



**MILLBRAE CITY COUNCIL  
MILLBRAE REDEVELOPMENT AGENCY  
MINUTES  
November 15, 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 Kathleen Kimura, Recipient of the Mayors Diversity Award

Mayor Quigg presented Kathleen Kimura with a commendation recognizing her as the recipient of the Mayors Diversity Award.

- Recognition of South San Francisco Scavenger Company Donation to Youth Scholarship Fund

Mayor Quigg thanked Doug Button, President, South San Francisco Scavenger Company for their donation to the Youth Scholarship Fund.

2. **AGENDA OVERVIEW/STAFF BRIEFING**

- Informational Report Regarding Bills, Claims, and Payroll
- Report out from Closed Session October 25, 2011

City Manager Marcia Raines reported that the Council held a Special meeting on November 14, 2011 for Planning Commission interviews. The following applicants were appointed to the Planning Commission with the following appointments beginning immediately:

Lorrie A. Kalos-Gunn to a term ending 6/30/15  
Andrew N. Bakesheeff to a term ending 6/30/13.

The following appointment will take effect on 12/14/11:

Denis Fama to a term ending 6/30/14.

Ms. Raines reviewed the agenda items.

City Attorney Joan Cassman stated that the Redevelopment Agency had met in Closed Session to discuss a matter of real property at 151 El Camino Real; no action was taken.

Councilmember Seto requested that item 10 be either postponed or taken up for discussion before item 9. Mayor Quigg stated that the items would not be discussed out of order and that he would excuse himself from the discussion of item 10.

**3. APPROVAL OF MINUTES**

- Regular Meeting of October 11, 2011
- Regular Meeting of October 25, 2011

Vice Mayor Colapietro requested the following corrections:

- October 11<sup>th</sup> minutes, two punctuation errors one on page 2 and another on page 5;
- October 25<sup>th</sup> minutes, on page 3 change the word “replacement” to “repair.”

Upon a motion/second by Papan/Colapietro the minutes of the October 11, 2011 meeting and October 25, 2011 meeting were approved with corrections.

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

- NONE

**CITIZEN COMMUNICATION**

Wynn Grich, Hayward resident, spoke on the detrimental health effects of fluoride in the drinking water.

Joseph Graff, Millbrae resident, spoke on the City’s proposal for energy savings. He questioned where the City would get the money for these repairs, solar panels on the library, an irrigation system, and replacement of HVAC system.

**CONSENT CALENDAR**

Councilmember Seto requested items 5 and 7 be pulled for discussion.

6. Resolution No. 11-41 Approving the Purchase of a Replacement Biosolids Pump at the Water Pollution Control Plant

Upon a motion/second by Holoher/Papan Consent Calendar item 6 was unanimously adopted.

5. California Public Employees Retirement System Resolutions 11-38, 11-39, and 11-40 Implementing Section 414 (h) (2) of the Internal Revenue Code

Finance Director LaRae Brown gave a brief overview of the report and stated that CalPERS developed the resolutions as part of their effort to standardize all their required forms and processes.

7. Resolution No. 11-42 Extending Funding Deadline for the Millbrae Community Youth Center

City Attorney Joan Cassman presented the report on the extension of the funding deadline for the Millbrae Community Youth Center.

Councilmember Seto inquired if nine months is enough time. City Manager Marcia Raines noted that the School District and the Millbrae Lions Club had already discussed this item and approved the nine month extension.

Begin public comment.

Janet Fogarty, President Millbrae Community Foundation, thanked Denis Fama for the work he has done getting contributions for the Community Center. The various service clubs, churches, and Rebuilding Together have all come together and supported this project. Any cash donations to this project are tax deductible as they are made through the Millbrae Community Foundation.

End public comment.

Upon a motion second by Papan/Colapietro Consent Calendar items 5 and 7 were unanimously adopted.

## **PUBLIC HEARING**

NONE

## **OLD BUSINESS**

### 8. Discussion on General Fund Five Year Financial Forecast

Finance Director LaRae Brown presented the report on the General Fund Five Year Financial Forecast. The purpose is to look ahead and evaluate the City's financial condition. The report focuses on revenues and expenditures associated with the General Fund. The financial forecast is not a budget; it is intended to highlight significant issues or problems that must be addressed. The forecast shows that the City's General Fund is facing challenges in the next five years:

- Revenues:
  - ✓ Fire Assessment sunsets in FY 2013-2014
  
- Expenditures:
  - ✓ Increase in the employer contribution to the California Public Employee's Retirement System;
  - ✓ Retiree Medical increase;
  - ✓ Pension Obligation Fund increase;
  - ✓ Funding of Capital outlay, repairs or maintenance not included in forecast;
  - ✓ Other Post Employment Benefits (Retiree Medical) not included in forecast
  - ✓ 15% reserve fund is not included in forecast.

No public comment for this item.

Upon a motion/second by Papan/Colapietro the Council unanimously received the report.

### 9. Provide Direction to Staff Regarding the Future of Police Services

Chief Telford presented the report the future of police services. The Chief reviewed the information provided in the previous staff report along with a recap of the Sheriff's proposal. The City held two Town Hall meetings to receive public input on this issue. The staffing models for a stand alone Police Department, the Sheriff's Basic Proposal, and Sheriff's Option 2 were reviewed. The proposal before Council is to either:

- Initiate negotiations with the San Mateo County Sheriff to provide Police services;
- Initiate the search for a new, permanent full-time Police Chief and identify and present cost reductions in other City Departments to fund the recommended staffing level of the Police Department.

Undersheriff Bolanos stated that at the recent Board of Supervisors' meeting the issue of unfunded liabilities for pensions was addressed. The original proposal for Millbrae included fully loaded figures which included the unfunded liability. Cities being served by the Sheriff were paying twice for unfunded liability costs, and the Board decided to refund those monies back to the cities. This would bring Millbrae's savings to approximately \$1.1 million.

Jeff Maltbie, San Carlos City Manager, commended the Council on their process and community outreach on this issue. He stated that San Carlos had many on the same questions that Millbrae has, and in the past year San Carlos has had a good experience with the Sheriff's Office. Since the cutover to the Sheriff, the same level of patrol service has been maintained, and the community has noted a higher presence of patrol officers. In the past year, the savings to San Carlos have been \$2 million.

Begin public comment.

George Ledbetter, Millbrae resident, stated that economic upturns and downturns come and go. The Police Department has a history of over 60 years and the problem facing the City is a long term response to a short turn problem. The City should not rush to make this decision by a Council that is going to change soon and new Council will have to live with this decision.

Gaby Chaghouri, Millbrae Police Officer, encouraged the Council to move forward with the Sheriff's proposal; the community can not wait for another study. It is difficult to understand the comments made that the level of service would go down with the Sheriffs Office. The Sheriffs Office will be dedicated to serve the City and community of Millbrae and provide stability to the Police Department.

Joe Chen, Millbrae resident, spoke on behalf of the Peninsula Chinese Business Association. He stated that this decision is irreversible, there would be a reduction in police staffing and an increase in crime. The City should not give up its own Police Department and risk the safety of the community by contracting with the Sheriff.

Liz Bates, Millbrae resident, stated that Millbrae is her community and she feels very safe here. She was a volunteer with the Police Department and asked what would happen with the non-sworn personnel and the volunteers.

Anna Burciaga, Millbrae resident, willing to volunteer time to keep the Millbrae Police Department. The City should look into an assessment with Police and Fire and to not rush into this decision.

Shelley Kessler, San Mateo County Labor Council, stated that she understands the difficulties that Cities are going through with their budgets. She recommended that the Council hold off on this decision tonight and wait for the new Council to be seated.

Peter Finn, Teamsters 856, represents non-sworn members of the Police Department and other employees in the City. He emphasized what would happen if the Council were to rush into the Sheriffs proposal. The Sheriffs proposal matches the minimum staffing level, but what would happen down the line. The City should do its due diligence and protect Millbrae for the future.

Louise Velasquez, Millbrae resident, stated that she lived in Woodside and knows about the San Mateo County Sheriffs Department. She would like the City to maintain its own Police Department. There are more than 35 volunteers and there is no mention of what would happen to them. She stated that she would like the current Council to work with the incoming Council and address this issue.

Wayne Lee, Millbrae resident, stated that Millbrae is not the same as San Carlos or Half Moon Bay. When all costs and inflation are included there may not be any savings involved. The entire City budget needs to be looked at, not just the Police Department budget. He submitted 408 signatures to keep the Millbrae Police Department.

Ron Gleeson, Millbrae Police Officer, thanked Council for listening to the public. He stated that the Sheriff's proposal is still a baseline proposal and that the addition to the proposal is a step in the right direction. He questioned what would happen to the non-sworn personnel, those who work on taxi cab permits, massage permits, parking permits, etc. These personnel should continue to work for the City and that no personnel is laid off.

Chris Co, Millbrae resident, reviewed the Sheriff's Office proposal and stated that there can not be a decrease to the level of staff and assume that crime will not happen. A fulltime Chief is what is needed and that work be done on a Public Safety assessment with both police and fire. A subcommittee should be formed to work on this issue.

Millie Burciaga, Millbrae resident, stated that this matter should have been dealt with long ago and put to the vote of the people.

May Leong, Millbrae resident, stated that she would like to keep the Millbrae Police Department. If the option for a parcel tax or assessment is considered, she would not mind voting for it.

Elaine Van Otten, Millbrae resident, noted that the numbers do not add up. Should not be making this decision with so many unknowns.

Lorrie A. Kalos-Gunn, Millbrae resident, stated that there are only 2 officers on the street at any one time. She went on to say that a Commander is not a Police Chief, and if a Police Chief is hired, there is a vetting process. She also inquired as to what other City positions would be lost if the City maintained its own Police Department. Additionally she asked about where would the savings go if the City went with the Sheriff's proposal.

#### End of public comment.

The Council thanked the public for their input and for their attendance at the Town Hall meetings. The priority of the Council is public safety, and a decision must be made now and can not wait. Council thanked the City Manager of San Carlos for presenting his view and experience with the Sheriff's Office.

Councilmember Seto stated that the City has waited this long to make a decision; why not wait for the next Council to come in as they will be impacted by the decision.

Council discussion was on the following issues:

- The Sheriff's Office will hold current vacancies until the end of December to accommodate Millbrae employees. Vacancies can not be held past December;
- What has been offered to Millbrae is a baseline proposal which can be tailored to the City's needs. Any extra functions requested will become a part of the negotiations process;
- Millbrae has a robust volunteer program and the program should be retained if the City were to contract with the Sheriff's Office;
- In January of 2012, the Sheriff's Office will change to a two-tiered system for retirement;
- Meet and confer process with labor for personnel going to work for the Sheriff's Office;

- The Sheriff's Office would assess the Police Department's assets and make a credit towards first year costs. The City could keep whatever assets they wanted;
- Currently Millbrae and the Sheriff's Office are on different radio systems. There is a mutual aid channel that would allow for communications and this would also allow for neighboring cities to speak with each other. Millbrae could keep its radio frequency channel.

Mayor Quigg stated that when the 5 year forecast is taken into consideration, it does not reflect long term sustainability and this is a part of the discussion on law enforcement services. The right decisions need to be made for the City's economic health and welfare. A decision needs to be made now and not put off for another month. The questions from the community have been heard and addressed and the minimum proposal from the Sheriff has revised to add additional staffing.

Councilmember Holober stated that she would be voting no because it goes against the overwhelming majority of the community.

Upon a motion/second by Colapietro/Quigg authorizing the City Manager to initiate negotiations with the San Mateo County Sheriff to provide police services to the City of Millbrae was passed by a vote of 3:2. Councilmembers Holober and Seto dissented.

### **NEW BUSINESS**

#### 10. Resolution Adopting a City Naming Policy and Recommendation to Name City Facility

Mayor Quigg excused himself from the discussion and turned the meeting over to Vice Mayor Colapietro.

City Clerk Angela Louis presented the report on the adoption of City Naming Policy for City Facilities and Council consideration to Name a City Facility. The City of Millbrae does not have a naming policy that can assist the Council in the naming of City facilities. The development of a policy will help to steer the naming of City facilities and is intended to enable the process to be applied in a fair, objective, and consistent manner. Additionally the Council is being asked to consider naming Millbrae Library Rooms A and B after Mayor Daniel F. Quigg who is retiring from Council in December 2011.

Council discussed:

- Should allow for a time frame; wait at least one year after Councilmember has left public service before naming a facility;
- Policy appears to allow for a Councilmember to vote for their self; this should not be allowed;
- Does not have criteria that allows for checks and balances;
- Should allow for a 4/5 approval rather than 3/5;
- Should allow for a review committee or subcommittee to assess the nomination(s);
- Should allow for the opportunity of a financial partnership/corporate sponsorship;
- Make this an Ordinance rather than a policy;
- Once a facility has been named it can not be renamed in the future;
- Allow for individual(s) to pay for the naming rights of a facility;
- Allow for the changing of a facility name in the event that the person whom the facility is named after has committed a crime.

Begin public comment.

Judi Sullivan, Millbrae resident, stated that she respected all that Mayor Quigg has done for the community. The Naming Policy needs to be reviewed and reworked, to allow the community to have input in the Naming Policy, and once the policy is in place to move forward with the recognition of Mayor Quigg.

Robert Miller, Millbrae resident, served as President of the Friends of the Millbrae Library and was on the Library Committee. He stated that the idea of forming a Naming Policy is worthwhile. He admires what Mayor Quigg has done for the community; however the meetings rooms are an integral part of the Library and should be specific to those who have made contributions to the Library.

Lolly Pineda, President, Friends of the Millbrae Library, stated that it is commendable that the City is coming up with a Naming Policy, but it does not provide for adequate community input, and the process needs to be more transparent. The Friends of the Millbrae Library is meeting this week and they will be discussing this issue. The naming of a Library facility should be reserved for those who have contributed to the Library.

End of public comment.

Council thanked the public for their input.

Upon a motion/second Papan/Colapietro the Council unanimously voted to pursue a City Naming Policy, look into making the policy an Ordinance, include an ethical component in the policy and to bring forward another draft at a future meeting.

**COUNCIL COMMENTS**

It was the consensus of Council to forgo their comments as the meeting surpassed 11:00 p.m.

**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 11:13 p.m.

**RECONVENE CITY COUNCIL**

11. **CLOSED SESSION**

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

**ADJOURN CITY COUNCIL**

There being no further business to discuss the City Council adjourned at 11:40 p.m. in memory of Sam Spiteri and Gloria Lewis.

/s/ Angela Louis  
City Clerk

/s/ Daniel F. Quigg  
Mayor