

Special and Regular Meeting of February 22, 2011

SPECIAL MEETINGS

CLOSED SESSION - 7:00 P.M.

- A. Conference with Legal Counsel pursuant to Government Code Section 54956.9(b):
Significant exposure to litigation, one case

Attended by: Councilmembers Feierbach, Wozniak, Warden, Lieberman, Braunstein, City Manager Scoles, Interim City Attorney Kane, Community Development Director de Melo, Finance Director Fil. 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, Parks and Recreation Director Gervais, City Treasurer Violet, Deputy Finance Director Lazzari, Fire Chief Fry, City Clerk Cook

PLEDGE OF ALLEGIANCE

Led by City Clerk Cook.

REPORT FROM CLOSED SESSION

Interim City Attorney Kane stated there was no action taken on the Closed Session held earlier.

SPECIAL PRESENTATIONS

Proclamation Declaring March as Red Cross Month

Mayor Feierbach presented the Proclamation.

Amy Lang, Vice-Chair of the Red Cross Leadership Council, accepted the Proclamation and announced the upcoming Heroes Breakfast, which will honor every-day heroes.

Councilmember Braunstein commended the Red Cross for its assistance with the victims of the

recent apartment house fire in Belmont.

RECESS: 7:40 P.M. (for the Redevelopment Agency and Belmont Fire Protection District Meetings)

RECONVENE: 8:00 P.M.

PUBLIC COMMENTS AND ANNOUNCEMENTS

Lenore Griffin, Belmont Chamber of Commerce, thanked Mayor Feierbach and the several City staff members who were present at the Business-focused dinner held recently. She outlined the ongoing Distinguished Speaker Series, hosted by Notre Dame de Namur University.

COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS

Human Resources Director Dino outlined the timeline for the Public Works Director recruitment.

Councilmember Wozniak encouraged people to write to Caltrain regarding the proposed station closings. She noted that Belmont's station may be considered for closure.

Councilmember Braunstein stated that Carlmont High School may be considering a schedule modification which could impact traffic around the school. He thanked the Parks and Recreation Department staff for their quick response to a tree issue along Ralston Avenue.

CONSENT CALENDAR

Approval of Minutes of Regular Meeting of January 25, 2011

Acceptance of Informational Report Regarding the Bike Bridge Project

Approval of Resolution 10327 Approving the Conversion of the Two-Way Stop Located at the Intersection of Paloma Avenue, Talbryn Drive and Broadway Into a Four-Way Stop

Approval of Resolution 10328 Authorizing the City Manager to Prepare a Request for Proposals, Solicit Bids, and Execute a Contract for Design of Synthetic Turf Fields and a New Lighting System at the Belmont Sports Complex for an Amount Not to Exceed \$75,000

Approval of Resolution 10329 Endorsing the Smoke-Free Movies Campaign

Approval of Resolution 10330 Accepting the Work and Authorizing the Issue of Notice of Completion for the Twin Pines Senior & Community Center HVAC Replacement Project to N.V. Heathorn Co., City Contract Number 505

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

HEARINGS

Public Hearing to Consider Amendments to the Sign Ordinance

Community Development Director de Melo outlined the modifications that were made to the proposed sign ordinance as a result of previous Council discussion and direction. He clarified that

bumper stickers would be exempt and that historic signs would become legal and nonconforming. Changes in wording would be allowed, but changes to the structure would not. He stated that the ordinance would permit the restoration of any sign damaged by vandalism. He also recommended that the percentage of windows allowed to be covered by signage be increased from 10 percent to 15 percent, and he clarified that this percentage would not include signs or posters announcing community events not related to the business.

Community Development Director de Melo stated that additional signs would be based on height, not stories, and that free-standing signs would be allowed in all commercial districts. He stated that staff has concerns about the proposed height limit on free-standing signs. He outlined the signage needs for large retailers. He noted that the proposed size for temporary real estate sign be limited to four square feet. He clarified that the ordinance provides for sponsor banners at the Sports Complex, with time limits.

In response to Council questions, Community Development Director de Melo stated that animated signs would be prohibited due to concerns of aesthetics. He noted that the goal of the ordinance is to encourage permanent signage. He stated that only one flagpole per property would be permitted. He noted that generous height and size limits for all signage is proposed. He further clarified that signs in residential neighborhoods are limited to a total of eight square feet.

Community Development Director de Melo stated that the Planning Commission did not devote much discussion to construction signs. He noted that under the proposed ordinance, the banner signs on Notre Dame de Namur University's tennis court would not be permitted. He clarified that the University could develop a master sign program in the future. He noted that sign violations are complaint driven, and that enforcement will be proactive. He explained that staff will perform outreach and education once the ordinance is adopted, including to the real estate community, regarding weekend open house signs. He clarified that signs are not allowed to be placed in the public right-of-way.

Mayor Feierbach opened the Public Hearing.

Deborah Kartiganer, on behalf of Safeway Stores, expressed support for the ordinance as proposed. She also expressed support for the ability to change sign copy and to upgrade signs as necessary. She noted that Safeway shares its stores with other retailers, and it is advantageous to have the flexibility to include signage for those establishments as well.

Mayor Feierbach voiced concerns regarding the clutter that exists with the temporary signs on the doors of the Safeway store.

Mary Morrissey-Parden, Belmont Chamber of Commerce, recommended increasing the allowable window sign coverage to 20 percent. She stated that many cities allow up to 25 percent of coverage. She expressed support for time limits on temporary signs and promotional banners, and that additional work is still needed to address signs and banners on cyclone fences. She noted that the

City of Redwood City reinstated its historic signs.

Kristin Mercer, Planning Commissioner, noted that the Planning Commission spent many hours discussing the issues of this ordinance in detail and in a thoughtful manner. She concurs with a majority of the proposed changes. She explained that there was concern by the Commission about multiple flag poles, which is why it recommended the number be limited to one. She stated that construction signs are permitted during the construction phase, but should be removed once the project is complete. She stated that the Commission was concerned about the aesthetics of temporary signs, and was deliberate in its discussion regarding right-of-way signs. She noted that if real estate signs are allowed, other temporary signs would have to be allowed.

George Burgess, Belmont Chamber of Commerce, provided information from the San Mateo County Association of Realtors (SAMCAR) regarding window coverage. He stated that 20 percent coverage would be a compromise. He noted that Redwood City uses architectural review for proposed signs.

Councilmember Braunstein noted that some areas may need a free-standing limit higher than six feet.

In response to Council questions, Community Development Director de Melo stated that electronic reader boards would be prohibited. He explained that changeable copy would be permitted, but they may be changed only every 24 hours, and they would be permitted only on the El Camino Real.

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

Councilmember Lieberman stated that 23 of 25 retailers would be out of compliance under the proposed ordinance. He expressed support for 20 percent window coverage for commercial properties.

Councilmember Wozniak stated she cannot support 20 percent, and noted that Belmont is not the same as other cities. She expressed concern regarding movie posters in video stores.

Councilmember Braunstein suggested comparing Belmont to other small cities.

Planning Commissioner Mercer clarified that the sign consultant recommended 20 percent coverage. She also clarified that the percentage is calculated on the total number of windows, not just one window. She stated that there is an issue with painted windows. She outlined those businesses which are in compliance and those which are not. She explained that the greatest problem is temporary window signs, and noted that 50 percent of businesses would be out of compliance on this factor.

Discussion ensued regarding monument sign height limits, as well as clarification of changeable copy. Council concurred to include a definition of changeable copy in the definitions section.

Interim City Attorney Kane stated that the definition of animated sign would be clarified. She noted that static messages would be permitted. She clarified that other language could be further refined for the final reading of the ordinance, which would not change the policy direction of the ordinance itself.

Council concurred to review the new ordinance in six months.

ACTION: On a motion by Councilmember Wozniak, seconded by Councilmember Warden, and unanimously approved by a show of hands to introduce an ordinance amending Section 23 (Sign Regulations) and adding Section 23A (Sign Standards for Public Property) of Belmont Zoning Ordinance 360, to waive further reading, and to set the second reading and adoption for March 8, 2011, said motion to include changes in definition language as discussed.

Mayor Feierbach expressed appreciation to Planning Commissioners Frautchi and Mercer for their assistance on this matter.

RECESS: 9:45 P.M.
RECONVENE: 10:00 P.M.

OLD BUSINESS

Annual Review of Council Priority Calendar: Step Two - Ranking the Projects

Mayor Feierbach expressed her desire to postpone this matter.

Gladwyn D'Souza, Belmont resident/Sierra Club, expressed a desire to move ahead with the proposed ban on plastic bags. He noted that plastic bags comprise the biggest volume of trash in the annual creek cleanup.

Kristin Mercer, Planning Commissioner, expressed frustration with the priority calendar process. She noted that the City Council is unable to commit to any new projects. She commented that the Community Development Department has many below-the-line items as well as new items, and many of them have lingered on the list for years. She expressed the need to evaluate staff resources in order to address the list.

Gin Nikoloff, Belmont resident, expressed a desire to have the City Council prioritize the proposed off-leash dog hours project at Barrett Community Center. She noted that meetings have been held with the sports groups regarding this matter.

Susan Wright, Green Advisory Committee (GAC), stated that in 2009, GAC made 33 recommendations, and some of the easier items have been implemented. She noted that more comprehensive green initiatives now need to be addressed. She outlined the priorities of GAC, and noted that many items are achievable.

Councilmember Warden recommended combining the zoning items into one project. He expressed a need to understand staff's capacity, and stated that last year the City Council agreed not to commit to take on any new projects. He stated that the inability to commit to anything new likely still exists.

Community Development Director de Melo concurred that the zoning items could be combined. He stated that the most important issues are the General Plan Land Use, Village Zoning, and the San Juan Master Plan for the newly acquired properties in the area. He commented that progress has been made on many other items.

Councilmember Wozniak also expressed frustration with the priority calendar process. She expressed the need to define major goals, and to allocate staffing and other resources to meet those goals. She recommended that staff should be moved around if needed elsewhere. She commented that the City is mandated to do certain things, and that some projects that are undertaken are not essential, which needs to be addressed. She suggested that the City Council set its priorities before the commissions propose new projects.

City Manager Scoles stated that staff's capacity is at bare bones with little time for extra projects. He noted that if a project is important, the City Council would need to allocate funds to address those projects. He explained that there are other costs associated with projects besides staff time. He suggested addressing the below-the-line items separately from the new projects.

Mayor Feierbach stated that most of the items listed for the Parks and Recreation Department do not belong on the list, and some items are not needed.

Councilmember Warden stated that the City Council needs to allocate resources to meet its goals. He noted that staff sometimes works on items without City Council direction. A better planning process for projects is needed. There is a value in prioritizing non-urgent legislation.

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

Councilmember Lieberman concurred that the priority calendar process needs to be addressed.

Councilmember Braunstein stated that this could be addressed at a City Council retreat.

Council concurred to continue this matter to the next meeting.

NEW BUSINESS

Report on Mid-Year Financial Results - December 31, 2010

Finance Director Fil stated that this process helps to easily identify issues at the mid-year mark. He noted that the City is close to its mid-year target.

Deputy Finance Director Lazzari stated that an overage in the liability insurance fund can be used to address a \$500,000 shortfall in the fund balance at the close of the 2010 fiscal year. She clarified that the Audit Committee concurred with this recommendation. She stated that economic recovery has begun, including in the areas of sales and transit occupancy tax. She noted that revenues are four percent below expectations, and expenditures are slightly below projections. She outlined the recommendation for budget augmentations, and noted that a resolution would be forthcoming to approve those augmentations.

Finance Director Fil reviewed variances related to motor vehicle fees, sales tax, ERAF payments, and property tax. He noted that the augmentation is a nominal amount, which is manageable.

In response to Council questions, Finance Director Fil explained that the monies for the ladder truck would be borrowed, and those monies will be treated as revenue. He stated that there will be a need to address what to do with the proceeds from the sale of the remnant parcel. He explained that since those monies represent a one-time revenue source, the recommendation will be to place them into reserves.

Council concurred with staff recommendations regarding the mid-year budget adjustments.

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

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

Councilmember Lieberman stated that the Financial and Operations subcommittee of the Board of Supervisors met to discuss the pending fire department dissolution. He noted that the City of Belmont has not heard from San Carlos regarding any desire to discuss this matter further.

Councilmember Braunstein summarized the discussion that took place at a recent Notre Dame de Namur Advisory Committee meeting.

Update on High Speed Rail

Community Development Director de Melo expressed the desire to have the City Council appoint a new member of the High Speed Rail Committee to represent the Sterling Downs neighborhood. He explained that a new peninsula cities group is forming which is requesting that other cities send a letter to the High Speed Rail Authority.

Councilmember Wozniak stated that there has been a recommendation to replace the High Speed Rail Authority board members with those without a conflict of interest and who know about rail.

Mary Morrissey-Parden, business owner, expressed support for Belmont joining the mid-peninsula cities group.

George Burgess, Belmont resident, also expressed support for joining the partnership. He stated there is a need to address the impact of whatever transpires regarding high speed rail.

ACTION: On a motion by Councilmember Braunstein, seconded by Councilmember Warden, and unanimously approved by a show of hands to appoint Tim Wong to the High Speed Rail Committee and to send the letter as outlined by the newly-formed mid-peninsula cities group regarding high speed rail.

Verbal Report from City Manager

City Manager Scoles stated that the results of the mid-year review are positive, and only a small adjustment is necessary. He noted that Caltrain will be holding a hearing regarding proposed service reductions.

MATTERS OF COUNCIL INTEREST/CLARIFICATION

Consideration of Letter or Resolution in Opposition to Cal Train's proposed service reduction (Mayor Feierbach)

Mayor Feierbach suggested that the City of Belmont send a letter to Caltrain opposing the proposed service reductions.

ACTION: On a motion by Councilmember Wozniak, seconded by Councilmember Warden, and unanimously approved by a show of hands to send a letter to Caltrain opposing the proposed service reductions as it relates to the City of Belmont.

ADJOURNMENT at this time, being 11:00 p.m.

Terri Cook
City Clerk

Meeting Tape Recorded and Videotaped
Audio Recording 780