



CITY of BRISBANE

City Council Meeting Agenda

Thursday, June 20, 2024 at 7:30 PM • Hybrid Meeting 50 Park Place, Brisbane, CA

The public may observe/participate in City Council meetings using remote public comment options or attending in person. City Council members shall attend in person unless remote participation is permitted by law. The City Council may take action on any item listed in the agenda.

TO ADDRESS THE COUNCIL

IN PERSON

Location: 50 Park Place, Brisbane, CA 94005, Community Meeting Room

Masking is not required but according to the California Department of Public Health guidelines, people at higher risk for severe illness should consider masking. To help maintain public health and safety, we respectfully request that people not attend in-person if they are experiencing symptoms associated with COVID-19 or are otherwise ill and likely contagious (e.g., respiratory illnesses).

To address the City Council on any item – whether on the posted agenda or not – please fill out a Request to Speak Form located in the Community Meeting Room Lobby and submit it to the City Clerk. Speakers are not required to submit their name or address.

REMOTE PARTICIPATION

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The agenda materials may be viewed online at brisbaneca.org at least 72 hours prior to a Regular Meeting, and at least 24 hours prior to a Special Meeting.

Remote Public Comments:

Remote meeting participants may address the City Council. We also encourage you to submit public comments in writing in advance of a meeting. Aside from commenting personally while in the Zoom Webinar, the following email and text line will be also monitored during the meeting and public comments received will be noted for the record during Oral Communications 1 and 2 or during an agenda item.

Email: ipadilla@brisbaneca.org or **Text:** (628) 219-2922

Join Zoom Webinar: zoom.us (please use the latest version: zoom.us/download)
brisbaneca.org/cc-zoom

Webinar ID: 991 9362 8666

Call In Number: 1 (669) 900-9128

Note: Callers dial *9 to "raise hand" and dial *6 to mute/unmute.

SPECIAL ASSISTANCE

If you need special assistance to participate in this meeting, please contact the City Clerk at (415) 508-2113. Notification in advance of the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

WRITINGS THAT ARE RECEIVED AFTER THE AGENDA HAS BEEN POSTED

Any writings that are received after the agenda has been posted but before 4pm of the day of the meeting will be available for public inspection at the front lobby in City Hall and on the internet (brisbaneca.org/meetings). Any writings that are received after 4pm of the day of the meeting will be available on the internet at the start of the meeting (brisbaneca.org/meetings), at which time the materials will be distributed to the Council.

7:30 P.M. CALL TO ORDER – 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

ADOPTION OF AGENDA

AWARDS AND PRESENTATIONS

- B. Recognize City Manager Clay Holstine for More than 25 Years of Service to the City of Brisbane

ORAL COMMUNICATIONS NO. 1

CONSENT CALENDAR

- C. Approve Minutes of City Council Meeting of June 6, 2024
- D. Approve Minutes of City Council Closed Session Meeting of June 6, 2024
- E. Approve a Resolution Authorizing the Office of the Controller of the County of San Mateo to Place National Pollutant Discharge Elimination System Compliance Fees on Commercial Properties Within an Identified Study Area on the Property Tax Rolls
- F. Adopt Resolution Calling a General Municipal Election to Be Held on Tuesday, November 5, 2024 and Adopting Procedures Pertaining to the Conduct and Administration Of Such Election Including Requesting the San Mateo County Clerk-Recorder to Provide Specified Election Services
- G. Adopt an Ordinance, Waiving Second Reading, Amending Section 8.44.180 of the Brisbane Municipal Code Requiring That Tobacco Retailers Be Inspected At Least Twice

Every 12 Months to Ensure They Are Complying with the Tobacco Retailer Permit Ordinance

Council will Take a Brief Break for Dessert Reception

NEW BUSINESS

H. Best Practices Ad Hoc Subcommittee Update

OLD BUSINESS

I. Election Issues Update

STAFF REPORTS

J. City Manager's Report on Upcoming Activities

MAYOR/COUNCIL MATTERS

K. Countywide Assignments and Subcommittee Reports

L. Written Communications

ORAL COMMUNICATIONS NO. 2

ADJOURNMENT

File Attachments for Item:

C. Approve Minutes of City Council Meeting of June 6, 2024



BRISBANE CITY COUNCIL

ACTION MINUTES

CITY COUNCIL MEETING AGENDA THURSDAY, JUNE 6, 2024

HYBRID MEETING, 50 PARK PLACE, BRISBANE, CA 94005

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

Mayor O’Connell called the meeting to order at 7:30 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 under the Emergency Circumstances of AB 2449.

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

Councilmembers absent: None

Staff Present: Interim City Manager Holstine, City Clerk Padilla, City Attorney McMorrow, Finance Director Yuen, City Engineer Breault, Deputy Public Works Director Kinser, Parks and Recreation Director Leek, Human Resources Director Partin, Community Development Director Swiecki, Senior Planner Johnson, Assistant to the City Manager Cheung, Economic Development Director Bull, Police Commander Garcia, Deputy Fire Chief Abelson and Administrative Management Analyst Ibarra

REPORT OUT OF CLOSED SESSION

Interim City Manager Holstine reported that Councilmembers rejected the Liability Claims D. Councilmembers were also provided an update on the Pending Litigation Item G and direction was provided to staff.

ADOPTION OF AGENDA

Mayor O’Connell made the request to move Public Hearing items Q and R at the beginning of the Public Hearing items and to adjourn the meeting in memory of Alex Reisman. Councilmember Davis made a motion, seconded by Councilmember Cunningham to adopt the agenda as amended. The motion was carried unanimously by all present.

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

Noes: None

Abstain: None

Absent: None

AWARDS AND PRESENTATIONS

B. Proclaiming June 2024 as Pride Month

Mayor O'Connell proclaimed the month of June 2024 as Pride Month in support of the LGBTQ community and in recognition of all LGBTQ residents whose influential and lasting contributions to our neighborhoods make the City of Brisbane a vibrant community in which to live, work and visit.

Planning Commissioner Sandip Patel accepted the proclamation on behalf of his partner Brandon Ahlstrom, a public health nurse and a resident of Brisbane for the past 12 years. He thanked the Council for the recognition.

C. Juneteenth Proclamation

Mayor O'Connell proclaimed that the City of Brisbane will observe Juneteenth on June 19, 2024. She acknowledged Juneteenth as a day for all Americans to commit to our collective prosperity and humanity.

Quita Highsmith accepted the Juneteenth Proclamation. Ms. Highsmith, resident of Brisbane for the past 14 years and Vice President and Chief Diversity Officer at Genentech. She thanked the Mayor and Council for the proclamation and acknowledgement.

ORAL COMMUNICATIONS NO. 1

Jonathan Scharfman, thanked City Manager Holstine for his service to the City and wished him well on his retirement.

A member of the public, spoke about the Brisbane Acres.

CONSENT CALENDAR

D. Approve Minutes of City Council Meeting of May 2, 2024

E. Approve Minutes of City Council Closed Session Meeting of May 16, 2024

F. Approve Minutes of City Council Meeting of May 16, 2024

G. Approve Minutes of Special City Council Meeting of May 30, 2024

H. Accept Investment Report as of April 2024

I. Introduce an Ordinance Amending Section 8.44.180 of the Brisbane Municipal Code Requiring That Tobacco Retailers Be Inspected At Least Twice Every 12 Months to Ensure They Are Complying with the Tobacco Retailer Permit Ordinance

J. Award the Construction Contract for the 2023 Slurry Seal to Graham Contractors, Inc. in the Amount of \$249,500, and Authorize the Mayor to Sign the Agreement for the City

K. Adopt a Resolution Establishing the 2024 Business License Tax for Liquid Storage Facilities as to Kinder Morgan/SFPP

L. Sierra Point Landscaping and Lighting District for the Fiscal Year 2024-2025

i. Adopt a Resolution, "Appointing Attorney for the Sierra Point Landscaping and Lighting District for the Fiscal Year 2024-2025."

ii. Adopt a Resolution, "Appointing Engineer for the Sierra Point Landscaping and Lighting District for the Fiscal Year 2024-2025."

iii. Adopt a Resolution, "A Resolution of Preliminary Approval of Engineer's Report - Fiscal Year 2024-2025 - Sierra Point Landscaping and Lighting District"

iv. Adopt a Resolution, "A Resolution of Intention to order the levy and collection of assessments pursuant to the Landscaping and Lighting Act of 1972 - Fiscal Year 2024-2025 - Sierra Point Landscaping and Lighting District"

M. Adoption of Resolution establishing the Appropriation Limit for Fiscal Year 2024-2025

Councilmember Cunningham made a motion, seconded by Councilmember Davis to approve Consent Calendar Items D-M. The motion was carried unanimously by all present.

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

Noes: None

Abstain: None

Absent: None

PUBLIC HEARING

Q. Consider Introduction of an Ordinance Approving a Zoning Text and Map Amendment 2024-RZ-1, Overlay to R-1 Residential District and the R-BA Brisbane Acres Residential District in Entirety

(It is being recommended to introduce an ordinance approving a zoning text and map amendment 2024-RZ-1 amending regulations within Title 16 and 17 of the Brisbane Municipal Code to add the R-TUO residential two unit overlay district as new chapter 17.05 and related amendments; and finding that this project is exempt from environmental review under CEQA Guidelines Sections 15061(b)(1) & (3), Section 15183)

Community Development Director Swiecki reported that the purpose of this item is to amend the zoning ordinance to establish regulations for urban lot splits and two-unit developments consistent with the requirements of Senate Bill SB 9. It is being recommended to introduce the ordinance amending the zoning text and zoning map to establish the R-TUO Residential Two Unit Overlay district and related code amendment.

After council questions, Mayor O'Connell opened the public hearing.

Paul Bouscal, a member of the public and Erin Becker made a comment about the Zoning Text and Map amendment.

After some Council discussion about public hearing and community outreach strategies, Councilmember Davis made a motion, seconded by Councilmember Mackin to continue the public hearing on July 18, 2024. The motion was carried unanimously by all present.

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

Noes: None

Abstain: None

Absent: None

R. Consider Introduction of an Ordinance Approving a Zoning Text Amendment 2024-RZ-2, City-wide

(It is being recommended to introduce an ordinance approving omnibus zoning amendments to modify the development standards for multifamily and residential mixed use zoning districts consistent with California Senate Bill SB 478 ("housing opportunity act") and as provided in the 2023-2031 Housing Element; and finding that this project is exempt from environmental review under CEQA Guidelines Sections 15061(b)(3), Section 15183)

Senior Planner Johnson reported that the purpose of this item is to amend the zoning text provisions in a number of Chapters in the Brisbane Municipal Code, consistent with the revised 2023-2031 Housing Element goals, policies and programs. It is being recommended to introduce the ordinance amending the zoning text

After council questions, Mayor O'Connell opened the public hearing and no member of the public wished to speak.

Councilmember Cunningham made a motion, seconded by Councilmember Davis to continue the public hearing on July 18, 2024. The motion was carried unanimously by all present.

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

Noes: None

Abstain: None

Absent: None

Council discussion.

After Public Hearing Item R, Council took a brief break.

N. Consider Adoption of Resolutions to Approve the Budget for Fiscal Year 2024/25

1. Adopt Resolution adopting the annual budget for Fiscal Year 2024-2025 and making appropriations for the amounts budgeted for the City, the Successor Agency and Housing Authority

Finance Director Yuen reported that on May 30, 2024, Staff presented an overview of the budget to the City Council. Staff also initiated reviews of departmental budgets including highlights from previous year, variances from previous year and budgeted requests. Council requested staff come back on June 6, 2024, with proposed items that were identified to either be placed on hold or pushed to the FY26 budget to minimize budgeted deficit. She also reported that the General Fund budget for Fiscal Year 2024/25 is balanced within available resources and the anticipated Net Use of Fund Balance is \$2,699,000.

After council questions, Mayor O'Connell opened the public hearing. No member of the public wished to speak.

Councilmember Lentz made a motion, seconded by Councilmember Cunningham to close the public hearing. The motion was carried unanimously by all present.

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

Noes: None

Abstain: None

Absent: None

After some Council discussion, Councilmember Lentz made a motion, seconded by Councilmember Cunningham, to adopt a resolution adopting the annual budget for Fiscal Year 2024-2025 and making appropriations for the amounts budgeted for the City, the Successor Agency and Housing Authority. The motion was carried unanimously by all present.

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

Noes: None

Abstain: None

Absent: None

2. Adopt Guadalupe Valley Municipal Improvement District Resolution adopting the annual budget for Fiscal Year 2024-2025 and making appropriations for the amounts budgeted

After no public comments were received, Board member Lentz made a motion, seconded by Board member Cunningham to close the public hearing. The motion was carried unanimously by all present.

Ayes: Board members Cunningham, Davis, Lentz, Mackin, and Chair O'Connell

Noes: None

Abstain: None

Absent: None

Board member Mackin made a motion, seconded by Board member Lentz, to Adopt Guadalupe Valley Municipal Improvement District Resolution adopting the annual budget for Fiscal Year 2024-2025 and making appropriations for the amounts budgeted. The motion was carried unanimously by all present.

Ayes: Board members Cunningham, Davis, Lentz, Mackin, and Chair O'Connell

Noes: None

Abstain: None

Absent: None

O. Consider Adoption of Resolution Adopting a Master Fee Schedule

Finance Director Yuen reported that the purpose of this item is to ensure the users of services as outlined in the City's Cost Recovery Policy pay for the services provided by the City. It is being recommended by staff to adopt a Master Fee Schedule Resolution, which generally increases fees by 2.5%. Finance Director Yuen also commented that there were also amendments to the Planning Department Fees.

After council questions, Mayor O'Connell opened the public hearing.

Parks and Recreation Commissioner, Leesa Greenlee thanked the council for their support of kids and senior programming.

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

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

Noes: None

Abstain: None

Absent: None

Councilmember Cunningham made a motion, seconded by Councilmember Davis, to adopt a resolution adopting a master fee schedule. The motion was carried unanimously by all present.

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

Noes: None

Abstain: None

Absent: None

P. Consider Adoption of Resolution Imposing a National Pollutant Discharge Elimination System (NPDES) Compliance Fees on Commercial Property Owners Within an Identified Study Area

City Engineer Breault reported the purpose of this item is to hold the public hearing required before considering approval of a resolution imposing new fees on commercial property owners to pay for costs associated with the city's compliance with National Pollutant Discharge Elimination System (NPDES). He added that the City received 15 written protests out of over 200 parcels.

After council questions, Mayor O'Connell opened the public hearing.

Nick Fafoutis of Prologis, Julia Johnson, and John Lee made a comment about the NPDES Compliance Fees. Paul Bouscal made a comment about impact on habitat.

After Council discussion, Councilmember made a motion, seconded by Councilmember to close the public hearing. The motion was carried unanimously by all present.

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

Noes: None

Abstain: None

Absent: None

After some Council discussion, Councilmember Mackin made a motion, seconded by Councilmember Lentz, to adopt a resolution imposing a National Pollutant Discharge Elimination System (NPDES) Compliance Fees on commercial property owners within an identified study area. The motion was carried unanimously by all present.

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

Noes: None

Abstain: None

Absent: None

OLD BUSINESS

S. Consider Adopting a Resolution to Amend the Master Pay Schedule

Human Resources Director Partin reported that the purpose of this item is to ensure the City maintains competitive pay rates to retain qualified, stable and dedicated workforce for the community. She added that there are updates to the

master pay schedule which included the following:

- Confidential Management Employees: The classifications in this group will receive a 6% pay increase and the current filled positions in this group and their respective top step pay rates include: Finance Director at \$115.49 per hour and Human Resources Director at \$113.35.
- Executive Management: The classifications in this group will receive a 6% pay increase and the current filled positions in this group and their respective top step pay rates include: Assistant to the City Manager at \$92.48 per hour, City Clerk at \$74.83 per hour, Community Development Director at \$116.72 per hour, Parks and Recreation Director at \$111.29 per hour and Public Works Director/City Engineer at \$136.64 per hour.
- Police Chief: This classification will receive a 6% pay increase and the new pay rate will be \$136.19 per hour at the top step.
- The following bargaining groups will also receive a 6% pay increase: Brisbane Fire Management, Confidential Employees, General Employees Association, International Association of Firefighters, Local 2400, Mid-Management/Professional Employees, Police Commander, and Police Officers Association.

After no Council questions, no public comment and Council discussion, Councilmember Mackin made a motion, seconded by Councilmember Lentz, to adopt a resolution amending the Master Pay Schedule. The motion was carried unanimously by all present.

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

Noes: None

Abstain: None

Absent: None

T. Consider Adoption of a Resolution to Initiate a Test Residential Parking Permit Program on Thomas Ave Based Upon Results of Outreach to Residents

Deputy Public Works Director Kinser reported that the purpose of the item is to initiate a test residential parking permit program (RPPP) on Thomas Avenue lasting six months, and to later receive feedback from staff on the effectiveness of the program. She added that in April, Council approved the municipal code revision to reduce the number of households needed to initiate a program on their street to a simple majority, versus the prior 70%.

After some Council questions and no public comment, Councilmember Mackin made a motion, seconded by Councilmember Cunningham, to adopt a resolution to initiate a test Residential Parking Permit Program on Thomas Avenue based upon results of outreach to residents. The motion was carried unanimously by all present.

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

Noes: None

Abstain: None

Absent: None

STAFF REPORTS

U. City Manager’s Report on Upcoming Activities

Interim City Manager Holstine on the latest City news.

MAYOR/COUNCIL MATTERS

V. Update on Committee Recruitment

City Clerk Padilla reported that there were 2 applications received for the Complete Streets Safety Committee vacancy in addition to the 1 application received for the Open Space Ecology Committee vacancy, 4 applications for the Inclusion, Diversity, Equity and Accountability Committee vacancies, and 2 applications for San Mateo County Mosquito & Vector Control District Trustee vacancy received in May.

City Clerk Padilla was directed by Council to schedule a special meeting for interviews in July.

W. Countywide Assignments and Subcommittee Reports

Councilmembers reported on their countywide assignments and subcommittee reports.

X. Written Communications

Councilmembers received the following communication from May 6-June 6, 2024:

Cansino (05-06-2024) Pride proclamation

Sangamo (05-28-2024) CA Warn Act Notice to Brisbane City Council 2023-11-01

Sangamo (05-28-2024) Amended CA Warn Act Notice to Brisbane City Council (Brisbane location) 2024-05-24

Bianchi (06-04-2024) NPDES Fee

Dillworth (06-05-2024) Remove from Agenda

Yuen (06-05-2024) Memo FY 25 Budget Dept Expenses

Lassus (06-04-2024) Vote No on ACA-1

Kirsch (06-06-2024) Catalysts Fact Sheet

Dillworth (06-06-2024) Dillworth Rezoning for Housing Items Q & R

Kirsch (06-05-2024) Remove 2 Ordinances from 06-06-2024 Meeting Agenda

ORAL COMMUNICATIONS NO. 2

No members of the public wished to speak.

ADJOURNMENT

Mayor O'Connell adjourned the meeting at 10:31 P.M. in memory of Alex Reisman.

Ingrid Padilla
City Clerk

File Attachments for Item:

D. Approve Minutes of City Council Closed Session Meeting of June 6, 2024



BRISBANE CITY COUNCIL

ACTION MINUTES

BRISBANE CITY COUNCIL CLOSED SESSION MEETING

THURSDAY, June 6, 2024

*HYBRID MEETING, 50 PARK PLACE LARGE CONFERENCE ROOM,
BRISBANE, CA*

1. 6:30 P.M. CLOSED SESSION

A. Approval of the Closed Session Agenda

B. Public Comment. Members of the public may address the Councilmembers on any item on the closed session agenda

C. Adjournment into Closed Session

D. Liability Claim: Claimant St. Cin, pursuant to Government Code, section 54956.95

E. CONFERENCE WITH LEGAL COUNSEL—PENDING LITIGATION

Government Code, Section 54956.9 (d) (1). Number of Cases: One

- City of Brisbane v. CA High-Speed Rail Authority (Superior Court of Sacramento County, Case No. 80004010)

Mayor O'Connell called the meeting to order at 6:35 P.M. Councilmember Mackin made a motion, seconded by Councilmember Cunningham, to approve the Closed Session Meeting agenda as it stands. The motion passed unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

There was no public comment. Mayor O'Connell adjourned the meeting into Closed Session.

REPORT OUT OF CLOSED SESSION

Interim City Manager Holstine reported that Councilmembers rejected the Liability Claims D. Councilmembers were also provided an update on the Pending Litigation Item G and direction was provided to staff.

ADJOURNMENT

The meeting was adjourned at 7:20 P.M.

File Attachments for Item:

E. Approve a Resolution Authorizing the Office of the Controller of the County of San Mateo to Place National Pollutant Discharge Elimination System Compliance Fees on Commercial Properties Within an Identified Study Area on the Property Tax Rolls



CITY COUNCIL AGENDA REPORT

Meeting Date: June 20, 2024
From: Director of Public Works/City Engineer
Subject: Authorize County Controller to Collect Fees

This Ordinance is exempt from CEQA because it is not a project (CCR Title 14 §15378 (b) (2)).

Community Goal/Result: Ecological Sustainability, Fiscally Prudent,

Recommendation

Approve a resolution, "Authorizing the Office of the Controller of the County of San Mateo to Place National Pollutant Discharge Elimination System Compliance Fees on Commercial Properties Within an Identified Study Area on the Property Tax Rolls".

Background

Council approved Resolution No. 2024-18 at the regularly scheduled June 6, 2024 meeting. The staff report for that subject is attached.

Discussion

Resolution No. 2024-18 specifically anticipated that the ultimately adopted fees would be collected on the property tax rolls. The resolution recommended here satisfies the Controller's Office requirements for collecting fees on the tax rolls.

Fiscal Impact: Same as 6/6/24 staff report.

Measure of Success: Same as 6/6/24 staff report.

Environmental Review

Adoption of this ordinance does not need further environmental review under the California Environmental Quality Act (CEQA) as it is general policy and procedure making not applied to a specific instance and therefore it is not a "project" (California Code of Regulations, Title 14, Division 6, Chapter 3, Article 20, §15378 (b) (2)).

Attachments

1. June 6, 2024 staff report, "Public Hearing for Proposed Fee For Costs Associated with the National Pollutant Discharge Elimination System (NPDES)."

R.L. Breault

Randy Breault, Public Works Director

Clay Holstine

Clay Holstine, City Manager

RESOLUTION NO. 2024-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE
AUTHORIZING THE OFFICE OF THE CONTROLLER OF THE COUNTY OF SAN
MATEO TO PLACE NATIONAL POLLUTANT DISCHARGE ELIMINATION
SYSTEM COMPLIANCE FEES ON COMMERCIAL PROPERTY OWNERS WITHIN
AN IDENTIFIED STUDY AREA ON THE PROPERTY TAX ROLL**

WHEREAS, the City of Brisbane is required to comply with all the conditions imposed under the Municipal Regional Stormwater National Pollutant Discharge Elimination System Permit issued by the San Francisco Bay Region Water Quality Control Board (“Water Control Board”); and

WHEREAS, the legal authority for the Water Control Board to issue a waste discharge permit under the NPDES is the majority of cities and counties in the Bay Area discharge stormwater into the San Francisco Bay; and

WHEREAS, The Water Control Board has determined that stormwater discharges from urban areas are significant sources of pollutants that cause or may be causing water quality impairment in the Bay; and

WHEREAS, the primary contribution to stormwater is the result of impervious materials (e.g., buildings, roads, parking lots) that prevent rain from percolating into the soil; and

WHEREAS, The City’s two most significant contributors to the square footage of impervious materials are one, the public roads, sidewalks, and public buildings, and two, the comparable contributors within the commercial areas of Crocker Industrial Park, Sierra Point, and a few smaller zoned commercial districts; and

WHEREAS, to prevent this degradation of water quality in the Bay, the Water Control Board issued an updated Municipal Regional Permit effective July 21, 2022; the permit includes 22 provisions that the City must comply with or potentially face fines of up to \$10,000 per day; and

WHEREAS, these provisions include detailed oversight of all development to ensure stormwater controls are implemented; regular inspections of industrial and commercial properties; implementation of an illicit discharge detection and elimination program; and trash load reduction; and

WHEREAS, the latter provision is one of the most expensive, as it requires placement of trash capture devices in nearly all of the City’s storm drain inlets, and also includes at least annual cleaning and inspection of these storm drain inlets; and

WHEREAS, in order to comply with the conditions of the permit, the City necessarily incurs significant costs, including the cost (a) to inspect properties to ensure that the owners are demonstrating compliance with capturing trash, (b) to inspect for

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illegal storm water discharges and connections, (c) to monitor and protect the receiving storm water runoff (the Lagoon and the Bay), (d) for street sweeping, (e) to inspect and clean catch basins and (f) to pay additional fees imposed by the City/County Association of Governments of San Mateo County to comply with Water Control Board requirements; and

WHEREAS, The City's cost in FY 23-24 to meet all these provisions is \$582,377 and even with the input of \$52,000 collected from all Brisbane parcels for the local stormwater program, franchise fees from solid waste haulers, and funding sources such as San Mateo County Measure M, the City's General Fund backfilled the NPDES program budget with \$408,377; and

WHEREAS, staff identified a "commercial study area" where the parcels in said area with impervious materials (e.g., building roofs, parking lots, etc.) would be subject to the proposed fee; each parcel owner within the study area was sent correspondence dated March 25, 2024 requesting input on the proposed fee, and was later sent correspondence dated April 18, 2024 advising that the city had scheduled a public hearing on June 6, 2024 to consider protests to imposing the fees; and

WHEREAS, because commercial property owners benefit directly and significantly from the City's NPDES program, it is fair to allocate a certain percentage of the cost of the fees for this program to such owners; and

WHEREAS, in an effort to allocate the costs in a fair way, the City has mapped all of the impermeable areas under its control and those under the control of commercial property owners; and

WHEREAS, The summary of that mapping is as follows:

Private Building Footprint:	5,238,051 Sq Ft
Private Impervious (parking areas, etc.):	8,331,096 Sq Ft
Subtotal:	13,569,147 Sq Ft
Public Impervious (building and parking areas):	895,744 Sq Ft
Public Sidewalks and Roads:	5,768,354 Sq Ft
Subtotal:	6,664,098 Sq Ft
TOTAL:	20,223,245 Sq Ft

WHEREAS, private impervious commercial areas are approximately 2/3 of the impervious areas contributing to stormwater runoff when compared to public impervious areas.

WHEREAS, for the reasons expressed above, the City Council has determined that the increases in cost of complying with the NPDES Permit have made it necessary to impose new fees on commercial property owners within an identified study area; and

RESOLUTION NO. 2024-__

WHEREAS, a proposed schedule of fees and the identified study area were presented to the City Council; and

WHEREAS, as required by law, notice of the proposed new fees was given to the persons who are responsible for payment of such charges, as shown on the records of the City, which included notice of a public hearing to be conducted by the City Council at which time any protests to the proposed new fees would be considered, such notice having been given at least 45 days prior to the hearing; and

WHEREAS, on June 6, 2024, the City Council conducted a public hearing on the proposed new fees to be collected on the associated parcel's tax roll, at which time any person was given an opportunity to protest the same; and

WHEREAS, protests were not made by a majority of the persons who would be responsible for the new fees; and

WHEREAS, on June 6, 2024, the City Council approved Resolution No. 2024-18 imposing a schedule of fees for National Pollutant Discharge Elimination System compliance on commercial property owners within an identified study area.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brisbane as follows:

1. The Office of the Controller of the County of San Mateo is authorized to place the fees for National Pollutant Discharge Elimination System compliance on commercial property owners within an identified study area on the property tax roll.
2. The lowest charge amount for this fee shall be \$.02 per square foot of impervious area and the highest charge amount shall be \$.04 per square foot of impervious area.
3. The new fees shall be effective as of July 1, 2024 and shall remain in place until such time as they are revised or rescinded by the City Council.

Terry O'Connell, Mayor

* * * *

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Brisbane held on the twentieth day of June, 2024, by the following vote:

RESOLUTION NO. 2024-__

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Ingrid Padilla, City Clerk



CITY COUNCIL AGENDA REPORT

Meeting Date: June 6, 2024

From: Director of Public Works/City Engineer

Subject: Public Hearing for Proposed Fee for Costs Associated with the National Pollutant Discharge Elimination System (NPDES)

This action is exempt from CEQA because it is not a project (CCR Title 14 §15378 (b) (2)).

Community Goal/Result: Ecological Sustainability, Fiscally Prudent

Purpose

To hold the public hearing required before considering approval of a resolution imposing new fees on commercial property owners to pay for costs associated with the city's compliance with NPDES.

Recommendation

1. Open the Public Hearing, receive comments from interested parties, and consider protests to imposing the fees.
2. In the absence of a majority protest, approve a resolution, "Imposing National Pollutant Discharge Elimination System Compliance Fees on Commercial Property Owners Within An Identified Study Area."

Background

The City of Brisbane is required to comply with all the conditions imposed under the Municipal Regional Stormwater National Pollutant Discharge Elimination System Permit issued by the San Francisco Bay Region Water Quality Control Board ("Water Control Board"). The legal authority for the Water Control Board to issue a waste discharge permit under the NPDES is the majority of cities and counties in the Bay Area discharge stormwater into the San Francisco Bay. (The City and County of San Francisco is unique in this regard; in that it discharges stormwater and sewer into the same collection system where both are ultimately treated before discharge).

The Water Control Board has determined that stormwater discharges from urban areas are significant sources of pollutants that cause or may be causing water quality impairment in the Bay. The primary contribution to stormwater is the result of impervious materials (e.g., buildings, roads, parking lots) that prevent rain from percolating into the soil. The City's two most significant contributors to the square footage of impervious materials are one, the public roads, sidewalks, and public buildings, and two, the comparable contributors within the commercial areas of Crocker Industrial Park, Sierra Point, and a few smaller zoned commercial districts.

To prevent this degradation of water quality in the Bay, the Water Control Board issued an

updated Municipal Regional Permit effective July 21, 2022. The permit includes 22 provisions that the City must comply with or potentially face fines of up to \$10,000 per day. These provisions include detailed oversight of all development to ensure stormwater controls are implemented; regular inspections of industrial and commercial properties; implementation of an illicit discharge detection and elimination program; and trash load reduction.

The latter provision is one of the most expensive, as it requires placement of trash capture devices in nearly all of the City's storm drain inlets, and also includes at least annual cleaning and inspection of these storm drain inlets.

In order to comply with the conditions of the permit, the City necessarily incurs significant costs, including the cost (a) to inspect properties to ensure that the owners are demonstrating compliance with capturing trash, (b) to inspect for illegal storm water discharges and connections, (c) to monitor and protect the receiving storm water runoff (the Lagoon and the Bay), (d) for street sweeping, (e) to inspect and clean catch basins and (f) to pay additional fees imposed by the City/County Association of Governments of San Mateo County to comply with Water Control Board requirements.

The City's cost in FY 23-24 to meet all these provisions is \$582,377. Even with the input of \$52,000 collected from all Brisbane parcels for the local stormwater program, franchise fees from solid waste haulers, and funding sources such as San Mateo County Measure M, the City's General Fund backfilled the NPDES program budget with \$408,377.

Discussion

Staff Identified a "commercial study area" where the parcels in said area with impervious materials (e.g., building roofs, parking lots, etc.) would be subject to the proposed fee. Each parcel owner within the study area was sent correspondence dated March 25, 2024 requesting input on the proposed fee, and was later sent correspondence dated April 18, 2024 advising that the city had scheduled a public hearing on June 6, 2024 to consider protests to imposing the fees. As of the writing of this staff report, the city has received very little communication from the impacted parcel owners.

The referenced "commercial study area" is attached to the proposed resolution.

Fiscal Impact

Because commercial property owners benefit directly and significantly from the City's NPDES program, it is fair to allocate a certain percentage of the cost of the fees for this program to such owners. In an effort to allocate the costs in a fair way, the City has mapped all of the impermeable areas under its control and those under the control of commercial property owners. The summary of that mapping is as follows:

Private Building Footprint:	5,238,051 Sq Ft
Private Impervious (parking areas, etc.):	8,331,096 Sq Ft
Subtotal:	13,569,147 Sq Ft
Public Impervious (building and parking areas):	895,744 Sq Ft
Public Sidewalks and Roads:	5,768,354 Sq Ft
Subtotal:	6,664,098 Sq Ft
TOTAL:	20,223,245 Sq Ft

Private impervious commercial areas are approximately 2/3 of the impervious areas contributing to stormwater runoff when compared to public impervious areas.

To allocate the costs equitably and using by way of example this fiscal year's backfill amount of \$408,377, that amount, when divided by 20,233,245, results in a square foot allocation of \$.02 per square foot of impervious area.

As the City is already backfilling the NPDES budget from the General Fund, the pending proposal is to charge an annual fee to commercial property owners based on square footage of impervious area. In this year, for example, the fee would have been \$.02 per square foot of impervious surface.

Measure of Success

An equitably funded NPDES division budget that allows the city to remain in compliance with the Municipal Regional Permit and that supports the important work of preventing pollutants from discharging into the San Francisco Bay.

Environmental Review

Adoption of this resolution does not need further environmental review under the California Environmental Quality Act (CEQA) as it is general policy and procedure making not applied to a specific instance and therefore it is not a "project" (California Code of Regulations, Title 14, Division 6, Chapter 3, Article 20, §15378 (b) (2)).

Attachments

1. Resolution Imposing National Pollutant Discharge Elimination System Compliance Fees on Commercial Property Owners Within An Identified Study Area

R.L. Breault

Randy Breault, Public Works Director

Clay Holstine, City Manager

RESOLUTION NO. 2024-__**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE
IMPOSING NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
COMPLIANCE FEES ON COMMERCIAL PROPERTY OWNERS WITHIN
AN IDENTIFIED STUDY AREA**

WHEREAS, the City of Brisbane is required to comply with all the conditions imposed under the Municipal Regional Stormwater National Pollutant Discharge Elimination System Permit issued by the San Francisco Bay Region Water Quality Control Board (“Water Control Board”); and

WHEREAS, the legal authority for the Water Control Board to issue a waste discharge permit under the NPDES is the majority of cities and counties in the Bay Area discharge stormwater into the San Francisco Bay; and

WHEREAS, The Water Control Board has determined that stormwater discharges from urban areas are significant sources of pollutants that cause or may be causing water quality impairment in the Bay; and

WHEREAS, the primary contribution to stormwater is the result of impervious materials (e.g., buildings, roads, parking lots) that prevent rain from percolating into the soil; and

WHEREAS, The City’s two most significant contributors to the square footage of impervious materials are one, the public roads, sidewalks, and public buildings, and two, the comparable contributors within the commercial areas of Crocker Industrial Park, Sierra Point, and a few smaller zoned commercial districts; and

WHEREAS, to prevent this degradation of water quality in the Bay, the Water Control Board issued an updated Municipal Regional Permit effective July 21, 2022; the permit includes 22 provisions that the City must comply with or potentially face fines of up to \$10,000 per day; and

WHEREAS, these provisions include detailed oversight of all development to ensure stormwater controls are implemented; regular inspections of industrial and commercial properties; implementation of an illicit discharge detection and elimination program; and trash load reduction; and

WHEREAS, the latter provision is one of the most expensive, as it requires placement of trash capture devices in nearly all of the City’s storm drain inlets, and also includes at least annual cleaning and inspection of these storm drain inlets; and

WHEREAS, in order to comply with the conditions of the permit, the City necessarily incurs significant costs, including the cost (a) to inspect properties to ensure that the owners are demonstrating compliance with capturing trash, (b) to inspect for illegal storm water discharges and connections, (c) to monitor and protect the receiving

RESOLUTION NO. 2024-__

storm water runoff (the Lagoon and the Bay), (d) for street sweeping, (e) to inspect and clean catch basins and (f) to pay additional fees imposed by the City/County Association of Governments of San Mateo County to comply with Water Control Board requirements; and

WHEREAS, The City's cost in FY 23-24 to meet all these provisions is \$582,377 and even with the input of \$52,000 collected from all Brisbane parcels for the local stormwater program, franchise fees from solid waste haulers, and funding sources such as San Mateo County Measure M, the City's General Fund backfilled the NPDES program budget with \$408,377; and

WHEREAS, staff identified a "commercial study area" where the parcels in said area with impervious materials (e.g., building roofs, parking lots, etc.) would be subject to the proposed fee; each parcel owner within the study area was sent correspondence dated March 25, 2024 requesting input on the proposed fee, and was later sent correspondence dated April 18, 2024 advising that the city had scheduled a public hearing on June 6, 2024 to consider protests to imposing the fees; and

WHEREAS, because commercial property owners benefit directly and significantly from the City's NPDES program, it is fair to allocate a certain percentage of the cost of the fees for this program to such owners; and

WHEREAS, in an effort to allocate the costs in a fair way, the City has mapped all of the impermeable areas under its control and those under the control of commercial property owners; and

WHEREAS, The summary of that mapping is as follows:

Private Building Footprint:	5,238,051 Sq Ft
Private Impervious (parking areas, etc.):	8,331,096 Sq Ft
Subtotal:	13,569,147 Sq Ft
Public Impervious (building and parking areas):	895,744 Sq Ft
Public Sidewalks and Roads:	5,768,354 Sq Ft
Subtotal:	6,664,098 Sq Ft
TOTAL:	20,223,245 Sq Ft

WHEREAS, private impervious commercial areas are approximately 2/3 of the impervious areas contributing to stormwater runoff when compared to public impervious areas.

WHEREAS, for the reasons expressed above, the City Council has determined that the increases in cost of complying with the NPDES Permit have made it necessary to impose new fees on commercial property owners within an identified study area; and

WHEREAS, a proposed schedule of fees and the identified study area were presented to the City Council, a copy of which is attached hereto and incorporated herein by reference; and

WHEREAS, as required by law, notice of the proposed new fees was given to the persons who are responsible for payment of such charges, as shown on the records of the City, which included notice of a public hearing to be conducted by the City Council at which time any protests to the proposed new fees would be considered, such notice having been given at least 45 days prior to the hearing; and

WHEREAS, on June 6, 2024, the City Council conducted a public hearing on the proposed new fees to be collected on the associated parcel's tax roll, at which time any person was given an opportunity to protest the same; and

WHEREAS, protests were not made by a majority of the persons who would be responsible for the new fees.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brisbane as follows:

1. The schedule of fees for National Pollutant Discharge Elimination System compliance on commercial property owners within an identified study area attached hereto is approved (Attachment A).
2. The new fees shall be effective as of July 1, 2024 and shall be collected by the San Mateo County Tax Collector.

Terry O'Connell, Mayor

* * * *

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Brisbane held on the sixth day of June, 2024, by the following vote:

RESOLUTION NO. 2024-__

E.

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Ingrid Padilla, City Clerk

RESOLUTION NO. 2024-__

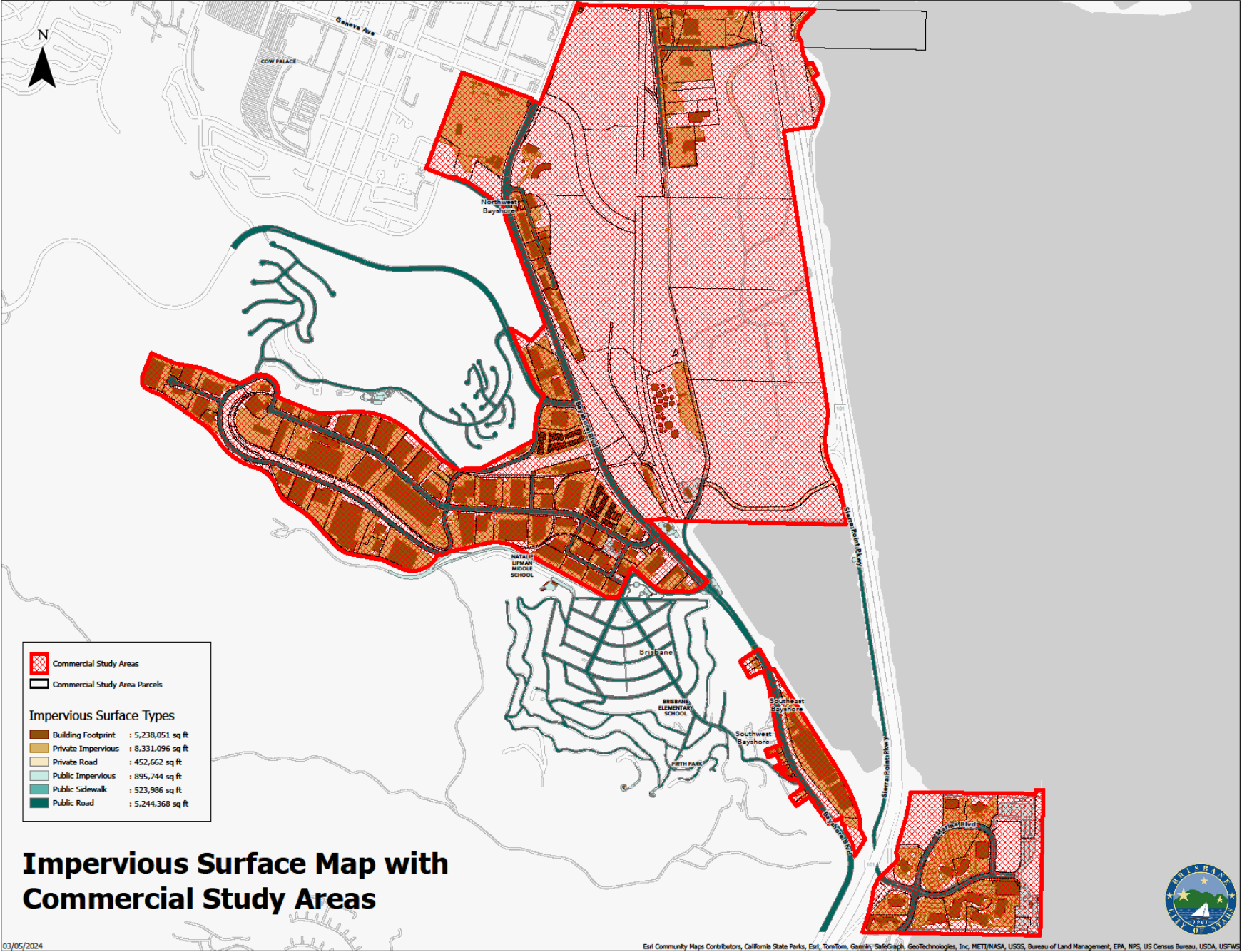
ATTACHMENT A to Resolution No. 2024-__

Schedule of Fees for National Pollutant Discharge Elimination System Compliance on
Commercial Businesses Within an Identified Study Area**Fees shall be calculated using the following methodology:**

1. No later than May 31st of each calendar year, city staff shall confirm the total square footage of the public impervious areas (i.e., buildings footprints, parking areas, sidewalks and roads).
2. No later than May 31st of each calendar year, city staff shall review the private parcels identified on the attached “Impervious Surface Map with Commercial Study Areas” and calculate the total square footage of impervious areas (i.e., buildings footprints, parking areas, etc.) associated with each parcel.
3. No later than May 31st of each calendar year, city staff shall prepare a total budget for the NPDES division within the Public Works Department. From that budget, staff shall subtract all external funding sources other than fees to be calculated pursuant to this resolution.
4. City staff shall divide the dollar amount calculated in paragraph 3 above by the sum of all square footage calculated in paragraphs 1 and 2 above. The result of this final calculation shall be the per square foot fee charged to each commercial business parcel within the identified study area.

By example:

1. In 2024, the total of public impervious area is 6,664,098 square feet.
2. In 2024, the total of private commercial impervious area within the study area is 13,569,147 square feet.
3. The FY23-24 NPDES division budget, minus external funding sources, is \$408,377.
4. $\$408,377 \div (6,664,098 + 13,569,147) = \$.02/\text{square foot}.$



File Attachments for Item:

F. Adopt Resolution Calling a General Municipal Election to Be Held on Tuesday, November 5, 2024 and Adopting Procedures Pertaining to the Conduct and Administration Of Such Election Including Requesting the San Mateo County Clerk-Recorder to Provide Specified Election Services



CITY COUNCIL AGENDA REPORT

Meeting Date: June 20, 2024

From: Ingrid Padilla, City Clerk

Subject: November 5, 2024 General Municipal Election

COMMUNITY GOAL

Community Building

RECOMMENDATION

Adopt the attached Resolution calling a General Municipal Election to be held on Tuesday, November 5, 2024, adopting procedures pertaining to the conduct and administration of such election including requesting the San Mateo County Clerk-Recorder to provide specified elections services, and authorizing the City Manager to enter into a Service Agreement with San Mateo County Officials for election related services.

BACKGROUND

The San Mateo County Elections Division will hold a General Election on November 5, 2024. This election will be an All Mailed Ballot/Vote Center Election under the California Voter's Choice Act. Every registered voter in Brisbane will receive through the mail a Vote by Mail ballot which may be returned by mail (postage prepaid) or dropped off at any Vote Center or Ballot Drop-off Box located throughout the County.

Vote Centers replace traditional polling places and are open for voting during a 29-day period prior to Election Day and on Election Day. Vote Centers provide expanded voter services such as voter registration, multilingual assistance, and disabled access voting options. Brisbane City Hall is scheduled to be a San Mateo County Voter Center and will be open three days prior to Election Day and on Election Day, i.e., November 2, 3, 4, and 5, 2024.

DISCUSSION

The attached resolution calls for an election to fill three City Council member terms currently held by Council members Cunningham, Lentz and Mackin, for a term of four years each. Citizens (including current members of the City Council) who are interested in running for City Council may pick up a nomination packet from the City Clerk between July 15 and August 9, 2024. If an incumbent chooses not to or fails to file the nomination paper during the filing period, the filing period will be extended to August 14, 2024. Nomination papers must include 20 to 30 signatures of Brisbane registered voters. There will also be some paperwork to file regarding campaign disclosures and disclosures of economic interests. Although there is no filing fee, there will be a cost to print a candidate's statement in the voter pamphlet which is estimated to be \$300, to be paid after the election. (Candidate's statement are optional.)

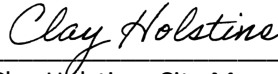
San Mateo County has also requested the City enter into a the attached Services Agreement for election related services. It sets forth with some specificity what services related to the November 2024 election the City will perform and what services the County election officials will perform. It also provides the City will reimburse the County for election related services the County provides. Based on past general municipal election costs, the City has budgeted \$30,000 for this election.

FISCAL IMPACT

The cost to conduct the election is determined by the number of registered voters at the time of the election. The election cost is currently budgeted at \$30,000 which will be included in the City Clerk's 2024/2025 budget.



Ingrid Padilla, City Clerk



Clay Holstine, City Manager

Attachment: 1. Resolution 2024-XX
2. Service Agreement for Election Services

ATTACHMENT 1

DRAFT

RESOLUTION NO. 2024-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE CALLING A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 5, 2024 IN CONJUNCTION WITH A UNIFORM DISTRICT ELECTION AND ADOPTING PROCEDURES PERTAINING TO THE CONDUCT AND ADMINISTRATION OF SUCH ELECTION INCLUDING REQUESTING THE SAN MATEO COUNTY CLERK-RECORDER TO PROVIDE SPECIFIED ELECTION SERVICES

WHEREAS, pursuant to the requirements of the laws of the State of California relating to General Law Cities within said State, a regular general municipal election shall be held in Brisbane on the 5th day of November 2024 for the purpose of electing three members of the City Council of Brisbane; and

WHEREAS, the November 5, 2024 election will be conducted as a General Election, i.e., an All-Mailed Ballot/Vote Center Election under the California Voter's Choice Act (Senate Bill 450) by which every registered voter will be receiving a Vote by Mail Ballot through the mail and which ballot may be returned by mail or dropped off at any Vote Center or Ballot Drop-off Box located throughout the county during the 29-day period prior to the Election Day and on Election Day; and

WHEREAS, the City Council adopted Ordinance 620 on June 1, 2017, and the San Mateo County Board of Supervisors approved the changes to comply with state legislation—the California Voter Participation Rights Act (Senate Bill 415)—that requires generally City Council elections be held in conjunction with statewide elections in even numbered years to increase voter participation; and

WHEREAS, under Ordinance 620, the electors will elect three members of the City Council of Brisbane for a term of four years; and

WHEREAS, the Elections Code of the State of California authorizes the governing body of any local agency to adopt procedures pertaining to materials prepared by any candidate for a municipal election, including costs thereof; and

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Brisbane, San Mateo County, California, as follows:

1. That pursuant to the requirements of the laws of the State of California relating to General Law Cities within said State, there shall be, and there is hereby called and ordered, held in Brisbane, County of San Mateo, State of California, on Tuesday, the 5th day of November 2024, a regular general municipal election of the qualified electors of Brisbane for the purpose of electing three members of the City Council of Brisbane for a term of four years, which election shall be conducted as a General District Election (an All-Mailed Ballot/Vote Center Election) under the California Voter's Choice Act and as authority by San Mateo County.

2. That, pursuant to the Elections Code of the State of California, each candidate for elective office to be voted for at the general municipal election to be held in Brisbane on November 5, 2024 may prepare a candidate's statement on an appropriate form provided by the City Clerk, such statement shall be limited to 400 words, each candidate filing a candidate's statement shall be billed for the services rendered a sum not greater than the actual prorated costs of printing, handling and translating, and such bill shall be due and payable immediately upon receipt thereof.

3. Said Election shall be held and conducted, the votes thereof canvassed, the returns thereof made, and the results thereof ascertained and determined as herein provided; and in all other particulars not prescribed by this resolution, the Election shall be held and conducted and the votes canvassed as provided in the Elections Code of the State of California.

4. The Board of Supervisors of the County of San Mateo is hereby requested to permit the Registrar of Voters of said County to render services relating to the conduct of said Election to be held within the City of Brisbane on Tuesday, November 5, 2024.

5. The All Mail and Vote Center coordination and officers of election shall be established, designated, and appointed as usual by the Registrar of Voters, San Mateo County, who shall also canvass the returns and prepare and mail a statement of the results thereof, all as provided by the appropriate provisions of the Elections Code of the State of California.

6. All qualified voters residing within the City of Brisbane, upon the date of the Election herein provided for, shall be qualified to vote at said Election and allowed to cast their ballot during the 29-day period prior to Election Day and on Election Day via mail, or at a Vote Center within the County.

7. The Registrar of Voters of San Mateo County shall be responsible for procuring the rosters and all other supplies necessary to properly and lawfully conduct the Election.

8. The Vote Center in Brisbane at City Hall shall be kept open from 9:00 a.m. -5:00 p.m. on November 2,3, and 4 and at 7:00 a.m. on Election Day- November 5, and shall be kept open until 8:00 p.m., except as to voters in line as provided in the Elections Code.

9. That this City Council shall, and does hereby, accept the usual and customary terms and conditions of the performance of said election services by said Registrar of Voters; and the City Council further agrees to make payments therefor as may be set forth in a billing to the City of Brisbane from the Registrar of Voters prescribing the amount due for costs incurred from the rendering of election services, all as provided by the provisions of the Elections Code of the State of California.

10. Notice of election shall be posted pursuant to Elections Code.

Terry O'Connell
Mayor

I hereby certify that the foregoing Resolution No. 2024-XX was duly and regularly adopted at the regular meeting of the Brisbane City Council on June 20, 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN

Ingrid Padilla
City Clerk

ATTACHMENT 2

SERVICE AGREEMENT FOR THE PROVISION OF ELECTION SERVICES BETWEEN THE CITY OF AND SAN MATEO COUNTY CHIEF ELECTIONS OFFICER & ASSESSOR-COUNTY CLERK-RECORDER

This Service Agreement for the Provision of Election Services ("Agreement"), entered into this _____ day of _____, 2024, by and between the City of (the "Municipality") and San Mateo County Chief Elections Officer & Assessor – County Clerk – Recorder (the "Chief Elections Officer");

WHEREAS, it is necessary and desirable that the Chief Elections Officer be retained for the purpose of conducting an election, described in more detail below, for the Municipality; and

WHEREAS, the Chief Elections Officer has been asked by the Municipality to conduct an election on November 5, 2024 (the "Election").

NOW, THEREFORE, IT IS HEREBY AGREED BY THE PARTIES HERETO AS FOLLOWS:

SERVICES TO BE PERFORMED BY THE MUNICIPALITY:

- 1) Within the time frame set by statute, the Municipality will request the Board of Supervisors, through the Chief Elections Officer, to conduct an election relating to the Municipality on November 5, 2024 and will request the services of the Chief Elections Officer in relation to the Election.
- 2) The Municipality will publish the Notice of Election and the Notice to File Declarations of Candidacy for the offices to be voted on and/or the Notice to File Arguments For or Against any measure.
- 3) The Municipality will submit to the Chief Elections Officer the offices to be voted on and the measure ballot questions by 88 days prior to the Election. The Municipality will submit to the Chief Elections Officer the names and ballot destinations of the candidates to appear upon the ballot by 81 days prior to the Election.
- 4) The Municipality will prepare and deliver to the Chief Elections Officer the ballot pamphlet information containing, as applicable, candidate designations and statements, ballot measure(s), tax rate statement(s), impartial analyses, arguments for or against measures and rebuttals thereto.
- 5) The Municipality will review and sign off on the official ballot wording for measures.
- 6) The Municipality will complete any other non-delegable tasks required by law in relation to the Election.
- 7) The Municipality shall maintain records/maps regarding the boundaries of the Municipality and will notify the Chief Elections Officer of any changes/additions to those boundaries by 125 days prior to the Election.

SERVICES TO BE PERFORMED BY CHIEF ELECTIONS OFFICER:

- 1) The Chief Elections Officer will select the sample and official ballot printer(s) and translators.
- 2) The Chief Elections Officer will prepare and deliver all election information to the printers and translators.
- 3) The Chief Elections Officer will determine the appropriate translation and transliteration of all pertinent documents.
- 4) The Chief Elections Officer will issue, receive and process vote by mail ballots.
- 5) The Chief Elections Officer will set up ADA compliant Vote Centers, publish any required notices and conduct the Election.
- 6) The Chief Elections Officer will provide services for any official recount or election contest, if applicable.
- 7) The Chief Elections Officer will conduct all aspects of the Canvass of Votes Cast. Pursuant to Section 10262 of the Elections Code, the Chief Elections Officer will submit a Certificate of Chief Elections Officer to the Municipality's governing body certifying the results of the Election.

- 8) The Chief Elections Officer will conduct other various and miscellaneous election-related activities directly required to conduct the Election itself. To the extent that the Municipality has obligations under law to perform various duties that relate to the Election beyond those directly involved with conducting the Election, those duties remain the responsibility of the Municipality. If the Municipality wishes to have any such duties performed by the Chief Elections Officer, the parties must mutually agree in advance in writing to have the Chief Elections Officer perform such duties. By way of example only, if the Municipality is required to send certain notices or adopt resolutions relating to the Election, those duties remain duties of the Municipality.

TERMS:

This Agreement shall be in effect for the performance of all services incident to the preparation and conduct of the Election to be held on November 5, 2024, including before and after said Election date.

In the event the Chief Elections Officer is unable to perform services required under this Agreement as a result of employer/employee relation conditions, vendor conditions, the unavailability of Federal, State, or County funds, COVID-19-related limitations, and/or other conditions beyond the control of the Chief Elections Officer, the Chief Elections Officer will be relieved of all obligations under this Agreement. The Chief Elections Officer may terminate this Agreement after giving 72 hours written notice, at which time the Chief Elections Officer will be relieved of all obligations under this Agreement.

This Agreement can be terminated by the Municipality upon 30 days written notice.

COST FOR SERVICES

In consideration of the performance of services and supplies provided by the Chief Elections Officer, including 1) any and all costs incurred during a recount or election contest that are not reimbursed by the voter requesting the recount or filing the contest as specified in the Elections Code and 2) any other costs associated with the Election, such as return postage costs and costs for ensuring voter accessibility, the Municipality shall pay to the Chief Elections Officer a sum equal to the full cost of the Election, including all such services, supplies, and other costs.

The Chief Elections Officer shall send an itemized invoice to the Municipality for all services provided pursuant to this Agreement after the Election is conducted and all related costs are determined. Payment on the full amount of the invoice shall be due and the Municipality shall submit payment to the County of San Mateo within forty-five (45) days of the date of the invoice (the "Due Date"). If the amount is not paid in full within this time, interest shall accrue monthly at a rate of 0.25% per month (equivalent to 3% annually) on the unpaid balance starting at the Due Date. Thereafter, invoices will be sent and shall be payable within thirty (30) days of the date of the invoice, with interest being added each month for any unpaid balance.

MUNICIPALITY

Signature: _____ Date: _____

Print Name: _____

Title: _____

COUNTY

Signature: _____ Date: _____

Print Name: _____

Title: _____

File Attachments for Item:

G. Adopt an Ordinance, Waiving Second Reading, Amending Section 8.44.180 of the Brisbane Municipal Code Requiring That Tobacco Retailers Be Inspected At Least Twice Every 12 Months to Ensure They Are Complying with the Tobacco Retailer Permit Ordinance

**CITY COUNCIL MEMO****Meeting Date: June 20, 2024****From: Ingrid Padilla, City Clerk**

Subject: Adopt Ordinance Amending Section 8.44.180 of the Brisbane Municipal Code Requiring That Tobacco Retailers Be Inspected At Least Twice Every 12 Months to Ensure They Are Complying with the Tobacco Retailer Permit Ordinance

The Ordinance listed above was introduced at the City Council Meeting of June 6, 2024. It is on this agenda for consideration of adoption.

Attachment: Staff Report from the City Council Meeting of June 6, 2024

File Attachments for Item:

H. Best Practices Ad Hoc Subcommittee Update



CITY COUNCIL AGENDA REPORT

Meeting Date: June 20, 2024

From: Interim City Manager Holstine

Subject: Best Practices Update

Background

Earlier this year the City Council met in a workshop to discuss protocols and best practices for interaction with applicants that come before the City Council. The Council appointed a subcommittee to work with staff (Davis, Lentz). Over the past several months the subcommittee has met on three occasions.

The following guidelines are submitted to the City Council for consideration for adoption:

- Once a land use and/or zoning application has been submitted, Councilmembers will not meet independently or have communication regarding the details of their proposed project with an applicant and/or agent once an application has been received.
 - Council members will notify the City Manager and may request either their attendance or another staff person assigned by the City Manager to attend. The City Manager will inform the rest of the Council of the request.
- Prior to an application a council member may wish to meet with or accept an invitation to meet with a business or individual who wishes to seek a permit that may ultimately come before the Council as a Whole.
- Once an application has been submitted to the city, the Council may wish to use its subcommittee process, which is subject to the Brown Act, to meet and discuss aspects of a project or proposal.
- All negotiations with applicants and/or agents are to be done through the City Manager who will use various staff, consultants and/or legal resources to represent the City's interest. The City Council will provide overall direction and ultimately review and approve discretionary permits and contractual agreements such as Development Agreements.

The subcommittee suggests that a resolution be drafted to memorialize this protocol and that each council member be requested to sign the resolution. As new Councilmembers are brought in they will sign a document acknowledging and agreeing to these rules.

Attachments:

1. 06/20/24 Best Practices Ad Hoc Meeting Staff Report
2. 01/04/24 City Council Meeting Staff Report City Council Protocol for Development and/or Zoning Applications

Clay Holstine, Interim City Manager



CITY COUNCIL BEST PRACTICES AD HOC AGENDA REPORT

Meeting Date: June 6th, 2024

From: Clay Holstine, Interim City Manager

Subject: Best Practices

Background

The City Council met earlier this year to address protocols and best practices for dealing with applications that come before the City Council. To assist in drafting recommendations the Council appointed two of its members to an ad-hoc committee to work with staff and bring a recommendation back to the Council as a whole.

The goal is to provide transparency in Council decision making and maximize communications among council members.

The following protocols are provided as a starting point for discussion:

- Once a land use and/or zoning application has been submitted, Councilmembers will not meet or have communication regarding the details of their proposed project with an applicant and/or agent once an application is applied for. **Council members will notify the City Manager and request either their attendance or another staff person assigned by the City Manager to attend. The City Manager will inform the rest of the council of an upcoming meeting.**
~~Land use and/or zoning applications. Councilmembers will not meet individually with an applicant once an application is applied for.~~
- Prior to an application a council member may wish to meet with or accept an invitation to meet with a business or individual who wishes to seek a permit that may ultimately come before the Council as a **whole**. ~~Council members will notify the City Manager and request either their attendance or another staff person assigned by the City Manager to attend. The City Manager will inform the rest of the council of an upcoming meeting.~~
- Once an application has been submitted to the city, the Council may wish to use its subcommittee process, which is subject to the Brown Act to meet and discuss aspects of a project or proposal.
- All negotiations with applicants **and/or agent** are to be done through the City Manager who will use various staff, consultant, and legal resources to represent the Cities interest. The City Council will provide overall direction and ultimately review and approve discretionary permits and contractual agreements such as Development Agreements.

The subcommittee may wish to add or change the above but is recommended that the protocols be few in number so that they are easily understood and remembered.



CITY COUNCIL SPECIAL MEETING AGENDA REPORT

Meeting Date: January 4, 2024

From: Interim City Manager Clay Holstine

Subject: City Council Protocol for Development and/or Zoning Applications

Background

This year will be a busy year for the City, and particularly the Community Development Department, as staff continues its review of the pending applications to develop the Baylands site and the former quarry property. The respective environmental impact statements for each will be issued by the City in the coming months, and the applicants for each are already expressing interest in beginning to negotiate development agreements assuming their project's EIR is approved.

Purpose and Context

As we move into perhaps the busiest phases of the reviews of each project, I have been asked to share any insights with the City Council about practices followed by prior Councils to help make the process as efficient as possible for all involved. Below I outline practices of this nature that this Council may itself want to consider and follow.

Before I do so, however, I want to underscore that the City Council is the ultimate arbiter of what, if any, informal practices it wishes to adopt to help it ensure that each project is reviewed efficiently and fairly. City staff will support the Council's decisions in this regard, including ensuring that the Council's decisions, and any practices it may follow to get to the decisions, are consistent with the Council's and City's legal responsibilities.

Past Practices

I have reviewed the practices that different City Councils developed and adhered to in the past when reviewing complex development projects. Four informal practices have emerged that may be of interest to this Council for possible adherence or avoidance.

1. Negotiations Are Directed by the Full City Council and Conducted by the City Manager

Prior Councils have uniformly followed a process where they exclusively provide final direction to the City Manager about what they believe must be addressed in discussions with an applicant or in a development agreement. In each instance, the City Manager was vested with exclusive authority to negotiate with the applicant but within the parameters established by the full Council. This approach has been popular because it ensures each Council Member has an equal voice in the process while preventing any third party from being able to sow confusion and even mistrust between Council Members.

2. Meetings

The most common practice followed by prior City Councils was to ensure that if a Council member was to take part in a meeting with an applicant, its consultants and/or counsel, that a member(s) of City staff should also attend. Prior Council's believed this approach helped ensure that both the applicant and City would have the most knowledgeable people in meetings based on the topic and/or agenda for each meeting. There was also a view that this would also help surface any misunderstandings or misconceptions between the applicant and the City as early as possible in the City's formal review process.

One thing Councils have not done in the past is provide a regular public update on meetings with the applicants. If the Council desires, an agenda item under Mayor & Council Matters could address meetings, development application status, etc. This would have the value of adding another layer of transparency to the process.

Adopting this approach would not prevent Council Members from working on a development agreement for the project if a subcommittee process is established (discussed below), it would simply ensure that appropriate City staff is also joining the meeting. Similarly, it would not prevent a subcommittee of the Council from meeting with an applicant because City staff would already be present for such a meeting.

3. The Subcommittee Process

This and other Councils have used a subcommittee process successfully in understanding and responding to major issues. The Council may choose to do that here. If so, the most common example is that a Council subcommittee reviews the projects and identifies issues for discussion with the full Council. On one occasion in the past, a subcommittee of the Council and of the Planning Commission met jointly to review issues presented by a proposed development and jointly made recommendations to the full Council. Alternatively, the Council can continue to sit as a "committee of the whole" when reviewing the projects with staff and outside experts so that direction to the City Manager comes from the full body. While the subcommittee process has worked well on many issues, given that we are at the point in the process where applications have been submitted and environmental review is nearly complete (for the purposes of draft environmental impact reports) the subcommittee process may not be how the City Council wishes to proceed.

4. The Timing of Meetings

Over time various individual Council Members have declined to accept or convene meetings directly with an applicant once their land use development application or application for zoning amendment is on file. As you would imagine there are those who praise this approach as

ensuring that the Council is only involved in the final decision-making and therefore avoids any appearance of conflicts of interest, etc. And, there are others who criticize it for too broadly removing the people's elected representatives from the process.

The one observation I can offer is that if the Council or individual Council Members were to abide by the proposed process under Item 2 above, any such concerns would be moot.

5. Planning Commission

Prior Councils have directed members of the Planning Commission and other City committees and commissions not meet or confer, directly or indirectly, with an applicant or any representative of a project for which an application is pending unless it is doing so via a Commission subcommittee. This approach has helped ensure that negotiations between the City and the applicant are directed by the Council alone.

Other Considerations for Knowledge/Awareness

1. It is to be expected and entirely appropriate that Council Members may be engaged by their constituents about development issues in the City. You are their representatives, and they have every right to ask you to listen to their concerns and to give them due consideration. Similarly, you have every right to decline to attend such meetings. If you do hold any such meetings, the most important caution is to be mindful of and ensure your actions are compliant with the Brown Act and related responsibilities.

2. Each of you is elected individually and it is entirely appropriate that one or more of you may decide individually to accept meetings with the applicant, the proponents and opponents of their project, third party advocacy groups, etc., notwithstanding the benefits of the proposed practices discussed above because you have made a genuinely good faith determination that taking these types of meetings are in the City's best interests and so long as you comport yourself in such meetings in full compliance with your legal responsibilities.

3. There are common concerns with meetings taken outside of Council-agreed practices that each of you should be mindful of whether you are meeting with a constituent or an advocacy group.

- Your good faith judgement as to whom to meet and about what with respect to the projects is subject to scrutiny by enforcement bodies like the FPPC and the Attorney General's

Office, so consider seeking advice from the City Attorney as to factors you should be considering in making such a judgement.

- Experience confirms that it is individual meetings or even rumors of individual meetings that are often the basis for the damaging misconceptions of the independence of past Councils' decisions (e.g., the Council's subcommittee process has rarely led to misunderstandings).
- One potential way to address this is for Council Members to share meetings they may have under the Mayor & Council Members section of the agenda. That also allows for more transparency. The Council could exclude conversations and meetings with non-affiliated constituents but include constituents representing or potentially representing an interest group.

File Attachments for Item:

I. Election Issues Update



CITY COUNCIL AGENDA REPORT

Meeting Date: June 20, 2024

From: Interim City Manager Holstine

Subject: Elections Issues Update

Background

The Charter City and Election Issues Subcommittee met on June 6th. The subcommittee has been tasked with three assignments. The purpose of this item for the June 20th meeting is to update the City Council and receive direction as appropriate.

Directly Elected Mayor

The subcommittee has reviewed this approach. Both Belmont and San Bruno have directly elected Mayors. The subcommittee has discussed the pros and cons. As an alternative to a directly elected Mayor the subcommittee drafted language regarding Mayoral rotation. The language is in Attachment 1A. The Council may adopt this language by resolution and/or refer it to the voters for ratification. The former could be amended by the City Council at any time through a revised resolution. The latter would require voter approval to change.

Term Limits

The subcommittee met and is recommending that terms limits be submitted to the voters for approval. Term limits would be for 3 terms or 12 years maximum. If a Councilmember assumed a term that was not full, they would still be limited to 3 terms (which may be less than 12 years).

Once the 12-year, 3 term limit is met, a Councilmember will be required to have a 2-year break, at which time they could run again and be limited to the 12 years, 3 term limit.

By function of law the commencement of the 12 years, 3 term limit comes into effect after voter approval of term limits. Any terms prior to that time do not count against the limit.

District Elections

The subcommittee met with our demographer Douglas Johnson of NDC on June 6th for his report. The power point presentation is provided as Attachment 2. The analysis is in the context of compliance with the California Voting Rights Act (CVRA).

Key findings:

- 37% of total population is Asian/Pacific Islander.
- 18% of total population is Hispanic/Latino.
- Asian-American and Pacific Islander population is concentrated in the west side of the city, off West Hill Drive. Locally we refer to this area as the Northeast Ridge.
- There are no large geographic concentrations of Latino.

Two tests for Districts were applied.

Asian-American Test:

With five Council Districts, two majority Asian-American districts can be drawn.

With four Districts, one majority Asian-American districts can be drawn, and one plurality Asian American district can be drawn.

Latino/Hispanic Test:

No majority District can be drawn. Maximum in a five-district map would be 39% but if that concentration is achieved the ability to draw two Asian districts will be reduced to one.

Recommendation

The subcommittee is recommending that this issue be studied further, and that the demographer be directed to draft up to 3 alternatives for consideration and commence the public outreach process as required by CVRA.

As was discussed at a previous City Council meeting, the adoption of districts alone does not guarantee that Asian-American and/or Latino/Hispanic candidates will be successful. However, by adopting District elections consistent with CVRA, the City of Brisbane would be in a safe harbor for any potential litigation.

Ballot Issues Timeline


If the Council wishes to submit a measure to the voters, it must do so 88 days before the election which is August 9th for the November 5, 2024 Election. If the City Council decides to direct staff to draft a resolution to place a measure on the ballot for this year, that should be done for the July 18th City Council Meeting. Staff will need to send it to the County Elections Office immediately after that for approval.

Fiscal Impact

It's important to note that elections costs are difficult to estimate since no two elections are alike with costs and the number of registered voters varies considerably from election to election. Cost estimates can also vary based on the number of jurisdictions participating in an election. The estimated cost to place 1-2 ballots on an even year election is between \$19,000 and \$27,000.

Attachments

- 1A Rotation Language
- 1B Elections Subcommittee June 6th Agenda and Staff Report on Mayoral Rotation
- 2 Brisbane Demographic Analysis Presentation



Clay Holstine, City Manager

**Proposed Language for Mayoral Rotation to be Placed on the Ballot
(Notes from the June 6, 2024 Election Issues Subcommittee Meeting)**

The current Council Member with the longest term from last serving as Mayor shall be sworn in as Mayor. The current Council Member with the second longest term from last serving as Mayor shall be sworn in as the Mayor Pro Tem. The current Council Member with the third longest term from last serving as Mayor will move into the third position in the rotation. The current Council Member with the fourth longest term from last serving as Mayor will move into the fourth position in the rotation. The outgoing Mayor will go to the end of the rotation.

Newly at-large elected Council Members will be placed at the end of the current Council rotation, but will be ahead of the outgoing Mayor. If there is more than one newly elected at-large Council Member in a given election, the newly elected Council Member with the most votes in their election shall be placed at the end of the current Council rotation. The newly elected at-large Council Member with the least amount of votes shall be placed at the end of the rotation, but ahead of the outgoing Mayor.

Newly by-district elected Council Members will be placed at the end of the current Council rotation, but will be ahead of the outgoing Mayor. If there is more than one newly elected by-district Council Member in a given election, the newly elected Council Members will be chosen randomly to be placed at the end of the current Council rotation, but ahead of the outgoing Mayor.

In the event the Mayor Pro Tem chooses not to serve as Mayor, they can defer for a year and the next council member in line can take their place. They will remain the Mayor Pro Tem and become Mayor the following year. Their decision to defer a year does not alter the lineup and the person after them does not change places permanently, the adjustment in the rotation is temporary.



CITY *of* BRISBANE

Charter City & Election Issues Subcommittee Agenda

Thursday, June 6th, 2024 at 2:45PM • Hybrid Meeting
Brisbane City Hall, Large Conference Room, 50 Park Place, Brisbane, CA

The public may observe/participate in the Subcommittee meetings by using remote public comment options or attending in person. Subcommittee members shall attend in person unless remote participation is permitted by law. The Subcommittee may take action on any item listed in the agenda.

JOIN IN PERSON

Location: 50 Park Place, Brisbane, CA 94005 - [Large Conference Room](#)

Masks are no longer required but are highly recommended in accordance with California Department of Health Guidelines. To maintain public health and safety, please do not attend in person if you are experiencing symptoms associated with COVID-19 or respiratory illness.

JOIN VIRTUALLY

Join Zoom Webinar (please use the latest version: zoom.us/download):

Join Zoom: <https://us06web.zoom.us/j/85618257430>

Meeting ID: 856 1825 7430

Call In Number: 1 (669) 900-9128

Note: Callers dial *9 to "raise hand" and dial *6 to mute/unmute.

The agenda materials may be viewed online at www.brisbaneca.org at least 72 hours prior to a Meeting. Please be advised that if there are technological difficulties, the meeting will nevertheless continue.

TO ADDRESS THE SUBCOMMITTEE

IN PERSON PARTICIPATION

To address the Subcommittee on any item on or not on the posted agenda, please wait until Public Comments are being accepted.

REMOTE PARTICIPATION

Members of the public may observe/participate in the Committee meeting by logging into the Zoom Webinar. Aside from commenting while in the Zoom meeting, the following email line will be monitored during the meeting, and public comments received will be noted for the record during Public Comment or during the Item.

Email: Albarra@brisbaneca.org

SPECIAL ASSISTANCE

If you need special assistance to participate in this meeting, please contact Angel Ibarra at (415) 508-2109 or

Aibarra@brisbaneca.org. Notification in advance of the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

SUBCOMMITTEE MEMBERS:

Councilmember Davis, Councilmember Lentz

ROLL CALL

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

PRESENTATIONS AND DISCUSSION ITEMS

- B. Discussion Mayoral Rotation

PUBLIC COMMENT

ADJOURNMENT

File Attachments for Item:

B. Discussion Mayoral Rotation



CITY COUNCIL SUBCOMMITTEE AGENDA REPORT

To: Council Subcommittee regarding Election Issues
Meeting Date: June 6th, 2024
From: Interim City Manager
Subject: Mayoral Rotation

Background

At the Council meeting on May 16th, the Elections Subcommittee liaisons reviewed and gave their recommendations to the City Council regarding City districting, term limits and mayoral rotation matters that was discussed at their subcommittee meeting on May 13th.

Discussion

The council had a robust discussion and evaluated information provided and brainstormed alternatives. The topic of mayoral rotation was referred back to the subcommittee to review and what their recommendation would be to the council – whether to pursue this as a ballot initiative or not. If they would like it to go to the voters, then the subcommittee should work on the language for the resolution.

The following is a summary:

- Directly Elected Mayor -
 - The Subcommittee recommended that the term of a Mayor be 2 years and restricted to two terms.
 - As an alternative the Council could draft a strict rotation policy and refer that to the voters.
 - Under either scenario the Subcommittee is recommending that the role of the Mayor remain unchanged.

Attachment: Resolution 2016-06

RESOLUTION NO. 2016-06

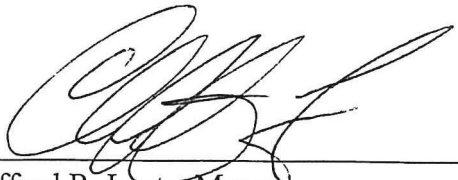
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE SETTING GUIDELINES FOR THE SELECTION OF MAYOR AND MAYOR PRO TEMPORE

WHEREAS, the City Council wishes to set guidelines for the selection of Mayor and Mayor Pro Tempore so that potential conflicts concerning who is selected as Mayor and Mayor Pro Tempore may be avoided; and

WHEREAS, serving as Mayor and Mayor Pro Tempore for the City is a privilege and not a right.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Brisbane that the following Guidelines are adopted for the selection of Mayor and Mayor Pro Tempore:

1. The City Council will meet the week prior to the Council's Reorganization Meeting (typically held in December of each year) to discuss the selection of the next Mayor and Mayor Pro Tempore.
2. Whenever possible, each Council member shall have the opportunity to serve as Mayor during that Council member's first term of office.
3. Whenever possible, the City Council shall select the then current Mayor Pro Tempore as the next Mayor.
4. These Guidelines supersede any other adopted Council policy or guidelines concerning the same issue.



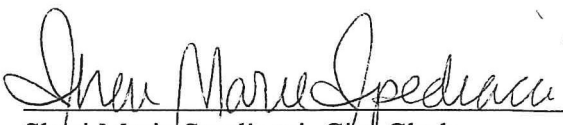
Clifford R. Lentz, Mayor

I hereby certify that the foregoing Resolution No. 2016-06 was duly and regularly adopted at the meeting of the Brisbane City Council on February 18, 2016 by the following vote:

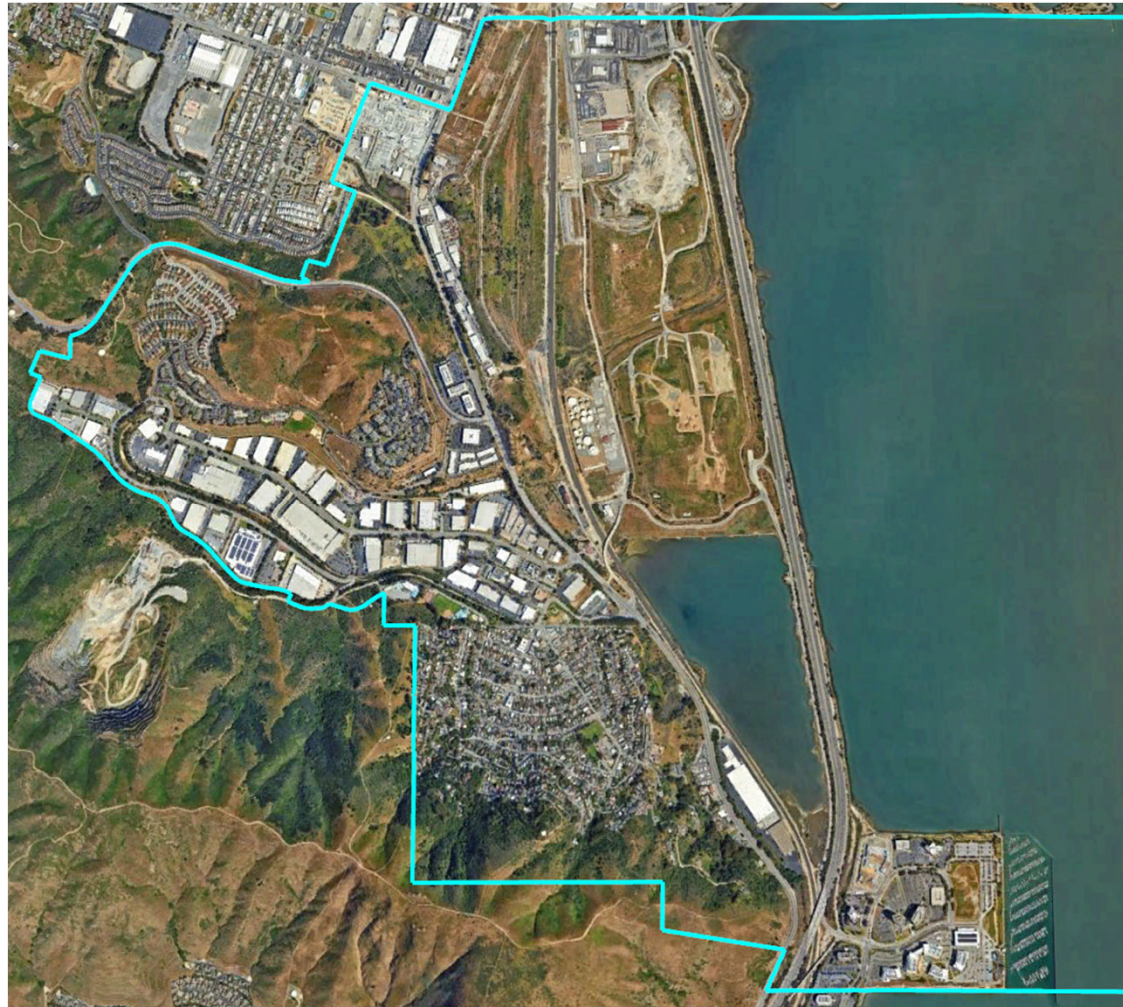
AYES: Councilmember Conway, Davis, Liu, O'Connell, and Mayor Lentz

NOES: None

ABSENT: None



Sheri Marie Spediacci, City Clerk



City of Brisbane Demographic Analysis

June 6, 2024

Key Demographics

“Citizen Voting Age Population” data from the Census Bureau’s American Community Survey is considered the best available data on “eligible voters.”

Category	Field	Total
2020 Census	Total Population	4,858
Total Pop.	Hispanic/Latino	18%
	NH White	40%
	NH Black	2%
	NH Asian/Pac.Isl.	37%
	NH Native Amer.	1%
Citizen Voting Age Pop	Total	3,296
	Hisp	20%
	NH White	45%
	NH Black	0%
	Asian/Pac.Isl.	34%
	Native Amer.	0%

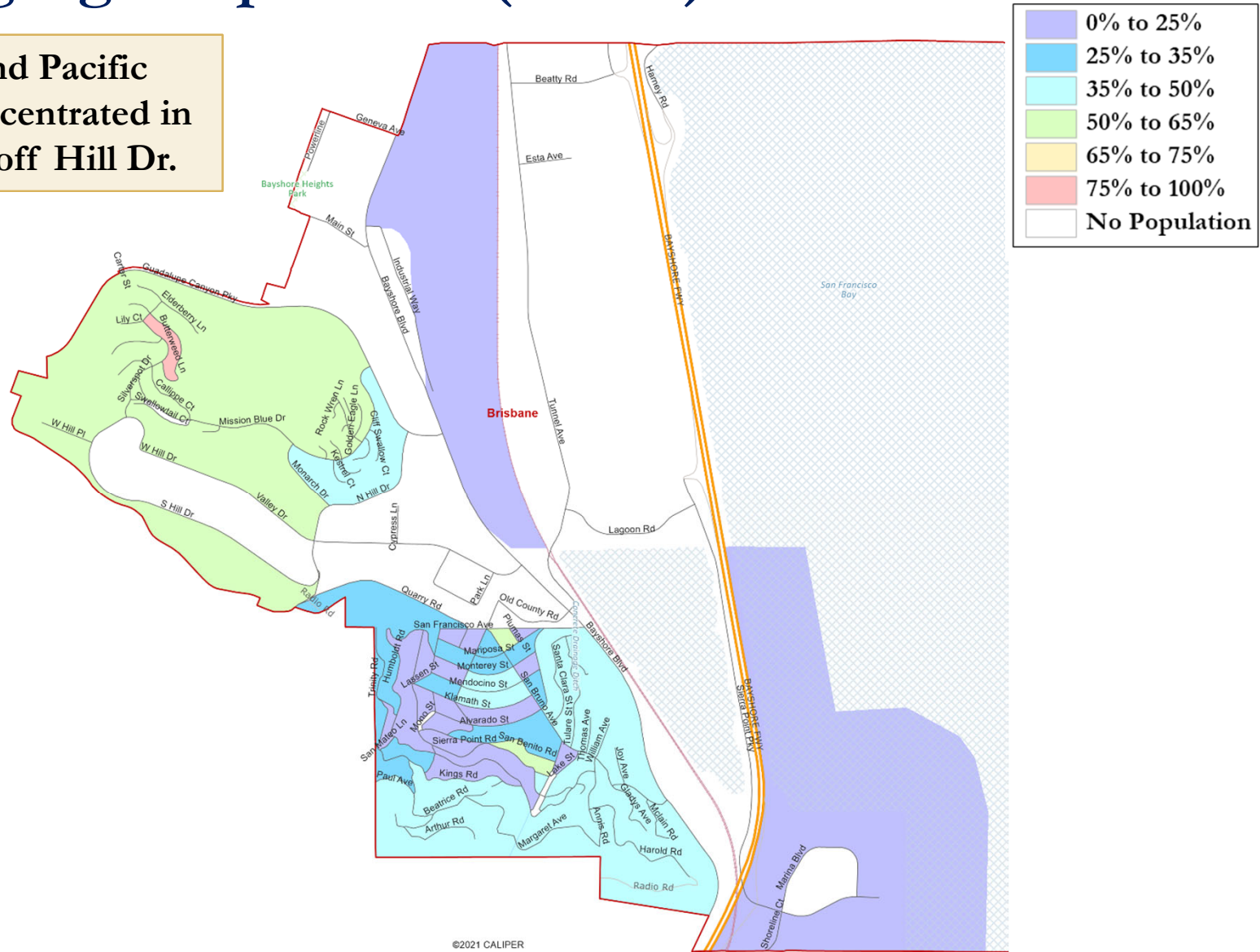
I. Demographic Summary



Category	Field	Total	Category	Field	Total
2020 Census	Total Population	4,858	Age	age0-19	23%
Total Pop.	Hispanic/Latino	18%		age20-60	54%
	NH White	40%		age60plus	24%
	NH Black	2%	Immigration	immigrants	35%
	NH Asian/Pac.Isl.	37%		naturalized	71%
	NH Native Amer.	1%	Language spoken at home	english	61%
Citizen Voting Age Pop	Total	3,296		spanish	9%
	Hisp	20%		asian-lang	26%
	NH White	45%		other lang	4%
	NH Black	0%	Language Fluency	Speaks Eng. "Less than Very Well"	16%
	Asian/Pac.Isl.	34%	Education (among those age 25+)	hs-grad	38%
Voter Registration (Nov 2022)	Native Amer.	0%		bachelor	30%
	Total	2,943		graduatedegree	24%
	Latino est.	17%	Child in Household	child-under18	25%
	Spanish-Surnamed	15%	Pct of Pop. Age 16+	employed	62%
	Asian-Surnamed	17%	Household Income	income 0-25k	5%
Voter Turnout (Nov 2022)	Filipino-Surnamed	3%		income 25-50k	13%
	NH White est.	61%		income 50-75k	10%
	NH Black	3%		income 75-200k	32%
	Total	1,821		income 200k-plus	39%
	Latino est.	13%	Housing Stats	single family	66%
Voter Turnout (Nov 2020)	Spanish-Surnamed	12%		multi-family	34%
	Asian-Surnamed	14%		rented	34%
	Filipino-Surnamed	2%		owned	66%
	NH White est.	68%	Total population data from California's adjusted 2020 Census data. Citizen Voting Age Population, Age, Immigration, and other demographics from the 2018-2022 American Community Survey and Special Tabulation 5-year data. Turnout and Registration data from California Statewide Database. "Latino" figures calculated by NDC using Census Bureau's Latino undercount by surname estimate.		
	NH Black	3%			
Voter Turnout (Nov 2020)	Total	2,648			
	Latino est.	14%			
	Spanish-Surnamed	13%			
	Asian-Surnamed	15%			
	Filipino-Surnamed	3%			
Voter Turnout (Nov 2020)	NH White est.	63%			
	NH Black est.	5%			

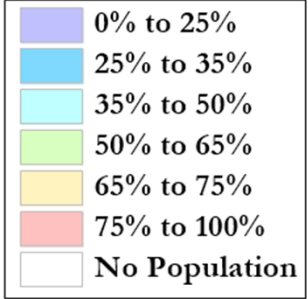
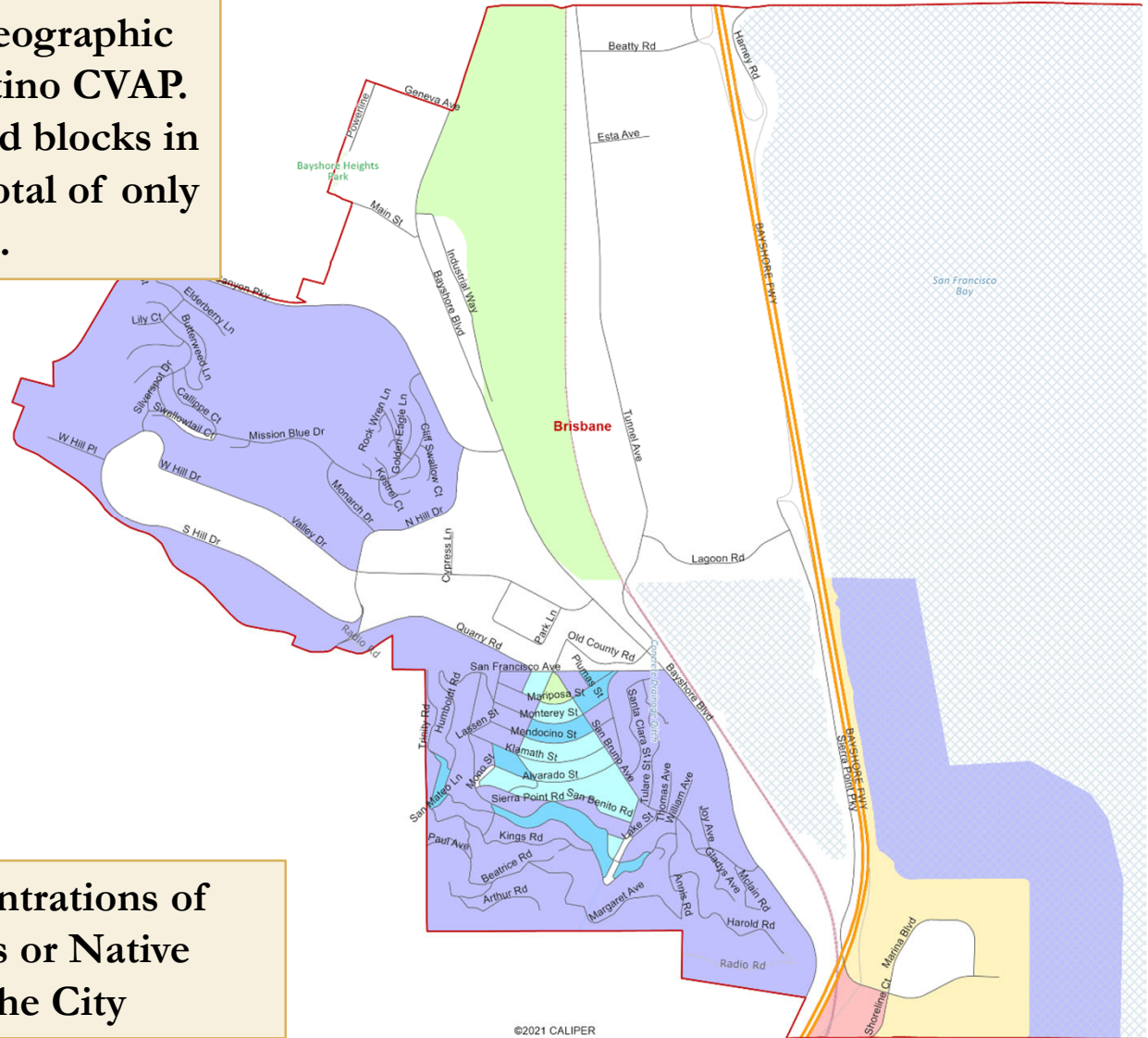
Asian & Pacific Islander Citizen Voting Age Population (CVAP)

Asian-American and Pacific Islander CVAP is concentrated in the west of the city, off Hill Dr.



I. Latino CVAP

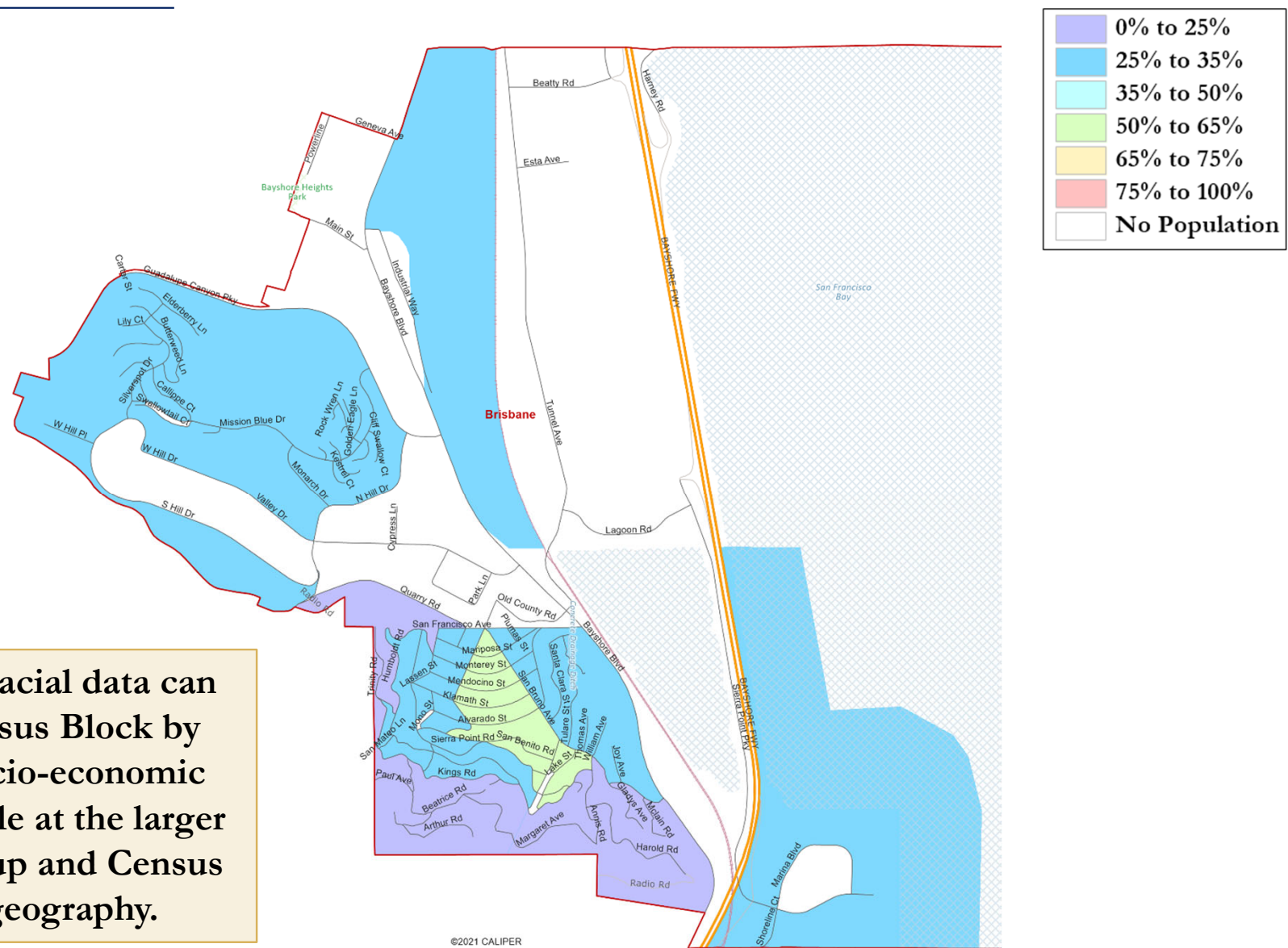
There are no large geographic concentrations of Latino CVAP. The two yellow and red blocks in the southeast have a total of only 25 residents.



There are no concentrations of African-Americans or Native Americans in the City

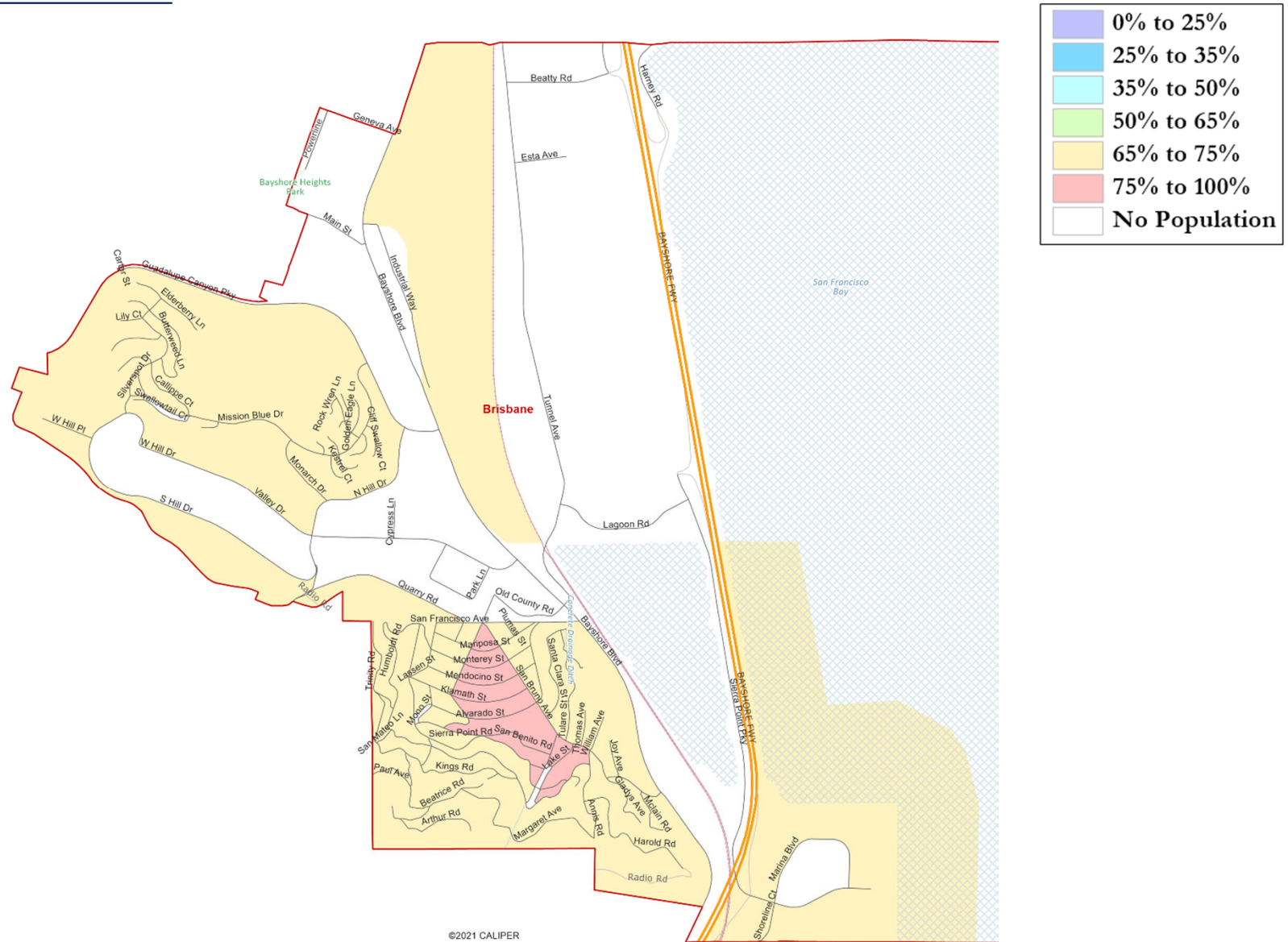
I.

Percent Renters



While ethnic and racial data can be estimated Census Block by Census Block, socio-economic data is only available at the larger Census Block Group and Census Tract level of geography.

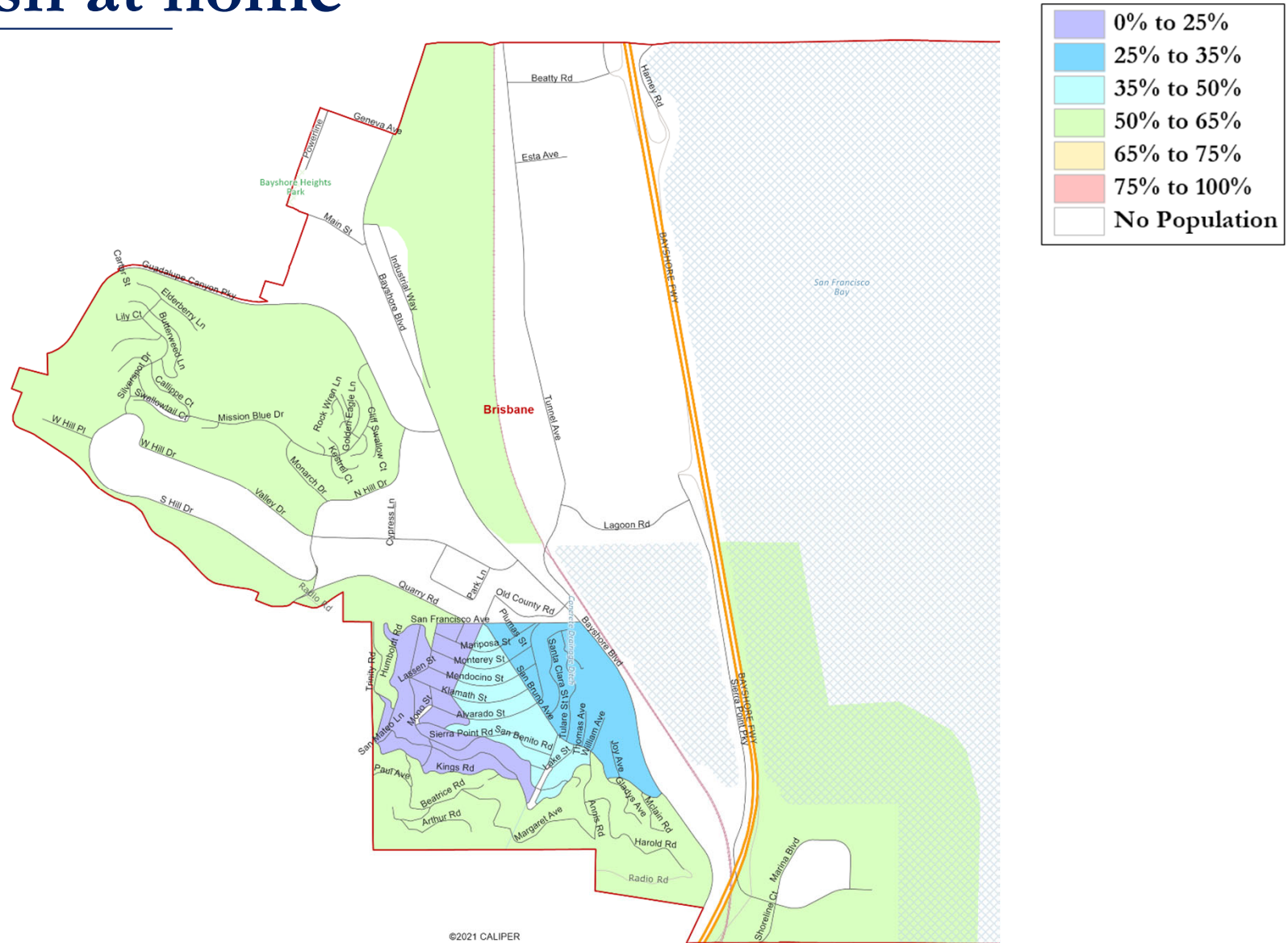
I. Percent Income over \$75k



l.



Percent speaking a language other than English at home



Test Plans

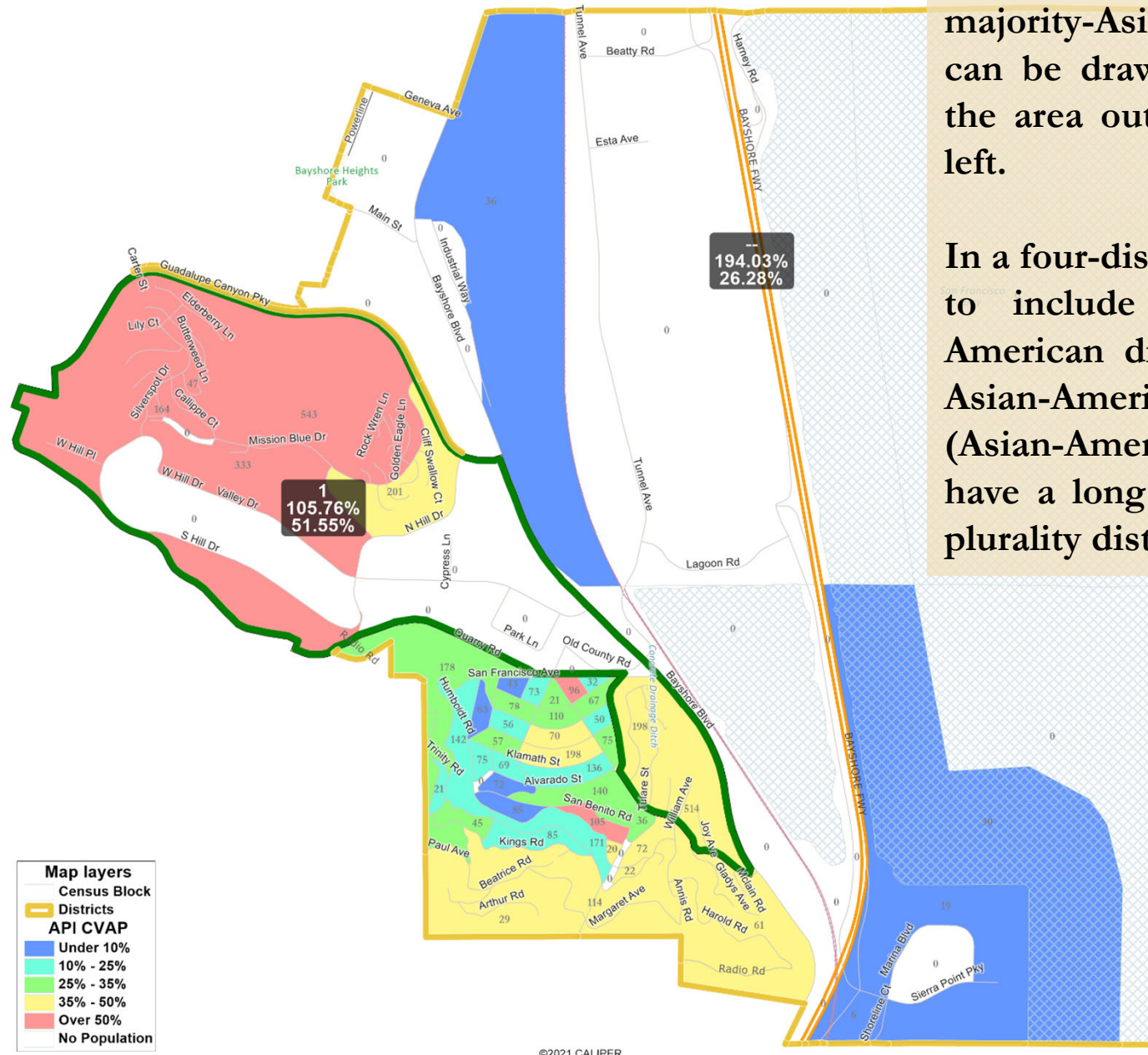
Drawn to test whether majority-protected-class trustee areas are possible.

These are NOT proposed maps for adoption.

Asian-American Test

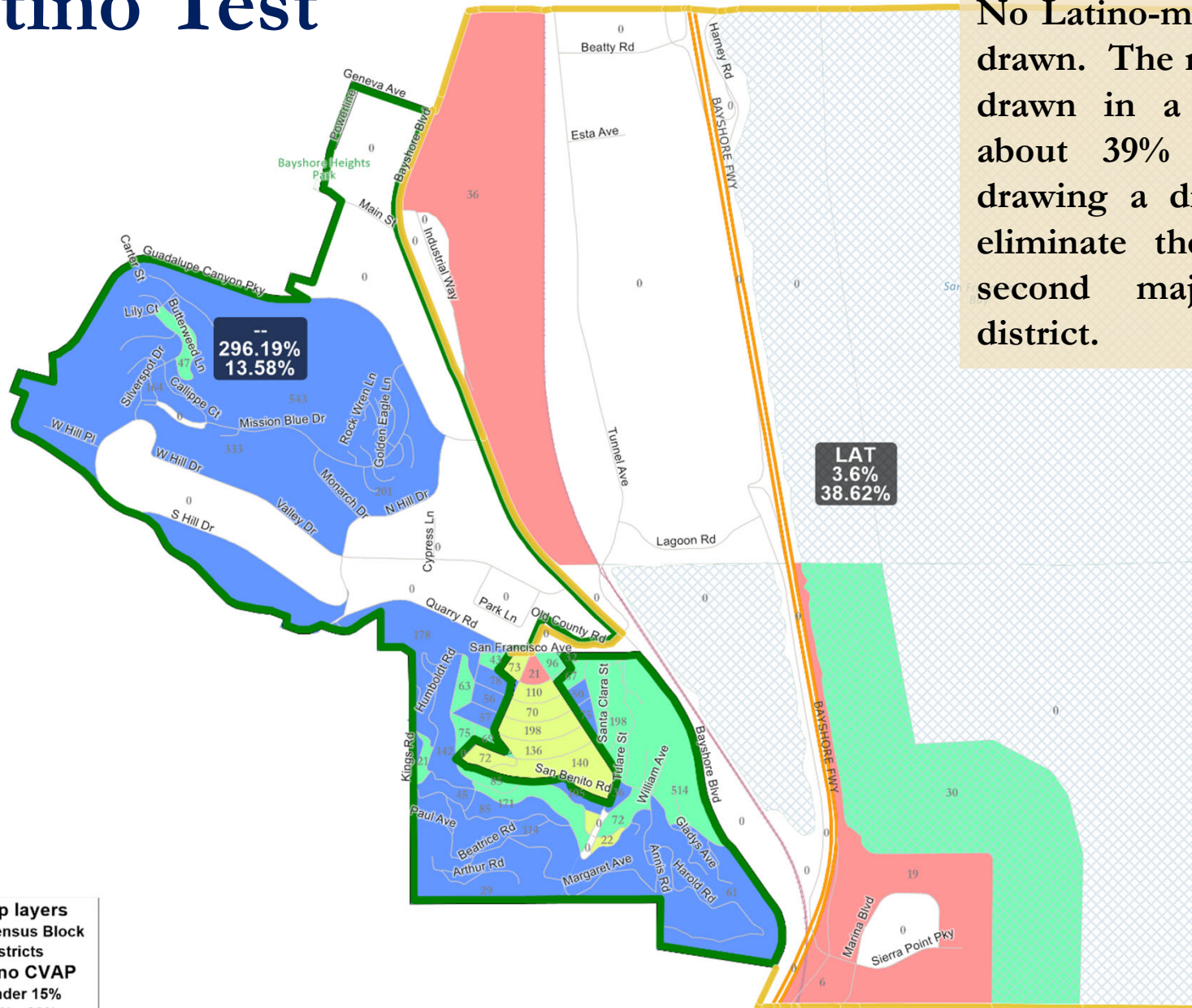
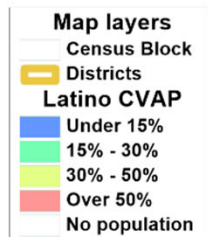
With five Council Districts, two majority-Asian-American districts can be drawn in Brisbane within the area outlined in Green to the left.

In a four-district map, it is possible to include one majority-Asian-American district along with one Asian-American plurality district (Asian-Americans in California have a long history of success in plurality districts).



I. Latino Test

No Latino-majority district can be drawn. The maximum that can be drawn in a five-district map is about 39% Latino CVAP, and drawing a district at 39% would eliminate the ability to draw a second majority-Asian-American district.



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Equal Population Requirement

- Under both state and federal law, City Council districts must have roughly total population using state-adjusted 2020 Census data.
- Brisbane's total population is 4,858:
 - ▣ A five-district City Council would have about 972 people per district, with no more than a 97-person difference between the smallest and largest districts
 - ▣ A four-district City Council (with a citywide-elected Mayor) would have about 1,215 people per district, with no more than a 121-person difference between the smallest and largest districts

Summary

1. Latinos are 20% of the eligible voters (measured by CVAP data). Asian-Americans are 34%.
2. If election districts are drawn, the target population for each of five districts would be only 972 people, or 1,215 people with four districts and a citywide-elected mayor. Those are total population counts, not registered voters.
3. Two majority Asian-American CVAP districts are possible in a five-district map, or one with a 2nd plurality district in a four-district map.
4. A 39% Latino CVAP district is possible in a five-district map, but not in a map with two Asian-American districts. Thus, the likely Latino CVAP in the final map would be lower.

File Attachments for Item:

K. Countywide Assignments and Subcommittee Reports



CITY *of* BRISBANE

Council Subcommittee Update

From June 1st, 2024, to June 14th, 2024

Best Practices Ad hoc Subcommittee

6/6

Davis, Lentz

The subcommittee discussed revising the current Best Practices regarding interaction with applicants. Suggested changes are being recommended to the city council on 6/20.

Charter City & Elections Issues Subcommittee

6/6

Davis, Lentz

The subcommittee reviewed a PowerPoint prepared by National Demographic Corporation (NDC) President Douglas Johnson regarding district elections. Johnson's slides provided potential district options around geographic concentrations of minority populations. This also led to discussion on how a directly elected Mayor would be impacted. The subcommittee also discussed mayoral rotation and term limits. This is being brought to the city council on 6/20.

Upcoming Subcommittees:

Public Art Advisory Committee

6/17 4:30pm

Cunningham, Davis