

Special and Regular Meeting of Tuesday, September 9, 2008
City Council Chambers, One Twin Pines Lane

SPECIAL MEETINGS

STUDY SESSION 6:15 P.M.

COUNCILMEMBERS PRESENT: Feierbach, Wozniak, Braunstein, Dickenson, Lieberman

COUNCILMEMBERS ABSENT: None

Staff Present: City Manager Crist, City Attorney Zafferano, Community Development Director de Melo, Public Works Director Davis, Information Services Director Harnish, Senior Engineer Yao, Senior Planner DiDonato, City Treasurer Violet, City Clerk Cook.

AT&T LIGHTSPEED PROJECT

City Manager Crist introduced members of staff and representatives from AT&T involved in this project. He noted that the goal of tonight's presentation is educational. The City of Belmont's expectations are that the installation of these equipment boxes will involve a rigorous planning process. Council may wish to refer this matter to the Infrastructure Committee and/or the Planning Commission for additional discussion and direction or input.

City Manager Crist noted that AT&T has installed these boxes in other cities, in order to provide competition and choice in technological needs of the community. He stated that AT&T staff has expressed its desire to work proactively with the City.

Public Works Director Davis reviewed the permit process for the installation of the equipment boxes. He outlined existing equipment locations and noted that potential new box locations would be close by or adjacent to existing boxes. He provided details regarding the boxes. He stated that potential issues to be addressed are graffiti, potential for undergrounding, screening, and noise.

John DiBene, Attorney representing AT&T, stated that this project would provide improved technology closer to homes, including high-speed DSL and other platforms. He noted that existing infrastructure would be utilized, which will result in less impact due to minimal trenching needs. There is a potential to place up to 43 of the new equipment boxes throughout Belmont.

Randy Yokamura, AT&T External Affairs Director, stated that this project would provide access to super-high-speed connectivity. He reviewed the cities in which this project has been completed or is under construction. He outlined benefits to customers, including monetary savings. He described the evolution of the network, and provided information regarding the specifications of the new cabinetry, including the graffiti-resistant coating. He stated that best practices will be utilized for the installation of the equipment boxes, and outlined the communications procedures throughout the process, including graffiti abatement.

In response to Council questions, Mr. DiBene and Mr. Yokamura clarified that locations will be identified based on what will best serve the area. The boxes cannot be used for artwork because it

would conflict with the box's ability to keep the equipment cool. There may be instances where two boxes could be interconnected, thereby reducing the number of boxes required. Communications with adjacent neighbors would occur several months in advance of installation.

Mr. DiBene responded that landscaping would be utilized on a case-by-case basis, and not all locations would require screening. It is difficult to determine what the future technological needs will be. Existing easements may be utilized, depending upon location. Mr. Yokamura stated that graffiti is usually removed the same day it is reported.

In response to Mayor Lieberman, Public Works Director Davis noted that there are no significant issues regarding graffiti on existing equipment boxes.

Mr. DiBene further clarified that the equipment would be serviced during daytime hours only. He outlined cities in which installation is complete, and reviewed those that are in various stages of the approval process. He clarified the acquisition and merger of various telecommunication companies. He noted that AT&T bought TCI Cable, which it then sold to Comcast. The size of the cabinet would determine the number to be installed. He clarified that AT&T would work with the adjacent property owner regarding exact placement, but that no property would be acquired to accomplish this.

Rus Sherman, Belmont resident, expressed concerns regarding the amount of space that will be required around the equipment box, not just for the box itself. He requested additional information regarding communications with the adjacent property owner. He also expressed concerns regarding the amount of noise that will emanate from the equipment.

Wayne Leonard, no location given, noted that since these boxes will be seen by many people, the adjacent property owners are not the only ones affected. His experience with graffiti removal on existing equipment boxes is marginal.

Reuben Jenkins, Belmont resident, requested more specific information regarding the proposed equipment box locations.

Rosemary Stuebing, Belmont resident, stated that AT&T has provided a good business plan. She noted that residents who do not need or want their services are being asked to make a sacrifice regarding location of the equipment. She stated that the existence of these boxes would need to be disclosed in real estate sales.

Andrew Pollack, Belmont resident, expressed concerns regarding the integrity of the data provided on the map.

William Gablin, Belmont resident, stated that existing equipment boxes are poorly maintained. They have never been painted, and there is trash present. He suggested that the new technology be

incorporated into the existing boxes.

Gary Gandolfo, Belmont resident, requested information regarding future communications about this matter, including a more detailed map. He inquired as to whether or not the graffiti-resistant coating has been utilized elsewhere.

Linda Weyrick, Belmont resident, requested information regarding electromagnetic pollution from the equipment boxes.

Janice Ho, Belmont resident, inquired whether a property owner can say no. She stated these boxes represent visual and sound blight. AT&T is a private, for-profit company. She suggested undergrounding the equipment and passing on the additional cost to customers. She expressed concerns about other companies wanting to do the same type of project.

In response to public comments, Mr. DiBene clarified that no additional clearance will be required around the box other than in front for access. He also clarified the communication process with the property owner prior to applying for the encroachment agreement. There is no effect from electromagnetic pollution.

Public Works Director Davis clarified that each box will require a foundation, which will extend beyond the boundaries of the box itself. He stated that the permanent encroachment agreement process will be utilized for each installation. The decibel level is consistent with limits set forth in the existing noise ordinance. Mr. DiBene noted that a car noise is louder than the equipment. Public Works Director Davis also clarified that GPS (global position system) could be utilized to provide more detailed mapping information.

In response to Mayor Lieberman, Mr. Di Bene stated that many factors affect the amount of time the cooling fans would operate. The graffiti abatement program is relatively new, and AT&T should be contacted for abatement.

City Attorney Zafferano clarified that these boxes are to be located within the public right-of-way; therefore, the adjacent property owner cannot say no to their placement. The City has the authority to control time, place and manner regarding these installations, and it can determine conditions of approval of the encroachment agreement.

Mr. DiBene noted that this equipment will provide improved service that customers have been seeking.

Mayor Lieberman noted that the City Council may be holding additional informational meetings regarding this topic in the future. City Clerk Cook clarified that her office makes it a practice to contact previous speakers on a topic if the matter comes before the Council in the future, and that she would do so in this case.

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

**Terri Cook
City Clerk**

This meeting tape recorded and videotaped.

REGULAR MEETING

CALL TO ORDER 7:30 P.M.

ROLL CALL

COUNCILMEMBERS PRESENT: Feierbach, Wozniak, Braunstein, Dickenson, Lieberman

COUNCILMEMBERS ABSENT: None

Staff Present: City Manager Crist, City Attorney Zafferano, Community Development Director de Melo, Public Works Director Davis, Police Chief Mattei, Police Captain DeSmidt, Human Resources Director Dino, Management Analyst Kirby, Parks and Recreation Director Gervais, City Treasurer Violet, City Clerk Cook.

PLEDGE OF ALLEGIANCE

Led by Belmont-Redwood Shores Youth Softball Association "Belmont Blast" Team

SPECIAL PRESENTATIONS

Proclamation in Recognition of Laura Kirby, Interim Human Resources Director

Mayor Lieberman presented the proclamation.

Proclamation in Recognition of Daniel Ourtiague and George Brunson, Interim Parks and Recreation Co-Directors

Mayor Lieberman presented the proclamations.

Proclamation Recognizing Belmont-Redwood Shores Youth Softball Association "Belmont Blast" Team

Mayor Lieberman presented the proclamation.

PUBLIC COMMENTS AND ANNOUNCEMENTS

Eric Reed, Belmont resident, thanked Councilmembers Feierbach and Wozniak, Assistant City Engineer Palatnik, Planning Commissioner Frautschi, and Ruth Avenue residents for their assistance with the recent efforts in getting speed humps approved for Ruth Avenue.

COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS

Mayor Lieberman announced the Disaster Preparedness Day to be held on September 13th at the Expo Center. He also stated that many people watch City Council meetings on television, and he

thanked those who share information with their friends and neighbors.

RECESS: 7:55 P.M. (to consider the Redevelopment Agency Agenda)

RECONVENE: 8:05 P.M.

AGENDA AMENDMENTS

Councilmember Braunstein requested the removal of Item 4-E (Resolution Approving the Expenditure of \$10,600 of Contingency Funds for Renewal of the City of Belmont's Membership in the San Mateo County Housing Endowment and Regional Trust (HEART)) from the Consent Calendar for separate consideration.

ITEMS APPROVED ON CONSENT CALENDAR

Councilmember Wozniak noted that her yes vote on the Consent Calendar would need to reflect her recusal on the resolution addressing the change order for CCN 469 (Chula Vista Streetlight), due to the fact that her property is located within the scope of this project.

Approval of Minutes of Special and Regular Meeting of July 22, 2008, Special Meeting of July 29, 2008 (Joint Meeting)

Adoption of Ordinance 1039 Amending Chapter 14 of The Belmont Municipal Code Relating to Motor Vehicles and Traffic, Specifically Addressing the Removal of Parking Enforcement Markings/Indicators (second reading and adoption)

Approval of Resolution 10054 Declaring the Fourth Monday in September as Family Day

Approval of Resolution 10055 Amending the City of Belmont Conflict of Interest Code

Approval of Resolution 10056 Authorizing the Creation of an Accounting Technician I/II/III Classification Series and Deputy Finance Director (Accounting/Planning) Classifications in the Finance Department

Approval of Resolution 10057 Approving Installation of Speed Humps At 916/914 And 917/915 Ruth Avenue

Approval of Resolution 10058 Authorizing Purchase Of 3,553 Gallons Of Stage II Treatment Capacity In The South Bayside System Authority Expansion At An Estimated Cost Of \$28,104.23

Approval of Resolution 10059 Authorizing The City Manager To Execute Two Contract Change Orders In A Total Amount Not To Exceed \$140,000 For Installing Additional Conduits For The Chula Vista Streetlight Replacement Project, City Contract Number 469

ACTION: On a motion by Councilmember Dickenson, seconded by Councilmember Feierbach, the Consent Agenda was unanimously approved, as amended, by a show of hands (Councilmember Wozniak recused on Resolution 10059).

ITEMS REMOVED FROM CONSENT CALENDAR FOR SEPARATE CONSIDERATION

Resolution Approving the Expenditure of \$10,600 of Contingency Funds for Renewal of the City of Belmont's Membership in the San Mateo County Housing Endowment and Regional Trust (HEART)

In response to Councilmember Braunstein, City Manager Crist clarified that although this item would be paid from the Council Contingency Fund this year, memberships such as this are handled in the City Council's budget, and this item would be placed there in subsequent years.

ACTION: On a motion by Councilmember Braunstein seconded by Councilmember Dickenson, Resolution 10060 Approving the Expenditure of \$10,600 of Contingency Funds for Renewal of the City of Belmont's Membership in the San Mateo County Housing Endowment and Regional Trust (HEART) was unanimously approved by a show of hands.

NEW BUSINESS

Discussion and Direction Regarding Ordinance Extending the Time Limit by Two Years on the Effectiveness of and the Ability to Repay Indebtedness and Receive Tax Increment Funds for the Redevelopment Agency

Finance Director Fil explained that during the 2004 State budget process, redevelopment agencies were required to contribute to the budget deficit for two years. As a result, redevelopment agencies are allowed to extend the life of their agency by two years, which requires an ordinance. If enacted, the life of Belmont's Redevelopment Agency would be extended from 2022 to 2024, and the issuance of debt would be extended from 2032 to 2034.

ACTION: On a motion by Councilmember Dickenson, seconded by Councilmember Braunstein, it was unanimously approved by a show of hands to schedule a future hearing to enact an ordinance to extend the time limits of the Redevelopment Agency by two years.

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

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

Councilmember Dickenson stated that the Harbor Industrial Association subcommittee will be recommending a resolution that would welcome any parcel in the unincorporated Harbor area into Belmont. Mayor Lieberman added that the intent is to make it more attractive for these parcels to incorporate by waiving some of their fees.

Councilmember Braunstein noted that the Infrastructure Committee continues to address the Hiller Street bus stops. He noted that the neighbors do not support moving the bus stop as proposed. Mayor Lieberman clarified that the identity of the individual requesting the bus stop has not been shared, and this matter is being addressed outside the scope of the needs of that individual.

Councilmember Dickenson noted that he would be raising the issue of a trauma center at the next Office of Emergency Services meeting to be held on September 18th. He also stated that he will be

requesting an update of the Advance Life System (ALS) contract issues at the next Belmont-San Carlos Fire board meeting.

Councilmember Feierbach noted that the economic development committee is continuing its discussions and its efforts.

Mayor Lieberman stated that the Belmont-San Carlos Fire Department recently held a strategic planning session, which was attended by the fire board members. One of the two new fire trucks has been received, and the second one is forthcoming. He noted this is the first piece of new equipment that has been acquired by fire department in over ten years.

Verbal Report from City Manager

City Manager Crist provided an update on the ALS contract issue. He noted that other bidders protested the results of the bid opening, which resulted in a change of recommendation due to financial issues with the successful bidder.

MATTERS OF COUNCIL INTEREST/CLARIFICATION

Discussion and Direction Regarding the Installation of Stop Signs at various locations along Old County Road (Dickenson)

Councilmember Dickenson stated there is a need to mitigate speed on Old County Road, and to return the street to the residents rather than provide a route for cut-through traffic.

Councilmember Wozniak concurred, and noted that she would support closing some streets off at Old County Road.

Public Works Director Davis noted that this issue would require considerable staff time to provide an analysis.

Mayor Lieberman suggested that a high-level review be made, and that staff should advise the Council if additional time allocation would be required for further analysis.

Council concurred to have staff review this issue.

Low to Moderate Income Housing Report and Policy Guidelines (Braunstein)

Councilmember Braunstein stated that with the recent discussions of City-owned housing such as those at the Oxford development and the Emmett House, a strategy for future low-to-moderate housing needs should be made.

Council concurred to have staff look into this issue.

Share the Roads Policy (Wozniak)

Councilmember Wozniak stated there are no safe pathways for bicycles outside of the traffic lane when there is no designated bike lane available. She recommended looking into reducing the roadway width to provide pedestrian and bike lanes in more areas in Belmont. The City is addressing this in a piecemeal fashion. There is a need to take the focus away from cars as the sole method of transportation.

Councilmember Feierbach noted that there is only one lane available for vehicles on Ralston Avenue east of Alameda de las Pulgas, and she questioned where the additional bike lane could be located. She recommended that the Green Advisory Committee (GAC) be tasked with this issue.

Councilmember Wozniak responded that “share the road” is a vision for utopia. She is asking the Council to develop a policy that would not involve a change in the roadway, only a reconfiguration of the existing space. She noted that bicycles must follow the same rules as vehicles.

Mayor Lieberman concurred that this would be an appropriate topic for the GAC.

Councilmember Dickenson concurred with Councilmember Wozniak, and noted that this issue has been addressed over and over. It should be a priority calendar item. The GAC could review this.

Councilmember Wozniak stated that Council should send a message to the GAC so they do not waste their time if it is not something the Council supports.

Mayor Lieberman stated that it is easy to get caught up in details. There is a need to frame the problem.

Councilmember Feierbach suggested looking at what other cities are doing. She expressed concern on the effect this would have on adjacent property owners.

City Manager Crist suggested that this would be a good study session topic.

Councilmember Braunstein concurred, and stated he needs to understand the issue in greater detail.

Investigate “Legalizing” skateboarding in Belmont and Building a Skate Park in Belmont (Wozniak)

Councilmember Wozniak stated that she would like to pursue a skatepark in Belmont as a way to support teen activities. She noted that there is a petition currently being circulated.

Police Chief Mattei suggested performing a feasibility study. This issue has been addressed by the Parks and Recreation Commission and the City Council in the past. Skateboarding is a popular sport, and illegal skateboarding has resulted in complaints because it causes damage to private property. He noted that city streets are used by skateboarders to practice their skill. A skatepark could contain their activities.

Judy King, Parks and Recreation Commissioner, noted that many hours have been spent on this topic in previous years. Previous petitions were brought forward. The Parks and Recreation Commission visited skateparks in other cities. She recommended reviewing the old reports, since nothing has changed. The main issues are location and the lack of money to build or staff or maintain the parks.

Councilmember Wozniak noted that the sport has changed in recent years, and it is more popular. Having a skatepark in Belmont could attract lucrative businesses that cater to the sport.

Councilmember Feierbach stated she does not support pursuing this matter, since the City is already struggling to take care of the existing parks. She could support a private indoor skatepark.

Councilmember Braunstein concurred regarding the concerns expressed about funding, and this issue affects core competencies. He could support a minimum number of hours to review.

Councilmember Dickenson expressed support for 20 hours of staff time to review. He expressed concern regarding liability to the City for a skatepark.

Council concurred to allocate 20 hours of staff time regarding this topic.

ADJOURNMENT to Closed Session, at this time, being 9:15 P.M.

CLOSED SESSION

- A. Conference with Real Property Negotiator Crist pursuant to Government Code Section 54956.8: Four parcels - APN 043-231-010, APN 043-231-020, 043-231-070, and 044-222-180 concerning price and terms of payment
- B. 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
- C. Conference with Legal Counsel Pursuant to Government Code Section 54956.9(c) Initiation of Litigation: One Case
- D. Conference with Labor Negotiator, Jack Crist, Pursuant to Government Code Section 54957.6: MMCEA and AFSCME

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

ADJOURNMENT at this time, being 10:40 P.M.

Terri Cook
City Clerk

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