16), waiving second reading, to adopt regulations for personal cultivation of medicinal and nonmedicinal cannabis and medicinal and non-medicinal cannabis businesses.**

CM O'Connell made some edits for clarification on the following items:

- 8.12.030 Clarify definition of Cannabis Cultivation Area
- 8.12.050 standards for personal cultivation
- 8.12.070 Penalties
- 17.02.109 Cannabis Business examples
- Inspections and records change

After more Council discussion, CM Davis added she will forward a presentation she received from the member of the public about his interest in establishing a business possibly on 1 San Bruno.

Mayor Liu stated that she would not like to see adult only shops on 1 San Bruno because she would like to see something the entire community can enjoy.

Denise Gregory agreed with Mayor Liu's statement.

Michelle Dizitser thanked the Council and offering herself as a resource.

CM O'Connell made a motion, seconded by CM Lentz, to approve Consent Calendar Item F as amended. The motion was carried unanimously by all present.

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

Noes: None

Absent: None

**G. Adopt Resolution No. 2017-41 amending FY 2017-18 Capital Improvement Program to Include Tunnel Avenue Rehabilitation Project**

Tony Verreos asked why spend \$300,000 and whether the project can be done at a later time

Anja Miller said it is nice to see something done on Tunnel but did not like having this item on Consent Calendar. Secondly UPC should make it safe for bicyclists around their property.

Dana Dillworth asked why the City is not dealing with and prioritizing Lagoon Way or Sierra Point Pkwy. These are areas are more unsafe.

Barbara Ebel stated that this area needs to be safer for cyclists and that the Community would like information ahead of time.

After more Council questions and discussion with City Engineer Breault, CM Conway made a motion, seconded by CM O'Connell, to approve Consent Calendar Item G. The motion was carried unanimously by all present.

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

Noes: None

Absent: None

**I. Adopt Resolution No. 2017-46 authorizing Execution of Cooperation Agreements with San Mateo County for participation in the Housing and Community Development Programs**

Barbara Ebel stated that the language in this agreement is too vague.

City Manager Holstine reported that this agreement allows small cities like Brisbane to apply for community development grants. The City has not applied for grants in a while but possibly in the future.

Anja Miller warned that our city was founded by preventing Urban Renewal and this agreement is cooperating with the County for Urban Renewal.

Tony Verreos stated that it is difficult to understand this agreement and supports it as long as there is no obligation.

After further Councilmember questions of staff, City Manager Holstine said he will ask staff to prepare a report of what funds are available.

Mayor Liu asked if staff would look into if the City can get funding for Brisbane Village helping hands.

CM Davis asked if staff can research if we can get funding for tiny home project.

CM Conway made a motion, seconded by CM Davis, to approve Consent Calendar Item I. The motion was carried unanimously by all present.

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

Noes: None

Absent: None

**J. Adopt Resolution No. 2017-43 and support the Home For All San Mateo County Initiative**

CM O'Connell stated that she felt this is a lofty goal and aspirational and she was not sure if there were any benefits to passing this resolution at this time.

City Manager Holstine stated that Home for All is a program that the County is supporting to provide technical support and resources. There is no commitment for development.

Mayor Liu said that she is attending these County meetings and adopting this resolution shows a good faith effort from our City.

Council directed staff edit the document and use "strive" instead of committed in the last WHEREAS and the last paragraph.

CM Lentz made a motion, seconded by CM Davis, to approve Consent Calendar Item J as amended. The motion was carried unanimously by all present.

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

Noes: None

Absent: None

**K. Approve Memorandum of Friendship City Relationship between Panyu District of Guangzhou City, the People's Republic of China and the City of Brisbane**

Anja Miller stated that this agreement should be certified by a translator. She also stated that the Sister City relationship with Brisbane, Australia was a student exchange program and not a business exchange. She requested the Council postpone their decision on this.

Dana Dillworth stated that she has a problem with language of the document especially since it seems that we are promoting tourism with the other entity.

Tony Verreos said there is alternative ways Brisbane businesses can get connections to China if they want to expand their businesses there.

Anja Miller shared that the Brisbane Chamber of Commerce is more appropriate and have already created relationships.

Denise Gregory agreed with people that spoke and liked the idea of Sister Cities not on a business scale.

Carolyn Parker suggested the City should pull this item until the Citizens of the Community know more about what it means to be a Friendship city.

Mayor Liu stated that this is just an expression of international cooperation. This could also be an opportunity for cultural exchanges.

CM Lentz agreed that this is just a standard agreement.

CM O'Connell stated that she would not want to enter our City into this agreement for three years. It's more appropriate for Chamber of Commerce, Lion Clubs, Rotary clubs, etc. to enter into this agreement.

After further Council discussion, CM Lentz suggested to tinker with the language and receive more information about this city.

CM Davis agreed and requested staff to come back to do a report and what the city is about and what kind of trade they do. Additionally ask the City what this agreement means to them.

CM Conway made a motion, seconded by CM Davis, to table Consent Item K. The motion passes unanimously by all present.

CM Davis added she wanted more information on the agreement with the Chamber and discuss further what we would like to see in a Friendship City relationship.

CM Conway added that he would prefer a staff report with public comment.

Mayor Liu also requested staff to look into what other relationships cities in the County have.

Barbara Ebel stated that she is not in support of wasting staff time.

Mayor Liu shared that a delegation is coming sometime this year.

CM Davis- that would be a good opportunity to have the exchange after that delegation visit.

#### **L. Authorize the Mayor to sign a letter taking an Oppose Position on Senate Bill 649 on Wireless Telecommunications Facilities**

City Engineer Breault reported that the revised League of Cities recommendation was to not send the letter as it was addressed to the Assembly Appropriations Committee because the Committee had already passed the bill. The recommendation from the League was that we were past the point of letters being useful and that direct contact with Assemblymember Kevin Mullin was the most productive route as the bill is expected to be on the floor this week. The Mayor will be contacting

Assemblymember Kevin Mullin regarding the City of Brisbane taking an oppose position on Senate Bill 649.

CM Conway made a motion, seconded by CM Lentz, to approve Consent Calendar Item L as amended. The motion was carried unanimously by all present.

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

Noes: None

Absent: None

**M. Approve Resolution No. 2017-40 confirming the City's commitment to safeguard the civil rights, safety and dignity of all community members**

CM Davis stated that she was disappointed this item was under Consent Calendar. She shared that Cities like Sacramento and Stockton were still concerned about losing Federal funding because of the appearance of being a Sanctuary City. She had suggested Striking Sections 2 and Sections 3 of the document because the language may imply Brisbane is a Sanctuary City.

After CM Davis made a motion, seconded by CM Lentz, to approve Consent Calendar Item M as amended. The motion was carried unanimously by all present.

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

Noes: None

Absent: None

**NEW BUSINESS**

**A. Discuss and Consider City Hourly Employee Pay Schedule**

Due to the late hour, this item was not discussed.

**B. Adopt Resolution Nos. 2017-44 and 2017-45 to Increase the Hourly Pay Rate for the Recreation Leader and Senior Recreation Leader Position**

Administrative Services Director Schillinger reported that not many apply for Recreation positions because the salary is low and employment is good right now.

He said it is being recommended to adopt Resolution No. 2017-44 regarding the Pay Scale for the Hourly Employees to reflect the increase hourly pay rate for the Recreation Leader and Senior Recreation Leader Position and to adopt Resolution 2017-45 to approve updating the Master Pay Schedules for all employees. The cost to the City will be approximately \$40,000.

After City Council discussion and questions of staff, CM Lentz made a motion, seconded by CM Davis, to adopt Resolution No. 2017-44 and Resolution No. 2017-45. The motion was carried unanimously by all present.

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

Noes: None

Absent: None

**A. Consider approval of Memorial Bench & Plaque Policy**

Recreation Coordinator Franco is asking the Council to review and consider adopting the proposal from the Parks & Recreation Commission for a policy to guide requests for the placement of commemorative benches with plaques in the City of Brisbane. The fee for memorial benches would be established each year by the Master Fee Schedule. The initial memorial bench commemoration fee is being proposed at \$1,500.

After some Council discussion and questions of staff, CM Davis stated that she did not like the aesthetics of the benches.

Tony Verreos said that if somebody pays \$1500 for a plaque then the bench should be anchored. He also stated that there has been precedent of placing names and businesses on Playground Stars and Skatepark bricks.

After further Council discussion, CM Conway made a motion, seconded by CM Lentz, to approve Memorial Bench and Plaque Policy. The motion was carried unanimously by all present.

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

Noes: None

Absent: None

**D. Discuss and Consider issuing a Request for Interest (RFI) to construct and operate an Electronic Billboard on Sierra Pt. Pkwy adjacent to HWY 101.**

Due to the late hour, this item was not discussed.

**F. Authorize publication of the Notice Inviting Bids for construction of the Annis Road Pressure Regulating Valve Station and Fire Main Replacement Project.**

City Engineer Breault stated that the purpose of this project is to provide fire flow capacity per the 2016 California Fire Code criteria within the benefitting neighborhoods and presented a few slides regarding the Project.

After City Council questions of City Engineer Breault, CM Conway made a motion, seconded by CM Lentz, to approve the Publication of the Notice Inviting Bids for construction of the Annis

Road Pressure Regulating Valve Station and Fire Main Replacement Project. The motion was carried unanimously by all present.

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

Noes: None

Absent: None

CM Conway made a motion, seconded by CM O'Connell to extend the meeting till 11 pm. The motion passed unanimously by all present.

**E. Approve the Publication of the Notice Inviting Bids for the Roof-Mounted Photovoltaic System for City Hall**

City Engineer Breault reported that this agenda item is to obtain Council's approval for requesting bids to construct a photovoltaic system on the roof of City Hall. He said that the majority of the roof is designed so we have room for a photovoltaic system and believes the City will receive good pricing on this project.

An unnamed citizen stated that LED lights can also help with this project.

After further Council questions of staff, CM O'Connell made a motion, seconded by CM Davis, to approve the Publication of the Notice Inviting Bids for the Roof-Mounted Photovoltaic System for City Hall. The motion was carried unanimously by all present.

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

Noes: None

Absent: None

**G. Information Report Concerning Restricting the Uses of Properties Within Brisbane Acres that the City Owns**

Due to the late hour, this item was not discussed.

**STAFF REPORTS**

**A. City Manager's Report on upcoming activities**

Due to the late hour no report was made.

**MAYOR/COUNCIL MATTERS**

**A. City Council Meeting Schedule**

Due to the late hour, this item was not discussed.

**B. Discuss Schedule for Interviews of and Advertisements for Commission and Committee vacancies**

The Council directed City Clerk to hold interviews on October 10, 2017 from 7-9 p.m.

**C. Discuss City's position on the League of California Cities Resolution Packet and on the Election for the Executive Committee for the Peninsula Division of the League of California Cities**

The City Council took no positions on the League of California Cities Resolutions because Brisbane's delegates will not be in attendance. The City Council voted for the following members for the Executive Committee for the Peninsula Division of the League of California Cities:

Yes Vote: President, Emily Lo; Vice President, Larry Moody; Treasurer, Shelly Masur; Secretary, Charles Stone; Board Director Liz Kniss; Legislative Action Committee Co-Chair, Cory Wolbach and Kirsten Keith; At-Large Member San Mateo County, Emily Beach; Santa Clara County, Marico Sayoc.

No Vote: Past President, Alicia Aguirre

**D. County-wide Assignments/Subcommittees Reports**

CM Lentz stated he attended the Caltrain Modernization Committee Local Policy Maker Group and was able to asked questions from the California Highspeed Rail Authority. He asked if CM Davis would like to become the representative of Brisbane for this Local Policy Maker Group.

CM Davis agreed to attend the meetings and receive more information about the Policy Maker Group but wants more opportunities to choose assignments she is passionate about in the future.

Mayor Liu gave a brief report on her County-wide assignments and Subcommittee meetings.

**E. Written Communications**

The Council received Non-Baylands Written Communication from the following individuals:

- Foothill Tax Payer's Association (7/21/17)
- Barbara Ebel (7/31/17)
- Dawn Cutler (8/1/17)
- MTC/ABAG (8/9/17)
- Concerned Brisbane Parents (8/9/17)
- Michelle Dizitser (8/15/17)
- Elaine Straw- (8/28/17)
- Tony Verreos- (8/31/17)

- Tony Verreos- (9/7/17)

## **ORAL COMMUNICATIONS 2**

No members of the public wished to speak.

## **ADJOURNMENT**

Mayor Liu adjourned the meeting in memory of Cleo Marshall. The meeting adjourned at 11:10 p.m.

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Ingrid Padilla, City Clerk