

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

CITY COUNCIL
REGULAR MEETING
April 14, 2003
7:00 P.M.

1. CALL TO ORDER – 7:02 p.m.

2. ROLL CALL

Council Members Present: Hartnett, Howard, Jordan, Pierce, Ruskin, Mayor Claire

Council Members Absent: Vice Mayor Ira (conflict of interest due to client owning property in vicinity of Retail/Cinema project)

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, Volunteer Balsamo

3. PLEDGE OF ALLEGIANCE - Jim Hartnett, Council Member

4. INVOCATION – Father Vern Jones, Episcopal Rector Diocese of San Francisco

5. SPECIAL ORDERS OF THE DAY – Proclamation: San Mateo County Public Safety Dispatcher's Week - Mayor Claire explained a personal emergency situation where the professionalism of the Redwood City dispatching provided response within 1-1/2 minutes and saved his family's lives. He further commented on the work that

dispatchers perform under a great deal of pressure in stressful situations and reminded everyone that the first voice heard after dialing "911" is the dispatcher's.

6. ORAL COMMUNICATIONS

Rudy Luca brought up the subject of the City Manager, City Attorney and City Clerk salaries. He referred to the City of Burlingame having recently frozen raises for staff. He stated that if the City or individual staff members mentioned could do something about it, he and the residents would appreciate it.

7. CONSENT CALENDAR

Items on the Consent Calendar are considered to be routine by the City Council and are enacted by one motion and one vote. The Consent Calendar category is limited to 15 minutes of comment to be allocated as determined by the Mayor.

Public Comment:

Rudy Luca stated that he has talked with many people involved with eminent domain and asked if an outside attorney has been hired for this purpose. He stated his opinion that some of the involved owners are not satisfied with the settlement amounts.

City Manager Everett stated that the eminent domain issue, 7.2.C, referred to is actually a friendly eminent domain process that involves vacant land involved so that interchange improvements can be made at the Belmont Marineworld Parkway interchange with U.S. 101.

M/S Pierce/Hartnett to waive reading of the Consent Calendar except the ordinances by title, adopt the resolutions and the ordinances, and approve other items. Items 7.1.H, 7.2.A and 7.2.C were removed for separate consideration. **The motion passed by a unanimous roll call vote by those present with Council Member Howard abstaining on Item 7.1.A and Vice Mayor Ira absent.**

7.1 Section - Motions

- A. Motion to approve the minutes of April 7, 2003 as submitted; **MINUTE ORDER 03-78 (301)**
- B. Motion for Final Acceptance for the City Hall Council Chamber Audio/Visual Systems installed by MCSi of Berkeley, California, and release the retention and bonds. **(304) MINUTE ORDER 03-79**
- C. By Motion that the City Council authorize a contract extension with Jan Ford Public Relations for the performance of public relation services for the San Mateo County 2001-2004 "Avoid the 23" DUI Campaign. **(304) MINUTE ORDER 03-80**

- D. Motion to authorize the City Manager to Execute the Agreement between the City of Redwood City/Redwood City 2020 (RC 2020), and First 5 San Mateo County Commission for Early Learning and Family Support Program for fiscal years 2001/2002, 2002/2003, and 2003/2004. (304) MINUTE ORDER 03-81
- E. Motion to authorize the City Manager to Execute the Agreement between the City of Redwood City/Redwood City 2020 (RC 2020), and First 5 San Mateo County Commission for School Readiness Initiative for fiscal years 2002/2003 and 2003/2004. (304) MINUTE ORDER 03-82
- F. Motion to Authorize the City Manager to Execute the Agreement between the City of Redwood City/Redwood City 2020 (RC 2020) and the San Mateo County Health Services Administration for participation in Healthy Kids Enrollment Campaign. (304) MINUTE ORDER 03-83
- G. Motion to approve Contract Change Order No. 3 adjusting quantities. Approve Contract Change Order No. 4 increasing the final contract amount by \$14,522.90. Accept completed improvements for the 2001-2002 Tree Preservation and Sidewalk Repair Program. Release the contract retention to Consortium Consolidate Corporation. (304) MINUTE ORDER 03-84

7.2 Section - Resolutions

- B. Resolution of intention to amend contract with the Public Employees Retirement System (PERS) to provide Government Code 21362.2 and 21548, "3% @ 50 Full Formula" and Pre-Retirement Optional Settlement 2 Death Benefit for Local 2400, I.A.F.F. members. (904)

RESOLUTION 14520 OF INTENTION TO APPROVE AN AMENDMENT TO CONTRACT BETWEEN THE BOARD OF ADMINISTRATION CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE CITY COUNCIL OF REDWOOD CITY

7.3 Section – Claims and Warrants

- A. Approve warrants dated through April 14, 2003 and usual and necessary payments through April 28, 2003; (301) MINUTE ORDER 03-85

7.1 Section – Motions (continued)

- H. M/S Howard/Hartnett to set the Public Hearing for May 12, 2003 for amendment of the Urban Water Management Plan. **The motion passed by a unanimous voice vote by those present.** (802) MINUTE ORDER 03-86

Public Works Services Director Ingram asked that the public hearing be set for May 12, rather than April 28, to allow additional time to circulate the Urban Water Management Plan for public comment prior to the Council hearing.

7.2 Section – Resolutions (continued)

A. Support for Assembly Bill 1546 (AB 1546) and Assembly Constitutional Amendment 10 (ACA 10) (214)

Council Member Hartnett explained that AB 1546 is proposed through the City and County Association of Governments (C/CAG) and sponsored by Assembly Member Simitian. The associated item is ACA 10, supporting a constitutional amendment to be placed on the ballot. He stated that Rich Napier, Executive Director of C/CAG was present to speak on AB 1546, which would allow C/CAG to impose a motor vehicle license fee within San Mateo County.

C/CAG Executive Director Richard Napier, explained that both AB 1546 and ACA 10 are strongly supported by C/CAG. He stated that ACA 10 would reduce the liability in raising funds for the NPDES program. He stated that with voter approval it will be easier to assess fees for the program. AB 1546 is a result of the situation with the State budget and the exploration of ideas to help address some of the problems. AB 1546 would allow C/CAG up to \$4.00 to be added to the motor vehicle fee, not the vehicle license fee. The requirements are that it is only valid for five years, sun setting December 31, 2008, there is a limit of \$4.00, prior to imposition there must be a very specific work program, performance measures and specific tasks identified. At the end of the five years, a report must be provided back to the Legislature.

M/S Hartnett/Howard to adopt **RESOLUTION 14521** SUPPORTING ASSEMBLY BILL 1546, AUTHORIZING THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS TO INCREASE THE VEHICLE LICENSE FEE WITHIN SAN MATEO COUNTY TO PROVIDE FUNDING FOR CONGESTION MANAGEMENT PROGRAMS AND STORM WATER POLLUTION PREVENTION PROGRAM

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

M/S Ruskin/Howard to adopt **RESOLUTION 14522** SUPPORTING ASSEMBLY CONSTITUTIONAL AMENDMENT 10, WHICH EXEMPTS FEE INCREASES FOR STORM DRAINS AND STORM WATER POLLUTION PREVENTION PROGRAMS FROM THE VOTING REQUIREMENTS OF PROPOSITION 218

The motion passed by a unanimous roll call vote by those present with Vice Mayor Ira absent.

C. Resolution of Necessity – Ralston/Marine Parkway Interchange Improvements Project Engineering File No. 803-02 (611)

Mayor Claire explained that he removed the item from the Consent Calendar for any possible discussion. The issue involves adopting a resolution authorizing the use of Eminent Domain proceedings to acquire certain portions of parcels belonging to the Oracle Corporation, for the Ralston/Marine Parkway Interchange Improvements Project, that would enable the improvements to the subject interchange function as designed and approved by Caltrans.

M/S Ruskin/Howard to adopt **RESOLUTION 14523** 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

The motion passed by a unanimous roll call vote by those present.

8. STAFF REPORTS

A. Design of Jefferson Garage Underground Parking Structure. (100)

Community Development Director Liedstrand explained that the project involves approximately 85,000 square feet of retail and restaurants on the first floor and a 20-screen movie multiplex cinema on the second floor located on the block bounded by Broadway, Jefferson and Middlefield (Block 1). This would be above a two level public parking garage with about 500 spaces. The project has been worked on for several years with various negotiations, coming together with a Disposition and Development Agreement (DDA) in December of 2002. The developer has been proceeding with commitments for leasing the spaces, obtaining financing, and working with architects and engineers for the design of the project. Because the parking garage will be the foundation for the private project above it, it is really a single integrated project and is being constructed by the developer working with staff and the design team.

Mr. Liedstrand stated that on March 27, 2003 a suggestion was made that the design of the Jefferson parking garage be reopened. Staff evaluated that suggestion that involved three major elements. The first element was to change to one level of parking. In review, this was determined to be unworkable in not being able to meet the required number of parking spaces. The second element was to change the construction method to a long span structural system. A suggestion was for the garage entry to be moved from Jefferson to another location. He stated there is a staff report and extensive staff analysis that includes the staff recommendation to not reopen the design of the garage at this stage for several reasons. Reason include that reopening the design is not consistent with the City's

contractual obligations, there are cost implications, changing the location of the entrance such as proposed will have a harmful effect on the overall project and overall development of downtown. (A graphic was used to illustrate these concerns.) In conclusion, Mr. Liedstrand stated that reopening the design has the substantial risk of endangering the existing leases and possibly the equity financing of the project placing the entire project at risk.

Public Comment:

Rudy Luca stated he was quoting the Council as stating, "when the finalization is approved, any changes would motivate that they drop the whole project". He referred to a newspaper article stating Mr. Irmer's frustration with opposition to the project. He asked who is running the City, staff or the developer and that there will be an unbelievable traffic jam with no way to repair it once built.

Ray Wang stated he shares some of the sentiment previously expressed in that we are in the midst of a budget crisis, we have a project where even the project manager and one of the top parking engineers in the country is saying that this is not going to work, but we are not even taking the time to revisit the issue. He further stated that if we are willing to not fight this issue and see whether we can actually build the parking lot at a cheaper price by getting a second bid, then this Council is not being fiscally responsible. It is important for the Council to be fiscally responsible in a time of budget crisis.

John Anagnostou stated he has been attending meetings for five years working on the theatre project and people ask him what he now thinks about the project and what might be his biggest concern. He stated that his biggest concern is that this project does not happen. He stated that five years have been spent studying to make it happen and that he wants everyone to know that he supports to this day this project. He further stated that after hearing Mr. Liedstrand's remarks and other professionals such as Freedman, Tung & Bottomley bringing about recent additions to the project, he is very excited. He stated he supports staying with the original design plans and keeping the project on track.

Paul Sanfilipo stated that he has been in favor of the project and that his main concern back in 1996 during his third term as Planning Commissioner was always the parking and traffic circulation. He stated that as a Planning Commissioner he drafted and submitted an alternative plan which was included in the draft EIR. Since that time, he stated his belief that the ingress and egress on Jefferson Avenue will cause a tremendous nightmare of traffic circulation problems with the fully operational 20 theatre complex and the new shops on the ground floor. He urged continuing with the project and to somehow come up with a new ingress and egress plan for the parking garage.

Mario Martins stated that four years ago many within the downtown area were in support of the project. He stated that the plan today is much different from the plan presented and agreed upon four years ago. Just as the various businesses being affected by this project are requesting more time to negotiate and look for space, he stated that the City should step back and make sure it is doing the right thing. He further stated that it has been proven in the past that whenever Jefferson Avenue is impacted by delay or reconstruction the downtown area businesses are affected.

Alan Bygdnes stated that he has consistently heard at meetings that there will not be a left hand turn off of Jefferson into the entrance of the underground parking garage. The alternative is to then come down Jefferson, make a left hand turn at Middlefield to a three-lane road, going down the propose one way street next to the restaurants. He stated his belief that this is not the proper way to go to get around the block and into the parking garage. He asked for clarification of the DDA section that states when any development occurs on Block 2, the City will need to build a comparable parking facility within the orange zone and that will add to the traffic and parking problem.

City Manager Everett stated that there is a requirement in the DDA that when Block 2 is developed, we must replace the 300 parking places currently on Block 2. There are multiple ways to meet that requirement such as shared parking on Block 2 or parking somewhere else in the orange zone that encompasses approximately a six by six block radius. The parking stalls can also be placed underground below Block 2 if that proves financially feasible.

Council asked various questions of staff and made comments.

Economic Coordinator Webb stated that in 1998, there was a joint study session with Council, Planning Commission and Architectural Review Committee. At that time, criteria were developed for an RFP that went out in August of 1998 where proposals were submitted by four developers in October 1998. The proposals were reviewed, narrowing down to three as being the most viable, and requested business proposals from those three. Of those business proposals, the narrowing came down to two developers of which the Cinema Committee and City Council, as a whole, spent considerable amount of time interviewing, discussing and questioning the two proposals prior to the final decision. She confirmed that both original parking designs submitted by competing developers were from Nick Watry. She further stated that at the time a parking garage was considered on Block 2 with a couple of entrances.

M/S Ruskin/Hartnett to not re-open the question of the design of the Jefferson Garage under the Retail/Cinema project. **The motion passed by a majority roll call vote with Council Member Jordan voting no and Vice Mayor Ira absent.**

9. MATTERS OF COUNCIL INTEREST

A. Legislation (information only) – This sub-section involves possible discussion of City Position on Proposed Legislation Described in the League of California Cities Priority Focus Bulletin No. 13-2003. 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 Pierce – stated that there was a topic that the Housing and Human Concerns Committee (HHCC) recently heard that might be of interest to the residents. The HHCC is charged with distributing funds that impact the community and Police Athletics League (PAL) representative Barbara Bonilla recently spoke about a baseline study that shows a 39% reduction in juvenile contact with the Police citywide and 41% reduction in juvenile contacts were noted at the Taft School campus since operating programs in the neighborhood.

C. Mayor Claire – referred to a memorandum to Council regarding the upcoming interview process for applicants to the various boards, committees and commissions. He asked that discussion be calendared for April 28.

D. Council Member Howard – Saturday, May 3 at 8:30 a.m., the Pride & Beautification Committee clean-up will focus on cleaning up Redwood City's creeks and waterways and the shoreline. There will also be a mulch giveaway and electronic recycling bin will be available at the Public Works Corporation Yard. A meal hosted by the San Mateo Credit Union will be served at 12:30 p.m.

10. ADJOURNMENT – 9:00 p.m.

M/S Howard/Pierce to adjourn until the next City Council meeting of April 28, 2003. The motion passed by a unanimous voice vote by those present. **The motion passed by a unanimous voice vote by those present.**

Respectfully submitted,



Patricia S. Howe, CMC
City Clerk