



BRISBANE CITY COUNCIL

ACTION MINUTES

**CITY OF BRISBANE CITY COUNCIL/
BRISBANE PUBLIC FINANCING AUTHORITY/ BRISBANEGUADALUPE
VALLEY MUNICIPAL IMPROVEMENT DISTRICT PUBLIC FINANCING
AUTHORITY**

THURSDAY, JULY 20, 2017

BRISBANE CITY HALL, 50 PARK PLACE, BRISBANE

CALL TO ORDER – PLEDGE OF ALLEGIANCE

The Mayor called the meeting to order at 7:45 p.m. and led the Pledge of Allegiance

ROLL CALL

Councilmembers present:	Conway, Davis, Lentz, O'Connell and Mayor Liu
Councilmembers absent:	None
Boardmembers present:	Conway, Davis, Lentz, O'Connell and Mayor Liu
Staff present:	City Manager Holstine, City Attorney Roush, Administrative Services Director Schillinger, City Clerk Padilla, Community Development Director Swiecki, Police Commander Meisner, Public Works Deputy Director Kinser, Senior Management Analyst Cheung, Fire Inspector Preston, Associate Planner Capasso, and Recreation Coordinator Franco

REPORT BACK FROM CLOSED SESSION

A. Conference with Real Property Negotiator City Manager Clay Holstine regarding the price and terms of the payment for the potential sale of APN#s 007556010, 007560120, 007560130 and 007560140 pursuant to Government Code Section 54956.8

B. Liability Claims: Claimant Fnu Clarissa, pursuant to Government Code, section 54956.95.

**C. Pursuant to Government Code, section 54957 (b)(1) : Employee Performance Evaluation:
City Attorney**

City Attorney Roush reported back that the Council provided direction for Closed Session Item A, denied Liability Claim from Claimant Fnu Clarissa, and decided to continue Closed Session Item C to a Closed Session Meeting on July 27, 2017.

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

CM Conway requested to move New Business Item E after the Consent Calendar. CM Conway made a motion, seconded by CM Davis, to approve the agenda as amended. The motion was carried unanimously by all present.

ORAL COMMUNICATIONS NO. 1

Dana Dillworth said she was concerned that the Closed Session was respectful to Housing Authority. She was also concerned about Dr. Lee's contract, the environmental impacts of the Soils Processing business license tax measure, and the electronic billboard's impact.

PROCLAMATION

A. Declaring July as Parks and Recreation Month

Parks and Recreation Commissioner Kevin Fryer received the Mayoral Proclamation declaring July as Parks and Recreation Month.

PRESENTATIONS

A. Receive information on the County of San Mateo Office of Sustainability's Home for All Program

Jessica Mullin from the County of San Mateo Office of Sustainability presented on the Home for All Initiative and requested support for the initiative working to address the affordable housing issue in the County.

After some Council questions and discussion, the Council requested a resolution to support the initiative be adopted at the City Council Meeting of September 7, 2017 and receive more information on the Learning Network.

B. Presentation of LIVE LOCL mobile app by Founder Craig Sueyishi

Management Analyst Cheung introduced Craig Sueyishi founder of Live LOCL. Mr. Sueyishi presented LIVE LOCL, a free guidebook and communication application. This application could be used to reach residents with City news, local events and other information specific to Brisbane.

After some Council questions and discussion, the Council thanked Mr. Sueyishi for his presentation.

C. Receive information on Friendship City from Victor Wang, China Silicon Valley

Victor Wang, founder and chairman of China Silicon Valley, a nonprofit working to facilitate business relationships between cities within the Silicon Valley and cities in China, requested a Friendship City relationship be established between Panyu District of Guangzhou City, the People's Republic of China and the City of Brisbane.

Mr. Wang shared that an example of a Friendship City Relationship would be to host a delegation

from China and introduce them to companies operating in Brisbane that are actively exploring markets in China.

After some Council discussion with City Manager Holstine and Mr. Wang, Mayor Liu directed Mr. Wang to work with City Manager Holstine.

CONSENT CALENDAR

- A. Approve City Council Minutes of May 18, 2017**
- B. Approve City Council Minutes of May 23, 2017**
- C. Approve City Council Minutes of June 1, 2017**
- D. Approve City Council Minutes of June 7, 2017**
- E. Approve City Council Minutes of June 15, 2017**
- F. Approve City Council Minutes of June 19, 2017**
- G. Approve Building Department Mutual Aid Agreement**
- H. Approve City's Debt Management Policy**

CM Davis asked to pull Consent Calendar Item I for further discussion. CM Lentz made a motion, seconded by CM Conway to approved Consent Calendar Items A-H. The motion was carried unanimously by all present.

I. Authorize the City Manager to execute a consultant agreement with Dr. G. Fred Lee to provide remediation-related technical services as outlined in the draft scope of work.

CM Davis directed staff to request Dr. Lee to give his opinion about the following issues: 1) impact of liquefaction on the site, 2) impact of sea level rise on the site, 3) housing and safety, and 4) impact of dirt piles on the development if they remain on site.

After some Council discussion, CM Lentz made a motion, seconded by CM O'Connell, to approve Consent Calendar Item I. The motion passed unanimously by all present.

NEW BUSINESS

E. Consider approval of funding for Dog Park Resurfacing

Recreation Coordinator Franco reviewed the proposal for resurfacing of the dog park. He reported that the Council can consider inclusion of the project as part of the Capital Improvement Project process or use a supplemental appropriation to fund the project sooner. The cost of proposed project by the Parks and Recreation Commission is \$30,000.

Tony Verreos asked if there was another way to complete the project without spending \$30,000.

Kevin Fryer, Ted Reiterman and Karen Cunningham spoke in support of funding the dog park.

After some Council discussion and questions of staff, CM Conway made a motion, seconded by CM Lentz, to approve the funding for the Dog Park Resurfacing as a supplemental appropriation. The motion was carried unanimously by all present.

PUBLIC HEARING

A. Consider adoption of Resolution No. 2017-34, Imposing Charges for Funding the Local Brisbane Stormwater Program, Authorizing Placement of Said Charges on the 2017-2018 County Tax Roll, and Authorizing the County Tax Collector to Collect Such Charges

Public Works Deputy Director Kinser reported that the fees have remained the same from the previous year and that the purpose of this resolution is to provide a public hearing and consider imposition of annual tax roll charges that fund Brisbane's Local Stormwater Program, which minimizes discharge of pollutants to San Francisco Bay in accordance with federally mandated permit requirements.

After some questions of staff, Mayor Liu opened the public hearing. No one from the public wished to speak. CM Conway made a motion, seconded by CM Davis, to close public hearing. The motion was carried unanimously by all present.

After some discussion, CM Conway made a motion, seconded by CM Davis, to adopt Resolution

No. 2017-34. The motion was carried unanimously by all present.

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

Noes: None

Absent: None

B. Consider adoption of Resolution No. 2017-35, Overruling Protests and Ordering the Improvements and Confirming the Diagram and Assessment for Fiscal Year 2017-2018 for the Sierra Point Landscaping and Lighting District.

Public Works Deputy Director Kinser reported that the fees have remained the same from the previous year. She said the purpose of this resolution is to complete the process via a public hearing for the imposition of annual tax roll charges that fund Sierra Point's Landscape and Lighting Assessment District, which provides for maintenance of the landscaping, irrigation and lighting installed in 1989.

After statements made by Mayor Liu and City Clerk Padilla, Mayor Liu opened the public hearing.

Tony Verreos suggested to consider enhancements to make the area nicer

CM Conway made a motion, seconded by CM O'Connell, to close the public hearing. The motion was carried unanimously by all present.

After some discussion, CM Lentz made a motion, seconded by CM Conway, to adopt Resolution No. 2017-34. The motion was carried unanimously by all present.

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

Noes: None

Absent: None

C. Consider actions regarding issuance and sale of lease revenue bonds:

Adopt Resolution No. 2017-37 approving the Form and Authorizing the Execution of Certain Lease Financing Documents in Connection with the Defeasance of the Outstanding Brisbane Public Finance Authority Lease Revenue Bonds, 2009 Series A (City Hall Renovation Completion Project) and Authorizing and Directing Certain Actions With Respect Thereto

Adopt Resolution No. 2017-38 amending Certain Lease Financing Documents to Provide for the Release of a Portion of the Property Securing the Brisbane Public Financing Authority Lease Revenue Refunding Bonds, 2009 Series A and Authorizing and Directing Certain Actions Relating Thereto

Adopt Resolution No. 2017-39 amending Certain Lease Financing Documents to Provide for the Release of a Portion of the Property Securing the Brisbane/Guadalupe Valley Municipal Improvement District Financing Authority Lease Revenue Refunding Bonds, 2009 Series A and Authorizing and Directing Certain Actions Relating Thereto

Adopt Resolution B-GVMIDFA 2017-01 Resolution Approving the Form and Authorizing the Execution Of Certain Lease Financing Documents in Connection with the Defeasance of the Outstanding Brisbane Public Finance Authority Lease Revenue Bonds, 2009 Series A (City Hall Renovation Completion Project) and Authorizing and Directing Certain Actions With Respect Thereto

Adopt Resolution B-GVMIDFA 2017-02 amending Certain Lease Financing Documents To Provide For The Release Of A Portion Of The Property Securing The Brisbane/Guadalupe Valley Municipal Improvement District Financing Authority Lease Revenue Refunding Bonds, 2009 Series A And Authorizing And Directing Certain Actions Relating Thereto

Adopt Resolution BPFA 2017-01 approving the Form and Authorizing Execution of a Termination Agreement in Connection with the Defeasance of the Outstanding Brisbane Public Financing Authority Lease Revenue Bonds, 2009 Series A (City Hall Renovation Completion Project) Improvement and Approving Official Actions

Adopt Resolution BPFA 2017-02 amending Certain Lease Financing Documents To Provide For The Release Of A Portion Of The Property Securing The Brisbane Public Financing Authority Lease Revenue Refunding Bonds, 2009 Series A and Authorizing And Directing Certain Actions Relating Thereto

Administrative Services Director Schillinger explained the details of the recommended actions and reported that adopting the following resolutions regarding the issuance and the sale of lease revenue bonds will result in a \$33,000 savings per year.

After some Council discussion, Mayor/Chairperson Liu opened the public hearing. No one in the public wished to speak.

Councilmember/Boardmember O'Connell made a motion, seconded by Councilmember/Boardmember Conway, to close public hearing. The motion was carried unanimously by all present.

Councilmember/Boardmember Conway made a motion, seconded by Councilmember/Boardmember O'Connell, to adopt Resolution No. 2017-37, No. 2017-38, Resolution No. 2017-39, Resolution B-GVMIDFA 2017-01, Resolution B-GVMIDFA 2017-02, Resolution BPFA 2017-01 and Resolution BPFA 2017-02. The motion was carried unanimously by all present.

Ayes: Councilmembers/Boardmembers Conway, Davis, Lentz, O'Connell and Mayor/Chairperson Liu

Noes: None

Absent: None

D. Consider any objections by noticed property owners of properties on which a nuisance has been declared to exist (Brisbane Weed Abatement Program).

Fire Safety Inspector Preston reported that there were 7 properties that were notified to clear lots for the Brisbane Weed Abatement Program. After some Council discussion and questions, Mayor Liu opened the public hearing.

Tony Verreos requested the City to cut the weeds and dead plants along Guadalupe Canyon Parkway.

CM Conway made a motion, seconded by CM O'Connell, to close the public hearing. The motion was carried unanimously by all present.

After further Council discussion and questions, CM O'Connell made a motion, seconded by CM Conway approved the actions needed to implement the Brisbane Weed Abatement Program.

E. Consider introduction of Ordinance 617 (Zoning Text Amendment RZ-6-16)-Municipal Code amendments to regulate personal cultivation of medicinal and nonmedicinal cannabis and medicinal and non-medicinal cannabis businesses.

Community Development Director Swiecki reported that this item was continued from the City Council Meeting of April 27, 2017 and the Council Meeting of June 1, 2017. The purpose of this proposed ordinance is to amend various sections of, and add a new chapter to Title 8, Health and Safety, to regulate personal cultivation of medicinal and non-medicinal cannabis, and regulate medicinal and non-medicinal cannabis businesses.

CM Davis and CM O'Connell stated that at the last meeting, the Council did not want to ban all retailers completely but wanted more information on cannabis related business and retail component.

After Council discussion and questions of staff, Mayor Liu opened the public hearing.

Michelle Dizitser advocated for a delivery model for cannabis related business because it is very

discreet. She presented some of the regulated products that will be available through her business.

Freddie Domingo said he was a proponent of cannabis related businesses and storefront retail in the City of Brisbane.

Tony Verreos asked the Council not to fear walk-up cannabis related businesses.

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

After some Council discussion on details about maximizing the revenue from cannabis businesses, City Attorney Roush stated that these details can be discussed at a later time under the Use Permit Conditions.

After some Council discussion and questions of staff, CM Davis requested to amend Ordinance 617 to allow delivery only based cannabis businesses in commercial and industrial zones but away from residential development. CM Davis requested that the Council revisit the discussion of walk-up retail cannabis businesses in two years.

After further discussion and questions, CM Lentz made a motion, seconded by CM Davis, to introduce Ordinance 617 as amended. The motion was carried by a 4 to 1 vote.

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

Noes: CM Conway

Absent: None

CM Conway directed Police Commander Meisner to provide a report regarding the impact that retail dispensaries may have on public safety and specifically on delivery only versus storefront type businesses.

NEW BUSINESS

D. Consider approval of the Public Art Implementation Guidelines

Administrative Services Director Schillinger and Planning Commissioner Kevin Fryer requested the Council to consider approving the implementation guidelines for the Public Art Ordinance. There are two different guidelines for publicly funded and privately funded art.

After some discussion and question, CM Conway made a motion, seconded by CM Lentz, to approve the Public Art Implementation Guidelines. The motion was carried unanimously by all present.

A. Consider adoption of Resolution No. 2017-27 calling for an election to establish a gross receipts tax or \$200,000, whichever is greater, for soil recycling establishments

City Manager Holstine reported that the Council will review and consider adopting Resolution No. 2017-27 for a special election to be consolidated with the municipal election on November 7, 2017

to establish a business license tax for soil recycling establishments at a rate of 20% of the establishment's gross receipts or \$200,000, whichever is greater. The Infrastructure, Utilities and Franchise City Council Subcommittee members recommended to delay this adoption at their meeting of July 19, 2017 until the Planning Commission decides on the Use-Permit conditions.

After some discussion and questions of City Manager Holstine and City Attorney Roush, CM Lentz said he believes this will be a great revenue opportunity for the City and the Council had already given direction for the Economic Development to move forward with the measure. After more questions of staff, members of the public were asked to speak.

Tony Verreos said he is concerned about the transparency of the operation of the soil recycling.

Greg Anderson said that it will be better to provide something more concrete than vague on the terms in the MOU sooner than later.

After further questions and discussion, CM Lentz made a motion, seconded by CM Conway, to adopt Resolution No. 2017-27. The motion was carried by a 4 to 1 vote.

Ayes: CM Conway, Davis, Lentz & Mayor Liu

Noes: CM O'Connell

Absent: None

B. Discuss and Consider City Hourly Employee Pay Schedule

Due to the late hour, this item was moved to the City Council Meeting of September 7, 2017.

C. Consider approval of Memorial Bench & Plaque Policy

Due to the late hour, this item was moved to the City Council Meeting of September 7, 2017.

F. Consider approval of Memorandum of Understanding between the City of Brisbane and Jefferson Union High School District (JUHSD) to fund school bus services for FY 2017-2018.

CM O'Connell made a motion, seconded by CM Conway, to approve Memorandum of Understanding between the City of Brisbane and Jefferson Union High School District (JUHSD) to fund school bus services for FY 2017-2018.

G. Discuss and Consider issuing a Request for Interest (RFI) to construct and operate an Electronic Billboard on City Property

Due to the late hour, this item was moved to the City Council Meeting of September 7, 2017.

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

Due to the late hour, this item was moved to the City Council Meeting of September 7, 2017.

STAFF REPORTS

A . City Manager's Report on upcoming activities

Due to the late hour, no report was made.

MAYOR/COUNCIL MATTERS

A. Schedule interviews for Commission and Committee vacancies

CM O'Connell directed City Clerk Padilla to confirm the information on Kathy Wall's application. CM Davis directed staff to send a doodle poll for this item.

B. City Council response to Metropolitan Transportation Commission Association of Bay Area Governments' consideration of adoption of Plan Bay Area 2040

Councilmembers agreed to sign the letter.

C. County-wide Assignments/Subcommittees Reports

Due to the late hour, this item will be discussed at the City Council Meeting of September 7, 2017.

D. City Council Meeting Schedule

City Manager Holstine reported that the Council Meetings for October 5th and October 19th are rescheduled to October 12th and October 26th respectively.

E. Written Communications

Non-Baylands correspondence was received by the Council from Dana Dillworth, Michelle Salmon, Michelle Dizitser, Jenny Ciccicarelli, Shergias@aol.com and Tony Verreos.

ORAL COMMUNICATIONS 2

No members of the public wished to speak.

ADJOURNMENT

CM O'Connell made a motion, seconded by CM Conway, to adjourn the meeting. The motion was carried unanimously by all present. The meeting was adjourned at 11:59 p.m. in memory of Danny Lee.