

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
June 23, 2003
7:00 P.M.

1. **CALL TO ORDER** – 7:02 p.m.

2. **ROLL CALL**

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

Council Members Absent: Vice Mayor Ira, Mayor Claire

Staff Present: City Manager Everett, City Clerk Howe, City Attorney Yamamoto, Assistant City Attorney Brower, Planning and Redevelopment Manager Church, Associate Planner/Zoning Administrator Ekas, Principal Planner Lyon, Project Planner Mehra, Human Resources Director Rivera-Peña

3. **PLEDGE OF ALLEGIANCE** - Jim Hartnett Council Member

4. **INVOCATION** - Lead Pastor Ben van Gaasbeek, Mission Community Church

5. **SPECIAL ORDERS OF THE DAY** --

- **Proclamation: July is Recreation and Parks Month (207)**

Council Member Ruskin presented Parks and Recreation Commission Chairperson Matt Walsh with the proclamation and explained the importance of our parks and recreation programs in Redwood City. Chairperson Walsh highlighted the fact that there are seven very effective after-school learning centers serving over 500 at risk children. The grand opening of the extremely popular skate park occurred in March and is still attracting over 200 skaters each day. Currently, we have the largest softball program on the Peninsula with 110 teams participating. The Veterans Memorial Senior Center provides many worthwhile programs for seniors and serves over 2,000 lunches each month. Some upcoming events include the summer concert series at Stafford Park begins July 2 and runs each Wednesday evening from 6-8 p.m. Additionally, the department sponsors a 5K run preceding the Fourth of July parade.

6. ORAL COMMUNICATIONS

Robert Parkhurst stated he supports using recycled sewage water for mixing concrete or watering medians on the freeways, but not for children's playgrounds. He referred to an incident in Europe where a soap company came to Stanford Research Institute with a problem that he was involved in the research of. The company had been making laundry detergent for a very long time and expressed a sense of urgency about the problem. An outbreak of a strange disease had occurred and many people had become very ill. The disease was the suspect cause of several deaths, took several years to trace to a particular factory and legal action was pending. The company's own scientists had determined that the material was actually in the product in parts per million. The toxin failed to cause any problem until there was repeated exposure. After extensive testing, the result was that there were four chemicals in the material that took years to find prompting a change of process in order to prevent a reoccurrence. He stated that this is an example of a substance that would probably be processed through recycled sewage.

Marge Parkhurst stated that most people have no problem with recycled sewer water along freeways, golf courses and for industry. The majority of Redwood Shores residents, however, does not want recycled sewer water on their parks or play areas. No scientist, doctor, staff director or City Council Member can guarantee that using recycled sewer water is completely safe. She further stated that children are more susceptible to infection due to their underdeveloped immune systems and they do not use good hygiene. She asked about Alternative "E" and when it would be on the City Council agenda.

Council Member Ruskin stated that Mayor Claire would determine the upcoming agendas.

Rudy Luca referred to an article in the Redwood City Daily News citing a budget reduction in Fire and Police Departments of \$1.5M. He stated his hope that the

Council turns down the proposal and comes up with some better facts to get by this crucial time. He reiterated that the salary increases for the City Manager, City Clerk and City Attorney approved during the last year could have impacted this situation. His second point was directed to the City Manager, stating that he had not received his response regarding the skateboard liability issue.

Council Member Ruskin stated his understanding that the legislature was of the opinion that skateboarding was a slightly higher risk activity and that a different approach was necessary. These sports are actually self-insured so people take those risks under their own accord.

Vance Smith asked about liability and the skateboard park as it relates to skaters not equipped with proper attire such as helmets and/or protection. Specifically, he asked that if the City does not enforce the ordinance, does it then make the City liable. He stated that his neighbor's property has been an ongoing problem where the City Code Enforcement division and the San Mateo County Health and Safety Department have been out. He stated that weeds exist in both the front and back yards and present a consistent fire hazard. He complained that there are no penalties for repeat offenders.

City Attorney Yamamoto stated that under the existing statute, the immunity applies to unsupervised skateboard parks and requires that the City adopt an ordinance. An ordinance has been adopted which requires the use of helmets and kneepads and that the rules be posted in a reasonable location for the users. There is no greater liability to the City in the event that it is an unsupervised facility. The liability exists irrespective of whether or not there is supervision and immunity applies when you do not actually have supervision.

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.

M/S Howard/Pierce 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.**

7.1 Section – Motions

- A. Motion to approve the Minutes of June 9, 2003 as submitted; (301)**
MINUTE ORDER 03-134
- B. Contract Renewal with Third Party Administrator (TPA) for worker's compensation administration services, Claims Management Inc. (CMI). (304)**

Recommendation:

Authorize staff to renew agreement with Claims Management Inc. (CMI) effective July 1, 2003, to act as third party administrator for the City's self-insured worker's compensation program. **MINUTE ORDER 03-135**

C. Peninsula Celebration Association's Fourth of July Celebration, 2003 (304)

Recommendation:

The City Council authorize execution of a letter permit for the Fourth of July Celebration sponsored by the Peninsula Celebration Association

MINUTE ORDER 03-136

D. The Woodside Terrace A.M. Kiwanis Club is requesting the City Council authorize a letter of permit for their 14th annual Fourth of July Carnival. (304)

Recommendation:

The City Council authorize execution of a letter permit for the Fourth of July Carnival sponsored by the Woodside Terrace A.M. Kiwanis Club through Butler Amusements.

MINUTE ORDER 03-137

E. Cooperative Agreement with the Department of Transportation for the Route 101/Ralston Avenue/Marine Parkway Interchange Reconfiguration Project. (304)

Recommendation:

Approve and authorize the City Manager to execute the Cooperative Agreement between the City of Redwood City and the Department of Transportation for the construction of the Route 101/Ralston Avenue/Marine Parkway Interchange Reconfiguration Project, and further authorize the City Manager to make non-material changes to the Agreement.

MINUTE ORDER 03-138

F. Approval of a Reduction of Retention – Roosevelt Avenue Reconstruction (304)

Recommendation:

Approve and authorize the City Engineer to reduce the retention of the Roosevelt Avenue Reconstruction Phase II Project from 10% to 5%. **MINUTE ORDER 03-139**

7.2 Section - Resolutions

A. Countywide National Pollution Discharge Elimination System (NPDES) General Program, Storm water Management Plan (802)

Recommendation:

Adopt the resolution authorizing the San Mateo County Board of Supervisors, acting as the governing board of the San Mateo County Flood Control District, to

impose charges on parcels of real property in Redwood City necessary to fund the Countywide NPDES General Program in Fiscal Year 2003-2004.

ADOPT RESOLUTION 14532 OF THE CITY COUNCIL OF THE CITY OF REWOOD CITY RECOMMENDING THAT THE SAN MATEO COUNTY FLOOD CONTROL DISTRICT IMPOSE BASIC AND ADDITIONAL CHARGES FOR FUNDING THE EXPANDED SCOPE OF WORK FOR THE 2003/04 COUNTYWIDE NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) GENERAL PROGRAM

7.3 Section –Warrants (301)

- A. Approve warrants dated through June 9, 2003 and usual and necessary payments through June 23, 2003; MINUTE ORDER 03-140**

CONVENE THE REDEVELOPMENT AGENCY MEETING

(SEE SEPARATE MINUTES)

RECONVENE THE REGULAR SESSION OF THE CITY COUNCIL

8. PUBLIC HEARING (602)

A. Proposed amendments to the Zoning Ordinance related to:

- 1. The construction of arbors and trellises in setback areas;**
- 2. Definitions and standards for the measurement of residential height;**
- 3. Definitions, land use classifications, and parking standards for medical offices, medical clinics, and research and development uses; and**
- 4. Definitions and allowance for “theater” uses in the Central Business Retail (CBR) district.**

Council Member Ruskin introduced the topic and asked for clarification on each and every proposed change. He asked that all items be explained as to whether it is a new and if not new, but a revision, explain exactly the change or delta on each item.

Planning Manager Church stated that the zoning ordinance is a documented crafted mostly in the 1960-1970's and has not been changed substantially for the last two decades. He further stated that the interim urgency ordinance passed in 2000/2001 brought to light other inconsistencies that exist and areas where the ordinance should be updated.

Contract Planner Curtis Williams explained the zoning amendments before the Council are intended to either clarify or update various code provisions to address problems that have been identified by staff. Initial areas of concern include standards for arbors and trellises; residential height criteria; definitions and parking requirements for medical offices, and research and development; and allowance for theatres in the CBR zone. Graphics have been incorporated into the ordinances to assist the reader to better understand the regulations. He summarized the regulations proposed for the amendments and used a PowerPoint presentation.

Council questions ensued.

Council Member Ruskin opened the public hearing.

M/S Hartnett/Pierce to close the public hearing. **The motion passed by a unanimous voice vote.**

M/S Hartnett/Howard to introduce (first reading) the ordinances as follows:

I.
ORDINANCE AMENDING ARTICLES 2, 31, 32 AND 51 OF THE REDWOOD CITY ZONING CODE RELATED TO ARBORS, TRELLISES AND SIMILAR OPEN STRUCTURES

II.
ORDINANCE AMENDING ARTICLES 2, 4, 5 AND 6 OF THE REDWOOD CITY ZONING CODE RELATED TO RESIDENTIAL HEIGHT MEASUREMENTS

III.
ORDINANCE AMENDING ARTICLES 2, 11, 12, 14, 15, 16, 17, 18, 19, 26, 29 AND 30 OF THE REDWOOD CITY ZONING CODE RELATED TO PARKING AND USES – MEDICAL OFFICES; RESEARCH AND DEVELOPMENT; AND RELATED DEFINITIONS

IV.
ORDINANCE AMENDING ARTICLES 2, 14 AND 26 OF THE REDWOOD CITY ZONING CODE RELATED TO THEATER USES IN THE CB AND CBR DISTRICTS

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

MINUTE ORDER 03-140

9. STAFF REPORTS

A. Appeal of the Zoning Administrator's denial of a variance at 454 Barkentine Lane to allow for a fifteen (15) foot rear yard setback where twenty (20) is required. (603)

Associate Planner Lyon explained the appeal before Council and used a PowerPoint presentation. He stated the findings necessary to grant a variance.

The appellant, Edward Wilson, gave his request of Council to reverse the decision of the Zoning Administrator on denial of a 15 foot rear yard setback. He used a PowerPoint presentation and submitted letters of support. His summary stated that the application meets the three variance requirements of special circumstances, no special privilege and the intent of zoning ordinance. He explained that the property backs onto open space and several mature trees provide a buffer. He explained the various properties that received variances. He stated that he has full support of his neighbors and the implications of the decision are limited.

Public Comment:

The appellant's architect, Alan Coon, stated that an outstanding design has been prepared and read a letter of support. He stated his hope that Council considers and understands fully what the applicant is requesting. He further stated that he has a degree in Urban Planning and does not see any serious impact and precedent setting cases are not, necessarily, precedent setting cases.

Yolanda Henderson stated she supports the variance request and addressed the three staff points. She stated she was present because it is such an unfair situation and she questioned why others in the same development have been granted variances quite recently.

Council asked various questions including how many surrounding parcels might qualify, how many variances have been granted, and if there are other building options.

M/S Hartnett/Pierce to uphold the decision of the Zoning Administrator to deny the variance. **The motion passed by a majority voice vote with Council Member Jordan voting no; Vice Mayor Ira and Mayor Claire absent.**

MINUTE ORDER 03-141

10. MATTERS OF COUNCIL INTEREST

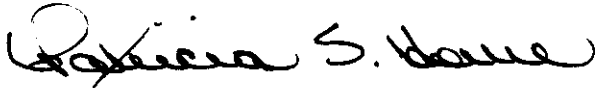
A. Legislation (information only) - This sub-section involves possible discussion of City Position on Proposed Legislation described in the League of California Cities

Priority Focus Bulletins No. 22 -2003 and No. 23-2003. 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.)

11. ADJOURNMENT – 10:03 p.m.

M/S Jordan/Hartnett to adjourn until the next Special City Council meeting of June 30, 2003. **The motion passed by a unanimous voice vote by those present.**

Respectfully submitted,

A handwritten signature in cursive script that reads "Patricia S. Howe".

Patricia S. Howe, CMC
City Clerk