



**MILLBRAE CITY COUNCIL
MINUTES
November 13, 2012**

CALL TO ORDER MILLBRAE CITY COUNCIL

Mayor Colapietro called the meeting to order at 7:08 p.m.

ROLL CALL: Mayor Marge Colapietro, Vice Mayor Gina Papan, Councilmembers Nadia V. Holober, Wayne J. Lee, and Robert G. Gottschalk. It was noted that Councilmember Lee would be arriving late. Mayor Colapietro announced that Councilmember Lee arrived at 7:22 p.m.

PLEDGE OF ALLEGIANCE TO THE U.S. FLAG

1. CEREMONIAL/PRESENTATION

- Presentation of Commendation to the Downtown Process Committee

This item has been deferred to a future agenda.

2. AGENDA OVERVIEW/STAFF BRIEFING

- Informational Report Regarding Bills and Claims
- Report out from Closed Session of October 23, 2012

City Manager Marcia Raines reviewed the agenda items and noted that the Ceremonial/Presentation item and the Commission/Committee update had been deferred to a future agenda. She also noted that Consent Calendar item 7 would be pulled for discussion, and that New Business item 11 would be moved up and discussed before item 9. The new order of business for the agenda is as follows: Consent Calendar item 6, Old Business item 8, New Business items 11, 9, and 10, and Consent items 7 and 5.

City Attorney Joan Cassman stated that the Council had met in Closed Session and discussed two items: Labor negotiations and the Public Employee Performance Evaluation. No reportable action was taken on either item and both would be discussed during tonight's Closed Session.

3. APPROVAL OF MINUTES

- Regular Meeting of October 23, 2012

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

4. ORAL REPORT FROM CITY COMMITTEE/COMMISSION CHAIRS

- Update Report from the Downtown Process Committee

This item has been deferred to a future agenda.

PUBLIC COMMUNICATION

Wynn Grich, Hayward resident, spoke on the hazards of sodium fluoride and fertilizer waste in the drinking water.

Gordon Hughon, Millbrae resident, announced the November 15th Faith and Democracy Forum at the Peninsula Beth-El in San Mateo.

CONSENT CALENDAR

Consent Calendar items 5 and 7 were pulled for discussion.

5. Resolution No. 12-38 Amending Conflict of Interest Code

City Clerk Angela Louis presented the report.

Vice Mayor Papan requested clarification on the Disclosure Categories and how they did not align with the Form 700.

City Attorney Joan Cassman stated that the disclosure categories are relevant to the designated positions and are defined by regulation. The Conflict of Interest Code applies only to those designated positions noted in Appendix A and does not apply to the City Council, Planning Commission, City Manager, City Attorney, or Finance Director as they are governed by Government Code §87200. When someone holding a designated position fills out the Form 700, they fill out the form using the disclosure categories that have been designated to them.

No public comment for this item.

Upon a motion/second by Papan/Lee, Resolution No. 12-38 amending the Conflict of Interest Code was unanimously adopted.

6. Motion to Cancel December 25, 2012 Council Meeting

Upon a motion/second by Papan/Lee, Consent Calendar item 6 was unanimously passed.

7. Resolution No. 12-39 Approving Final Condominium Map for 120 South El Camino Real (Pinedera)

Public Works Director Ron Popp presented the report. He provided Council with a map that illustrates the removal of a lot line. He introduced Community Development Director Farhad Mortazavi who provided Council with information on the project when it came before the Planning Commission. The project consists of merging 2 lots into 1 lot, creating 54 residential condominiums with 2 BMR units, and 10 commercial units.

Vice Mayor Papan stated that this was a large project and no information had been provided to the Council on what was going into the project or the housing requirements. She stated that in the past there had been requests that large projects be brought before the Council. She voiced her concern that the project is located on a major thoroughfare and that the Council is at a disadvantage, as such, she could not vote to move this forward.

City Attorney Joan Cassman stated that the procedures in place are for the Planning Commission to approve projects and that the Council can not weigh in before the Planning Commission approval. Additionally she stated that with the loss of RDA there is nothing in place to require affordable housing, however staff was able to work with the developer and secure 2 BMR units.

Councilmember Holober noted that what is before them for approval is the lot line only. She did request that the Council receive a full presentation on the project, possibly at the next Council meeting, even if it cannot be changed.

Councilmember Lee stated that he shared the concerns of his fellow Councilmembers, but noted that there is a separation of authority between the Council and Planning Commission. When Council weighs in on a project, then there is no appeal process. He stated that the Planning Commission could televise those meetings which discuss large projects.

Councilmember Gottschalk noted that the cost of televising a meeting is approximately \$200.00 per month, and that he would like for the Council to receive more detail on these large projects without infringing on the Planning Commission's authority. He also stated that the review and approval process takes too long and costs applicants too much money.

No public comment for this item.

Upon a motion/second by Lee/Holober, Resolution No. 12-39 approving Final Condominium Map for 120 South El Camino Real (Pinedera) was adopted by vote of 4:1; Councilmember Papan dissented.

PUBLIC HEARING

NONE

OLD BUSINESS

8. Update Report on Economic Development

Economic Development Consultant Bill Kelly provided the Council with an update on economic development and discussed Phase 1, Data Analysis and Phase 2, Stakeholder Interviews. Public meetings with the community should move forward in the next couple of months with a follow up to Council at the end of January and a strategy in place by the end of February.

Council inquired:

- Who attended the stakeholder meeting;
- What is Wayfinding;
- Is the City attracting businesses to fill empty storefronts;
- Schedule more stakeholder meetings with diverse community groups.

Mr. Kelly stated:

- The stakeholder meeting was attended by a banker, realtor, representative from the refuse company, and the Chamber of Commerce;
- Wayfinding is a graphic design program to brand the City and create a path of direction for the City;
- Mayor Colapietro and Community Development Director Farhad Mortazavi attended the recent International Council of Shopping Centers (ICSC) Conference in San Francisco;
- Multiple meetings with various segments of the Millbrae community need to be scheduled to move the process forward. This is part of Phase 2, Stakeholder Interviews.

Council inquired what is the best way to contact Mr. Kelly.

Mr. Kelly stated that he could be reached via e-mail at williamk@ka-mg.com or to contact the City Clerk.

No public comment for this item.

The Council thanked Mr. Kelly and received the report.

NEW BUSINESS

9. Suspension of State Mandates under Brown Act and Reaffirmation of Continued Compliance with all Brown Act Requirements

City Attorney Joan Cassman presented the report. She noted that there is a fiscal impact to the City and in the past the City has received less than \$20,000 a year in reimbursement.

Councilmember Holober stated that this legislation in no way affects the portions of the Brown Act that promote open meetings. The legislation affects the posting and meeting noticing requirements.

No public comment for this item.

Upon a motion/second by Papan/Lee Council unanimously reaffirmed continued compliance with all Brown Act requirements.

10. Resolution Approving Business Parking Permit Program for Park Place/Park Blvd. Area

Public Works Director Ron Popp presented the report. He stated that letters were sent to the businesses in this area advising them that the Council would be discussing this issue. Some business owners have called and provided staff with feedback.

Councilmember Holober requested that the resolution language be expanded to include more of the “whereas” material into the action.

Councilmember Lee suggested that the Planning Commission look into parking for the City. If parking is restricted in these spaces, how will this impact future business in the area. He also stated that parking has become a privilege and that the City should also promote the use of public transportation.

Councilmember Gottschalk stated that he does not want to see more money spent on another parking survey unless there is a great need.

Public Works Director Ron Popp stated that the City is trying to respond to the businesses in this area and provide them with options that are not currently available.

City Attorney Joan Cassman stated that the resolution be revised to read as follows: “...Now, Therefore, Be it Resolved that the City Council of the City of Millbrae hereby authorizes increasing the current preferential parking permit program in the Capuchino Triangle area to include the City’s parking lot surrounded by Park Place, Park Boulevard, and El Camino Real for the purpose of facilitating parking for the operators and employees of businesses in the area” and to include the exhibit as part of the resolution.

No public comment for this item.

Upon a motion/second by Papan/Lee, Resolution No. 12-40 approving a Business Parking Permit Program for Park Place/Park Blvd. area was unanimously adopted with the revised language to the resolution.

11. Update Report on Fire Department’s Shared Services and Temporary Fire Station Progress

Fire Chief Don Dornell presented the report. The first part highlighted the various shared training services that Millbrae participates in. The second part of the report discussed the implementation of Phase I regarding the consolidation of Administration with Central County Fire and the construction of a temporary fire station in Burlingame located on Skyline Boulevard south of Trousdale Drive. There is a potential for \$450,000 in savings to the City through a successful shared fire station. The proposal is set to go before the Burlingame Planning Commission on November 26th; this will allow for messaging to the community.

Mayor Colapietro stated that the \$450,000 in savings would help offset the Fire Assessment which is set to expire in FY 13-14. She also stated that town hall meetings need to take place, and that this needs to be placed on future Council agendas for continued discussion.

Vice Mayor Papan noted that the focus needs to be on public safety. She also stated that the information on the Fire Assessment needs to be communicated to the residents.

Council discussion continued on response times. Chief Dornell stated that he could provide the Council with more information.

No public comment for this item.

Council received the report, directed staff to pursue the temporary fire station, and communicate with the public at town hall meetings.

COUNCIL COMMENTS

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

RECESS CITY COUNCIL

There being no further regular business to discuss the City Council recessed at 10:00 p.m. Mayor Colapietro noted that the Council would reconvene in open session after the Closed Session to continue discussion of their Special meeting, held earlier in the evening at 6:30 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

Conference with Legal Counsel – Existing Litigation
Closed Session held pursuant to Government Code §54956.9(a)
Singson v. City of Millbrae

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 11:00 p.m.

In memory of Liz Bates, former City employee and MVP Volunteer, Al Dutil, Phillis Louise Flinn, Harriet Weigant, Herta Aha, and Mr. Moye, father of Michael Moye, Attorney.

/s/ Angela Louis
City Clerk

/s/ Marge Colapietro
Mayor