

SPECIAL MEETINGS

CLOSED SESSION - 7:00 P.M.

- A. Conference with Legal Counsel pursuant to Government Code Section 54956.9(b), Anticipated Litigation, Significant Exposure to Litigation, One Case
- B. Conference with Labor Negotiator, Greg Scoles, pursuant to Government Code Section 54957.6: BPOA; MMCEA, AFSCME, Unrepresented Management
- C. Conference with Real Property Negotiator Scoles pursuant to Government Code Section 54956.8 concerning price, terms and conditions, One Parcel: APN 045-014-060.

Councilmembers present: Feierbach, Warden, Braunstein, Warden, Wozniak, City Manager Scoles, Interim City Attorney Kane, Community Development Director de Melo, Police Chief Mattei, Finance Director Fil, Human Resources Director Dino. City Clerk Cook was excused from attending.

ADJOURNMENT at this time being 7:40 P.M.

**Terri Cook
Belmont City Clerk**

This meeting was not tape recorded or videotaped

**REGULAR MEETING –
CALL TO ORDER 7:45 P.M.**

ROLL CALL

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

COUNCILMEMBERS ABSENT: None

Staff Present: City Manager Scoles, Interim City Attorney Kane, Finance Director Fil, Human Resources Director Dino, Police Chief Mattei, Community Development Director de Melo, Assistant City Engineer Palatnik, City Treasurer Violet, City Clerk Cook

Councilmember Lieberman expressed his shock by the news of San Carlos Mayor Omar Ahmad's sudden death. He stated that Mr. Ahmad had a strong sense of civic community. Councilmember Lieberman extended sympathy to his family.

PLEDGE OF ALLEGIANCE

Led by Belmont resident Quinto "Tony" DeAntoni.

REPORT FROM CLOSED SESSION

Interim City Attorney Kane reported that during the Closed Session held earlier, the Council had authorized, by a unanimous vote, amicus participation in the linked cases, Town of Atherton, et al. v. High Speed Rail Authority I and II; Case Nos. 34-2008-80000022; 34-2010-80000679 in the Superior Court for the County of Sacramento. The adverse party is the High Speed Rail Authority and participation will be on the issue of adequacy of alternatives analysis for high speed rail corridor through Belmont.

SPECIAL PRESENTATIONS

Proclamation Honoring the Awarding of the French Legion of Honor to Belmont Resident Quinto DeAntoni

Mayor Feierbach presented the Proclamation to Mr. DeAntoni. Mr. DeAntoni expressed his gratitude for the Proclamation.

Len Johnson, Belmont resident, stated that he was also in combat during World War II, and is a survivor of the Normandy Beach landing and the Battle of the Bulge. He is grateful to all who served.

Proclamation Declaring Elder and Dependent Adult Abuse Awareness Month

Robert Perez, San Mateo County Ombudsman Program, accepted the Proclamation. He noted that there are 400 facilities in San Mateo County providing services for elderly and dependent caregivers.

Proclamation Declaring Building Safety Month

Chief Building Official Nolfi stated that the purpose of this Proclamation is to draw awareness to the building code, which provides safety to all. He noted that improved building codes have reduced the number of fires and other structural problems.

Presentation from the City of San Bruno Regarding Assistance Rendered During the 2010 gas line explosion

Ken Ibarra, San Bruno City Council, expressed his City's thanks for the support received from neighboring cities who collectively served the residents of San Bruno following the explosion. He stated that it was a testament to the mutual aid system in the County. He described the assistance that was rendered by Belmont employees and noted that ground was broken today on the first home to be rebuilt.

RECESS: 8:05 P.M.

RECONVENE: 8:12 P.M.

PUBLIC COMMENTS AND ANNOUNCEMENTS

Judy King, Belmont resident, expressed concern regarding how the Teleminder system is being used. She suggested that it be used solely for emergencies or extremely urgent matters and not as a general information system. She noted that people might not pay attention to the message if they

receive too many calls.

David Long, Belmont resident, commented regarding the proposed redistricting of the school boundaries being contemplated by the Belmont-Redwood Shores School Board. He stated that it will need to choose the best of bad options. He expressed concerns regarding impacts to the school community, home values, and safety. He noted that new births are trending downward and that the crowding problem may fix itself over time.

COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS

Mayor Feierbach announced that the ribbon cutting for Semeria Park was held on May 7th. She also noted that Notre Dame de Namur University (NDNU) held its commencement, and that other schools would be holding graduation ceremonies over the next few weeks. She stated that May 12th is Bike to Work Day.

CONSENT CALENDAR

Approval of Minutes of Special and Regular Meeting of March 22, 2011, and Special Meeting (Study Session) of March 29, 2011, and Special and Regular Meeting of April 12, 2011

Motion to Receive Monthly Financial Reports

Approval of Resolution 10359 Approving Plans and Specifications, Authorizing Advertisement for Sealed Bids, Approving Award of Contract to the Lowest Responsible Bidder for an Amount not to Exceed \$1,218,980, Approving a Construction Contingency not to Exceed \$121,898 and Authorizing the City Manager to Execute a Contract for the Sanitary Sewer Rehabilitation Project - Pipelining and Spot Repair with Pipe Bursting - Basin 8 (Country Club, Central and Cipriani Neighborhoods), City Contract Number 495

Approval of Resolution 10360 Approving the Purchase of an Emergency Standby Generator for the Hiller Pump Station from Collicutt Energy Services for an Amount not to Exceed \$99,582

Approval of Resolution 10361 Approving the First Amendment to the Employment Agreement with City Manager Greg Scoles

Approval of Resolution 10362 Approving Plans and Specifications, Authorizing Advertisement for Sealed Bids, Approving Award of Contract to the Lowest Responsible Bidder for an Amount not to Exceed \$350,000, Approving a Ten Percent Construction Contingency, and Authorizing the City Manager to Execute a Contract for the 2011 Capital Pavement Maintenance Project, City Contract Number 508

Approval of Resolution 10363 Approving Specifications, Authorizing Advertisement for Sealed Bids, Approving Award of Purchase for a 2011 Chevrolet Impala for the Police Department to the Lowest Responsible Bidder for an Amount not to Exceed \$33,812

Approval of Resolution 10364 Accepting Work and Authorizing the Issue of Notice of Completion of Construction of Semeria Park to Star Construction, City Contract Number 507

Approval of Resolution 10365 Authorizing a Professional Service Agreement between the City of Belmont and RCC Consultants for an amount not to exceed \$7,530. RCC Consultants to evaluate T-Mobile proposal to install a wireless telecommunication facility on a utility pole at 498 Marine View Ave. Application Number: PA2010-0047

Approval of Resolution 10366 Authorizing Issuance of a Purchase Order with Dell Marketing not to Exceed \$28,000 to Replace 30 Desktop Computers

ACTION: On a motion by Councilmember Warden, seconded by Councilmember Wozniak, the Consent Agenda was unanimously approved by a show of hands.

HEARINGS

Public Hearing to Consider an Ordinance repealing Muni Code Chapter 22, Article VI, Political Signs

City Clerk Cook explained that with the recent passage of the new sign ordinance, which includes regulations for temporary signs including political signs, the need to maintain a separate ordinance addressing political signs is no longer necessary. She recommended that the City Council repeal the existing ordinance governing political signs.

Mayor Feierbach opened the Public Hearing. No one came forward to speak.

ACTION: On a motion by Councilmember Wozniak, seconded by Councilmember Warden, the Public Hearing was unanimously closed by a show of hands.

ACTION: On a motion by Councilmember Warden, seconded by Councilmember Lieberman, and unanimously approved by a show of hands to introduce an ordinance repealing Muni Code Chapter 22, Article VI, Political Signs, to waive further reading, and to set the second reading and adoption for May 24, 2011.

OLD BUSINESS

Discussion and Direction on Sewer Rate Analysis and Action Plan for Sewer Rate Increase, and Resolution Stating Intention to Revise the City's Sewer Charges Effective Fiscal Year 2011-12 (Continued from April 26th)

Finance Director Fil stated that this item was continued from the April 26th meeting, and there is no new information other than a revised schedule for the Proposition 218 hearing process. He explained that total revenues are projected to increase approximately 8 percent, but that the average rate increase will be 4.6 percent for most residential customers.

Councilmember Warden questioned the legality of sending the new rates to the County of San Mateo before the ordinance goes into effect. Interim City Attorney Kane stated that the transmission of data is not legally binding and is an administrative action that can be undone. She noted there would be a fee should the new rates need to be withdrawn after submission.

Finance Director Fil clarified that the City Council previously adopted sewer rates by resolution, which has subsequently been changed to be set by ordinance. He noted that in the first year of the Proposition 218 process, the data was transmitted to the County prior to the ordinance going into effect.

Councilmember Warden noted that the information provided at the April 26th meeting indicated that an emergency ordinance would be required if action was not taken by the Council that evening to introduce an ordinance. Interim City Attorney Kane clarified that the proposed schedule is legally compliant, and that other cities have utilized this same procedure.

Councilmember Warden stated that this action would set precedence and violates the spirit of the law. He commented that the ratepayers should not be responsible for fees to reverse charges.

Councilmember Lieberman noted that Special Counsel Mandel advised that the schedule is compliant.

In response to Councilmember Wozniak, Finance Director Fil noted that unmetered sites are usually vacant properties, of which there are several hundred.

ACTION: On a motion by Councilmember Lieberman, seconded by Councilmember Braunstein, Resolution 10367 Stating Intention to Revise the City's Sewer Charges Effective Fiscal Year 2011-12 was approved by a show of hands (3-2, Warden/Feierbach no).

Resolution Approving the Stop Sign Warrant Policy

Interim Public Works Director de Melo stated that unique conditions exist in Belmont which require a change to the Stop Sign Warrant Policy. He noted that currently there is a challenge to meet existing requirements when requests are made to install a stop sign.

Assistant Engineer Palatnik explained that the State criteria for the installation of stop signs are not applicable to local streets. She gave examples of installation denials based on existing criteria. She noted that the new criteria includes traffic and pedestrian volume, accident history, sight distance, high-pedestrian generators, visible signs of traffic issues, and traffic volume equilibrium. She commented that the proposed policy is consistent with the General Plan.

In response to Council questions, Assistant Engineer Palatnik clarified that there are times when staff will recommend the installation of a stop sign based on common sense, even if all of the criteria is not met. She noted that if a stop sign cannot be seen, it can create additional problems, including potential liability issues. She noted that pedestrian safety is always the primary consideration when determining the appropriateness of a stop sign.

Mark Spencer, DKS Engineering Services (Consultant), outlined his professional qualifications as a traffic engineer. He explained that the proposed Stop Sign Warrant Policy was tailored for the City of Belmont. He stated that some areas of the policy were adjusted for the steeper grades, and pedestrian safety outweighed vehicular considerations. He noted that the proposed policy is an improvement over the existing policy.

Mr. Spencer explained that the goal of the policy is not to justify all requests but to base an installation on the merits of each situation. He stated that the policy gives staff the ability to make a judgment call. He explained that some traffic control can do more harm than good, and that there may be other resolutions to the problem besides the installation of a stop sign.

ACTION: On a motion by Councilmember Wozniak, seconded by Councilmember Braunstein, Resolution 10368 Approving the Stop Sign Warrant Policy was unanimously approved by a show of hands.

NEW BUSINESS

Discussion and Direction Regarding the Sewer Lateral Program

Co-Interim Public Works Director Gervais outlined areas within the sewer system, including sewer laterals, where problems occur, and noted that the purpose of tonight's discussion is to present options for how to address these problems. He provided data related to issues as a result of inflow and infiltration (I/I) of storm water into the sewer system. He noted that solving I/I problems will not solve all issues with laterals. He explained that 60 percent of the increase in volume during wet weather is directly related to I/I problems.

Assistant Engineer Palatnik described the definition of a sewer lateral, and noted there is little incentive for homeowners to maintain the lateral. She stated that Belmont currently exceeds its capacity at the sewage treatment plant during wet weather, requiring the need to purchase more capacity, which comes at a cost. She outlined the options available for Council's consideration, as follows:

- 1) Public Information Program
- 2) Financing Programs
- 3) City Ownership of Laterals and/or Responsibility for Lateral Replacement
- 4) City Replacement of Private Laterals by Agreement with Property Owners
- 5) Backflow Preventer Distribution Program
- 6) Mandatory video inspection any time the owner applies for any permit
- 7) Mandatory video inspection at time of sale
- 8) Active Enforcement for Private Rehabilitation

Co-Interim Public Works Director Gervais clarified that any combination of options could be considered, and that staff recommended implementing Options 1, 6, and 7.

Councilmember Wozniak expressed support for any program that will keep water out of the sewer system. She noted that sewer lines are likely to be metered at some time in the future. She also expressed support for Options 1 and 7 as outlined by staff. She noted that she could support Option 8, but expressed concern that rental properties do not turn over as often as other properties.

Councilmember Braunstein stated that the objective of any sewer lateral program should be identified. He expressed support for the three options proposed by staff unless there is a desire to be more proactive. He questioned how nonconforming laterals would be addressed.

Councilmember Warden expressed support for Option 7, and stated that he does not support Option 8. He also expressed support for continuing with the smoke testing program. He commented that all properties should have a backflow preventer, but noted that this would not solve all the I/I problems.

Councilmember Lieberman expressed support for continuing with the current practices, the Berkeley model, and Option 7.

Mayor Feierbach expressed support for Options 1, 7, and 8, and possibly Option 4. She also supports the Berkeley model, and does not support Option 3.

Discussion ensued regarding outreach to the real estate community.

Councilmember Wozniak suggested connecting this program to the green building codes as a way to earn points.

Discussion and Direction on Amending the Second Dwelling Unit Ordinance

Community Development Director de Melo stated that the original intent of this proposed ordinance was to create an amnesty program for existing secondary dwelling units. He noted that existing units could be counted for compliance with the Housing Element. He outlined the State requirement to enable the establishment of secondary dwelling units, but there is no waiver of development standards for such units. He clarified that any residence with a secondary dwelling unit needs to provide four off-street parking spaces, and the owner of the home needs to live in one of the units.

Community Development Director de Melo explained that secondary dwelling units provide sustainable housing, as there is no need for additional structures with associated impacts. He noted that many existing secondary units were built without permit, which poses a health and safety risk. He explained that the ordinance could provide for incentives for the owner to legalize the units.

Mayor Feierbach stated that she does not support such a program as it encourages duplexes. She noted that many existing illegal secondary dwelling units likely cannot be legalized. She stated that the Community Development Department needs to focus on the land use element of the General Plan.

Councilmember Warden stated that this program is not on the priority calendar and would need to be ranked with other projects. He does not support this program, and noted that the General Plan Update is a priority. He would like to be provided with a schedule of future activities for the Update.

Community Development Director de Melo explained that the Housing Element is a component of the General Plan. He noted that other action plans for the update will be forthcoming.

Councilmember Wozniak expressed support for this program, but noted that it needs to be placed on hold for now. She concurred with the need to review existing secondary dwelling units and eliminate them where necessary. She commented on the need to count the legal units.

Council member Braunstein concurred that this is a worthwhile project that needs to be placed on hold.

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

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

Councilmember Wozniak stated that the Belmont-San Carlos Fire Board meeting was postponed due to the recent death of San Carlos Mayor Ahmed.

Councilmember Braunstein reported on a recent meeting he attended of the Office of Emergency Services. He noted that the OES Board made a slight reduction in its budget, and hazmat services were discussed relative to the pending dissolution of the Belmont-San Carlos Fire Department. He noted that the group's consensus was to leave hazmat services as is for the time being, and to provide cross-training with other personnel to ensure future stability of the program.

Councilmember Wozniak stated that Belmont's position on high speed rail was reiterated at the most recent Peninsula Consortium of Cities meeting.

Mayor Feierbach noted that LAFCO (Local Agency Formation Commission) issued a report which addressed the sphere of influence regarding properties above Carlmont High School.

Verbal Report from City Manager

City Manager Scoles commented regarding the recent press release issued by Rethink Waste which addressed the progress in solid waste diversion rates since the new program went into effect in January. He outlined the topics discussed at a recent meeting with Belmont-Redwood Shores School District personnel, including the proposed boundary changes, CEQA (California Environmental Quality Act) regulations, and traffic impacts. He noted that the school district has agreed to perform a traffic analysis for any proposed boundary change.

City Manager Scoles noted that the City Council would be holding a study session on May 31st, which is a fifth Tuesday in the month. He also noted that many meetings regarding the plans for the new fire department have been held at the staff level. He explained that an analysis of the new department's budget would be addressed at the May 24th City Council meeting, with a continuation to the study session of May 31st. He clarified that City staff also met with OES staff regarding hazmat, and it was decided to keep this service as part of the Belmont Fire Department.

ADJOURNMENT at this time, being 10:05 P.M.

**Terri Cook
City Clerk**

Meeting Tape Recorded and Videotaped
Audio Recording 788