



City of Brisbane

City Council Meeting Agenda

Thursday, April 16, 2026 at 6:30 PM • Hybrid Meeting • 50 Park Place, Brisbane, CA

The public may observe/participate in City Council meetings using remote public comment options or by attending in person. The City Council may take action on any item listed in the agenda.

To Address the Council

In Person:

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

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, preferably before the start of the meeting. Speakers are not required to submit their name or address.

Remote Participation:

Members of the public may observe/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, or on Comcast Ch. 27. Archived videos may be replayed on the City's website, 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 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 via Zoom Webinar. Aside from commenting personally while in the Zoom Webinar, you can also use the call in number. The public comments received will be noted for the record during Oral Communications 1 and 2 or during an agenda item. We encourage you to email comments in advance of the meeting to ipadilla@brisbaneca.org. That email address, however, will not be monitored during the meeting and emails received during the meeting will not be responded to or brought to the attention of the City Council during the meeting.

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 distributed to the Council and made available for public inspection at the front lobby and on the internet the day after the meeting (brisbaneca.org/meetings).

Call to Order – Pledge of Allegiance

Roll Call

- A. Remote Attendance Under the Just Cause Provisions of the Brown Act

Adoption of Agenda

Awards and Presentations

- B. Peninsula Clean Energy/WestLight Energy Presentation

Oral Communications No. 1

Consent Calendar

- C. Approve Minutes of City Council Meeting of March 19, 2026
- D. Approve Minutes of City Council Special Meeting of March 21, 2026
- E. Approve Minutes of City Council Closed Session of March 23, 2026
- F. Approve Minutes of City Council Closed Session of April 2, 2026
- G. Adopt a Resolution Approving Amendment to the Peninsula Clean Energy Joint Powers Authority Agreement Reflecting the Name Change of Peninsula Clean Energy Authority to WestLight Energy
- H. Adopt a Resolution Establishing the 2026 Business License Tax for Liquid Storage Facilities as to Kinder Morgan/SFPP

New Business

- I. Consider Approval of Legal Services Agreement with Burke, Williams & Sorensen and Appointment of Samantha Zutler as City Attorney
- J. Open Space and Ecology 2025 Accomplishments & 2026 Work Plan
- K. Consider Adoption of Fiscal Year 2026-2027 Council Priorities
- L. Review Business License Tax Proposal

Staff Reports

M. City Manager's Report- City Updates and Upcoming Activities

Mayor and Council Matters

N. Future Agenda Items

O. Countywide Assignments and Subcommittee Report

i. Parkside 2 Ad Hoc Subcommittee Update

ii. Report Out on Subcommittee Meetings

iii. Upcoming Subcommittee Meetings

P. Written Communications

Oral Communications No. 2

Adjournment



BRISBANE CITY COUNCIL

ACTION MINUTES

**CITY COUNCIL MEETING AGENDA
THURSDAY, MARCH 19, 2026**

HYBRID MEETING, 50 PARK PLACE, BRISBANE, CA 94005

6:30 P.M. CALL TO ORDER – PLEDGE OF ALLEGIANCE

Mayor Mackin called the meeting to order at 6:36 P.M. and led the Pledge of Allegiance.

ROLL CALL

A. Remote Attendance Under the Just Cause Provisions of the Brown Act

No Councilmembers attended the meeting remotely.

Councilmembers Present: Councilmembers Davis, Kern, Lentz, O’Connell and Mayor Mackin

Councilmembers Absent: None

Staff Present: City Manager Dennis, City Clerk Padilla, City Attorney McMorrow, Finance Director Yuen, Public Works Director Bozorginia, Parks and Recreation Director Lee, Acting Community Development Director Ayres, Police Chief Macias, Police Commander Garcia, North County Fire Deputy Fire Chief Abelson, and Admin Management Analyst Ibarra

ADOPTION OF AGENDA

Councilmember Davis made a motion, seconded by Councilmember O’Connell, to adopt the agenda amended. The motion was carried unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

REPORT OUT OF CLOSED SESSION

City Attorney McMorrow reported out of the Closed Session Meeting of March 10, 2026. He reported that Council gave direction to staff regarding the Anticipated Litigation Item D.

City Attorney McMorrow also reported out on Closed Session Meeting of March 19, 2026. He reported that Council gave direction to staff regarding the Labor Negotiation Item D.

AWARDS AND PRESENTATIONS

B. Connect Bay Area Local Investment Plan Presentation

San Mateo County Transportation District's Government and Community Affairs Officer, Michaela Petrik Presented the Connect Bay Area Local Investment Plan Measure to fund Caltrain, BART, SFMTA, and AC Transit. After some council questions, Chris Florkowski commented that every public transportation program is connected and must be supported.

ORAL COMMUNICATIONS NO. 1

No members of the public wished to make public comment.

CONSENT CALENDAR

- C. Approve Minutes of Closed Session City Council Meeting of March 3, 2026**
- D. Approve Minutes of City Council Meeting of March 5, 2026**
- E. Approve Minutes of Closed Session City Council Meeting of March 10, 2026**
- F. Authorize Staff to Submit the Housing Element Annual Progress Report for 2025 to the California Department of Housing and Community Development and the Governor's Office of Planning and Research**
- G. Approve Letters of Support for Bills on Community Choice Aggregate (CCA) Energy Providers—AB 1761, SB 1138, and AB 2111**

Consent Item D was be pulled for edits. Councilmember Lentz made a motion, seconded by Councilmember Davis to adopt the Consent Calendar Items C, E-G. The motion was carried unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

NEW BUSINESS

H. Fiscal Year 2025/2026 Budget Update

Finance Director Yuen reported that staff is anticipating approximately \$4,195,000 in additional

revenues for the 2026 fiscal year, for a total of \$35,472,000. The largest increases were due to the increase in Sales Taxes and Property Taxes. However, staff is not requesting budget adjustments to revenue at this time.

She added that staff is also not recommending an adjustment to budgeted expenses, Staff is projecting by the end of the year the \$901,000 use of fund balance will be converted to a surplus of \$3.3 million.

After Council questions and no public comment, Councilmembers thanked Finance Director Yuen for the update.

I. Overtime Budget Workshop

Police Chief Macias from the Police Department, Deputy Fire Chief Abelson from North County Fire, City Engineer Bozorginia from the Public Works Department and Parks and Recreation Director Leek from the Parks and Recreation Department provided an update on how their departments routinely depend on overtime to fulfill minimum staffing requirements. Many departments find that the cost of overtime is lower than hiring additional full-time personnel, resulting in net budgetary savings.

After council questions and no public comment, Councilmembers thanked staff for the information and they commented how much easier it was to discuss this issue outside of the city budget presentation.

STAFF REPORTS

J. City Manager's Report- City Updates and Upcoming Activities

City Manager Dennis provided updates on former City Engineer Randy Breault continuing to serve as the BAWSCA representative and the upcoming name change for the Cesar Chavez Day holiday. He also provided an update on upcoming activities in Brisbane.

MAYOR/COUNCIL MATTERS

K. Future Agenda Items

Councilmember Davis asked about the status of reviewing the dumping fees.

L. Countywide Assignments and Subcommittee Reports

- i. Parkside 2 Ad Hoc Subcommittee Update**
- ii. Report Out on Subcommittee Meetings**
- iii. Upcoming Subcommittee Meetings**

Updates were provided on Councilmembers' county assignments. Councilmember Davis made a request to review the city's business license fees as a possible way for businesses to fund the shuttle buses in Brisbane.

M. Written Communications

Written communication was received from the following members of the public:
Denise Gregory (3/11/26) Toxic Neighbor Laundry Room

Denise Gregory (3/11/26) Video of Dryer Exhaust
Bridge Housing Letter (2/27) For Brisbane Housing Authority
Marc Hebert (3/5/26) Community Park Cameras

ORAL COMMUNICATIONS NO. 2

No public comment was received at this time.

ADJOURNMENT

Mayor Mackin adjourned the meeting at 8:47 P.M.

Ingrid Padilla
City Clerk

DRAFT



BRISBANE CITY COUNCIL

ACTION MINUTES

**CITY COUNCIL SPECIAL MEETING AGENDA
SATURDAY, MARCH 21, 2026**

*HYBRID MEETING, DOUBLETREE HOTEL
5000 SIERRA POINT PARKWAY, BRISBANE, CA 94005*

10:00 A.M. Call to Order – Pledge of Allegiance

Mayor Mackin called the meeting to order at 10:07 A.M. and lead 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 requests were made under Roll Call Item A.

Councilmembers Present: Councilmembers Davis, Kern, Lentz, O’Connell and Mayor Mackin

Councilmembers Absent: None

Staff Present: City Manager Dennis, Assistant City Manager Fernandez, City Clerk Padilla, Finance Director Yuen, Parks and Recreation Director Leek, Human Resources Director Partin, Economic Development Director Bull, North County Fire Authority Deputy Chief Abelson, Acting Community Development Director Ayres, City Engineer Bozorginia, Deputy Public Works Director Flanagan, Assistant to the City Manager Cheung, Police Chief Macias, and Police Commander Garcia

Adoption Of Agenda

Councilmember Lentz made a motion, seconded by Councilmember O’Connell to approve the Closed Session Meeting agenda as it stands. The motion passed unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

Public Comment

No members of the public made public comment.

Workshop

B. Priority Study Session

(Councilmembers will set priorities to help staff know what projects to consider to support the goals, to help the public understand the Council's direction and to help the City focus limited resources on the highest need.)

City Manager Dennis reported that the goal of the Priority Setting Study Session was to provide staff direction on what projects to consider supporting its goals, to help the public understand the Council's direction, and to help the City focus limited resources on the highest needs. He also provided an overview of the City Council's priorities last year:

1. Maintain the fiscal health of the City
2. Increase the maintenance for existing City facilities and infrastructure to determine long-term use opportunities
3. Create a comprehensive volunteerism initiative

After Council statements and questions, Michael Barnes commented that active recreation projects has zero maintenance and high impact on the community. He asked the Council to follow through with active recreation in Crocker Trail.

Emmett Cunningham commented that the City should solve the financial issues first and raise the City's bond rating. He also advocated increasing the city's investment on research. Later, he also commented that council should keep priorities focused because comprehensive priorities will take six years. Later, he added that priorities can be grouped into themes such as economic vitality, safety, infrastructure and future proofing.

After Council discussion, a brief lunch break was taken by members of the Council.

After the break, Councilmembers directed staff to compile the priorities for approval at a future council meeting. Based on the Council's conversation, five clear priorities emerged:

1. Implementation of the City's Affordable Housing Strategic Plan and plan for expenditure of affordable housing funds held by the City
2. Repair and update of Mission Blue, and activation of the Community Center so the entire building can be utilized by residents
3. Examine the future of the City's retail corridor, consisting of businesses along Old County Road and Visitacion Avenue
4. Continue with last year's priority committing to maintaining the City's fiscal health
5. Continue with last year's priority increasing maintenance of all the City's facilities

The City Council also discussed the Parkside 2 Subcommittee's work and the Subcommittee shared that its initial recommendation would be coming later in the year. Staff will also address the ratings of those bonds affected by recent audit work at a future City Council meeting.

ADJOURNMENT

The meeting was adjourned at 1:02 P.M.

Ingrid Padilla, City Clerk



BRISBANE CITY COUNCIL

ACTION MINUTES

**CITY COUNCIL CLOSED SESSION MEETING AGENDA
MONDAY, MARCH 23, 2026**

*HYBRID MEETING, 25A PARK PLACE ANNEX CONFERENCE ROOM,
BRISBANE, CA 94005*

3:30 P.M. CALL TO ORDER

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—ANTICIPATED LITIGATION

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

Mayor Mackin called the meeting to order at 3:34 P.M.

Councilmember O'Connell made a motion, seconded by Councilmember Kern to approve the Closed Session Meeting agenda as it stands. The motion passed unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

There was no public comment. Mayor Mackin adjourned the meeting into Closed Session.

REPORT OUT OF CLOSED SESSION

City Attorney McMorrow reported that direction was provided to staff regarding Anticipated Litigation Item D.

ADJOURNMENT

The meeting was adjourned at 7:30 P.M.

Ingrid Padilla, City Clerk



BRISBANE CITY COUNCIL

ACTION MINUTES

**CITY COUNCIL CLOSED SESSION MEETING AGENDA
THURSDAY, APRIL 2, 2026**

*HYBRID MEETING, 50 PARK PLACE CITY HALL CONFERENCE ROOM,
BRISBANE, CA 94005*

5:30 P.M. CALL TO ORDER

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: Santiago, pursuant to Government Code, section 54956.95

E. Public Employment; Title: City Attorney, pursuant to Government Code Section 54957

Mayor Mackin called the meeting to order at 5:37 P.M.

Councilmember O'Connell made a motion, seconded by Councilmember Kern to approve the Closed Session Meeting agenda as it stands. The motion passed unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

There was no public comment. Mayor Mackin adjourned the meeting into Closed Session.

REPORT OUT OF CLOSED SESSION

City Attorney McMorrow reported that Council took action on Liability Claim Item D and direction was provided to staff regarding Public Employment Item E.

ADJOURNMENT

The meeting was adjourned at 6:20 P.M.

Ingrid Padilla, City Clerk



City Council Staff Report

Meeting Date: April 16, 2026

From: Jeremy Dennis, City Manager

Subject: Adopt a Resolution Approving Amendment to the Peninsula Clean Energy Joint Powers Authority Agreement Reflecting the Name Change of Peninsula Clean Energy Authority to WestLight Energy

Recommendation

Staff recommend that the City Council adopt a resolution adopting amendment to Paragraph 2.2 to reflect the name change of Peninsula Clean Energy Authority to WestLight Energy

Background

On October 23, 2025, the Peninsula Clean Energy Authority Board of Directors voted to adopt a new market-facing agency name of WestLight Energy following extensive research and a lengthy stakeholder engagement process. The name was selected in part to address several challenges that limit the effectiveness of the name Peninsula Clean Energy with deeper decarbonization goals across Peninsula Clean Energy's service territory, including ongoing confusion with PG&E. The acronym "PCE" is often mistaken for PG&E, causing persistent brand confusion. Further, Peninsula Clean Energy reflects a geographic limitation given that the word "Peninsula" no longer reflects PCE's full service territory. The Peninsula Clean Energy Board of Directors' October 23, 2025 action included direction to amend the Joint Powers Agreement (JPA) to formally reflect the new name.

This action before the Council is not a reconsideration of the name itself. The Peninsula Clean Energy Board of Directors has already approved the name change. Member agencies are now required to approve an administrative amendment to Paragraph 2.2 of the JPA to formally update the agency's legal name in that paragraph and throughout the JPA document.

Discussion

Approval of the Resolution ensures Brisbane remains aligned with the governing documents of the Joint Powers Authority and allows Peninsula Clean Energy the opportunity to implement the name transition in coordination with its 10-year anniversary and broader brand rollout.

Fiscal Impact

There is no fiscal impact adopting this amendment.

Attachments

1. Westlight Energy Resolution

City Manager Approval



Jeremy Dennis, City
Manager

04/08/2026

ATTACHMENT 1

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE APPROVING AN ADMINISTRATIVE AMENDMENT TO PARAGRAPH 2.2 OF THE PENINSULA CLEAN ENERGY JOINT POWERS AGREEMENT REFLECTING THE NAME CHANGE OF PENINSULA CLEAN ENERGY TO WESTLIGHT ENERGY

WHEREAS, the Peninsula Clean Energy Authority (“Peninsula Clean Energy” or “Authority”) was formed as a community choice aggregation agency (“CCA”) on February 29, 2016, under the Joint Exercise of Powers Act, California Government Code sections 6500 et seq., among the County of San Mateo and its cities and towns, and later expanded to include the City of Los Banos in Merced County; and

WHEREAS, the Authority has grown to serve a diverse customer base across San Mateo County and the City of Los Banos; and

WHEREAS, on October 23, 2025, the Board of Directors of the Peninsula Clean Energy Authority (PCEA) adopted Resolution No. 2025-36 approving the selection of the new market-facing name of WestLight Energy and authorizing the amendment of its Joint Powers Agreement to reflect the same; and

WHEREAS, Paragraph 2.2 of the Peninsula Clean Energy Joint Powers Agreement sets forth the name of the Authority; and

WHEREAS, amendment of Paragraph 2.2 of said Agreement requires approval of each Joint Powers Authority member including the City of Brisbane; and

WHEREAS, the City Council of the City of Brisbane finds that approving the amendment to Paragraph 2.2 of the Joint Powers Agreement reflecting Peninsula Clean Energy Authority’s new market-facing name of WestLight Energy is in the best interest of the City and its residents.

BASED UPON THE EVIDENCE PRESENTED, the City Council of the City of Brisbane hereby finds and determines that the amendment to Paragraph 2.2 of the Peninsula Clean Energy Joint Powers Agreement reflecting its new market-facing name of WestLight Energy is appropriate and consistent with the City’s participation in the Authority.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Brisbane does hereby:

1. Approve the amendment to Paragraph 2.2 of the Peninsula Clean Energy Joint Powers Agreement to reflect the PCE Board of Directors adopted Resolution No. 2025-36 approving the selection of the new market-facing name of WestLight Energy; and
2. Authorize the Mayor or City Manager to execute any documents and take any actions necessary to effectuate the amendment of paragraph 2.2 of the Peninsula Clean Energy Joint Powers Agreement consistent with this Resolution.

The foregoing Resolution was adopted at a regular meeting of the City Council of the City of Brisbane held on April 16, 2026, by the following vote:

AYES:

NOES:

ABSENT:

Coleen Mackin, Mayor

ATTEST:

Ingrid Padilla, City Clerk

Approved as to form:

Michael Roush, Legal Counsel



City Council Staff Report

Meeting Date: April 16, 2026
From: Carolina Yuen, Finance Director
Subject: Adopt a Resolution Establishing the 2026 Business License Tax for Liquid Storage Facilities as to Kinder Morgan/SFPP

Recommendation

Adopt the attached resolution imposing a business license tax in the amount of \$217,526 as to Kinder Morgan/SFPP for calendar year 2026.

Background

The City receives revenues from diverse sources in order to provide the necessary high-quality services the community expects.

At the general election in November 2019, Brisbane voters approved to revise Section 5.20.011 to the Brisbane Municipal Code concerning the business license tax on liquid storage facilities. This revision provided that the tax rate will be up to 6 cents per barrel delivered over the rack in the preceding calendar year, with the exact rate to be determined annually by the City Council. That liquid storage tax formula would then be applied for subsequent years, but in no event would the tax be greater than \$400,000.

Since 2021, Kinder Morgan/SFPP has reported the following number of over-the-rack barrels and accordingly has paid the business license tax as set forth below:

2021 - \$217,911 based on 3,631,853 barrels from 2020
2022 - \$244,165 based on 4,069,416 barrels from 2021
2023 - \$245,611 based on 4,093,518 barrels from 2022
2024 - \$229,198 based on 3,819,969 barrels from 2023
2025 - \$224,494 based on 3,741,567 barrels from 2024

Discussion

Kinder Morgan/SFPP has provided the City with information that in 2025 there were 3,625,440 barrels “over the rack.” The ordinance provides that the tax rate may be up to 6 cents per barrel, with a business license cap of \$400,000. Adoption of the attached resolution will set the tax rate at 6 cents per barrel and impose for 2026 a business license tax for Kinder Morgan/SFPP of \$217,526.

Fiscal Impact

As to Kinder Morgan/SFPP, Council’s adoption of the attached resolution will result in a business license tax of \$217,526 for calendar year 2026.

Attachments

- 1. Resolution 2026-xx

City Manager Approval



Jeremy Dennis, City
Manager

04/09/2026

RESOLUTION NO. 2026-xx

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE
ESTABLISHING THE BUSINESS LICENSE TAX CHARGED TO KINDER
MORGAN/SFPP LLC FOR CALENDAR YEAR 2026 UNDER SECTION
5.20.011 OF THE BRISBANE MUNICIPAL CODE**

WHEREAS, Section 5.20.011 of the Brisbane Municipal Code imposes an annual business license tax on persons engaged in the business of operating, leasing, supplying or providing a liquid storage facility in the City; and

WHEREAS, Kinder Morgan/SFPP LLC, a business in Brisbane engaged in the business of operating, leasing, supplying or providing a liquid storage facility, and the City have agreed that for calendar year 2026 the liquid fuel storage tax will be set by the City Council based on a formula in an amount of six cents per barrel of liquid fuel transported throughout the Brisbane Terminal for delivery at the terminal (“over the rack”) during calendar year 2025; and

WHEREAS, Kinder Morgan/SFPP LLC provided data to the City indicating that the number of barrels “over the rack” for calendar year 2025 was 3,625,440; and

WHEREAS, the Section 5.20.011 provides the City Council may set a tax rate for these facilities up to six cents per barrel, so long as the overall tax amount does not exceed \$400,000.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRISBANE AS FOLLOWS:

1. For 2026, the City Council sets the business license tax rate for the Kinder Morgan/SFPP liquid storage facility in Brisbane at six cents per barrel and the annual business license tax charged to Kinder Morgan/SFPP LLC for 2026 shall be \$217,526.

2. Payment of the business license taxes for 2026 shall be due and payable in full by June 30, 2026.

Coleen Mackin, Mayor

I hereby certify that the foregoing Resolution No. 2026-xx was duly and regularly adopted at a regular meeting of the Brisbane City Council on April 16, 2026 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Ingrid Padilla, City Clerk



City Council Staff Report

Meeting Date: April 16, 2026

From: Jeremy Dennis, City Manager

Subject: Consider Approval of Legal Services Agreement with Burke, Williams & Sorensen and Appointment of Samantha Zutler as City Attorney

Recommendation

Staff recommends City Council approve the Legal Services Agreement with Burke, Williams & Sorensen and appoint Samantha Zutler, a shareholder with the firm, as the Brisbane City Attorney, with her appointment to begin April 16, 2026.

Background

Legal services are currently provided to the City by the law firm of Manatt and by Michael Roush. Thomas McMorrow, a senior partner with the firm, has served as the City Attorney since 2019. Mr. Roush has provided legal services to the City since 2013. Given their long tenure with the City, last year both requested City Council conduct a recruitment for a new City Attorney.

Earlier this year, the Council interviewed individuals from four local law firms. Council selected the San Francisco-based law firm of Burke, Williams & Sorensen (BWS) as the best choice to provide day-to-day legal services to the City and Samantha Zutler, a shareholder with the firm, as the person who would be appointed by the Council to serve as the City Attorney.

BWS for nearly 100 years has advised and represented public agency clients throughout California, earning a stellar reputation for providing, ethical, knowledgeable and practical legal solutions in all areas of municipal law, including general public agency governance, land use and planning, public works, and real estate projects.

Ms. Zutler is a shareholder in the BWS firm and has been practicing law since 2005. She serves as the City Attorney for the cities of Healdsburg and Watsonville, and District Counsel for the Central Fire District of Santa Cruz County. She has a wealth of experience in a wide range of municipal law issues including the Brown Act, public records requests, planning and land use, and public works. She frequently provides training for City officials and employees on a variety of topics including ethics, the Brown Act, sexual harassment, and best management practices.

Council appointed a Council ad hoc committee (Council members Lentz and O'Connell) to meet with staff and provide direction as to an agreement with the firm for City Attorney services. Those negotiations took place over the course of the past few weeks and Council considered

the terms and conditions of a Legal Services Agreement in closed session on April 2, 2026. The Legal Services Agreement is now on the Council's regular agenda for consideration.

Discussion

The salient provisions of the Legal Services Agreement and the Exhibits are as follows:

Legal Services Agreement

BWS accepts the appointment as City Attorney and the City Council designates Ms. Zutler as the primary representative of the firm to serve the Council and staff. Council retains the right to designate another shareholder of the firm to be the City Attorney if, for example, Ms. Zutler is no longer with the firm. Ms. Zutler's appointment will be effective April 16, 2026.

Ms. Zutler will designate one or two associates of the firm to assist her in her duties as City Attorney and she will inform Council and staff as to the names of and the contact information for these individuals. If Council or staff is not satisfied with the individuals who have been assigned Brisbane work, Sam will make the necessary changes.

Ms. Zutler and the firm will provide "Basic Legal Services" as described in Exhibit A for which the firm will be compensated as set forth in Exhibit B. As shown below, "Basic Legal Services" are fairly detailed and represent the day to day legal services that Mr. Roush and Mr. McMorro have been providing to the City. The City will also compensate BWS for "Supplementary Legal Services" as also set forth in Exhibit A at rates described in Exhibit B. (Exhibits A and B will be discussed more fully below.)

There will be a performance evaluation after six months and at least annually thereafter.

BWS represents that even though it represents other public entities and also private clients, it has no impermissible conflict of interest under the Rules of Professional Responsibility in representing Brisbane. If such potential or actual conflict of interest arise, BWS will bring such conflict of interest to the City and as provided In the Rules, attempt to resolve the conflict.

The City may terminate the LSA without cause at any time; BWS may terminate the LSA without cause with 60 days written notice.

In the unlikely there is a dispute under the LSA, the dispute will be decided through arbitration. Each side, however, will bear its own attorney's fees and costs and no prevailing party will be awarded its attorney's fees or costs.

Exhibit A

Exhibit A defines the basic legal services that would be provided day in and day out. Such services include:

Providing day to day legal advice to City staff on general municipal law matters, including but not limited to: the Brisbane Municipal Code, the General Plan and any Specific Plans; State legislation including the recent State legislation concerning housing, the Public Records Act, the Political Reform Act, the California Environmental Quality Act, the Surplus Land Act, the Mitigation Fee Act, the Subdivision Map Act, election and public contracting laws; and ballot measures that bear on public financing such as Propositions 218 and 26.

Advising City Council, City Council subcommittees, City Commissions and Committees, and the City's other public agencies, such as the Brisbane Housing Authority, where the City Council serves as the members of such agencies, on general municipal law matters as set forth above.

Preparing (and, at certain times, negotiating) all agreements in which the City or another public agency, such as the Brisbane Housing Authority, for which the City Council serves as members of such agency. (Note that this provision does not include any agreements, the preparation of which is subject to reimbursement by a third party. Particularly complex agreements, that require special expertise, may also be excepted from this provision and considered Supplementary Legal Services.)

Attending in person, including all City Council meetings (which typically occur 2 or 3 times a month), Planning Commission or other appointed Commission or Committee meetings when requested to do so by the City Manager, and attend other meetings when assigned by the City Council or requested by the City Manager, up to four meetings per month.

Attending weekly staff meetings in person and, on the day of the staff meeting or as otherwise agreed upon by the City Manager and City Attorney, to hold office hours at City Hall to work with City staff.

Providing routine advice as to City Codes including zoning regulations, and building code standards, and provide routine support to enforce such Codes, including preparing Notices of Violations, reviewing administrative and other citations under the Municipal Code, preparing staff to testify as citation hearings, and preparing inspection warrants. (Note that affirmative litigation concerning enforcement of such Codes is considered Supplementary Legal Services and billed at the litigation rate of \$375 for partners and \$350 for associates. Moreover, note that affirmative litigation against federal, state, other public entities or private entities, such as the City's lawsuit against the County concerning the landslide in 2022, or providing a defense to litigation against the City from federal, state, other public entities, or private entities, such as when the City was sued by Kinder Morgan concerning the City's business license tax, is considered Supplemental Legal Services and would be billed to the City at the hourly rate of \$375/\$350.)

Managing all litigation against the City or initiated by the City and coordinating and managing the services and costs of all outside legal counsel. Note that the City is a member of the Bay

Cities Joint Powers Insurance Authority (“Bay Cities”), a risk sharing pool, for purposes of tort liability. Through Bay Cities, the City also has coverage for employment related claims and litigation. Currently, the City’s self-retained limit for tort liability and employment related claims is \$25,000.

Providing routine advice on personnel matters, including employee disciplinary and grievance matters as well as labor matters. Complex labor and employment matters, including labor negotiations and preparation for and representation in disciplinary appeals or grievances, shall be considered Supplementary Legal Services.

Conferring as necessary with the City’s other retained legal counsel handling the settlement agreement with the California High Speed Rail Authority.

Note that Exhibit A does not cover legal services where the City is reimbursed by third parties for those services, such as with the Baylands and the Quarry. Those fees are considered reimbursable fees as defined in Exhibit B.

Exhibit B

Exhibit B sets forth the compensation to BWS. The City will compensate BWS for basic legal services at an hourly rate of \$300/hour. For Supplementary Legal Services, partners would be paid \$350/hour and associates \$325/hour for non-litigation matters; for litigation matters, partners would be paid \$375/hour and associates, \$350/hour. Council retains the right to use legal counsel different than BWS for Supplementary Legal Services but will consult with BWS before doing.

Exhibit B does not provide for reimbursement for travel or travel time but does provide reimbursement for certain firm costs such as copying, postage, delivery services or use of research platforms, such as Westlaw or AI. Such reimbursables, however, have a monthly cap of \$300.

For legal services for which the City is reimbursed by third parties, for example for legal services concerning the Baylands or the Quarry, these services will be characterized as “Reimbursable Supplemental Legal Services” and billed at the firm’s hourly rate for its private clients, currently \$550/hour. Such services for the Baylands and the Quarry are identified in an attachment to Exhibit B.

Conclusion

Staff believes the attached Legal Service Agreement and Exhibits represent a workable and fair arrangement between the City and BWS and feel confident in recommending that City Council approve the Agreement.

Fiscal Impact

It is anticipated that the monthly charges for basic legal services will be in the range of

\$15,000; funds for such services have been budgeted and will be budgeted in next year's budget. It is difficult to predict what the charges may be for Supplementary Legal Services as that will depend largely on Council direction. Funds for such Services will be included in the budget. Moreover, as mentioned, as to certain Supplementary Legal Services, the City is reimbursed by outside parties.

Environmental Impact

No environmental review is required for approving the Legal Services Agreement because it is an administrative activity—a personnel related action—and hence not a project under the California Environmental Quality Act (CEQA). CEQA Guidelines, Section 15378 (b) (3).

Attachments

- 1. Legal Services Agreement

City Manager Approval



Jeremy Dennis, City
Manager

04/09/2026

Attachment 1

LEGAL SERVICES AGREEMENT

This LEGAL SERVICES AGREEMENT (“Agreement”) is effective as of April 16, 2026 (“Effective Date”) and is between the City of Brisbane, a general law city in the State of California (the “City”) and Burke, Williams & Sorensen LLP, a limited liability partnership (“BWS”) (each a “Party” and jointly the “Parties”), subject to the following terms and conditions.

1. APPOINTMENT OF THE CITY ATTORNEY

- a. Effective April 16, 2026, the City appoints BWS as its city attorney in compliance with Government Code Section 36505, and BWS agrees to this appointment. BWS affirms that it accepts the appointment knowingly and willingly, is licensed and fully qualified to serve without reservation, and assumes all associated responsibilities and obligations, including those set forth in the Brisbane Municipal Code, the Rules of Professional Conduct applicable to attorneys, state law and regulations, and all other applicable laws and regulations.
- b. Section 2a hereof provides for the City Council’s designation of an individual as the “City Attorney.” That designation identifies the partner, principal, or shareholder of BWS selected by the City Council to serve as the lead representative to it and the City who is responsible for ensuring all of the City Council’s and the City’s legal needs are met efficiently, ethically, professionally, and promptly. The designation of a City Attorney does not relieve BWS from any duties or obligations provided for in this Agreement or elsewhere; BWS remains primarily responsible for ensuring these are fulfilled.

2. DESIGNATED CITY ATTORNEY AND DEPUTY CITY ATTORNEYS

- a. City Attorney Designation. The City Council hereby designates Samantha W. Zutler, who serves as a shareholder of BWS, as the “City Attorney.” In this capacity, Ms. Zutler will act as the primary representative of BWS to the City Council and the City and is charged with ensuring that all of BWS’s responsibilities and obligations to the City Council and the City provided for in this Agreement or otherwise are managed and delivered efficiently, ethically, professionally, and in a timely manner. Appointing Ms. Zutler as the City Attorney does not relieve BWS from any duties or obligations provided for in this Agreement or elsewhere; BWS remains primarily responsible for ensuring these are fulfilled.
- b. Change in Designation of City Attorney. Acting City Attorney Designation. No change in the designation of the individual holding the title City Attorney may be made without the written agreement of the City Council. Should there be a period of time where the currently designated City Attorney vacates the position and the City Council has not yet designated a new individual as the City Attorney, BWS may designate one of its appropriately qualified partners, principals or shareholders to be the “Acting City Attorney” and that individual shall be responsible on an

interim basis for ensuring the City Attorney’s responsibilities and obligations are fulfilled until such time as the City Council designates a new “City Attorney.”

- c. BWS’s Staffing. The City Attorney retains the discretion to assign from time to time such of its attorneys, paralegals, law clerks or other legal professionals as it deems are reasonably necessary to fulfill its duties or obligations specified in this Agreement or otherwise. In making such assignments, the City Attorney will endeavor to have the same individual or individuals assist the City Attorney, attend meetings when the City Attorney is not available, and interact with City Council and City staff. The City Attorney shall be responsible for electronically notifying the Mayor, the City Manager, the City’s Finance Director and the City’s Department Head of the Department the name of the individual(s) so assigned. The City Attorney will ensure that the individual(s) so assigned are meeting the needs of the City and will make such changes as necessary.
- d. Mutual Respect. The Parties understand and agree that each has unique duties and obligations to the City Council and the City and that they deserve the respect of the other Party, and therefore each shall endeavor to interact in a professional manner in fulfilling their respective duties and obligations to the City Council and the City.

3. CITY ATTORNEY’S LEGAL SERVICES

- a. BWS understands and agrees that it is responsible for providing Basic Legal Services as the term is defined in Exhibit A hereto in return for the compensation provided for in Section 4 hereof.
- b. BWS understands and agrees that it is responsible for providing Supplementary Legal Services as the term is defined in Exhibit A hereto only upon receiving direction from the City Council or the City Manager and shall be compensated for such services as provided for in Section 4 hereof.

4. COMPENSATION

- a. The City agrees to compensate BWS for “Basic Legal Services” as the term is defined in Exhibit A attached hereto by paying BWS an hourly rate as specified in Exhibit B attached hereto.
- b. The City agrees to compensate BWS for “Supplementary Legal Services” as the term is defined in Exhibit A attached hereto by paying BWS hourly as specified in Exhibit B hereto and as otherwise specified.
- c. The City acknowledges and accepts responsibility for reimbursing BWS for documented and reasonable expenses incurred in providing the legal services provided for in Section 3 of this Agreement by timely reimbursing those expenses identified as being eligible for reimbursement in Exhibit B attached hereto.
- d. The term “timely manner” in this Section 4 means within thirty (30) days of receipt of a properly submitted invoice for legal services or an invoice for reimbursement

of incurred expenses, as appropriate, unless City reasonably requests additional information from BWS in which case City's payment shall be timely if made within thirty (30) days of its receipt of any and all City-requested information and any questions it may have are fully responded to.

5. PERFORMANCE REVIEW

The City Council and BWS understand and agree on the importance of their working well together and to help ensure this the City Council agrees to conduct a performance review of BWS's performance six months after the Effective Date of this Agreement and at least annually thereafter.

6. FINANCIAL INTERESTS

BWS represents that neither it nor any of the attorneys or other persons employed by BWS have any material financial interest, direct or indirect, in any contract or decision made by or on behalf of City that may be affected by the services to be provided to City under this Agreement, other than a financial interest that is similar to, in all material respects, to the interests of the general public.

BWS represents that no attorney or other person having any such interest will be employed by BWS while this Agreement is in effect. If BWS or an attorney or other person employed by BWS acquires such an interest while this Agreement remains in effect, BWS will immediately disclose such interest to City, and the interested individual will not participate in or influence the performance of the services to be provided to City under this Agreement.

7. CONFLICTS OF INTEREST

- a. Rule 1.7 of the California Rules of Professional Conduct, as promulgated by the California State Bar("Rule 1. 7") requires that an attorney receive informed written consent from a client prior to undertaking work where there is a significant risk that the lawyer's representation of that client will be materially limited by the lawyer's responsibilities to or relationships with another client, a former client, or a third person, or by the lawyer's own interests.
- b. BWS represents that it has reviewed its client list and matters and does not have any Rule 1. 7 conflicts of interest in representing the City. BWS hereby attests that should any Rule 1. 7 conflict of interest arise in the future it shall comply with Rule 1.7 in disclosing and resolving the conflicts.
- c. BWS represents that its review of its client list and matters has identified the potential for a Rule 1. 7 conflict of interest in the future because BWS represents several local school districts in San Mateo County and other public agencies and recognizes that the City and other local governments in the county periodically have legal disputes with these districts and agencies. BWS hereby attests that it shall comply with Rule 1.7 in promptly disclosing any such potential conflicts should one or more become reasonably likely and that it shall also work diligently to remove or resolve any such conflicts promptly while keeping the City duly informed of the same.

8. INDEMNIFICATION

To the fullest extent permitted by law, BWS attests that it shall indemnify, defend, and hold harmless the City, its officers, officials, employees and agents (“Indemnitees”) from and against any and all loss, damages, liability, claims, suits, costs and expenses whatsoever, including reasonable attorneys’ fees (“Claims”), arising from or in any manner connected to BWS’s negligent, reckless or intentional act or omission, whether alleged or actual, regarding performance of services or work conducted or performed pursuant to this Agreement, except where such Claims arise from the sole negligence or willful misconduct of Indemnitees. BWS’s obligation to indemnify, defend and hold harmless Indemnities shall expressly survive the expiration or early termination of this Agreement.

9. INSURANCE

BWS shall procure and maintain for the duration of this Agreement and for two years thereafter insurance against claims for injuries to persons or damages to property which may arise from or in connection with BWS’s provision of services as provided for in this Agreement, whether provided directly by legal professionals of BWS or indirectly through agents or contractors of BWS.

a. Coverages

BWS shall maintain the following insurance coverage for the duration of this Agreement:

1. *Workers’ Compensation Insurance* as required by the State of California and Employer’s Liability Insurance, but in no event less than \$2,000,000 per accident for bodily injury and property damage.
2. *Insurance Services Office Commercial General Liability* coverage (Occurrence Form CG 0001) of \$2,000,000 per occurrence and \$4,000,000 aggregate (including operations, for bodily injury, personal and property damage).
3. *Automobile Liability Insurance Services Office form Number CA 0001, Code 1 (any auto)* in the following minimum limits: \$2,000,000 per accident for bodily injury and property damage.
4. *Professional (Errors and Omissions) Liability insurance* in the following minimum limits: \$1,000,000 per claim and \$4,000,000 aggregate.

b. Other Insurance Requirements

The commercial general liability and automobile liability policies are to contain or be endorsed to contain the following provisions:

1. The City of Brisbane, its officers, officials, employees and volunteers are to be covered as additional insureds as respects liability arising out of work or

operations performed by or on behalf of BWS or automobile owned, leased, hired or borrowed by BWS.

2. For all claims arising out of such work conducted or performed pursuant to this Agreement, BWS's insurance coverage shall be primary insurance as respects the City, its officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees, and volunteers shall be in excess of BWS's insurance and shall not contribute to it.
3. Each insurance policy required by this Section 9 shall be endorsed to state that coverage shall not be cancelled except after prior written notice has been given to City.

10. WAIVER OF SUBROGATION

BWS represents that its Workers' Compensation policy shall be endorsed with a waiver of subrogation in favor of City for all work performed by BWS, its employees, agents, and subcontractors. BWS waives rights of subrogation which any insurer of BWS may acquire from BWS by virtue of the payment of any loss under BWS's Workers' Compensation policy or any other policies. BWS shall obtain any endorsement that may be necessary to affect this waiver of subrogation.

11. TERMINATION OF AGREEMENT

- a. This Agreement shall remain in effect until such time as it is terminated by mutual agreement of the Parties or as otherwise provided for in this Section 11.
- b. BWS agrees that City may terminate this Agreement with or without cause at any time by written notice of such termination. City will compensate BWS for: (1) all Basic Legal Services rendered prior to the termination date, on a pro rata basis if the period ends during a calendar month; and (2) any preapproved, completed and accepted Supplementary Legal Services rendered by BWS prior to the termination date.
- c. City agrees BWS may terminate this Agreement with or without cause upon sixty (60) days' prior written notice to City. City will compensate BWS for: (1) all Basic Legal Services rendered during the 60 days' notice period, on a pro rata basis if the period ends during a calendar month; and (2) any preapproved, completed and accepted Supplementary Legal Services rendered by BWS during the 60 days' notice period.
- d. Payment under this Section 11 hereof shall only be made by the City after it has been properly invoiced by BWS and assuming any related disputes are resolved consistent with Section 16 hereof.

12. DOCUMENT RETENTION

BWS agrees that City is entitled upon written request to any files in BWS's possession relating to the Legal services performed by BWS for City excluding documents not reasonably necessary to City's representation, subject to BWS's right to make copies of any files withdrawn by City. Once a City matter is concluded, BWS will close that file. BWS will retain and destroy closed files consistent with the City's record retention policy; provided, however, BWS shall inform the City in writing at least 60 days prior to destroying any closed files. BWS will provide and preserve documents that may be subject to the California Public Record Act or for which a litigation hold has been placed.

13. NOTICES

All notices shall be in writing and delivered: (i) by personal delivery; or (ii) by first class mail, prepaid postage, with a proof of service by mail attached; or (iii) sent by overnight or same day courier service at the party's respective address listed in this Section. Each notice shall be deemed to have been received on the earlier to occur of: (x) actual delivery or the date on which delivery is refused or (y) three business days after notice is deposited in the U.S. mail. Either Party may, at anytime, change its notice address by giving the other Party three days prior written notice of the new address.

To BWS:

Burke, Willams, and Sorensen
1 California Street, Suite 3050
San Francisco, CA 94111
Attn: Samantha Zutler

To City:

City Manager
City of Brisbane
25 Park Place
Brisbane, CA94005

14. INDEPENDENT CONTRACTOR

BWS will act as an independent contractor and will have control of all work and manner in which it is performed. BWS may contract for similar services to be performed for other clients while under contract with the City. BWS is not an employee or agent of City and is not entitled to participate in any retirement plan, insurance, bonus or similar benefits City provides to its employees. Any provision in this Agreement that may appear to give City the right to direct BWS as to the details of doing the work or to exercise a measure of control over the work means that BWS must follow the direction of the City as to end results of the work only.

15. INTEGRATED CONTRACT

This Agreement represents the full and complete understanding of every kind or nature whatsoever between the Parties hereto, and all preliminary negotiations and agreements of whatsoever kind or nature are merged herein. No verbal agreement or implied covenant shall be held to vary the provisions hereof. Any modification of this Agreement will be effective only by written execution signed by City and BWS.

16. FEE DISPUTES

- a. If a dispute arises between City and BWS over fees or other amounts charged to City for services or any other dispute arising from this Agreement, such as the interpretation of the Agreement, the Parties agree to work in good faith to resolve the dispute without the need for an expensive alternative dispute resolution process.
- b. If the Parties cannot resolve the dispute within 30 days, it shall be submitted to binding arbitration in accordance with, as to fees, the rules of the California State Bar Fee Arbitration Program, set forth in California Business and Professions Code, sections 6200 through 6206. In all disputes submitted to arbitration, each Party shall bear their own attorney’s fees and costs. No party shall be entitled to receive any attorney’s fees or costs from the other Party regardless of which Party may prevail or be deemed a prevailing party. Any arbitration award may be served by mail upon either side and personal service will not be required.

17. COUNTERPARTS

This Agreement may be executed in any number of counterparts (including by fax, PDF, DocuSign, or other electronic means), each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

18. COMPLIANCE

This Agreement satisfies the requirement in California Business and Professions Code, Section 6148, requiring a written fee agreement between attorneys and their clients setting forth the scope of services and the fees to be charged.

19. DEFINED TERMS

Terms defined in this Agreement shall have the same meaning if the term appears in the exhibits hereto.

///

///

///

The undersigned representatives of the Parties represent that they each have due authority to execute this Agreement on behalf of the entity for which they are signing, and hereby do so as of the Effective Date.

CITY OF BRISBANE

BURKE, WILLIAMS & SORENSEN

Coleen Mackin, Mayor

Samantha W. Zutler, Shareholder

ATTEST:

Ingrid Padilla, City Clerk

APPROVED AS TO FORM:

Thomas R. McMorrow, City Attorney

**EXHIBIT A - DEFINING BASIC LEGAL SERVICES
TO
AGREEMENT BETWEEN THE CITY AND BWS**

A. **BASIC LEGAL SERVICES.** BWS will perform the following “Basic Legal Services” to serve City:

- (1) Provide day to day legal advice to City staff on general municipal law matters, including, but not limited to: the Brisbane Municipal Code, the General Plan and any Specific Plans; State legislation including the recent State legislation concerning housing, the Public Records Act, the Political Reform Act, the California Environmental Quality Act, the Surplus Land Act, the Mitigation Fee Act, the Subdivision Map Act, election and public contracting laws; and ballot measures that bear on public financing such as Propositions 218 and 26.
- (2) Advise City Council, City Council subcommittees, City Commissions and Committees, and the City’s other public agencies, such as the Brisbane Housing Authority, where the City Council serves as the members of such agencies, on general municipal law matters as set forth above.
- (3) Prepare and/or review all ordinances, resolutions, orders, forms, notices, declarations, certificates, deeds, leases, and other documents as required by City; review and revise/provide comments on all agenda reports as requested by the City Manager.
- (4) Prepare (and, at certain times, negotiate) all agreements in which the City or another public agency, such as the Brisbane Housing Authority, for which the City Council serves as members of such agency, and is a party to the agreement, and prepare all notices, declarations, certificates, deeds, leases, and other documents as requested by the City. This provision does not include any agreements, the preparation of which is subject to reimbursement by a third party. Particularly complex agreements, that require special expertise, may be also be excepted from this provision and considered Supplementary Legal Services.
- (5) Attend in person, including all City Council meetings (which typically occur 2 or 3 times a month), Planning Commission or other appointed Commission or Committee meetings when requested to do so by the City Manager, and attend other meetings when assigned by the City Council or requested by the City Manager, up to four meetings per month. Attendance at additional meetings will be billed at the rate for Supplementary Legal Services.
- (6) Attend weekly staff meetings in person and, on the day of the staff meeting or as otherwise agreed upon by the City Manager and City Attorney, to hold office hours at City Hall to work with City staff.

- (7) Research and submit legal opinions on municipal or other legal matters as requested by the City Council or City Manager.
- (8) Provide standard and routine trainings for the City Council and City staff.
- (9) Provide routine advice as to City Codes including zoning regulations, and building code standards, and provide routine support to enforce such Codes, including preparing Notices of Violations, reviewing administrative and other citations under the Municipal Code, preparing staff to testify as citation hearings, and preparing inspection warrants. Affirmative litigation concerning enforcement of such Codes is considered Supplementary Legal Services.
- (10) Keep familiar with and provide information and/or advice as requested on new state or federal legislation or judicial decisions impacting the City and suggested action or changes in operations or procedures to assure compliance.
- (11) Represent the City, as needed, before federal, state and other entities including but not limited to the Army Corps of Engineers, the State Water Quality Control Board, U.S. Fish and Wildlife, State Department of Fish and Wildlife, OSHA, EEOC, San Mateo County, and the City and County of San Francisco. Affirmative litigation against federal, state, and other public entities, or providing a defense to litigation against the City from federal, state, or other public entities is considered Supplemental Legal Services.
- (12) Provide routine legal advice regarding land use and zoning matters, including but not limited to legal research, review and recommendation, interpretation of General Plan and Specific Plan language, and the preparation and review of Subdivision Agreements.
- (13) Manage all litigation against the City or initiated by the City and coordinate and manage the services and costs of all outside legal counsel. Note that the City is a member of the Bay Cities Joint Powers Insurance Authority (“Bay Cities”), a risk sharing pool, for purposes of tort liability. Through Bay Cities, the City also has coverage for employment related claims and litigation. Currently, the City’s self-retained limit for tort liability and employment related claims is \$25,000.
- (14) Provide routine advice on personnel matters, including employee disciplinary and grievance matters as well as labor matters. Complex labor and employment matters, including labor negotiations and preparation for and representation in disciplinary appeals or grievances, shall be considered Supplementary Legal Services.
- (15) Prepare responsive pleadings and attend court proceedings in response to any “*Pitchess*” motion made under California Evidence Code Sections 1043-1045. Time spent on *Pitchess* motions in excess of twenty (20) hours in one month shall be considered Supplementary Legal Services.

- (16) Confer as necessary with the City's other retained legal counsel handling the settlement agreement with the California High Speed Rail Authority.
- (17) Confer as necessary with the City's other retained legal counsel to complete the transfer of land from a private developer to the County of San Mateo.
- (18) (18) Confer as necessary with the City's other retained legal counsel in concerning the transfer of the operation and management of Visitacion Gardens to a new lessee and operator, including but not limited to drafting, reviewing and negotiating documents relative to such transfer such as a termination of the existing ground lease, declaration of restrictions, and financing documents.

- B. **SUPPLEMENTARY LEGAL SERVICES.** Any legal services not encompassed in the definition of "Basic Legal Services" are "Supplementary Legal Services."
Supplementary Legal Services include complex real estate transactions, litigation, code enforcement, and labor and employment. Counsel may choose to retain legal counsel other than BWS for Supplementary Legal Services after consultation with BWS.
- C. All matters for which the City is reimbursed by a third party will be billed at BWS's standard private rates at the time the matter is initiated, subject to regular increases. Examples of the types of legal services for which the City is currently reimbursed are attached.
- D. **COMPENSATION.** The compensation to be paid for Basic Legal Services and Supplementary Legal Services under the Agreement is specified in Exhibit B thereto.

**EXHIBIT B-COMPENSATION
TO
AGREEMENT BETWEEN THE CITY AND BWS**

- A. Basic Legal Services.** For Basic Legal Services as set forth in Exhibit A to the Agreement, the City shall pay BWS for six months from the Effective Date at an hourly rate of \$300/hour, billed in six minute increments and by task. At the end of the six months, the Parties shall discuss the hourly rate and/or whether the Legal Services Agreement should be amended to provide a different form of compensation (e.g., a monthly retainer or otherwise).
- B. Supplementary Legal Services.** Hourly fees for Supplementary Legal Services as defined in Exhibit A to the Agreement shall be \$350 for partners, \$325 for associates, and \$150 for paralegals billed in six minute increments and by task. The rate for litigation shall be \$375 per hour for partners, \$350 for associates, and \$150 per hour for paralegals.
- C. Reimbursable Supplementary Legal Services.** Hourly fees for transactional or litigation matters for which the City will be reimbursed by a third party shall be BWS's then-current private rate. As of May 1, 2026, the private rate is \$550 per hour. Two examples of matters for which the City is currently reimbursed by third parties are attached.
- D. Travel Time.** BWS shall not charge the City for travel by the City Attorney or any other attorney or legal professional providing legal services to the City to and from any City Council, Council subcommittee, appointed Commission or Committee meetings, nor for attending the weekly staff meeting and office hours.
- E. Cost and Expense Reimbursement.** BWS will charge City for costs and expenses incurred by BWS in providing legal services including not limited to research platforms such as Westlaw, AI platforms, postage, courier services, copying charges, long distance telephone calls, cost of producing and reproducing photographs, court filing fees, recording fees and mileage; provided, however, the monthly charge shall not exceed \$300 without prior approval from the City.
- F. Invoicing/Billing.** BWS shall invoice the City monthly for legal services provided in the Agreement and all invoices shall be supported by daily task level descriptions of the specific services provided broken out 1/10th of an hour increments. Separate invoices shall be submitted for Basic Legal Services and for Supplementary Legal Services. Invoices shall be provided within 30 days of the last day of the month for which services are being invoiced.
- G. Taxpayer Information.** BWS shall provide a completed W-9 Form to facilitate tax reporting for payments made by the City to BWS under this Agreement.
- H. Payment.** The City shall pay BWS for BWS's services, costs, and expenses incurred pursuant to this Agreement following City's receipt and approval of the bill. Payment is due within 30 days of the City's receipt of the bill.

- I. **Annual Increase.** All hourly rates will increase by \$5 on July 1, 2027, and July 1 of each year thereafter.

ATTACHMENT TO EXHIBIT B

- Provide advice and/or perform legal work to ensure the property owner's/developer's compliance with and implementation of Measure JJ, the General Plan amendment concerning the development of the "Baylands" including but not limited to: assisting the City Council and City Manager in negotiating and then drafting a development agreement concerning the development of the Baylands; negotiating and assisting in the drafting of various agreements concerning the Baylands including, but not limited to, agreements for a water supply and wastewater treatment; overseeing the City's compliance with the application of state housing laws to the development; overseeing that the development complies with permitted land uses on a closed landfill; meeting and conferring with the City's retained consultant that has prepared the environmental documents for the Baylands development; meeting and conferring with the City's retained environmental attorney concerning the adequacy the environmental documents for the Baylands development
- Provide advice and/or perform legal work concerning the annexation and redevelopment of the closed quarry, adjacent to the City's boundaries including but not limited to land swaps with the County of San Mateo and State of California, the potential formation of a Geological Hazard Abatement District, reclamation of the quarry, negotiating and drafting a development agreement for the project; meeting and conferring with the City's retained consultant that will prepare the environmental document for the redevelopment of the site; and meeting and conferring with the City's retained environmental attorney concerning the adequacy of any environmental documents prepared for the redevelopment of the site.



City Council Staff Report

Meeting Date: April 16, 2026

From: Mollie Brown, Management Analyst

Subject: Open Space and Ecology 2025 Accomplishments & 2026 Work Plan

Recommendation

Review Open Space and Ecology Committee's (OSEC) 2025 Accomplishments and receive OSEC's 2026 Work Plan.

Background

The Open Space and Ecology Committee is responsible for:

- Open space planning, maintenance, and monitoring within Brisbane
- Ecological issues that affect the natural environment in Brisbane as guided by the principles of ecological sustainability
- City practices and programs related to natural resource conservation

At their January and March meetings, OSEC reviewed their 2026 Work Plan and discussed last year's achievements. On March 10, 2026, Council liaisons to OSEC, Mayor Coleen Mackin and Council Member Terry O'Connell, met with the OSEC Chair Anthony Walker, Vice Chair Mary Rogers, and staff to discuss the Committee's work plan.

Discussion

Council liaisons shared their appreciation of the Open Space and Ecology Committee and staff for their work to date and provided direction on their 2026 Work Plan (Attachment 1). Liaisons also recommended OSEC share their 2025 Accomplishments (Attachment 2).

Fiscal Impact

This report does not authorize spending, but some 2026 work plan items may incur costs. Fiscal impacts will be determined as projects progress and submitted to the City Council for approval in future actions or budget adjustments.

Attachments

1. 2025 OSEC Accomplishments
2. 2026 OSEC Workplan

City Manager Approval



Jeremy Dennis, City
Manager

04/08/2026

Open Space & Ecology Committee

2025 Accomplishments

- Completed review of and provided comments on:
 - Baylands Draft Environmental Report (DEIR)
 - Quarry Draft Environmental Report (DEIR)
 - Draft Specific Plan
 - Open Space Element
- Tree inventory (completed by PlanIT Geo) and Tree Hub Site (created by GIS Manager Bob Sage) informed decision of tree canopy goal of 23%.
- Contributed to Priority Conservation Area (PCA) grant application.
- Endorsed four habitat restoration and cleanup days:
 - Winter Planting Day, February 8 at Northeast Ridge
 - Frog Habitat Restoration Day at Crocker Trail, May 3
 - Coastal Cleanup Day at the Marina, September 20
 - Ice House Hill Restoration Day, December 13
- Created four educational library displays centered on:
 - Climate Change, January
 - Litter, March
 - Frogs, June
 - Native Plants, September
- Wrote Blast and STAR articles on fire resiliency, home electrification, and invasive species.
- Added new species, Tree of Heaven (*Ailanthus altissima*), to Invasive Species List.
- Continued fostering positive working relationships with local organizations San Bruno Mountain Watch, Mission Blue Nursery, and South San Francisco Scavenger.
- Supported Brisbane Building Efficiency Program (BBEP) with 99% compliance in 2025.

Open Space & Ecology Committee

2026 Workplan

Priority Projects:

- Support the health and growth of the urban tree canopy utilizing the recent Tree Inventory, via education and outreach, grants, and potential other means. Present to and receive approval from City Council on Canopy Coverage Goal.
- Update Climate Action Plan (CAP)
 - i. Consider strategies and new technologies to reduce emissions from existing buildings and transportation
 - ii. Review and recommend plans to meet Climate Emergency Declaration goals
 - iii. Begin research on Climate Action Fund
- Provide input on Quarry and Baylands Developments, especially open space designs, as needed

Routine/Ongoing Efforts:

- Two new ad-hoc (as-needed) subcommittees: Dark Skies and Invasive Species
- Review and approve annual vegetation management plan for Brisbane Acres
- Review Open Space Plan and its implementation and update as necessary
- Support three to four habitat restoration days per year
- Improve/maintain Crocker Trail frog habitat
- Education and Outreach
 - Day in the Park community festival
 - Bike to Work Day
 - Lipman Science Fair
 - Quarterly library displays
 - Publications through weekly Blast, monthly Star, City website, social media sites, and MCTV
 - Outreach to targeted areas, e.g. on trash



City Council Staff Report

Meeting Date: April 16, 2026

From: Jeremy Dennis, City Manager

Subject: Consider Adoption of Fiscal Year 2026-2027 Council Priorities

Recommendation

Staff recommend that the City Council adopt and approve FY 2026/27 City Council Priorities as discussed at the Priority Setting Session of March 21, 2026.

Background

City Council convened its second annual Priority Setting Study Session on Saturday, March 21, 2026, at the DoubleTree Hotel in Brisbane. The goal of the Priority Setting Study Session was to provide staff direction on what projects to consider supporting its goals, to help the public understand the Council's direction, and to help the City focus limited resources on the highest need(s).

Last year's Priority Setting Session identified three goals including: 1. Maintain the fiscal health of the City, 2. Increase the maintenance for existing City facilities and infrastructure to determine long-term use opportunities, and 3. Create a comprehensive volunteerism initiative.

Both the fiscal health and the city facilities goals are long-term, ongoing goals. The creation of a comprehensive volunteerism initiative known as Brisbane Cares has been implemented.

This item was on the April 2, 2026 council agenda but was pulled from consideration for a future meeting.

Discussion

In preparation for FY 26-27 Council Priorities, the Council provided the City Manager with suggested priorities including:

- Additional Council meeting engagements
- Affordable Housing Funds Use
- Baylands Project completion
- Bank of America building — next steps
- Community Center remodel
- Continued Fiscal Transparency, Oversight, Literacy and Reporting
- Economic Vitality – continuing and expanding
- Facilities (10-year plan for regular maintenance in the budget)
- Infrastructure (5-year plan for tackling CIP, water, sewer)
- IT Upgrade (create 5-year conversion plan)

- Marina – planning for the future
- Planning (Teen Center lot, Community Center use, Mission Blue expansion)
- Re-Forestation (develop a plan for tree planting on city-owned public property)
- Sea Level Rise (identify areas in Central Brisbane for potential flood threat)
- Visitation Avenue visioning
- Water Reclamation, long-term
- Water/Sewer (investigate alternative water sources, sewer treatment)
- Wildfire (examine strategies to abate fire at wile/urban interface, prioritize tree removal based on imminent hazard, initiate more aggressive resident education on evacuation)

Based on the Council’s conversation, five clear priorities emerged:

- Implementation of the City’s Affordable Housing Strategic Plan and plan for expenditure of affordable housing funds held by the City
- Repair and update of Mission Blue, and activation of the Community Center so the entire building can be utilized by residents
- Examine the future of the City’s retail corridor, consisting of businesses along Old County Road and Visitacion Avenue
- Continue with last year’s priority committing to maintaining the City’s fiscal health
- Continue with last year’s priority increasing maintenance of all the City’s facilities

The City Council also discussed the Parkside 2 Subcommittee’s work and the Subcommittee shared that its initial recommendation would be coming later this fiscal year. Staff will also address the ratings of those bonds affected by recent audit work in the same timeframe.

Fiscal Impact

The fiscal impact is unknown at this time and varies dependent upon which projects are implemented.

Attachments

None

City Manager Approval



Jeremy Dennis, City
Manager

04/09/2026



City Council Staff Report

Meeting Date: April 16, 2026

From: Carolina Yuen, Finance Director

Subject: Review Business License Tax Proposal

Recommendation

Direct staff to begin the process of launching a ballot initiative for November 2026 to change the Business License Fee Structure

Background

During the review of the Budget for Fiscal Year 2024-25, Council directed staff to review the existing Business License Tax program to determine if methodologies for assessing fees upon the various businesses within Brisbane are the best practice and most relevant. Given that budgeted operating expenses exceeded our budgeted revenues, staff wanted to review our revenue streams to determine if there are additional opportunities for growth or restructuring.

Discussion

Staff engaged our business license program administrator, Hinderliter De Llamas & Associates (HdL), in August 2025 to conduct a business license tax study to review our current business license portfolio, fee structure and methodologies, best practices and potential methods given the current and future business types allowed in Brisbane. Currently, depending on the business type, business license fees are calculated either by gross receipts, headcount, square footage, or other specialized methodologies. Businesses pay on one type of calculation method. Because the business license fees are considered a tax, any changes in the business license fee structure must be brought before the public for a vote during a general election. The next general election available to present an initiative for a vote will be in November 2026.

HdL was engaged to support the City as follows:

1. Analyze the Current Tax Registry – analyze the City’s business tax registration database to set the baseline and build a model to enable review of potential impact for any changes.

Included in the review were:

- a. Effective tax rate paid by various sizes of businesses.
- b. An analysis of length of tenure of currently active businesses in the City.
- c. Analysis of the trends within major economic sectors and whether the City’s revenue is tracking the measure of the tax (or if the current structure is deviating away from the underlying input/measure of the tax).

- d. Analysis of net growth in numbers of businesses within the City.
 - e. Analysis of the top 100 businesses, their contributions to revenue and any trends.
 - f. Review of municipal code structure for any opportunities for administrative improvements.
2. Fee Analysis and Comparative Study – from data compiled from the Registry Analysis, HdL compared Brisbane to other source data including State and nine other selected cities to identify the following:
- a. Revenue trends and key attributes for nine other selected cities. The agencies selected for comparisons were as follows: Deep Dive Comparisons: Emeryville, San Bruno, and South San Francisco; High-Level Comparisons: Burlingame, Hayward, Richmond, San Carlos, Sausalito, and Tracy
 - b. Visualization of the City’s business license program per capita and per business compared to the other nine cities.
 - c. Trend of overall growth of business tax revenue for each of the nine other jurisdictions benchmarked against the highest year of revenue for the City.
 - d. Creation of a basket of hypothetical businesses for each jurisdiction based on composites of small, medium, large businesses of our City.
3. Modified Tax Structure Options – as a result of the findings of the Comparative Study, the City was provided with several options for tax structure changes to include:
- a. An analysis of how the taxes paid by the hypothetical businesses would change for each model.
 - b. An analysis of how the effective tax rate would be changed for various sizes of businesses in the City.
 - c. An analysis of the model’s impact on locally owned and small businesses with the City.
 - d. Visualization of the proposed tax rates in the models compared to other tax rates, such as sales tax.
 - e. Analysis of the percentage of revenues from the top 100 businesses pre- and post- change, for the various options provided

Highlight Findings of the Study:

HdL prepared the Study Report and Models, and reviewed with staff in January 2026. After additional review and adjustments, the report was finalized in March.

- Based on 994 businesses in the current portfolio, 49% of the businesses pay the business license tax based on General Gross Receipts.

- The top 100 businesses account for 95% of the City's reported gross receipts and 90% of the total tax assessed.
- In a 4-year tax revenue trend review, the growth in business license taxes remained flat.

HdL and staff met with the Fiscal Policy Subcommittee on March 30, 2026, to review the results of the study and the proposed models. The models are summarized as follows:

Model	Description	Structure
Model 1	Simple Percentage Increase	<ul style="list-style-type: none"> • Simple increase by a flat percentage • Option 1 - increase by 20% • Option 2 - increase by 40%
Model 2	Single Gross Receipts Rate	<ul style="list-style-type: none"> • Small flat-rate tax for all businesses • One gross receipts rate for all businesses
Model 3	Variable Gross Receipts	<ul style="list-style-type: none"> • Variable gross receipts rate for businesses based on business type • Small flat-rate tax • Model removes the special or specific categories in the current code in favor of five (5) base categories and an exempt category. • Two Options for additional tax with varying rates based on category

More details of each Model is found on Attachment 1.

With all models, the Exempt business definition, the Capital Improvement Tax for businesses with revenues over \$10 million and the sales tax offset would remain in place. The cap for the Capital Improvement Tax, however, would need to be further explored for reasonableness. In addition, Staff would like to introduce the Cost of Operations methodology to be applied to businesses instead of Gross Revenues or Headcount to address businesses that don't have sales or much headcount, such as laboratories, start-ups, or in research and development.

Based on the models presented, the Subcommittee recommends the Council move forward

with Model 2. This model considers the need to simplify the current rate structure, raises fees that haven't been adjusted since 1983, considers the variety of current and future industries within city limits, and encourages support for smaller businesses, or microenterprises. Model 2 would increase revenues from our current industry mix, as well as protect us if the mix were to change in future years.

If Council agrees with the Subcommittee's recommendation and decides to move forward with Model 2, staff would then conduct community outreach in April and May, and finalize ballot and ordinance language in June in time for the November 2026 Election.

If Council would like additional information or opportunity to review further, staff has until July to complete the additional steps in order to meet the deadline to include on the November 2026 Election ballot.

Fiscal Impact

Fiscal impact will depend on model selected.

Attachments

- 1. Business License Tax Study Proposed Models

City Manager Approval



Jeremy Dennis, City
Manager

04/10/2026

City of Brisbane
Business License Tax Study
Proposed Models

Model	Description	Structure	Pros	Cons
Model 1	Simple Percentage Increase	<ul style="list-style-type: none"> • Simple increase by a flat percentage • Option 1 set at a 20% increase • Option 2 set at a 40% increase 	<ul style="list-style-type: none"> • Easy to implement • Increased Revenues 	<ul style="list-style-type: none"> • No improvement in fairness or equity • Doesn't simplify the tax structure • Ignores new business models
Model 2	Single Gross Receipts Rate	<ul style="list-style-type: none"> • Small flat-rate tax - \$50 up to \$25K Gross Receipts • + One gross receipts rate for all businesses - \$1.00 per thousand dollars of Gross Receipts above \$25K • Exempt business definition remains unchanged 	<ul style="list-style-type: none"> • Easy for businesses to understand • Boosts revenue for city services • Same rate for all = more equitable • Low base rate supports microenterprises 	Doesn't adjust for business type or other local tax contributions
Model 3	Variable Gross Receipts	<ul style="list-style-type: none"> • Variable gross receipts rate for businesses based on business type • Small flat-rate tax • Model removes the special or specific categories in the current code in favor of five (5) base categories and an exempt category • Option 1 - + rates ranged from \$0.50 - \$1.50 based on category • Option 2 - + rates ranged from \$0.75 to \$2.00 based on category 	<ul style="list-style-type: none"> • Reduced to only five categories = easier to navigate • Boosts revenue potential • More equitable accounts for varying contributions to revenue base • Low base rate supports microenterprises 	<ul style="list-style-type: none"> • Definitions have the potential to be too broad • Multi-type businesses may need multiple licenses • Potential for perceived favoritism or penalty in rate design



CITY of BRISBANE

Council Subcommittee Update

From March 28th, 2026, to April 10th, 2026

1. Report Out on Subcommittees/Committees

A. Sea Level Rise Subcommittee

3/30

Lentz, Mackin

The subcommittee received a Brisbane Lagoon Watershed Sea Level Rise Adaptation Plan update from the consultants – Schaaf & Wheeler, CMG and Civic Edge. The goal of the project is to develop and adopt a Plan that will identify solutions that: protect Brisbane residents and Highway 101 from flooding impacts related to climate change; enhance lagoon resilience to sea level rise, while supporting natural systems; improve ecological function and habitat continuity; and explore opportunities to improve existing public access. The consultants have identified three primary adaptation measures for lagoon/coastal flooding: protect by raising the shore edge and install tide gates; accommodate by raising infrastructure (roads/rails) and install pump station; and retreat by repurposing the street by naturalizing.

After some discussion, the subcommittee considered the combination of raising the lagoon edge and managing the bay waters by installing tide gates. A pump may be necessary to protect the marsh.

To view the agenda and Sea Level Rise presentation:

<https://brisbaneca.portal.civicclerk.com/event/6779/files/agenda/9262>

B. Fiscal Policies Subcommittee

3/30

Mackin, O'Connell

The Subcommittee received a final review of the Business License Fee Study prior to its presentation to the City Council. In October 2024, the City engaged Hinderliter, de Llamas & Associates (HdL) to evaluate the current business license program, including the existing fee structure and methodologies, best practices, and potential alternative approaches based on current and anticipated business types in Brisbane. The City's current structure is based on the number of employees and has not been updated since 1983.

Depending on the business type, license fees may be calculated using various methods, such as gross receipts, number of employees, square footage, or other specialized methodologies. Each business is assessed using a single applicable calculation method. Because business license fees are considered a tax, any changes to the fee structure must be approved by voters at a general election.

HdL conducted a study to evaluate potential updates to the City's business license fee structure and calculation methodologies. They presented the City's current business license model, other comparable jurisdiction comparisons, and various modified tax structure options to consider. The subcommittee also conversed about various types of current and potential businesses in Brisbane, modern trends to measure gross receipts, and utilizing a "cost of operations" fee.

Next Steps #1: Staff and HdL will present to the Council in April. This allows timing for polling and community engagement in the Spring. The target is to have the ballot and ordinance language prepared, presented and finalized in June in time for the November 2026 Election.

To view the agenda and packet:

<https://brisbaneca.portal.civicclerk.com/event/6780/files/agenda/9263>

2. Upcoming Subcommittees:

Sierra Point Parkway Parks & Open Space Subcommittee <i>Review opportunities for Parcel R Project</i>	4/23	1:30pm	Kern, Lentz
Quarry Subcommittee <i>Review Regulatory requirements for closing/reclaiming the Guadalupe Quarry</i>	4/23	3:00pm	Lentz, O'Connell
Public Art Advisory Committee <i>Review the Public's preferences for the Artful Benches Project</i>	4/23	5:15pm	Davis, O'Connell

3. Proposed Subcommittees:

Does any councilmember wish to propose any items for a subcommittee to discuss?