

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
May 12, 2003
7:00 P.M.

1. CALL TO ORDER - 7:05 p.m.

2. ROLL CALL

Council Members Present: Hartnett, Howard, Jordan, Pierce, Vice Mayor Ira (left dais at 9:35 p.m. due to conflict of interest), Mayor Claire

Council Members Absent: Ruskin

Staff Present: City Manager Everett, City Clerk Howe, City Attorney Yamamoto, Deputy City Clerk Ballance, Public Works Services Director Ingram, Public Works Superintendent Rosas, Assistant City Attorney Brower, Planning Manager Church, Redevelopment, Housing & Economic Development Manager Moeller, Volunteer Balsamo

3. PLEDGE OF ALLEGIANCE - Richard Claire, Mayor

4. INVOCATION - Reverend Chip Larrimore, St. Peter's Episcopal Church

5. ORAL COMMUNICATIONS

Sylvia Bravo, representing Los Portales restaurant at 2098 Broadway, stated a concern with the intersection where the restaurant is located and several accidents or near accidents at various times of day. She asked that this situation be investigated.

6. 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.

M/S Howard/Hartnett to waive reading of the Consent Calendar except the ordinances by title, adopt the resolutions and the ordinances, and approve other items. **The motion passed by a unanimous roll call vote by those present with Council Member Jordan abstaining on the minutes of May 5, 2003 due to her absence at that meeting.**

6.1 Section – Motions

A. Motion to approve the Minutes of April 28, 2003 and May 5, 2003 as submitted; (301) MINUTE ORDER 03-101

B. Agreement for Professional Services with Wagstaff and Associates to prepare an Environmental Impact Report – Syufy Freeway Site

Approve the agreement with Wagstaff and Associates for an amount not to exceed \$141,330.00. (304) MINUTE ORDER 03-102

6.2 Section – Resolutions

A. Dates for Budget Consideration (501)

RESOLUTION 14528 ESTABLISHING SUBMITTAL DATE FOR PROPOSED BUDGET FOR FISCAL YEAR 2003/04, SETTING TIME AND PLACE FOR HEARING THEREON, AND ESTABLISHING DATE OF ADOPTION OF THE FINAL BUDGET FOR SAID FISCAL YEAR

6.3 Section – Warrants

A. Approve Warrants dated through May 12, 2003 and usual and necessary payments through May 19, 2003; (301) MINUTE ORDER 03-103

6.4 Section – Ordinances (2nd Reading and Adoption)

A. Fiscal Year 2002/2003 Budget Reductions (301)

ORDINANCE 2246 AMENDING ORDINANCE NO. 2232 THEREBY REDUCING AMOUNT FROM SPECIFIED APPROPRIATIONS FOR FISCAL YEAR 2002-2003 (first reading on 4/28/03)

B. Fiscal Year 2002/2003 Appropriations Revisions (301)

ORDINANCE 2247 AMENDING ORDINANCE NO. 2232 THEREBY APPROPRIATING SPECIFIED AMOUNTS FROM DESIGNATED UNAPPROPRIATED FUND BALANCES TO SPECIFIED APPROPRIATIONS, CANCELING CERTAIN APPROPRIATIONS, AND TRANSFERRING SPECIFIED AMOUNTS FROM DESIGNATED APPROPRIATIONS TO OTHER SPECIFIED APPROPRIATIONS. (first reading on 4/28/03)

C. Ordinance approving and authorizing execution of the amendment to the 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. (301)

ORDINANCE 2248 AMENDING CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE CITY COUNCIL OF THE CITY OF REDWOOD CITY TO PROVIDE GOVERNMENT CODE SECTIONS 21362.2 AND 21548, 3% @ 50 RETIREMENT FORMULA AND PRE-RETIREMENT OPTIONAL SETTLEMENT 2 DEATH BENEFITS (first reading on 4/28/03)

7. PUBLIC HEARINGS

A. Urban Water Management Plan Amendment (802)

Public Works Services Director Ingram explained the topic utilizing a PowerPoint presentation and summarized the Plan amendments in five general areas:

1.) Plan format; 2.) Reliability Planning – Table 3.1 and Figure 3.1; 3.) Transfer & Exchanges expanded; 4.) RWC Shortage Contingency Plan added; and 4.) Water Recycling information updated.

Utilities Committee Chair Vice Mayor Ira reviewed some broad principles stressing the importance of the Urban Water Management Plan (UWMP) on its basic goal. The basic goal being to make clear that we have a water problem and in fact we do not have enough water. When looking at the base forecast and what the water assurance line is, there is a tremendous gap in the year 2010, and a bigger gap in 2020. He stated that we are looking at potential lifestyle changes in the city if we cannot come to grips with the bottom line of having a water problem and that is the overriding issue. He stated that it will have a serious impact on future Council decisions, Planning Department approach and City direction. Vice Mayor Ira read a proposed amendment to page 18 of the UWMP, Section 2.2. He explained that the amendment would set the tone for whenever the term "recycled water" is used in the document.

Vice Mayor Ira and PWS Ingram stated that more detail about the conversation status and less specificity was the intent. If the policy were to be applied out of context, the concern is that people might construe that as there being a specific project.

Council Member Jordan thanked Vice Mayor Ira for the alternative text and asked that the Council consider adding the formal policy stating that she is not convinced that it is somehow irrelevant.

Mayor Claire opened the public hearing.

Public Comment:

Ray Wang stated that it is important to have the UWMP as it is essential to planning and design decisions while illustrating the importance of water conservation, usage and policy and its effects on decisions for the rest of the city. He asked if the demand forecasts include Kaiser, Abbott Labs, Sequoia, the downtown redevelopment project, Marina Shores and development north of Marina Shores. He stated that if we really have a demand issue and if we implement recycled water without a mandatory ordinance we will still be without water. He further stated that it is essential that the water policy be included, and that the UWMP be incorporated into the decision making policies of the Planning Commission and overall growth policies.

Patricia Dixon asked if the current survey was based on current water usage and if so, can another survey be done incorporating the upcoming planned development. She stated that with the economy today, senior citizens are already rationing water and that she does not want to go on water rationing so the city can build big condominium projects such as Marina Shores.

Christina Lai asked Council to allow what Council Member Jordan requested.

David Losey asked if all the graphs presented encompassed all of the current rainfall, the projected water from Hetch Hetchy, and the water from the snowfall. Regarding the recycling water, he stated that it would helpful to the public to know of any health risks.

Rudy Luca stated that there are several ongoing projects that will demand more water usage. If the projects will cause costs to rise, it is not fair to the residents.

M/S Hartnett/Ira to close the public hearing. The motion passed by a unanimous voice vote by those present.

Clarification on certain points or questions was asked of staff by Council Members.

PWS Director Ingram stated that in regard to what is in the forecast represented in the top line of graph that in the report there is a table imbedded in the back-up data that lists all the development projects known or expected. That would include Marina Shores Village, the Syufy site, downtown and Abbott Labs. Another factor was included to account for vacant lands and intensification of use. He further stated that the science imbedded in the forecasting anticipated weather phenomena over time and predicted some frequency of when wet years or dry years would occur. In regards to BMP's, the provisions allow each agency the opportunity to do an analysis of whether the dollars to be spent serves the best in our own community relative to other solutions to the water supply needs.

City Attorney Yamamoto responded to a question from Council as to the legality of mentioning in the UWMP the policy adopted by Council with respect to the non-mandatory residential use. He stated his understanding that the policy adopted by the Council, if placed inside the UWMP, when enacted by Council with a resolution adopting this plan is making that policy actionable. The City Council would then be subject to enforcing that policy. The only way to deviate from that policy would be to first go back and open up the process for amending the UWMP, unlike any other standing policy of the Council by which you can simply place it on the Council agenda and amend the policy.

PWS Director Ingram explained that the process involves several requirements of State Law such as notification to interested parties, circulating the document and those laws are constantly being revised.

Council Member Jordan made a motion that Council would accept the alternative text presented by Vice Mayor Ira with the addition of the following: After the first sentence of the second paragraph, "...California Environmental Quality Act process, and that it will not make the use of recycled water mandatory to existing residences and homeowners associations as decided at the February 3, 2003 Council meeting". The motion dies for lack of a second.

Council consensus was for staff to return to Council with wording to include for Council review, language that reflects the position of Council from February 3, 2003.

MINUTE ORDER 03-104

8. STAFF REPORTS

A. Addendum to the Mitigated Negative Declaration – Proposed Recycled Water Project (802)

Public Works Services Director Ingram stated that the document takes the form of a California Environmental Quality Act (CEQA) addendum. He stated that the recommendation is that Council receive the document and trigger the 28-day

comment period that begins on May 13 and ends on June 9 with a study session. This process allows for anyone in the community with any comments about any aspect of the proposed project, may submit written comments anytime between now and June 9, and/or they can come and give public testimony. There will be presentations from both City staff and the Safewater Coalition and the process is being designed for the benefit from multiple perspectives in considering the topic further.

Public Comment:

David Valkenaar, Vice President of the Redwood Shores Owners Association (RSOA), read a resolution adopted by RSOA regarding the proposed use of recycled water in the Redwood Shores neighborhood. He asked that a copy of the resolution be included in the timeframe for written comments.

Christina Lai submitted for public record of May 12, 2003 and requested Vice Mayor Ira to place in the record of written comments on the addendum, a copy of the front page of *The Pilot* dated May 2003. She further stated that the Redwood Shores Community Association (RSCA), on April 17, passed a resolution supporting the February 3 policy of making recycled water non-mandatory for existing homeowners associations.

Ray Wang stated his belief that it is important in the negative declaration and CEQA discussions to address questions from the September meeting which were not health related as well as the health related questions. His second point was that given the fact that the recycled water project is such a large project, he asked why we are not doing a full EIR. He stated that since there are so many projects dependent on this project, that a full EIR might make more sense than a negative declaration. His final comment involved including the toilet project with the recycled water resolution.

Council Member Jordan asked that the addendum be circulated for an additional timeframe, possibly until the end of the week of June 9.

City Attorney Yamamoto stated that there is no statutory requirement that the addendum be circulated at all, but because the Council is considering an open comment period it lends the discretion to determine the length of time in which comments may be submitted. City Attorney Yamamoto suggested from a conservative standpoint, that whatever comment period is set, Council should have certainty that those comments have been received and that Council is assured the comment period was open long enough for reasonable opportunity for people to participate, submit comments, questions or evidence as they choose. The fact of the matter being that those responses will have been received by the City, we will know it because it will occur either on a date certain prior to a Council meeting and as a part of the agenda packet or members of public will have the

opportunity to participate in the process up to the time that the meeting is closed on this particular item.

M/S Hartnett/Ira to:

1. Receive the Mitigated Negative Declaration (MND) Addendum document from staff
2. Direct staff to circulate the Addendum for a 28-day public comment period (May 13 through June 9, 2003)

The motion passed by a unanimous voice vote by those present.

MINUTE ORDER 03-105

Recess: 9:00-9:15 p.m.

B. Investigating the Possibility of Reopening Access to Redwood Shores Levees (304)

Council Member Pierce gave the background on the topic of working with the various groups on achieving more access on the levees. At this point it is an important subject, but given the budget situation, it is a subject that needs some boundaries around it.

Council Member Jordan stated that it is important to find a way to get the levees open again but not at the expense of any group of people. She stated that Mr. Fawcett has a history of taking disparate groups of people and finding solutions that are win-win.

City Manager Everett stated that the funding occurs through the GID where a fund is being drawn down to restore all the levees in the Redwood Shores area.

Public Comment:

Robin Smith reiterated the Sequoia Audubon Society's position stating that it is premature to consider any changes in the levee closure. She pointed out that the configuration of the Corte Madera marsh is very different from the area in the Redwood Shores area where the birds come up to use it for refuge. She further stated that the levee closure section of the rehab project was put in place as a benefit to the endangered species living out board of the levee behind SBSA. She stated that it is too early to determine any substantive results and that the levee closure has not been well enforced. She stated that the position of the Audubon Society has always been very clear and is not open to negotiation.

Pete Hughes stated that the Corps of Army Engineers stated the levees height needed to be increased so that homes in Redwood Shores would not flood. He further stated that after years of the City struggling to get Fish and Wildlife to

approve something, it was finally agreed that it would be fenced off. He urged the Council to vote yes on the topic.

Patricia Dixon stated her recollection that the bird lookouts were to be compensation for re-opening the levees. She asked why pickup trucks are allowed to be in the area, but walkers are not.

Ray Wang stated that it is important to have environmental protection for the species in that area, but the levee issue has been a sore subject for a very long time. In looking at the resume and information it appears that there may be a potential for a win-win situation.

Recommendation:

M/S Ira/Jordan to approve the attached request with Mr. Buzz Fawcett to explore the possibility of getting public access to Redwood Shores Levees. **The motion passed by a unanimous voice vote by those present. MINUTE ORDER 03-106**

Vice Mayor Ira left the dais due to a conflict of interest related to his clients owning property adjacent to the retail/cinema project.

CONVENE THE REDEVELOPMENT AGENCY MEETING

(SEE SEPARATE MINUTES)

RECONVENE THE REGULAR SESSION OF THE CITY COUNCIL

- C. Preconstruction Design Services and Reimbursement Agreement for Underground Public Parking Structure in the Downtown area and appropriation of funds for those services (*Joint Item with Redevelopment Agency Item 5.A*). (304)& (100)**

M/S Howard/Hartnett to approve a Pre-Construction Design Services and Reimbursement Agreement with BHV Innisfree Ventures I, LLC, developers of the Downtown Retail-Cinema project, for design 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 due to conflict of interest. MINUTE ORDER 03-107**

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. 17 -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.).

City Manager Everett – stated that a Redevelopment Agency meeting will be scheduled for July 21 to consider bond documents for the Retail/Cinema project.

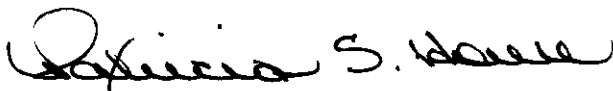
Council Member Pierce – stated that she and Council Member Pierce met to discuss the selection process for boards, committees and commissions and a potential plan for action has been prepared and will come forward for consideration.

Council Member Howard – thanked Council for supporting the resolution regarding SB 915 and SB 916. She stated that the letter had success and that it passed through the Senate Transportation Committee and has moved to the General Assembly. She further stated that on May 15, some Council Members would be going along with many other elected officials to Sacramento to discuss with representatives the budget proposals.

10. ADJOURNMENT - 9:45 p.m.

M/S Howard/Jordan to adjourn until the next Special Joint Meeting of the City Council, Planning Commission, and Architectural Review Committee on May 19, 2003.

Respectfully submitted,



Patricia S. Howe, CMC
City Clerk