

Special and Regular Meeting of Tuesday, October 14, 2008  
City Council Chambers, One Twin Pines Lane AND  
MARRIOTT WARDMAN PARK HOTEL, 2660 WOODLEY ROAD, WASHINGTON, DC  
(teleconference location of Mayor Lieberman)

**SPECIAL MEETINGS**

**CLOSED SESSION - 6:10 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 Real Property Negotiator Crist pursuant to Government Code Section 54956.8: Two Parcels, APN 045-182-250 and 045-182-260, concerning price and terms of payment
- C. Conference with Legal Counsel pursuant to Government Code Section 54956.9(a), Existing Litigation One case: Belmont v. Benevides
- 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 (via teleconference, beginning at 7:00 p.m.), City Manager Crist, City Attorney Zafferano, Special Council Lance Bayer (Item C), Community Development Director de Melo, Finance Director Fil, Public Works Director Davis, Human Resources Director Dino, and Labor Negotiator Tuffo. City Clerk Cook was excused from attending.

**ADJOURNMENT** at this time, being 7:20 P.M.

**Terri Cook  
City Clerk**

This meeting was not tape recorded or videotaped.

**REGULAR MEETING  
CALL TO ORDER 7:35 P.M.**

**ROLL CALL**

COUNCILMEMBERS PRESENT: Feierbach, Wozniak, Braunstein, Dickenson, Lieberman (via teleconference)

COUNCILMEMBERS ABSENT: None

Staff Present: City Manager Crist, Community Development Director de Melo, Public Works Director Davis, Police Captain DeSmidt, Finance Director Fil, Human Resources Director Dino, City Treasurer Violet, City Clerk Cook.

## **PLEDGE OF ALLEGIANCE**

Led by the Notre Dame High School Choir, who also performed the National Anthem.

## **SPECIAL PRESENTATIONS**

### **Proclamation Honoring the Notre Dame High School Choir**

Vice-Mayor Dickenson presented the Choir with a proclamation.

### **Update on Belmont Library**

**Linda Chiochios**, Belmont Library Manager, stated that the San Mateo County Library System's annual report measuring performance was now available. She noted that Belmont Library's circulation has tripled since it reopened in 2006, and that over 50 percent of the city's population has a library card. She commented that it was a wonderful experience being part of the new library construction process. She outlined the library's new campaign regarding respect for users of the library. She noted that she would be retiring in early 2009, and she introduced Kathleen Beasley, the new branch manager.

**Kathleen Beasley**, Belmont Library, stated that Mrs. Chiochios has been a wonderful mentor and leader, and is a wise and compassionate manager.

Vice-Mayor Dickenson presented a proclamation to Linda Chiochios in honor of her 40 years of service to the San Mateo County Library System.

Members of Friends of the Belmont Library sang a song for Linda.

## **PUBLIC COMMENTS AND ANNOUNCEMENTS**

**Denny Lawhern**, Belmont resident, thanked the City Council for supporting the renovations to the Manor House. He expressed concerns regarding the detrimental effect that Proposition 1-A (high-speed rail) on the November ballot could have to Belmont businesses.

**Linda Ahern and Belmont Community Players** invited the Council and the community to attend this year's melodrama at Barrett Community Center.

**Judy King**, Manor House Centennial Committee, invited the community to attend the centennial celebration of the Manor House on October 18<sup>th</sup>. She noted that radio station KALW would be highlighting the historic building in an upcoming segment.

**Shaun Brennan**, Belmont resident, requested a status report on the bike lane near Carlmont High School. He had heard that there were concerns regarding proposed changes.

City Manager Crist responded that there had been some concerns expressed by the Police Department, which have been addressed. Restriping is scheduled to take place over the Thanksgiving holidays, so that the affect on traffic will be minimized.

## **COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS**

Councilmember Feierbach stated that she visited Carlmont High School recently. She noted that a delegation from Singapore was visiting to observe the teaching of technology at the campus.

Vice-Mayor Dickenson announced that the last day to register to vote for the November election was October 20<sup>th</sup>. Nominations are being accepted for San Mateo County's Women's Hall of Fame. He announced some upcoming community meetings regarding proposed locations for a new jail.

Councilmember Wozniak commented regarding the recent Save the Music Festival that was held recently. She noted it was well attended.

**RECESS: 8:07 P.M. (to consider the Redevelopment Agency Agenda)**  
**RECONVENE: 8:45 P.M.**

## **CONSENT CALENDAR**

Councilmember Feierbach noted that she had submitted questions regarding the professional services agreement amendment for Dyett and Bhatia, and that her questions were sufficiently answered.

**Approval of Minutes of Special and Regular Meeting of September 9, 2008**

**Acceptance of Written Communication:** 1) US Bankruptcy Court, Case No 08-11525, In Re Semcrude, L.P. et al; 2) Dept of Housing and Community Development Notice of Proposed Rulemaking affecting Title 25, Mobilehome/Special Occupancy Parks

**Approval of Resolution 10063 Authorizing the Police Chief to Accept Three Private Donations Totaling \$6000 to Benefit the Belmont Police Department K-9 Program.**

**Approval of Resolution 10064 Authorizing Holiday Closure December 25, 2008 - January 2, 2009**

**Approval of Resolution 10065 Authorizing the City Manager to Amend a Professional Service Agreement with Dyett & Bhatia, General Plan Consultants, for Completion of the General Plan Update (Phase 1) - Land Use Policy Amendments for the "Downtown Village Areas", Economic Development Target Sites, Downtown Specific Plan Area (DTSP), and the General Plan Update Work Plan**

**ACTION:** On a motion by Councilmember Feierbach, seconded by Councilmember Braunstein, the Consent Calendar was unanimously approved by a roll call vote.

## **OLD BUSINESS**

### **Discussion and Direction Regarding Proposals for Solid Waste Collection Services**

Public Works Director Davis introduced Steve Brekke-Brownell, Consultant, who has been working with City staff to evaluate options for solid waste collection, including an in-house collection option. He noted that this was a concurrent process with the one being utilized through the City's membership in the South Bayside Waste Management Authority (SBWMA) joint powers authority (JPA). He outlined the requirements that would need to be met should Belmont undertake an in-

house program, including land acquisition as well as equipment and staffing needs.

Public Works Director Davis stated that SBWMA received five proposals and has selected Norcal Waste as the new franchisee. He clarified that each JPA member city is required to approve the franchise agreement, which some have already done. He noted that Belmont received two proposals through its parallel process, one from Allied Waste and one from Norcal Waste.

**Steve Brekke-Brownell**, Consultant, stated that Allied submitted a proposal responsive to the request for proposal (RFP), and that it also submitted an alternate bid. The base bid rate is higher than the alternate. The alternate bid proposes a different approach for waste disposal, and is contingent on other cities joining in the contract and the buy-out required through the JPA.

Mr. Brekke-Brownell noted that Norcal's bid was responsive to the JPA, and included additional services. He provided an apple-to-apple comparison of rates among all bids, including the SBWMA model. He described the details and compared costs.

Public Works Director Davis clarified that Belmont's RFP contained more stringent requirements than the SBWMA model.

In response to Council questions, Public Works Director Davis clarified that the size of trash cans can be negotiated, but there is an issue regarding automation if small cans are used. Monies realized from recycling and composting comes back to the cities. Organic recycling will be included in green waste. There is a higher standard for residential organic collection than that for commercial. He further clarified that collection would be accomplished via single stream, since SBWMA equipment and facilities would be utilized, which are set up for single stream. He stated that single stream collection is superior to dual stream. If Belmont's share in the JPA is bought out and another waste facility is used, dual stream could then be implemented.

Public Works Director Davis stated that the settlement fund is currently in the red, but future deposits to that fund may need to be used to bridge the gap in the existing franchise agreement, per previous Council direction.

Discussion ensued regarding the ownership of the Ox Mountain facility.

In response to questions, Public Works Director Davis noted that tipping fee projections were used to provide similar comparisons in the proposals submitted. If those fees are increased, the cost would be passed on to the customer. He clarified that the review of proposals was not focused on variables. He further clarified that the Shoreway facility is a transfer site, and landfills other than Ox Mountain are available.

**Don Gambelin**, Allied Waste, stated that Allied could offer a contracted rate for tipping fees if selected as Belmont's solid waste provider. Tipping fees under the SBWMA model would be passed on, and would need to be paid by the City or the customer. Allied's proposal has options to keep costs low. The Shoreway facility is the high-cost option. The Norcal proposal, as accepted by

SBWMA, has a faster escalation cost. An option for providing services for collection of food waste could be implemented. Ox Mountain would be used, and he clarified the Milpitas plant is set up for single stream. The balance for the buy-out of Belmont's existing agreement with SBWMA could be carried over several years. He clarified that one additional city would need to participate in order to implement Allied's alternate proposal.

**Chuck Page**, Recyclebank, explained that his company's services are included in Allied's proposal. He described how Recyclebank works, and noted that it provides points based on the number of pounds recycled. Points are usually spent at local businesses. He noted that some cities are currently utilizing this service. Local stores and vendors offer the points, and he clarified there is no monetary exchange.

**John Zirelli**, Norcal Waste, stated that he and his family have an 88-year history of providing solid waste services in the Bay Area, 75 of those were in Belmont. Norcal is employee-owned and is customer-service oriented. He reviewed components of Norcal's proposal, including recycling, coat exchange program, document destruction/shredding, abandoned waste, and city-wide garage sales.

Public Works Director Davis noted that managing solid waste collection in-house is the most expensive of the options. Council concurred to remove this as an option for consideration.

Public Works Director Davis stated that there would be additional costs associated with providing a more detailed analysis of the remaining options and proposals. He noted that it would cost \$700,000 to buy out Belmont's share of the SBWMA bond obligation.

Councilmember Dickenson stated that the consultant was hired to leverage other options outside of the SBWMA process. He noted that this may be an opportune time to revisit the issue of the structure of the SBWMA board. He expressed concerns regarding the use of the balance of the settlement monies.

Councilmember Feierbach expressed concern regarding spending money on additional studies. She does not support the \$700,000 buy-out requirement. There is not much depth to the answers. The City may not have the ability to answer questions based on information provided.

Councilmember Dickenson suggested allowing the Infrastructure Committee to address this matter. There is a need to simplify the process to make the best decision for Belmont.

Councilmember Wozniak requested a chart of comparison of costs and services.

Public Works Director Davis noted that no details were received in writing regarding Allied Waste's alternate proposal.

Mayor Lieberman stated that this issue has not been discussed in detail by the Infrastructure Committee, but this could be accomplished at its next meeting. It may not be worth investigating bids that cost more than Norcal's SBWMA proposal. The primary issue is service levels.

Councilmember Dickenson expressed concerns regarding SBWMA's costs and the facility.

Council concurred to have the Infrastructure Committee review this matter.

**RECESS:**               **10:07 P.M.** (at which time, Mayor Lieberman, who had been teleconferencing into the meeting, left the meeting)

**RECONVENE:**       **10:10 P.M.**

## **NEW BUSINESS**

### **Discussion and Direction Regarding Amendments to the Tree Protection Ordinance**

Community Development Director de Melo stated that staff was seeking Council direction regarding future modifications to the existing tree ordinance. He provided a brief background of the ordinance since its inception ten years ago, including the number of permits issued. The ordinance provides a good definition of tree, and good definitions regarding the treatment of trees on the development of commercial property. What is not clear is good protection of smaller trees on developed residential properties, and there are issues regarding how to best address non-protected species. There is also a need to reference the master fee schedule in the ordinance. He noted that staff is working on logistics with posting the tree permit on-site, similar to what is done with building permits.

Councilmember Feierbach stated that improvements have been made in tree protection since the ordinance was adopted in 1998. She would like to forward this to the Planning Commission for review. She noted that the City has been reluctant to address backyard trees, which needs to be discussed.

Community Development Director de Melo stated that the Parks and Recreation Commission has also expressed an interest in this matter, and he recommended convening a subcommittee of both commissions to address this.

Councilmember Wozniak stated that if all non-protected trees were removed, the City would look substantially different. It is good to encourage the planting of native trees, but flexibility is needed for other species. There is a need to clarify the size and how the tree is measured.

Councilmember Braunstein expressed support for a subcommittee to look into this matter. He expressed concerns regarding property rights. There is a need to balance the desire for trees against over-regulation. The use of native trees should not be dictated, but encouraged. Variety is good. The tree board should not address all permits, as some could be managed administratively. There is a need to simplify the process and not be punitive.

Councilmember Feierbach responded that the ordinance was established because of prior problems. It needs to be stricter. The needs of the neighborhood should be considered, and the ordinance needs to be punitive in some cases.

**MEETING EXTENSION:** At this time, being 10:30 P.M., on a motion by Councilmember Wozniak, seconded by Councilmember Braunstein, the meeting was unanimously extended by 30 minutes by a show of hands (4-0, Lieberman absent).

Councilmember Braunstein stated that punitive is not the answer for all.

Councilmember Feierbach suggested that the subcommittee be made up of City Council members, Parks and Recreation Commissioners, and Planning Commissioners.

Councilmember Dickenson stated that erosion control is sometimes an issue with regard to trees.

**Kristin Mercer**, Belmont resident, expressed support for lowering the size of trees to be protected than is currently provided for in the ordinance. She noted that tall or older trees sometimes have small trunks. The same issues exist whether a tree is on commercial or residential property, and the ordinance should not differentiate. She concurs that the permit process may be too complicated. If it is too complicated, people will skip the process altogether. It needs to be easy if done right and painful if done wrong.

Council concurred to convene a subcommittee to study this issue.

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

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

Councilmember Dickenson stated that at its last meeting, the Green Advisory Committee began discussing its final product and recommendation. He noted that there has been much staff work completed but not much progress on the Harbor Industrial Area issue. Economic Development progress was addressed during the Redevelopment Agency meeting held earlier.

##### **Report from Audit Committee - Receipt of Comprehensive Annual Financial Report dated June 30, 2008**

City Treasurer Violet stated that the Audit Committee met with the auditor. He noted this meeting was an important step in the audit process. The auditor has rendered a clean opinion, and Belmont was the first of its 40 clients to submit completed audits. There are no major issues to address. He thanked the staff and the auditor for their efforts. The report will be filed and will be used for future bond rating.

Councilmember Wozniak thanked staff for using the Manor House photos in the audit report.

**ACTION:** On a motion by Councilmember Feierbach, seconded by Councilmember Braunstein, the Comprehensive Annual Financial Report dated June 30, 2008, was unanimously approved for filing by a show of hands (4-0, Lieberman absent).

**Verbal Report from City Manager**

City Manager Crist announced that the City Council would hold a joint meeting with the Parks and Recreation Commission on November 5<sup>th</sup>.

**REPORT FROM CLOSED SESSION**

City Attorney Zafferano noted that direction was given but no action taken during the Closed Sessions held earlier in the evening.

**ADJOURNMENT** at this time, being 10:50 P.M.

**Terri Cook  
City Clerk**

Council Meeting Tape Recorded and Videotaped  
Audio Recording 708