

Special and Regular Meeting of Tuesday, July 22, 2008
City Council Chambers, One Twin Pines Lane

SPECIAL MEETINGS

CLOSED SESSION - 6:00 P.M.

- A. Conference with Legal Counsel pursuant to Government Code Section 54956.9, Anticipated Litigation, Significant Exposure to Litigation: One case - Claim of Schoening et al.: Marburger Road
- B. Conference with Labor Negotiator, Jack Crist, pursuant to Government Code Section 54957.6: MMCEA and AFSCME

Attended by Councilmembers Feierbach, Wozniak, Braunstein, Lieberman, City Manager Crist, City Attorney Zafferano, Community Development Director de Melo, Interim Human Resources Director Kirby, Labor Negotiator Kelly Tuffo, Public Works Director Davis. Councilmember Dickenson was absent and City Clerk Cook was excused from attending.

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

Terri Cook
City Clerk

This meeting was not tape recorded or videotaped.

REGULAR MEETING
CALL TO ORDER 7:44 P.M.

ROLL CALL

COUNCILMEMBERS PRESENT: Feierbach, Wozniak, Braunstein, Lieberman

COUNCILMEMBERS ABSENT: Dickenson

Staff Present: City Manager Crist, City Attorney Zafferano, Community Development Director de Melo, Public Works Director Davis, Police Captain DeSmidt, City Treasurer Violet, City Clerk Cook.

Mayor Lieberman noted that Senator Yee would be arriving late, and his presentation would be delayed until his arrival.

REPORT FROM CLOSED SESSION

City Attorney Zafferano stated there was direction given but no action taken during the closed sessions held earlier.

PUBLIC COMMENTS AND ANNOUNCEMENTS

Judi Allen, Belmont resident, commented regarding a recent sewer spill at Safeway. She thanked

the fire department for its response. She noted this is not the first such incident at this store. She expressed concern that city services were being utilized for ongoing issues at this store. She had requested a copy of the permit issued for the sewer line work, but it was not provided. She also stated that she does not support the white street signs that have been installed in various locations.

SPECIAL PRESENTATIONS

Verbal Update from State Senator Leland Yee

Senator Yee stated that the purpose of his visit was to provide an update regarding the State budget situation. The State experienced a drop in sales tax revenues and in the sale of luxury tax items in the latter part of 2007, which served as a barometer regarding personal and corporate income taxes for 2007. Money has already been borrowed once and cannot be borrowed again. Mid-year cuts were made for the first time ever, which disrupts existing programs. Long-term budgeting is the solution. The State began the year with a \$15 billion deficit, which was then reduced to \$8 billion. The mortgage crisis raised this back up to \$16 billion. There is a need to raise revenues to address structural problems, but a two-thirds vote is required for tax increases. He noted that one option is to borrow money from existing funds.

Senator Yee stated that the next vote on the budget is scheduled for July 29, and the legislature is likely to borrow against future revenues. He recognizes that cities do not wish to impact revenues in their street and other special funds. All options are on the table, including bond measures and the lottery. He noted that even the Republicans are not supportive of cuts in Medi-Cal.

Senator Yee commented that contacting State legislators works in making your voice heard. The proposed suspension of Proposition 98 funds for schools was taken off the table as a result of such communication, but no cost of living adjustment is being provided.

COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS

Councilmember Braunstein noted that the Ralston Avenue median improvement project has begun.

Mayor Lieberman described Congresswoman Anna Eshoo's Town Hall Meeting held recently in Belmont. There will be a compost giveaway on August 2. The second annual Movie Night in the Park will be held on August 15. There will be a joint meeting with the Planning Commission on July 29 to discuss the General Plan Update.

AGENDA AMENDMENTS

Mayor Lieberman announced that Item 7-A (Preliminary Design Review to Amend the Site Utilization Plan for Serendipity School (2820 Ponce Avenue)) to allow expansion of enrollment to a maximum of 162 children would be heard immediately following the Consent Calendar.

City Clerk Cook stated that a member of the public requested the removal of Item 4-D (Resolution Approving Installation of Speed Humps at Four Locations on the 1900 and 2000 Blocks of Arbor Avenue) for separate consideration.

Councilmembers requested the removal of Items 4-A (Minutes of Special and Regular Meeting of June 24, 2008), 4-C (Resolution Approving a Permanent Encroachment Agreement to Allow a Shotcrete Stabilization Wall within the Public Right-of-Way at 2400 Carlmont Drive (APN: 045-012-040), and 4-E (Resolution Upholding the Planning Commission Decision to Deny a Tentative Parcel Map and Single Family Design Review at 1109 Alomar Way) from the Consent Calendar for separate consideration.

ITEM APPROVED ON CONSENT CALENDAR

Acceptance of Written Communication: Before the PUC, So. Cal Edison's Annual Report of 2007 Activities

ACTION: On a motion by Councilmember Wozniak, seconded by councilmember Braunstein, the Consent Calendar was unanimously approved (4-0, Dickenson absent), as amended.

ITEMS REMOVED FROM CONSENT CALENDAR FOR SEPARATE CONSIDERATION

Minutes of Special and Regular Meeting of June 24, 2008

Councilmember Braunstein indicated that he wished to abstain from voting on these minutes since he was absent from the meeting.

ACTION: On a motion by Councilmember Feierbach, seconded by Councilmember Wozniak, the minutes were approved by a show of hands (3-1-1, Braunstein abstain, Dickenson absent).

Resolution Approving a Permanent Encroachment Agreement to Allow a Shotcrete Stabilization Wall within the Public Right-of-Way at 2400 Carlmont Drive (APN: 045-012-040)

In response to Councilmember Feierbach, Public Works Director Davis clarified that there would be minimal visual impact from Lake Road.

ACTION: On a motion by Councilmember Feierbach, seconded by Councilmember Wozniak, Resolution 10038 Approving a Permanent Encroachment Agreement to Allow a Shotcrete Stabilization Wall within the Public Right-of-Way at 2400 Carlmont Drive (APN: 045-012-040) was unanimously approved by a show of hands.

Resolution Approving Installation of Speed Humps at Four Locations on the 1900 and 2000 Blocks of Arbor Avenue

Rick Frautschi, Belmont resident, stated that the final costs as outlined in the staff report differ from the estimate provided previously. He suggested that the staff report on these items should break down the cost. There were communication issues between the Public Works department and the neighbors concerning this matter. Procedures for speed hump installation should be made available in the Permit Center. There is a need for a public works commission. He thanked the residents on

Arbor Avenue for their efforts on the petition, and he thanked Associate Civil Engineer Palatnik for her work.

Public Works Director Davis responded that the costs included in the staff report are based on actual costs. He stated that a breakdown of costs could be provided for future items of this nature and information can be made available in the Permit Center, as requested.

Resolution Upholding the Planning Commission Decision to Deny a Tentative Parcel Map and Single Family Design Review at 1109 Alomar Way

Mayor Lieberman stated that the final vote on the Hearing held at the last meeting was 3-2, with he and Councilmember Braunstein voting in the minority. He noted that Councilmember Dickenson, who voted in the affirmative at that meeting, is absent this evening. He stated that he would vote in favor of the resolution to deny the project this evening, in order to affirm the Council's decision at the Hearing.

Councilmember Braunstein concurred that the previous decision should stand.

ACTION: On a motion by Councilmember Braunstein, seconded by Councilmember Feierbach, Resolution 10040 Upholding the Planning Commission Decision to Deny a Tentative Parcel Map and Single Family Design Review at 1109 Alomar Way was unanimously approved by a show of hands (4-0, Dickenson absent).

NEW BUSINESS (taken out of order on agenda)

Preliminary Design Review to Amend the Site Utilization Plan for Serendipity School (2820 Ponce Avenue) to allow expansion of enrollment to a maximum of 162 children

Mayor Lieberman explained the preliminary design review process, and noted that no decisions would be made this evening regarding this project.

Community Development Director de Melo stated that Serendipity School is requesting to amend the site utilization plan. He noted that the Cipriani School property was split in 1987, and this portion of the site has been used for private school purposes since. He outlined the various uses of the site since that time. No analysis of the proposed amendment has been made by staff, and comments and direction of the City Council made this evening are not binding on the applicant. Any future formal application will be subject to a public review process. He outlined the details of the proposal, and noted that this preliminary review process is an opportunity to identify issues early on. He also outlined the areas to be addressed by the Council.

Councilmember Wozniak stated that the original Conditional Use Permit (CUP) provides for preschool and daycare uses, and a conversion to other uses would require an amendment to the CUP. She noted that the current use is in violation of the existing CUP, and she questioned why the Council would be reviewing this proposal if the CUP is out of compliance.

Community Development Director de Melo responded that staff would need to research details of the uses of the site prior to its acquisition by Serendipity School.

Councilmember Feierbach stated that if the current use is in violation of the CUP, it should be reviewed by the Planning Commission.

Community Development Director de Melo noted that a Condition Use Permit runs with the land. He clarified the type of uses permitted in the zoning designation, which includes both public and private schools. The zoning did not change when the property was subdivided.

Councilmember Wozniak noted that no public process was utilized when the use of this property changed.

Mark Hutchison, on behalf of Serendipity School, stated that the applicant desires to develop a K-8 school. He described the proposed changes to the campus. Most buildings are to be pre-fabricated off site to minimize construction on site. The buildings will be designed to blend with the residential neighborhood, and landscaping will be chosen to supplement the existing landscaping. Serendipity proposes to relocate the existing play structure to accommodate age-appropriate facilities. A sound study has been performed.

Laura Gutierrez, Belmont resident, stated that Serendipity has been a good neighbor and accommodating to the needs of the residents. She expressed concern regarding additional traffic, as Ponce Avenue does not accommodate the existing traffic. More busses are needed rather than cars.

Lawrence Akutagawa, Belmont resident, stated that he appreciates this process. Serendipity is responsible and respectable, and he is willing to work out issues. He noted the previous proposal for high-density housing on this site, and that Serendipity is the best owner the property has had.

Gordon Mozahara, Belmont resident, stated that Ponce Avenue was never meant to accommodate the traffic this school generates, as there is only one point of entry and exit. He has witnessed traffic issues and conflicts with neighbors. He expressed concern regarding access for emergency vehicles. Additional revenue that would be generated by this development should not drive the decision.

Dennis Venturoni, Belmont resident, stated that his child attends Serendipity School. He noted they are a good neighbor and issues are always addressed. He would like to see the school remain, and would not want to see more homes built there instead. There is a need for playgrounds and open space. There are privacy issues if homes are to be built.

Paul Kerrigan, Belmont resident, stated that traffic has increased since Serendipity acquired the property. His children are unable to play in the front yard in the afternoon due to safety concerns. Traffic backs up. He has adjusted his work hours in order to deal with the traffic. He is also

concerned about emergency vehicle access. The proposed project is too large and incompatible with the neighborhood.

Kay Harrison, Belmont resident, stated that private schools do not enhance property values, but public schools do.

Dan English, Belmont resident, noted that residents were opposed to a previous attempt to develop homes on this property. There are now privacy issues as a result of the existing playground. He expressed concerns regarding traffic circulation with the proposal. He supports the school and stated that it is a good neighbor.

Judy Wakayama, Belmont resident, stated that education should not be controversial. She noted that Cipriani School also generates traffic. Her son attends Serendipity School and she moved to Belmont because of that. She would like to see the school expand to middle school grades.

Tatum Clarke, Belmont resident, expressed concern regarding the safety of children in their front yards. Traffic issues exist on Ponce Avenue which should be addressed now. She is concerned regarding home values. She questioned the need to make changes at the school if it is successful now. Parents of Serendipity students are not respectful of the neighbors.

Jay Chapman, Belmont residents, noted that when Cipriani School utilized the entire site, parents were discouraged from using Ponce Avenue, which was considered a service road. He noted that the original school site was designed for walking and bike riding to school.

Dawn Chapman, Belmont resident, stated that traffic is not an issue unless you live on Ponce Avenue. She acknowledged that the Ponce Avenue residents should have brought existing traffic issues up prior to this. Children are not safe on the street. The police department responds often. She encouraged the city to do something before a tragedy occurs.

Chuck Horton, Belmont resident, stated that the primary issue is traffic. He noted there are seven private schools located in Belmont. Belmont students who go to private school take money away from the public school system. Traffic issues at private schools should be addressed in the General Plan update.

Karen Turner, Belmont resident, stated that the neighbors have rallied over this issue. She expressed concern regarding emergency vehicle access. This school site is intended for a preschool. The street is not big enough to accommodate expansion. Traffic is already a problem.

Jerry Black, traffic consultant, stated that traffic issues will be addressed in the traffic study, which will be made available for review.

Councilmember Feierbach stated she visited the site and spoke with neighbors. The existing CUP needs to be reviewed. She would support the proposal if this project were located elsewhere. The intensification of land use is not appropriate for the site. There will be a 38 percent increase in traffic in an area already congested. There is not enough parking for staff and visitors. She would not support any electronic signage. This site should return to daycare use or be sold for homes. Streets are already at capacity.

Councilmember Wozniak concurred that the existing CUP should be reviewed. She has observed the parking and traffic issues. She would not support the school being built if it were proposed now. The existing site was designed for walking and biking. This school has an impact on the City. There is a refusal to use public transit. She could not support an increase in the intensity of use. There are too many buildings supported by a small street. The playground is not available to the neighbors. The proposed project will be difficult to get approved.

Councilmember Braunstein stated that he has difficulty supporting the proposal due to traffic and intensity of use. He respects the neighbors and their issues. The proposed expansion would hurt the neighborhood.

Mayor Lieberman stated that Serendipity is a good neighbor. He understands the desire to expand to middle school. He noted that the hardscape areas at Ralston Middle School are used for parking. He suggested that Serendipity could reconfigure the proposal to accommodate more on-site parking. He suggested vigilance in neighborhood outreach if this project is pursued. Emotions are important. He is impressed with the comments expressed.

RECESS: 9:40 P.M.
RECONVENE: 9:50 P.M.

OLD BUSINESS

Discussion and Direction Regarding the Administrative Code Enforcement Team efforts on Old County Road (held over from June 24, 2008)

Police Captain DeSmidt stated that the City has been utilizing an overarching cooperative approach to code enforcement, but it is not intended to take the place of ongoing enforcement activities. He described community oriented governing and the SARA (Scan, Analyze, Respond, Assess) approach to address code enforcement on Old County Road. There has never been a long-term solution or plan to address these issues. A long-term solution will take time. Staff is seeking feedback and input from the Council on this approach.

Code Enforcement Officer Buckman described a recent tour of Old County Road to assess code compliance. Some properties are in good condition, some are not. He showed examples of some of the properties. He noted that the PG&E undergrounding project will improve the area. The city is using a team effort to address code enforcement. He reviewed the existing code enforcement policies and procedures.

In response to Councilmember Wozniak, Code Enforcement Officer Buckman clarified that the Police Department usually responds to noise issues and other violations, especially after hours. The Police Department is advised of conditions of approval for special events, and he clarified that this information is not available on line.

Councilmember Wozniak suggested that special event permit information be available on line, since noise often travels beyond the standard notification perimeter.

Councilmember Feierbach stated that code enforcement was introduced in 1998, and there is not much evidence of changes since that time, although Old County Road is improving. The SARA model needs to be applied to neighborhoods. Similar code issues are not present in other cities. There are failures in the system that are preventing the abatement of problems. Parking violators are not cited. Citizens should not have to report violations.

Councilmember Braunstein suggested using all available tools to address code enforcement. He supports the SARA model. He expressed concern regarding the amount of time spent on code enforcement and would like to see more progress. This issue should be administration driven, not policy driven.

Police Captain DeSmidt noted that this is a global view of the issue and does not take the place of day-to-day abatement.

Councilmember Wozniak supports the process. Priorities should be reviewed and resources increased if needed. The current approach to code enforcement may not be strong enough, and mediation may not be appropriate in some cases.

Councilmember Feierbach noted that previous Council direction was to not enforce violations.

Code Enforcement Officer Buckman responded that it may be appropriate to update priorities and policies.

Mayor Lieberman noted these are long-standing issues. He concurred that the SARA model may be more insightful approach. He would like future progress reports. Levying fines for every infraction is more confrontational.

MEETING EXTENSION at this time, being 10:25 p.m., on a motion by Councilmember Feierbach, seconded by Councilmember Braunstein, the meeting was unanimously extended by 30 minutes by a show of hands.

Implementation of the Five-Year Technology Master Plan (Strategic Services Plan)

Information Services Director Harnish stated that the first Technology Master Plan was adopted in 1999. The existing financial system which has been in use for 15 years is outdated and no longer

meets the needs of the City. The technology goal is to provide 24/7 services to residents. She reviewed the process used by the consultant to guide the procedure for updating the master plan. She outlined the current deficiencies, and described the Hansen software application and the coordination of existing systems. Recent negotiations with the vendor resulted in an 11 percent reduction in their hourly rate. She clarified this system will be functional beyond five years.

Councilmember Feierbach stated that the E-Vision component should look like a Belmont web page, and it needs to be easy to maneuver and be compatible with existing software.

John Schlomann, Eskel Porter, responded that this is the goal of the plan.

In response to Mayor Lieberman, Information Services Director Harnish stated that monies to implement the Plan are available through other funds, and will be addressed at the mid-year budget review.

Councilmember Braunstein stated that he supports a goal of in-house implementation. Mayor Lieberman noted that this topic was discussed by the Infrastructure Committee.

Information Services Director Harnish clarified that each phase of the plan can be assessed regarding in-house implementation, and some areas have already been identified. Employees will be able to learn new systems, and then train others.

Councilmember Feierbach thanked staff and the Infrastructure Committee for its efforts in reducing the cost.

Mayor Lieberman noted that the negotiation efforts resulted in a \$150,000 reduction in total cost, plus other reductions. He is still not comfortable, but will support the resolution. It is an expensive undertaking, and there is a need to justify the expense for the size of the City. He recognizes the need to upgrade systems.

ACTION: On a motion by Councilmember Wozniak, seconded by Councilmember Braunstein, Resolution 10041 Approving a Five-Year Technology Master Plan, and Resolution 10042 Approving a Professional Services Agreement with Eskel Porter LLC for the Implementation of The Strategic Systems Plan In The Amount of \$1,451,669.41, were unanimously approved by a show of hands (4-0, Dickenson absent).

Consideration of Amending Composition of Green Advisory Committee

Community Development Director de Melo stated that the Green Advisory Committee (GAC) has been meeting monthly since March. Councilmember Dickenson, a member of the committee, suggested that the makeup of the committee be amended to include representation from Notre Dame de Namur University (NDNU). He noted that a representative from NDNU has been in attendance at the meetings.

Councilmember Wozniak noted that she addressed this question with the Council previously. NDNU is a large entity in Belmont, and the student body has expressed an interest in more involvement in the community.

ACTION: On a motion by Councilmember Feierbach, seconded by Councilmember Wozniak, Resolution 10043 Amending Composition of Green Advisory Committee was unanimously approved by a show of hands (4-0, Dickenson absent).

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

Discussion and Direction Regarding Options for Park and Recreation Commission Vacancies
City Clerk Cook stated that two vacancies now exist on the Parks and Recreation Commission due to resignations. She noted that three of the four applicants from the existing pool have indicated a desire to be considered at this time. She outlined options available for addressing the vacancies.

In response to Council questions, City Attorney Zafferano clarified that the Council could take action this evening to appoint someone to one or both positions. City Clerk Cook added that a formal resolution could be added to next week's special meeting to formalize any action taken this evening.

Councilmember Feierbach stated that she would like to consider Art Andrews for the term recently vacated by Jonathan Gervais. She noted Mr. Andrews recently served on the commission.

ACTION: On a motion by Councilmember Feierbach, seconded by Councilmember Braunstein, and unanimously approved by a show of hands (4-0, Dickenson absent) to appoint Art Andrews to a vacant seat on the Parks and Recreation Commission for a term which expires March 1, 2010.

Discussion ensued regarding the remaining vacancy. City Clerk Cook noted that the term of this remaining seat expires on March 1, 2009.

Mayor Lieberman stated that the applicant pool is sufficient.

Councilmember Wozniak stated she does not have strong support for any of the remaining three candidates and would prefer to leave the remaining position vacant.

Councilmember Feierbach stated that all three remaining candidates have the same focus, and she would prefer a larger pool of candidates.

MEETING EXTENSION at this time, being 11:00 p.m., on a motion by Councilmember Braunstein, seconded by Councilmember Feierbach, the meeting was extended by 30 minutes by a show of hands (3-1, Wozniak no, Dickenson absent).

Council concurred to wait until Councilmember Dickenson is available to further discuss this vacancy.

Verbal report from Councilmembers on Intergovernmental (IGR) and Subcommittee Assignments

Councilmember Braunstein summarized the recent Notre Dame de Namur University (NDNU) Advisory Committee meeting. Topics of discussion included service awards, on-campus CERT program (Community Emergency Response Team), welcome week, student internships, Belmont's fall newsletter featuring NDNU, and traffic. He noted that students will be invited to approach the City if they have issues. The NDNU president will give updates at future Council meetings.

Mayor Lieberman stated that the City/School District 2+2 Committee would be meeting soon. He noted that the recent Infrastructure Committee meeting led to the support of the resolution for the Technology Master Plan implementation. The capital improvement plan was discussed at the recent SBSA (South Bayside System Authority) meeting. His Mayoral community lunches continue to be successful, and there is a strong interest in more participation by the public at City Council meetings, which will be a topic of a future Item 9.

Verbal Report from City Manager

City Manager Crist noted that Valerie Harnish's position has been upgraded from Information Services Manager to Director. He also commented that he would like to address the recent experiences Belmont has had with power outages. There is a need for more battery backups in City facilities.

ADJOURNMENT at this time, being 11:15 P.M.

**Terri Cook
City Clerk**

Council Meeting Tape Recorded and Videotaped
Audio Recording 703