



**MILLBRAE CITY COUNCIL
MINUTES
June 13, 2017**

CALL TO ORDER MILLBRAE CITY COUNCIL

Mayor Holober called the meeting to order at 7:04 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

1. **CEREMONIAL/PRESENTATION**

Mayor Holober requested that Chief Copeland address the Council on the recent stabbing incident that occurred at the Millbrae Library.

Presentation by Bo Cheli, Mountain View Working Scholars Program

This is a public-private partnership; there is no financial ask of the City, and if agreed upon, there would be an MOU between the City and Working Scholars for the City's endorsement of the program. Working Scholars does the fundraising for the program; however some cities have local foundations that partner with Working Scholars. The classes offered are accredited. The Council thanked Mr. Cheli for his presentation.

2. **AGENDA OVERVIEW/STAFF BRIEFING**

- Report of Bills and Claims

Deputy City Manager Raffaelli reviewed the agenda items.

- Report out from Closed Session of May 23, 2017

City Attorney Cassman stated that the Council had met in Closed Session and discussed two matters of existing litigation: the Baykeeper Consent decree and the claim regarding the Skinners. Item 7 on tonight's agenda is the outcome of the closed session regarding the claim. No other reportable action was taken.

3. **APPROVAL OF MINUTES**

- Regular Meeting of April 11, 2017
- Regular Meeting of April 25, 2017
- Regular Meeting of May 9, 2017
- Regular Meeting of May 23, 201

There were minor corrections made to the minutes, no substantive changes were made. Upon a motion/second by Lee/Oliva the minutes were unanimously approved.

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

- Update Report from the Cultural Arts Advisory Committee

This item was continued to the June 27, 2017 Council meeting.

PUBLIC COMMUNICATION

Gale Grinsell, Millbrae resident, provided the Council with a brief update of the Community Enhancement Advisory Committee's FY 17-18 Work Plan items. The items on the proposed Work Plans are duplicated from last year's Work Plans and one task was taken away from them.

Janet Creech, Millbrae resident, spoke on the Community Enhancement Advisory Committee's FY 17-18 Work Plan items. She echoed the comments made by Gale Grinsell and inquired as to why one task was taken away when the Committee had been working on it and not allowed to finish/continue their work.

Joseph Graff, Millbrae resident, spoke on the upcoming water rate increase and the Clean Bay Fee.

Rob Mantler, Millbrae resident, spoke on public safety. He does not feel safe in Millbrae, the Sheriff's Office does a good job with the resources they have. Concerned that his kids cannot walk safely to the Caltrain station. The City is inundated with mentally ill homeless people.

Brian Dickson, Millbrae resident, echoed the comments made by Rob Mantler regarding violent transients in the City. Need to reach out to these people and continue to do welfare checks on them. The City is in reactive response to incidents, need to be proactive with this population. Need to install license plate readers so that law enforcement can be notified of these individuals. Need to invest in public safety.

Bernadette Mantler, Millbrae resident, reiterated the comments of Rob Mantler and Brian Dickson. Has teenage children and cannot let them walk to work as it is not safe; encountered homeless person on the way. Millbrae is not the safe town that it used to be. We need more patrols and more coverage.

Steve Flaherty, Millbrae resident, would like to get information on the Community Center. Are we still in negotiations with the insurance company? Money was given to the City to purchase modular units for recreation offices, have they been purchased and where will they be located. There is no transparency on this item.

Wynn Greich, Hayward resident, spoke on the detrimental health effects of mercury in vaccinations. She invited the public to attend the Children's March for Humanity in Oakland on June 17th.

John Barrelier, Belmont resident, spoke on the validity of the City's red light camera program.

Stephen Yeh, Millbrae resident, spoke in support of the Millbrae Gateway project. He spoke on the housing problem in Millbrae and the Bay Area; we need to increase the housing stock. He urged the Council not to let the project languish.

James Ruigomez, San Mateo County Building and Construction Trades Council, spoke in support of the Republic Urban project and urged the Council to bring this forward for public hearing and vote. He requested that park fees be waived to support the 80 units of affordable housing that will be built.

Christina DuCote, Millbrae resident, spoke on public safety.

Kelly Erardi, Republic Family of Companies, asked the Council to do everything they can to bring the project forward for public hearing. They have responded to all of staff's questions and comments and have reached common ground on most items. Requested that this item be scheduled for the July 17th Planning Commission meeting. The County has Measure K funds available for affordable housing. No hearing jeopardizes these fees.

Diana Reddy, Housing Leadership Council, we are experiencing economic growth, yet thousands of residents are being displaced. The Gateway project will bring affordable housing for our veterans. Urged Council to direct Planning Commission to agendaize this item so that it can move forward.

CONSENT CALENDAR

Councilmember Schneider requested that item 8 be pulled from the Consent Calendar for discussion. Consent Calendar items 7 and 12 were pulled to allow for public comment.

5. Council Consideration to Recess for the Month of August 2017
6. Adoption of Resolution No. 17-22 Rescinding the City's Water Shortage Contingency Plan at Stage 1 and Maintain the State Water Resources Control Board's Drought Emergency Regulations
9. Resolution No. 17-25 Approving an Agreement with National Plant Services, Inc. in the Amount of \$400,620 for the 2017 Sanitary Sewer Mains and Lateral Smoke Testing Project
10. Resolution No. 17-26 Approving Agency-Federal Master Agreement No. 00092S and Program Supplemental Agreement No. 0P86 Rev. 00 with the California Department of Transportation
11. Approval of a Special Event Permit for the Millbrae Lions Club Millbrae Machines Car Show on August 19, 2017 and Street Closure of Broadway at La Cruz; Hillcrest at Broadway; Taylor Boulevard at Broadway; Broadway at End of Center Divide between 12:00 a.m. and 4:00 p.m.

Upon a motion/second by Papan/Lee, Consent Calendar items 5,6,9,10,11 were unanimously approved.

7. Resolution Awarding a Construction Contract to D & D Pipelines, Inc. in the Amount of \$1,043,800 for the 800 Block of Hillcrest Drainage Improvement and Amending Fiscal Year 2017-2018 Budget

Begin public comment.

Douglas Radtke, Millbrae resident, Public Works requested an exemption of the Millbrae Municipal Code for no fiber optic installation during this project. Fiber optic is an important infrastructure item. Council has stated that fiber optic is important to the City. When will there be a commitment to deploy fiber in the City. Will not get the best speed with Wi-Fi connection; need fiber optic.

End of public comment.

Council noted concern about not following the City's Dig Once ordinance. A comment was made about using a Wi-Fi to connect to areas of the City in lieu of fiber connectivity.

Public Works Director Kianpour stated that there would be a conflict of utility when digging in this area, and only 150 feet of Hillcrest is being impacted. Staff felt that they should wait for a larger project to use economies of scale for the installation of fiber.

Upon a motion/second by Lee/Oliva, Resolution No. 17-23 awarding a construction contract to D & D Pipelines, Inc. in the Amount of \$1,043,800 for the 800 Block of Hillcrest Drainage Improvement and amending Fiscal Year 2017-2018 Budget was unanimously approved.

8. Resolution Awarding the 2017 Janitorial Services Contract to Enviro Clean Maintenance Company in the amount of \$91,308

Councilmember Schneider stated that there is no food waste program in the bid and inquired how it was awarded. Would staff need to go back and request the addition of the food waste program?

Vice Mayor Papan inquired if staff conducted reference checks on the new company and do they meet all requirements?

It was also noted that Station 38 was not included in the bid, and that the Community Center is not part of the bid; are the modular units included?

Deputy City Manager Raffaelli stated that staff has submitted a plan regarding food waste containers in City Facilities.

Public Works Director Kianpour stated that staff conducted a reference check and the new company meets all of the requirements. Staff will need to get back to Council regarding Station 38. When the modular units arrive, they will be included in the agreement as part of a change order.

Upon a motion/second by Lee/Oliva, Resolution No. 17-24 awarding the 2017 Janitorial Services Contract to Enviro Clean Maintenance Company in the amount of \$91,308 was unanimously approved.

12. Approval of a Special Event Permit for the Millbrae Historical Society's BBQ on July 4, 2017 and Waiving \$380.00 in Fees for the Use of the Chetcuti Room

Begin public comment.

Mary Vella Treseler, Millbrae resident, thanked the Council for their support of the Historical Society's BBQ on July 4th. The BBQ will be held in the Chetcuti Community Room from 11:00 a.m. – 3:00 p.m.; everyone is welcome to attend.

End of public comment.

Upon a motion/second by Lee/Schneider, the special event permit for the Millbrae Historical Society's BBQ on July 4, 2017 and waiving \$380.00 in fees for the use of the Chetcuti Room was unanimously approved.

PUBLIC HEARING

NONE

EXISTING BUSINESS

13. Holiday Ice Rink

Administrative Services Director Shear presented the report.

Council inquired:

- How did staff arrive at seven week operating period;
- Were residents in the area notified about the noise and lights from the ice rink;
- Business Plan does not discuss how much staff time was already spent on the ice rink;
- Marketing is not discussed in the plan;
- Expense item for hotel for ice rink staff, \$10,000, is not in the plan.

Staff responded:

- The seven week operating period lines up with the holiday season;
- Residents would be notified of noise and lights if Council decides to move ahead with the ice rink;
- The \$10,000 is included in the plan; however staff recommends hiring local workers.

Councilmember Oliva stated that she was never in favor of spending money on this, and would like to have a proposal that would break even.

Councilmember Lee stated that this item could have been approached better. Council needed to see the business plan to see if it would be viable.

Mayor Holober stated that Council received a large volume of emails from Millbrae residents regarding the ice rink, nearly all of which voiced opposition to the proposal. He noted that many of the people opposing the rink have been long time community volunteers who have made many positive contributions to Millbrae.

Some of the Council noted that there was negativity surrounding this issue, there are many who have spoken against this item but support the community. The business plan showed that this item would be a loss for the City. There was consensus to not move ahead with this project.

Begin public comment.

Sarah Feldman, thanked the Council for their creative process. Risk analysis should be a part of the proposal. Need to examine the economics.

Diane Keefer, Millbrae resident, thanked Council for their service. You are elected by the residents to serve the community. To generate the revenue would need to average over 10,000 skaters per day. Put this aside and be fiscally responsible. Holiday rink is a misuse of funds.

Brian Dickson, Millbrae resident, public safety of the community is why a City incorporates.

Ray Scarabosio, Millbrae resident, the ice rink became too personal. Should have started with the business plan and we could have approached this on a different level.

Joseph Graff, Millbrae resident, cutting services does not make it. Need to address issues with public safety and first responders.

Douglas Radtke, Millbrae resident, take a more top down approach and ask for community support, look at total demand for ice rink and build into the assumptions. The plan was ill prepared.

Ron Frediani, Millbrae resident, would like to see ice rink money go towards public safety. Would like to see Parks and Recreation restored to what it used to be.

Steve Flaherty, Millbrae resident, we all agree to disagree, no personal issues going on. We were on the brink of bankruptcy, no more police and fire. We have water infrastructure plan, street plan, downtown plan, housing plan and two projects at MSASP and the Community Center. These are budgeted and money should be used on these projects. Not against the ice rink, but any City bond or parcel tax may not be looked on favorably if ice rink had passed.

Rob DuCote, Millbrae resident, good questions raised in the business plan, and Council should have started with the business plan. If the true goal that came out of this is the community coming together to build community spirit, then that does not cost as much. We need to look at projects with a business plan, this item started as a novel idea.

Marge Colapietro, Millbrae resident, glad to hear the comments of Councilmember Oliva tonight. Hopes that this item comes to closure, the timing is not right, and we need to have fiscal responsibility. Money should be applied to long term projects.

Sabrina Guerrero, spoke in favor of ice rinks.

Stuart Venook, Millbrae resident, the business plan was skimpy. The size of the rink is small, this should not be part of a future plan, need to get corporate sponsors to make this work. Have serious infrastructure issues that need to be addressed.

Ross Venook, Millbrae resident, first response to ice rink was “why”. Does understand how things got to this point, how did this come about. Going forward things should not be confusing to residents. What are our priorities, and this is where the City should be spending money.

Dean Coit, Millbrae resident, amazed at how personal this topic became. Would not mind seeing something like this in the future. Would like to see more community programs.

Gale Grinsell, Millbrae resident, appreciated knowing the Council decision early in the process. Need to prioritize projects, lots of staff time already spent on this issue. Need to think ahead and not spend staff time foolishly.

You You Xue, addressed Council on April 11th, Council did not approach businesses or residents about this issue. We came together through dissent on an item. This proposal has attracted dissent and we knew that we were taking a risk and that the business proposal was shabby. It is important to hear the publics’ comments, we will remember at our next election, let’s not bring this up next year.

End of public comment.

Upon a motion/second by Lee/Holober, the Council unanimously moved to not go forward with the Holiday Ice Rink Project.

Council took a break at 9:30 p.m. and reconvened at 9:45 p.m.

NEW BUSINESS

14. US Climate Mayors to Uphold Paris Climate Agreement Goals

Mayor Holober stated that he brought this issue forward in light of the President's announcement to pull out of the Paris Climate Agreement. He signed the letter on behalf of himself and brought it forward this evening for the Council's approval.

Councilmember Schneider stated that the Resolution does not address Zero Waste and would like language included.

Begin public comment.

Marcus Locket thanked Council for their support of this item. He asked the Council to step up their efforts to move forward with the Millbrae Gateway Project.

Milo Trauss thanked Council for their support, and taking action. Infill development of property is necessary for those in need of housing. Looking forward to Council's approval of housing in the transit area.

End of public comment.

Upon a motion/second by Lee/Papan, Resolution No. 17-27 in support of the Paris Agreement was unanimously approved with the inclusion of Zero Waste language.

15. Consideration of Actions Relative to Automatic Extension of the Franchise Agreement with the South San Francisco Scavenger Company

Public Works Director Kianpour presented the report.

Begin public comment.

Douglas Radtke, Millbrae resident, opt out of current contract and go out to bid, need to follow Prop. 218 process for garbage rates. Our rates have gone up more than 50% in the past 4 years; the CPI index method is only used in Millbrae, South San Francisco, and Brisbane. Old rates are irrelevant; argument that it costs too much and takes too much time is nonsense. In interest of transparency consider other options.

Morissa Glichenhause, Millbrae resident, number of issues when you deal with procurement. Millbrae has gone through an audit where there were findings. New policy was to be put in place and need to be judicious when dealing with public money. What are the internal controls, what policies are in place, policies are out of date; need to have fiduciary responsibility.

Daniel F. Quigg, Millbrae resident, he and former Mayor Nadia Holober served on the sub-committee that approved the current agreement, more cost effective than what was previously in place. To go out to bid would raise rates, San Mateo went out to bid and within two years the garbage costs went up. SSF Scavenger is very customer friendly to their customers, they assist the elderly and those who are handicapped.

End of public comment.

Doug Button, South San Francisco Scavenger Company, when the agreement was negotiated, it was the intent to be a 24 year contract. There would be CPI increase every two years and every three years provide a rate comparison would be done and rates would need to be 5% lower than other cities. The agreement requires Scavengers to comply with state law and they took on additional costs for City recycling programs and yard waste without raising rates. Scavengers has over \$30 million investment in infrastructure for the Company. This agreement is a long term commitment, without it, they would not be in compliance with state law. They have not asked for a rate increase because of the longevity of the contract. They have lowered carbon footprint and mandates of organics being banned in landfill and they need to continue to expand these programs. Bids are costly, the City can do this, they did this back in 2009, costs will go up, we need to provide services at 95% of rate and have not passed on costs to rate payers.

Councilmember Schneider stated that if you go out to bid, you can end up with higher rates. Additionally, we do not have enough time to prepare a bid; this should have come before the Council two years ago. We can go out to bid and may not have a cheaper product; not in favor of going out to bid on this item. We get good service with South San Francisco Scavenger. Would like to see some things changed and clarified would like to see the Green House Gas equivalents and would like to know where we are selling our recycled materials.

Councilmember Lee stated that the low bid is not always the best bid.

Councilmember Oliva stated that the rates are transparent; she pays three bills in three cities and there is not much of a difference. The Scavengers is a part of our community, they support our local community, and they provide great service. She can accept this contract.

Mayor Holober stated that the rates are reasonable. He inquired about a having a denser population base with an increased commercial area, would this be a factor on the rates?

Mr. Button stated that the agreement looks at a wider range to get a better comparison. Millbrae does not have a large commercial base and some of the other cities have large commercial bases that subsidize the rates. The large projects in Millbrae are mainly residential.

City Attorney Cassman stated that the contract was put in place as a longer term contract, and should have come before the Council earlier. The first eight year term would not have been extended if there had been a problem. We may want to meet with the Scavengers to discuss the contract, as the agreement calls out that every seven years we need to discuss the list of cities and if some adjustment is in order. Additionally, Scavengers must comply with state law regarding regulations and there is an indemnity clause in the agreement stating that if there are any penalties, Scavenger will be liable to pay those penalties.

Upon a motion/second by Lee/Oliva, the Council unanimously moved to allow for the automatic extension of the agreement with the South San Francisco Scavenger Company.

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 11:25 p.m., in honor of the Golden State Warriors winning the NBA Championships.

/a/ Angela Louis
City Clerk

/s/ Reuben D. Holober
Mayor