



**MILLBRAE CITY COUNCIL
MILLBRAE REDEVELOPMENT AGENCY
MINUTES
October 11, 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**

- Recognition of City Commission/Committee Members and Volunteers

Vice Mayor Marge Colapietro presented Commission/Committee Members and Volunteers with their service pins. A plaque was presented to Margaret Ruggles for her 35 years of volunteering for the Senior Center. A plaque and commendation were presented to retired Police Sergeant Ron Caine for his 54 years of service to the City of Millbrae and the Millbrae community.

2. **AGENDA OVERVIEW/STAFF BRIEFING**

- Informational Report Regarding Bills, Claims, and Payroll
- Report out from Closed Session - NONE

City Manager Marcia Raines reviewed the agenda items.

Mayor Quigg noted there are no Consent items on the agenda. These items are approved under one motion. He stated that Council needs to consider these items with out pulling them for discussion.

3. **APPROVAL OF MINUTES**

- Regular Meeting of September 13, 2011
- Special Meeting of September 13, 2011
- Regular Meeting of September 27, 2011

Councilmember Holober requested the following changes to the minutes of September 27, 2011:

- Under item 5 the Council changed the map for the parking permit program. Areas not in Millbrae were deleted;
- Under item 6, remove the word "adopted". This was the first reading of the Ordinance.

Upon a motion/second by Holober/Colapietro the minutes of the September 13, 2011 meetings were approved.

Upon a motion/second by Holober/Colapietro the minutes of the September 27, 2011 meeting were approved with changes.

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

- NONE

CITIZEN COMMUNICATION

Dennis Fama, Millbrae Community Youth Center Fundraiser Chair, commented on the Oktoberfest fundraiser held this past weekend. The event was organized by the Lions Club, the Rotary Club, the Community Foundation, the Peninsula Chinese Business Association, and the Chamber of Commerce. There were 50 sponsors and the fundraiser netted \$10,000 for the Millbrae Community Youth Center project.

Wynne Greich, Hayward resident, spoke on the hazards of potassium hydroxide in the drinking water.

CONSENT CALENDAR

NONE

PUBLIC HEARING

5. Adoption of a Negative Declaration on Prohibiting Single Use Carryout Bags

Adoption of a Single Use Carryout Bag Ban Ordinance

- Waive 1st Reading
- Introduce Ordinance

Environmental Programs Manager Shelly Reider gave an overview of the proposed ordinance before Council. She stated that the Negative Declaration had been prepared and the comment period was open for a 30 day period; no comments on the Negative Declaration were received. The Ordinance would go into effect in two phases based on the gross sales of the stores. Phase 1 would include the three large supermarkets (Safeway, Lucky, and Trader Joes) and would go into effect on July 1, 2012. Phase 2 would include two smaller grocery stores (Pape's and Dean's) and would go into effect on January 1, 2013. Other retailers in the City which provide single-use carryout plastic bags would be encouraged to comply on a voluntary basis in Phase 2. The review period would be one year from the adoption of ordinance and 5 months of data would be available for both phases.

Mayor Quigg opened the public hearing.

Begin public comment.

Dean Peterson, San Mateo County Environmental Health Director, thanked the City for showing leadership on this item and encouraged the City to join the County in their effort on a single-use carryout bag ban ordinance.

Mike Sullivan, Millbrae resident, stated that the environmental issue is important. He questioned if this would lead to mandating costs for other items that are deemed "bad." He also stated that the mandated 10 cent charge appears as a "ghost tax."

Robert Fairbank, Millbrae resident, stated that the Sierra Club is in support of this issue. The Council last considered an environmental item 3 years ago. He stated that Millbrae should be on the leading edge of this legislation, and to not wait for the County.

Allison Chan, Save the Bay, noted the Op-Ed in the recent San Mateo County Times. She applauds the City's efforts but noted that the current ordinance falls short of a policy that Save the Bay would like to see. The ordinance should be amended to cover all retail establishments.

Tim James, California Grocers' Association, noted his concern regarding the ordinance; it only focuses on grocery stores and supermarkets. The challenge for the California Grocers' Association is that traditional stores would have to follow these regulations, but other stores would not fall under these regulations. He echoed the sentiments of Allison Chan, Save the Bay, and requested that Millbrae amend this ordinance to include all retailers not just singling out grocery stores and supermarkets.

Robert Jacobs, Millbrae resident, entertained the notion of no bag at all and the use volunteer labor.

End public comment.

City Attorney Joan Cassman stated that the purpose of the public hearing was to receive input on the Negative Declaration. The hearing would now be closed as no specific issues regarding the environmental study were brought forth.

Upon a motion/second by Papan/Holober the public hearing was closed.

Council discussed the following:

- Move forward with the ordinance; broaden the scope and expand it to include all retailers;
- Do business outreach and get input from the Chamber of Commerce;
- Allow businesses to use existing inventory and assist them with the implementation of the ordinance;
- The environmental review would need to be redone as the ordinance would expand to include all retailers;
- Keep the implementation timeline to July 1, 2012.

Council consensus was to revisit the ordinance at a future meeting, keeping to the timeline of implementation as July 1, 2012, and to be in compliance with CEQA (California Environmental Quality Act).

OLD BUSINESS

6. Police Department Alternatives

Chief Neil Telford stated that on August 30th the Council received a report that the consolidation with San Bruno for shared police services was not viable. The City is confronted with limited resources and staff recommended two alternatives:

1. Increase staffing at the Police Department to include a full time Police Chief and command staff. This staffing model would increase the Police Department budget by approximately \$410,000 however; budget reductions in other areas of the City would need to be made.
2. Seek a proposal from the San Mateo County Sheriff's Office to provide police services.

Sheriff Greg Munks presented the Sheriff's Office proposal. Due to the current economic conditions some cities have had to transition over to the Sheriff's Office and this transition has been smooth and service not been interrupted. The Sheriff's Office has been providing services to: Woodside, Portola Valley, San Carlos, and Half Moon Bay. The transition to contracting with the Sheriff provides the following benefits:

- cost effective;
- liability shifts to the Sheriff Office;
- flexible to meet changing demands, and to amend the contract to add/reduce personnel;
- vacancies are immediately filled;
- the City is no longer responsible for Human Resources, training of personnel, and records/evidence storage;
- consistent staffing levels;
- offering more resources than any other agency in the County.

Sheriff Munks stated that his office is prepared to offer full time employment to all current full time Millbrae Police personnel, as this opportunity is currently available. There would be a mix of Sheriff's personnel and Millbrae personnel in Millbrae to allow for continuity and assimilation to the Sheriff's Office. The service level would need to be decided upon by the City and the Sheriff's Office would work with the City to deliver this service. It was noted that the staff levels presented in the proposal are a baseline of services. A service center would be created at the Millbrae Police Station so as to not impact residents and have them go outside of Millbrae for service. He also stated that the volunteer program would be looked at separately.

Begin public comment.

Jim Goulart, San Mateo County Deputy Sheriff's Association, state he was here to support the Millbrae Police Officers Association. The Sheriffs proposal outlined is reasonable and they are comfortable with the level of safety it provides to the community.

Terry Bean, Millbrae resident, stated that the proposal offers a 4% difference and 30 % less staff. The City needs to move up to a recommended staff level. The solution for Millbrae may be something between the Sheriff's proposal and current staffing level. It is not clear what other long term costs are. If the agreement is executed; it can not be undone. Additional citizen outreach is necessary. The election is less than 6 weeks away; wait for new Council.

Georgette Holesapple, Millbrae resident, state that the City was in the same position two years ago. Millbrae has always had a Police Department. There is not much difference in the amount of money involved. The City is safe and without much crime. The department has a vacation program and they make daily phone calls to residents who live alone. The extra money needed for the Police Department could come from the Council no longer receiving paid medical benefits.

Kathy Dennick, Foster City resident, noted the irony in honoring a 54 year Police veteran and having this discussion the same evening. As a former postmaster who has served residents and community, she stated that this would be a disaster. The numbers do not add up; the Sheriff's proposal decreases staffing, and additional calls will be billed for additional costs. The lack of service will put lives at risk. Council should reject the proposal and hire fulltime chief.

Wayne Lee, Millbrae resident, is concerned about the short term gains at the expense of long term gains. The Sheriff's Department is a dedicated office, but may not work for Millbrae. When services are contracted out, there is an issue about the quality of service, and once we lose our Police Department, we can not go back.

Perry Dair, Millbrae resident, questioned if contracting with the Sheriff would be a benefit to the community. This is the easy way out. The City must look harder to fulfill its obligation to the community. We need to keep our Police Department and; consider all those who are not here today.

Anna Burciaga, Millbrae, resident, stated that the reason she moved to Millbrae, is the feeling of safety. The proposed staffing levels by the Sheriff are not safe. Millbrae needs a Police Chief, not a financial planner. She asked for residents to vote on a possibly a parcel tax.

John Aronis, retired Millbrae Police Department, stated that 10 years ago the Council had the same discussion regarding the future of the Police Department. Back then the decision was to rebuild the department, but nothing was done these past years; the problem was avoided. Tough decisions require tough choices, the POST study and the decisions of interim chiefs have been ignored. This decision should wait for the new Council to be seated, before a decision is made and to not commit with Sheriff's Office.

Walter Gladwin, Millbrae resident, stated that maintaining a Police Department seems to be doable would endorse doing so.

Charles Taylor, Millbrae resident, understands the budget issues about funding the Police Department but is concerned about outsourcing the police. There are potential cost increases and once the City went with the Sheriff's Office they could not go back. The City should look at the entire array of budget issues, not just the Police Department. The City should look at parcel tax in future.

Nick Courcoumelis, Millbrae resident, stated that there was not enough information to be either for or against proposal. The Police Department is currently understaffed and any reduction in staff would be detrimental. Crime is on the rise.

Robert Raw, Millbrae Police Department, stated that for the past 8 years the department has struggled to provide service to the City. A full time chief and commander are essential; there should be no more band aid measures. A timely decision to fund the department adequately or to partner with the Sheriff's Office needs to be made. The Millbrae Police Association is not behind one proposal or another.

Bob Garrison, Millbrae resident, stated that going with the Sheriff's Department should be a last resort. Once that department was gone, Fire and Public Works could be next. The Council should look at the community of Broadmoor; they have their own Police Department. Council should also look at a parcel tax; money was raised for the Fire Department, why not for the Police Department.

Michael Francoise, East Palo Alto resident, stated that he does not live in Millbrae, but people can not keep paying taxes for everything. The Sheriff's Department would stick to its word and proposal. The City should try it out and keep options open to go back.

Ron Gleeson, Millbrae Police Department, stated that the proposal is not doable. There are calls that require more than two officers on a call. Officers can not wait for back up to come from the Sheriff's Office; Burlingame and San Bruno are much closer.

Robert G. Gottschalk, Millbrae resident, stated that public safety is the City's high priority. The baseline proposal falls short as it reduces the level of service. Costs will go up and savings will go down, and additional costs will need to be added in. It is time to ask people how they feel. He stated that he is opposed to a property tax, but other revenue sources should be looked at.

Marlene Marcotte, Millbrae resident, stated that our Police Department is great. Crime overall is increasing. We feel very strongly that our Police Department should stay as is. Millbrae has always been a safe community. Let's keep it this way.

Mike Burciaga, Millbrae resident, stated the safety of Millbrae should be a priority, not selling our department to the lowest bidder.

Lorna Kopel, Millbrae resident, stated that her family's preference is to keep Millbrae's Police Department not the Sheriff's Department.

Mary Jane Smith, Millbrae resident, stated that she is against the Sheriff's Office taking over the Police Department. There will be less officers on the street and the safety of the residents would be in jeopardy.

Sebastian Camard, Millbrae resident, stated that the proposed level of protection from the Sheriff's Department is clearly inadequate. The Police Department is already understaffed and to even get to a level of safety through the Sheriff's Department would cost more than our current Police Department. Why change our current department with a new one that is unfamiliar with our City for a higher price? Both from the citizens' perspective and a financial point of view it is impractical.

End public comment.

The Council thanked the public for their input and comments.

Council discussed the Sheriff's proposal and the following issues:

- The need for public input regarding the future of the Millbrae Police Department. Town Hall meetings should be scheduled;
- The obligation to correct this issue falls on the current Council;
- What costs are included in the Sheriff's proposal and what costs are included in the City's to make certain that the comparison is accurate;
- Is the staffing level proposed by the Sheriff adequate;

Sheriff Munks stated that the figures provided to the City are higher because they include replacement costs and pay and benefits with the Sheriff's Office is higher. The proposal outlines all costs per position and covers all expenses.

Staff noted that the City's figures were based on the Memorandum of Understanding and that overtime pay and workers' compensation costs were not built in. The City budgets its funds differently than the county, however there would be a reduction of costs in other areas of the City's budget for both overtime pay and workers' compensation costs.

Council discussed having two public meetings, one on a weekday evening and another during a weekend morning to have as many people as possible show up and be a part of the discussion.

Council consensus was to revisit this item at a future Council meeting after community meetings had been held to gather public input.

7. Ordinance to Amend the Municipal Code Concerning the Sanitary Sewer System
 - Waive 2nd Reading
 - Adopt Ordinance

Public Works Director Ron Popp stated that the Council is being asked to waive the second reading and to adopt the Ordinance. He noted that nothing had changed since the first reading at the September 27, 2011 meeting.

No public comment for this item.

Upon a motion/second by Papan/Colapietro Ordinance No. 740 amending the Municipal Code concerning the Sanitary Sewer System was unanimously adopted.

NEW BUSINESS

8. Resolution Awarding Construction Contract for 2011 Collections Rehabilitation and Repair Project Bid #604

Public Works Director Ron Popp presented the report asking the Council to award the contract as the work being done needs to be completed per the Baykeepers Consent Decree. He stated that D'Arcy and Harty have done work for the City in past and their work has been on time and on budget. The funds for this project will not come from General Fund but from the Sanitation Enterprise Fund.

No public comment for this item.

Upon a motion/second by Colapietro/Holober Resolution No. 11-37 awarding a construction contract for 2011 Collections Rehabilitation and Repair Project Bid #604 was unanimously adopted.

COUNCIL COMMENTS

Councilmember Seto:

- Thanked everyone who attended the Japanese Cultural Festival;
- Attended the Youth Advisory Committee meeting last week;
- Attended the joint meeting with the Millbrae School District;
- Attended Mills Mania at Mills High School;
- Thanked everyone who attended the Oktoberfest;
- Announced the upcoming Man and Woman of the Year Dinner;
- Announced the upcoming Housing Leadership Day;
- Thanked all the candidates who have stepped forward to serve the City.

Councilmember Holober:

- Thanked Councilmember Seto for his comments;
- Announced that she will not be able to attend the next Council meeting on October 25th;
- Reminded everyone to vote.

Councilmember Papan:

- Announced the October 23rd Strides for Life walk;
- Announced that ATT has had a telephone outage for over a week;
- Announced Nike Missel project honorees from the City of Millbrae;
- Attended the Coastal Clean Up;
- Attended the joint meeting with the Millbrae School District;
- Asked residents to e-mail her at gpapan@ci.millbrae.ca.us tell her what businesses they would like to see in Millbrae.

Vice Mayor Colapietro:

- Attended the Japanese Cultural Festival and thanked everyone involved with the event;
- Announced that the Friends of the Millbrae Library had a successful book sale;
- Attended the special meeting of Airport Community Roundtable in Brisbane;
- Attended the joint meeting with the Millbrae School District; and announced that there are County funds available for crossing guard services;
- Congratulated everyone involved in the Oktoberfest;
- Attended the Festa Maltija;
- Announced the Stretching for Health event at the Community Center.

Mayor Quigg:

- Attended many of the same activities as the other Councilmembers and had no comments.

ADJOURN CITY COUNCIL AND REDEVELOPMENT AGENCY

There being no further business to discuss the City Council and Redevelopment Agency adjourned at 10:45 p.m.

/s/ Angela Louis
City Clerk

/s/ Daniel F. Quigg
Mayor