

SPECIAL MEETINGS

CLOSED SESSION - 6:00 P.M.

- A. Public Employee Performance Evaluation, City Manager, pursuant to Government Code section 54957
- B. Conference with Real Property Negotiator Crist pursuant to Government Code Section 54956.8: One Parcels, APN 044-222-170, concerning price and terms of payment
- C. Conference with Labor Negotiator, Jack Crist, pursuant to Government Code Section 54957.6: AFSCME and MMCEA

Attended by Councilmembers Feierbach, Wozniak, Braunstein, Dickenson, Lieberman, City Manager Crist, City Attorney Zafferano, Community Development Director de Melo, Finance Director Fil, Public Works Director Davis, Police Chief Mattei, and Human Resources Director Dino. City Clerk Cook was excused from attending.

ADJOURNMENT at this time, being 7:30 P.M.

**Terri Cook
City Clerk**

This meeting was not tape recorded or videotaped.

**REGULAR MEETING
CALL TO ORDER 7:30 P.M.**

ROLL CALL

COUNCILMEMBERS PRESENT: Feierbach, Dickenson, Lieberman Wozniak, Braunstein

COUNCILMEMBERS ABSENT: None

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

PLEDGE OF ALLEGIANCE

Led by City Treasurer Violet.

REPORT FROM CLOSED SESSION

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

SPECIAL PRESENTATIONS

Police Department Commendations - Lifesaving Medals

Police Chief Mattei described the events that led to lifesaving awards that were presented to Officers Bradley, Friedman, Chicas, and Ritter.

PUBLIC COMMENTS AND ANNOUNCEMENTS

Kathleen Beasley, Belmont Library Branch Manager, outlined the various programs that would be held at the Belmont Library during the month of February.

COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS

Councilmember Dickenson stated that Central Elementary School was raising money to erect a monument sign at the school entrance to announce that it was a designated Blue Ribbon School.

Mayor Braunstein stated that residents were receiving solicitations from companies offering assistance in getting their property values lowered for tax purposes. He advised that the County offers this service for free, and property owners should exercise caution regarding these solicitations. He also announced that his State of the City address would be held on March 31st at 6:00 p.m.

RECESS: 7:47 P.M. (to consider the Redevelopment Agency Agenda)
RECONVENE: 8:30 P.M.

AGENDA AMENDMENTS

Councilmembers Lieberman and Wozniak requested the removal of all three items from the Consent Agenda for separate consideration.

ITEMS REMOVED FROM CONSENT CALENDAR FOR SEPARATE CONSIDERATION

Resolution Authorizing Adoption of AFSCME Memorandum of Understanding

Councilmember Lieberman stated that he wanted to explain why he was voting no on this item. He feels the City could negotiate a better agreement at a lower cost that would fulfill the needs and desires of the bargaining unit. He is concerned about the cost of this agreement in light of the current economic challenges, and payroll costs could escalate beyond the contract period. He is also concerned that the City has settled with one bargaining group and not the other. He noted that he values the services provided by the employees.

Councilmember Feierbach explained how the terms of the agreement differ from previous years. She noted that the Council approached the contract from a business rather a public perspective. She added that this contract could be a template for the future of labor negotiations for other cities, as it reflects outside-the-box thinking. It is important to reward good workers.

City Attorney Zafferano explained that the agreement provides for a cost-of-living adjustment (COLA) plus longevity pay. It also provides other incentives, and includes changes to benefits.

Human Resources Director Dino stated that the new pay-for-performance plan included in the contract is one typically used in the private industry. It is a good way to motivate employees and provides incentives for earning merit pay. She also noted that a new performance evaluation process has been put in place as a result of the new agreement, which improves services to the community. She noted that the COLA is 2.6 percent for each of the four years of the contract term.

Councilmember Wozniak clarified that there is no increase in the pension plan. Enhanced retirement plans are putting other cities at risk.

Councilmember Lieberman responded that all other cities have more generous pension plans. The City could have negotiated an enhanced retirement plan while capping costs.

Councilmember Dickenson stated that the agreement rewards performers and is balanced with the current economic situation. It is a positive contract for city workers and is a proactive agreement for the City.

ACTION: On a motion by Councilmember Feierbach, seconded by Councilmember Dickenson, Resolution 10086 Authorizing Adoption of AFSCME Memorandum of Understanding was approved by a show of hands (4-1, Lieberman no).

Resolution Amending the Composition of the Green Advisory Committee (GAC)

Councilmember Wozniak stated that she is in favor of the resolution, and noted that adjustments to the membership of the Green Advisory Committee (GAC) were necessary due to attendance issues of some members.

ACTION: On a motion by Councilmember Feierbach, seconded by Councilmember Dickenson, Resolution 10087 Amending the Composition of the Green Advisory Committee (GAC) was approved by a show of hands.

Resolution Authorizing the City Manager to Make a Formal Request to the City of Foster City for a Transfer of PG&E Rule 20A Allocation

Councilmember Lieberman noted that this issue was discussed by the Infrastructure Committee meeting. He would like to do something meaningful to thank Foster City, should they approve the transfer of Rule 20A funds. He recommended offering Belmont-residence fees to Foster City residents for the use of sports fields, rather than non-residential fees. He clarified that this may not result in a very large reduction in revenues.

Councilmember Feierbach expressed concerns regarding making exceptions for fees, and noted that Belmont fields are well used and may not be available for more outside groups. She suggested vetting this idea through staff and the Parks and Recreation Commission.

Councilmember Wozniak concurred with the need to do something for Foster City, and noted there may be other ideas.

Mayor Braunstein concurred with the need to thank Foster City.

ACTION: On a motion by Councilmember Feierbach, seconded by Councilmember Dickenson, Resolution 10088 Authorizing the City Manager to Make a Formal Request to the City of Foster City for a Transfer of PG&E Rule 20A Allocation was unanimously approved by a show of hands.

HEARINGS

Public Hearing to Consider a Resolution Vacating a Portion of Semeria Avenue and Casa Bona Avenue Adjacent to the New Semeria Park (APN 044-042-180)

Public Works Director Davis noted that this Public Hearing was the next step in the development of the proposed Semeria Park site.

Mayor Braunstein opened the Public Hearing.

Frank Magdaleno, Belmont resident, stated that the money allocated for this park would be better spent elsewhere, due to the current economy. There are more important needs, and this is not a safety issue.

Mike Bushue, Belmont resident, stated that the additional land being allocated for the park site is right-of-way. It was not intended to be used for the park. He expressed concern regarding the safety of children and the fence at the curb line. There is a need for a buffer zone, and parking provides a good buffer. The park should not focus on one group. Additional parking would improve the neighborhood. He recommended including six parking spots, not three.

Kevin Sullivan, Belmont resident, noted that he is a Park and Recreation Commissioner but he was speaking on behalf of himself. He was present for the park site meeting, and for the Commission meetings where this proposed park was discussed. There was overwhelming support for development of the park and there will be a good balance for all users of the park.

Reinhardt Quelle, Belmont resident, stated that extending the park boundaries to include the new right-of-way was exciting. This park site will be turned from a parking lot into a park. If a house were to be built there, the property would not be available for parking, and it was not intended to be available for parking. No buffer is needed.

Tom Tilden, Belmont resident, expressed concern regarding how the new right-of-way would be used. He does not support narrowing the road.

Parks Manager Ourtiague responded that there is no change proposed in the existing roadway. He clarified that some portion of the existing lot is designated as right-of-way now, and that portion is proposed to be incorporated into the park site.

Judy King, Parks and Recreation Commissioner, thanked all who have participated in bringing this

matter forward so quickly.

Linda Bentsen, Belmont resident, stated she has supported the park development since its inception. The site is not a parking lot. Over the years the neighborhood corresponded with the previous owner in attempts to get cars removed. Six parking spaces are not needed.

ACTION: On a motion by Councilmember Dickenson, seconded by Councilmember Wozniak, and unanimously approved by a show of hands to close the Public Hearing.

ACTION: On a motion by Councilmember Dickenson, seconded by Councilmember Feierbach, Resolution 10089 Vacating a Portion of Semeria Avenue and Casa Bona Avenue Adjacent to the New Semeria Park (APN 044-042-180) was unanimously approved by a show of hands.

OLD BUSINESS

Discussion and Direction on the Issuance of Debt by the South Bayside Waste Management Authority (SBWMA) for the Shoreway Master Plan and Redemption of the SBWMA 2000 Bonds

Public Works Director Davis explained the capital project that will be funded through this debt issuance. He noted that several City Council members have toured the transfer station and recycling facility. He introduced Kevin McCarthy, the General Manager of the South Bayside Waste Management Authority (SBWMA).

General Manager McCarthy stated that some areas of the facility exceed 40 years in age. There are traffic issues in the area. Future changes in garbage collection systems will increase recycling, which is also driving the need for the development of a master plan for the facility. He described both the existing facility and the proposed new facility. He noted that the San Carlos Planning Commission has reviewed the master plan, since it is located within the city limits of San Carlos. Ox Mountain, where solid waste is taken from the transfer station, is scheduled to close in 2019, and the new facility is designed to prepare for that closure. Reserves have been set aside to pay for the new facility. He outlined other benefits of a new facility, including lower operating costs.

General Manager McCarthy provided an overview of the project schedule, and he outlined cost estimates, which are now below earlier estimates. He described other similar projects that have been designed by the architect.

Bill Euphrates, Bond Counsel, reviewed the various financing options. He noted that President Obama's economic stimulus plan may provide additional options, including a fixed-rate bond issuance.

Public Works Director Davis described the impact of the debt issuance on Belmont's fees, as well as on other agencies using the facility. He outlined how residential rates would be affected. He noted that the Finance Commission reviewed this matter and concurred with the findings outlined in the staff report should the City Council concur with the need for the new facility. He noted that there is

no timeline associated with the current Grand Jury investigation of the bid process. Five other cities have approved this matter. He outlined the next steps should this Council approve it as well.

In response to Council questions, General Manager McCarthy stated that \$1 million was spent in 2008 for this project, and the first payment on traffic mitigations will soon be made, in the amount of \$350,000. He outlined near-future expenses. He clarified that the original estimates were very preliminary, and cost estimates were lowered in December of 2008 following the completion of the final specifications. He recommended taking action on a not-to-exceed amount, and construction bids will provide a good idea of true costs. A proposed bid alternate could be removed from the project if the bid for that component exceeded the amount authorized.

In response to Councilmember Lieberman, Public Works Director Davis clarified that based on the current estimates, there may not need to be an additional increase in rates until the new contract goes into effect in January of 2011.

In response to Mayor Braunstein, General Manager McCarthy clarified that single stream recycling and weekly pickup will reduce operating costs. There is more processing, but it will cost less to do so.

City Treasurer Violet outlined the Finance Commission's review of this matter. At that time it was reviewing fixed rates, but he noted that there may now be an opportunity for a variable rate. He expressed concerns regarding variable rates and recommended that the Finance Commission provide an additional review if a variable rate is contemplated.

Councilmember Lieberman stated that he also has concerns regarding variable rates.

General Manager McCarthy noted that other cities are also discussing the variable rate option. He added that the Finance Plan will be available before final approval, which could be reviewed by the Finance Commission.

Bond Counsel Euphrates recommended budgeting for a higher percentage rate than is outlined in order to provide rate stabilization. He stated that placing a cap on the interest rate could be an option, which eliminates the risk associated with variable rates.

Councilmember Wozniak concurred to have the Finance Commission review the variable rate option and the Finance Plan.

Discussion ensued regarding the timeline for the master plan project.

RECESS: 10:00 P.M.

RECONVENE: 10:08 P.M.

Discussion and Direction on Proposed Solid Waste Increases

Public Works Director Davis outlined the proposed schedule for the Proposition 218 hearing process for solid waste fee increases. He noted that fees were last raised in 2005, and costs have increased since that time. The intent is for the contract to be at zero when the current franchise agreement expires in December of 2010. Two options include increasing rates or using some or all of the settlement monies to offset increases. He reviewed various rate options and the effect on both residential and commercial rates. He noted that the Infrastructure Committee reviewed this matter and recommended Alternate 3, which sets a fixed rate increase over three years. He noted that the settlement funds are discretionary. It is recommended that a more progressive rate be set for the new solid waste operator as a means of penalizing higher users.

Councilmember Feierbach noted that the settlement monies were to be used only for future debt or to be returned to the customers. She questioned why all of those monies would not be used to offset an increase in rates. She stated that she cannot support a rate increase, and recommended using all of the settlement monies to offset.

Public Works Director Davis responded that it may be desirable to maintain some of those funds for the future.

Councilmember Dickenson concurred with Councilmember Feierbach. His goal is to achieve pay as you go. There is a need for information regarding the components of the trash rates. He noted that other cities provide this information to the ratepayers. He concurred that the settlement monies were deemed discretionary when the monies were paid, but that the City Council chose to specify their use.

Councilmember Wozniak stated that the City Council was advised that the settlement monies could be used for other purposes. There may be additional costs incurred in the new contract, and there may be an ability to smooth out the rate increase with these funds. If there is a desire for ratepayer relief, the monies could be handled differently.

MEETING EXTENSION at this time, being 10:30 P.M., on a motion by Councilmember Dickenson, seconded by Councilmember Wozniak, the meeting was unanimously extended by 30 minutes by a show of hands.

Councilmember Lieberman stated that each jurisdiction had discretion regarding how to use the settlement monies. There are many ways to use the money that would benefit residents, but it is not sufficient to prevent an increase in rates.

City Manager Crist clarified that a special fund was created with the settlement monies, and staff wanted to provide options for how to utilize the funds.

Councilmember Feierbach expressed concerns regarding the impact of rate increases during these difficult economic times.

Councilmember Wozniak noted that there may be a desire to retain some of the funds for future needs.

Councilmember Dickenson noted that there is a need to raise rates, and there is a need to quantify how much that raise will be. It is expensive to achieve pay as you go.

Councilmember Lieberman stated that there is no nexus between the settlement monies and trash collection.

Councilmember Dickenson responded that there has been a continuing contract for substandard service. The settlement monies came from the ratepayers.

Public Works Director Davis stated that another rate model could be provided which allocates all of the settlement monies for offsetting rate increases.

Resolution of the City of Belmont Stating its Intention to Impose a Sewer Treatment Facility Charge Tax Year 2009-10

City Engineer Borrmann stated that this matter was discussed at length at the last meeting. The proposed resolution will set the Proposition 218 process in motion. Public outreach will be provided.

City Treasurer Violet noted that he and City Clerk Cook worked with staff regarding modifications to the Public Hearing notice.

Councilmember Lieberman stated that outreach to the high-end rate payers is important. He noted that the Infrastructure Committee discussed this matter.

ACTION: On a motion by Councilmember Feierbach, seconded by Councilmember Lieberman, Resolution 10090 Stating Intention to Impose a Sewer Treatment Facility Charge Tax Year 2009-10 was unanimously approved by a show of hands.

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

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

Councilmember Wozniak noted that Atherton's new library was the topic of discussion at the recent Library meeting. She also stated that the Alameda de las Pulgas restriping project was discussed at the Infrastructure Committee meeting, and she noted that the discussion brought out other traffic issues in the area. She outlined the options discussed.

Councilmember Dickenson stated that many issues were discussed at the recent Belmont-Redwood Shores School District and City 2+2 meeting, including the field use agreement. He reported that the City of Belmont has gained an additional voting seat for the ALS (Advance Life Support) JPA (Joint Powers Agreement), and a 10-year agreement was approved.

Councilmember Lieberman stated that PG&E Rule 20A funds, the Shoreway facility, and solid waste were also discussed at the Infrastructure Meeting. Other topics discussed at the school district 2+2 meeting included Central School traffic issues, City of San Mateo field use fees, and the delay of the construction of the new school in Redwood Shores.

MEETING EXTENSION at this time, being 11:00 P.M., on a motion by Councilmember Wozniak, seconded by Councilmember Lieberman, the meeting was unanimously extended by 30 minutes by a show of hands.

Councilmember Feierbach stated that topics addressed at the recent Economic Development Subcommittee meeting included the Shoreway site, requests for proposals for Firehouse Square were being received, and Safeway's interest in the master development for Village Center.

Verbal Report from City Manager, including Update Regarding Emmett House

City Manager Crist stated that the new City of Belmont maps produced by the Chamber of Commerce had been received, and a supply was available at City Hall. He provided an update of the progress on the Emmett House, and noted that bid specs will be presented for approval by the Redevelopment Agency at its March meeting. Motion detectors have been installed in some areas of City Hall for energy savings. There is a potential for water rationing due to the shortfall in rain.

MATTERS OF COUNCIL INTEREST/CLARIFICATION

Consideration of formation of ad hoc Council committee to address campaign ordinance issue (Lieberman)

Councilmember Lieberman suggested that the Council form an ad hoc committee to work with the City Clerk regarding options for revisions to the campaign contribution ordinance as discussed at the January 27th meeting.

Councilmember Feierbach suggested that the committee be comprised of Council members whose terms do not expire this year. She recommended increasing the individual contribution level to \$200.

Discussion ensued, and Council concurred that the Ad Hoc committee would be comprised of Councilmembers Dickenson and Wozniak.

Consideration of scheduling joint meeting with Belmont-Redwood Shores School Board (Dickenson)

Councilmember Dickenson stated that it had been many years since the City Council and the elementary school board had met together, and due to issues raised during the 2+2 meetings, there is a need.

Council concurred to schedule a joint meeting between the two agencies.

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

Meeting Tape Recorded and Videotaped
Audio Recording 718

Terri Cook
City Clerk