

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

SPECIAL JOINT MEETING  
CITY COUNCIL,  
REDEVELOPMENT AGENCY  
JULY 21, 2003  
7:00 P.M.

**The Mayor/Chairman convened the City Council and the Redevelopment Agency meetings to order concurrently.**

**1. CALL TO ORDER – 7:05 p.m.**

**2. ROLL CALL**

Council Members Present: Hartnett, Howard, Jordan (7:35 p.m.), Pierce, Ruskin (7:40 p.m.), Vice Mayor Ira, Mayor Claire

Staff Present: City Manager Everett, PRCS Director/Assistant City Manager Centeno, City Clerk Howe, Financial Services Director Ponty, City Attorney Yamamoto, Assistant City Attorney Brower, Deputy City Clerk Conly, Administrative Secretary Dale, Assistant to the City Manager Gonzalez, Redevelopment, Planning Manager Church, Housing & Economic Development Manager Moeller, Volunteer Balsamo

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

**4. INVOCATION - Pastor Mike Cantwell, Harvest Christian Center**

**5. ORAL COMMUNICATIONS**

Marge Parkhurst stated that a few meetings after being told by experts that using recycled sewer water where children play is probably a health risk, one of the Council

Members stated that it had been used for years. She stated she researched other compounds now known to be unhealthy. She explained the information she found. She encouraged voting to use recycled water on freeways, road medians, industry and golf courses but to keep it off of parks and children's playgrounds. She further stated that all the products she discussed, when taken in small amounts, took years of exposure before making people sick or killing them.

Rudy Luca asked who is paying the sale price for the properties being bought through eminent domain. He also stated that after the previous Council meeting he over heard a Council Member stating the DARE program never worked. He stated that he wants to know if that is true, and if so, why we waited so long to discontinue the program.

## 6. CONSENT CALENDAR

Items on the Consent Calendar are considered to be routine and are enacted by one motion and one vote.

### *Public Comment:*

6.2.B. - Robert Escobedo stated that he was present to let everyone know that his family is still pursuing this issue. He further stated that as members of the Latino community, they are watching every move or lack of action. He stated that in January he asked the City Manager and Police Chief to investigate the actions of the Police Department and has seen to action in that regard. He further stated that although he was told that the District Attorney was pursuing the matter, the District Attorney has failed to do the job. He stated various statements that the City and the family disagreed upon.

6.2.B. - Lupita Escobedo, sister of Ricardo Escobedo, stated that the 800-plus page report is an embarrassment due to its inconsistencies and discrepancies. She stated that she has presented information that is one component of the issue, that being asphyxiation. She stated that the added piece to the asphyxiation is that officers piled on top of the victim. She stated that the fighting by her brother was for his life. Ms. Escobedo provided a copy of a publication designed to provide a basic understanding of respiratory physiology to Council.

6.2.B – Tony Escobedo, brother of Ricardo Escobedo, stated that the family has been hurt and that he was told that his brother began to fail on the balcony. He stated that the family is not getting anywhere, but he hopes someone will hear and help them.

M/S Hartnett/Howard 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 Members Jordan, Ruskin and Vice Mayor Ira absent.**

**6.1 Section – Motions**

- A. Approve the City Council minutes of June 30, 2003, and the Redevelopment Agency minutes of June 2, 2003, June 23, 2003, and June 30, 2003 as submitted ;  
**MINUTE ORDER 03-165**  
**RD MINUTE ORDER 03-21**
- B. Assignment and Assumption Agreements for Curtis Williams/MHA Environmental Consulting, Inc. (304)

**Recommendation:**

Approve the attached Assignment and Assumption Agreements

**MINUTE ORDER 03-166**

**6.2 Section – Claims and Warrants**

- A. Approve warrants dated through July 21, 2003 and usual and necessary payments through July 28, 2003; (301)  
**MINUTE ORDER 03-167**
- B. Claim(s) 2133 Estate of Ricardo Escobedo (303)

**Recommendation:**

Staff recommends the rejection of the following claim(s):

2133 Estate of Ricardo Escobedo Alleging wrongful death.

**MINUTE ORDER 03-168**

**8. STAFF REPORTS – CITY COUNCIL AND REDEVELOPMENT AGENCY**

- A. **Amendment No. 2 to the Construction and Reimbursement Agreement for Relocation of a Reinforced Concrete Box Culvert in the Downtown Area (100)**

Planning Manager Moeller stated that this is an amendment to provide for an advance of \$50,000.00 to enable the developer to move ahead with the asbestos removal and demolition of the buildings at the western end of the theatre site to complete the relocation of the culvert. The developer would be advanced the money and he would repay that amount to the Agency at a later date.

**Recommendation:**

M/S Howard/Hartnett to approve and authorize execution of Amendment No. 2 to the Agreement with BHV Innisfree Ventures I, LLC (Developer) for approving the asbestos abatement and demolition of existing buildings on the western end of Block 1, at an estimated cost of \$50,000.00. **The motion passed by a unanimous voice vote by those present with Council Members Jordan, Ruskin and Vice Mayor Ira absent.**

**MINUTE ORDER 03-172**

M/S Howard/Hartnett to adjourn the Redevelopment Agency Meeting. **The motion passed by a unanimous voice vote by those present.**

*Council Member Jordan arrived (7:25 p.m.)*

**9. MATTERS OF COUNCIL INTEREST**

**B. Submission of certain specified amendments to the Redwood City Charter to the voters of the City of Redwood City at the General Municipal Election of November 4, 2003. (307)**

Mayor Claire stated that he and Vice Mayor Ira have asked City Attorney Yamamoto to provide some clean-up language for City Charter amendments to be placed on the ballot for the November 4, 2003 General Municipal Election.

Council Members asked various questions pertaining to existing Charter provisions and possible amendments.

*Public Comment:*

Marge Parkhurst asked if all amendments would be voted separately or as a block. She also asked what is burdensome about going out to bid on the newspaper contract. She stated that she is not in favor of voting on removal of a provision without knowing what the replacement would be.

*Mayor Claire* stated that the recommendation is that the amendments be proposed as a block and that the proposed Charter amendment relative to the bidding of the newspaper contract is meant to allow the City Council to adopt criteria for choosing a newspaper for publishing legal notices.

Rudy Luca agreed with the prior speaker in that it is fair for the people to know what the overall picture is of the different Charter changes. He asked if the Council has a submitted time to change the Charter and whether an individual may submit for any revision.

*Mayor Claire* stated that State requirements regulate the submittal of an initiative for Charter amendments.

*City Manager Everett* stated that a revision to the recommendation amending Section 65 – Borrowing Money by the City – be changed to thirty-five (35) years rather than thirty (30) years as stated in the staff report and exhibit.

M/S Hartnett/Pierce to adopt a resolution authorizing submission of certain specified amendments to the Redwood City Charter to the voters of the City of Redwood City at the General Municipal Election of November 4, 2003; authorizing any amendments to the Redwood City Charter to be combined within one ballot measure; directing the City Attorney to prepare an impartial analysis with respect to the proposed Charter amendments; and authorizing the Mayor and Vice Mayor to sign the ballot arguments in favor of the measures. Motion shall include revision of Section 65 cited in the staff report and attached "Exhibit C", to read ...and in no case to exceed **thirty-five (35)** years.

**RESOLUTION 14538** OF THE COUNCIL OF THE CITY OF REDWOOD CITY, SUBMITTING TO THE VOTERS CERTAIN CHARTER AMENDMENTS AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2003, AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS

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

**MINUTE ORDER 03-169**

*Council Member Ruskin arrived (7:30 p.m.)*

*Council Member Hartnett excused himself from the dais due to a conflict of interest in that his client owns a hotel.*

## **7. STAFF REPORTS – CITY COUNCIL**

### **A. Proposed Increase in Transient Occupancy Tax (307)**

Director of Finance and Financial Planning Ponty stated that staff is recommending placing the increase to the City's transient occupancy tax (TOT) from 8% to 10%. He stated that the matter was first introduced in July, 2002, during the budget study sessions and again this year. A survey of 19 other bay area cities resulted in the finding that 14 of those cities have a TOT rate of 10% or greater.

#### *Public Comment:*

Rudy Luca expressed his opposition to raising the tax to people coming into the City.

*Mayor Claire* explained that the City has an extremely low transient occupancy tax and that it takes a vote by the citizens of Redwood City to raise it.

#### **Recommendation:**

M/S Ruskin/Pierce to place a measure on the ballot in November of this year that calls for increasing the City's transient occupancy tax rate from 8% to 10%.

**ADOPT RESOLUTION 14539 OF THE COUNCIL OF THE CITY OF REDWOOD CITY, SUBMITTING TO THE VOTERS A PROPOSED MEASURE AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2003, AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS**

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

**MINUTE ORDER 03-170**

**B. Contract agreement with the County of San Mateo for the provision of animal control services for the period of July 1, 2003 through June 30, 2006. (304)**

Assistant to the City Manager Gonzalez explained the contract agreement for the provision of animal control services. She explained that the City has explored other options that did not prove viable at this time and the City is obligated to provide animal control services.

Council Members comments included that the County may be trying to operate under a more businesslike manner where customers pay for services rather than the County being subsidized. The agency is providing services that are required and it may not be such a bad deal. Another comment was for staff to pursue other options such as a Joint Powers Authority.

M/S Ruskin/Hartnett to approve the contract with the County of San Mateo for the provision of animal control services. **The motion passed by a unanimous voice vote by those present with Vice Mayor Ira absent.** **MINUTE ORDER 03-171**

**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. 26-2003, dated July 11, 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.)

**10. ADJOURNMENT – 8:00 p.m.**

M/S Pierce/Howard to adjourn to the next regular City Council meeting of July 28, 2003 in memory of Redwood City Fire Captain Robert Walsh who passed away on July 16, 2003. He was a member of the Fire Department since August 6, 1990.  
(207)

Respectfully submitted,



Patricia S. Howe, CMC  
City Clerk