



**MILLBRAE CITY COUNCIL  
MINUTES  
November 14, 2017**

**CALL TO ORDER MILLBRAE CITY COUNCIL**

Mayor Holober called the meeting to order at 7:10 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**

- Presentation by Leslie E. Wong, President, San Francisco State University

Mayor Holober introduced Leslie E. Wong, President, San Francisco State University (SFSU). President Wong updated the Council on the programs at the University. There are 106 Millbrae students, graduates from Mills High School, attending SFSU. President Wong stressed the need to build local relationships; their internship program is one of the best in the area. Students are wanting internships earlier, at end of freshman year and into sophomore year, rather than waiting until their junior and senior year. He thanked the Council for the opportunity to present.

- Recognition of Millbrae CERT for their Participation in Urban Shield 2017 Green Command

San Mateo County Sheriff's Office District Coordinator William Reilly updated the Council on the recent Urban Shield 2017 Green Command. Twelve individuals were recognized for their participation. Dino DeRanieri, Millbrae CERT, called upon the team and asked them to come forward and be recognized.

2. **AGENDA OVERVIEW/STAFF BRIEFING**

- Report of Bills and Claims

City Manager Raines reviewed the agenda items and updated the Council on the following items:

- City Hall parking lot is closed for the transition of the modular units;
- Discussion on the Community Center is scheduled for the November 28<sup>th</sup> Council meeting;
- City Services Day is on November 28<sup>th</sup> from 4:00 p.m. – 6:00 p.m. in the Chetcuti Community Room;
- Upcoming Public Works projects:
  - ✓ smoke testing is complete with some follow up inspections,
  - ✓ ADA ramp work in vicinity of Juanita Ave,
  - ✓ pipe bursting on Springfield Drive and Crestview Drive.

Due to the number of speaker slips for agenda item 8, City Attorney Cassman clarified what action the Council would be taking. Tonight is the second reading of an ordinance to prohibit the use of cannabis in Millbrae.

- Report out from Special Closed Session of November 14, 2017

City Attorney Cassman stated that the Council met in Closed Session and discussed the employment related claim of Ray Chan and to consider a reasonable settlement. A settlement agreement of \$130,000 was approved by Council.

3. **APPROVAL OF MINUTES**

- NONE

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

- NONE

**PUBLIC COMMUNICATION**

Wynn Grich, Hayward resident, spoke on the detrimental health effect so fluoride and chloramines in the water.

Clarice Veloso, Human Investment Program (HIP), distributed HIP's annual calendar. She thanked the Council for their support.

Chris daRoza, Millbrae resident, spoke on flooding issues at Landing Lane.

Ray Scarabbiosi, thanked Council for attending the November 1<sup>st</sup> Mills/Capuchino High School Lunch.

**CONSENT CALENDAR**

It was the consensus of the Council to pull Consent Calendar item 8 to allow for public comment, and to pull item 9 for a brief discussion.

5. Acceptance of Quarterly Investments Schedule for the First Quarter of Fiscal Year 2017-2018
6. Resolution No. 17-54 Awarding a Construction Contract to Cratus Inc. for the Sewer Modernization Program, Madrone Sub-basin 1 and 2 Sanitary Sewer CIP in the amount of \$2,985,825, Approve a Professional Service Agreement to Park Engineering, Inc. in the amount of \$180,000, and Authorize the City Manager to Execute the Subject Contract(s) and Approve Contract Change Orders up to the Project Contingency Funds of \$450,000
7. Resolution No. 17- 55 Authorizing the City Manager to (1) Execute a Construction Contract with Kerex Engineering, Inc. for the 2017 ADA Exterior Improvement Project, (2) Execute a Construction Contract with Arthulia Inc. for the 2017 ADA Interior Improvement Project, (3) Execute a Professional Services Agreement with Bellecci & Associates in an Aggregate amount of \$20,000 to Perform Construction Inspection and Project Engineering Services for the Projects, and (4) Execute Contract Change Orders and Related Agreements up to the Project Contingency Funds of \$25,000 for the Exterior Project , and \$5,000 for the Interior Project

Upon a motion/second by Lee/Papan, Consent Calendar items 5, 6, and 7 were unanimously approved.

8. Ordinance No. 767 Amending Chapter 5.120 of the Millbrae Municipal Code Limiting Recreational, Medical, and Commercial Cannabis Use and Other Activities Pending Further Evaluation and Completion of Studies of the Impacts Associated with Such Activities
  - Waive 2<sup>nd</sup> Reading
  - Adopt Ordinance

Community Development Director Ward echoed the previous comments made by the City Attorney. The first reading of the ordinance was heard at the October 24, 2017 Council meeting. The ordinance before the Council tonight is to ban the use of cannabis in Millbrae.

City Attorney Cassman stated that if the City does not take this action tonight, then the State will take over the sale, and cultivation, and control of cannabis. The City is taking control of regulations to keep it under local control.

Begin public comment.

Eddie Tsang, Millbrae resident, likes small town feel of Millbrae. Does not want to sacrifice profits over safety and safety over the sale and use of marijuana.

Katherine Zhang, Millbrae resident, wanted to say no to marijuana and have a clean and safe Millbrae.

Deng Liu, Millbrae resident, stands against allowing the legalization of cannabis. Does not want to risk safety of neighborhood to have dispensaries near homes and schools. Do not allow any cannabis activities in Millbrae.

Joe Chen, Millbrae resident, opposes having marijuana in Millbrae. Marijuana is addictive and impairs body and mental functions and cause many negative health conditions. Marijuana is a source of crime, and has negative impact on the City. Ban any cultivation and use of marijuana.

Sissy Reily, Millbrae resident, say no to marijuana.

Vincent Lo, Millbrae resident, concerned about marijuana. Many have showed up for tonight's meeting regarding this issue and he thanked the Council for voting against this. Happy to hear that we are taking proactive action to take control of this locally and not leave up to the State.

Tom Chiang, Millbrae resident, opposes marijuana.

End of public comment.

Upon a motion/second by Papan/Lee, the Council unanimously waived the second reading and adopted Ordinance No. 767 amending Chapter 5.120 of the Millbrae Municipal Code limiting Recreational, Medical, and Commercial Cannabis Use and Other activities pending further evaluation and completion of studies of the impacts associated with such activities

Council took a recess at 8:35 p.m. and reconvened at 8:45 p.m.

9. Authorize, by Motion, the City Manager to Execute a Professional Services Agreement with Lew Edwards Group (LEG) for Current Opinion Research, Revenue Ballot Measure Preparation, and Communications Services for a Potential Bond Measure to Finance a New Millbrae Community Center in an Amount Not to Exceed \$50,000

Deputy City Manager Hilbrants introduced Catherine Lew, Lew Edwards Group.

Ms. Lew made a brief presentation. She cautioned against the Council asking specifics as this may bias the survey.

## Council inquired:

- How will competing ballot measures be addressed;
- Many assumptions have been made on NextDoor;
- How many residents will be surveyed
- Is the random sample of 300 enough;
- Will you be working closely with Group 4;
- June voters vs. November voters.

## The consultants responded:

- We will research this and see if Council will proceed in June or at other time, and will we look at what else will be on the ballot. We want to be s flexible and open-minded and look at drawing a November sample with a June subset;
- The intent is to complete an unbiased study and ask the community what services they want;
- There are approximately 12,000 registered voters, there will be a random sample of 300 in two languages (English and Cantonese). The survey will be conducted via cell, landline, and internet;
- 2/3 of the vote is needed for the ballot measure to pass, and the margin of error is 6%;
- Yes, we have had access to Group 4;
- Do not make any presumptions on behalf of the voters. In a June election close to 50 % of voters are over 65 and in a November election, close to 45%of the voters are over 65. However, the November turnout is 6% higher with Asian Pacific Islanders a group that is known to typically support these types of measures.

Upon a motion/second by Lee/Holober, the Council unanimously authorized, City Manager to execute a Professional Services Agreement with Lew Edwards Group (LEG) for Current Opinion Research, Revenue Ballot Measure Preparation, and Communications Services for a Potential Bond Measure to Finance a New Millbrae Community Center in an amount not to exceed \$50,000.

**PUBLIC HEARING**

NONE

**EXISTING BUSINESS**

NONE

**NEW BUSINESS**

NONE

**COUNCIL COMMENTS**

Mayor Holober:

- Tonight's meeting will be adjourned in memory of MaryEllen Reilly, sister of San Mateo County Sheriff's Office District Coordinator William Reilly.

Vice Mayor Papan:

- Announced that Pacifica passed a tax on cannabis;
- Announced the Tree Lighting on December 2<sup>nd</sup>;
- Announced that the Council rotation will be discussed at the November 28<sup>th</sup> Council meeting;
- The November 28<sup>th</sup> meeting will have item about the Community Center;
- Thanked Living Spaces for giving away free mattress to fire victims;
- Encouraged residents to sign up for SMC Alert.

Councilmember Schneider:

- Congratulated Millbrae staff on funding of a recent C/CAG Bicycle Grant;
- The Cultural Arts Committee has a new member. They are looking to have an art show in the Spring and will work with the Parks and Recreation Commission;
- The Community Enhancements Advisory Committee would like to present on an urban forestry management plan with the Parks and Recreation Commission and then bring it to Council.

Councilmember Lee:

- Recently traveled to China with members of the San Mateo County Trade Association to expand California markets in China, specifically in San Mateo County.

Councilmember Oliva:

- Stated that she had a great time last week on Election Day. She was in Pacifica where their rent control measure was defeated.

### **CLOSED SESSION**

Performance Evaluation and Negotiation with Unrepresented Employee  
Closed Session held pursuant to Government Code §54957 and 54957.6  
Title: City Manager

### **ADJOURN CITY COUNCIL**

There being no further business to discuss, the City Council adjourned at 9:16 p.m.  
in memory of MaryEllen Reilly, sister of San Mateo County Sheriff's Office District Coordinator  
William Reilly.

/s/ Angela Louis  
City Clerk

/s/ Gina Papan  
Mayor