

MAYOR RICHARD S. CLAIRE
VICE MAYOR JEFF IRA

MINUTES
1017 MIDDLEFIELD RD

COUNCIL MEMBER JIM HARTNETT
COUNCIL MEMBER DIANE HOWARD
COUNCIL MEMBER COLLEEN M. JORDAN
COUNCIL MEMBER BARBARA PIERCE
COUNCIL MEMBER IRA RUSKIN

REDWOOD CITY, CA

JOINT CITY COUNCIL REGULAR/
REDEVELOPMENT AGENCY MEETING
FEBRUARY 24, 2003
7:00 P.M.

The City Council Meeting and Redevelopment Agency Meeting were called to order simultaneously.

1. CALL TO ORDER – CITY COUNCIL/REDEVELOPMENT AGENCY

Council/Agency Members Present: Hartnett, Howard, Jordan, Pierce, Ruskin, Vice Mayor/Chairman Ira, Mayor/Chairman Claire

Staff Present:

City Manager Everett, Financial Services
Director/Assistant City Manager Ponty, City Clerk Howe,
City Attorney Yamamoto, Assistant City Attorney
Brower, Interim Community Development Services
Director Liedstrand, Community Development Services
Manager Patterson, Downtown Manager Moeller, Public
Works Services Director Ingram, Parks, Recreation and
Community Services Director Centeno, Volunteer
Balsamo

2. ROLL CALL - CITY COUNCIL/REDEVELOPMENT AGENCY

3. PLEDGE OF ALLEGIANCE - Jim Hartnett, Council Member

4. INVOCATION – Dennis Logie, Pastor Sequoia Christian Church

5. ORAL COMMUNICATIONS - CITY COUNCIL/REDEVELOPMENT AGENCY

Robert Escobedo stated he was appalled and disheartened by Council Member Hartnett's letter to the editor of the Redwood City Daily News. He stated that he is not criticizing the profession but is questioning the conduct of the eight officers and the department that has cleared them of any wrong doing. He referred to and read a letter from his attorney, Randy Daar directed to the editor of the Redwood City Daily News in response to the letter written by Council Member Hartnett.

Lupita Escobedo summarized a letter she wrote to City Manager Everett stating she was baffled by the statement made in a newspaper stating, "the record speaks for itself". She stated that the numbers mentioned do not speak of a death in custody. She restated the family's efforts to obtain information from the Council and that the family has not received any records to date. She stated that the City should be of assistance and that she would send a copy of the letter to Council via e-mail.

Mayor Claire stated that the Council has no jurisdiction over the matter and that the District Attorney is investigating and would make a determination on next steps.

6. CONSENT CALENDAR – CITY COUNCIL/REDEVELOPMENT AGENCY

Items on the Consent Calendar are considered to be routine by the City Council/Redevelopment Agency and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Council Member, Agency Board Member, staff member or citizen so requests, in which event the item will be removed from the Consent Calendar and considered in its normal sequence on the agenda.

M/S Hartnett/Ruskin to waive reading of the Consent Calendar except the ordinances by title, adopt the resolutions and the ordinances, and approve other items. Items 7.3.A and 7.5.A were removed from the Consent Calendar.

The motion passed by a unanimous roll call vote.

7.1 Section – Motions – CITY COUNCIL

- A. Motion to approve the minutes of February 3, 2003 as submitted;
(301) **MINUTE ORDER 03-38**

- B. Motion to authorize Task Order No.1 to Dewey Pest Control of San Francisco, California amending the Original Agreement (contract) for Vector (Rodent and Cockroach) Control Services in the City of Redwood City, as follows: (1) extend the term for one year, ending February 29, 2004 and (2) increase the contract value to \$62,442.00 for the period (Dewey Pest Control); **MINUTE ORDER 03-39**
(304)

- C. Motion to accept the improvements for the @Home Corporate Campus Phase 2 Subdivision, and authorize the release of bonds following the submission of a Maintenance Bond in the amount of \$110,000.00; (304) **MINUTE ORDER 03-40**
- D. Motion to accept the Lighted Crosswalk Warning System Project (Bay Road/10th Avenue & Florence Street/17th Avenue), and release the bonds; (304) **MINUTE ORDER 03-41**

7.2 Section - Resolutions – CITY COUNCIL

- A. Job Specifications for the classification of Senior Building Maintenance Worker;
RESOLUTION 14503 APPROVING THE AMENDED JOB SPECIFICATIONS FOR THE POSITION OF SENIOR BUILDING MAINTENANCE WORKER; (901)
- B. Approve resolution to provide for application of CalPERS Health Care coverage benefits for Domestic Partners. (905)
RESOLUTION 14504 ELECTING TO BE SUBJECT TO SECTION 22873 OF THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT

7.3 Section - Claims and Warrants – CITY COUNCIL

- B. Approve warrants dated through February 24, 2003 and usual and necessary payments through March 3, 2003; (301) **MINUTE ORDER 03-42**

7.4 Section – Ordinances – CITY COUNCIL

- A. **Adoptions/Second Reading (301)**
 - i) **Ordinance Amending Municipal Code Sections 20.95.1C., 20.95.2B, 20.127, and 20.190, to provide for an increase in the parking bail schedule from \$15.00 to \$20.00, effective April 1, 2003;**
ADOPT ORDINANCE 2244 AMENDING SECTIONS 20.95.1.C, 20.95.2.B, 20.127 AND 20.190 OF THE MUNICIPAL CODE OF THE CITY OF REDWOOD CITY, RELATING TO MAXIMUM PARKING PERIODS AND METER RATES ON VARIOUS PUBLIC STREETS AND PENALTIES AND BAIL SCHEDULES PERTAINING THERETO (first reading on 2/10/03);

7.3 Section - Claims and Warrants (Continued) – CITY COUNCIL

- A. M/S Hartnett/Ira to reject the claims of Pablo & Lorene Serna, claim no. 2095; the claim of Justin Schroeder, claim no. 2099; the claim of Charles Gonser, claim no. 2100; the claim of Anthony Muscat, claim no. 2101; the claim of Vito & Lori Longo, claim no. 2102 as submitted; (303)

Public Comment:

Vito Longo gave the background on his claim no. 2102 for damage on December 15, 2002 which is a repeat scenario that flooded his home in January 1997. He stated that the design of the culvert is such that it becomes clogged and does not drain the creek when the rain is very heavy. The water pools up into the Hetch Hetchy easement, gets deep enough to run into his neighbor's back yard, runs into his backyard and then into the first floor of his home. He stated he can understand rejection for cause, but no reason was given for the rejection and he was not informed of the item being on the Council agenda.

Council Members asked various questions regarding process and asked for comparison with other cities with a report to be given to Council on the findings. Financial Services Director Ponty stated the rejection process.

The motion passed by a unanimous voice vote.

MINUTE ORDER 03-43

Vice Mayor Ira left the dais due to a conflict of interest due to a client's property ownership across the street from the location at 846 Jefferson Street.

7.5 Motions – CITY COUNCIL/REDEVELOPMENT AGENCY

- A. **Approve the Change Order No. 2 and Final Acceptance – Demolition of 846 Jefferson Avenue (Redwood Plaza); (304)**

M/S Hartnett/Pierce to approve the Change Order No. 2 and Final Acceptance – Demolition of 846 Jefferson Avenue (Redwood Plaza)

The motion passed by a majority voice vote by those present with Vice Mayor Ira abstaining.

**MINUTE ORDER 03-44
RD MINUTE ORDER 03-05**

Vice Mayor Ira returned to the dais.

8. STAFF REPORTS – CITY COUNCIL

- A. **Fair Oaks School Field Artificial Turf Project; (708)**

Parks, Recreation and Community Services Director Centeno stated she is seeking advice and direction on a potential project for \$525,000.00 to create an

artificial turf field. She summarized the proposal, the advantages of artificial turf and put it in context with the City's budget situation.

Various Council questions were asked regarding the budget and competing projects.

M/S Hartnett/Ira to have the City Council adjust the City's 2003-04 Capital Improvement Budget to allocate \$525,000 to the Fair Oaks School Field Artificial Turf Project, authorize the City to act as the lead agent on the project and to seek funding from the San Mateo County Community Development Block Grant Program and the Redwood City School District;

The motion passed by a unanimous voice vote.

MINUTE ORDER 03-45

B. New Building Rental Rates and New Resolution; (708)

Parks, Recreation and Community Services Superintendent Beth explained that user rates have not been adjusted in approximately 10 years. The rates are for private users and are in par with other cities. Where staff is already working, as in during the weekdays, non-profit groups would not pay fees. Public agencies would also have free use. Staff will be conducting fee comparisons with other cities to coincide with the City's two-year budget cycle.

M/S Howard/Pierce to adopt **RESOLUTION 14505** ADOPTING UNIFORM BUILDING RENTAL RATES FOR PARKS AND RECREATION FACILITIES;

The motion passed by a unanimous voice vote.

9. MATTERS OF COUNCIL INTEREST -

9.A. Legislation (information only) – (CITY COUNCIL) This sub-section involves possible discussion of City Position on Proposed Legislation Described in the League of California Cities Priority Focus Bulletin No. 5 and 6 -2003. Council may direct staff to act on positions taken by Council. (Copies of League of California Cities Priority Focus available in City Clerk's Department).

B. Council Member Ruskin – referred to a previous Council meeting where people suggested that the Council might discuss the subject of the war on Iraq. He stated that there appears to be no interest in considering the subject, but offered an alternative of the City and an educational institution sponsoring a community forum on the subject. He suggested that the Mayor be notified if such a forum is desired.

C. Council Member Howard – referred to page 9.A-11, of Priority Focus states that \$25 million in jobs-housing balance awards is now available. She asked staff how close the City is to its Housing Element and what Council or Housing and Human Concerns might do to assist.

D. Mayor Claire – stated that he attended the Congestion and Air Quality Management Committee meeting where he was asked to bring to Council a resolution supporting the Vehicle License Fee tax.

E. Council Member Pierce – stated that Daly City is using the website to inform citizens about the Vehicle License Fee, what that reduction would mean and how citizens might contact their legislators on this subject. She asked if staff would consider this as well. She also announced that the Redwood City Education Foundation is hosting a Mardi Gras Party at the San Mateo County Courthouse on February 28. The foundation provides music in three grades for 3,500 students and is part of the early music education of those students moving on to instrumental music classes, high school and college bands.

Recess: 8:15-8:30 p.m.

Vice Mayor Ira left the dais due to a conflict of interest as stated previously.

10. STAFF REPORTS – CITY COUNCIL AND/OR REDEVELOPMENT AGENCY

A. Implementation Agreement for Amended and Restated Disposition and Development Agreement for Downtown Retail-Cinema and Public Parking Project. (JOINT CITY COUNCIL/REDEVELOPMENT AGENCY) (100)

Economic Development Coordinator Webb gave the background and stated that one of the components approved in the amended and restated DDA is acquisition of Block I to construct a two-level underground parking garage in that location. It is now time to initiate proceedings in acquiring that property by eminent domain. The City Attorney has advised staff that there is a legal action pending that challenges the continued existence of the Agency's eminent domain power. Rather than delay the project, the process of acquisition needs to begin now. Staff encouraged Council to move forward with the Implementation Agreement to go forward with the property acquisition.

Public Comment:

Don Wilson spoke on behalf of other speakers. He stated that Council will be committed to the project after approving the Implementation Agreement. He stated that the situation is a different place than it was a few years ago. He stated the

cost of the parking garage to the Redwood City citizens amounts to almost one year's total budget, \$62,585,000.00, and that if the Council commits to the project without a commitment that the Redevelopment funds will be available is a concern. If the Redevelopment Agency's ability to issue debt is restricted or eliminated, the City's General Fund would then be the only likely source to issue bonds for the Retail/Cinema project parking garage. Within the General Fund, the only source of funding would be the City's Utility Users Tax which would result in the City eliminating or deferring almost one half of the Capital projects funded annually from the Utility Users Tax. He asked that the item be continued.

Kate Eckardt stated that she would like to readdress the water issue and that it is pertinent to this subject. She suggested information be placed on the website and that we need to pay attention now to what is going on.

James Knapp stated that he has been an inspector at the S.F. Airport and has seen cost overruns. He further stated that the water table is a problem because of the clay in the soil and impacts the cost.

Council comments were made on the topic.

M/S Hartnett/Howard to approve an Implementation Agreement with the City of Redwood City, the Redevelopment Agency and BHV Innisfree Ventures I, LLC, developers of the project, for the Amended and Restated Disposition and Development Agreement for the Downtown Retail-Cinema and Public Parking Project and authorize the City Manager and the Redevelopment Agency Executive Director to execute same.

**The motion passed by a majority roll call with Council Member/Board Member Jordan voting no and Vice Mayor/Vice Chair Ira abstaining. MINUTE ORDER 03-46
RD MINUTE ORDER 03-06**

B. Hearing and Adoption of Resolutions of Necessity for Initiation of Eminent Domain Proceedings for the Downtown Underground Public Parking Garage and Retail-Cinema Project. (CITY COUNCIL ONLY)

Economic Development Coordinator Webb explained the initiation of the eminent domain proceedings and that the acquisition is for the underground parking facility in the downtown area. Action tonight would allow the project to keep moving forward in a timely fashion.

Herman Fitzgerald stated the four issues before Council in considering adoption of condemnation proceedings in six separate resolutions. He stated the findings that

must be made. He stated the City has the legal authority, the resolutions, and the negotiations will continue.

Public Comment:

Mario Martins, owner of a business in the center of the proposed project, stated he was promised that eminent domain would be the last resort considered. He further stated that the process has not been fair and during the past four years the property and business owners have not been consulted. He asked that the Council be compassionate and show fairness.

Ted Hannig stated he was speaking on behalf of over six owners and owns properties at 860 and 878 Jefferson. Mr. Hannig stated for the record that the entity that made offers to the owners is not the entity holding the hearings at this time. He urged Council to study whether there is a level playing field for those owners in the community when offers are being made at half value. Mr. Hannig stated that on February 4 he wrote to the City advising all future correspondence be sent to him on behalf of the property owners and on February 5, the request was made for the remaining property owners. He further stated that at no time was an offer received by him.

Robert Baldwin stated his excitement in the project and that if your property is involved in eminent domain proceedings it is a concern. He further stated that if the developer is receiving a good deal, that the affected owners then should be given the same fair compensation.

Council Members asked various questions.

Recommendations: (611)

1. Adopt a Resolution of Necessity initiating eminent domain proceedings for property located at 2117 Broadway (APN 052-366-010) in the 2100 Block of Broadway (Block One) for purposes of constructing an underground public parking garage and retail-cinema project in the downtown area of Redwood City. The property owners are 2117 Broadway Partners, L.P., a California limited partnership.

M/S Hartnett/Ruskin to adopt **RESOLUTION 14506** OF THE CITY COUNCIL OF THE CITY OF REDWOOD CITY AUTHORIZING ACQUISITION OF PROPERTY AND THE EXPENDING OF FUNDS THEREFOR, AND THE INSTITUTION OF EMINENT DOMAIN PROCEEDINGS - ASSESSOR'S PARCEL NO. 052-366-010 (OWNER (S): 2117 Broadway Partners, L.P., a California limited partnership)

The motion passed by a majority roll call vote with Council Member Jordan voting no and Vice Mayor Ira abstaining.

2. Adopt a Resolution of Necessity initiating eminent domain proceedings for property located at 860 Jefferson Avenue (APN 052-366-040) in the 2100 Block of Broadway (Block One) for purposes of constructing an underground public parking garage and retail-cinema project in the downtown area of Redwood City. The property owners are James P. Celotti and Aida A. Celotti, as Trustees Linda Aal, Clifton Anderson, Andrea Anderson, Linda Aal, Custodian.

M/S Hartnett/Howard to adopt **RESOLUTION 14507** OF THE CITY COUNCIL OF THE CITY OF REDWOOD CITY AUTHORIZING ACQUISITION OF PROPERTY AND THE EXPENDING OF FUNDS THEREFOR, AND THE INSTITUTION OF EMINENT DOMAIN PROCEEDINGS. - ASSESSOR'S PARCEL NO. 052-366-040 (OWNER (S): James P. Celotti and Aida A. Celotti, as Trustees Linda Aal, Clifton Anderson, Andrea Anderson, Linda Aal, Custodian) (611)

The motion passed by a majority roll call vote with Council Member Jordan voting no and Vice Mayor Ira abstaining.

3. Adopt a Resolution of Necessity initiating eminent domain proceedings for property located at 870 Jefferson Avenue (APN 052-366-050) in the 2100 Block of Broadway (Block One) for purposes of constructing an underground public parking garage and retail-cinema project in the downtown area of Redwood City. The property owner(s) is Magnolia Tree, LLC, a Delaware limited liability company.

M/S Hartnett/Ruskin to adopt **RESOLUTION 14508** OF THE CITY COUNCIL OF THE CITY OF REDWOOD CITY AUTHORIZING ACQUISITION OF PROPERTY AND THE EXPENDING OF FUNDS THEREFOR, AND THE INSTITUTION OF EMINENT DOMAIN PROCEEDINGS - ASSESSOR'S PARCEL NO. 052-366-050 (OWNER (S): Magnolia Tree, LLC, a Delaware limited liability company) (611)

The motion passed by a majority roll call vote with Council Member Jordan voting no and Vice Mayor Ira abstaining.

4. Adopt a Resolution of Necessity initiating eminent domain proceedings for property located at 878 Jefferson Avenue (APN 052-366-060) in the 2100 Block of Broadway (Block One) for purposes of constructing an underground public parking garage and retail-cinema project in the downtown area of Redwood City. The property owners are Michael S. Han and Daizi J. Han.

M/S Hartnett/Howard to adopt **RESOLUTION 14509** OF THE CITY COUNCIL OF THE CITY OF REDWOOD CITY AUTHORIZING ACQUISITION OF PROPERTY AND THE EXPENDING OF FUNDS THEREFOR, AND THE INSTITUTION OF EMINENT DOMAIN PROCEEDINGS - ASSESSOR'S PARCEL NO. 052-366-060 (OWNER (S): Michael S. Han and Daizi J. Han) (611)

The motion passed by a majority roll call vote with Council Member Jordan voting no and Vice Mayor Ira abstaining.

5. Adopt a Resolution of Necessity initiating eminent domain proceedings for property located at 945 Middlefield Road (APN 052-366-070) in the 2100 Block of Broadway (Block One) for purposes of constructing an underground public parking garage and retail-cinema project in the downtown area of Redwood City. The property owners are Oscar Afjei and Jila Afjei and Katrin Mizrahi.

M/S Hartnett/Howard to adopt **RESOLUTION 14510** OF THE CITY COUNCIL OF THE CITY OF REDWOOD CITY AUTHORIZING ACQUISITION OF PROPERTY AND THE EXPENDING OF FUNDS THEREFOR, AND THE INSTITUTION OF EMINENT DOMAIN PROCEEDINGS - ASSESSOR'S PARCEL NO. 052-366-070 (OWNER (S): Oscar Afjei and Jila Afjei and Katrin Mizrahi) (611)

The motion passed by a majority roll call vote with Council Member Jordan voting no and Vice Mayor Ira abstaining.

6. Adopt a Resolution of Necessity initiating eminent domain proceedings for property located at 915 Middlefield Road (APN 052-366-110) in the 2100 Block of Broadway (Block One) for purposes of constructing an underground public parking garage and retail-cinema project in the downtown area of Redwood City. The property owner is Catherine Elizabeth Fraser.

M/S Hartnett/Ruskin to adopt **RESOLUTION 14511** OF THE CITY COUNCIL OF THE CITY OF REDWOOD CITY AUTHORIZING ACQUISITION OF PROPERTY AND THE EXPENDING OF FUNDS THEREFOR, AND THE INSTITUTION OF EMINENT DOMAIN PROCEEDINGS - ASSESSOR'S PARCEL NO. 052-366-110 (OWNER (S): Catherine Elizabeth Fraser) (611)

The motion passed by a majority roll call vote with Council Member Jordan voting no and Vice Mayor Ira abstaining.

**C. Construction and Reimbursement Agreement for Relocation of Reinforced Concrete Box Culvert in the Downtown area; (304)
(CITY COUNCIL/REDEVELOPMENT AGENCY)**

Economic Development Coordinator Webb stated that the schedule was to begin on April 1, however, the closure of the Main Street parking lot area will be closed on March 10.

M/S Ruskin/Pierce to approve a Construction and Reimbursement Agreement with BHV Innisfree Ventures I, LLC, developers of the Downtown Retail-Cinema Project, for demolition of an existing culvert and construction of a new concrete box culvert in order to allow for future construction of an underground public parking garage beneath the retail-cinema project and authorize the City Manager and the Redevelopment Agency Executive Director to execute same.

The motion passed by a majority roll call vote with Council Member Jordan voting no and Vice Mayor Ira abstaining.

**MINUTE ORDER 03-47
RD MINUTE ORDER 03-07**

11. ADJOURNMENT – 10:30 p.m.

M/S Jordan/Ruskin to adjourn until the next City Council Meeting of March 3, 2003. The motion passed by a unanimous voice vote.

Respectfully submitted,



Patricia S. Howe, CMC
City Clerk