



MILLBRAE CITY COUNCIL
MINUTES - DRAFT
June 25, 2019

CALL TO ORDER MILLBRAE CITY COUNCIL

Mayor Lee called the meeting to order at 7:11 p.m.

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

PLEDGE OF ALLEGIANCE TO THE U.S. FLAG

Ann Kirkbride led the pledge of allegiance.

1. **CEREMONIAL/PRESENTATION**

- Presentation of Commission and Committee Service Pins by Vice Mayor

Vice Mayor Holober presented service pins to the following commissioners/committee members:

- Ann Kirkbride – Community Enhancement Advisory Committee – 40 years of service
- Tom Dawdy – Sister Cities Commission – 25 years of service
- Mimi Lin – Senior Advisory Committee – 15 years of service
- John Cesario – Economic Vitality Advisory Committee – 5 years of service
- Christopher Del Nagro – Parks and Recreation Commission – 5 years of service
- Julie Turner – Parks and Recreation Commission – 5 years of service
- John Keefer – Parks and Recreation Commission – 5 years of service

At 7:18 p.m. the Council recessed for the Commission/Committee Service Recognition reception in the City Hall lobby.

The City Council re-convened at 7:35p.m.

Mayor Lee announced the arrival of baby Joah Levi Goodman on June 12, 2019 to parents Jonathan and Jen Goodman and the arrival of baby Dominic James Caccia to parents Anthony and Tiffany Caccia.

- Proclamation Proclaiming the Month of July as National Parks and Recreation Month

Mayor Lee presented the proclamation to Parks and Recreation Commission Chair John Keefer

Council took this opportunity to thank Charlene O’Connell, Millbrae Recreation Coordinator, for her many years of service to the City and wished her well in her retirement.

2. **AGENDA OVERVIEW/STAFF BRIEFING**

- Calendar of Events
- Report of Bills and Claims

City Manager Williams provided the agenda overview and updated the City Council on the following items:

- Reminder that fireworks are illegal in preparation for the upcoming 4th of July holiday;
- Announced the Traffic Calming Community Workshop on July 18th;

- Provided an update on recent traffic congestion on Millbrae Avenue;
- Announced the Beats and Brews on Broadway music series on July 11th and August 8th.

3. APPROVAL OF MINUTES

NONE

4. ORAL REPORT FROM CITY COMMITTEE/COMMISSION CHAIRS

NONE

PUBLIC COMMUNICATION

Laurie Pascual, Union City resident, spoke in opposition of AB 967 (Human Remains Disposal).

Wynn Grich, Hayward resident, spoke in opposition of AB 967 (Human Remains Disposal) and about recycled water.

Paul Ko, Millbrae resident, stated that he spoke at the last City Council meeting on June 11 in opposition of the proposed teacher housing at the Mills High School campus and requested an update on what transpired at the meeting between the City Manager and San Mateo Union High School Superintendent.

Donna Kasprowicz, Millbrae resident, stated that she spoke at the last City Council meeting on June 11 in opposition of the proposed teacher housing at the Mills High School campus. She is still opposed.

Jean Perry, Millbrae resident, said that she visited the Senior Advisory Committee this week on behalf of the San Mateo County Behavioral Health and Recovery Services Tech Innovation Project. They are in the process of getting public input for their app that promotes wellness.

CONSENT CALENDAR

Item No. 5 was pulled off the Consent Calendar for discussion.

6. Resolution No. 19-48 Accepting the Hillcrest Basin Sewer Rehabilitation Project as Complete and Filing of Notice of Completion
7. Reject, by Motion, the Two Bids Received for the Fiscal Year 2018 - 2019 Water Pollution Control Plant Improvements Project
8. Resolution No. 19-49 Authorizing the City Manager or Designee to (1) Exercise the Two Remaining One-Year Contract Options to the Agreement for Professional Services with Stepford, Inc. for Information Technology Support and Related Services in an Amount Not-to-Exceed \$150,000 per Year for Base Services, (2) Issue Addenda in an Aggregate Amount Not-to-Exceed \$50,000 per Year for Additional Services Over the Two Option Periods for the Period of July 1, 2019 – June 30, 2021, (3) Authorize Purchases of Software, Hardware and Related Technology Items from Stepford, Inc. in a Total Amount Not-to-Exceed \$100,000 per Contract Year

Upon a motion/second by Schneider/Holober Items 6, 7 and 8 passed unanimously.

5. Appointments to City Commissions and Committees – ACTION

Vice Mayor Holoher stated that the City has an ordinance stating that the Parks and Recreation Commission is made up of five members. An alternate cannot just be appointed. I don't think we can appoint an alternate and an alternate is not needed. City Attorney Cassman said the ordinance would need to be amended if an alternate is to be appointed and that Vice Mayor Holoher raises a good point. If the City wants consistency from a commission that is providing policy advice to the City Council, do we really want a rotation and to have a new person there every other month if someone is absent? We would really need to think through how this would work and how this would affect the manner in which this commission functions and provides guidance and recommendations to the Council.

Vice Mayor Holoher stated that the three commissions each have an individual ordinance that was approved a couple of years ago amending those commissions. Committees were amended by resolution. So that's a bit more flexible. I don't have any issue with alternates on the committees, they are more advisory, whereas the Parks and Recreation Commission and the Planning Commission are bit more formal in their decision making.

Upon a motion/second by Papan/Oliva Item 5, as amended without the alternate for the Parks and Recreation Commission, passed unanimously.

PUBLIC HEARING

9. An Ordinance Amending Chapter 5.95 "Smoking Control" of Title 5 of the Millbrae Municipal Code to Prohibit Smoking in Multi-Unit Residential Housing and Provide for Regulating Outdoor Smoking in the Vicinity of Such Units and Outdoor Spaces
- Waive First Reading
 - Introduce Ordinance

Mayor Lee opened the public hearing.

Community Development Director Misner presented the report. He stated that Council and staff have received a request to include a ban on medical marijuana in the smoking amendment.

Councilmember Schneider said this is a good step, however, she is disappointed that it took a Grand Jury study for the City to bring this forward. She asked when will the City take care of the rest of the smoking problems? The ordinance needs to be clarified to know what can be enforced. It is not clear to me if sidewalks are a public place. Why are we giving people in a lease a year to comply?

Councilmember Papan said that this ordinance amendment is strictly for multi-unit housing. Community Development Director Misner said the scope is very limited. If the Council wants staff to come back with a more robust ordinance we can do that, but this amendment was about smoking in multi-unit housing. City Manager Williams said that the Section 5.95.010 R (Definitions – Service Area) says that service areas include sidewalks and Section 5.95.25 D prohibits smoking in service areas within 40 feet of a multi-unit residence. So we cover this issue of smoking on sidewalks.

Vice Mayor Holoher said by installing ash trays downtown we are contradicting the ordinance. We might want to think about that. He agreed with Councilmember Schneider about not having a one year exemption; this should go into effect immediately. Otherwise he is comfortable with this amendment.

Councilmember Oliva stated that she disagrees regarding the one year time frame. People need time to find new housing. Mayor Lee said one year is too long and three months is a reasonable amount of time to give people a chance to comply and make plans. Mayor Lee asked for clarification on the time frame. Community Development Director Misner responded anybody who has signed a lease prior to August 1, 2019 is grandfathered in. City Manager Williams said if you sign a lease after August 1, 2019 it goes into effect immediately. Vice Mayor Holober said he would like to go with Mayor Lee's recommendation of a three month phase-in period. Councilmember Papan said we can split the time and make it six months. City Manager Williams recommended January 1, 2020 as the implementation date.

Begin public comment.

Yuri Carter, Millbrae resident, expressed her support for the ordinance. This is a good move. The harm from second hand smoke is very well documented.

Alisa Mulligan, Millbrae resident, thanked the Council for passing this ordinance. She thinks medical marijuana should not be exempt from the ban. She agrees that January 1, 2020 is a good start date.

Smitha Gundavajhala, from the San Mateo County Youth Leadership Institute, asked the Council to pass this ordinance. A citywide policy would mean equity. Smoke does not know boundaries.

Randy Uang, Millbrae resident representing Breathe California, thanked the Council for having staff develop this ordinance. Asked Council to ban medical marijuana and implement on January 1, 2020.

Francesca Lomotan, representing San Mateo County Health, offered to help draft the ordinance and provide notification materials. Their Tobacco Prevention Program hotline is (650) 573-3777.

Edward Schlesinger, San Carlos resident, said they had a similar problem in San Carlos. They spoke to their Council and their ordinance now bans vaping, recreational and medical marijuana.

End public comment.

Vice Mayor Holober noted that on page 2 of the ordinance it says that residential care facilities are not included (Section 5.95.010 P) and we might want to include that in the ordinance. City Manager Williams asked if this is something we can bring back in the second reading. City Attorney Cassman said we will look into this. Councilmember Papan stated that she would like to include recreational and medical cannabis, and vaping in the ban. Mayor Lee said we also agree on the January 1, 2020 start date.

Begin public comment.

Alice Kuang, Millbrae resident, I have a 68 bed assisted living facility which is 10 years old. The whole property is non-smoking and very successful.

End public comment.

Upon a motion/second by Papan/Holober the public hearing was closed.

Councilmember Schneider said that we need to clarify if smoking is banned on sidewalks by existing residential units over commercial properties. I don't think the ordinance is clear. City Attorney Cassman asked if this is about a vertical issue. Councilmember Schneider replied yes, and the Peets' Coffee bench

is the best example. City Attorney Cassman said, so you have residential on top of retail, the question is does the forty feet go up vertically as well as horizontally. It can be clarified. We will work on that.

Upon a motion/second by Holober/Papan the motion to waive the first reading and introduce the ordinance amending Chapter 5.95 "Smoking Control" of Title 5 of the Millbrae Municipal Code to prohibit smoking in multi-unit residential housing and provide for regulating outdoor smoking in the vicinity of such units and outdoor spaces passed unanimously.

EXISTING BUSINESS

NONE

NEW BUSINESS

10. Informational Report on the Development of a Data Center at the City Aviador Storage Yard

Deputy City Manager Lim presented the report.

Council voiced their concerns about noise, the appearance of the facility, security, parking, setback and the ninety-nine year lease.

Deputy City Manager Lim stated that there will be a conditional use permit, we will go through the Planning Commission and there will be a California Environmental Quality Act (CEQA) process. City Manager Williams said, if the Council moves this forward, staff will have meetings with the neighborhood. Deputy City Manager Lim said staff can bring a study session to the Council.

Council asked if they will be judging the developer on a conceptual level and their experience rather than who can create the plan that brings in the most revenue to the City. Deputy City Manager Lim responded yes and we can either do a Development Agreement sharing revenue or a Franchise Agreement with the operator.

Mayor Lee said he likes the idea of a data center. High speed internet will put Millbrae on the map. It will open up opportunities for franchise fees and revenue for the City as well as internet, television and telephone services for our citizens. It will attract high tech businesses to our City.

Deputy City Manager Lim summed up the revisions to the Request for Proposals (RFP) as follows: remove the ninety-nine (99) year land lease and put in a long term land lease instead; eliminate exhibit showing the site lay-out and replace it with the vicinity map and flight path; setback is 20 feet per the existing Millbrae Station Area Specific Plan (MSASP); 45 degree plane, 20 feet interior setback and current height is 35 feet. We can do an MSASP amendment to raise the height below Federal Aviation Administration (FAA) regulations and also potentially changing the Floor Area Ratio (FAR) to increase it to better utilize the site. Council requested that the 42 parking space language be removed and just say parking area. City Manager Williams said staff is looking into a pedestrian bridge from the BART garage to the data center to eliminate parking.

The Council accepted the informational report on the development of a data center at the City Aviador Storage Yard.

11. Consider Formation of a City Council Ad-Hoc Subcommittee to Address Opportunities for Economic Development and a Strategic Alliance with the San Francisco International Airport (SFO)

City Manager Williams presented the report.

Upon a motion/second by Papan/Holober Council unanimously appointed Mayor Lee and Councilmember Papan to the Ad-Hoc Sub-committee to address opportunities for economic development and a strategic alliance with the San Francisco International Airport.

COUNCIL COMMENTS

Mayor Lee:

- Thanked the Millbrae Chamber of Commerce for sponsoring and hosting the State of the City on June 20 and thanked City staff and sponsors: the Consul General of Malta, South San Francisco Scavenger Company, Trader Joe's and Starbucks.
- Movie night in the park was a great event. Request that the screen be moved so we don't have to look up. Many people made the same comment.
- Thanks to Councilmember Schneider for pursuing the ground level noise issue. I am sorry I cannot make it to the Ad Hoc Committee meeting tomorrow.
- Peninsula Clean Energy (PCE) is providing grants for low income families to buy used plug-in vehicles and they are giving grants for EV-Go charging stations. The City received a grant for EV-Go charging stations on the 400 block of Broadway.
- We are looking at a \$1 million deficit in the near future. Council will work as hard as we can to generate revenues. Residents have tax fatigue. We don't want to cut services either.
- Congratulations to Charlene O'Connell on her retirement.

Vice Mayor Holober:

- The Millbrae Community Television (MCTV) Board of Directors met last week. Dana Sahae has resigned and they have a new Station Manager, Sara Johnson. Welcome Sara.
- The Sister Cities Commission met last night. They are updating their Commission website. They are trying to renew the relationship with La Serena, Chile.
- Peninsula Congestion Relief Alliance Board of Directors met last week and discussed the San Mateo County Transportation Authority's priorities. There is a survey going on right now.

Councilmember Schneider:

- The San Francisco Airport Ground Based Noise Ad-Hoc Committee is meeting tomorrow morning at 10:30 a.m.
- The Grand Boulevard meeting this month has been cancelled and moved to September.
- City/County Association of Governments (C/CAG) voted on new members for the new Flood and Sea Level Rise Resiliency District.
- Emergency Services is meeting this Thursday, June 27, and we will be talking about getting your house ready for fire danger. On July 11 we are having our first organizing meeting on getting ready for natural disasters.
- I would love to get back to bike sharing.

Councilmember Oliva:

- As usual the Senior Advisory Committee was very productive. They had a presentation from Jean Perry with the San Mateo County Behavioral Health and Recovery Services Tech Innovation Project

on the healthy wellness app. She talked about the Seven cups and I think this is a cool thing because you have seven cups of coffee with somebody before you know them and understand them.

- The Senior Advisory Committee requested a list of all the properties owned by the City.
- Complimented the Mayor on the State of the City and thanked him for a great job.
- Congratulations to Rob Ducote, the new Millbrae Lions Club President.
- Planning Commission applicant Steven Green said he would be on Jeopardy. We might host a celebration for him and watch him on television.

Councilmember Papan:

- Compliments to everyone who attended Movies in the Park on June 21. It was lots of fun as always.
- The Millbrae Historical Society’s Fourth of July picnic is coming up on July 4.
- Central County Fire Department (CCFD) has the Pink Ribbon Girls unveiling of the Pink Fire Engine tomorrow.
- Self-Help for the Elderly had their 53rd Longevity Gala Dinner on Saturday, June 15. They raised over \$100,000.
- Thanked the City Manager and staff for planning the bus tour on June 19. We had a full bus with over 50 participants. Thanks to Genentech for providing the bus and to Roseanne Foust, President and CEO of the San Mateo County Economic Development Association (SAMCEDA), and Don Cecil from the Peninsula Mobility Group.

CLOSED SESSION

Conference with Labor Negotiators

Closed Session held pursuant to Government Code §54957.6

Agency Negotiator:

City Manager Tom Williams

Employee Organizations:

Teamsters Local 856, Miscellaneous Unit

Teamsters Local 856, Sanitation Division

Employee Group:

Unrepresented Management

ADJOURN CITY COUNCIL MEETING

There being no further business to discuss, the City Council adjourned at 9:46 p.m.

The video recording of the meeting is available on the Millbrae Community Television Youtube website. You can click on the link below to view the recording of the entire meeting.

<https://www.youtube.com/watch?v=RrEoWVct76k>

By: _____
Elena Suazo
City Clerk

Approved: _____
Wayne J. Lee
Mayor