



**MILLBRAE CITY COUNCIL
SPECIAL COUNCIL MEETING
MINUTES
May 21, 2013**

CALL TO ORDER MILLBRAE CITY COUNCIL

Mayor Papan called the meeting to order at 7:07 p.m.

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

PLEDGE OF ALLEGIANCE TO THE U.S. FLAG

Nominations to fill Vacancy of Vice Mayor Position

Mayor Papan opened the nominations for Vice Mayor.

Upon a motion/second by Gottschalk/Colapietro Councilmember Lee was nominated to fill the vacancy of the Vice Mayor position.

Mayor's Administration of Oath of Office for Vice Mayor

Mayor Papan administered the Oath of Office for Vice Mayor to Wayne J. Lee.

Vice Mayor Lee thanked his family and acknowledged their presence. He stated that tonight was difficult and that his swearing in as Vice Mayor was bittersweet. Vice Mayor Nadia Holober was not only a good colleague but mentor as well.

1. **CEREMONIAL/PRESENTATION**

- Proclamation Proclaiming the Week of May 19-25 as National Public Works Week

Mayor Papan presented the Proclamation to City Engineer Lim, Wastewater Treatment Plant Superintendent Magner, and Public Works Superintendent Centis.

2. **AGENDA OVERVIEW/STAFF BRIEFING**

- Report of Bills and Claims

City Manager Marcia Raines reviewed the agenda items and introduced the new Fire Chief, Mark Ladas. She noted that item #9, Existing Business, will be continued to a future meeting.

3. **APPROVAL OF MINUTES**

- Regular Meeting of April 23, 2013

Minor corrections were submitted to the City Clerk; there were no substantive changes to the minutes.

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

4. ORAL REPORT FROM CITY COMMITTEE/COMMISSION CHAIRS

- NONE

PUBLIC COMMUNICATION

NONE

CONSENT CALENDAR

Councilmember Gottschalk requested that item 5 be pulled for discussion; Councilmember Colapietro requested items 5 and 8 be pulled for discussion.

5. Approval of Temporary Special Event Permit for the American Cancer Society Relay for Life, July 20-21, 2013 in Central Park and the Closure of the Community Center Parking Lot on Laurel Avenue

Recreation Superintendent Mike Wride presented the report.

Council discussion ensued:

- What is the latest point of time that rooms are needed;
- What type of fencing needs to be erected;
- In lieu of waiving fees and loss of revenue, list the City as a non-monetary contributor;
- Parking issues;
- Waiver of fees and loss of rentals – recommend that \$1,000 fee not be refunded;
- Noise impacts – would like to have a list of who was contacted and their response;
- What was the cost of other events held downtown;
- Does the City currently charge for room usage for a Community event;
- Does the City ask for permission from neighbors to hold events.

Staff responded:

- The rooms are needed through Sunday when the event is finished;
- The area of the walk will be fenced in to keep participants walking in a certain area and also for security purposes; to keep non-participants out of the area. There will be monitored entrances and exits and participants will be wearing wrist bands;
- The City could be listed on marketing materials as making a donation in-kind;
- Regarding the parking issue: the Library parking lot will be used for participants, the Lincoln Circle parking lot will be used for anyone else renting the Community Center. Anyone attending the Sunday Church services will park in the Lincoln Circle lot and on the street; this will be discussed with the Church group;
- The \$1,000 would remain as refundable so as to encourage clean up;
- Information would go out to the residents in the nearby neighborhood advising them of the event and asking for their input regarding the noise and providing contact information;
- The Council recently approved an event for downtown and the cost was \$1,500, and all of these types of events are comparable in their use of staff resources;
- The City currently does not charge for room usage for a Community event. This event is unique in that it is an overnight event in a City park. This event does align with other events that the community supports;

- The City does not typically request permission from the neighbors to hold an event, but this event is different in that it is an overnight event.

Alan Kirth, Millbrae Rotary Club, stated that originally the event organizers were looking to use the Taylor School field, as it is located away from the homes; however the site was too big. He noted that this event is for a good cause, the fight against cancer, and how could there be a negative impact to the community. Additionally, this year's Luminaria Ceremony will be in honor of Nadia Holober. He stated that the organizers and sponsors will advise the participants to be respectful of the park and of the unique approval given to hold the event in the park location.

Mayor Papan stated that this is a worthwhile event and to be adaptable during the process. A new letter needs to go out to the residents with contact information and that the organizers need to keep track of resident responses. There must be buy-in from the residents before the event is publicized. Outreach needs to be done and a deadline for receiving input established.

Councilmember Gottschalk stated that that there should be future Council discussion of waiver of costs and fees for non-profit groups at a future meeting. He noted that in 2007 the Council enacted reduced fees for non-profit groups.

Mayor Papan stated that there should be a report back to Council after the event for future reference, and that the Council should formalize a special event policy in the near future. There needs to be buy-in from the residents before the event is publicized, outreach conducted, and a deadline set for receiving community outreach.

Mr. Kirth inquired what timeline the Council had in mind, and would at least one week be sufficient. He also requested that the City add a link about the Relay for Life on the City's website to provide information on the event and to allow for participants to sign up.

There was some Council discussion regarding approving the permit or to bring the matter back to Council.

City Manager Raines stated that the Council could approve the event subject to affirmative buy-in from the residents, the organizers keeping track of who they reached out to and their responses, and report back to Council any findings that would impact the event.

No public comment for this item.

Upon a motion/second by Lee/Papan, the Council approved the temporary Special Event Permit for the American Cancer Society Relay for Life, July 20-21, 2013 in Central Park and the closure of the Community Center parking lot on Laurel Avenue was approved subject to affirmative buy-in from the neighbors by vote of 3:1; Councilmember Colapietro dissented.

8. Resolution No. 13-18 Authorizing the City Manager to Amend an Agreement between the City of Millbrae, the City of San Bruno, and the Central County Fire Department for a Shared Fire Chief Position

Councilmember Colapietro stated that she had a question regarding the quarterly payments as worded on page 2 of the agreement, specifically if there was an increase in the rate.

City Manager Raines stated that the City Managers will be involved in conversations regarding compensation and that there is no anticipation of a change in compensation within 120 days.

Mayor Papan inquired what happened after the 120 days and that any decisions made must be unanimous and include all parties involved.

Ms. Raines stated that the plan is that all issues will be worked out and that the treatment of employees' salaries and benefits needs to be consistent across the board.

No public comment for this item.

Upon a motion/second by Lee/Colapietro Resolution No. 13-18 authorizing the City Manager to amend an agreement between the City of Millbrae, the City of San Bruno, and the Central County Fire Department for a Shared Fire Chief position was unanimously adopted.

6. Resolution No. 13-16 Adopting the City of Millbrae's 2012 Housing Element Update Approved by the California Department of Housing and Community Development
7. Resolution No. 13-17 Authorizing the City Manager to Take Action Regarding the Issuance of Refunding Bonds for the Library Bond Refinance

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

PUBLIC HEARING

NONE

EXISTING BUSINESS

9. Economic Development Implementation Plan Update and Way-Finding Signage and Entry Monument Presentation

This item was rescheduled to a future meeting.

NEW BUSINESS

10. First Budget Study Session for Fiscal Year 2013-2014 Budget

Finance Director LaRae Brown presented the Report. She noted that PERS rates are scheduled to increase in the next fiscal year as well as retiree medical yearly contributions. She reviewed the attachments, noting that attachment C illustrates the FY 13/14 budget assumptions and attachment H highlights the loss of the Fire Assessment next year. There was a Council question regarding the General Fund subsidy to the Storm Drain Fund. This was an assessment passed some twenty years ago and is assessed on property owners.

Public Works Director Cyrus Kianpour presented a Five Year Capital Improvement Program (CIP) report. The City is working on developing a series of master plans that will focus on certain areas:

- Street improvements;
- Storm drains;

- Water system improvement;
- Sewer collections;
- Water Pollution Control Plant,
- Public facilities;
- Parks;
- Studies and technology.

Council received the report and inquired:

- What departments are projecting overtime;
- Resurfacing of private streets and recommendation of contractors to these residents;
- Attachment A – should be reworded to say “Successor Agency” rather than “Redevelopment Agency”;
- Attachment C
 - ✓ tree trimming Citywide – are these only City trees or City trees on private property
 - ✓ electronic devices – per term, does this mean four years
- Attachment G – Operating Transfers - Joint Fire Training – is this the wages and benefits of the fire chief;
- Attachment H – comment only that this is without employees concessions;
- Attachment T – Contract Vendors – what is “Narcotics Trak Flyer Keller”;
- Attachment R – Debt Schedule – what is the last column.

Staff responded:

- All departments are projecting overtime, most of which is from the Fire Department. These figures will change and this year’s figures are higher than the next year’s;
- As a matter of policy, the City does not recommend contractors as this could result in a potential problem. The City could provide to residents living on private streets with the City’s standards and specifications;
- Attachment A will be changed to read “Successor Agency”;
- Attachment C
 - ✓ tree trimming is for City trees and only the ones that the City is responsible for
 - ✓ electronic devices - per term is four years
- Attachment G – Operating Transfers – Joint Fire Training – this is the City’s portion of expense for the training program as well as for the fire chief and other costs in the training program. Staff will provide more details of the training program at a future Council meeting;
- Attachment T - Contract Vendors – what is “Narcotics Trak Flyer Keller” – this is the City’s portion of the Countywide Narcotics Taskforce;
- Attachment R – Debt Schedule – the last column is the payment due next year. Additionally, Council took action earlier this evening on the Library Bonds;
- Staff noted that there is a correction to Attachment X and this will be made in the next report on May 28th.

There was continued Council discussion regarding the CIP. The City will be developing a Parks Master Plan and looking at the fee structure. If the Council agrees to the level of funding in the CIP, they could ask the Parks and Recreation Commission to make recommendations. Additionally staff noted that the City received a \$20,000 donation from LF George for playground equipment. Staff recommended that these funds be used for playground equipment for Lions Park. These funds are being held by the Millbrae Community Foundation. The Council thanked Mr. Lam for his generous donation.

No public comment for this item.

Council received the report.

11. Procedure to Fill Council Vacancy

City Attorney Joan Cassman presented the report. Sixty days from the date the vacancy is created the City Council must appoint someone to fill the vacancy or call a special election. The calling of the upcoming election will fill statutory requirements. Council can come up with a process to appoint someone to fill the vacancy or leave the seat vacant between now and November 5th.

Council discussion ensued and it was noted that the City went through this process in the past and that other cities recently went through this process.

Mayor Papan stated that she would lean towards appointment to fill the vacancy so that City business can move forward.

Councilmember Colapietro stated that she had been contacted by residents and that they do not want a special election because of the costs associated with holding one. She stated that there are numerous issues coming before Council and there should be a fifth appointed person to better reflect a wider voice for our community.

Councilmember Gottschalk stated that making an appointment could be arduous and it could be difficult to reach agreement on one person and become contentious. It would also give someone an unfair advantage. He stated that the Council should move forward with four members rather than risk problems with the appointment process.

Mayor Papan and Councilmember Colapietro noted that anyone appointed may have an unfair advantage.

Councilmember Colapietro stated that perhaps someone who would not run in the election would accept the appointment.

Mayor Papan noted that appointing someone affords the public with an opportunity to see how this person would operate as a Councilmember moving forward.

Begin public comment.

Daniel F. Quigg, Millbrae resident, stated that he was saddened by the recent passing of Councilmember Holober. He offered his services to City, as he has prior experience and he could serve for the short period of time on a voluntary basis.

Ann Schneider, Millbrae resident, stated that she is a member of the Sierra Club and that they would prefer a General Election as appointments give incumbency value. She expressed her regrets on the passing of Vice Mayor Holober stating that she was very active in environmental issues. She also noted that the Sierra Club would write a letter expressing their preference in having an election as opposed to making an appointment.

End of public comment.

Mayor Papan stated that it would be her preference to appoint someone to the vacancy and to begin the appointment process. She asked for the opinions of her fellow Councilmembers.

Councilmember Colapietro stated that she is in favor of appointing someone and that the process should begin sooner rather than later.

Councilmember Gottschalk stated that perhaps the Council should revisit the results of the last election in 2011 as there was a candidate that received 28 fewer votes than him. He stated that he was against the appointment process and against having a committee formulating questions. Each Councilmember should ask the questions they choose.

Vice Mayor Lee stated that he would favor appointment and there should be an interview process. Other items to take into consideration are: the thoughts of the voting public, did the applicant run in a previous election, and the results of the last election.

Upon a motion/second by Papan/Lee, the Council moved to fill the vacancy through the appointment process by a vote of 3:1. Councilmember Gottschalk dissented.

Council requested that staff bring forward a report at the May 28th meeting with information regarding how Council vacancies were filled in the past and to contact other cities that had recently gone through this same process.

COUNCIL COMMENTS

Mayor Papan:

- Announced that the Harbor Commission has a current vacancy that they are seeking to fill.

Vice Mayor Lee:

- Thanked Councilmember Gottschalk for his words at Vice Mayor Holober's service last week;
- Attended a recent San Mateo County Sustainability meeting with Councilmember Colapietro;
- Announced that the Downtown Process Committee will meet tomorrow morning and would like to see this Committee move forward and evolve into an Economic Development Advisory Committee.

Councilmember Colapietro:

- Attended all of her assigned meetings and would forgo comments due to the Closed Session;

Councilmember Gottschalk:

- Stated that he had no comments on the meetings he attended. He offered his thoughts and wishes to family of Vice Mayor Holober.

RECESS CITY COUNCIL

There being no further regular business to discuss, the Council recessed at 9:55 p.m.

RECONVENE CITY COUNCIL

12. CLOSED SESSION

Conference with Legal Counsel – Labor Negotiations

Closed Session held pursuant to Government Code §54957.6

Agency Negotiator: Marcia Raines

Employee Organizations: Firefighters Local 2400
Sanitation Workers Association
Teamsters Local 856

Employee Group: Unrepresented Management

ADJOURN CITY COUNCIL

There being no further business to discuss the Council adjourned at 10:45 p.m.

/s/ Angela Louis
City Clerk

/s/ Gina Papan
Mayor