



**MILLBRAE CITY COUNCIL
MINUTES
November 27, 2012**

CALL TO ORDER MILLBRAE CITY COUNCIL

Mayor Colapietro called the meeting to order at 7:04 p.m.

ROLL CALL: Mayor Colapietro, Vice Mayor Gina Papan, Councilmembers Nadia V. Holober, Wayne J. Lee, and Robert G. Gottschalk.

PLEDGE OF ALLEGIANCE TO THE U.S. FLAG

1. **CEREMONIAL/PRESENTATION**

- NONE

2. **AGENDA OVERVIEW/STAFF BRIEFING**

- Informational Report Regarding Bills and Claims

City Manager Marcia Raines reviewed the agenda items. She noted a change to agenda item 6 under Fiscal Impact: 1) delete the words "and enterprise", and 2) the amount is changed from \$136,747 to \$143,272. Ms. Raines also noted that item 9, would be pulled from the agenda and brought back at a future meeting.

- Report out from Closed Session of November 13, 2012

City Attorney Joan Cassman stated that the Council had met in Closed Session to discuss the matters of Labor Negotiations, Existing Litigation, and Public Employee Performance Evaluation. Only 2 items were discussed: Existing Litigation and Labor Negotiations. On the matter of Singson v. Millbrae, the Council was briefed on the filing of an appeal. Council gave the City Attorney instructions on how to proceed. On the issue of Labor Negotiations those items will have formal action taken at tonight's meeting.

3. **APPROVAL OF MINUTES**

- Regular Meeting of November 13, 2012

Minor corrections to the minutes were submitted to the Clerk.

Upon a motion/second by Papan/Lee the minutes were approved with corrections.

4. **ORAL REPORT FROM CITY COMMITTEE/COMMISSION CHAIRS**

- NONE

PUBLIC COMMUNICATION

Harry Aubright, Downtown Process Committee Chair, presented a report to Council on the activities of the Committee. Their mission has been to revitalize the downtown area and their main issue has been parking. He noted that a parking structure would improve parking in the downtown area.

Dan Rogers, Downtown Process Committee, stated that the Committee implemented the downtown storefront revitalization program and sidewalk improvement program. He also noted that the Committee would like to see a parking structure in the downtown area.

Ed Banayat, Millbrae Chamber of Commerce President/CEO, announced the December 1st Tree Lighting Ceremony at 5:00 p.m. If there is rain on Saturday, the program will take place in the Council Chamber and refreshments will be served in the lobby.

Moncarol Wang, Chair of the Millbrae Youth Advisory Committee, spoke on the necessity of adding stop signs at the intersection of Laurel and Anita. This is a heavily used intersection and the stop signs would greatly improve traffic in this area. She distributed a letter to Council with more information. The matter will be referred to staff for follow up.

Mayor Colapietro presented Downtown Process Committee Chair Harry Aubright with a Commendation for the Downtown Process Committee and thanked the Committee for their service.

CONSENT CALENDAR

5. Resolution No. 12-41 Recommendation to Approve Tentative Agreement between the City of Millbrae and Sanitation Workers Association and to Authorize the City Manager to Prepare and Execute the Memorandum of Understanding
6. Resolution No. 12-42 Recommendation to Approve Tentative Agreement between the City of Millbrae and Firefighters Local 2400 and to Authorize the City Manager to Prepare and Execute the Memorandum of Understanding
7. Resolution No. 12-43 Recommendation to Approve Tentative Agreement between the City of Millbrae and the International Brotherhood of Teamsters Local 856 and to Authorize the City Manager to Prepare and Execute the Memorandum of Understanding
8. Resolution No. 12-44 Resolution Authorizing Bay Area Water Supply and Conservation Agency (BAWSCA) to Prepay the City's Portion of Debt Owed by BAWSCA Agencies to the City and County of San Francisco

Council thanked all of the employees for working with them to achieve the concessions.

Upon a motion/second by Holober/Papan Consent Calendar items 5-8 were unanimously adopted.

PUBLIC HEARING

NONE

OLD BUSINESS

9. Adoption of an Ordinance Implementing Water Efficient Landscape Program and Amending Water Conservation and Service Regulations in the Millbrae Municipal Code
 - Waive 1st Reading
 - Introduce Ordinance

Upon a motion/second by Holober/Lee the Council unanimously moved to pull this item from the agenda and to reschedule it to a future meeting.

NEW BUSINESS

10. Review of the Draft Housing Element Update and its Process

Joshua Abrams, Housing Element Consultant presented the report. He stated that the Housing Element is in front of Council this evening for review and to direct any changes that may be necessary. Following the Council review, the draft will be forwarded to the California Department of Housing and Community Development for their comments prior to finalization and resubmitting it to the Planning Commission and the Council for final public hearings and formal adoption. The Housing Element will then be forwarded to the State for certification.

Mr. Abrams noted the following:

- Include a definition for “family”. The definition can not discriminate and will be looked at carefully by the State. Having a good definition in place will prevent homes from being used as boarding houses;
- Certified group homes for 6 or less residents must be allowed. Would need to look at group homes that rehabilitate recently released prisoners. This is important to look at especially with the recent realignment program;
- Second units; the City should adopt a “Second Units Ordinance” to prohibit these. Currently, the State standards could be used to establish a second unit. By adopting an ordinance, the City can control this issue.
- Consider the idea of a commercial linkage fee. This would be to charge a fee for new commercial uses and those monies would be deposited into an affordable housing fund;
- Consider updating the Specific Plan.

Councilmember Gottschalk stated that staff should bring forward to Council a second units ordinance for consideration.

Mayor Colapietro noted that the word “Redevelopment” is being used however, Redevelopment is no longer available.

City Attorney Joan Cassman stated that there are also references to Health and Safety Code Sections that are no longer applicable and that she would work with staff to remove these references.

Vice Mayor Papan noted:

- Page 6, Redwood City is not included.
Mr. Abrams noted that he could add all cities and the County as reference.
- Page 10, under Rehabilitated Units, there is a sentence that no records exist. Check with agencies such as PG&E to obtain this information.
- Page 12 paragraph 3, the Magnolia of Millbrae affordable units are set to expire.
Housing Project Manager Armando Sanchez stated that at the time project was done, the affordability was only for 15 years. City Attorney Joan Cassman stated that the Council was briefed on this two years ago.
- Pages 21 – 23 look into density ordinance; this would be helpful to the City.

- Page 52, Emergency Shelters for the homeless; 16 individuals identified in City. Outreach to interfaith organizations should be conducted.

Mr. Abrams noted this is the actual count of homeless people in City and that houses of worship could be included as warming centers and possible short term shelters for the homeless.

Councilmember Gottschalk:

- Page 28, reference to in-lieu fees to build a parking structure on City property. A few years back the estimated cost was between \$4 and \$7 million to build a structure.
- Pages 37-38, the 4 lots that are detailed for housing are all parking lots. All housing would come by eliminating parking? This should be looked at.
- Appendix page 23, Public Transit, the usage figures should be rechecked.

Councilmember Holober:

- Supports density bonus.
- Page 9, Magnolia of Millbrae, check if these are very low income units.
- Where is Sohner Court?
- Appendix page 66, do fees need to be in Housing Element as these are subject to change. City Attorney Joan Cassman stated that a footnote could be added stating that they are subject to change by the City.
- Ensure that our permit fees cover the cost of providing service.
- How can the City pay for low income housing?
Housing Project Manager Armando Sanchez stated that the City collects fees from 88 South Broadway, Park Broadway, and Belamor. This information can be provided to Council and that staff can come back to Council with proposals for a program on how these funds can be used.

Councilmember Lee:

- The data is based on 2008 numbers and these may have changed; current numbers should be used.
- Appendix 29, what is Millbrae's average rental cost?
Mr. Abrams noted that this information can be added and a new data chart provided to Council.

Begin public comment.

Joshua Hugg, Program Manager for Housing Leadership Council, commended the Council for taking steps to rectify this important issue. He noted that rental rates in the county have risen and that there is a need and demand for affordable housing. He encouraged the City to consider retaining the 20% that was used for affordable housing when Redevelopment existed and to put those funds back into housing.

End of public comment.

Upon a motion/second by Lee/Holober, Council received the report and directed staff to forward the Draft Housing Element to the California Department of Housing and Community Development for preliminary review.

COUNCIL COMMENTS

Mayor Colapietro:

- Encouraged the community to participate in local events during the holiday season;
- Announced the November 29th Clean Energy Ribbon Cutting;

- Announced the Friends of the Millbrae Library book sale November 30th – December 2nd;
- Announced the December 1st Holiday Tree Lighting Ceremony at 5:00 p.m.;
- Announced the Holiday Toy Drive sponsored by Millbrae Fire Department;
- Announced the Chamber of Commerce “One Warm Coat” drive;
- Announced the December 6th San Mateo County Senior Health Forum from 5:30 p.m. – 8:30 p.m. at the Millbrae Community Center;
- Announced the January 26th Annual Health Fair;
- Announced the December 8th Millbrae Train Museum holiday party - RSVP 697-1921;
- Announced the December 11th Council reorganization;
- Reminded the public to drive carefully and be alert for pedestrians as it is getting darker earlier;
- Announced the December 12th Senior Holiday Luncheon at the Community Center.

Vice Mayor Papan:

- Attended the CMEQ meeting. There was discussion of the Green Business Program, and she requested that staff look into this further;
- Announced the Holiday Hugs Teddy Bear Drive at the Millbrae Starbucks, drop off new teddy bear thru December 24th;
- Complimented Bank of America on their holiday program to send a holiday greeting to our troops;
- The San Mateo County Central Labor Council is having a holiday food and toy drive, donations can be dropped off at 1153 Chess Drive, Foster City;
- Announced that Tulsi Gabbard, is the first Hindu elected to Congress; she represents the State of Hawaii. Mazie Hirono, is the first Buddhist elected to Congress; she also represents that State of Hawaii;
- Wished everyone Happy Holidays.

Councilmember Holober:

- Announced the recent appointment of Supervisor Carole Groom to the California Coastal Commission. She requested that the City send a congratulatory letter;
- Announced Lunar New Year is on February 16, 2013. Chef Martin Yan will be the guest performer for the event;
- The Technology Subcommittee met and new on/off switches have been installed on the microphones. There was also discussion on the possibility of Wi-Fi in the downtown area;
- Attended the CMEQ meeting. There was discussion on the vehicle license fee for local roads (\$4). The remaining amount of funds, \$900,000 will be allocated to local jurisdictions. The formula was modified to population and miles per city; Millbrae will only receive \$24,660, under old formula Millbrae would have received \$26,190. She voted against using the new formula.

Councilmember Lee:

- Attended the Technology Subcommittee meeting and discussed the possibility of Wi-Fi in the downtown area;
- The Parks and Recreation Commission met and will hold a public meeting in January to discuss possible dog park sites;
- The Friends of Millbrae Dog Park are holding a fundraiser on December 1st;
- Reminded the public that this is Spare the Air time for winter burning. Fines for burning have increased this year; check out BAAQMD website for more information.

Councilmember Gottschalk:

- Encouraged the public to attend the Tree Lighting Ceremony on December 1st;
- Encouraged the public to attend the December 11th Council Reorganization.

There being no further regular business to discuss the City Council recessed at 9:20 p.m.

RECONVENE CITY COUNCIL

11. **CLOSED SESSION**

Public Employee Performance Evaluation
Closed Session held pursuant to Government Code §54957
Title: City Manager

ADJOURN CITY COUNCIL

There being no further business to discuss, the City Council adjourned at 10:30 p.m. in memory of Millbrae residents Mike Cozzolino, Richard Dickinson, Karen Emerson, Geraldine Raicevic, Lois Cangelosi, mother of Millbrae School Board Trustee Denis Fama, and San Bruno sisters Sheetla and Nisha Tandel.

/s/ Angela Louis
City Clerk

/s/ Marge Colapietro
Mayor