



**MILLBRAE CITY COUNCIL
MILLBRAE REDEVELOPMENT AGENCY
AGENDA
July 26, 2011**

CALL TO ORDER MILLBRAE CITY COUNCIL AND REDEVELOPMENT AGENCY

Mayor Quigg called the meeting to order at 7:00 PM

ROLL CALL – Mayor Daniel F. Quigg, Vice Mayor Marge Colapietro, Councilmembers Gina Papan, Nadia V. Holober, and Paul Seto

PLEDGE OF ALLEGIANCE TO THE U.S. FLAG

1. CEREMONIAL/PRESENTATION

- Presentation of a Commendation to Rebuilding Together Peninsula

Mayor Quigg presented the commendation to Seana O'Shaughnessy, Executive Director of Rebuilding Together Peninsula thanking them for their contribution to the MCYC (Millbrae Community Youth Center)

- Presentation of a Commendation to International Facilities Management Association, Silicon Valley Chapter

Mayor Quigg presented the commendation to Wendy Newcomer, a board member of International Facilities Management Association and Larry Morgan, the current president of International Facilities Management Association thanking them for their contribution to the MCYC (Millbrae Community Youth Center)

Denis Fama, Millbrae resident made a PowerPoint presentation regarding the conditions before and after the renovations of the MCYC (Millbrae Community Youth Center)

Ron Frediani, Lions President made presentations of plaques to Rebuilding Together Peninsula and International Facilities Management Association for their contributions to the MCYC.

- Proclamation Proclaiming August as World Breastfeeding Awareness Month

Mayor Quigg presented proclamation to Sheila Janakos, the San Mateo County liaison from the Peninsula Regional Breastfeeding Collaborative

2. AGENDA OVERVIEW/STAFF BRIEFING

- Informational Report Regarding Bills, Claims, and Payroll – RAINES

City Manager Raines reviewed tonight's agenda for the council and introduced Michael Conneran of Hanson, Bridgett who was in attendance due to the absence of City Attorney Joan Cassman. She also recommended the following changes to the agenda:

- The resolution for item 5 should be corrected as follows:

In the sentence after the first “Whereas” the word expires should be changed to expired, and an “a” should be inserted in the sentence after the second “Whereas” before the word successor

- Recommended enhancements to the Grand Jury response letter regarding “Aircraft Noise” are before you
- Recommended that item 8 be pulled from consent so that Summer Intern Eric Lee, who worked hard and authored the report and resolution, can make the presentation
- Item 13 is time sensitive and would recommend that the Council make sure it is discussed tonight. Mayor Quigg asked Raines to move this to item 8A for discussion.

3. **APPROVAL OF MINUTES**

- NONE

ORAL REPORT FROM CITY COMMITTEE/COMMISSION CHAIRS

- NONE

CITIZEN COMMUNICATION

Wynn Greich, Hayward resident spoke regarding water quality.

CONSENT CALENDAR

4. Investment Report for Period Ending March 31, 2011 - BROWN
5. Recommendation to Approve Tentative Agreement between the City of Millbrae and Sanitation Workers Association; and Authorize the City Manager to Prepare and Execute the Memorandum of Understanding – POPP
6. Recommendation to Approve Tentative Agreement between the City of Millbrae and Police Officer’s Association; and Authorize the City Manager to Prepare and Execute the Memorandum of Understanding – RAFFAELLI
7. Receive Report and Approve Response to the San Mateo County Grand Jury Report on “Aircraft Noise” – MORTAZAVI

Upon a motion/second Papan/Holober items 4, 5, 6 and 7 of the Consent Calendar were unanimously approved.

8. Resolution Affirming and Committing to a Ten Year Compassionate Cities Campaign – LEE

Summer Intern Eric Lee made a presentation giving background information on the Compassionate Cities Campaign.

Upon motion/second Papan/Colapietro item 8 of the Consent Calendar was unanimously approved.

Mayor Quigg recessed the meeting for a two minute break at 7:38 PM

Mayor Quigg called the meeting to order at 8:00 PM

NEW BUSINESS – this item was moved from New Business item 13 due to the time sensitivity of the item.

- 8a. Resolution to Refund the Outstanding 1999 Certificates of Participation (COPs) and Refinance using a Direct Lender Tax Exempt Loan – BROWN

Finance Director LaRae Brown presented the staff report stating that the City of Millbrae will see a savings of \$422,000 over the next 12 years through lower interest rates, no trustee fees and if necessary there will be no prepayment penalty.

Upon motion/second Papan/Colapietro this item was unanimously passed.

PUBLIC HEARING

9. Review of an Application for Modification of a Precise Development Plan within the “PD” (Planned Development) District, including Design Review and a Mitigated Negative Declaration for the Construction of a New 59,000 sq. ft. Supermarket (Safeway) Replacing an Existing 37,094 sq. ft. Supermarket (Safeway) at 525 El Camino Real – MORTAZAVI

Community development Director Farhad Mortazavi gave an overview of the project including that Safeway has completed an expanded traffic study and has spoken with representatives of San Mateo labor and trade associations.

Contract Planner Catherine Barber went into more detail of the project stating the project was last discussed on 4/12/11 and condition 29 has been added to the Planning Commission Conditions of Approval which would limit left turns from the parking garage on to Broadway between specific times.

Steve Berndt, Vice President of Safeway Real Estate, Matt Ridgeway with Ferre & Pierce Traffic Consultants and Terry Krause with Group McKenzie Architects went into more detail about the project, presented a Power Point presentation, reviewed the expanded traffic study and answered specific questions by Council.

Council discussion ensued regarding specifics of the project including dedicated right turn lanes, time limitations for left turns onto Broadway by trucks, lost parking spaces, required CalTrans approvals, construction scheduling, increased pedestrian and vehicle visibility and safety, locking shopping carts and how far customers would be able to take carts, outside seating, and concerns about local hiring.

Mr. Berndt spoke about the concerns regarding local hiring and the construction trades stating that Safeway is sensitive to the current economy; he made a verbal public commitment to work with the local and union trades as much as possible.

Mayor Quigg opened the hearing for public comment:

John Ford, Millbrae Chamber of Commerce stated that this is a good project for our community which will act as an anchor in the downtown and urged the Council to move this forward as soon as possible because it will be good for all Millbrae businesses.

William Nack, San Mateo Building and Construction Trades Council spoke on behalf of members and stated that Safeway still refuses to make commitments to pay wages and benefits to people in the

community and reported on Safeway's earnings and sales. He called on Safeway to do the right thing and stated that he has a petition asking Safeway to contract with companies that pay prevailing wages.

Shelly Kessler, San Mateo County Central Labor Council stated that Safeway has not met with the organization she represents adding that in order for them to believe what Safeway is saying they must sign on the dotted line and spoke about the need for Safeway to build union and pay prevailing wages.

Dennis Gilchrest, Millbrae resident and union sheet metal worker, stated that he has been a union worker and has been retired for 8 years and because of the benefits received as a union worker he can live in Millbrae as a retiree. He stated that he does not trust Safeway and reiterated that Safeway must sign a document in order to be trusted.

David Lim, San Mateo City Councilmember urged the Council to think long and hard about supporting local union labor on behalf of local workers. He stated that in El Cerrito Safeway is building a Super Safeway and on 6/3/11 the contract was awarded to a firm out of Rocklin. He recommended that the Mayor of El Cerrito be contacted to see if Safeway had made promises that have not been kept.

Charley Lavery, Business Rep for Crane Operators stated that he has just bought a house in Pacifica and is barely making it on union wages. He added that only Safeway will profit from, this not the community and asked the council to make payment of a living wage one of the conditions of approval.

Close public comment

Councilmember Holoher stated that the city has passed a prevailing wage ordinance that applies to the Redevelopment Agency for public works projects and asked the City Attorney to respond whether the council can require Safeway to pay the prevailing wage or require Safeway to hire locally for this project. City Attorney Michael Conneran reported that the City cannot require prevailing wage or local hire for this project because no public funds are being used.

Council discussion focused on pedestrian safety, construction parking, the effect on existing businesses during construction, hauling requirements and routes, the possibility of changes to pedestrian crossing at El Camino and Taylor Blvd., the number of vendor trucks making deliveries, and the enforcement of turning limitations. Responses included:

Mr. Berndt said that Safeway has spoken with Mr. Imbimbo of Millbrae Square and he is agreeable to allowing construction parking and staging in the parking lot at Magnolia and Richmond.

Khee Lim, City Engineer stated that the Department of Public Works can put restrictions on grading, hauling, demolition and recycling of construction debris when the permits are issued and existing construction regulations will be enforced.

Ron Popp, City Director of Public Works cautioned the council not to make changes to the intersection at El Camino Real and Taylor Blvd a requirement as we have learned from experience that working with CalTrans can be difficult and time consuming.

Mark Raffaelli, Millbrae Police Commander responded that the Police Department will enforce the turning limitations.

Upon motion/second Holoher/Seto the changes to the Conditions of Approval item 29 was revised as follows and passed unanimously.

“Delivery trucks shall be prohibited from making left turns out of the southern driveway into southbound Broadway between the hours of 7:00 AM and 10:00 PM. All delivery trucks must exit the loading docks out of the southern driveway into northbound Broadway and then into eastbound Meadow Glen between 7:00 AM and 10:00 PM. Signage shall be installed at the exit to this driveway that indicates the hours of limitation on left turns for delivery trucks. The sidewalk crossing the driveway on Broadway where the trucks exit the loading dock shall be marked as a crosswalk. All other vehicles, except delivery trucks, shall be allowed to make left and right turns out of the southern driveway for 90 days after the store opening, as detailed in condition 28 above, after which time the Planning Commission will review”.

Upon motion/second Holober/Colapietro the addition of Public Works Conditions of Approval items 55 and 56 were inserted as follows and passed 4-1 (Papan opposing).

55. The permittee shall work together with the City of Millbrae’s Public Works Department and CalTrans on extending the signal timing at the intersection of El Camino Real and Silva Avenue as part of the Project improvements.
56. The permittee shall work together with the City of Millbrae’s Public Works Department and Caltrans on options for the installation of pedestrian improvements at the unsignalized crosswalk at the intersection of El Camino Real and Taylor Boulevard.

Upon motion/second Colapietro/Holober the project as conditioned now was unanimously approved.

10. Approval of an Ordinance Electing to Comply with the Voluntary Alternative Redevelopment Program Established by ABx1 27 to Permit the Continued Existence and Operation of the Redevelopment Agency of the City of Millbrae

Leslie Parks, RDA Project Manager discussed the staff report and explained some of the current legislation affecting Redevelopment Agencies and requested Council waive the 1st reading of the ordinance.

Upon motion/second Papan/Colapietro the 1st reading of the ordinance was waived and unanimously passed. Vice Mayor Colapietro requested the Public Hearing on this item be continued on August 1, 2011 at 7:00 pm.

Mayor Quigg recessed the meeting for a 10 minute break at 10:20 PM

Mayor Quigg called the meeting to order at 10:30 PM

OLD BUSINESS

11. Authorize Staff to Proceed with the Fire Merger Implementation Plan – HAAG

Kevin McWhirter, Millbrae Fire Division Chief presented the staff report and PowerPoint presentation.

Council discussed actual savings of the plan.

Upon motion/second Colapietro/Papan council authorized Staff to proceed with the Fire Merger Implementation Plan as outlined which passed unanimously.

12. Designation of Voting Delegates and up to Two Alternates for the 2011 League of California Cities Annual Conference – NELSON

Fran Nelson, Acting City Clerk presented information regarding the 2011 League of California Cities Annual Conference and the necessity to designate a voting delegate.

Council discussion ensued and came to consensus that Councilmember Holober would be designated the voting delegate at the Annual Conference and Mayor Quigg would be designated as the alternate voting delegate.

NEW BUSINESS – this was discussed as item 8a above

13. Resolution to Refund the Outstanding 1999 Certificates of Participation (COPs) and Refinance using a Direct Lender Tax Exempt Loan – BROWN

COUNCIL COMMENTS

Mayor Quigg recommended that the council forgo comments due to the length of the meeting.

- Mayor Quigg
- Vice Mayor Colapietro
- Councilmember Papan announced that ABC news says Millbrae post office will stay open.
- Councilmember Holober
- Councilmember Seto

RECESS CITY COUNCIL AND REDEVELOPMENT AGENCY

Mayor Quigg recessed the meeting.

RECONVENE CITY COUNCIL AND REDEVELOPMENT AGENCY

CLOSED SESSION

- 14. Conference with Legal Counsel - Real Property Negotiations
 Closed Session held pursuant to Government Code §54956.8
 Property: 151 El Camino Real
 Agency Negotiator: Executive Director, Community Development Director
 Negotiating Parties: Millbrae Paradise LLC and Millbrae Redevelopment Agency
 Under Negotiation: Price and terms of payment

ADJOURN CITY COUNCIL AND REDEVELOPMENT AGENCY

There being no further regular business to discuss the City Council and Redevelopment Agency adjourned the meeting to August 1, 2011 at 7:00 PM Ron Wilson, San Francisco Airport Spokesperson and member of the Airport Roundtable and Ron Swegles former Sunnyvale Councilmember at 10:45 PM.

BY: _____
Acting City Clerk

APPROVED: _____
Vice Mayor