



CITY of BRISBANE

Joint City Council and Housing Authority Meeting Agenda

Thursday, December 10, 2020 at 7:30 PM • Virtual Meeting

This meeting is compliant with the Governors Executive Order N-29-20 issued on March 17, 2020 allowing for deviation of teleconference rules required by the Brown Act. The purpose of this is to provide the safest environment for staff, Councilmembers and the public while allowing for public participation. The public may address the council using exclusively remote public comment options.

The Council may take action on any item listed in the agenda.

PUBLIC MEETING VIDEOS

Members of the public may view the City Council Meeting by logging into the Zoom Meeting listed below. City Council Meetings can also be viewed live and/or on-demand via the City's YouTube Channel, www.youtube.com/brisbaneca, or on Comcast Channel 27. Archived videos can be replayed on the City's website, <http://brisbaneca.org/meetings>.

TO ADDRESS THE COUNCIL

The City Council Meeting will be an exclusively virtual meeting. The City Council agenda materials may be viewed online at www.brisbaneca.org at least 24 hours prior to a Special Meeting, and at least 72 hours prior to a Regular Meeting.

Remote Public Comments:

Meeting participants are encouraged to submit public comments in writing in advance of the meeting. Aside from commenting while in the Zoom meeting, the following email and text line will be also monitored during the meeting and public comments received will be read into the record during Oral Communications 1 and 2 or during an Item.

Email: ipadilla@brisbaneca.org

Text: 628-219-2922

Join Zoom Meeting:

<https://zoom.us/j/95101702751?pwd=bmNnZktRSIVkWHBHaVhPMXISOVINZz09>

Meeting ID: 951 0170 2751

Passcode: 123456

Call In Number: 1 (669) 900 9128

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.

1. 7:30 P.M. CALL TO ORDER – PLEDGE OF ALLEGIANCE

2. ROLL CALL

3. ADOPTION OF AGENDA

4. ORAL COMMUNICATIONS NO. 1

5. CONSENT CALENDAR

- A. Approve Minutes of City Council Meeting of November 5, 2020
- B. Approve Minutes of City Council Workshop of November 19, 2020
- C. Approve Minutes of Joint City Council & Housing Authority Meeting of November 19, 2020
- D. Accept Investment Report as of October 2020
- E. Approve Ordinance No 658. to rescind Ordinance No. 656, an urgency ordinance that regulated short term rentals of residential properties in Brisbane

6. NEW BUSINESS

- F. Recognize W. Clarke Conway for His Service to the City of Brisbane
- G. Consider adoption of Resolution No. 2020-66 adopting the County of San Mateo's Certification of Votes and declaring results to fill 3 four-year term Council Seats at the General Municipal Election held on November 3, 2020
- H. Administration of Oath of Office of Newly Elected Councilmembers
- I. Election of New Mayor and Mayor Pro Tem
- J. Administration of Oath of Office of Newly Elected Mayor and Mayor Pro Tem
- K. Recognize Outgoing Mayor Terry O'Connell for Her Service

7. OLD BUSINESS

- L. Use of Housing Authority Funds to assist Low-Moderate Renters/Homeowners with Payments Due to COVID-19 Related Issues

(This item was not discussed at the City Council Meeting of 11/19/20 and was continued by Council.)

8. STAFF REPORTS

- M. City Manager's Report on upcoming activities

9. MAYOR/COUNCIL MATTERS

- N. Countywide Assignments and Subcommittee Reports
- O. City Council Meeting Schedule
- P. Written Communications

10. ORAL COMMUNICATIONS NO. 2

11. ADJOURNMENT

A.

File Attachments for Item:

A. Approve Minutes of City Council Meeting of November 5, 2020



BRISBANE CITY COUNCIL**ACTION MINUTES**

CITY OF BRISBANE CITY COUNCIL**MEETING AGENDA****THURSDAY, NOVEMBER 5, 2020***VIRTUAL MEETING***CALL TO ORDER – PLEDGE OF ALLEGIANCE**

Mayor O’Connell called the meeting to order at 7:32 p.m. and led the Pledge of Allegiance.

ROLL CALL

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

Councilmembers absent: None

Staff Present: City Manager Holstine, City Clerk Padilla, Interim City Attorney McMorro, Director of Administrative Services Schillinger, City Engineer Breault, Community Development Director Swiecki, Recreation Manager Leek, Police Chief Macias, Fire Inspector Preston and Deputy City Clerk Ibarra

ADOPTION OF AGENDA

CM Conway made a motion, seconded by CM Cunningham, to adopt the agenda as it stands. The motion carried unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

ORAL COMMUNICATIONS NO. 1

No members of the public wished to speak.

CONSENT CALENDAR

- A. Approve Minutes of City Council Closed Session Meeting of October 1, 2020**
- B. Approve Minutes of City Council Closed Session Meeting of October 15, 2020**
- C. Accept Investment Report as of September 2020**
- D. Adopt Resolution No. 2020-60 authorizing the City Manager to enter into a collaboration agreement with the County to receive consultant services from Baird + Driskell for the update of the City's Housing Element**
- E. Adopt Resolution No. 2020-61 Approving the Levy of a Special Assessment on Property at 788 Humboldt Road for the City's Cost to Remove Grass and Weeds**
- F. Adopt Resolution No. 2020-62 Confirming and Ratifying the Proclamation Declaring the Continued Existence of a Local Emergency in the City of Brisbane in Response to the COVID-19 Pandemic**

CM Conway made a motion, seconded by CM Cunningham, to approved Consent Calendar Items A-F. The motion passes unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

PUBLIC HEARING

- G. Consider Introduction of Ordinance 579- Proposed Amendment of Titles 15 and 17 of the Brisbane Municipal Code Pertaining to the Regulation of Grading**

(This item was continued and not heard on the City Council Meeting of September 17, 2020).

Mayor O'Connell proposed that the Council should decide on this issue when Councilmember Elect Coleen Mackin is seated.

After a brief overview by Community Development Director Swiecki, CM Conway made a motion, seconded by CM Davis, to not discuss Public Hearing Item G and to continue the public hearing when Councilmember elect Coleen Mackin is seated. The motion passes unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

OLD BUSINESS

H. Dog Park Resurfacing

(This item was also discussed at the City Council Meeting of October 1st, 2020)

Recreation Manager Leek presented the three new options for the Dog Park Resurfacing with cost ranging from \$60,000 to \$120,000.

Councilmember Davis stated that dog owners prefer more grass.

After more Council questions, Michele Salmon commented that if dog owners do not like this option, they will use the sports field.

After further discussion, CM Cunningham made a motion, seconded by CM Lentz, to approved funding option 2, a larger sing-strip of turf area approximately 2,000 square feet with an estimated cost of \$80,000. The motion passes unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

NEW BUSINESS

I. Consider Adoption of Resolution No. 2020-63 Approving Amendment of Employment Agreement with the City Manager

Interim City Attorney McMorrow reported that it is being recommended to adopt the Resolution to extend the City Manager's retirement date and conform the City's prior housing assistance to the City Manager with City policy favoring conservative investments.

CM Conway made a motion, seconded by CM Cunningham, to adopt Resolution No. 2020-63 Approving Amendment of Employment Agreement with the City Manager. The motion passes unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

J. Interim Improvements at “Parcel R” Sierra Point

(Council will consider whether to approve the working proposal discussed herein, and establish a budget of \$100,000 for the work and whether they wish to provide direction to staff for a future business item regarding the development of an ultimate shoreline master plan for the publicly owned portion of Sierra Point.)

City Engineer Breault reported that now that the City has full control over zoning and improvements at Parcel R, it is being recommended to develop the eastern bench area of Parcel R, so as to take advantage of the manmade windbreak. The proposed established budget would be \$100,000.

After Council questions and discussion, Michele Salmon commented that in the interim the City should add some modest landscaping on the hill.

After some clarifying questions with staff, CM Lentz made a motion, seconded by CM Conway, to approve the working proposal and establish a budget of \$100,000 for the work and to direct staff to work on a future business item regarding the development of an ultimate shoreline master plan for the publicly owned portion of Sierra Point. The motion passes unanimously by all present.

Ayes: Councilmember Conway, Cunningham, Davis, Lentz and Mayor O’Connell

Noes: None

Absent: None

Abstain: None

Mayor O’Connell added to bring the Request for Bid Proposals to a Council subcommittee when it is ready.

PRESENTATIONS

K. UPC presentation on Baylands Operable Unit 2 (OU-2) Remedial Action Plan review process

Tracy Craig, the principal from Craig Communications, provided a brief update on the Baylands Operable Unit 2 (OU-2) Feasibility Study/Remedial Action Plan review process. She announced that the Public Comment period is from October 18 – December 18, 2020. A Fact sheet was mailed to all Brisbane residents and businesses and parts of Daly City and San Francisco. 5,045 stakeholders received the fact sheet announcing the public comment period. She also added that information Repositories are in City Hall, Monday and Thursday, 9 a.m. – 1 p.m. and online at www.BaylandsOU2.com

Ms. Craig also announced a Public Meeting was being held on Wednesday, Nov. 18 from 6:30 to 8:00 p.m. to discuss OU-2.

STAFF REPORTS

L. City Manager’s Report on upcoming activities

City Manager Holstine announced events and City news for the coming weeks.

MAYOR/COUNCIL MATTERS

M. Term Expiration of City Representative to the Board of Trustees of the San Mateo County Mosquito and Vector Control District

Since her appointment will expire by the end of the year, Council directed City Clerk Padilla to invite Carolyn Parker, current City Representative to the Board of Trustees of the San Mateo County Mosquito and Vector Control District, to write a letter of interest for a four year term appointment.

N. Countywide Assignments and/Subcommittee Reports

Council reported on their activities from Affordable Housing Subcommittee.

O. City Council Meeting Schedule

The next scheduled City Council Meeting is on November 19, 2020.

P. Written Communications

The following correspondence was received by the Council from 10/15/20 through 11/5/20:

- San Mateo County Transit District (10/20/20) Fall 2020 Quarterly Update
- Craig Communications (10/27/20) Brisbane Baylands OU-2 Site- Draft Environmental Cleanup Document Available for Review
- Tony Verreos (10/29/20) Dark Sky Movement Research Follow Up
- Patricia A. Clecak (Received 11/2/20) Grateful for Brisbane Police Department
- Clara Johnson (11/2/20) Black Lives Matter and Improving Equitable Treatment of Citizens by the Police

ORAL COMMUNICATIONS NO. 2

No member of the public wished to speak.

ADJOURNMENT

Mayor O'Connell adjourned the meeting at 9:21 P.M.

B.

File Attachments for Item:

B. Approve Minutes of City Council Workshop of November 19, 2020



BRISBANE CITY COUNCIL**ACTION MINUTES**

CITY OF BRISBANE CITY COUNCIL**SPECIAL MEETING
CITY COUNCIL WORKSHOP****THURSDAY, NOVEMBER 19, 2020***VIRTUAL MEETING***1. 7:00 P.M. CALL TO ORDER**

Mayor O'Connell called the meeting to order at 7:01 P.M.

2. WORKSHOP

- A. Council will discuss process to select Mayor and Mayor Pro-Tem which will happen at their Special Meeting on Thursday, December 10, 2020.

Council discussed the process to select Mayor and Mayor Pro-Tem. Selection of Mayor and Mayor Pro-Tem will happen at the City Council Meeting of December 10, 2020.

3. ADJOURNMENT

Mayor O'Connell adjourned the meeting at 7:27 P.M.

Ingrid Padilla
City Clerk

C.

File Attachments for Item:

C. Approve Minutes of Joint City Council & Housing Authority Meeting of November 19, 2020



BRISBANE CITY COUNCIL**ACTION MINUTES**

CITY OF BRISBANE JOINT CITY COUNCIL & HOUSING AUTHORITY**MEETING AGENDA****THURSDAY, NOVEMBER 19, 2020***VIRTUAL MEETING***CALL TO ORDER – PLEDGE OF ALLEGIANCE**

Mayor O’Connell called the meeting to order at 7:32 p.m. and led the Pledge of Allegiance.

ROLL CALL

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

Councilmembers absent: None

Staff Present: City Manager Holstine, City Clerk Padilla, Interim City Attorney McMorrow, Director of Administrative Services Schillinger, City Engineer Breault, Community Development Director Swiecki, Recreation Manager Leek, Police Commander Garcia and Deputy City Clerk Ibarra

ADOPTION OF AGENDA

CM Conway made a motion, seconded by CM Cunningham, to adopt the agenda as it stands. The motion carried unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

PRESENTATION AND AWARDS**A. Proclamation in Honor of Senator Jerry Hill**

Mayor O'Connell presented Senator Jerry Hill with a proclamation recognizing his 12 years of dedicated service in the California State Legislature and nearly 30 years in public service. Senator Jerry Hill thanked Mayor O'Connell and the Councilmembers for the award and well wishes.

Senator Jerry Hill also recognized Councilmember Conway for serving the City of Brisbane with a heart of gold for over twenty years.

B. Present Volunteer of the Year Awards

Recreation Manager Leek played a video announcing the recipients of the Volunteer of the Year Awards: Joe Sulley and Vicki Smith. Mayor O'Connell read the proclamation recognizing their achievements and awardees thanked Council for the award.

Fe Conway thanked Mr. Sulley and Ms. Smith for their service to the community.

C. Update from San Mateo County Vector Mosquito and Vector Control District

Carolyn Parker provided an update from the San Mateo County Vector Mosquito and Vector Control District. Ms. Parker was thanked for her service as the City representation to the San Mateo County Vector Mosquito and Vector Control District's board.

ORAL COMMUNICATIONS NO. 1

No member of the public wished to speak.

CONSENT CALENDAR

- D. Approve Minutes of Housing Authority Meeting of October 1, 2020**
- E. Approve Minutes of City Council Meeting of October 1, 2020**
- F. Approve Minutes of Joint City Council & Housing Authority Meeting of October 15, 2020**
- G. Approve Resolution No. 2020-65 to Reappoint Carolyn Parker as City Representative to the Board of Trustees of the San Mateo County Mosquito and Vector Control District for a term through January 1, 2021 through December 31, 2024**
- H. Approve Resolution No 2020-64, "Establishing a 15 MPH Speed Limit Adjacent to Public Schools During School Hours When Children Are Present."**
- I. Approve Response to Grand Jury Report "Ransomware: It is Not Enough To Think You Are Protected"**

CM Lentz made a motion, seconded by CM Conway, to approve Consent Calendar Items D-I. The motion was carried unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

NEW BUSINESS

J. Baylands Remediation Update and City Comments on Draft Feasibility Studies/Remedial Action Plans for Operable Unit San Mateo and Operable Unit 2

Community Development Director Swiecki reported that the purpose of this item is to receive the report and authorize the City Manager to submit comment letters on the draft Feasibility Study/Remedial Action Plan (FS/RAPs) for Operable Unit San Mateo (OU-SM) and Operable Unit 2 (OU-2)

After a short break, Michelle King, from EKI Environment & Water, Inc., shared a slide show presentation and discussed the following topics:

- Environmental Cleanup Process
- Chemicals of Concern
- Purpose of FS/RAP
- Remedial Action Objective
- Remedial Technology Screening
- Remedial Alternatives and Elements of Preferred Remedial Alternative
- Next Steps

Ms. King added that the FS/RAPs for OU-2 and OU-SM can be found online and at City Hall (M, Th 9AM-1PM). The deadline for public comment on OU-2 is January 31, 2021 and for OU-SM is February 15, 2021.

After clarifying question of staff and consultants, Mayor O'Connell thanked everyone for their reports.

K. Short Term Rental Ordinance Implementation and Enforcement

L. Consider Introduction of Ordinance No 658. to rescind Ordinance No. 656, an urgency ordinance that regulated short term rentals of residential properties in Brisbane

Community Development Director Swiecki shared his report on both New Business Items K and L. Currently, staff has received only one STR permit application to date. Brisbane STR listings continue to be found online and the normal code enforcement process is complaint driven.

It is also being recommended to introduce Ordinance No. 658 to rescind Ordinance No. 656 since there is no longer reason for the urgency ordinance with Ordinance No. 655 in full force and effect to regulate the operation of short term rentals.

After Council discussion and questions, Mayor O'Connell shared the City should commit to compliance and would be okay with contracting with a code enforcement company in the future.

CM Cunningham report that short term rental property owners should submit an application.

After some clarifying questions, CM Davis made a motion, seconded by CM Conway, to continue enforcing Ordinance No. 655 as discussed under New Business Item K and introduce Ordinance No 658. to rescind Ordinance No. 656, an urgency ordinance that regulated short term rentals of residential properties in Brisbane. The motion was carried unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

M. Use of Housing Authority Funds to assist Low-Moderate Renters/Homeowners with Payments Due to COVID-19 Related Issues

(Council will consider allocating \$100,000 of Housing Authority Low Income Funds for the purpose of rental and mortgage assistance)

CM Davis had to leave the meeting because she was not feeling well and suggested to continue Item M to a future City Council meeting.

Mayor O'Connell made a motion, seconded by CM Lentz, to continue the item to the Council Meeting of December 10, 2020.

Ayes: Councilmember Conway, Cunningham, Lentz and Mayor O'Connell

Noes: None

Absent: Councilmember Davis

Abstain: None

STAFF REPORTS

N. City Manager's Report on upcoming activities

City Manager Holstine announced upcoming activities for the coming weeks.

MAYOR/COUNCIL MATTERS

O. Countywide Assignments and Subcommittee Reports

Councilmembers reported their activities in the following assignments:

- Peninsula Traffic Congestion Relief Alliance
- C/CAG's Bicycle and Pedestrian Advisory Committee

P. City Council Meeting Schedule

The last City Council Meeting of the year 2020 is scheduled for December 10, 2020.

Q. Written Communications

Council Correspondences were received from the following members of the public between November 5, 2020 through November 19, 2020:

Kevin Hayden (11/9/20) Towed Car from Brisbane

Kevin Fryer (11/17/20) Resignation Letter from Kevin Fryer

Jessica Aloft (11/17/20) Please, Please don't close the Community Park playground and Skate Park again!!

Rosanne Foust, San Mateo County Economic Development Association (11/19/20) Strategy EN7: Expand Commute Trip Reduction Programs at Mayor Employers

ORAL COMMUNICATIONS NO. 2

No members of the public wished to speak.

ADJOURNMENT

Mayor O'Connell adjourned the meeting at 10:33 P.M.

D.

File Attachments for Item:

D. Accept Investment Report as of October 2020

CITY OF BRISBANE
CASH BALANCES & INVESTMENTS
SOURCE OF FUNDING
October 31, 2020

NAME OF DEPOSITORY	INVESTMENT TYPE	DATE OF INVESTMENT	FACE VALUE OF INVESTMENT	CARRY VALUE OF INVESTMENT	MARKET VALUE OF INVESTMENT	COUPON INTEREST RATE %	MATURITY DATE	RATING/ COLLATERAL
WELLS FARGO	Checking A/C		\$ 822,178	\$ 822,178	\$ 822,178	0.000		
STATE FUND (LAIF)	Deposit on call	continuous	\$ 15,002,967	\$ 15,002,967	\$ 15,002,967	0.620	on call	no rating
Other Investments								
	Capital One National Association	11/23/2016	\$ 250,000	\$ 250,000	\$ 254,499	2.000	11/23/2021	
	Wells Fargo	11/30/2016	\$ 250,000	\$ 250,000	\$ 254,603	2.000	11/30/2021	
	Sallie Mae Bank	5/9/2019	\$ 245,000	\$ 245,000	\$ 253,549	2.550	5/9/2022	
	Morgan Stanley	6/6/2019	\$ 245,000	\$ 245,000	\$ 254,007	2.550	6/6/2022	
	Comenity Capital Bank	4/28/2019	\$ 248,000	\$ 248,000	\$ 262,951	2.650	4/28/2023	
	Morgan Stanley	5/2/2019	\$ 245,000	\$ 245,000	\$ 259,808	2.650	5/2/2023	
	Goldman Sachs	5/1/2019	\$ 246,000	\$ 246,000	\$ 267,128	2.750	5/1/2024	
	FFCB	11/27/2019	\$ 1,000,000	\$ 1,000,000	\$ 1,001,200	1.890	11/27/2024	
BNY Mellon	Treasury Obligations	continuous	\$ 6,856,318	\$ 6,856,318	\$ 6,856,318	0.010	on call	110% collateral
Sub-total			\$ 9,585,318	\$ 9,585,318	\$ 9,664,064			
U.S. Bank	2014 BGPGA Bond (330)	Improvements	Fed Treas Obl		10031			
		Reserve Fund	Fed Treas Obl	\$ 1	10032			
		Revenue Fund	Fed Treas Obl	\$ -	10034			
		Expense Fund	Fed Treas Obl		10035			
		Principal	Fed Treas Obl	\$ 3	10036			
		Interest Fund	Fed Treas Obl	\$ 0	10037			
BNY Mellon	2006 Pension Bonds (340)	Expense Fund	Fed Treas Obl	\$ -	10035			
U.S. Bank	2015 Utility Capital (545)	Improvements	Fed Treas Obl	\$ 0	10031			
		Reserve	Fed Treas Obl	\$ 1	10032			
		Expense Fund	Fed Treas Obl	\$ 0	10035			
BNY Mellon	2013 NER Refinance (796)		Fed Treas Obl		10030			
		Improvements	Fed Treas Obl		10031			
		Reserve	Fed Treas Obl	\$ 260,419	10032			
		Redemption	Fed Treas Obl		10035			
		Debt Service	Fed Treas Obl	\$ -	10036			
PARS	OPEB Trust	Trust Cash	Investments	\$ 2,979,688	13050			
PARS	Retirement Trust	Trust Cash	Investments	\$ 1,202,412	13050			
Sub-total	Cash with Fiscal Agents			\$ 4,442,523				
Total other investments			\$ 9,585,318	\$ 14,027,842	\$ 9,664,064			
TOTAL INVESTMENTS & CASH BALANCES			\$ 25,410,464	\$ 29,852,987	\$ 25,489,209			

Outstanding Loans to Department Heads

	Date of loan	Amount	Amount Remaining	Interest Rate
Stuart Schillinger	4/1/2002	318,750	\$ 318,750	Based on Sales Price
Clay Holstine (1)	7/8/2008	300,000	\$ -	Paid off 12/28/2016
Clay Holstine (2)	9/10/2008	200,000	\$ 200,000	Secured by other funds
Randy Breault	10/22/2001	320,000	\$ 46,590	3.34%

FFCB - Federal Farm Credit Bank
FHLB - Federal Home Loan Bank
FHLM - Federal Home Loan Mortgage Corporation
FNMA -Federal National Mortgage Association

Two year Treasury	0.16%	
Weighted Interest	0.61%	
Weighted maturity	0.31	Years

TREASURER'S CERTIFICATE

These are all the securities in which the city funds including all trust funds and oversight agencies funds are invested and that (excluding approved deferred compensation plans) and that all these investments are in securities as permitted by adopted city policy.

It is also certified that enough liquid resources (including maturities and anticipated revenues) are available to meet the next six months' cash flow.

Stuart Schillinger
CITY TREASURER

File Attachments for Item:

E. Approve Ordinance No 658. to rescind Ordinance No. 656, an urgency ordinance that regulated short term rentals of residential properties in Brisbane

**MEMO****Meeting Date:** December 10, 2020**From:** Ingrid Padilla, City Clerk *CLH***Subject:** Adopt Ordinance No. 658, an Ordinance of the City of Brisbane Rescinding Ordinance No. 656 Adopted as an Urgency Ordinance on June 18, 2020

The Ordinance listed above was introduced at the City Council Meeting of November 19, 2020. It is on this agenda for consideration of adoption.

Attachment:

Staff report from City Council Meeting of November 19, 2020



CITY COUNCIL AGENDA REPORT

Meeting Date: November 19, 2020

From: John Swiecki, Community Development Director

Subject: Short Term Rental Regulations- Adopt Ordinance 658
Rescinding Urgency Ordinance 656

Purpose

To rescind the urgency ordinance that regulated the short term rentals of residential properties in Brisbane. The non-urgency ordinance (Ordinance No. 655) that regulates short term rentals or residential properties in Brisbane went into effect on October 3, 2020 will not be affected by this action.

Recommendation

Introduce Ordinance No 658. to rescind Ordinance No. 656, an urgency ordinance that regulated short term rentals of residential properties in Brisbane.

Background

In June 2020, City Council introduced an ordinance (Ordinance No. 655) to allow permanent residents of single family dwellings to offer hosted rentals following the Zoning Administrator's approval of a short term rental permit and subject to operating standards, renewal requirements and standards to suspend or revoke a permit.

Typically an introduced ordinance must have one additional reading before the ordinance is adopted, and it is not effective until 30 days thereafter. Because City Council was not scheduled to meet over the summer, Ordinance No. 655, introduced on June 18, would not be adopted until September and would not be effective until October. Because of the community's concerns about the operation of short term rentals without regulations in place, Council not only introduced Ordinance No. 655 on June 18 but also, based on proper findings, adopted Ordinance No. 656 on an urgency basis, to take effect immediately upon its adoption. Ordinance No. 656 contains the same language and provisions as Ordinance No. 655, with the exception of a 90-day amnesty period provided for in the urgency Ordinance No. 656. The amnesty period was intended to allow for any operating short term rentals to file, obtain approval, and satisfy the conditions of approval of the required permits from the City. Any owner operating short term rental without required City permits after the amnesty period would be subject to Code enforcement action.

Council held a second reading of Ordinance No. 655 on September 3, 2020 and it became effective October 3, 2020.

Discussion

Given that Ordinance No. 655 is in full force and effect and regulates the operation of short term rentals in Brisbane, there is no longer any reason for the urgency ordinance. The attached ordinance (Attachment 1) rescinds Ordinance No. 656.

Fiscal Impact

There is no fiscal impact in adopting the ordinance to rescind Ordinance No. 656.

Attachments

1. Ordinance No. 658



John Swiecki, Community Development Director



Clay Holstine, City Manager

ORDINANCE NO. 658

AN ORDINANCE OF THE CITY OF BRISBANE RESCINDING ORDINANCE NO. 656 ADOPTED AS AN URGENCY ORDINANCE ON JUNE 18, 2020

WHEREAS, on June 18, 2020, City Council adopted on an urgency basis Ordinance No. 656 concerning short term rentals in the City of Brisbane; and

WHEREAS, also on June 18, 2020, City Council introduced on a non-urgency basis Ordinance No. 655 concerning short term rentals in the City of Brisbane; and

WHEREAS, City Council adopted Ordinance No. 655 on September 3, 2020 and Ordinance No. 655 went into effect on October 3, 2020 and remains in full force and effect; and

WHEREAS, there is no longer any need for Ordinance No. 656 as its operative provisions are embedded in Ordinance No. 655.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BRISBANE ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 656 is rescinded in its entirety.

Section 2. This Ordinance shall be effective 30 days after its passage and adoption.

* * *

The above Ordinance was regularly introduced and after the waiting time required by law was thereafter passed and adopted at a regular meeting of the City Council of the City of Brisbane held on December 10, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Terry O'Connell, Mayor Approved

ATTEST:

as to form:

Ingrid Padilla, City Clerk



Thomas McMorrow, City Attorney

File Attachments for Item:

G. Consider adoption of Resolution No. 2020-66 adopting the County of San Mateo's Certification of Votes and declaring results to fill 3 four-year term Council Seats at the General Municipal Election held on November 3, 2020



CITY COUNCIL AGENDA REPORT

Meeting Date: December 10, 2020

From: Ingrid Padilla, City Clerk

Subject: Adopt Resolution No. 2020-66 Adopting the County of San Mateo's Certification of Votes and Declaring Results of the General Municipal Election held on November 3, 2020 to fill three City Council Seats

Recommendation:

Adopt Resolution No. 2020-66 adopting the County of San Mateo's Certification of Votes and Declaring Results of the General Municipal Election held on November 3, 2020 to fill three City Council seats.

Background:

On June 18, 2020, the City Council adopted Resolution No. 2020-48 calling a General Municipal Election to be held on Tuesday, November 3, 2020 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. Resolution No. 2020-48 calls for an election to fill three City Councilmember seats for a term of four years.

Discussion:

The attached Resolution declares the results of the election that was held on November 3, 2020. Karen Cunningham, Cliff Lentz and Coleen Mackin were re-elected to serve on the City Council through December 2024.

At the time this report was written, the certification of votes from the County of San Mateo has not been received. The official results will be an exhibit to the attached resolution and the final numbers will be inserted into the resolution.

Attachment:

1. Resolution 2020-66

Ingrid Padilla, City Clerk

Clayton Holstine, City Manager

**ATTACHMENT 1
RESOLUTION NO. 2020-66**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE
ADOPTING COUNTY OF SAN MATEO CERTIFICATION OF VOTES
AND DECLARING RESULTS TO FILL THREE COUNCIL SEATS AT THE
GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 3, 2020**

WHEREAS, a General Municipal Election was held in and throughout the City of Brisbane on the 3rd day of November, 2020, to submit the candidates to fill three Council seats for four-year terms to the qualified electors; and

WHEREAS, the City Clerk of said City has duly posted and presented to the City Council of the City of Brisbane the County of San Mateo's certification of the votes cast in said General Municipal Election; and

WHEREAS, said City Council has access to and has examined said certification of votes cast in said election.

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

1. The total number of votes cast was_____.
2. That the record of votes cast in said election is shown on Exhibit "A" of the Certificate of the Chief Elections Official, attached hereto, and by such reference made a part hereof.
3. That Karen Cunningham, Cliff Lentz, and Coleen Mackin were elected to fill the offices of Councilmember for a term ending in December 2024 and the City Clerk is hereby directed to issue a Certificate of Election to the persons, certifying each person's election to the office appearing after their name, and to administer to the elected persons the oath of office prescribed by the Constitution of the laws of the State of California.

Terry O'Connell, Mayor

I hereby certify that the foregoing Resolution No. 2020-66 was duly and regularly adopted by the City Council of the City of Brisbane, at a regular meeting held thereof on December 10, 2020, by the following vote:

AYES:

NOES:

ABSENT:

Ingrid Padilla
City Clerk

File Attachments for Item:

L. Use of Housing Authority Funds to assist Low-Moderate Renters/Homeowners with Payments Due to COVID-19 Related Issues

(This item was not discussed at the City Council Meeting of 11/19/20 and was continued by Council.)



CITY COUNCIL AGENDA REPORT

Meeting Date: 12/10/20

From: Stuart Schillinger, Deputy City Manager

Subject: Rental Assistance from the City's Housing Fund

Community Goal/Result

Community Building

Purpose

Assist residents of Brisbane who have been negatively impacted by COVID-19, which caused them to miss rental payments.

Recommendation

Direct staff to set-up a program of rental assistance for lower-income households with the guidelines approved by City Council.

Background

The State and the County have passed legislation that, as a practical matter, prohibit until February 2021 the eviction of residential home owners and tenants who are unable to make the mortgage or rent payments due to COVID-19 related issues, assuming, for tenants, that they pay a certain percentage of their rent between September 1, 2020 and the end of January 2021 and comply with certain notice requirements to their landlord if they are served with a notice to quit or pay rent. Nevertheless, the unpaid amounts will need to be repaid meaning that double payments will be required until the deferred rent has been repaid.

On October 15, 2020 City Council allocated up to \$100,000 from the City's Housing Authority Low Income Funds to be used to assist Brisbane residents who have missed rental payments due to COVID-19 related issues. The Council asked the City Council's Housing Subcommittee to outline a plan to implement this direction.

The Subcommittee met on November 3, 2020 and developed the basis for this program.

Discussion

The Council Subcommittee looked at programs throughout the State. These programs included San Mateo County, Menlo Park, Santa Clara, San Diego, Santa Rosa San Marcos, Temecula, and Downey. All of the programs had some basic features

- Eligibility Requirements

- Dollar amount of assistance
- How often can someone apply.

Based on information from other cities the Subcommittee is making the following recommendations

Eligibility

- Income at 80% or lower of Annual Median Income (Family of 4 \$139,200)
- Live in Brisbane
- Not related to Landlord
- Have a signed rental agreement
- Was current with rent as of March 16, 2020 (no pending evictions)
- Have accumulated past due rent
- Not receiving other COVID-19 related rental assistance
- Savings not available to cover past due rent

Grant Amount (similar program being run by San Mateo County)

- Maximum of \$4,000 per family
- Up to 80% of the amount of the rent owed
- Payment will be made to the Landlord
- Landlord will need to forgive the remaining rent up to \$5,000
 - Example: Renter owes \$2,500 in past due rent. City will provide Landlord \$2,000 and the remaining \$500 is forgiven.
 - Example: Renter owes \$8,000 in rent. City provides Landlord \$4,000. Landlord forgives an additional \$1,000. Renter still owes \$3,000.

Priorities – If we get more applications than available funds

- Families with children under the age of 18 living in the unit
- Pre-existing medical conditions which are impacted by the pandemic
- Lower income individuals

Application Process

- One-time application
- If all of the funds are not used or Council allocates more funding we will revisit the application process.

Administration

The subcommittee recommends using Samaritan House to administer the assistance program. Samaritan House has experience with this since they administer the rental assistance program for Menlo Park and other cities. The cost to administer the program will be \$12,000. Staff

would recommend that the administration of the program be paid for from General Fund to allow the maximum amount of funds being made available to renters. Although there is no budget for this expenditure, staff will review the budget at mid year and determine if there are enough savings in other line items to cover this cost or if revenues are higher than anticipated to cover the cost.

Fiscal Impact

Allocate \$100,000 from the Low-Moderate Housing Fund to provide a grant for rental assistance. Allocate \$12,000 from the General Fund for the cost of administering the program through Samaritan House.

Measure of Success

Up to 25 residents/families are able to afford to stay in the community.

Attachments

- 1) Information presented to Subcommittee.

Stuart Schillinger

Stuart Schillinger, Deputy City Manager

Clayton L. Holstine

Clay Holstine, City Manager

Suggested City Program

Eligibility

- 1) Income at 80% or lower of AMI prior to pandemic based on 2019 tax return
 - a. We might want to have this be higher up to 100% of AMI
 - b. We might want people who have fallen into this category due to the pandemic be eligible
- 2) Show impact of COVID-19 on Income
 - a. Notification of job loss/termination during pandemic
 - b. Notification of furlough during pandemic
 - c. Notification or employer signed form confirming reduction in hours
 - d. Application for or approval of Unemployment Insurance benefits
 - e. Notarized affidavit signed that includes the name of the household member who is self-employed, the name and nature of the business, and narrative confirming economic impact on self-employment during pandemic
- 3) Live in Brisbane
- 4) Not related to landlord
- 5) Have signed Rental Agreement
- 6) Have accumulated rent past due
- 7) Not receiving other COVID-19 related COVID assistance
 - a. We might want to waive this to provide people with maximum amount of assistance

Grants

- 1) Up to 80% of rent for 3 months.
 - a. The number of months or the percent may be different
- 2) Payments to Landlord.
 - a. Landlord needs to forgive the balance

Application Process

- 1) Can apply only once
- 2) Applications taken for a 10 day period for each month the City is in a declared emergency
 - a. Or we might want to do this as a one-time process. The downside of doing it only once is different households might be impacted at different times

Background Information

California

- Can't be evicted before 2/1/2021
 - COVID related hardship between March 4 – 1/20/21
 - If can't pay between 9/1/20 and 1/31/21
 - Must pay 25 of rent due to avoid eviction

San Mateo County

- Small Property Owner Assistance – Property Owners apply

- 2 week application
- Landlord must live in San Mateo county and lease property within County, earned income less than \$400,000
- Rental unit must not exceed 2020 HUD Fair Market threshold for San Mateo County
 - Studio - \$2,197
 - 1-Bedroom - \$2,720
 - 2-Bedroom - \$3,339
 - 3-Bedroom - \$4,365
 - 4-Bedroom - \$4,657
- Demonstrated losses between April 1, and August 31, 2020
- Grant up to 80% of rent owed to a maximum of \$6,000
 - Examples
 - \$5,000 owed Landlord receives \$4,000 all \$5,000 forgiven
 - \$7,500 owed Landlord receives \$6,000 all \$7,500 forgiven
 - \$10,000 owed Landlord receives \$6,000 \$7,500 forgiven renter still owes \$2,500
- Menlo Park
 - \$100,000
 - Administered by Samaritan House
- Housing Industry Foundation
 - Grant up to \$2,500 for people who can't make rent due to "no-fault" of renter.
 - Medical costs, injury, temporary loss of income, unanticipated expenses, or victim of a crime

Other areas

- Santa Clara
 - Reside in Santa Clara
 - Accumulated past due rent since April 2020
 - Household income does not exceed 80% of Area Median Income
 - Needed to qualify
 - 2019 Tax return (if self-employed)
 - Bank statements from June – September
 - Pay stubs June – September
 - Two proof of residency
 - Unemployment benefit statement if applicable
 - Copy of most recent lease agreement
 - Amount of assistance 85% of the Actual Rent or Fair Market rent
 - \$1,577 - \$7,240 depending on number of bedrooms
- San Diego
 - Provide one-time payment of up to \$4,000 – paid directly to landlord
 - San Diego address
 - Household income in January 2020 was at or below of 60% of San Diego Area Median Income (AMI)
 - Not currently receiving rental subsidies

- Not a tenant of the San Diego Housing Commission
- Household does not have savings to meet financial needs
- Household as eligible immigration status
- Household experiencing hardship directly related by COVID-19
- Priority given to
 - Families with minor children
 - Household with at least one person 62 or older
- Santa Rosa
 - Household income at or below 60% of the Area Median Income
 - Loss or decrease in wages due to COVID-19 pandemic
 - At least one member of the household who is a documented U.S. citizen
 - Up to \$12,000 per household
- San Marcos
 - Funded through CDBG
 - Up to \$10,000 per household
 - Income requirement no more than 80 of AMI
 - Up to 6 months of partial or full rent
 - Were current prior to March 16 ,2020
 - Not related to the property owner
- Temecula (Through a Riverside County program)
 - Applications open every month for a 10 day period
 - Up to \$3,500 to cover past rent (April – November)
 - Lease Agreement
 - Documented COVID-19 related financial impact
 - Can only apply once per household
 - Landlord receives payment
 - Rent cannot exceed 150% of Fair Market Rent
- Downey
 - Reside in Downey
 - Household Income does not exceed Moderate Income level
 - Impacted by COVID-19 on or after April 1, 2020
 - Current residential lease agreement
 - Confirmed rental balance
 - Paid to Landlord
 - Up to 1 month of rent
 - How to document loss of income
 - Notification of job loss/termination during pandemic
 - Notification of furlough during pandemic
 - Notification or employer signed form confirming reduction in hours
 - Application for or approval of Unemployment Insurance benefits
 - Notarized affidavit signed that includes the name of the household member who is self-employed, the name and nature of the business, and narrative confirming economic impact on self-employment during pandemic