



**MILLBRAE CITY COUNCIL
MINUTES
September 11, 2012**

CALL TO ORDER MILLBRAE CITY COUNCIL

Mayor Colapietro called the meeting to order at 7:04 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

- Proclamation Proclaiming September 19, 2012 as No Texting While Driving Pledge Day

Mayor Colapietro presented AT&T Area Manager Shiyama Clunie with the proclamation.

- Proclamation Proclaiming the Month of September 2012 as National Senior Center Month

Mayor Colapietro presented Senior Advisory Committee Vice Chair Dorothy Lauser and Committee Member Mary Somers with the proclamation.

- Proclamation Proclaiming September 11 – 17, 2012 as National Safety Week – Police

Mayor Colapietro presented Sergeant Tony Torres with the proclamation.

- Proclamation Proclaiming September 11 – 17, 2012 as National Safety Week – Fire

Mayor Colapietro presented Deputy Fire Chief Dave Downing with the proclamation.

- Proclamation Proclaiming the Week of September 17-23, 2012 as Pollution Prevention Week

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

2. AGENDA OVERVIEW/STAFF BRIEFING

- Informational Report Regarding Bills and Claims

City Manager Marcia Raines reviewed the agenda items and reported that item 14, the Public Hearing for an appeal of a Planning Commission approval has been withdrawn so this item will not be heard.

- Report out from Closed Session of July 24, 2012

City Attorney Joan Cassman stated that the Council discussed only one of the items during Closed Session regarding the existing litigation with Baykeeper and the City is acting pursuant to a consent decree. Staff updated Council on current status. The item to discuss Labor Negotiations was pulled and will be discussed this evening. No action was taken.

3. **APPROVAL OF MINUTES**
 - Regular Meeting July 24, 2012

Mayor Colapietro provided the Clerk with corrections to the minutes; no substantive changes were made.

Vice Mayor Papan requested that typographical errors be handled with the Clerk prior to the meetings.

Councilmember Holober requested that the Technology Sub-committee look at finding a way for the Councilmembers to notify the Mayor that they would like to speak. She also thanked Councilmembers Gottschalk, Lee and Papan for their support in wanting her included in the Commission and Committee interview process.

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

4. **ORAL REPORT FROM CITY COMMITTEE/COMMISSION CHAIRS**
 - NONE

PUBLIC COMMUNICATION

Wynn Greich, Hayward resident, spoke regarding the dangers of fluoride in drinking water

CONSENT CALENDAR

Councilmember Papan requested that items 7, 9 and 10 be pulled for discussion; Councilmember Holober also requested that items 9 and 10 be pulled for discussion.

5. Resolution No. 12-27 Approving a Contract Change Order No. 2 with ABC Service for the Sanitary Sewer Mains Cleaning and Inspection Project, Bid No. 600
6. Resolution No. 12-28 Awarding a Construction Contract to Ranger Pipelines for the 2012-2013 Sanitary Sewer Point Repair Project, Bid No. 914
7. Resolution No. 12-29 Awarding a Construction Contract to Casey Construction, Inc. and a Construction Management Contract to Bellecci and Associates, Inc. and Amending the FY 12-13 Water Enterprise Fund Budget for the 2012 Water Main Replacement Project, Bid No. 605

Vice Mayor Papan requested assurance from staff that when a City street is dug up during this project, we will contact other utilities in order to coordinate repairs. Public Works Director Ron Popp agreed that he will.

Upon a motion/second by Papan/Lee Consent Calendar item 7 was unanimously adopted.

8. Resolution No. 12-30 Awarding a Professional Services Agreement with Carollo Engineers, Inc. for the Water Master Plan, Project No. 923
9. Resolution No. 12-31 Authorizing City Manager to Execute an Agreement for a Shared Deputy Fire Chief and Fire Marshal between the Cities of Millbrae and San Bruno

10. Resolution No. 12-32 Authorizing the City Manager to Execute an Agreement between the City of Millbrae, City of San Bruno and the Central County Fire Department for a Shared Fire Chief

Vice Mayor Papan stated that she thinks this is a great partnership and would like the partners to be communicative with Millbrae officials and would like staff to keep the Council updated especially regarding negotiations.

City Manager Raines reported that staff will make reports to Council bi-monthly.

Councilmember Holober briefly reviewed the agreements and consolidation for the public asking if the shared Chief, Deputy Chief and Fire Marshall will provide enough coverage for Millbrae.

City Manager Raines responded that the consultant's report recommended this as the best model to use.

Councilmember Gottschalk asked for clarification on page 5 of the agreement where it refers to paragraph 1c of the agreement because he was unable to find paragraph 1c.

City Attorney Cassman responded that the reference to paragraph 1c will be removed as it is a typographical error.

Upon a motion/second by Papan/Lee Consent Calendar items 9 and 10 were unanimously adopted.

11. Resolution No. 12-33 Adopting San Mateo County's New Animal Control and Licensing Program Fee Schedule
12. Resolution No. 12-34 Supporting the Californians Sexual Exploitation Act Ballot Initiative (CASE Act) which would Strengthen Penalties and Protect Sexually Exploited Children
13. Investment Report for period ending June 30, 2012

Upon a motion/second by Papan/Lee Consent Calendar items 5, 6, 8, 11, 12 and 13 were unanimously adopted.

PUBLIC HEARING

14. Consideration of an Appeal of Planning Commission Approval of a Conditional Use Permit to Allow an Academic Tutoring Business, "Harvard Square 2 Academy", in the Commercial Ground Floor of a Mixed-Use Development, "Belamor"

The parties involved reached agreement prior to the public hearing. This item was not heard by the Council.

OLD BUSINESS

15. Resolution Approving Final Budget Adjustments for Fiscal Year 2011-2012

Finance Director LaRae Brown presented the report.

Councilmember Holober requested clarification of several items on the report.

Upon a motion/second by Papan/Lee Joint City Council Resolution No. 12-35 and Successor Agency Resolution No. 12-02 approving final budget adjustments for Fiscal Year 2011-2012 were unanimously approved.

NEW BUSINESS

NONE

COUNCIL COMMENTS

Mayor Marge Colapietro:

- Congratulated the American Cancer Society Relay for Life event;
- Congratulated the Millbrae Chamber of Commerce for record crowds both days at the Art & Wine Festival;
- Congratulated the Millbrae Rotary Club on their Spirit of Aloha fund raiser for the Millbrae Community Youth Center;
- Congratulated the Millbrae Lions on the success of their car show;
- Congratulated the Friends of the Millbrae Library and City environmental staff for their presentation on the single use carry out bag ordinance;
- Attended two Muslim Ramadan celebrations as part of the outreach program of the Peninsula Clergy Network between religious and civic leaders;
- Attended the San Mateo Sheriff's Office North Fair Oaks Community Festival in Redwood City;
- Attended a reception for the Organization of Chinese Americans at Green Hills County Club;
- Spoke at the California Transplant Donor Network Seminar in the Chetcuti Room;
- Spoke as Keynote Speaker at the American Chinese Cultural Exchange Trading Association;
- Presenter at the opening ceremonies of the Zhongshan Province of China Worldwide Reunion at the Hyatt in Burlingame;
- Attended the Opening Ceremonies for the Aloft Hotel.

Vice Mayor Gina Papan:

- Congratulated Boy Scout Troop 355 who have three new Eagle Scouts: Hank VanWart, Jack Sutter and Jad Ghawi;
- Asked that tonight's meeting also be closed in memory of CHP Office Kenyon Youngstrom;
- Welcomed new Millbrae resident Dylan Fong born on August 15, 2012;
- Announced that the Aloft is lovely, hopefully will pass all inspections and is an exciting new addition to Millbrae;
- The Dog Park Committee met, discussed planning for grants and the following fund raising events: Halloween Costume Contest for Dogs and Pictures with Santa. She also added that there are over 400 licensed dogs in Millbrae;
- Requested that City Manager Raines look into the parking issue with the Safeway construction as she recalls, the project is not supposed to impact the parking on Broadway;
- Reported that she had a good experience while on vacation in Greece;
- Wants the City to move ahead quickly with Economic Development.

Councilmember Nadia V. Holober:

- Wants the Economic Development issue agendaized so Council can decide how to spend the \$75,000 that was approved for this purpose also would like to make comments on the process other cities use;

- Attended the League of California Cities Annual Conference in San Diego and reported that of the five resolutions voted on, the Environmental Policy Committee voted to oppose two resolutions and the Resolutions Committee voted to approve three resolutions and oppose the other two;
 - The resolutions that were approved are:
 - Fines and Forfeitures
 - Internet Crimes Against Children
 - Emergency Management Mission for California Cities
 - The resolutions that were opposed are:
 - Desert Protection Act
 - Global Warming

Mayor Colapietro added that the Millbrae City Council voted the same way on the resolutions.

Councilmember Wayne J. Lee:

- Reported that the Parks & Recreation Commission will be recommending a site for the Dog Park;
- Stated that Economic Development is a huge concern of his and would like to move quickly;
- Attended the League of California Cities Annual Conference in San Diego;
- Stated that he feels the Vice Mayor has a good idea regarding displaying art in vacant properties;
- Asked that tonight’s meeting also be closed in memory of all those who lost their lives on 9/11/01;
- Requested that the City Manager look into the purpose of the fencing at LaCruz and Broadway;
- Stated that he does not believe there was discussion regarding closing sidewalks or streets when the Planning Commission approved the Safeway project but feels that safety should be implemented.

Councilmember Robert G. Gottschalk:

- Had no comments to add.

RECESS CITY COUNCIL

There being no further regular business to discuss, the City Council recessed at 8:25 pm.

RECONVENE CITY COUNCIL

15. 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)
 Aristotle Kolokithas 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 regular business to discuss, the City Council adjourned at 11:00 p.m. in memory of Nuala Cullinane, Robert Escobar, Charles James Giacoboni, Max Levin, Allan “Bud” Mason, Isaac Mejia, Jr., Patrick McLaughlin, Gary Rossi, Manfred (Fred) Speier, Richard Stark, Mary Watters, and CHP Officer Kenyon Youngstrom.

/s/ Angela Louis
City Clerk

/s/ Marge Colapietro
Mayor