



**MILLBRAE CITY COUNCIL
MINUTES
February 26, 2013**

CALL TO ORDER MILLBRAE CITY COUNCIL

Mayor Papan called the meeting to order at 7:03 p.m.

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

PLEDGE OF ALLEGIANCE TO THE U.S. FLAG

1. **CEREMONIAL/PRESENTATION**

- Recognition of Dental Ease's Free Dentistry Event for Kids

Mayor Papan presented Dr. Josh Ng, owner of Dental Ease, with a commendation and thanked him for sponsoring a free dentistry event for kids on February 2nd.

- Recognition of Strides for Life, Colon Cancer Foundation 10th Anniversary

Mayor Papan introduced Dr. Lawrence Cappel. Dr. Cappel announced the Strides for Life 10th Anniversary Fundraiser Dinner on March 2nd. All monies raised go to fund colon cancer research.

- Recognition - Remembering Japanese Relocation During WWII

Mayor Papan stated that it is important to remember the mistakes of the past.

- Presentation by Redwood City staff Regarding Downtown Design

Mayor Gina Papan introduced Redwood City Planner Dan Zack. Mr. Zack presented a presentation on stimulating housing production with zoning reform.

2. **AGENDA OVERVIEW/STAFF BRIEFING**

- Report of Bills and Claims

City Manager Marcia Raines reviewed the agenda items.

3. **APPROVAL OF MINUTES**

- Regular Meeting of January 22, 2013
- Special Meeting of January 29, 2013
- Regular Meeting of February 12, 2013

Council provided the City Clerk with corrections to the minutes. Councilmember Lee requested the following correction in the January 29th minutes regarding his statement about the BART letter. He requested that the word "scattered" be changed to "...confused and unclear on the City's intentions..."

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

4. ORAL REPORT FROM CITY COMMITTEE/COMMISSION CHAIRS

- NONE

PUBLIC COMMUNICATION

Wynn Grich, Hayward resident, spoke on the detrimental effects of fluoride in the drinking water.

CONSENT CALENDAR

Mayor Papan requested item 5 be pulled for discussion.

5. Adoption of Resolution No. 13-03 Accepting as Complete and Filing a Notice of Completion for the Clean Energy Project

Mayor Papan stated that she is still concerned about the voltage in the lights on El Camino Real. She inquired if staff had an opportunity to check the brightness of the lights in this area.

Public Works Director Cyrus Kianpour stated that the standards for the current lights have been met, and that this issue was not in the scope of the project. He stated that a streetlight analysis for the El Camino Real corridor had been completed by Bellecci and Associates in 2011.

Kelly Fergusson, Siemens, stated that the project was to provide an equal wattage along El Camino Real. Siemens did increase the wattage for six of the fixtures near the crosswalks along El Camino Real as a no cost change order.

Mr. Kianpour stated that the original scope of the project was to keep the same output with lower energy use.

Councilmember Colapietro stated that she had voiced this same concern last year when this project was being discussed.

Councilmember Colapietro inquired about the fiscal impact of the project; the staff report does not state that additional funding is being requested.

Mr. Kianpour, stated that staff is asking the Council to approve an additional \$19,502 to perform the necessary Measurements and Verifications over the next three years.

City Attorney Joan Cassman stated that this action is included in the resolution.

Councilmember Colapietro stated that in the future, all required actions should be stated on the Staff Reports under Recommendation and Council Action so Council will have complete clarity on items being voted upon, not just on the Resolution.

Begin public comment.

Wynn Grich, Hayward resident, stated that the streets in Millbrae are not well lit and that many of the crosswalks along El Camino are also unlit. She went on to state that East Palo Alto has installed flashing lights along crosswalks that alert drivers to pedestrians and that Millbrae should install these lights in the crosswalks along El Camino Real.

End of public comment.

Kelly Fergusson thanked the Council for pursuing this energy saving project. She stated that she will be returning to a future Council meeting with PG&E to present a rebate check.

Upon a motion/second by Colapietro/Papan, Resolution No. 13-03 accepting as complete and filing a notice of completion for the Clean Energy Project was unanimously adopted.

6. Adoption of Resolution No. 13-04 Authorizing the Filing of an Application for Funding Assigned to the Metropolitan Transportation Commission and Committing any Necessary Matching Funds and Stating the Assurance to Complete the Project
7. Motion to Approve Appointment to the Downtown Process Committee

Upon a motion/second by Lee/Holober Consent Calendar items 6 and 7 were unanimously adopted.

PUBLIC HEARING

NONE

EXISTING BUSINESS

8. Review of Mid Year Budget Report

Finance Director LaRae Brown presented the report.

Council inquired:

- Where is the \$2 million that was paid to Siemens;
- Breakdown of \$40,000, what is this going towards and is this part of the Council priorities;
- Property tax of \$1.8 million, is this what is due to the City;
- Attorney fees of \$87,000 appears low;
- \$13,000 in credit card fees, can the City charge a fee to those who pay with credit cards;
- What is the difference between secured and unsecured property tax;
- Noted that there was no money budgeted for temporary staffing yet money had been spent;
- What are the total reserve funds;
- Where does sales tax show up in the pie chart;
- Are reserve funds kept in a different fund?

Staff replied that tonight's report pertains to the General Fund only and answered the questions:

- The \$2 million to Siemens came out of different funds some of which was the General Fund;
- The \$40,000 is to add staffing to deal with goals and priorities, and is going to be spent on items that Council approved or other items that Council has requested;
- The \$1.8 million in property tax is from November 10, 2012. What is reported is what the City has received up to December 31st and not what is necessarily due to the City;
- The attorney fees are paid out of different funds, not just the general fund;
- By law, the City can not pass along credit card charges. However, staff will look into this as the law may be changing and other agencies are charging a fee to use credit cards;

- Secured property tax is a tax assessed against real property (land or structure). Unsecured property tax refers to property that can be relocated and is not real estate (business equipment, boat, plane, etc.);
- The information on reserve funds will be provided to Council at the next meeting in the Comprehensive Annual Financial Report;
- Sales tax is part of the “other tax revenues” in the pie chart;
- Reserve funds have their own line item in the general fund.

City Attorney Joan Cassman also stated that with the passage of Prop 30, state mandates are no longer reimbursed. There is some good news to report; the claim against the County regarding an overcharge of administrative fees to account for property tax revenues has been settled. The County will rebate these monies to all the cities, and the City should see this money before the end of fiscal year.

No public comment for this item.

Upon a motion/second by Lee/Papan, Resolution No. 13-05 Amending the approved General Fund budget for Fiscal Year 2012-2013 was unanimously adopted.

NEW BUSINESS

NONE

COUNCIL COMMENTS

Mayor Papan:

- Congratulated Vice Mayor Holober on her recent appointment to LAFCo;
- Announced that the Millbrae Man and Woman of the Year Dinner will be held on Friday, October 18th at Green Hills Country Club;
- Announced the March 9th Lions Marinated Crab Feed at St. Dunstan;
- Announced the Strides for Life Fundraiser Dinner on March 4th;
- Announced that Bond Measure 1B is due to expire; \$19.9 billion dollars are going away;
- Congratulated the Girl’s AYSO team; they are headed to the regional’s;
- Attended the February 22nd Mayor’s Civic Coordinating Council meeting;
- Announced that the first meeting for the Millbrae Man and Woman of the Year Committee is March 22nd;
- Announced the California Telephone Access program. It is a state program that offers free phones to those in need that have hearing and/or visual impairments;
- Announced that the Joy Life Club will hold a benefit event in October.

Vice Mayor Holober:

- Announced a successful Lunar New Year event. She thanked the Rotary Club and the Peninsula Chinese Business Association (PCBA);
- Announced the new Millbrae Librarian, Carine Risley.

Councilmember Lee:

- Announced that the School District is considering a parcel tax;
- Attended the Parks and Recreation Commission meeting;
- Reported that the Downtown Process Committee is meeting tomorrow morning, and will be reviewing their mission statement;

- Stated that he has been attending City Selection Committee meetings. This is where local officials can apply to serve on countywide and other outside committees. He noted that last month Mayor Papan had applied for a vacancy on the Metropolitan Transportation Commission but lost the seat because she is due to be termed out in November.

Councilmember Colapietro:

- Attended the Cultural Arts Commission meeting;
- Announced that the Friends of the Millbrae Library had a successful book sale this past weekend;
- Announced that the PCBA Spring Festival was a great event, and thanked the members of the PCBA for their contributions;
- Watched the entire meeting of the School Board Public Hearing on February 25th on MCTV. They discussed the status of education in the School District, where public education will be in May of 2015, and possible revenue generating measures;
- Reminded everyone that Daylight Saving begins on March 10th.

Councilmember Gottschalk:

- Stated that he had nothing to report.

RECESS CITY COUNCIL

There being no further regular business to discuss, the City Council recessed at 9:05 p.m.

RECONVENE CITY COUNCIL

9. **CLOSED SESSION**

Closed Session held pursuant to Government Code §54956.9(b) and (c)
Conference with Legal Counsel – Anticipated Litigation
One potential case

RECESS CITY COUNCIL

RECONVENE TO OPEN SESSION

The City Council reconvened into Open Session at 9:55 p.m.

10. Consideration of Settlement Agreement with West Bay Builders and Related Actions to Accept the Water Pollution Control Plant Renovation Project Contract, to Amend Consultant Contracts, and to Finalize Project Budget

The City Attorney advised that the Council had met in Closed Session to evaluate the proposed settlement of the potential claims related to the project and are ready to consider final action as described in the staff report, which was distributed, and the resolution. There was some additional discussion to clarify actions set forth in the resolution.

No public comment for this item.

CITY COUNCIL

February 26, 2013

Upon a motion/second by Colapietro/Papan Resolution 13-06 accepting the Water Pollution Control Plant Renovation Project as complete and authorizing related actions was adopted by a vote of 4:1. Councilmember Lee dissented.

ADJOURN CITY COUNCIL

There being no further business to discuss, the City Council adjourned at 10:00 p.m. in memory of retired Broadmoor Police Chief and Millbrae resident Timothy J. Guiney and Lynda Kaplan, mother of Recreation Services Manager Howard Kaplan.

/s/ Angela Louis
City Clerk

/s Gina Papan
Mayor