

Minutes of Special and Regular Meeting of July 28, 2009

SPECIAL MEETINGS

CLOSED SESSION - 6:00 P.M.

- A. Conference with Legal Counsel pursuant to Government Code Section 54956.9(b), Anticipated Litigation, Significant Exposure to Litigation: Three Cases
- B. Conference with Real Property Negotiator Crist pursuant to Government Code Section 54956.8: Two Parcels, APN 045-162-080 & 045-162-090

Attended by Councilmembers Feierbach, Dickenson, Lieberman, Braunstein, City Manager Crist, City Attorney Zafferano, Redevelopment Attorney Ramirez, Finance Director Fil, Interim Public Works Director Borrmann, Human Resources Director Dino. Councilmember Wozniak 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 7:35 P.M.

ROLL CALL

COUNCILMEMBERS PRESENT: Feierbach, Dickenson, Lieberman, Braunstein

COUNCILMEMBERS ABSENT: Wozniak

Staff Present: City Manager Crist, City Attorney Zafferano, Police Chief Mattei, Human Resources Director Dino, Interim Public Works Director Borrmann, Police Officer Lewis, Chief Building Official Nolfi, Senior Planner DiDonato, Finance Director Fil, City Treasurer Violet, City Clerk Cook.

PLEDGE OF ALLEGIANCE

Led by Chief Building Official Nolfi.

REPORT FROM CLOSED SESSION

City Attorney Zafferano stated there are no reportable actions from the Closed Session held earlier.

SPECIAL PRESENTATIONS

Presentation Regarding the 2010 Census and Resolution Authorizing a Partnership Agreement with Census 2010

Senior Planner DiDonato stated that the proposed resolution authorizes a partnership agreement between the City of Belmont and the 2010 Census as a means of raising awareness of the importance

of census data. He described the various methods for providing outreach to the community. There will be minimal fiscal impact to the City. He outlined the financial benefits to the City when an accurate census count is made.

Mayor Braunstein recommended outreach County-wide via cable Channel 26.

Alex Darr, Census 2010, thanked the City of Belmont for its participation in this program. He outlined the kinds of funds that are disbursed based on census data. He noted that Census 2010 may seek additional assistance from the City of Belmont regarding outreach.

ACTION: On a motion by Councilmember Dickenson, seconded by Councilmember Lieberman, Resolution 10150 Authorizing a Partnership Agreement with Census 2010 was unanimously approved by a show of hands (4-0, Wozniak absent).

Census 2010 staff introduced themselves and outlined their areas of expertise. Mayor Braunstein presented a Proclamation recognizing the partnership agreement.

Presentation on "National Night Out"

Police Chief Mattei expressed a desire to start a National Night Out program in Belmont. He noted that this program provides an opportunity for neighbors to interact.

Police Officer Lewis provided a history and described the benefits of the Neighborhood Watch program. He noted it is the oldest and best crime prevention program in existence. This program expanded to include emergency preparedness and the National Night Out program, which is scheduled on the first Tuesday in August.

Police Chief Mattei stated that National Night Out is a positive program but needs effort and participation. He clarified that each city can tailor the program to its own needs. It is a way to connect City Hall and the community, and to communicate services that are available to the public. He described the recent home invasion incident on Hallmark Drive, and noted that residents are encouraged to contact the police department, regardless of the issue. National Night Out will require some planning if there is a desire to do something city-wide for the future. He noted that this would provide an opportunity to revitalize the Neighborhood Watch program.

Mayor Braunstein noted that neighborhoods do not need to schedule National Night Out on the exact date.

COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS

Councilmember Feierbach stated that the proposed Semeria and Davey Glen park site meetings held recently were well attended, productive, and provided good input.

Mayor Braunstein announced that State Senator Jerry Hill would be holding sidewalk hours at the

August 2nd Farmer's Market. He also announced that Senator Hill would be sponsoring a Seniors Against Investment Fraud (SAIF) workshop. The City Council nomination period will be open through August 7th or August 13th, depending on whether or not all incumbents file as candidates. He stated that members of City Council and the staff would be attending an upcoming Foster City Council meeting to thank them for contributing PG&E Rule 20A funds to complete the utility undergrounding project on Old County Road.

AGENDA AMENDMENTS

Mayor Braunstein requested the removal of Consent Item 4-B (Resolution Approving Specifications, Authorizing Advertisement for Sealed Bids, and Approving Award of Purchase to the Lowest Responsible Bidder for the Replacement of Two Sanitary Sewer Pumps for the San Juan Pump Station for an Amount not to Exceed \$120,000) for separate consideration.

City Manager Crist stated that Consent Item 4-D (Resolution Approving Establishment of a No Parking Zone on South of the Belmont Library) would be removed for clarification.

ITEMS APPROVED ON CONSENT CALENDAR

Approval of Minutes of Special and Regular Meeting of June 23, 2009, and Special Meeting of June 30, 2009

Approval of Resolution 10151 Authorizing a Loan to the Belmont Fire Protection District

Approval of Resolution 10152 Approving Establishment of Two No Parking Zones at 707 Old County Road

Approval of Resolution 10153 Modifying Council Subcommittee Organization Structure

ACTION: On a motion by Councilmember Dickenson, seconded by Councilmember Feierbach, the Consent Agenda was unanimously approved, as amended, by a show of hands (4-0, Wozniak absent).

ITEMS REMOVED FROM CONSENT CALENDAR FOR SEPARATE CONSIDERATION

Resolution Approving Specifications, Authorizing Advertisement for Sealed Bids, and Approving Award of Purchase to the Lowest Responsible Bidder for the Replacement of Two Sanitary Sewer Pumps for the San Juan Pump Station for an Amount not to Exceed \$120,000, City Contract Number 503

Mayor Braunstein expressed concern regarding the fact that these pumps were recently repaired and now they are being replaced. He requested an update on the status of all pump station repairs.

Interim Public Works Director Borrmann noted that staff is implementing a master plan, and she indicated she would provide the update, as requested.

ACTION: On a motion by Councilmember Dickenson, seconded by Councilmember Feierbach, Resolution 10154 Approving Specifications, Authorizing Advertisement for Sealed Bids, and

Approving Award of Purchase to the Lowest Responsible Bidder for the Replacement of Two Sanitary Sewer Pumps for the San Juan Pump Station for an Amount not to Exceed \$120,000, City Contract Number 503 was unanimously approved, as amended, by a show of hands (4-0, Wozniak absent).

Resolution Approving Establishment of a No Parking Zone south of the Belmont Library Driveway at 1110 Alameda de las Pulgas

Interim Public Works Director Borrmann stated that this resolution authorizes the removal of one parking space on Alameda de las Pulgas south of the Library driveway for safety reasons. She noted that no objections to the elimination of this space have been received, and staff recommends approval of the resolution.

Bill Richardson, San Carlos resident, described the incident which led to the request for this action. He noted this is a serious safety situation.

ACTION: On a motion by Councilmember Dickenson, seconded by Councilmember Feierbach, Resolution 10155 Approving Establishment of a No Parking Zone South of the Belmont Library Driveway at 1110 Alameda de las Pulgas was unanimously approved by a show of hands (4-0, Wozniak absent).

HEARINGS

Public Hearing to Consider a Resolution Vacating a Portion of Public Right-of-Way Adjacent to 2935 Alhambra Drive (APN 043-232-080 and 043-232-230)

Mayor Braunstein noted that staff recommends a continuance of this item.

Interim Public Works Director Borrmann stated that there may be other options that staff can explore rather than vacating right-of-way. Some of those options may require design review.

ACTION: On a motion by Councilmember Dickenson, seconded by Councilmember Feierbach, the Public Hearing to consider vacation of a portion of Public Right-of-Way Adjacent to 2935 Alhambra Drive was unanimously continued to a date uncertain (4-0, Wozniak absent).

Councilmember Feierbach expressed concern regarding setting precedence in the San Juan Canyon if right-of-way is vacated.

OLD BUSINESS

Update Regarding Various Solid Waste Policy Issues

City Manager Crist stated that negotiations have begun with Nor Cal Waste, now called Recology, on the new franchise agreement. He noted that the contract from South Bay Waste Management Authority (SBWMA) is being used as a model. He outlined the timetable, and clarified that trucks will need to be ordered in advance of the new franchise agreement which goes into effect in January

of 2011. This issue continues to be discussed by the Infrastructure Committee. He stated that sample collection cans are on display in the City Hall lobby. He clarified that residents can request a non-standard sized can.

City Manager Crist commented regarding the Grand Jury report which addressed the procurement process used for selecting a new waste hauler. He noted that SBWMA and all member cities will be providing responses to this report. He clarified that the City of Belmont performed its own separate selection process, and reached the same conclusion as the SBWMA process regarding its franchise hauler and recycling company. He outlined the recommendations of the Grand Jury.

City Manager Crist stated that single-stream solid waste collection has consistently been supported by a majority of the Council, and he noted that there would be a significant cost increase if dual stream collection is selected. He noted there are pros and cons to each collection method. Nor Cal and SBWMA advocate for single stream collection. He stated that a food waste recycling program similar to the one being utilized in the City of San Carlos, at a cost to rate payers, will be implemented in the new franchise agreement at no extra cost.

Krista Kuenhackl, Belmont resident, expressed support for dual stream collection. She noted that other cities that use dual stream collection have increased their recycling rates. She stated that there is a minimal cost difference between single and dual stream collection. She noted that costs to dispose of and process contaminated materials collected under a single-stream system are higher than when using dual stream.

Councilmember Feierbach noted that trash cans are sometimes left out at the curb all week. She recommended including a message on the new cans about the need to put them away after being emptied. She expressed confusion regarding the dual versus single stream issue, and is concerned regarding the additional cost for dual stream collection. She noted that most other cities in the area are or will be utilizing single stream.

Hilory Gans, SBWMA, stated that very few cities are utilizing dual stream collection, if given a choice. He outlined the benefits of single stream, including reduced truck traffic, fewer containers, less scavenging by others, and less trash that blows around the neighborhood. He noted that single stream collection increases the level of recycling. He explained that newer, state-of-the-art equipment addresses the issue of contamination, and he noted that the same dollars are paid for recycled commodities from single or dual stream collection.

David Langer, DAL Dimensions, described his experience with single stream collection. He confirmed that its use increases the volume of recycling, and he noted it is easier to use and reduces truck travel. He stated that sorting equipment for single stream is more sophisticated. Most cities use single stream.

Mario Puccinelli, Recology (Nor Cal), stated that the use of single stream collection in San Bruno

has resulted in a 92 percent participation rate with a 90 percent approval rate. It is convenient and is embraced both by residents and businesses. He noted that 85 percent of California cities use single stream. In response to Councilmember Lieberman, he described the truck used for single stream collection, and noted there is no ability for additional trash or recycle pickups if the material does not fit in the dual stream container.

NEW BUSINESS

Resolution Authorizing the City Manager to Enter into an Agreement with the School-Force Education Foundation/Save the Music Festival Planned for October 4, 2009

Parks and Recreation Director Gervais described School Force, a nonprofit organization, and the annual Save the Music fundraising festival to be held in October. He stated that the proposed resolution provides for recovery of half of the City's costs for this event.

In response to Council questions, Police Chief Mattei described various parking opportunities, including at Notre Dame High School and University. He noted that allowing parking in the bicycle lane on Ralston Avenue is problematic.

Ardyth Andrews, School Force, thanked the City of Belmont for its past support of this event. She described the various partnership opportunities offered by the Festival.

Alan Sarver, School Force, noted that the Festival's long-term goal is to keep the City financially whole through a phase-in approach. He noted that the City has been a good partner, and he outlined corporate sponsors of the event. He clarified that this is a major fundraiser to help keep music in schools. He expressed support for the proposed resolution. He described the debriefing process used in prior years' Festivals, and changes being made to this year's Festival as a result. He noted that an enlarged secure bicycle parking area will be available, and the Festival will have a green focus. He outlined the various areas available for vehicular parking. He noted that Carlmont High School is a new partner this year, and described an activity that will take place at that school the Friday evening prior to the Festival.

Mayor Braunstein thanked School Force for providing this community event.

Councilmember Lieberman commended the group for responding to the desire to phase in the partnership level of support from the City of Belmont.

Mary Morrissey-Parden, Chamber of Commerce, stated that the Chamber has been a partner in the Festival since its inception. She noted that the location in Twin Pines Park provides an opportunity showcase the Civic Center and the Belmont business community. She noted that businesses are supporting this event despite the economy. She expressed support for the resolution.

ACTION: On a motion by Councilmember Dickenson, seconded by Councilmember Lieberman, Resolution 10156 Authorizing the City Manager to Enter into an Agreement with the School-Force Education Foundation/Save the Music Festival Planned for October 4, 2009 was unanimously approved by a show of hands (4-0, Wozniak absent).

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

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

Councilmember Feierbach reported on a recent Senior Advisory Meeting she attended wherein senior lunches, rides, dances, and other programs were discussed. She also outlined upcoming events.

Councilmember Lieberman stated that he has joined an employee compensation task force that was formed at the most recent Council of Cities dinner meeting.

Mayor Braunstein stated that financial policies were discussed at a recent Audit Committee meeting. He noted that he and Vice Mayor Wozniak met recently with members of the Mid-Peninsula Water Board. Various topics were discussed. He noted that the Water District is a pay-as-you-go entity, although changes at the San Francisco Water Department could force changes to that program. Water rates may be increasing dramatically as a result. He noted that Mid-Peninsula is a backup water source for other jurisdictions, and it wants to be a resource for Belmont's Emergency Operations Center.

Mary Morrissey-Parden, Belmont Chamber, noted that the Chamber was present at a recent Water Board meeting regarding rate increases. She stated that the Chamber supports the increases. She noted that water rates for residential and business customers are the same.

Discussion Regarding Cancellation of August 25, 2009 Council meeting

Mayor Braunstein noted that the August 25th Council meeting is going to be canceled. He noted that the only item scheduled was the continued hearing for T-Mobile, which will be reschedule.

City Clerk Cook noted that the new hearing date for T-Mobile would be re-published and notices mailed to affected residents.

Verbal Report from City Manager (SBSA and State Budget updates)

City Manager Crist stated that the force main continues to be a topic of discussion at South Bayside Systems Authority (SBSA). He commented that there is no transparency in the process that was used in the State Budget adoption.

Finance Director Fil provided an overview on the State budget situation. He noted that the State is

taking monies from cities and counties in order to balance its budget. Proposition 1A allows the State to borrow money in emergencies. The loss to Belmont's General Fund is close to \$1 million. He clarified that the State is able to borrow twice, but repayment of the first loan must be made first. Cities are able to bond against the monies that are borrowed. He noted that City Treasurer Violet is considering borrowing within the City's existing portfolio. He explained that Tax and Revenue Anticipation Notes (TRANS) are normally available, but there are no buyers in the current market.

Finance Director Fil stated that the effect of the State takeaways on the Redevelopment Agency will be \$2.3 million for the current fiscal year. He clarified this is a permanent loss, as there is no repayment required. He further clarified that this money would be taken even if the RDA were dissolved. He described options on how to defer the impact to the City, as well as the implications. Further analysis is needed. He noted that this could jeopardize redevelopment and economic development activities. The Finance Commission will be discussing this matter. He stated that the City may have an opportunity to join in a joint lawsuit over this issue. This situation will be addressed at the mid-year budget review.

City Manager Crist clarified that the RDA money being diverted is not going to schools.

City Treasurer Violet explained that in a previous action taken this evening, the City loaned money to the Belmont Fire Protection District, since TRANS were not available. State actions are forcing the locking up of liquidity, which is contrary to existing investment policy. He noted that these actions could have long-term impacts on cash reserves, and could have dire consequences for some cities.

Discussion ensued.

Councilmember Feierbach described a recent phone conference she participated in regarding the formation of a Constitutional Convention.

ADDITIONAL COMMENTS AND ANNOUNCEMENTS

Mayor Braunstein noted that Sam Trans is continuing to hold public meetings regarding changes in services and fares. He also noted that he will be meeting soon with the Mayor of San Mateo and intends to outreach to other San Mateo County mayors regarding the State budget situation. He expressed the need for unity regarding this issue.

ADJOURNMENT at this time, being 9:41 P.M.

**Terri Cook
City Clerk**

Meeting Tape Recorded and Videotaped
Audio Recording 732