



**MILLBRAE CITY COUNCIL
MILLBRAE REDEVELOPMENT AGENCY
MINUTES
April 27, 2010**

CALL TO ORDER MILLBRAE CITY COUNCIL AND REDEVELOPMENT AGENCY

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

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

Randy Sahae of Millbrae Community Television led the Pledge of Allegiance.

1. **CEREMONIAL/PRESENTATION**

- Proclamation designating the Month of May as Older Americans Month

Mayor Seto presented Senior Advisory Committee Chair Patricia Realini with a Proclamation designating the month of May 2010 as Older Americans Month. Ms. Realini thanked the Mayor and Council for this recognition.

- Proclamation designating West Nile Virus and Mosquito and Vector Control Awareness Week

Mayor Seto presented San Mateo County Mosquito Abatement District Trustee Leon Nickolas with a Proclamation designating the week of April 26-30, 2010 as West Nile Virus and Mosquito and Vector Control Awareness Week.

- Presentation by Millbrae Librarian Sandy Wee on the San Mateo County Library E-Branch

Millbrae Librarian Sandy Wee gave a presentation on the San Mateo County Library's E-Branch. E-Branch was recently launched and the Chinese version of E-Branch will be launched later this week and a Spanish version will be available in the near future.

2. **AGENDA OVERVIEW/STAFF BRIEFING**

City Manager Marcia Raines reviewed the agenda items.

Councilmember Papan noted the Special Council meeting on High Speed Rail will be held on April 28th.

- Informational Report Regarding Bills, Claims, and Payroll – RAINES
- Report out from Closed Session of April 13, 2007 - CASSMAN

City Attorney Joan Cassman noted that the Council had met in Closed Session and discussed two matters: 1) status report on Baykeepers lawsuit and 2) lease at 100 El Camino Real. Instructions were given but no action was taken.

3. APPROVAL OF MINUTES

- Regular Meeting of March 23, 2010
- Regular Meeting of April 13, 2010

Councilmember Colapietro noted a typo on the last bullet point of her comments on page 4 should read: “reminded everyone”.

Councilmember Holober noted that the first bullet point of her comments should read as: “Councilmember Holober attended the recent League of California Cities Environmental Quality Policy Committee. She noted that a couple of other League Policy Committees had voted to recommend that AB 32 and SB 375 be suspended. At the Environmental Quality Policy Committee, Councilmember Holober voted to support the continued implementation of the environmental legislation and the Committee had a tie vote, 16/16. The Chair’s tie breaking vote was to continue the path towards implementation of AB 32 and SB 375. The City’s continued participation in these meetings is critical.”

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

4. ORAL REPORT FROM CITY COMMITTEE/COMMISSION CHAIRS

- Report by the Senior Advisory Committee

Senior Advisory Committee Member Mary Somers gave a report on the activities of the Senior Advisory Committee:

- four new members were recently appointed to the Committee;
- monthly lecture series have been going on since January;
- May Day Celebration on May 14th;
- CHP Driver Training class on May 19th;
- Honoring our Veterans Lunch on June 1st;
- alternative medicine workshop on June 9th;
- Old West BBQ on July 24th;
- July 31st – Aug 1st – Millbrae Relay for Life.

CITIZEN COMMUNICATION

Sarah Vaughn, Millbrae resident, spoke on the dangers of second hand smoke in community living environments and requested that the City look into smoke-free living units similar to other Bay Area Cities.

Wynn Gr Eich, Hayward resident, spoke on the hazards of fluoride, bacteria, and aluminum fertilizer, in the drinking water.

CONSENT CALENDAR

NONE

PUBLIC HEARING

NONE

OLD BUSINESS

NONE

NEW BUSINESS

5. Adopt an Ordinance to Add Chapter 3.40 of the Millbrae Municipal Code Regarding the Right to Challenge Municipal Taxes and Assessments
 - Waive 1st Reading
 - Introduce Ordinance

City Attorney Joan Cassman stated that Article XIII, Section 32 of the California Constitution, commonly known as the “pay first, litigate later” rule had been interpreted to apply to local taxes and assessments, as well as those imposed by the State. However, a recent court decision held that the rule does not apply to city taxes and assessments. Adoption of this Ordinance would ensure that the City is able to continue to collect its taxes and assessments (Parking Tax, Transient Occupancy Tax, Business License Tax), prior to a challenge to the tax or assessment, or a specific challenge to its collection.

Council received the report and requested that fees be included in the ordinance. They also inquired if there had been any feedback from either the Chamber of Commerce or the Tourism Committee with regard to this proposed ordinance. To date, there has been no feedback.

No public comment on this item.

Upon a motion/second by Colapietro/Holober the Council unanimously waived the first reading and introduced an Ordinance to add Chapter 3.40 of the Millbrae Municipal Code regarding the Right to Challenge Municipal Taxes and Assessments as amended to include fees.

6. Update on the Status of the Comprehensive Airport Land Use Compatibility Plan

Community Development Director David Petrovich presented an update report on the Status of the Comprehensive Airport Land Use Compatibility Plan (CLUP). He stated that state law mandates that every county where one or more public use airports is located must have an airport land use commission or designate an existing body to serve in that capacity. It is also a requirement for the commission to prepare and adopt a CLUP. For San Mateo County, the C/CAG Board of Directors serves as the designated Airport Land Use Commission. The CLUP must: provide for the orderly growth of each area surrounding the airport and safeguard the general welfare of the inhabitants within the vicinity of the airport. C/CAG is looking to prepare a CLUP update for San Francisco International Airport (SFO). A consultant was selected, and the final product will be a comprehensive update to the existing San Mateo County Airport Land Use Plan for SFO. The City of Millbrae’s involvement centers on the area of the Millbrae Station Area Specific Plan (MSASP). The main issue in this area deals with building height, specifically the maximum feasible height at which structures could still be considered compatible with airport operations. City staff and C/CAG have agreed that there are three ways of resolving this issue: 1) delete the height allowed by zoning in place from the CLUP as a way of limiting future building heights; 2) acknowledge, by way of exemption in the CLUP, that the MSASP predates the CLUP and is a pre-existing and lawfully adopted action not subject to future review; 3) rely on the provisions with the MSASP that require building heights be approved by the FAA.

Council received the report and noted the following:

- of the three proposals, the first one is the better route to take and include a Specific Plan designation;
- the approval process of the CLUP should remain local;
- allow for the maximum building height possible for future development purposes.

Mayor Seto requested that staff communicate Council's discussion and concerns with C/CAG. It was also requested that in order to avoid delays in future development, the highest possible building height limits be asked for.

No public comment for this item.

Council accepted the report.

7. Resolution Authorizing City Manager to Submit an Application for Grant Funding from the San Mateo County Transportation Authority and C/CAG for an "On Call" Millbrae Shuttle Program

Recreation Superintendent Mike Wride stated that staff recommends Council adopt a resolution to authorize the City Manager to submit an application for grant funding from the San Mateo County Transportation Authority and C/CAG for an "On Call" Millbrae Shuttle Program. The City has had an on call senior shuttle program off and on for the past twenty five years. In December of 2009, the shuttle program was discontinued, right about the same time that SamTrans cancelled its route 342 that serviced Millbrae. Since then, more and more resident requests have been made asking for local transportation. With the submission of these grants, the City will be able to re-establish the on call shuttle program and provide the community with local transportation services.

Council noted that they were pleased to see the City taking advantage of grants during these difficult economic times. Some questions that arose were:

- who would handle the shuttle reservation calls;
- will there be any adaptability to the program to take into account for emergency calls that fall outside of the 24 hour advance reservation;
- look into using the shuttle to its fullest capacity by taking last minute reservations;
- were various costs of maintenance, fuel, fees, cleaning, etc., factored in and covered by the grant amount being requested;
- is the grant for one time only or is it renewable?

It was noted that the Senior Desk at the Community Center will take the calls. Those calls will be recorded and the driver will call in and pick up the messages. The possibility of taking emergency calls will need to be looked at, as well as taking last minute reservations. It was noted that all costs were factored in to the amount being requested, that the Transportation Authority Grant is for two years, the C/CAG Grant is renewable and the City will need to apply every year, and that \$2,600 to help pay for the shuttle maintenance would come from the Senior Advisory Committee donation account. The application is due on April 30th.

No public comment for this item.

Upon a motion/second by Papan/Holober Council unanimously adopted Resolution No. 10-16 authorizing the City Manager to submit an application for grant funding from the San Mateo County Transportation Authority and C/CAG for an "On Call" Millbrae Shuttle Program.

COUNCIL COMMENTS

Councilmember Holober:

- welcomed the high school students in the audience, and noted the importance of the citizens communications portion of the agenda;
- attended the recent Sister Cities Commission meeting and noted that Millbrae's relationship with Kai Ping, China has been recognized in the Sister Cities International publication as Friendship Cities;
- requested that the City Recreation Guide and website be updated to include Mosta Grove as a picnic area;
- thanked everyone involved with the recent Mosta Grove clean up and Earth Day events;
- attended a Costal Commission meeting where there was discussion on repealing the ban and quota on killing the California grey whale. She announced that she is the Chair of the San Mateo County Save the Whales Committee and noted that May 23rd is Save the Whales Day; there will be a planned demonstration at the Pacifica Pier from 10:00 a.m. – 1:00 p.m.; other demonstrations will be going on simultaneously within the State.

Councilmember Colapietro:

- attended the Youth in Government Forum, Mock Council meeting, and Lions Club recognition dinner;
- attended the opening ceremony for the Mills High School Garden;
- attended the MCTV Board meeting;
- attended the Senior Advisory Committee meeting;
- attended the San Mateo County Office of Emergency Services meeting;
- announced that representatives from the County's Office of Emergency Services will be visiting cities to discuss:
 - Oasis vehicle roll out on April 30th
 - 211 non-emergency phone number
- congratulated the Millbrae Police Volunteers on a successful fundraiser dinner last weekend;
- attended a Chinese School event sponsored by the World Journal last weekend;
- announced the Job Hunters Boot Camp on April 30th co-sponsored by Congresswoman Speier and Assembly Member Hill;
- announced Millbrae Historical Society History Walk will take place on May 16th;
- thanked all residents who have turned in their census forms;
- noted that Millbrae came in 4th for gathering signatures for local ballot measures;
- announced that the Chamber of Commerce is hosting a Community Calendar on their website for posting of community events.

Councilmember Papan:

- reminded the public about the April 28th High Speed Rail meeting in the Council Chamber;
- announced Bike to Work Day on May 13th;
- requested that a representative from PG&E come to a future Council meeting to discuss Smart Meters to ensure residents are being properly billed;

- requested tonight’s meeting be adjourned in memory of Anna Petris, wife of California State Senator Nick Petris.

Mayor Seto:

- attended the recent Parks and Recreation Commission meeting; the Commission has a new logo. They are also looking for a Millbrae resident who bikes to be a part of the Bicycle and Pedestrian Advisory Committee;
- congratulated Lomita Park School on their recent honor for being named a California Distinguished School;
- thanked everyone who assisted with the Earth Day clean up;
- announced Taylor Middle School car wash fundraiser on May 1st;
- announced upcoming Chamber of Commerce Cinco de Mayo mixer at the First National Bank.

RECESS CITY COUNCIL AND REDEVELOPMENT AGENCY

There being no further regular business to discuss, the City Council and Redevelopment Agency recessed at 9:00 p.m.

RECONVENE CITY COUNCIL AND REDEVELOPMENT AGENCY

8. **CLOSED SESSION**

Conference with Real Property Negotiators
 Closed Session held pursuant to Government Code §54956.8
 Address: 100 El Camino Real, Millbrae
 Negotiators for Agency: Executive Director and City Attorney

ADJOURN CITY COUNCIL AND REDEVELOPMENT AGENCY

There being no further business, the City Council and Redevelopment Agency adjourned at 9:30 p.m. in memory of Anna Petris, wife of California State Senator Nick Petris.

BY: _____
City Clerk

APPROVED: _____
Mayor