



**MILLBRAE CITY COUNCIL
MINUTES
May 22, 2012**

CALL TO ORDER MILLBRAE CITY COUNCIL

Mayor Colapietro called the meeting to order at 7:06 p.m.

ROLL CALL: Mayor Marge 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

- Senator Leland Yee's Presentation, Woman of the Year Senate District 8 San Mateo County, to Mayor Colapietro

Senator Leland Yee presented Mayor Colapietro with the Woman of the Year Senate District 8 San Mateo County award.

Mayor Colapietro presented Senator Yee with a Proclamation Proclaiming the Month of May 2012 as Asian-Pacific American Heritage Month.

- Presentation by the Honorable Louis Vella, Honorary Consul General of Malta in San Francisco, on the visit from the Archbishop of Malta

The Honorable Louis Vella updated the Council on the May 9, 2012 visit of the Archbishop of Malta. Mayor Colapietro presented the Honorable Mr. Vella with a Certificate of Appreciation.

- Presentation on Caltrain from Mark Simon, Executive Officer for Public Affairs: Planning for the Future

Mark Simon, Executive Officer for Public Affairs, gave a presentation on Caltrain: Planning for the Future. The presentation consisted of an overview of Caltrain's dedicated funding, and modernization/High Speed Rail.

- Presentation of the Community Preservation Commission Residential Water Wise Garden Award to the Tyler Family

The Tyler Family was unable to attend the meeting. The lawn sign and certificate will be delivered to them.

- Presentation of the Community Preservation Commission Residential Beautification Award to the Musante Family

Community Preservation Commission Chair Christina Stevens presented the Musante Family with the Residential Beautification Award.

- Vice Mayor's Recognition of City Commission/Committee Members and Volunteers

Vice Mayor Gina Papan presented service pins to City Commission/Committee Members and Volunteers.

- Proclamation Proclaiming the Week of May 20-26, 2012 as National Public Works Week

Mayor Colapietro presented Public Works Director Ron Popp with the Proclamation.

2. **AGENDA OVERVIEW/STAFF BRIEFING**

- Informational Report Regarding Bills, Claims, and Payroll
- Report out from Closed Session of May 8, 2012

City Manager Marcia Raines reviewed the agenda items.

Mayor Colapietro requested that the New Business items be discussed before the Old Business item.

City Attorney Joan Cassman stated that the Council had met in Closed Session and discussed the two matters of existing litigation. Council received a status report on the Baykeeper matter. The Council took action and approved an agreement regarding the claim against San Mateo County concerning the property tax administrative fees.

3. **APPROVAL OF MINUTES**

- Regular Meeting May 8, 2012

Corrections to the minutes were given to the City Clerk; there were no substantive changes made.

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

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

- Update Report from the Community Preservation Commission

Community Preservation Commission Chair Christina Stevens updated the Council on the activities of the Commission. The Commission adopted a new mission statement this past year. Their current projects are the downtown planter barrels, education projects, and the residential awards.

CITIZEN COMMUNICATION

Masami Saisu, member of the Japanese Culture Festival Committee, announced the upcoming Japanese Culture Festival on October 7, 2012. She thanked the City and Council for their support of this annual event.

Vince Muzzi, Hillsborough resident, spoke on Site One. He stated that the project had an approved EIR for development but due to the economy, development of the site did not happen. He is the owner of the Millbrae Lumber site and Serra Convalescent and would like to know if the City will use the power of eminent domain to complete Site One or allow other permitted uses. He stated that he has private offers pending for those two properties and needs to know by July 1, 2012 if the City will allow other permitted uses for the properties, otherwise he will enter into long-term leases.

CONSENT CALENDAR

5. Resolution Accepting as Complete and Filing Notice of Completion for the 2011 Collections Rehabilitation and Repair Project, Bid No. 604

Upon a motion/second by Holober/Lee Resolution No. 12-16 accepting as complete and filing Notice of Completion for the 2011 Collections Rehabilitation and Repair Project, Bid No. 604 was unanimously adopted.

PUBLIC HEARING

NONE

OLD BUSINESS

6. Third Budget Study Session and Resolution Adopting FY 2012-2013 Budget

Finance Director LaRae Brown presented the report. Questions raised at the May 8th meeting were answered and additional information requested by the Council was provided.

Councilmember Holober thanked staff for listening to the Council regarding the Assistant City Manager position; the position was eliminated and the funds were moved into contractual services.

Ms. Brown discussed Attachment T – ADA Compliance List and Projected Costs. The City is proposing to spread the total cost of \$220,400 over the next two fiscal years, with \$110,400 being allocated to the fiscal year 2012-2013 budget.

Council discussed the list and requested a detailed review of each item before moving forward. There is a need to prioritize the list as ADA compliance is legally required. There was also discussion on the time frame to work on these items and on follow up. The need for transparency and the justification of the figures provided needs to be considered before moving forward.

City Manager Marcia Raines stated that staff could bring back a more detailed ADA report before Council approves any funding of these items. Council could approve half of the proposed amount and then staff could come back to Council with a prioritized list.

It was the consensus of the Council to devote half of the proposed funds for ADA projects.

Council had additional questions regarding some of the items on Attachment D-1A - Expenditures Not Included in the Budget:

- How did staff arrive at the \$10,000 figure for pine beetle and will this take care of the problem;
- What is the Library HVAC;
- Safety issue regarding the partition doors at the Community Center;
 - ✓ are there alternatives for the partition doors;
 - ✓ take another look at the list and reprioritize;
 - ✓ wait until mid-year budget and do more projects at that time.

Staff responded:

- The estimate for the pine beetle was developed by the Parks Superintendent. Staff is only aware of the pine beetle in the Skyline area and the funding will address the issue;
- The HVAC in the Library is not part of the Siemens project and staff will work with the Library once the budget is approved;
- If Council wishes to add the partition doors to the budget, then they would need to take funds from another item or remove another item. The items on the list that are not funded this year will remain on the list for next year.

Ms. Brown continued to review the remaining attachments and Council had the following questions:

- The overtime figure is high;
- Why are there vacancies in the Finance Department;
- Contract list includes other items; would like to see a list of contracts only;
- What is the Educational Revenue Augmentation Fund (ERAF);
- Why was there no mid-year budget review, and how long would it take to do the work?

Staff responded:

- Overtime costs include Fire, Public Works, and standby costs. It was noted that overtime costs prior to the move to the Sheriff's Office was closer to one million. The move toward the fire consolidation will also cut down on overtime;
- The vacancies in Finance are due to a retirement and a resignation;
- The list of contracts includes contracts and other items: maintenance, leases, software licenses, fees and assessments, and audit services;
- The ERAF is the property tax revenues that pass through the City to the schools and college district;
- There was no mid-year budget review due to workload issues: the loss of two employees, the conversion to a new payroll system, and the loss of the Redevelopment Agency. It would take approximately two weeks to do this work.

Councilmember Gottschalk stated that he would like another budget study session for Council to come back with additional questions.

Councilmember Holober requested that mid-year numbers be included in the next report to Council.

Mayor Colapietro stated that each Councilmember could submit their questions to the City Manager and they could be addressed and ready for the next Council meeting.

No public comment for this item.

It was the consensus of the Council to continue the budget discussion to the next meeting and to e-mail the City Manager with budget questions by the end of business day on Friday, May 25th.

NEW BUSINESS

7. Resolution Opposing Assembly Bill (AB) 2231 (Fuentes) – Sidewalk Repairs and Liability and Authorizing the Mayor to Sign a Letter of Opposition

Public Works Director Ron Popp presented the report. Staff recommends that the Council adopt a resolution opposing AB 2231(Fuentes) and sign a letter to our elected officials voicing opposition to this legislation. AB 2231 would shift the responsibility and liability of dangerous or inoperable sidewalks from the adjacent property owners to the local agencies. The City, through a state-mandated local program, would be forced to pay for the cost of sidewalk repairs as well as any resulting injuries and consequent litigation.

Councilmember Holober requested that the following language be added to the resolution: “Whereas, the public’s safety and welfare benefit by holding adjacent property owners responsible for sidewalk maintenance and repair because the adjacent property owner is in the best position to detect, preserve, and repair potentially dangerous conditions and prevent injuries to Millbrae’s residents and visitors.”

Mayor Colapietro requested that the letter be revised to include the new language.

Councilmember Lee inquired if the City assisted residents who are not able to pay for repairs.

Mr. Popp stated that due to safety issues, repairs must be made. In some instances the City will do the repair and the property owner must repay the City otherwise a lien is placed on the property. If a tree is causing the damage, staff will work with the Parks Superintendent to do root trimming or possibly remove a problem tree.

No public comment for this item.

Upon a motion/second by Papan/Holober Resolution No. 12-17 opposing Assembly Bill (AB) 2231 (Fuentes) – Sidewalk Repairs and Liability was unanimously adopted with the additional language requested by Councilmember Holober and authorization was given to the Mayor to sign a letter of opposition.

8. Council Appointment of Commission/Committee Interview Sub-Committee

Mayor Colapietro volunteered to be on the Interview Sub-committee.

Councilmember Gottschalk volunteered Councilmember Holober to serve with the Mayor.

Councilmember Lee volunteered to fill in and assist in the event Councilmember Holober was not available.

No public comment for this item.

The Council moved to appoint Mayor Colapietro and Councilmember Holober to the Interview Subcommittee. Councilmember Lee also volunteered to be on the subcommittee and assist in the process in the event Councilmember Holober was not available.

COUNCIL COMMENTS

It was the consensus of the Council to forgo their comments in the interest of time.

RECESS CITY COUNCIL

There being no further regular business to discuss the Council recessed at 10:35 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 matter

ADJOURN CITY COUNCIL

There being no further business to discuss the Council adjourned at 11:00 p.m. in memory of Millbrae School Board Trustee Caroline Shea, Lori Murray, Margaret Ruggles, Jessiemay Sullivan, Gregory Leishman, Muriel White, the Honorable Bob Marshall, and Alfred Caserza.

/s/ Angela Louis
City Clerk

/s/ Marge Colapietro
Mayor