

**Minutes of the Special and Regular Meeting of April 12, 2011
One Twin Pines Lane, City Council Chambers**

SPECIAL MEETINGS

CLOSED SESSION – 7:00 P.M.

- A. Conference with Labor Negotiator, Greg Scoles, pursuant to Government Code Section 54957.6: BPOA, AFSCME, MMCEA, Unrepresented Management

Attended by: Councilmembers Feierbach, Wozniak, Warden, Lieberman, Braunstein, City Manager Scoles, Interim City Attorney Kane, Human Resources Director Dino, Police Chief Mattei, Finance Director Fil, and City Treasurer Violet. City Clerk Cook was excused from attending.

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

**TERRI COOK
Belmont City Clerk**

This meeting was not tape recorded or videotaped.

**REGULAR MEETING –
CALL TO ORDER 7:35 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, City Treasurer Violet, City Clerk Cook

PLEDGE OF ALLEGIANCE

Led by Councilmember Braunstein

REPORT FROM CLOSED SESSION

Interim City Attorney Kane stated that direction was given but no action taken during the Closed Session held earlier.

SPECIAL PRESENTATIONS

Proclamation for "Streets Alive!"

Mayor Feierbach read the Proclamation.

Parks and Recreation Director Gervais stated that the Streets Alive! group would have a presence at the Farmer's Market on May 1st, and that more activities would be planned for future years.

Police Department Annual Awards

Police Chief Mattei presented Officers Lotti and McGuigan with commendations. He described the incidents which led to the commendations, and he noted that the Lions Club recently honored these two officers as well.

Police Chief Mattei presented the following annual awards:

Volunteer of the Year, Frank Donley

Officer of the Year, Clyde Hussey

Dispatcher of the Year, Mary Drake

Employee of the Year, Brian Weddel, Community Service Officer

COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS

Councilmember Braunstein updated a previous announcement he had made about potential bell schedule changes for Carlmont High School for the 2011-2012 school year. He noted that due to budget cuts, no changes would be made at this time.

Councilmember Warden stated that the Peninsula Humane Society has an overstock of Chihuahuas available for adoption. He encouraged people to consider adopting one of these animals.

Councilmember Wozniak acknowledged a number of emails from parents within the Belmont-Redwood Shores School District regarding the proposed school boundary changes.

Mayor Feierbach announced an Owner-Builder workshop to be held on April 14th. She stated there would be an open house at Fire Station 14 on April 16th to unveil the new ladder truck, and that there would be a compost giveaway at City Hall that same day. The Parks and Recreation Department will be hosting the annual egg hunt on April 23rd, and the ribbon cutting for Semeria Park would be held on May 7th.

PUBLIC COMMENTS AND ANNOUNCEMENTS

Mary Ridge, Belmont resident, stated that the Sterling Downs Neighborhood Association's money had been located. She expressed concerns that money for senior programs is being diverted to Notre Dame. She also expressed concerns regarding the use of bingo proceeds. She described an issue regarding diabetic supplies.

Marshall Loring, MTC (Metropolitan Transportation Commission) Advisory Council, invited the City Council to an event on April 23 to tour the new Contra Costa Village development.

Kathleen Beasley, Belmont Library, described the events that will take place for the fifth anniversary of the Belmont Library. She provided statistics on circulation and numbers of visitors since the library first opened.

Bob Carillo, Belmont resident, expressed concerns regarding student safety due to the proposed

school boundary changes. He requested help from the City to address these concerns.

Scott Brylow, Belmont resident, also expressed concerns regarding the proposed boundary changes. He stated this could result in increased vehicular traffic and congestion at the schools.

Ben Schloss, Belmont resident, stated that the proposal to change the school boundaries is pitting neighborhoods against each other. He expressed a need for a long-term plan and is concerned regarding the analysis of the data being used.

Mark Pratt, Belmont resident, stated that the proposed school boundary changes do not meet the goals of the City of Belmont's vision. He stated that the plan is moving too quickly, and the proposed solution for Central School does not match the need based on demographics provided by the consultant.

Craig Music, Belmont resident, expressed concerns regarding the traffic impact that would result from the proposed boundary changes. He suggested that the City Council engage in discussions with the school district on this matter.

Mayor Feierbach urged those who have expressed concerns regarding the school boundary matter to consider running for school board in the fall.

Councilmember Braunstein suggested that the City-School District 2+2 forum be used to engage in discussions on this matter.

Councilmember Wozniak noted that her children were students in the school district during a previous redistricting, and she shares the concerns of the speakers. She concurred that the proposal will affect traffic. She expressed her hope that the school board listens to all concerns, and she noted that she will share her own concerns with them.

AGENDA AMENDMENTS

Councilmember Braunstein requested removal of the Minutes of the Regular Meeting of February 22, 2011 and Special Meeting of February 28, 2011 from the Consent Agenda for separate consideration. Councilmember Lieberman requested the removal of the minutes of the Special Meeting of February 24, 2011 for separate consideration.

Mayor Feierbach requested the removal of Consent Item 4-D (Informational Report on One Bay Area's Sustainable Communities Strategy (SCS) program efforts to address Senate Bill 375) from the Consent Agenda for separate consideration.

ITEMS APPROVED ON CONSENT CALENDAR

Approval of Minutes of Special Meeting of March 3, 2011 (Commission Interviews), and Special and Regular Meeting of March 8, 2011

Motion to Receive Monthly Financial Reports

Acceptance of Update on Red Light Cameras

Approval of Resolution 10344 Authorizing the Purchase of the Ares Play Structure from North State Playground for the Barrett Community Center in the Amount of \$9,357

Approval of Resolution 10345 Authorizing Award of an Emergency Sewer Pipebursting Repair Project on El Camino Real between Middle Road and Hill Street to D'Arcy and Harty Construction, Inc. for an Amount not to exceed \$79,000 and a Construction Contingency in an Amount not to exceed \$7,900

Approval of Resolution 10346 Approving Establishment of a Three-Way Stop at the Intersection of Sixth Avenue and Lane Street

Approval of Resolution 10347 Approving Plans and Specifications, Authorizing Advertisement of Sealed Bids, Approving Award of Contract to the Lowest Responsible Bidder for an Amount not to Exceed \$60,000, and Authorizing the City Manager to Execute a Contract for City Wide Root Foaming of Sewer Lines

Approval of Resolution 10348 Authorizing a Professional Services Agreement Amendment #3 with Michael Brown Consulting Engineers, LLC to Provide Assistance Relating to the Recology Solid Waste Franchise and Related Rates for an Amount Not to Exceed \$15,000

Approval of Resolution 10349 Authorizing a Purchase Order for Unleaded Gasoline and Diesel Fuel from Valley Oil Company for an Amount not to Exceed \$25,000

Approval of Resolution 10350 Amending the City Council Protocols

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

ITEMS REMOVED FROM CONSENT CALENDAR FOR SEPARATE CONSIDERATION

Minutes of Regular Meeting of February 22, 2011

Councilmember Braunstein noted that an incorrect word may have been included on Page 6 of the minutes. He suggested that the City Clerk review the audio of the meeting to ascertain the correct verbiage.

ACTION: On a motion by Councilmember Warden, seconded by Councilmember Braunstein, the Minutes of the Regular Meeting of February 22, 2011, were approved by a show of hands, pending clarification as noted.

Minutes of Special Meeting of February 24, 2011

Councilmember Lieberman noted that he had previously requested clarification of a portion of these minutes. He indicated his support for the minutes as amended.

ACTION: On a motion by Councilmember Lieberman, seconded by Councilmember Braunstein, the Minutes of the Regular Meeting of February 24, 2011, were approved, as amended, by a show of hands.

Minutes of Special Meeting February 28, 2011

Councilmember Braunstein stated that he would like the City Clerk to review a portion of the minutes prior to approval, and he would confer with her regarding the details. He suggested that the minutes be tabled to the next meeting.

Informational Report on One Bay Area's Sustainable Communities Strategy (SCS) program efforts to address Senate Bill 375

Mayor Feierbach expressed concern that more legislating is being proposed that creates more housing.

Community Development Director de Melo stated that this program targets greenhouse gas emissions. There is a need for strategies to for any development related to land use, greenhouse gas emissions, sustainability, and transportation needs. He explained that this legislation is a first step in tying in with the Regional Housing Needs Assessment (RHNA) process. He clarified that the City of Belmont is required to identify sites that can accommodate housing, but does not require the housing to be built.

Mayor Feierbach stated that there has been no consideration for the impact of additional students in local schools. She noted that housing does not pay for itself other than low-to-moderate and senior housing, and additional housing does not provide for more jobs.

Community Development Director de Melo explained that the report is non-binding and would provide a seat at the table for the City of Belmont. He concurred that jobs are important.

ACTION: On a motion by Councilmember Warden, seconded by Councilmember Braunstein, and approved by a show of hands (4-1, Feierbach no) to accept the Informational Report on One Bay Area's Sustainable Communities Strategy (SCS) program efforts to address Senate Bill 375.

OLD BUSINESS

Consideration of Zone Text Amendments - Parking in Front Yards/Circular Driveways (continued from 3/22/11)

Community Development Director de Melo stated that this matter was continued in order to further evaluate existing semicircular driveways. He outlined the commonalities with existing circular driveways, and noted that setbacks were larger than what is proposed in the ordinance. He explained that most lot widths are greater than 80 feet, which is what is proposed. He also noted that the majority of the lot widths were larger than proposed, and the Planning Commission recommended a minimum width of 90 feet. He suggested making permeable surfaces mandatory in the new ordinance, and also suggested an exception for homes on high-volume traffic streets such as Ralston Avenue and Alameda de las Pulgas.

Regarding the proposal for the 72-hour parking standard, Community Development Director de Melo noted that enforcement of this provision may be difficult, due to the fact that staff would need to enter private property. He stated that the other development standards are appropriate.

In response to Council questions, Community Development Director de Melo stated that a 25-foot setback may be too small. He noted that the definition of permeable or semi-permeable can be further refined, and he explained that the desire is to allow for percolation of water. He clarified that the formula for the hardscape standard included only that which is contained in the front yard, not the entire property.

Community Development Director de Melo stated that minimum lot width and setback is more important than minimum lot size for the purpose of allowing circular driveways. He also stated that parking is not an issue unless the property is along busy streets such as Ralston Avenue.

Community Development Director de Melo explained that the new ordinance would not affect circular or semicircular driveways built prior to 1996, and that those built subsequent to that date would become noncompliant.

Councilmember Lieberman expressed concern regarding his ability to participate in this discussion, since properties on his street include circular driveways. Community Development Director de Melo explained that this ordinance will affect all properties in the R-1 zoning, and Interim City Attorney Kane stated that no specific properties have been identified in the ordinance.

City Clerk Cook stated that she had received a speaker slip on this item, but noted that the Public Hearing was closed at the March 22nd hearing. Interim City Attorney Kane stated that the City Council has the ability to hear public comments.

Charles Rinaldi, Belmont resident, stated that there were no standards in effect when he installed his driveway. He explained that he has a 16,000 square foot lot, and the 25-foot setback was approved as part of his building permit when he built his home. He stated he installed a French drain system. He requested grandfathering all non-compliant driveways, and noted that many have been installed since 1996.

In response to Mayor Feierbach, Mr. Rinaldi clarified that he remodeled his home in 1998, and he did not build on a vacant lot.

David Marzali, Belmont resident, expressed his support for a 100-foot minimum lot width. He questioned the purpose of a circular driveway, and stated that there is a need to accommodate hardship, not parking.

Discussion ensued regarding minimum lot frontage.

Councilmember Lieberman suggested having one standard for most circular driveways, and another for properties in high-traffic areas, in order to address safety.

Councilmember Warden expressed support for the standards as proposed.

Councilmember Wozniak expressed concern regarding naming specific streets as exceptions to the regulations for circular driveways.

Community Development Director de Melo stated that a hammerhead can be installed to facilitate a turning radius on the property.

Councilmember Braunstein stated that there is a need for exceptions.

Mayor Feierbach expressed support for an ordinance that governs all properties.

ACTION: On a vote of 3-2 (Braunstein/Lieberman no), the City Council approved the minimum lot frontage of 100 feet as proposed.

Council concurred to support the proposed minimum lot size of 10,000 square feet for the installation of a semi-circular driveway.

Discussion ensued regarding the minimum lot frontage required.

Councilmembers Warden and Wozniak and Mayor Feierbach expressed support for a 100-foot minimum lot frontage, as proposed.

Councilmembers Lieberman and Braunstein expressed support for a minimum lot frontage of 80 feet.

Discussion ensued regarding the minimum setback requirements.

Councilmember Warden expressed initial support for 40 feet. Councilmembers Lieberman and Braunstein expressed support for 25 feet.

Councilmembers Warden, Wozniak and Mayor Feierbach expressed concurrence for a 35-foot setback requirement.

Discussion ensued regarding semi or permeable driveway surfaces.

Councilmember Lieberman expressed support for a different permit fee structure based on semi- or fully-permeable surface.

Councilmember Wozniak expressed support for requiring semi-permeable driveways for all properties, not just for semicircular driveways.

ACTION: On a motion by Councilmember Warden, seconded by Councilmember Wozniak, and approved on a vote of 4-0 (Lieberman abstain) to require that any new or replacement semicircular driveways be constructed of semi-permeable surfaces.

Discussion ensued regarding the 27-hour parking restriction on semi-circular driveways.

ACTION: On a motion by Councilmember Lieberman, seconded by Councilmember Braunstein, and approved on a vote of 4-1 (Warden no) to remove the 72-hour parking restriction from the list of standards for semicircular driveways.

Councilmember Lieberman stated that he could support RV parking on semicircular driveways for 72 hours as opposed to parking them on the street. He inquired whether or not a 72-hour permit could be a feasible approach. Community Development Director de Melo explained that this concept would need to be researched.

Discussion ensued regarding the issue of grandfathering semi-circular driveways built subsequent to 1996.

Community Development Director de Melo explained that semicircular driveways built prior to 1996 that have been repaired or reconstructed are legal, and new semicircular driveways have been prohibited since that date.

ACTION: On a motion by Councilmember Warden, seconded by Councilmember Wozniak, and approved by a show of hands (4-1, Lieberman no) to introduce an Ordinance Amending Section 2.94 Ordinance Amending Sections 2.94 (Definitions – Parking Area Private), 2.96 (Definitions – Parking Space), 8.2.6 (Location Of Required Parking Facilities), 8.2.8 (Semi-Circular Driveways), and 8.3.2(A) & (B) (Access) of Belmont Zoning Ordinance Number 360, as amended during the Public Hearing, to waive further reading, and to set the second hearing and adoption for April 26, 2011.

Councilmember Lieberman stated that he would have supported a second set of standards for homes located on busy streets.

Councilmember Wozniak noted that the Community Development Department has the authority to review applications on a case-by-case basis.

Community Development Director de Melo explained that an applicant would have the ability to seek a variance if they have extraordinary circumstances.

ACTION: On a motion by Councilmember Braunstein, seconded by Councilmember Lieberman, and approved by a show of hands (3-2, Warden, Feierbach no) to Reconsider the action just taken to introduce an Ordinance.

ACTION: On a motion by Councilmember Warden, seconded by Councilmember Wozniak, and approved by a show of hands (3-2, Lieberman, Braunstein no) to introduce an Ordinance Amending Section 2.94 Ordinance Amending Sections 2.94 (Definitions – Parking Area Private), 2.96 (Definitions – Parking Space), 8.2.6 (Location Of Required Parking Facilities), 8.2.8 (Semi-Circular

Driveways), and 8.3.2(A) & (B) (Access) of Belmont Zoning Ordinance Number 360, as amended during the Public Hearing, to waive further reading, and to set the second hearing and adoption for April 26, 2011.

RECESS: 9:25 P.M.
RECONVENE: 9:35 P.M.

NEW BUSINESS

Preliminary Design Review to Convert Existing Office/Warehouse Building into a Private Middle School, 6-8 & 10 Davis Drive. Applicant: Crystal Springs Upland School, Project Number: PA2011-0003

Community Development Director de Melo described the proposed project to be located on Davis Drive, which would include a 60,000 square foot school site, as well as an all-weather athletic field. He outlined the change of zoning that would be required to accommodate this new use, and noted that the applicant would be requesting a Planned Development zoning designation. He explained that many of the existing buildings are now vacant. He noted that a traffic study has been performed, and mitigations explored. He explained that the proposed intensity of use is likely no greater than allowed under the current zoning. He stated that the applicant would be seeking LEED platinum certification.

Dan Rudolph, Crystal Springs Upland School Board President, provided a background of the existing private school, located in Hillsborough, which has a diverse student body population. He explained that a recent strategic planning process identified the need to offer more diversity and space. He noted that the school is turning away students due to lack of space. He also explained that the existing high school facility would be remodeled. He stated that 216 students would be accommodated at the new school site. He advised that the lost property tax revenue can be mitigated. He explained that the athletic facilities could be shared with the public school. He noted that the preliminary traffic analysis has indicated less impact than the existing zoning. He explained that Crystal Springs offers a van and shuttle service. He stated that the new school would implement all green building codes and would seek LEED certification. He also stated that the project would include a trail connection to Waterdog Lake.

In response to Council questions, Mr. Rudolph explained that the school is currently fundraising for an indoor gym and hope to include this in the project. He advised that they are in dialog with the Ralston School administration regarding the sharing of facilities. He noted that Ralston is most interested in the field. He explained that more traffic would be generated if the buildings remain as office use, and the traffic figures are further offset based on time of day. He stated that Crystal Springs recognizes the intensity of drop-off times and will work around Ralston School's schedule. He explained that the school's start and end times need to coordinate with their high school facility in Hillsborough. He advised that depending on approvals and fundraising, the new school hopes to be operational by 2014.

Councilmember Lieberman stated that this is an opportunity to do a new project correctly from the onset. He stated there is a synergy between school and community, and the revenue issue should be weighed against the community benefit. He expressed support for the project if done right.

Councilmember Warden stated that the projected plan is a good one. He expressed concern regarding traffic, and is concerned that the left turn pocket at Davis Drive may need to be addressed. He also noted that the loss of property tax revenue needs to be addressed.

Mr. Rudolph responded that the majority of their school traffic would be utilizing Highway 280 and turning right onto Davis.

Councilmember Wozniak stated that this is a good place for a new school. She also expressed concerns regarding traffic and the loss of property tax revenue. She expressed support for the LEED certification. She noted there is a need for a private middle school in Belmont. She suggested providing additional parking for special events at the school. She noted that Davis Drive is used as a Ralston School dropoff point.

Councilmember Braunstein expressed concerns regarding the traffic impact for Fox School, not just Ralston School. He also expressed concern regarding parking needs for after school activities and other events such as open house. He suggested developing a master plan for Davis Drive, since there will be a mix of other uses in the area should this school be built.

Mayor Feierbach expressed support for the proposal.

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

Motion to Establish Belmont “Villages” Districts Zoning Amendment Ad-Hoc Committee

Community Development Director de Melo outlined the proposed makeup for the Ad-Hoc Committee previously discussed by the City Council.

Councilmember Wozniak suggested adding representation from the public and from the business community. She questioned the need for two members each from the City Council and Planning Commission.

Mayor Feierbach suggested adding representation from the Central, Sterling Downs, Homeview and Sunnyslope neighborhoods. She expressed support for two members of the City Council and Planning Commission, as weight should be given to those two groups.

ACTION: On a motion by Councilmember Braunstein, seconded by Councilmember Warden, and unanimously approved by a show of hands to Establish Belmont Village Districts Zoning Amendment Ad-Hoc Committee, amended to include representation from the business community, as well as from the Central, Sterling Downs, Homeview and Sunnyslope residential neighborhoods.

Mayor Feierbach and Councilmember Warden expressed interest in serving on this committee.

ACTION: On the nomination by Councilmember Lieberman, Mayor Feierbach was unanimously approved as one of the two City Council members of the Ad-Hoc Committee.

ACTION: On the nomination by Councilmember Wozniak, Councilmember Warden was unanimously approved as one of the two City Council members of the Ad-Hoc Committee.

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

Community Development Director de Melo noted that there will be an upcoming meeting of the multi-cities high-speed rail group. He stated that Belmont's high speed rail committee continues to meet.

Councilmember Wozniak stated that federal monies for high speed rail might be eliminated. She noted that Jim Hartnett has been appointed to the High Speed Rail Board. She commented regarding a letter of support for proposed legislation regarding high speed rail. She also commented regarding quorum and Brown Act issues with the Peninsula Cities Consortium.

Interim City Attorney Kane responded that she will address the Brown Act issue in a followup memo to the City Council.

Councilmember Wozniak stated that the Transportation Plan was discussed at a recent Metropolitan Transportation Commission meeting of C/CAG.

Verbal Report from City Manager

City Manager Scoles stated that as earlier noted, the new fire truck has arrived. He announced that the Belmont-Redwood Shores School Superintendent has asked to meet with staff regarding the proposed school boundary changes.

ADJOURNMENT at this time, being 10:25 P.M.

**Terri Cook
City Clerk**

Meeting Tape Recorded and Videotaped
Audio Recording 787