

## **CITY COUNCIL/REDEVELOPMENT AGENCY**

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needs between the businesses and the residents has existed for a long time and those involved are trying to find a Solomon-like solution, which won't please everyone. He thanked the Downtown Process Committee for the hard work and suggested that some of the parking areas may need to be reviewed, however, he acknowledged that what is trying to be accomplished is for the benefit of all.

Councilmember Holober clarified that the motion to reconsider would not get rid of the permit program, or go forward with it, only to discuss it further. She explained that this process was helpful in that it wasn't noticed earlier that a residential area was marked for business parking. Councilmember Holober stated that there is no rush to implement the changes and there is time to allow additional discussion.

Mayor Hershman stated that the reconsideration was at his request and is only to reconsider the permit fees and boundaries issues. He explained that the motion to reconsider is in the interest of open government and an open process. Mayor Hershman stated that he would like to schedule this item for December 13<sup>th</sup> to reconsider the issues, and allow staff the time to notice those residents who have permits so that they can join in the discussion.

Upon a motion/second by Hershman/Holober, the Council agreed by unanimous vote to reconsider the preferential parking permit fees and areas, and to schedule this item for the December 13<sup>th</sup> meeting.

### **NEW BUSINESS**

#### **10. First Reading of Animal Control Ordinance**

Police Chief Tom Hitchcock stated that there is always a concern with the growing expense for animal control and agencies are always seeking ways to contain those costs. He explained that the City contracts with the County of San Mateo for animal control services, and that contract requires local ordinances to be similar to the County ordinance. He advised that the County adopted a new animal control ordinance on September 13<sup>th</sup>, and each contract agency is required to adopt a similar ordinance within 60 days. Chief Hitchcock explained that the City of Millbrae had different fees and a different code numbering system, which incurred additional expense when the County officers issued citations. He reviewed the new ordinance chapters, highlighting the following: 1) there is not a ban on specific breeds, but rather on the behavior of specific animals; 2) expands the definition of "vicious animal"; 3) provides for a hearing if the owner disputes the determination; 4) allows for a microchip instead of tags; 5) spay or neuter regulations; 6) incorporates a three-year license; and 6) includes exotic animals. Chief Hitchcock stated that the current Millbrae ordinance does not include spay or neuter regulations, and staff is recommending that the limit on animals in any one household be 3 dogs and 3 cats. The Chief also explained that the proposed ordinance would adopt the County's fee schedule to alleviate the necessity to return to Council each time the County changes fees.

Councilmember Larson stated that because of her personal experience she is in favor of these types of ordinances, however, also based on personal experience, she would like to see the hearing process be offered in cases of exceeding the animal limit.

Joan Cassman, City Attorney, stated that the limitation could be exceeded with a permit by filing an application with the Police Department.

Sharon Coleman, 300 El Bonito Way, stated that she reviewed the Ordinance and was shocked and appalled with the provisions that she views as problematic. Ms. Coleman stated her concern is with the additional provisions and that she spoke with Councilmember Gottschalk and City Manager Jaeck regarding the limit laws. She advised that the last time she addressed this issue was in 1999 and the Council totally rejected the additional provisions at that time. Ms. Coleman explained that the County no longer euthanizes adoptable

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animals and there is not an over-population problem in San Mateo County. Ms. Coleman discounted the need for cat licensing, as it is not a revenue-generating item and since rabies vaccination are not mandated for cats. She also expressed her opposition to breeding permits.

Councilmember Holoher stated that she had heard of a situation in which the County had some kittens that were going to be euthanized.

Chief Hitchcock explained that the County doesn't want to euthanize adoptable animals, but in this case the kittens were from a feral cat, making them not eligible for adoption.

Marge Colapietro, 367 El Paseo, asked whether any noise restrictions were included in the ordinance, and whether the leash law addressed retractable leashes, which she understands have less control over the animal.

Chief Hitchcock explained that there is a leash law, except when dogs are in a dog park. City Attorney Cassman advised that there is language regarding disturbances, and that it is also unlawful to provoke an animal.

Councilmember Gottschalk stated that he understands the City must adopt an ordinance that is substantially similar and he asked what latitude is available, as he didn't want to create problems for people who already have pets.

Ms. Cassman stated that there is some latitude to make adjustments and that the contract states that the City must adopt the first three chapters. She explained that she spoke with the County Counsel who indicated they would like each agency to adopt the County's ordinance because managing a uniform program is easier. She said the County Counsel acknowledged that they won't pursue the City if it doesn't adopt a mirror image ordinance, and that Millbrae has previously not adopted all the Chapters without repercussion. Ms. Cassman stated that to say the differences are never an issue is not the case, and with regard to limits, it is within the Council's purview to adopt what is presented, or to change it.

Chief Hitchcock stated that the number of animals allowed has come up in other circumstances, and a resident can exceed that limit with a permit. He explained that the application for a permit allows staff to visit the residence and ensure that it is appropriate to approve the permit.

Vice Mayor Quigg stated that the Council reviewed this issue in 1999 and didn't adopt Chapter 6.14 because of the limits and breeding regulations. He explained that there had been a situation with an excessive number of rabbits, however, even if the ordinance had been in place, it became a public health issue. Vice Mayor Quigg stated that it seemed appropriate to adopt the ordinance without Chapter 6.14.

Ms. Cassman stated that Chapter 6.14 contains other provisions besides limits and breeding that address leash restrictions, barking, and other types of owner responsibilities that the Council might want to consider.

Vice Mayor Quigg suggested that they delete the animal limitation numbers and breeding permit requirements.

Mr. Jaeck advised that the City's ordinance would then deviate from the County, which would incur extra expense for the County to enforce.

Mayor Hershman asked if the actual number could be left blank and still adopt the ordinance.

Ms. Cassman advised that if a number were inserted at the second reading, the ordinance would need to be re-introduced. She stated that if there is not a number in the ordinance, then Millbrae and East Palo Alto would be the only cities in the County that didn't adopt a limit. Ms. Cassman suggested that she could research and provide information regarding the other twenty cities.

Councilmember Larson asked how difficult it would be to obtain a permit for extra animals.

Chief Hitchcock explained that the permit process would be discretionary.

Councilmember Larson stated that as long as the process was not onerous, she wouldn't be too concerned with establishing limits.

Councilmember Gottschalk asked if the ordinance were introduced to keep it on track, would the timeline still allow for an amendment.

Ms. Cassman stated that it would be possible, as she didn't believe the County would be overly concerned if the final ordinance were adopted in the near future.

Upon a motion/second by Larson/Quigg, the introduction of the Animal Control Ordinance was continued to the meeting of November 8<sup>th</sup>, to allow time for additional research and input on limit regulations within the County.

11. Market Analysis: Sites Five, Six and Seven of the Millbrae Station Area Specific Plan

Ralph Petty, Director of Community Development/Parks, outlined the market study conducted in conjunction with BART and SamTrans of the three key sites in the Millbrae Station Area Specific Plan, which are Sites Five, Six, and Seven. He explained that the City of San Francisco and the San Francisco Airport own and control Site Seven, but they declined participating in the study. Mr. Petty stated that staff and the Council have been unsuccessful in their attempt to control that site for the purposes of an auto dealership. Mr. Petty reviewed the study findings, noting that the new hotel and office markets are probably 3-5 years out, although the study identified Site Five as one of the most attractive office sites on the Peninsula. He acknowledged that a stand-alone performing arts or convention center would not be feasible unless there was a community-driven endowment. Mr. Petty stated that the City would work with BART and SamTrans to market Site Five as a potential signature office development for a dot-com company that wants freeway visibility and situated next to mass transit. He noted that even though the Airport has repeatedly rebuffed staff, they will continue to look at any avenue and leverage to develop Site Seven as an auto dealership. Mr. Petty explained that BART's commitment to provide up to \$5 million dollars for west side parking is valid until the end of 2006, and due to poor market conditions and the lack of progress in the assembly of Site One, staff is exploring discussions with BART to use those funds to assist in the potential development of Sites Five and Six.

Councilmember Holober asked whether the agencies owning the sites were interested in selling or leasing. She stated that she had been concerned about \$5 million commitment and appreciated Mr. Petty tracking that deadline. Councilmember Holober clarified that the funds were for traffic mitigation through providing parking on Sites Five and Six, with an additional use above the parking.

Mr. Petty stated that the property owners were interested in long-term leasing.