



**MILLBRAE CITY COUNCIL
MILLBRAE REDEVELOPMENT AGENCY
MINUTES
SMarch 8, 2011**

CALL TO ORDER MILLBRAE CITY COUNCIL AND REDEVELOPMENT AGENCY

Mayor Quigg called the meeting to order at 7:00 p.m.

ROLL CALL: Mayor/Agency Chair Daniel F. Quigg, Vice Mayor/Agency Vice Chair Marge Colapietro, Council/Agency Members Gina Papan, Nadia V. Holober, and Paul Seto

PLEDGE OF ALLEGIANCE TO THE U.S. FLAG

1. **CEREMONIAL/PRESENTATION**

- Commendation to Starbucks Coffee Company in Celebration of their 40th Anniversary

Mayor Quigg presented Luke McCubbins, Store Manager, with a commendation honoring the 40th Anniversary of Starbucks Coffee Company.

2. **AGENDA OVERVIEW/STAFF BRIEFING**

- Informational Report Regarding Bills, Claims, and Payroll

City Manager Marcia Raines reviewed the agenda items.

- Report out from Closed Session of February 22, 2011

City Attorney Joan Cassman stated that the Council met in Closed Session and discussed the matters of potential litigation and the City Manager Evaluation. Regarding the Closed Sessions for the Performance Evaluation of the City Manager, the following statement was entered into the record:

The City Council met in closed session on February 22nd as well as February 8th to discuss the performance evaluation of the City Manager. The City Council has taken no action in these sessions to amend the City Manager's Employment Agreement, but the Council has directed that the City Attorney read this statement to close the record that was left open as a result of action taken by the Council at the special meeting on December 10, 2010, and to clarify the status of this matter once and for all.

Following a closed session to address the performance evaluation of the City Manager on December 10, 2010, the City Council took action to amend the City Manager's Employment Agreement with respect to three issues only:

1. To extend the term of the contract on a year-to-year basis which will continue until one or the other party gives 90-day written notice of termination;
2. To provide for a minimum 90-day waiting period following a municipal council election during which termination notice cannot be issued; and

3. To adjust the general leave accrual rate for the City Manager to 19.34 hours per month commensurate with the leave accrual rate of the prior City Manager and other Department Heads at the City.

With this action to amend the City Manager’s Employment Agreement on December 10, 2010, the Council also placed on the record a statement that the financial terms governing the City Manager’s continue to be uncertain and the subject of further study and review as the Council seeks to determine and clarify the originally contemplated and agreed upon compensation arrangement for the City Manager negotiated at the outset of her Employment Agreement.

At this point, the City Council has completed its review and evaluation of relevant information related to the compensation record and has concluded that (1) there is no more uncertainty pertaining to the financial terms in the Employment Agreement and (2) no further amendments of the City Manager’s Employment Agreement are in order. The record should reflect that except for the three items described above that were approved on December 10, 2010, the Council has not approved any other amendments to the Employment Agreement. And most significantly, the City Council has not approved and has not taken action to increase the City Manager’s compensation from that which was originally authorized in her Agreement. Moreover, the record should reflect that the City Manager has voluntarily agreed to reduce her compensation package by 5% during FY 2010-11 commensurate with all other Management employees even though such a reduction is not required by the terms of her Employment Agreement.

On the item of anticipated litigation, no action was taken.

Mayor Quigg stated that the City is facing a difficult budget ahead and anticipates that there will be no raises in employee compensation. He thanked the City’s employees for their work.

3. **APPROVAL OF MINUTES**

- Regular Meeting of February 22, 2011

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

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

- Sister Cities Commission – Update Report on the Lunar New Year Festival

Tom Dawdy, Sister Cities Commission Chair, announced upcoming Commission activities:

- Mosta Grove planting in April;
- Chilean fundraiser in April;
- Annual Festa Maltija in October.

Commission Member Robert G. Gottschalk provided Council with a briefing on the preparations behind the Lunar New Year festivities. He noted that it was through the cooperation of the Peninsula Chinese Business Association, the Chamber of Commerce, and the Sister Cities Commission that the event was possible.

Baron Suen, Peninsula Chinese Business Association President, thanked everyone who assisted in the preparation of the Lunar New Year festivities. He provided a brief overview of the events of February 26th and played a short video showcasing the festivities.

Mayor Quigg thanked Tom Dawdy, Robert G. Gottschalk, and Baron Suen for their presentation.

CITIZEN COMMUNICATION

Wynn Greich, Hayward resident, spoke on the hazards of bio-chemical cremation and the leaching of these chemicals in to the drinking water.

Randy Sahae, Millbrae resident, announced that the Millbrae Community Youth Center has been chosen by the community organization, Rebuilding Together, as one of their projects. They will perform work on the following items:

- Carpet installation,
- Installation of ADA walkway,
- Bathroom renovation.

It is anticipated that the construction work will take place in April.

CONSENT CALENDAR

NONE

PUBLIC HEARING

Appeal of Planning Commission Decision - 525 El Camino Real (Safeway) Modification of a Precise Development Plan within the Planned Development District, including Design Review, a Master Sign Program; and a Mitigated Negative Declaration for the Construction of a New Approximately 59,000 sq. ft. Supermarket in Place of an Existing 37,094 sq. ft. Supermarket - MORTAZAVI

The above referenced item has been postponed to the April 12, 2011 Council Meeting.

OLD BUSINESS

NONE

NEW BUSINESS

5. Resolution Adopting Tier 2 Drought Allocation Plan

Public Works Director Ron Popp provided a brief overview of the Tier 2 Drought Allocation Plan. This Plan allows for the wholesale customers to adopt a methodology for allocating water among each individual wholesale customer. The Tier 2 Plan would go into effect only in periods of drought. If adopted the plan would be in effect until December 31, 2018.

Council requested information on the following:

- Are the newly renovated playing fields included in the average?
- Have the City's storage tanks been updated?
- How long can water be stored in the City's tanks?
- What happens if the Tier 2 Plan is not adopted by all agencies?
- What happens if there is a drought and a disaster at the same time?
- How much notice will the SFPUC give prior to calling a drought?

Staff provided the following answers:

- When a drought is called, the time frame is based on the three years prior to the date the drought is called.
- The City is currently in the process of inspecting its water storage tanks.
- The City's water tanks are sampled every day to check the water quality.
- If the Tier 2 Plan is not adopted by all 26 Agencies, the BAWSCA Board can step in and set allocations, if BAWSCA is unable to set the allocations, then the SFPUC will set them.
- If a drought and disaster were to occur at the same time, the effort would be to recover from any catastrophic event and then return to drought allocations.
- The SFPUC would give the City approximately 3-4 months notice prior to calling a drought.

No public comment for this item.

Upon a motion/second by Colapietro/Holober Resolution No. 11-07 Approving the Tier 2 Drought Implementation Plan Pursuant to Section 3.11.C of the San Francisco Water Supply Agreement was unanimously adopted.

6. Adoption of Ordinance Amending the Title Page of Title 9, Repealing and Replacing Chapters 9.05 Through 9.35, Repealing Chapter 9.85, and Adding Chapter 9.50 of the Millbrae Municipal Code Regarding Standard Building Regulations
 - Waive 1st Reading
 - Introduce Ordinance

Community Development Director Farhad Mortazavi stated that this Ordinance updates the Millbrae Municipal Code and replaces the Title Page to reflect the new organization of Building Regulations, adds a new Residential Code, deletes the Housing Code and the Administrative Code, incorporates private sewer lateral requirements, adds a new Green Building Regulations Code, and reorganizes the Building Regulations so that they are more user friendly. Amendments have also been made to the Building Code, Electrical Code, and Fire Code.

Council requested the following information:

- What is the process of the Green Building Regulations Code?
- Clarification on the Code citation regarding the Board of Appeals.
- Which staff would be assigned to the Staff Review Board?

Building Official Doug Rider stated that the Code will utilize Build It Green's Green Point Checklists. Applicants would hire a Green Point rater to do an analysis and to meet the standards of Build It Green. The Green Point rater must hold that certification, and could be the project architect or a separate consultant; this could incur an additional \$1,600 for the project. Over time compliance will become easier as green products become more readily available.

Staff noted that the correct Code citation for the Board of Appeals is 9.05.040. Regarding who would comprise the Staff Review Board; it would be assigned to available staff members. The same staff members would not always be on the Staff Review Board.

Council also discussed the possibility of having an exemption in the Code that would allow for fireworks during the Lunar New Year festivities. It was noted that an exemption could not be made for just one group; it would need to apply to all groups. Chief Haag stated his concern of the safety risk posed by fireworks, and regardless of the presence of fire personnel, accidents still occur that are beyond anyone's control. Any use of fireworks in the past at the Lunar New Year festivities was done against the recommendation of the Fire Chief.

No public comment for this item.

Upon a motion/second by Colapietro/Seto Council waived the 1st reading and introduced and an ordinance amending the Title Page of Title 9, repealing and replacing Chapters 9.05 through 9.35, repealing Chapter 9.85, and adding Chapter 9.50 of the Millbrae Municipal Code Regarding Standard Building Regulations.

7. Adoption of Private Sewer Lateral Ordinance
 - Waive 1st Reading
 - Introduce Ordinance

Public Works Director Ron Popp presented the report that would augment the existing regulations on the maintenance of private sewer laterals. The amendment of the current Ordinance is one of the requirements of the Consent Decree with San Francisco Baykeeper and must be in effect and in place before May 15, 2011.

Council requested the following information:

- What is the number of sanitary sewer overflows last year, and how many of those were private lateral overflows?
- Is the number of days to make repairs in the proposed ordinance the same for other cities in the County?
- Do other cities in the County require the private sewer lateral testing at the point of sale?

Begin public comment.

Alex Khalfin, SAMCAR, noted that the City of San Carlos and San Mateo County are dealing with this same issue. The Ordinance amendment has a point of sale testing requirement which will not address the issue of sewer overflows, and he urged the City to continue with its current Ordinance. He also requested that staff look at what the City of San Carlos has done to address this same matter and perhaps follow their example.

End of public comment.

It was the consensus of Council to place this item under Old Business at the March 22nd Council meeting so that staff can address the questions raised.

Upon a motion/second by Holober/Colapietro Council waived the 1st reading and introduced an ordinance amending the provisions of Chapter 8.20, Article IV of the Millbrae Municipal Code to require inspection, repair and replacement of private sewer lateral lines and installation of temporary sewer traps during maintenance to private laterals.

COUNCIL COMMENTS

Councilmember Seto:

- Attended the recent Relay for Life planning meeting. The event is scheduled for July 30th-31st;
- Attended the Taylor Field Opening, and thanked the School Board for their assistance;
- Congratulated South San Francisco Scavenger on their Sustainable Award;
- Announced the Chamber of Commerce Mixer on March 17th;
- Announced the Interact Club car wash on March 12th in Office Depot parking lot;
- Thanked everyone who attended the memorial service for Liza Chin.

Councilmember Holober:

- Congratulated South San Francisco Scavenger on their Sustainable Award;
- Thanked the School Board and all who attended the Taylor Field Opening;
- Announced that the Honorary Consul of Malta Louis J. Vella and Consul General Rolando Ortega of Chile attended the February Sister Cities Commission meeting. Mr. Vella updated the Commission on events that have been going on in Malta with regard to the uprising in Libya;
- Announced the debut of the Bookmobile in Pescadero and noted that it may come to an event in Millbrae;
- Announced that the 34th World Cup has been awarded to San Francisco; this will be beneficial to the local area regarding jobs and tourism;
- Reminded everyone that Daylight Saving time will start this weekend and wished everyone a happy Spring.

Councilmember Papan:

- Announced the Realtor Service Volunteer Program Applications are due by March 11th and volunteer work will be done May 16th – 18th;
- Attended the Millbrae Education Foundation meeting and announced the “MEF Night Out”. Shop and dine at local participating business and a portion of the proceeds will be donated to the Millbrae Education Foundation;
- Announced that the Lions Club is selling their Youth and Community tickets;
- Announced the upcoming High Speed Rail meeting with the neighboring cities.

Vice Mayor Colapietro:

- Noted that the Millbrae Education Foundation fundraiser, “MEF Night Out” is from 5:00 pm to closing at participating businesses;
- Attended the Downtown Process Committee meeting;
- Represented Mayor Quigg at the February 24th Ombudsman Volunteer Appreciation Lunch and presented a certificate of recognition to Millbrae Police Inspector John Hennessy;
- Attended the C/CAG BPAC meeting;
- Filled in for Mayor Quigg at the February 25th Mayor’s Civic Coordinating Council meeting;
- Attended the February 25th San Mateo County Council of Cities meeting;
- Attended Sister Cities Commission meeting and welcomed Honorary Consul Louis J. Vella and Consul General Rolando Ortega;
- Announced that Mr. Vella is now the Honorary Consul General of Malta;
- Attended the 2011 Women’s Criminal Justice Council;
- Attended the Taylor Field Opening and thanked everyone who assisted in this project;
- Attended the Tourism Committee meeting;
- Thanked the youth volunteers who distributed information on the Millbrae Roundabout Shuttle;
- Announced that anyone interested in serving on the San Mateo County Civil Grand Jury should call 650-363-4766;
- Announced the March 9th presentation on back pain at the Community Center;
- Announced the April 2nd San Mateo County Youth Summit at the San Mateo County Event Center.

Mayor Quigg:

- Commented on the assistance that Malta is providing to those in need during this difficult times;
- Attended many of the same events as his fellow Councilmembers;

CITY COUNCIL/REDEVELOPMENT AGENCY

March 8, 2011

- Announced that on Monday, March 7th, Councilmember Papan, the City Manager, and he met with Safeway representatives and encouraged them to hire local labor on their project in Millbrae and that the City will continue to work with them.

RECESS CITY COUNCIL AND ADJOURN REDEVELOPMENT AGENCY

There being no further regular business to discuss, the City Council recessed and the Redevelopment Agency adjourned at 9:38 p.m.

RECONVENE CITY COUNCIL

8. **CLOSED SESSION**

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

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

ADJOURN CITY COUNCIL

There being no further business to discuss, the City Council adjourned at 11:00 p.m. in memory of Jane Arnot Brunson, mother of MCTV videographer Dave Cooper.

/s/ Angela Louis
City Clerk

/s/ Daniel F. Quigg
Mayor