



# CITY of BRISBANE

## City Council Special Meeting Agenda

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Thursday, December 14, 2023 at 7:30 PM • Hybrid Meeting 50 Park Place, Brisbane, CA

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*Amended and Posted 12.11.23*

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

Councilmember Cunningham will participate by Teleconference at Unit 2/212 Beach Road Batehaven, NSW 2536, Australia

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

Members of the public may participate in the City Council meeting by logging into the Zoom Webinar listed below. City Council meetings may also be viewed live and/or on-demand via the City's YouTube Channel, [youtube.com/brisbaneca](https://youtube.com/brisbaneca), or on Comcast Ch. 27. Archived videos may be replayed on the City's website, [brisbaneca.org/meetings](https://brisbaneca.org/meetings). Please be advised that if there are technological difficulties, the meeting will nevertheless continue if remote participation is available.

The agenda materials may be viewed online at [brisbaneca.org](https://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](mailto:ipadilla@brisbaneca.org) or **Text:** (628) 219-2922

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

[brisbaneca.org/cc-zoom](https://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](https://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](https://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. HIP Housing Calendar
- C. Volunteers of the Year and the Youth Volunteer of the Year Award

## **ORAL COMMUNICATIONS NO. 1**

## **CONSENT CALENDAR**

- D. Approve Minutes of City Council Special Meeting of November 29, 2023
- E. Approve Minutes of City Council Meeting of November 16, 2023
- F. Approve Minutes of City Council Special Meeting of November 16, 2023
- G. Approve Minutes of City Council Closed Session Meeting of November 16, 2023
- H. City’s Investment Report for October 2023
- I. Acceptance of Annual Report of Development Impact Fees for the Fiscal Year Ended June 30, 2023

## **NEW BUSINESS**

- J. Election of New Mayor and Mayor Pro Tem

K. Administration of Oath of Office of Newly Elected Mayor and Mayor Pro Tem

L. Recognize Outgoing Mayor Madison Davis for Her Service

(A Brief Break Will Be Held After Item L)

#### **STAFF REPORTS**

M. City Manager's Report on Upcoming Activities

#### **MAYOR/COUNCIL MATTERS**

N. Confirmation of City Manager Recruitment Subcommittee

O. Countywide Assignments and Subcommittee Reports

P. Written Communications

#### **ORAL COMMUNICATIONS NO. 2**

#### **ADJOURNMENT**

**File Attachments for Item:**

D. Approve Minutes of City Council Special Meeting of November 29, 2023



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**BRISBANE CITY COUNCIL**

**ACTION MINUTES**

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**CITY COUNCIL SPECIAL MEETING AGENDA  
THURSDAY, NOVEMBER 29, 2023**

*HYBRID MEETING, 50 PARK PLACE, BRISBANE, CA 94005*

**1:00 P.M. CALL TO ORDER**

Mayor Davis called the meeting to order at 1:06 P.M.

**PUBLIC COMMENT**

None

**WORKSHOP**

A. Develop a City Manager Profile with Executive Search Firm Teri Black & Company

The Councilmembers met with Teri Black and Suzanne Mason from Teri Black & Co. During this meeting, the group discussed and created a City Manager candidate profile to collectively capture the City Council's input on the ideal City Manager, for the city, City Council, and staff.

**ADJOURNMENT**

Mayor Davis adjourned the meeting at 2:25 P.M.

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Angel Ibarra  
Deputy City Clerk

**File Attachments for Item:**

E. Approve Minutes of City Council Meeting of November 16, 2023



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**BRISBANE CITY COUNCIL**

**ACTION MINUTES**

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**CITY COUNCIL MEETING AGENDA  
THURSDAY, NOVEMBER 16, 2023**

*HYBRID MEETING, 50 PARK PLACE, BRISBANE, CA 94005*

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

Mayor Davis called the meeting to order at 7:45 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 to attend the meeting remotely.

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

Councilmembers absent: Councilmember Cunningham

Staff Present: City Manager Holstine, City Clerk Padilla, City Attorney McMorrow, Sustainability Manager Etherton, Public Works Deputy Director Kinser, Senior Planner Ayers, Community Development Director Swiecki, Police Commander Garcia and Management Analyst Ibarra

**REPORT OUT OF CLOSED SESSION**

City Attorney McMorrow reported that the City Council made no decision and staff was given direction on the Existing Litigation Item.

**ADOPTION OF AGENDA**

Mayor Davis made a request to amend the agenda and move up the discussion of New Business Item H before Old Business Item G. Councilmember O’Connell made a motion, seconded by Councilmember Lentz, to approve the agenda as amended. The motion was carried unanimously by all present.

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

Noes: None

Absent: Councilmember Cunningham

Abstain: None

## ORAL COMMUNICATIONS NO. 1

Tom Heinz apologized to the council for his behavior in a previous meeting due to a misalignment of information.

Michele Salmon commented if the City can work out an arrangement for horses to access San Bruno Mountain without impact the newly paved Crocker Trail.

Roland Lebrun praised the State of the City presentation and asked for better transparency with on the West Hill property negotiation item.

Michele Salmon commented that the City should not sell the public property on West Hill since it gives us access to the mountain.

## CONSENT CALENDAR

- B. Approve Minutes of City Council Meeting of November 2, 2023**
- C. Approve Minutes of City Council Closed Session Meeting of November 2, 2023**
- D. Approve Lyrical Opposition's "Re-Entrification" Documentary Screening as a Cosponsored Event**
- E. Award the Contract for the Public Art Master Plan to NINE dot ARTS, in the Amount of \$75,000**

(The cost of NINE dot ARTS master planning services for this project is \$75,000 and will be paid for using the Public Art Fund (Fund 275). The Public Art Advisory Committee is also recommending a 20% contingency (or \$15,000) to draw from as needed to support master planning efforts.)

- F. Adopt a Resolution to Amend a Project List for Fiscal Year 2023-23 Funded by SB 1: The Road Repair and Accountability Act of 2017**

(The pavement projects listed in the proposed Resolution are categorically exempt from CEQA per CCR Title 14 §15302. The following amended list of the proposed projects will be funded in-part or solely with \$104,377 of Fiscal Year 2022-23 Road Maintenance and Rehabilitation Account revenues.)

Councilmember Mackin made a motion, seconded by Councilmember Lentz, to approve Consent Calendar Items B-F. The motion was carried unanimously by all present.

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

Noes: None

Absent: Councilmember Cunningham

Abstain: None

## NEW BUSINESS

- H. Consider Introduction of the Dark Sky Ordinance, waiving first reading, adding Chapter 15.88**



## Outdoor Lighting Standards to the Brisbane Municipal Code

**(This Ordinance is exempt from further environmental review under the California Environmental Quality Act (CEQA) because it is not a project (CEQA Guidelines, §15378 (b) (2)). As proposed, the ordinance will result in required changes to streetlights and other public facilities within fifteen (15) years of the effective date, with an estimated cost upwards of \$1M. Additional implementation costs may include equipment and training for police officers. Staff proposes to create a program to systematically make updates over time.)**

Sustainable Manager Etherton and John Barentine of Dark Sky Consulting reported that the purpose of the Dark Sky Ordinance is to protect and enhance the local environment and public health by reducing light pollution at night through reasonable restrictions on outdoor lighting. Altogether, the proposed standards attempt to balance lighting needs for safety, security and outdoor activities while eliminating or reducing lighting that doesn't serve a useful purpose.

Compliance is addressed across various timelines depending on difficulty:

- All new or replaced outdoor lighting after the effective date shall comply. Planning and building application requirements will be modified to include lighting inventories and other details to demonstrate compliance with the ordinance.
- Within one year of the effective date of the ordinance, all existing outdoor lights (except streetlights) shall make the "easy fixes": directing lighting downward if possible, adjusting dimmers and motion timers to comply where lighting is equipped with them, and replacing bulbs to meet color and lumen thresholds when they are replaceable.
- More extensive changes, such as replacement of fixtures, shall be completed within:
  - Five (5) years for non-residential zones;
  - Ten (10) years for residential zones;
  - Fifteen (15) years for streetlights and other City facilities.
  - Extensions for financial or other hardship up to one year may be requested.
- Deviations may be approved for unique circumstances and shall achieve the intent of the ordinance to the maximum extent feasible. Decisions shall be noticed publicly and to property owners within a 300' radius and are appealable to the City Manager.
- Enforcement would be complaint-based and subject to the City's regular Administrative Citation process.

After Council question, the following Public Comments were made:

Barbara Ebel commented that the policy was drafted to consider the migration of birds and bees. She also wanted to note that decreasing glare can also increase public safety because eyes function better with less glare.

Michele Salmon thanked the Open Space and Ecology Committee for their worked and she believed this Ordinance will make the quality of life better for the community.

Roland Lebrun said he was concerned about street lighting and being able to walk safely at night as well as having the enforcement of the policy to be non-invasive procedures.

Erin Becker commented that the Open Space and Ecology Committee was being pragmatic and considered the

various needs of the community by creating a tiered compliance timeline.

Council discussed adding clarifications around entry way lighting, moving the holiday lighting dates moved to September 15 through January 31<sup>st</sup> and disseminating information to the public regarding the Ordinance and how it will benefit the community.

Councilmember Lentz made a motion, seconded by Councilmember O'Connell, to introduce a Dark Sky Ordinance. The motion was carried unanimously by all present.

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

Noes: None

Absent: Councilmember Cunningham

Abstain: None

## **OLD BUSINESS**

### **G. Consider Adoption of a Resolution to Adopt an Affordable Housing Strategic Plan**

**(The Affordable Housing Strategic Plan (AHSP) is a framework that establishes options guiding the City's investments in preserving existing affordable housing, preventing the displacement of low-income Brisbane residents, and developing new affordable housing.)**

Senior Planner Ayers reported that the AHSP is consistent with and implements the adopted 2023-2031 Housing Element specifically related to financing affordable housing programs. Its implementation timeline is tied to the eight-year Housing Element implementation cycle. The AHSP is a living document and is intended to be revisited regularly as the City's funding priorities and opportunities shift over time. It is a document that lists options in preserving and developing affordable housing as well as preventing low-income Brisbane residents from being displaced.

After some Council questions with Staff and Chris Blakney of ECONorthwest and having received no public comment, Council discussed adding a section to the Affordable Housing Strategic Plan that explains the purpose of the document. Councilmember O'Connell made a motion, seconded by Councilmember Mackin, to adopt a resolution to adopt an Affordable Housing Strategic Plan as amended. The motion was carried unanimously by all present.

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

Noes: None

Absent: Councilmember Cunningham

Abstain: None

## **STAFF REPORTS**

### **I. City Manager's Report on Upcoming Activities**

City Manager Holstine reported on the latest City news about an upcoming City road project.

## **MAYOR/COUNCIL MATTERS**

### **J. Countywide Assignments and Subcommittee Reports**

Councilmembers reported on their subcommittee meeting and activities within their Countywide Assignments.

#### **K. Written Communications**

City Clerk Padilla stated that the following correspondence were received between 11/3/23-11/16/2023:

- Danny Ames (11/14/23) Push back on State Housing mandate—fight to maintain local land use decisions

#### **ORAL COMMUNICATIONS NO. 2**

Barbara Ebel asked the Council to join the lawsuit to address the State Housing mandates.

Roland Lebrun commented that the City needs to change how the City deals with developers in regards to the State Housing Mandates by having a timeline. He also offered his assistance with the City Manager recruitment.

#### **ADJOURNMENT**

Mayor Davis adjourned the meeting at 10:02 P.M.

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Ingrid Padilla  
City Clerk

**File Attachments for Item:**

F. Approve Minutes of City Council Special Meeting of November 16, 2023



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**BRISBANE CITY COUNCIL****ACTION MINUTES**

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**CITY COUNCIL SPECIAL MEETING AGENDA  
THURSDAY, NOVEMBER 16, 2023**

*HYBRID MEETING, 50 PARK PLACE, BRISBANE, CA 94005*

**7:00 P.M. CALL TO ORDER****PUBLIC COMMENT****WORKSHOP****A. Council will discuss process to select Mayor and Mayor Pro Tem which will happen at their Special Meeting on Thursday, December 14, 2023.**

Mayor Davis called the meeting to order at 7:00 P.M. No public comment was made and the City Council proceeded with the workshop and discussed the process to select the Mayor and Mayor Pro Tem.

To extend the time for City Council discussion, Councilmember O'Connell made a motion, seconded by Mayor Davis, to continue the special meeting after the Regular City Council Meeting. The motion passed unanimously by all present.

Ayes: Councilmember Lentz, Mackin, O'Connell and Mayor Davis

Noes: None

Absent: Councilmember Cunningham

Abstain: None

Mayor Davis continued the special meeting at 10:10 P.M. After Council discussion, Roland Lebrun commented that he is disappointed that the Councilmembers are not all in agreement with the selection process for Mayor and Mayor Pro Tem. He suggested perhaps the City can look into the process of having voters elect a mayor.

**ADJOURNMENT**

After more Council discussion, Mayor Davis adjourned the meeting at 10:55 P.M.

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Ingrid Padilla  
City Clerk

**File Attachments for Item:**

G. Approve Minutes of City Council Closed Session Meeting of November 16, 2023



## BRISBANE CITY COUNCIL

### ACTION MINUTES

#### BRISBANE CITY COUNCIL CLOSED SESSION MEETING

**THURSDAY, NOVEMBER 16, 2023**

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

#### 6:45 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. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION**

**Government Code, Section 54956.9 (d) (1).**

**Number of Cases: One**

- **County of San Mateo, et al. v. Monsanto Co., et al., No. 22-CIV-01667**

Mayor Davis called the meeting to order at 6:45 P.M. Councilmember O'Connell made a motion, seconded by Councilmember Mackin, to approve the Closed Session Meeting Agenda as it stands. The motion passed unanimously by all present.

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

Noes: None

Absent: Councilmember Cunningham

Abstain: None

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After no public comment, Mayor Davis adjourned the meeting into Closed Session.

#### **REPORT OUT OF CLOSED SESSION**

City Attorney McMorro reported that the City Council made no decision and staff was given direction on the Existing Litigation Item.

## **ADJOURNMENT**

The meeting was adjourned at 6:54 P.M.

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Ingrid Padilla, City Clerk



**File Attachments for Item:**

H. City's Investment Report for October 2023

**CITY OF BRISBANE  
CASH BALANCES & INVESTMENTS  
SOURCE OF FUNDING  
October 31, 2023**

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		\$ 3,008,131	\$ 3,008,131	\$ 3,008,131	0.000		
STATE FUND (LAIF)	Deposit on call	continuous	\$ 2,053,718	\$ 2,053,718	\$ 2,053,718	3.670	on call	110% collateral no rating
<b>Other Investments</b>								
	FFCB	3/8/2022	\$ 1,000,000	\$ 1,000,000	\$ 986,590	1.670	03/08/2024	
	FHLB	4/22/2022	\$ 1,000,000	\$ 1,000,000	\$ 985,180	2.400	04/22/2024	
	Goldman Sachs	5/1/2019	\$ 246,000	\$ 246,000	\$ 242,531	2.750	05/01/2024	
	FHLB	7/26/2022	\$ 1,000,000	\$ 1,000,000	\$ 983,660	3.350	07/26/2024	
	Wells Fargo Bank	9/23/2022	\$ 250,000	\$ 250,000	\$ 245,607	3.750	09/23/2024	
	American Express	9/21/2022	\$ 250,000	\$ 250,000	\$ 245,666	3.750	09/24/2024	
	FHLB	12/31/2021	\$ 1,000,000	\$ 1,000,000	\$ 959,440	1.000	09/30/2024	
	FHLM	12/13/2022	\$ 1,000,000	\$ 1,000,000	\$ 992,790	5.140	12/13/2024	
	FHLB	3/24/2022	\$ 1,000,000	\$ 1,000,000	\$ 953,820	2.000	03/24/2025	
	FHLB	4/22/2022	\$ 1,000,000	\$ 1,000,000	\$ 962,320	2.750	04/22/2025	
	FHLB	7/28/2022	\$ 1,000,000	\$ 1,000,000	\$ 976,920	4.050	07/28/2025	
	FHLB	12/31/2021	\$ 1,000,000	\$ 1,000,000	\$ 929,050	1.300	09/30/2025	
	FHLB	10/27/2022	\$ 1,000,000	\$ 1,000,000	\$ 989,570	4.750	10/27/2025	
	FHLB	10/27/2022	\$ 1,000,000	\$ 1,000,000	\$ 992,950	5.250	10/27/2025	
	FFCB	9/12/2022	\$ 1,000,000	\$ 1,000,000	\$ 974,280	4.125	12/12/2025	
	FHLM	8/28/2023	\$ 1,000,000	\$ 1,000,000	\$ 993,110	5.700	06/28/2026	
	FHLM	9/29/2022	\$ 1,000,000	\$ 1,000,000	\$ 967,850	4.150	09/29/2026	
	FHLM	10/30/2023	\$ 1,000,000	\$ 1,000,000	\$ 998,520	5.550	10/30/2026	
	FHLB	3/25/2022	\$ 1,000,000	\$ 1,000,000	\$ 920,590	2.600	03/25/2027	
	FHLB	5/26/2022	\$ 1,000,000	\$ 1,000,000	\$ 962,180	3.500	05/26/2027	
	FHLB	5/26/2022	\$ 1,000,000	\$ 1,000,000	\$ 949,420	3.750	05/26/2027	
	FHLB	9/30/2022	\$ 1,000,000	\$ 1,000,000	\$ 975,580	5.000	09/30/2027	
	FHLM	10/11/2023	\$ 1,000,000	\$ 1,000,000	\$ 999,190	6.150	10/11/2028	
BNY Mellon	Treasury Obligations	continuous	\$ 2,125,478	\$ 2,125,478	\$ 2,125,478	5.270	on call	110% collateral
Sub-total			\$ 22,871,478	\$ 22,871,478	\$ 22,312,292			
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	\$ 1	10036			
		Interest Fund	Fed Treas Obl	\$ 0	10037			
U.S. Bank	2015 Utility Capital (545)	Improvements	Fed Treas Obl	\$ -	10031			
		Reserve	Fed Treas Obl	\$ 481	10032			
		Expense Fund	Fed Treas Obl	\$ -	10035			
BNY Mellon	2023 BGVMDFA Bond (328)	Improvements	Fed Treas Obl	\$ -	10031			
		Reserve / Project	Fed Treas Obl	\$ 5,548,949	10032			
		Expense Fund	Fed Treas Obl	\$ 2,560	10035			
		Principal	Fed Treas Obl	\$ -	10036			
		Interest Fund	Fed Treas Obl	\$ -	10037			
PARS	OPEB Trust	Trust Cash	Investments	\$ 3,535,847	13050			
PARS	Retirement Trust	Trust Cash	Investments	\$ 1,375,000	13050			
Sub-total	Cash with Fiscal Agents			\$ 10,462,839				
Total other investments			\$ 33,334,317	\$ 33,334,317	\$ 22,312,292			
<b>TOTAL INVESTMENTS &amp; CASH BALANCES</b>			\$ 38,396,166	\$ 38,396,166	\$ 27,374,141			

Outstanding Loans to Department Heads

	Date of loan	Amount	Amount Remaining	Interest Rate
Stuart Schillinger	4/1/2002	318,750	\$ 318,750	Variable, LAIF + 1%
Clay Holstine (1)	7/8/2008	300,000	\$ -	Paid off Dec 2016
Clay Holstine (2)	9/10/2008	200,000	\$ 125,000	Variable, LAIF + 1%

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

Two year Treasury	5.07%	
Weighted Interest	3.42%	
Weighted maturity	1.82	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) 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.

*Carolina Yuen*  
CITY TREASURER

**File Attachments for Item:**

I. Acceptance of Annual Report of Development Impact Fees for the Fiscal Year Ended June 30, 2023



## CITY COUNCIL AGENDA REPORT

**Meeting Date:** December 14, 2023

**From:** Carolina Yuen, Finance Director

**Subject:** Acceptance of Annual Report of Development Impact Fees for the Fiscal Year Ended June 30, 2023

### Community Goal/Result

Safe Community  
Community Building  
Fiscally Prudent

### Purpose

To review financial activity related to Development Impact Fees received for the Fiscal Year Ended June 30, 2023 as required by California Government Code Section 66006.

### Recommendation

Staff recommends that the City Council accept the Annual Report of Development Impact Fees for the Fiscal Year Ended June 30, 2023.

### Background

The California Government Code Section 66006, a subsection of the Mitigation Fee Act, requires local agencies with Development Impact Fees (DIF) to submit a report on the collection and use of these fees for public review within 180 days after the end of each fiscal year. This annual report must be reviewed and accepted by the City Council at a regularly scheduled public meeting. The annual review must include the following:

1. A brief description of the type of fee in the fund;
2. The amount of the fee;
3. The beginning and ending balance of the account or fund for the fiscal year;
4. The amount of the fees collected and any interest earned;
5. An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees;
6. An identification of an approximate date by which the construction of the public improvement will commence, if the local agency determines that sufficient funds have been collected to complete the financing on an incomplete public improvement;
7. A description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred fees will be expended; and
8. The amount of unexpended revenues refunded.

In 2019, the City approved the Design Permit application submitted by Healthpeak for its project in Sierra Point. As a condition of approval, the developer was to pay \$1.5 million towards improvements for park planning at Sierra Point. The City received the funds in August 2020. These funds are in the Park Development Fund, are segregated from the General Fund, will be segregated from other DIF when and if those DIF are imposed and collected by the City and may only be used for the purposes for which the fee was imposed. In addition to the \$1.5 million, there are other funds in the Park Development Fund (earmarked for the Parcel R project) but those funds were collected pursuant to a development agreement and under the Mitigation Fee Act, those funds are not subject to the Act. Moreover, interest earned on this Fund is also deposited into the Fund. The fees must be used within five years of their collection but that time limit may be extended if justified. Although project approvals occurred in 2019, the use time frame began when the funds were actually received by the City in 2020. If these funds are not utilized within the 5-year timeframe, the City will be responsible for justifying an extension and identifying how the funds will be allocated within a reasonable time period. Otherwise, the funds must be returned to the developer.

In 2022, the City Council awarded a contract to CMG in the amount of \$199,758 for master planning services for Sierra Point Open Space and Parks. To date, the City has compensated CMG \$118,932.12 for services rendered. Twenty five percent (25%) of the cost related to the CMG contract has been allocated to the Parcel R project, and the remaining 75% (\$89,199) has been allocated to general park improvements at Sierra Point and charged against the DIF collected from Healthpeak.

### **Discussion and Fee Reporting Summary**

Description and Amount – In 2019, the City approved the Design Permit application submitted by Healthpeak and imposed a \$1.5 million fee towards improvements for park planning at Sierra Point as a condition of approval. The City received the funds in August 2020. These funds have been deposited into the Park Development Fund. These Funds may be used for park planning purposes in Sierra Point and a portion of the fees have most recently have been expended to cover consulting costs related to the preparation of the Sierra Point Open Space and Park Master Plan.

Financial Information – For Fiscal Year 2022-23, the beginning balance of the Park Development Fund (as to that portion that is to be reported under the Mitigation Fee Act) was \$1,509,459. During the fiscal year, no additional fees were collected. The funds gained \$38,279 in investments. Expenditures of \$89,199 were incurred for eligible park planning projects. The ending balance in the relevant portion of the Park Development Fund as of June 30, 2023, was \$1,458,539.

Development Impact Fee Report, Fiscal Year 2022-23					
Impact Fee Category	Fund Balance at 7/1/22	Total Collected FY22-23	Interest Earned FY22-23	Total Expenditures FY22-23	Fund Balance at 6/30/2023
Sierra Point Park Planning	\$ 1,509,459	\$ -	\$ 38,279	\$ (89,199)	\$ 1,458,539
<b>Total</b>	<b>\$ 1,509,459</b>	<b>\$ -</b>	<b>\$ 38,279</b>	<b>\$ (89,199)</b>	<b>\$ 1,458,539</b>

Expenditure of Fees – Out of the Park Development Fund that is to be reported under the Mitigation Fee Act, the City spent \$89,199 towards Sierra Point Open Space and Park Master Plan consulting fees.

Construction Commencement Date – No projects requiring construction have been identified at this time.

Interfund Transfer or Loan – There were no interfund transfer or loans made during FY 2022-23.

Refunded Unexpended Revenues – No unexpended revenues were refunded during FY 2022-23.

### Fiscal Impact

There is no fiscal impact from acceptance of this report.

### Environmental Review

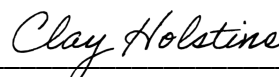
This action does not constitute a “project” as defined in California Environment Quality Act (CEQA) Guidelines Section 15378 and therefore no further CEQA analysis is required.

### Attachments

1. Exhibit A: Development Impact Fee Report, Fiscal Year 2022-23



Carolina Yuen, Finance Director



Clay Holstine, City Manager

**Exhibit A: Annual Report on Development Impact Fee, Fiscal Year 2022-23**

**City of Brisbane**  
**Annual Report of Development Impact Fees**  
**Fiscal Year Ended June 30, 2023**

This report serves as the City of Brisbane's (City) annual report on development impact fee revenues and expenditures as required by Government Code Section 66006.

**Healthpeak Sierra Point Park Planning Fee**

In 2019, the City approved the Design Permit application submitted by Healthpeak for its project in Sierra Point. As a condition of approval, the developer was to pay \$1.5 million towards improvements for park planning at Sierra Point. The City received the funds in August 2020. These funds and any future deposits toward the park planning make up the Park Development Fund and are segregated from the General Fund and from other funds or accounts containing fees collected for other purposes in accordance with accounting standards. Interest earned on this Fund is deposited into the Fund and used only for the purposes for which the fee was collected. These funds may only be used for the purposes for which the fee was imposed and are governed by the Mitigation Fee Act. The fees must be used within five years of their collection but that time limit may be extended if justified. Although project approvals occurred in 2019, the use time frame began when the funds were actually received by the City in 2020. If these funds are not utilized within the 5-year timeframe, the City will be responsible for justifying an extension and identifying how the funds will be allocated within a reasonable time period. Otherwise, the funds must be returned to the developer.

<b>Development Impact Fee Report, Fiscal Year 2022-23</b>					
<b>Impact Fee Category</b>	<b>Fund Balance at 7/1/22</b>	<b>Total Collected FY22-23</b>	<b>Interest Earned FY22-23</b>	<b>Total Expenditures FY22-23</b>	<b>Fund Balance at 6/30/2023</b>
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**File Attachments for Item:**

N. Confirmation of City Manager Recruitment Subcommittee



## **CITY COUNCIL AGENDA REPORT**

**Meeting Date:** December 14, 2023

**From:** City Manager Holstine

**Subject:** City Manager Recruitment Subcommittee

### **Background and Purpose**

Earlier this year the City Council appointed two of its members, Madison Davis and Terry O'Connell, as the subcommittee as they were serving as Mayor and Mayor Pro Tem. The purpose of this agenda item is to confirm that the City Council wishes to continue with this subcommittee as currently constituted to maintain continuity in the recruitment process.

The recruiter, Terri Black of Teri Black and Company, has requested to work with the subcommittee on development of the advertising brochure.

**File Attachments for Item:**

O. Countywide Assignments and Subcommittee Reports



# CITY *of* BRISBANE

## Subcommittee Update

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From November 17<sup>th</sup>, 2023 to December 14<sup>th</sup>, 2023

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### **Public Art Advisory Committee**

**11/20**

**Cunningham, Davis**

The Committee reviewed images of the hydrants for the hydrant project and discussed future placement at city owned property locations. There are 20 hydrants that need to be refurbished and 10 blank ones. It was decided that they will place 6 at the beginning of Quarry trailhead on San Francisco Street, 7 at the Community Park near the Holiday tree area, and 3 at the front of City Hall. Staff will work with Public Works to begin the process of cleaning up the hydrants. Committee will reconvene in January.

### **Upcoming Subcommittees:**

#### **Public Art Advisory Committee**

**1/8 4:30pm**

**Cunningham, Davis**

#### **Fiscal & Administrative Policies Subcommittee**

**1/9 1:30pm**

**Cunningham, O'Connell**