Special and Regular Meeting of November 22, 2011
One Twin Pines Lane and the Crown & Punchbowl High St, Room #3 Horningsea, Cambridge United Kingdom (teleconference location of Councilmember Warden)

SPECIAL MEETINGS

CLOSED SESSION - 6:30 P.M.

A. Conference with Legal Counsel pursuant to Government Code Section 54956.9(a), Existing Litigation, Two Cases: Quesco Kitchen Warehouse Inc., dba Quesco Cabinets, and Twin Dragon Kung Fu Academy, Inc., v. City of Belmont and County of San Mateo, San Mateo County Superior Court No. CIV 503093; and G. Msalam and Julnar Msalam v. City of Belmont, San Mateo County Superior Court No. CIV 505235

B. Conference with Legal Counsel pursuant to Government Code Section 54956.9(b)(3)(C), Significant Exposure to Litigation, receipt of Claim regarding Allied Waste Balancing Account

C. Conference with Real Property Negotiator Scoles pursuant to Government Code Section 54956.8, lease of property at 1870 Ralston Avenue with 1870 Art Center, for lease price, terms and conditions

Attended by: Councilmembers Feierbach, Wozniak, Lieberman, Braunstein, City Manager Scoles, City Attorney Rennie, Finance Director Fil. Councilmember Warden was did not participate in the Closed Session via teleconference, and City Clerk Cook was excused from attending.

ADJOURNMENT at this time being 7:25 P.M.

Terri Cook
Belmont City Clerk

This meeting was not tape recorded or videotaped

REGULAR MEETING –
CALL TO ORDER 7:40 P.M.

ROLL CALL

COUNCILMEMBERS PRESENT: Feierbach, Lieberman, Wozniak, Braunstein, Warden (via teleconference)
COUNCILMEMBERS ABSENT: None
Staff Present: City Manager Scoles, City Attorney Rennie, Police Chief Mattei, Community Development Director de Melo, Finance Director Fil, Public Works Director Oskoui, Human Resources Director Dino, Parks and Recreation Director Gervais, Assistant Finance Director Lazzari, Senior Planner DiDonato, City Treasurer Violet, City Clerk Cook

PLEDGE OF ALLEGIANCE
Led by Councilmember Braunstein

REPORT FROM CLOSED SESSION
City Attorney Rennie stated that there was no action taken at the Closed Session held earlier.

PUBLIC COMMENTS AND ANNOUNCEMENTS

Jerry Hill, Assemblyman, stated that he would not be in attendance at the upcoming City Council reorganization meeting on December 13th. He congratulated those who had been re-elected during the recent election. He also congratulated Mayor Feierbach for her successful year as Mayor. He noted that he participated in the Bike Bridge Ribbon Cutting.

Mayor Feierbach thanked Assemblymember Hill for his participation in many of Belmont's events throughout the year.

Lenore Griffin, Carlmont Shopping Center, invited the public to attend the craft faire and tree lighting ceremony on November 28th at the shopping center.

John Violet, on behalf of the Belmont Library, invited the public to attend the Belmont Library's Open House on December 3rd.

George Burgess, Belmont Chamber of Commerce, announced that the Chamber would be creating a banner to install on Ralston Avenue that would encourage people to shop locally.

Stephanie Biehl, Notre Dame de Namur University student, announced that the University is still accepting contributions for its Christmas for the Troops program. She also noted that the University is also seeking volunteers to help with the upcoming Thanksgiving in the Park program to feed the homeless at Golden Gate Park in San Francisco.

COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS
Mayor Feierbach announced that City Hall would be closed on November 24th and 25th for the Thanksgiving holiday. She also noted that November has a fifth Tuesday, but there would be no meeting that day.

CONSENT CALENDAR
Councilmember Braunstein requested that the minutes of the Regular Meeting of November 9, 2011, be tabled for further clarification.

In response to Councilmember Wozniak's inquiry regarding the two Consent items related to telecommunications equipment, Community Development Director de Melo clarified that the owners of the private property on which the equipment is located are parties to the agreements.

ITEMS APPROVED ON CONSENT CALENDAR

Approval of Minutes of Regular Meeting of October 25, 2011

Adoption of Ordinance 1062 Approving an Amendment to the Contract Between the City of Belmont and the California Public Employees' Retirement System to Provide a Second Retirement Plan Tier of 3% @ 55 for Safety Members (Police)

Approval of Resolution 10445 Ratifying Belmont Fire Protection District Ordinance 2011-01 Adopting 2009 International Fire Code with the 2010 California Fire Code Amendments

Approval of Resolution 10446 Authorizing the City Manager to enter into a Professional Service Agreement (PSA) with RCC Consultants, Inc for an amount not to exceed $7,765 to evaluate the AT&T Mobility Proposal to Install a Telecommunications Facility at 1920 Notre Dame Avenue (Applicant Funded Study)

Approval of Resolution 10447 Authorizing the City Manager to enter into a Personal Service Agreement (PSA) with RCC Consultants for an amount not to exceed $7,530 - Verizon Wireless Proposal to Install Telecommunication Facilities at 2520 De Koven Avenue (De Koven Water Tank Site) (Applicant Funded Study)

Approval of Resolution 10448 Authorizing Amendment No. 5 to Professional Services Agreement with MuniServices, LLC to Perform a Review of the City's Exclusive Franchise Solid Waste Hauler Franchise Payments and an Expanded Scope to Perform the Franchise Audit for an Amount Not to Exceed $15,750

ACTION: On a motion by Councilmember Wozniak, seconded by Councilmember Braunstein, the Consent Agenda was unanimously approved, as amended (minutes of November 9, 2011 tabled), by a roll call vote.

HEARINGS

Public Hearing Pursuant to Provisions of Proposition 218 to Consider an Ordinance Increasing the City's Solid Waste Charges

Finance Director Fil outlined the procedures for the Proposition 218 Hearing.

Michael Brown, Solid Waste Consultant, noted that options on how to address the proposed rate increase were discussed at the City Council meeting on November 9. He explained that the 22 percent increase in fees is the amount permitted under the provisions of Proposition 218. He clarified that 1.12 percent of the proposed rate 22 percent increase is Recology's increase, and the remainder is due to the cart migration issue. He noted that the reduction of services do not justify the one percent savings. He reviewed the options for financing a portion of the rate increase, and noted that the migration catch-up could also be financed by using available cash or by establishing a separate

fee. He noted that 34 percent of residences migrated to a smaller cart size, and that there was less migration by commercial customers. He explained that Recology based its rates on zero migration.

Councilmember Wozniak noted that Option 3 increases the rates to the 20 and 32 gallon carts, but not the 64 or 96 gallon size. She stated that she favors a progressive rate structure, which this option is not.

Councilmember Lieberman stated that there has been considerable misinformation and miscommunication regarding this matter. He explained that Recology will be receiving a one percent increase, not a 22 percent increase. He stated that the 2010 rates did not raise enough revenue, and the rate structure was based on status quo cart size without any migration. The City Council implemented a progressive rate structure to encourage people to migrate, which they did. He explained that had migration not occurred, the proposed rate increase would be one percent. He noted that fewer commercial customers migrated than did residential customers.

Councilmember Lieberman commented that the City Council intentionally set solid waste rates lower in 2009 than it could have, and intended to use the $600,000 settlement monies to pay Allied Waste. He noted that Allied Waste has informed the City of Belmont that it is owed $1.1 million. He stated that should this money be used to offset the proposed rate increase, another source of funds would need to be identified to meet the obligation to Allied Waste.

Consultant Brown explained that it costs the same to pick up a 20-gallon cart as it does to service a larger cart, and that the only savings between that size cart and the larger carts is in the disposal cost. He noted that some of the one percent increase is going to South Bayside Waste Management Authority (SBWMA) for tipping fees.

Discussion ensued regarding the options to finance the migration catch-up costs.

Consultant Brown explained that the franchise agreement provides for a two-year migration adjustment. He noted that reverse migration could occur.

Councilmember Lieberman noted that the rate structure provides significant savings for a smaller cart size, and that customers might not migrate back to a larger cart.

Consultant Brown outlined sources for funding the additional revenue needed, including the Rate Stabilization Fund, the Solid Waste Fund, or the implementation of a separate fee which would require a separate Proposition 218 process. He recommended that the City Council increase the rates by 15.28 percent and use the other funds to offset the difference.

In respond to Council questions, Public Works Director Oskoui stated that six other agencies share routes with Belmont. He noted that of these agencies that were contacted, three responded, and none

of them were interested in changing services. He explained that many agencies have already set their rates for the coming year, and that this issue could be addressed for future years.

Mayor Feierbach opened the Public Hearing.

Al Bullock, Belmont resident, noted that many residents do not produce enough trash for the 20-gallon cart. He expressed concern that the trucks are tearing up the roads quickly due to the fact that they make three trips. He stated that Recology is billing for six month in advance.

David Hendryx, Belmont resident, stated that the carts are easy access for rodents, they tip over, and are an eyesore. He noted that Recology has a bad business model, and that customers are paying for new trucks and a new facility. He requested that service times be adjusted to later in the day.

Gladwyn D'Souza, Belmont resident, stated that Recology uses more fuel due to more miles being driven, which also adds to the CO_2 emissions. He also stated that trash rates should be based on weight of the trash, not the size of the cart. He noted the new 75 percent solid waste diversion rate requirement.

Mary Morrissey Parden, Belmont Chamber of Commerce, explained that trash rates are set by the City Council, not by Recology. She noted that commercial customers have not migrated much, and those customers are paying for recycling, a service not paid for by residential customers. She also commented that commercial customers pay more for the same size cart as residences. She requested that commercial customers not be penalized because the commercial base is small in Belmont. She stated that all customers should pay for the service they receive.

Warren Gibson, Belmont resident, stated that the rate differential from small to large carts is too great. He noted that he places his recycle cart out biweekly and eliminated the use of the green cart. He recommended switching back to biweekly recycling and raising the 20-gallon cart rate.

Peter Carroll, Belmont resident, noted that the 50 percent protest threshold can never be met. He stated that Recology is not a nonprofit organization, and recommended that the contract be renegotiated. He commented that he is often awakened early by truck backup beeps.

Mats Nahlinder, Belmont resident, stated that Recology's contract was bait and switch. He noted that efficiencies should take care of the rate issue. He stated that this is an operational issue and that Recology staff are highly paid. He suggested that there should be a 50 percent threshold to vote yes to the increase in rates, not to protest.

Andrew Blum, Belmont resident, stated that under the BFI (Browning Ferris Industries) contract, customers paid less and gas prices were higher. He also stated that trucks need more clean technology. He commented that less gas could be consumed with an automated system.

Nancy Mangini, Redwood City resident, explained that she manages multi-unit below-market-rate rentals in Belmont. She stated that higher taxes and fees need to be passed on to tenants. She noted that other utility costs are rising.

Corrine Mangini, Belmont resident, outlined her frustration with service issues from Recology.

Councilmember Braunstein noted that service issues were raised in many of the protest letters. Public Works Director Oskoui stated that the Recology contract requires a certain level of service, and customers can call the Public Works Department to register service complaints. He noted that the contract provides for liquid damages.

Brenda Cash, Belmont resident, requested that customers not be penalized for being conscientious. She suggested that Recology cut its operating costs and the City Council should deny the request.

Gin Nikoloff, Belmont resident, noted that due to the multi-use of her building, she pays more than other residential customers for trash and sewer.

Thomas Orthbrandt, Belmont resident, acknowledged that many customers have migrated to smaller cart sizes. He suggested that biweekly recycling service should reduce the cost by more than one percent.

Shaun Brennan, Belmont resident, suggested that Belmont run its own trash service.

Councilmember Lieberman noted that the City Council, not Recology, sets the rates in order to raise the amount of revenue as called out in the contract. He recommended increasing the cost of the 20-gallon cart and reducing the rate of the larger carts.

Jeffrey Selman, Belmont resident, stated that this is not an issue of bait and switch. He provided comparison rates from those under the Allied contract, and stated that there has been a 64 percent increase over three years for the same level of service. He noted that the cost of living has only increased about three percent a year. He stated that he utilizes the recycling and compost bins to their fullest and is unable to migrate to a smaller trash cart.

Rennan Pineda, Belmont resident, voiced complaints regarding Recology's service. He stated that he takes issue with the 50 percent threshold for protest, and noted that commercial trash rates are unfair.

ACTION: On a motion by Councilmember Braunstein, seconded by Councilmember Wozniak, the Public Hearing was unanimously closed by a roll call vote.

City Clerk Cook noted that a total of 287 protests had been received.

Councilmember Wozniak stated that she cannot support any of the rate options as outlined, but noted that Option 1 provides the most progressive rates. She expressed her desire to put pressure on the 64- and 96-gallon cart customers, including commercial customers. She wants to reward behavior. She noted that there may be a need to charge for recycling and composting in the future. She acknowledged that the money is due to Recology, and that the City could have done a better job of projecting the migration than it did. She noted that Belmont's franchise agreement is different than other cities in that it provides only for a two-year migration catch-up. She expressed support for a separate, progressive fee to address migration. She stated that people on a fixed income will not generate as much trash as others, since they do not buy as much. She noted that Option 2 utilizes reserves, and she supports using some monies from the Allied settlement to offset the rate increate. She suggested that future rates and revenues be addressed earlier on in future years. She also suggested that the rate structure provide more flexibility.

Councilmember Lieberman stated that rates need to be fair, and that commercial customers should not be subsidizing residential cart migration, and vice versa. He commented that residents should not pay more because Belmont has fewer commercial customers than other cities. He explained that if the 20-gallon cart rate were to be increased, those customers would still pay less than year prior if they migrated from a 32-gallon can. He stated that the rate structure needs to be revisited. He does not support penalizing customers with larger carts and noted that not all cities set their rates based on cart size. He explained that it costs $35 per customer for Recology to service the cart, regardless of size. He expressed concern regarding the potential $1.1 million Allied Waste claim. He stated that the City Council did not raise rates high enough two years ago, and the settlement monies were pledged for Allied's payment. If these funds are used to offset the proposed rate increase, the General Fund would need to be utilized for the Allied claim. He stated that he did not initially support the 22 percent proposed increase, and he noted that all three options are inequitable.

Councilmember Braunstein stated that there is a rate structural issue, and that Recology needs to be paid. He stated there were three City Council votes to propose a 22 percent increase. He stated he could support Option 2 or 3, and noted that funds for the deficit would need to be identified. He commented that 20-gallon customers are not paying enough. He noted that there is likely to be continued migration that will need to be paid.

Mayor Feierbach clarified that she voted to hold the Proposition 218 hearing but did not vote for a 22 percent increase.

Councilmember Wozniak noted that at the time of the action on the hearing, Option 1 was the only option on the table.

Councilmember Warden quoted from an April 2010 staff report which indicated that most customers would stay with the same cart size under the new franchise agreement, but would likely recycle more, and that migration levels were expected to be low. He explained that based on the fiscal impact outlined in that report, he supported the eight percent solid waste rate increase and the new

franchise agreement with Recology. He noted that the migration sensitivity analysis provided in the staff report did not account for the fact that rates were not raised high enough in the previous year, which has led to the $700,000 shortfall that now needs to be paid. He noted that the number of 32-gallon customers has increased and that customers in other cities are paying less than in Belmont for 20-gallon carts. He suggested that a fourth option is needed. He does not agree with the figures provided by Recology for moving to biweekly recycling service.

Mayor Feierbach stated that she does not support any of the options.

Councilmember Lieberman noted that if the City Council takes no action, the money is still owed to Recology and will compound in subsequent years. He stated that options are limited under provisions of Proposition 218.

City Manager Scoles stated that the City Council needs to adopt a new rate by December 15th or reduce service. City Attorney Rennie added that the City Council cannot increase the rate by more than 22 percent.

ACTION: Councilmember Lieberman made a motion, seconded by Councilmember Braunstein, to adjust the solid waste rates as follows:

Residential
Raise 20-gallon cart by $3.38 per month
Raise 32-gallon cart by $2.00 per month
Reduce the 64-gallon cart to $51 per month
Reduce the 96-gallon cart to $85 per month
Commercial
Raise each cart size by $1.00
Raise each bin size by $1.00

Said motion to include a request that Recology extend the December 15th deadline to March, and to find additional revenue since approval of this motion will not raise sufficient funds.

Councilmember Lieberman expressed support for a fixed charge to address the migration, and he expressed concern regarding using revenues to offset the shortfall.

Councilmember Braunstein stated that it was unclear how much revenue will be generated by Councilmember Lieberman's motion.

Mario Puccinelli, Recology General Manager, stated that Recology is willing to work with staff regarding the feasibility of a time extension.

ACTION: On the previous motion, failed by a roll call vote (Warden, Feierbach, Wozniak no).

Councilmember Warden stated that there is not enough incentive to raise revenue, and there is a need to reduce costs. He noted that less labor and more automation should result in cost reduction.

Councilmember Wozniak expressed support for working with Recology and for looking at reducing services.

City Manager Scoles recommended that the City Council give staff the authority to extend the deadline, otherwise the City will not meet its contractual obligation to Recology.

ACTION: Mayor Feierbach made a motion, seconded by Councilmember Wozniak, to grant authority for staff to negotiate a 90-day extension of the December 15, 2011 deadline.

Discussion ensued.

Councilmember Lieberman stated that the City owes $700,000. He noted that if service is cut, the money is still due.

Consultant Brown clarified that if services are cut, the rate increase can be reduced. He concurred that the money is still due. In response to Councilmember Warden's question regarding how much rates would have to be raised to pay the shortfall if costs were reduced, Mr. Brown clarified that the rate increase could be set at 14 percent, which could be spread over three years. He added that Recology would require interest to be paid as well as additional migration adjustments.

Councilmember Lieberman noted that 14 percent is not likely enough to make a difference, and extending the spread over three years could make it worse.

Councilmember Wozniak noted that service reductions are likely to result in greater savings.

Councilmember Warden stated that he does not agree with the assertion that service reductions to biweekly would result in only a $5,000 savings. He expressed support for finding substantial savings in service reduction.

Mayor Feierbach called the question and requested a vote on the pending motion.

ACTION: On the previous motion to grant authority for a 90-day extension, motion passes on a roll call vote (4-1, Lieberman no).

Councilmember Lieberman explained that he voted no because he would like more information from staff to more fully understand the implications of an extension.

RECESS: 10:25 P.M.
RECONVENE: 10:40 P.M.

MEETING EXTENSION: At this time, being 10:40 p.m., on a motion by Councilmember Braunstein, seconded by Councilmember Wozniak, the meeting was unanimously extended by 30 minutes by a roll call vote.

Public Hearing to Consider an Appeal of the Planning Commission Decision Approving a Single Family Design Review for Property Located at Vacant Lot on Alhambra Drive, APN 043-232-080 & 043-232-230

Senior Planner DiDonato outlined the Planning Commission approval of a single family design review, which was subsequently appealed. He explained that the project requires administrative approval of a lot line adjustment and floor area transfer. He noted that the applicant will create a conservation easement if the design review is approved, and will seek a subsequent action for the City to vacate right-of-way. He described the site and the proposed project, including tree removal and grading plans.

Senior Planner DiDonato clarified that no additional information was provided by the appellant as to how the goals of the General Plan and the San Juan Hills Area Plan have not been met. He noted that the Planning Commission made the finding that the project conforms to both Plans. He explained that if the grading does not occur as proposed, the home would be bulky and would require the installation of large retaining walls.

In response to Councilmember Wozniak, Senior Planner DiDonato clarified that the project site consists of two 5,000 square foot lots plus the square footage from the vacated property.

Discussion ensued regarding the entitlements that are permitted by the San Juan Hills Plan regarding floor area transfer, and Senior Planner DiDonato noted that a 3,000 square foot home would be allowed. He clarified that the floor area is based on County data for homes within a 300-foot radius of the proposed project, and staff ascertained that the proposed home would be one-half the average FAR (floor area ratio) within that radius.

Jeff Rice, Project Applicant, stated that this property is sited on a steep slope which is similar to other properties in the area. He described the grading mitigation efforts that have been proposed. He stated that it was the Public Works Department that recommended the abandonment of right-of-way which reduced the need for additional grading and the installation of retaining walls. He explained that the soils report did not disclose any slide issues, and that the existing shallow slide on the site could be mitigated.

Mr. Rice described how drainage has been addressed and redesigned. He discussed how tree removal would be mitigated. He also outlined the grading plan, the number of truck trips required, as well as the routes to be used. He described all of the professional and departmental reviews that have been made relative to this project. He noted that the property owners were advised that this is a legal and buildable lot.

MEETING EXTENSION: At this time, being 11:10 p.m., on a motion by Councilmember Braunstein, seconded by Councilmember Wozniak, the meeting was unanimously extended by 30 minutes by a roll call vote.

Joe Betts-Lacroix, Co-Appellant, stated that this property is on a steep slope, the proposed home is 30 percent larger than others on Alhambra Drive, which average 2,167 square feet, and is zoned "Pd" (potential deep landslide failure). He provided information from the geotechnical report, and outlined the goals of the San Juan Hills Area Plan (SHJAP). He explained that the undeveloped road which is proposed to be abandoned is used by many residents for recreation purposes. He commented that the proposed development is inconsistent with several policy elements of the Plan, including the fact that the home is proposed to be developed within a 48 percent slope, which is normally not permitted. He noted that the home would not be able to be built without the floor area transfer, right-of-way vacation, or lot line adjustment.

Mr. Betts-Lacroix cited comments made by Planning Commissioner Mercer at the Planning Commission hearing who had disagreed with staff's interpretation of four of the five required findings. He stated that she had commented that according to the San Juan Plan guidelines, lots exceeding 30 percent slope should not be developed. He commented that the allowable floor area applicable to this development outlined in the Plan maxes out at .026, not .26 as calculated by staff, and that the proposed development's floor area ratio is .214.

Mr. Betts-Lacroix stated that the lot sending the floor area would not be able to be built on due to its "Pdf" (potential debris flow) soils designation. He noted that the vacation of right-of-way has no public benefit, and that the law requires a finding of consistency with the SHJAP for lot line adjustments.

Jeff Rice, Project Applicant, explained that Mr. Betts-Lacroix was providing information contained in an initial soils report from Cotton Shires Engineering. He noted that a subsequent report considered mitigation measures. He also explained that a botanist also provided mitigation recommendations. He stated that the dirt road will remain open to the public.

Tim Robertson, Co-Appellant, stated that there is an engineering solution to any vacant lot. The SJHAP is a guide on how to develop in order to preserve the open character of the area, and that development on this particular lot should be most restrictive according to the Plan. He stated that this project will take two years to build, and he expressed concern regarding stabilization during construction.

Mayor Feierbach opened the Public Hearing.

Gladwyn D'Souza, Belmont resident, stated that the goals and objectives of the SJHAP are not met with this project, such as geologic stability, reduction of public liability, site stability, and the preservation of public views, natural resources, and open space. He stated that the City should be

reducing the amount of development in the San Juan area. He commented that much staff time is involved with proposed projects in the San Juan area than other neighborhoods in Belmont and he recommended that costs for staff time be tiered based on time requirements for any project.

Joel Baldwin, Earth Investigations, geologic consultant for project, stated that based on bore testing, the "Pd" (potential deep landslide failure) zone is obsolete and no longer exists on this site. He noted that the 1985 Cotton Shires report was completed using aerial photos and by performing cursory review of the area. He noted the existence of an inactive drainage channel on the property, and channels caused by previous runoff no longer exist. He explained that proposed drainage improvements will improve properties downhill from the proposed project site.

Senior Planner DiDonato clarified that a subsequent email was received from Cotton Shires indicating that the property is not zoned "Pd", but is zoned "Ps" (potential shallow landslide failure). In response to a question from Mayor Feierbach, he also clarified that properties that are zoned "Pd" are considered buildable.

ACTION: On a motion by Councilmember Wozniak, seconded by Councilmember Braunstein, the Public Hearing was unanimously closed by a roll call vote.

Community Development Director de Melo described the floor area ratio standards for this project, which zoned HRO-3 (Hillside Residential Open Space). He noted that each of the two parcels is guaranteed a minimum of 900 square feet, and explained that the 1,200 square feet of transferred floor area from the sending parcel makes a total of 3,000 square feet permitted for this project. He clarified that the multiplier of 0.026 provided by the appellant does not apply to this project, since the San Juan Plan guarantees a 900 square foot minimum, or the greater number of the two standards. He further clarified that the 0.026 multiplier is used only in the case of an extraordinarily large lot.

Community Development Director de Melo further explained that the only two requirements for the lot sending the floor area are that it must be in the same statistical subarea and must be on the same street, both of which requirements have been met. He clarified that there is no required finding that it cannot be in a Pdf zone. He noted that the project is in full compliance with the San Juan Hills Area Plan as well as the Belmont Zoning Ordinance.

Discussion ensued regarding the receipt of additional information from either the appellant or applicant following tonight's hearing. City Attorney Renne cautioned against ex parte communications, and recommended that any information be forwarded via staff, which would be provided to the City Council at the next hearing date. He noted that Councilmembers should not have individual contact with either party outside of the hearing. He clarified that of the four entitlements being sought by the applicant, the only matter before the City Council is the determination of the design review findings. He explained that other issues would be addressed at the time the vacation of right-of-way and the conservation easement are considered.

ACTION: On a motion by Councilmember Wozniak, seconded by Councilmember Lieberman, the Public Hearing was unanimously continued to a date uncertain by a roll call vote.

MEETING EXTENSION: At this time, being 11:50 p.m., on a motion by Councilmember Lieberman, seconded by Councilmember Wozniak, the meeting was extended by 30 minutes on a roll call vote (4-1, Warden no).

Public Hearing to Consider a Recommendation by the City's Planning Commission to Amend the Findings for Single Family and Duplex Residential Design Review

Community Development Director de Melo suggested that, considering the late hour, this matter be continued to the January 10, 2012 meeting.

ACTION: On a motion by Councilmember Wozniak, seconded by Councilmember Braunstein, the Public Hearing was unanimously continued to January 10, 2012 by a roll call vote.

COMMISSION, COMMITTEE, AND COUNCIL INTERGOVERNMENTAL ASSIGNMENT UPDATES, AND STAFF ITEMS

Verbal Report from City Manager

City Manager Scoles noted that the ribbon cutting for the new Bike Bridge was held during the past weekend. He also noted that Sixth Avenue would be opened on November 23rd following the project on that street.

ADJOURNMENT at this time, being 11:55 P.M.

Terri Cook
City Clerk

Meeting Tape Recorded and Videotaped
Audio Recording 802