



**MILLBRAE CITY COUNCIL
MILLBRAE REDEVELOPMENT AGENCY
MINUTES
July 13, 2010**

CLOSED SESSION

- Conference with Legal Counsel – Labor Negotiations
Closed Session held pursuant to Government Code §54957.6
Agency Negotiator: Marcia Raines
Employee Organizations: Firefighters Local 2400
Police Officers Association
Teamsters Local 856
Sanitation Workers Association
Unrepresented Management

CALL TO ORDER MILLBRAE CITY COUNCIL AND REDEVELOPMENT AGENCY

Mayor Seto called the meeting to order at 7:02 p.m.

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

PLEDGE OF ALLEGIANCE TO THE U.S. FLAG – Millbrae All Stars 10 and Under Boys Baseball Team

Coach Dale Carney introduced the team members.

- Community Preservation Residential Water Wise Garden Award
 - Louis and Paulette Bevilacqua
- Community Preservation Residential Beautification Award
 - Leslie and Lary Lastofka

Community Preservation Commissioner Gale Grinsell presented Lary Lastofka with the Residential Beautification Award. The Bevilacqua Family, the recipients of the Water Wise Garden Award, was not able to attend the meeting.

- Presentation of San Francisco Airport Proposal on Taxi Services – Henry Thompson, Assistant Deputy Director, Operations and Security

Assistant Deputy Director, Operations and Security Henry Thompson was unable to attend the meeting; he will attend the July 27, 2010 Council meeting.

2. **AGENDA OVERVIEW/STAFF BRIEFING**

- Informational Report Regarding Bills, Claims, and Payroll
- Report out from Closed Session of June 22, 2010
- Report out from Special Closed Session of July 6, 2010

City Manager Marcia Raines reviewed the agenda items.

City Attorney Joan Cassman stated that Council has met twice in Closed Sessions, and discussed two matters. The item of existing litigation is on tonight's agenda for Council action. On the matter of labor negotiations, no final action has been taken.

3. **APPROVAL OF MINUTES**

- Regular Meeting of June 22, 2010

Councilmember Holober requested that a change be made to her comments on page 4 of the minutes. Regarding the plastic bag ban, the legislature will vote on the ban; it will not be put on the November ballot.

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

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

- Downtown Process Committee

Harry Aubright, Chair, Downtown Process Committee, provided Council with an update of the Committee's activities. The Committee is made up of downtown business owners and residents. The Committee is reviewing the use of existing vacant stores and looking at retail businesses versus service businesses. Currently, there is a high vacancy rate of downtown storefronts and the occupancy of these empty storefronts will enhance the appearance of the downtown area.

CITIZEN COMMUNICATION

Carole Bottarini, Millbrae resident, spoke on behalf of Skyline Stables. The SFPUC Harry Tracy improvement project will impact the stables and she requested that the City write a letter in support of the stables and request that the SFPUC assist in relocating the stables to a new location.

Bill Clark, Millbrae resident, spoke on behalf of saving Skyline Stables, and requested Council support in the relocation of the stables.

Wynn Grich, Hayward resident, spoke on the dangers of fluoride in the drinking water and the link between insecticides and pesticides with ADD.

CONSENT CALENDAR

5. Investment Report for Period Ending May 31, 2010
6. Resolution No. 10-26 Delegating Authority to the City Manager and Finance Director for Matters Relating to the California State Association of Counties (CSAC) Excess Insurance Authority
7. Resolution No. 10-27 Approving Collection of Stormwater Enterprise Fees and Requesting the County to Place them on the County Tax Rolls

Councilmember Colapietro noted a correction to the resolution for item 6. The last paragraph should be changed to read: ...the City Manager and the Finance Director **are** hereby appointed..."

Upon a motion/second by Colapietro/Quigg Consent Calendar items 5-7 were adopted with the corrections.

PUBLIC HEARING

NONE

OLD BUSINESS

8. Resolution No. 10-28 Amending FY 10-11 Authorized Staffing and Resolution Adopting Adjustments to the FY 10-11 Annual Budget Through Salary Savings, Personnel Reductions, and Other Cost Savings Measures

The report before Council is to consider amending the FY 2010 – 2011 authorized staffing. Mayor Seto asked that public comment be heard prior to the Council taking up discussion on this item.

Public Comment

Matthew Aymami, Millbrae resident and employee of the Millbrae Recreation Department, spoke on the possible elimination of the Recreation Services Manager and requested that Council reconsider their decision.

Christina Arce, Millbrae resident and employee of the Millbrae Recreation Department, spoke on the possible elimination of the Recreation Services Manager, and questioned the necessity of the HVAC project in the current budget.

Mark Matthews, Sr., Millbrae resident and employee of the Community Services Department, spoke on the reduction of the Building Official to a quarter time position.

Howard Kaplan, employee of the Millbrae Recreation Department, spoke on the elimination of his position as Recreation Services Manager.

Gale Grinsell, Millbrae resident, spoke on Council's upcoming decision to layoff City employees.

Ken Phelps, Millbrae resident, spoke on the staff reductions, and requested that Council review the HVAC project before making any decisions.

Cathy Hidalgo, Millbrae resident, spoke on the staff reductions, and requested that Council review the HVAC project before making any decisions.

Christina Castro, former Millbrae Recreation Department employee, requested that Council reconsider the elimination of the Recreation Services Manager.

Allyn Benintendi, Millbrae resident, spoke on the importance of the Recreation Services Manager.

Lyn Chan, Millbrae resident, requested that Council reconsider the elimination of the Recreation Services Manager.

Ana Silva, former Millbrae employee, spoke on the reduction of the Building Official from a full time position to a quarter time position.

End of Public Comment

Council noted that the decisions before them this evening were difficult and although some measures were taken to lessen the impact on the City's General Fund, such as raising the TOT, right sizing of departments, correctly allocating salaries, unrepresented management employees and taking a 5% reduction in total compensation, and Councilmembers taking a 5% reduction, more action was still needed. Concession discussions with the other units are still on going, and possibility of furloughs has been discussed as a possible option. Council discussed the cost of the HVAC project; it was noted that the monies for the new system could be reallocated elsewhere. Mayor Seto wanted to continue the discussion on how the HVAC funds could be used before a motion was made. The Vice Mayor and Councilmembers wanted to take each issue one at a time for consideration.

Upon a motion/second by Papan/Colapietro, Council deferred the cost of the HVAC system and set aside \$25,000 for HVAC repairs. The motion passed 4:1 with Mayor Seto dissenting.

Council then took up discussion on how to reallocate the funds from the HVAC project. There was dialogue on removing the reduction of the Recreation Services Manager from the resolution and increasing the Building Official to half time. Council inquired as to the impact the proposed changes would have.

City Manager Marcia Raines stated that staff could research and come back to Council with a detailed report or Council could take certain actions this evening and then come back another time for continued discussion.

After further Council discussion, Councilmember Holober stated that she would like to see the removal of the Recreation Services Manager from the resolution and to reduce the Building Official from full time to half time. She also noted a typo on the resolution; it should read as "2010 – 2011 budget".

Upon a motion/second by Quigg/Holober Resolution No. 10-28 amending FY 10-11 authorized staffing and resolution adopting adjustments to the FY 10-11 annual budget through salary savings, personnel reductions, and other cost savings measures was adopted by a vote of 3:2 with Councilmembers Colapietro and Papan dissenting. It is noted that the dissenting Councilmembers wanted further evaluation on the other positions that were at stake and that they agreed with their colleagues but wanted more time to review the information.

It is noted that the reduction of the Recreation Services Manager was removed from the resolution and the position of the Building Official was increased from a quarter time position to a half time position.

9. Resolution No. 10-29 Approving a Consent Decree with Baykeeper

City Attorney Joan Cassman stated that the litigation matter before Council started back in September of 2009 when a 60 day notice was filed against the City by Baykeeper. Attorney Michael VanZandt with Hanson Bridgett has worked with staff on this consent decree; it is a court order that will put the City under the jurisdiction of the court for 6 years. The notice that was filed was regarding violations of the Clean Air and Water Act., and it alleged some 5,700 violations against the City. Staff, the City Attorney, and consultants researched the alleged violations and deemed that a majority of the violations were either inaccurate or overstated. Public Works Director Ron Popp stated that the City has already worked to resolve some of these issues with the treatment plant renovation, installation of the flow equalization tank, and increased personnel to address sanitary sewer overflows. The consent decree requires that the City implement a number of management practices which include:

- ✓ sanitary sewer overflow (SSO) investigation
- ✓ SSO Reduction Action Plan
- ✓ Capacity Assurance Planning
- ✓ sewer condition assessment/rehabilitation/replacement
- ✓ increased control of fats, oil, and grease (FOG)
- ✓ increased sewer cleaning
- ✓ focused cleaning of hot spots and laterals
- ✓ update Millbrae's Municipal Code to require certain maintenance and timely repairs of any private lateral which overflows
- ✓ maintain strong enforcement of pretreatment per Millbrae Municipal Code for controlling FOG.

Millbrae has all but three of these items in place. Total cost of the consent decree is \$1.9 million over a period of 6 years.

Public Comment

Jason Flanders, staff attorney for SF Baykeeper, thanked City staff for working with SF Baykeeper. He stated that sewage spills are a problem in the Bay Area, and when suit was filed, the City had 10 times the regional average of discharges, and disagreed that the City had a plan to fix this problem. He stated that he was pleased with the agreement reached, and noted that Baykeeper receives no economic benefit from this agreement.

End of Public Comment

Council stated that the City takes all overflow issues seriously as well as the protection of the Bay and waterways. The City has many of the practices which the consent decree calls for in place and the completion of the new Wastewater Treatment Plant will help Millbrae to achieve its goal of a reduction in sanitary sewer overflows. Millbrae is looking forward to improving the system and to the mitigation in the consent decree. Council also requested that the resolution be changed to have all costs of the consent decree spelled out

Upon a motion/second by Quigg/Colapietro Resolution No. 10-29 approving a Consent Decree with Baykeepers was adopted with corrections.

NEW BUSINESS

10. Designation of Voting Delegate and up to Two Alternates for the 2010 League of California Cities Annual Conference

City Clerk Angela Louis provided a brief overview of the report. The League of California Cities will hold its Annual Conference in San Diego from September 15th through September 17th. The Council must designate one delegate and up to two alternates to attend the Conference and Business Meeting. In order for the City to vote at the Business Meeting, the delegate and/or alternate must be registered for the Conference and attend the Business Meeting.

Council briefly discussed the item, noting that the registration for the Annual Business Meeting on Friday September 17th was \$250.00. Councilmember Holober stated that she would need to attend the League's Environmental Quality Policy Committee and could attend the Business meeting on Friday. It was also noted that apart from the Council's travel allotment, no other funds have been set aside to pay for this registration. Vice Mayor Quigg stated that he could be the alternate in the event that Councilmember Holober could not attend.

No public comment on this item.

Upon a motion/second by Quigg/Colapietro, Councilmember Holober was appointed as the voting delegate to the League's Annual Business Meeting and Vice Mayor Quigg was appointed as the alternate.

COUNCIL COMMENTS

Councilmember Holober:

- announced Sister Cities Commission Festa Maltija on August 7th;
- announced that a film crew from Malta would be at City Hall on July 16th. They are filming a documentary on Maltese immigrants.

Councilmember Colapietro noted that she had attended many meetings and events and residents could watch MCTV for upcoming events or log onto the Chamber of Commerce's website to access City calendar information.

Councilmember Papan:

- requested that a letter be written to the SFPUC requesting that they preserve Skyline Stables;
- attended the joint meeting with the Millbrae School District on the fields' project. Renovations are moving forward and she asked that the field users help to keep up the fields;
- announced that the Samaritan House is in need of toiletries, please contact them to drop off donations;
- announced that as of July 1st, State legislation was passed on calorie counts; these need to be posted at restaurants. In addition to the legislation, a new law, banning the sale of soda during school hours, has been passed.

Vice Mayor Quigg stated he had nothing to report.

Mayor Seto:

- announced the Old West BBQ on July 24th at the Community Center;
- announced that there would be a Sister Cities delegation to visit Kai Ping, China in November 2010;
- requested that tonight's meeting be adjourned in memory of Leo Del Rosso, Manager of the Millbrae PAL.

ADJOURN CITY COUNCIL AND REDEVELOPMENT AGENCY

There being no further business to discuss, the City Council and Redevelopment Agency adjourned at 10:32 p.m. in memory of Leo Del Rosso, Manager of the Millbrae PAL.

BY: _____
City Clerk

APPROVED: _____
Mayor