



**MILLBRAE CITY COUNCIL
MINUTES
July 25, 2017**

CALL TO ORDER MILLBRAE CITY COUNCIL

Mayor Holober called the meeting to order at 7:06 p.m.

ROLL CALL: Mayor Reuben D. Holober, Vice Mayor Gina Papan, Councilmembers Ann Schneider, Wayne J. Lee and Anne Oliva.

PLEDGE OF ALLEGIANCE TO THE U.S. FLAG

CONSENT CALENDAR

15. Appointment to the Planning Commission (This item was heard out of order.)

Mayor Holober announced that we will begin the meeting with Consent Calendar item 15. The Council will fill the one remaining vacancy on the Planning Commission. One commissioner (Catherine Quigg) was re-appointed at the Special Council meeting held on July 19, 2017. He stated that they would begin with public comment, allow the two finalists: Anders Fung and Rob DuCote, to make statements, and then the interviews would take place.

Begin public comment:

Marge Colapietro, Millbrae resident, spoke in favor of Rob DuCote.

Joe Chen, Millbrae resident, spoke in favor of Anders Fung.

Sammy Yim, Millbrae resident, spoke in favor of Anders Fung.

Johnny DaRosa, Millbrae resident, spoke on what constitutes a good Planning Commission.

Todd Repp, Millbrae resident, spoke in favor of Rob DuCote.

Carmen Ng, Millbrae resident, spoke in favor of Anders Fung.

Chuck Ng, Millbrae resident, spoke in favor of Anders Fung.

End of public comment.

Both candidates were interviewed by the Council.

Vice Mayor Papan, and Councilmembers Oliva and Lee voted in favor of Anders Fung.

Mayor Holober and Councilmember Schneider voted in favor of Robert DuCote.

Anders Fung was appointed as the new Planning Commissioner by a vote of 3:2.

Mayor Holober congratulated Anders Fung on his appointment to the Planning Commission and Cathy Quigg on her reappointments to the Planning Commission.

1. **CEREMONIAL/PRESENTATION**
 - NONE
2. **AGENDA OVERVIEW/STAFF BRIEFING**
 - Report of Bills and Claims

City Manager Raines reviewed the agenda items.

- Report out from Closed Session of July 11, 2017

Deputy City Attorney Conneran stated that the Council had met in Closed and discussed the matter of the insurance settlement for the Community Center. This item is on tonight's agenda for discussion.

3. **APPROVAL OF MINUTES**
 - NONE
4. **ORAL REPORT FROM CITY COMMITTEE/COMMISSION CHAIRS**
 - NONE

PUBLIC COMMUNICATION

Leora Tanjuatco, Millbrae resident, spoke about affordable housing.

Jeanne Dapkus, Millbrae resident, spoke about traffic congestion on Larkspur Drive and Helen Drive.

Wynn Grich, Hayward resident, spoke on SB 649 and the radiation effects of cell towers.

Fran Xu, Millbrae resident, spoke about garbage on Linden Avenue and Serra Avenue.

Brian Dickson, Millbrae resident, spoke about placing the review of public safety concerns on the next agenda.

Louis Vella, Millbrae resident, spoke about a Code Enforcement complaint regarding 960 Larkspur Drive and the erosion of the hillside.

Peter Maloney, Millbrae resident, spoke about 960 Larkspur Drive and the erosion activity.

CONSENT CALENDAR

Mayor Holober announced that there was a speaker's slip for agenda item number 8; the item was pulled for public comment.

5. Adoption of Fiscal Year 2017-2018 Commission and Committee Work Plans

6. Adoption of Resolutions No. 17-33 and No. 17-34 Declaring Intention to Reimburse Expenditures from the Wet Weather Program from the Proceeds of Tax-Exempt Bonds or Certificates of Participation and Authorizing the City Manager to Sign Agreements for Professional Financial Advisory Services
7. Resolution No. 17-35 Awarding a Construction Contract to Interstate Grading and Paving, Inc. for the 2017 Pavement Repair Project and Approving a Professional Services Agreement to Bellecci and Associates, Inc.
9. Motion Rejecting Single Bid Received for the Water Control Plant No. 3 Water Piping Improvement Project
10. Resolution No. 17-37 Granting Authority to the City Manager to Award Construction Contract to the Lowest Responsive Bidder for the Highline Canal Trash Capture Headwall Project
11. Resolution No. 17-38 Granting Authority to the City Manager to Award a Construction Contract for the Rehabilitation of Sanitary Sewer Main at 12 Corte Nueva
12. Resolution No. 17-39 Authorizing Collection of Fiscal Year 2017-2018 Stormwater Fees on the San Mateo County Tax Roll
13. Amend Salary Schedules
14. Approval of Street Closures of Broadway from Victoria Avenue to Meadow Glen Avenue, Beginning at 9:00 p.m. on Friday, September 1 through Sunday, September 3, 2017, for the Millbrae Chamber of Commerce Art and Wine Festival

Upon a motion/second by, Lee/Papan, Consent Calendar items, 5, 6, 7, 9, 10, 11, 12, 13 and 14 were approved by a vote of 4:0:1; Councilmember Schneider abstained.

8. Resolution No. 17-36 Authorizing the City Manager to Execute a Construction Contract with Darcy & Harty Construction, Inc. for the 2017 Sanitary Sewer Capital Improvement Program (CIP), Execute a Professional Services Agreement with CSG Engineers Inc. in the amount of \$150,000 to Perform Construction Inspection and Project Engineering Services for the 2017 Sanitary Sewer CIP and Execute Contract Change Orders and Related Agreements up to the Project Contingency Funds of \$420,000

Begin public comment.

Wynn Grich, Hayward resident, spoke on behalf of an unnamed Millbrae resident who has a sewer issue.

End public comment.

Councilmember Schneider stated that she can vote for this project, but she cannot vote for CSG Consultants to manage the project.

Upon a motion/second by, Papan/Oliva, Consent Calendar Item 8 was approved by a vote of 4:1; Councilmember Schneider dissented.

PUBLIC HEARING

NONE

NEW BUSINESS

17. Commercial and Recreational Marijuana (This item was heard ahead of item 16.)

Community Development Director Ward introduced Larry Bergkamp and Fran Mancia from MuniServices. Mr. Bergkamp and Mr. Mancia presented the report, and discussed the changes in the legislation and the importance of timing. Any changes to the City's Municipal Code would need to be done prior to January 1, 2018 for the City to retain local control and preserve public safety.

Begin public comment.

Brian Dickson, Millbrae resident, spoke against using consultants.

Fran Xu, Millbrae resident, asked who will decide whether to allow marijuana stores in Millbrae.

Marge Colapietro, Millbrae resident, asked that the public be notified on time about this issue.

Cinthia Lowry, Millbrae resident, voiced concern about recreational marijuana being used by servers in restaurants.

End public comment.

A petition was submitted with 333 signatures. The petition stated that the signers oppose allowing the sale and planting of marijuana in the City of Millbrae.

Council received the report. This item will come back to Council for amending the City's Code prior to the January 1, 2018 deadline.

EXISTING BUSINESS

16. One Year Update Since the Loss of the Community Center and Adopt of Resolution No. 17-40 Approving the Settlement of the Insurance Claim for the Loss of the Community Center , Adopt a Resolution No. 17-41 Authorizing the City Manager to Issue Construction Contract Change Order No. 1 to Design Space Modular Buildings for the Interim Community Center Project and by Motion Authorize the City Manager to Execute Addendum No. 2 to the Agreement with CSG Consultants for the Continuation of Project Management Services for the City of Millbrae Community Center Rebuild Project Increasing the Not-to-Exceed Amount of the Agreement from \$196,760.00 to \$326,719.00

Administrative Services Director Shear presented the report. The Community Center was destroyed by a fire on July 21, 2016. The building was constructed in 1969 with a new wing added in 1972. At the time of the fire, the City had a comprehensive insurance policy through the Association of Bay Area Governments. Tonight's report focuses on the building damage and the costs of replacing the destroyed building. The City and the insurance adjuster arrived at the total recommended building replacement of \$6,194,501.00. It is understood that until the building is actually replaced, the maximum amount that

will be authorized and paid is \$4,400,429.00 and the remaining amount of \$1,794,072.00 will be paid when the new Community Center is completed and has received its certificate of occupancy.

Begin public comment.

Brian Dickson, Millbrae resident, spoke against using consultants.

End public comment.

Council received the report.

Upon a motion/second by, Papan/Lee, the Council received the update and Adopted Resolution No. 17-40 Approving the Settlement of the Insurance Claim for the Loss of the Community Center , Adopted Resolution No. 17-41 Authorizing the City Manager to Issue Construction Contract Change Order No. 1 to Design Space Modular Buildings for the Interim Community Center Project and by Motion Authorize the City Manager to Execute Addendum No. 2 to the Agreement with CSG Consultants for the Continuation of Project Management Services for the City of Millbrae Community Center Rebuild Project Increasing the Not-to-Exceed Amount of the Agreement from \$196,760.00 to \$326,719.00 by a vote of 4:1; Councilmember Schneider dissented.

COUNCIL COMMENTS

In the interest of time, the Council decided to forgo their comments.

ADJOURN CITY COUNCIL

There being no further business to discuss, the City Council adjourned at 11:03 p.m.

/s/ Angela Louis
City Clerk

/s/ Gina Papan
Mayor