



**MILLBRAE CITY COUNCIL
MINUTES
March 25, 2014**

CALL TO ORDER MILLBRAE CITY COUNCIL

Mayor Lee called the meeting to order at 7:01 p.m.

ROLL CALL: Mayor Wayne J. Lee, Vice Mayor Robert G. Gottschalk, Councilmembers Marge Colapietro, Anne Oliva, and Reuben D. Holober.

PLEDGE OF ALLEGIANCE TO THE U.S. FLAG

1. **CEREMONIAL/PRESENTATION**

- Proclamation Proclaiming April 1, 2014 as Mayors Day of Recognition for National Service

Mayor Lee presented the Proclamation to Debra Owdom, Program Coordinator, RSVP of San Mateo & Northern Santa Clara Counties.

- Presentation by the Millbrae Education Foundation

Karen Bettucchi, Millbrae Education Foundation President, made a brief presentation to the Council and updated them on the activities of the Foundation.

2. **AGENDA OVERVIEW/STAFF BRIEFING**

- Report of Bills and Claims

City Manager Marcia Raines reviewed the agenda items. She stated that there was a request to include the wording "as currently written" to the letter and resolution for agenda item 5.

3. **APPROVAL OF MINUTES**

- Regular Meeting of February 25, 2014
- Special Meeting of March 11, 2014
- Regular Meeting of March 11, 2014

Upon a motion/second by Colapietro/Holober, the minutes were unanimously approved.

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

- NONE

PUBLIC COMMUNICATION

Mark Nagales, Congresswoman Speier's Office, reminded the Council and residents that Congresswoman Speier's office is here to help the community. If there are issues that her office can assist with, call 650-342-0300.

Wynn Grcich, Hayward resident, announced that Clean Water held a march in San Francisco on Saturday, March 21st. She attended the BAWSCA meeting last week. She also spoke on the detrimental health effects of fluoride in the drinking water.

Daniel Ziao, Millbrae resident, stated that there was an issue with a tree in front of his residence and that the current ordinance does not allow for tree removal. He has contacted the Public Works Department and would like to remove the tree, as it is useless to keep fixing the sidewalk.

Kaisa Smith, Millbrae resident, addressed parking on Hemlock. She stated that people are parking their cars all day on the street and getting on Bart or going to work; the new Tai Wu restaurant is adding to the parking difficulty. She noted that in the past the street used to be permitted parking only.

Vince Muzzi, Millbrae resident, provided a letter to Council regarding BART Station Area Site 1. He stated that he is willing to pay for fees, and the EIR, but he is not willing to underwrite or indemnify the City on Site 1; it is unfair to require this of an applicant for properties that he does not own. He stated that the next step is litigation.

Keisa Betts, Taylor School parent, announced the March 29th Meadows' Crab Feed and invited the everyone to attend.

CONSENT CALENDAR

5. Resolution No. 14-17 Supporting Senate Bill 1345 Introduced by the Committee on Natural Resources and Water Amending the Public Resources Code and the Water Code Relating to State Oversight of the Restoration of the San Francisco Regional Water System and Authorizing the Mayor to Sign a Letter of Support
6. Resolution No. 14-18 Accepting as Complete the 2014 Street Repair Project on Vista Grande, Bid No. 907 and Authorizing the Filing of a Notice of Completion with the San Mateo County Clerk's Office

Upon a motion/second by Lee/Colapietro Consent Calendar items 5 and 6 were unanimously adopted.

PUBLIC HEARING

NONE

EXISTING BUSINESS

7. Resolution Approving Agreements with Millbrae Community Television

Public Works Director Nguyen presented the report. Staff recommends that the Council review the report, receive a presentation from Millbrae Community Television (MCTV), and extend the current expired agreement with MCTV until June 30, 2014, to include a proportional status-quo funding commitment, and direct staff to re-engage in negotiations with MCTV for a longer term agreement.

City Clerk Angela Louis made a brief presentation outlining:

- the current annual budgeted agreements;
- the current annual estimated value of office space and utilities;
- the proposed annual estimated value of office space and utilities;
- the proposed annual audit costs;
- the outstanding promissory note.

Joe Terisi, MCTV President, made a presentation to Council and noted that in 2009 funding was cut and as of 2012, cuts were restored to City employees, but not to MCTV. The budget shows funds of \$84,941 however MCTV is receiving \$76,534. Additionally, when the funding was cut in 2009, some of the monies were restricted in use and can not be used for operating costs.

Rod Passion, MCTV Vice President, discussed the operating space and having one single agreement. The current space is 240 square feet, a new space has been identified and it will allow MCTV to expand its operation. He requested that Council direct staff to allow MCTV to move into the new space and stated that MCTV will cover the cost of renovations. Regarding the single agreement, they would like to have a single agreement moving forward: a service agreement. To call the Grant Agreement a grant is a misnomer; it implies a donation to MCTV; it is really a service agreement. He also reiterated the funding issue: MCTV's funds were reduced and they are receiving more of restricted funds and are running low on paying for operating costs. They have gone out and obtained agreements with other cities to cover their operating costs.

MCTV requested that Council consider an alternative motion: 1) restore funding to 2008 level for rest of fiscal year and retroactive to July 1, 2013, 2) direct staff to enter into long term lease for use of 750 square foot space next to Chetcuti Room at cost of \$1.00 per year, and 3) approve one agreement. They would like to see the agreement come before Council no later than June 10, 2014, and would be happy to share with staff their annual budget.

Councilmember Colapietro inquired about the upgrades to the new space, how extensive are they and who would pay. She also inquired if they would be willing to pay for the utilities and any potential increases.

MCTV stated that they would pay for the renovations and they would be willing to pay for utility costs and any potential increases. They do not yet have a budget for the renovation of the new space; the network and wiring between the two rooms would need to be extended.

Council inquired:

- what is MCTV's fiscal year;
- what are the operating costs;
- how will they pay for the renovations;
- how many staff members they have and are they benefited;
- does MCTV provide the same level of services to other cities as Millbrae;
- how many subscribers does MCTV have;
- the \$5,000 promissory note is still outstanding;
- does MCTV raise the rates of their contracts with other cities;
- City would have a better understanding if they could see MCTV's budget.

MCTV responded:

- the fiscal year is the same as the City's;
- operating costs are approximately \$220,000 per year;
- they have 1 fulltime and 3 part time staff and only the full time staff receives benefits. They have numerous volunteers. They currently pay \$73,000 for two employees and the current proposed funding does not cover one employee. The survey they provided shows that other stations are funded through franchise fees and that the total cost for employees and contractors is \$173,000;

- MCTV creates a public access vehicle in Millbrae; they do not provide the same services to other cities. They supplement their operating costs with their other agreements but those agreements do provide the same service level;
- MCTV does not have subscriber information; that would come from the cable providers;
- they were unaware of the outstanding debt; it was overlooked. The promissory note may not be collectable now and they hope that the loan would be forgiven;
- MCTV has raised the rates charged to other cities and they will negotiate contracts in July;
- Since 2008 the amount of funding has gone down 7% and CPI has gone up 10%.

Begin public comment.

John Muniz, Millbrae resident, stated that MCTV name speaks volumes to the community. Since 1997 they have served the community and as our community has grown, MCTV has provided a valuable resource.

Lisa Charney, Millbrae resident, stated that she has chaired the Millbrae Art and Wine Festival and that MCTV is vital to the festival. The coverage and interviews are top notch and they are professional and thorough. The complete coverage is broadcast to residents who are not able to attend the festival; it brings the festival to them. As a non Millbrae resident, she is not able to watch the coverage on MCTV, but can watch it streamed on MCTV's website. This coverage promotes Millbrae and downtown business. She urged that the funding be restored.

Judy Winckler, Millbrae resident, stated that MCTV provides an invaluable service to residents like herself who have difficulty attending many City functions. She urged Council to fund them at their previous levels so that MCTV can continue to provide services to the community. They are an important part of Millbrae.

Tom Dawdy, MCTV Board, read a letter from Janet Fogarty who wrote in support of Council providing adequate funds to MCTV. She asked Council to think about the benefits of MCTV when considering funding issues. MCTV can do more to serve the community when adequately funded.

Speaking for himself, Tom Dawdy stated that MCTV has helped to preserve the history of the City.

Randy Sahae, MCTV Board, read a letter from Mary Vella Treseler who urged Council to give diligent consideration to this matter. MCTV is a vial entity and as Chairwoman of Man and Woman of the Year Committee, they have supported this event.

Andy Pitman, MCTV Station Manager, thanked Council for their past and continued support of MCTV. Working with MCTV has allowed him to put his skills to use and to work in a rewarding setting. MCTV has a huge impact on the community; they show the heart and soul of the City. He asked Council for a renewed show of faith and to restore the funding.

Dennis Zheng, MCTV intern, stated that being a volunteer/intern at MCTV has been a wonderful opportunity. He is learning very valuable skills and that these opportunities should be available to all youth in Millbrae. He hopes that Council will consider the new space and funding.

Ann Schneider, MCTV Board, stated that MCTV showcases the athletics of the local high schools, and the Green Youth Alliance students are able to make their own video productions. She stated that the contract should be expanded to include televising Planning Commission and other commission and committee meetings. She is amazed at how many residents are watching MCTV to keep abreast of what is going on in the City. She also read a letter from Denis Fama who voiced his support of MCTV.

Dino DeRanieri, Millbrae resident, stated that for the past 17 years MCTV has serviced the City with professional programming. The CERT program relies on MCTV to get the word out on disaster preparedness. MCTV has taped all of the Silver Dragon Exercises and they are posted on the MCTV website, YouTube, and are seen world wide. He also stated that CERT was able to have MCTV produce a program on Earthquake Preparedness in Millbrae.

Akiko Soda, Millbrae resident, spoke on behalf of the Japanese Culture Festival Committee. She stated that MCTV has broadcasted the Japanese Cultural Festival, and that the Festival has grown thanks to their coverage. She noted that MCTV works hard to broadcast Mills High School events. She asked the Council to consider funding MCTV.

Stephen Cheung, Millbrae resident, stated he is the Co-founder of Joy Life Club. Last year MCTV prepared a documentary for their group and posted it to YouTube. He stated that more space will allow them to train more interns. Council should consider providing MCTV with more funding to continue providing services and promoting the image of Millbrae.

Mary Somers, Millbrae resident, stated that as a member of the Senior Advisory Committee, MCTV is important to seniors. Seniors are accustomed to getting their news from the television and not the internet.

End of public comment.

Council took a short recess and reconvened at 9:10 p.m.

Councilmember Colapietro stated that she is the MCTV liaison and that prior to serving on the Council she was a volunteer with MCTV for a number of years. Council has heard the testimonials from the public this evening and what was said about MCTV is right on. MCTV has received prestigious awards from the Alliance for Community Media. She thanked staff for their work and indicating in the staff report the importance of MCTV. MCTV has showed good faith in indicating they will be willing to absorb costs for the new space, and that they will pay for utility services and any potential increases. MCTV fulfills their mission in spite of all of the tough times and that they had taken a 7% cut. She acknowledged that she did not know that the 5% cut was not restored to MCTV when it was restored to City employees. She noted that MCTV makes an effort to go out and help themselves by taking on other cities and other special projects in the county; they try to get underwriters for programs, and have raised some funding from businesses and community members. She stated that she would like Council to give specific direction to staff in extending the contract to June 30th, restore the funding levels to 2008 retroactive to July 1st, and to give direction to consider a longer term with agreement with MCTV.

Councilmember Oliva stated that they should review Councilmember Colapietro's comments one at a time.

Councilmember Holober stated that \$86,040 is a reasonable funding level but would like see more firm figures before moving forward.

Councilmember Oliva stated that they should send this back to staff for firm numbers before approval.

Vice Mayor Gottschalk stated that MCTV is invaluable to the community and that comparisons with other cities are not helpful as the needs are different. He agreed with having two year agreements at a minimum, but does not support consolidation into one agreement. He stated that MCTV is seeking \$86,040, \$11,000 in additional space, and forgiveness of a \$5,000 loan. If the fire assessment is not successfully passed, there will be significant reductions in the City across the board. As Council goes through the process of approving the budget they will be looking at all demands for monies. He stated that Council should go with staff's recommendations and consider needs of MCTV during budget discussions.

Mayor Lee stated that Council needs to see MCTV's budget to see how MCTV will be viable in the future and how the City can help. He noted the many activities broadcasted at schools, and indicated that this might be a cost sharing opportunity where the schools could help pay for some of these services. The City needs to be fiscally responsible and look at a cost basis to see what the costs are for broadcasting Council meetings and other events such as the Lunar New Year; maybe the City should cut back on some items. He would like to see a single 5 year agreement. MCTV provides a valuable service and technology to the community. Before the additional space can be decided upon, there is a need to know space needs of the City and City Hall. He noted a Grand Jury Report on Mid Coast Television, where there was not sufficient oversight of funding and he would not want to see the same thing happen in Millbrae.

Councilmember Colapietro stated that MCTV is out of contract, and that the City has an existing obligation to them

Upon a motion/second by Gottschalk/Lee Council renewed the agreements with MCTV to June 30, 2014 based on the current budgeted amount. The motion passed by a vote of 4:1; Councilmember Oliva dissented.

NEW BUSINESS

NONE

COUNCIL COMMENTS

In the interest of time, Council decided to forgo their comments.

RECESS CITY COUNCIL

There being no further regular business to discuss the City Council recessed at 10:07 p.m.

RECONVENE CITY COUNCIL

CLOSED SESSION

Conference with Legal Counsel – Existing Litigation

Closed Session held pursuant to Government Code §54956.9(a)

Claims against the County of San Mateo regarding Property Tax Administration Fees

ADJOURN CITY COUNCIL

There being no further business to discuss, the City Council adjourned at 10:30 p.m. in memory of the passengers of Malaysian Airlines MH370 and Washington State mudslide victims.

/s/ Angela Louis
City Clerk

/s/ Wayne J. Lee
Mayor