

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
JOINT WITH REDEVELOPMENT AGENCY
OCTOBER 13, 2003
7:00 P.M.

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

1. CALL TO ORDER – 7:02 p.m. by Vice Mayor Ira

2. ROLL CALL

Council Members Present: Hartnett, Howard, Pierce, Ruskin, Vice Mayor Ira

Council Members Absent: Jordan and Mayor Claire

Staff Present: City Manager Everett, City Clerk Howe, City Attorney Yamamoto, Assistant City Attorney Brower, Public Communications Manager Smith, Information Technology Manager Chulick, Community Development Services Manager Patterson, Community Development Services Manager LaTorra, Planning Manager Church, Community Development Services Manager Passanisi, Senior Civil Engineer Vorametsanti, Volunteer Balsamo

3. PLEDGE OF ALLEGIANCE - Boy Scout Troop 149

4. INVOCATION - Pastor Dennis Logie, Sequoia Christian Church

5. SPECIAL ORDERS OF THE DAY -

- A. Flag Ceremony – Boy Scout Troop 149
- B. Introduction of New City Website – Malcolm Smith, Communications Manager, and David Chulick, Information Technology Manager

6. ORAL COMMUNICATIONS

Paul Sanfilipo speaking on behalf of the Sequoia High School Alumni Association reported that the Horses to Horsepower event with 400-500 cars and hundreds of people showing up grossed between \$10,000.-12,000. and approximately one half will go toward the scholarship foundation. He thanked the non-profit groups, the vendors and everyone who assisted and participated in the event along with the support from the City Council and School District.

Kim Blomdal thanked Council, the Police Chief and traffic committee members who are studying the traffic issue in the area of Oakwood Boulevard.

7. CONSENT CALENDAR – CITY COUNCIL

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 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 Member Jordan and Mayor Claire absent.**

7.1 Section - Motions

- A. Approve the Joint City Council and Redevelopment Agency minutes of September 22, 2003, as submitted; (301) **MINUTE ORDER 03-234**
- B. Award of Contract – Redwood Shores Sewer Pump Stations #1 and #3 Improvement Project (304)

Recommendation:

Approve the Contract Documents and award the contract for the Redwood Shores Sewer Pump Stations #1 and #3 Improvement Project, to the lowest responsible bidder, McGuire and Hester, Inc. of Oakland, California, for their low bid of \$629,250.00. **MINUTE ORDER 03-235**

- C. Amendment to Agreement for Shopping Cart Retrieval Services

Recommendation:

Authorize the City Manager to execute an amendment to extend the agreement for shopping cart retrieval services with DeMichele's Shopping Cart Retrieval Services. (304) **MINUTE ORDER 03-236**

- D. Revocable Permit for Use of Herkner Pool by Menlo Masters/Team Sheeper (604)

Recommendation:

Staff recommends that City Council approve by motion the revocable permit with the Menlo Masters/Team Sheeper for the use of Herkner Pool.

MINUTE ORDER 03-237

- E. Acceptance of Grant of Public Service Easement – Arco Gas Station located at 504 Whipple Avenue (606)

Recommendation:

Accept the Public Service Easement offered by BP West Coast Products LLC, a Delaware limited liability company, and direct the City Clerk to record a certified copy of the order with the deed in the office of the County Recorder of San Mateo County.

MINUTE ORDER 03-238

- F. Cost Sharing Agreement with the County of San Mateo for Resurfacing Portions of Hillcrest Way and Wilmington Way (304)

Recommendation:

Approve and authorize execution of an agreement between the County of San Mateo and the City of Redwood City, for the resurfacing of portions of Hillcrest Way between south and east County boundaries; and Wilmington Way in conjunction with the County's resurfacing project in the Emerald Lake Hills area of Redwood City, in an amount not to exceed \$31,000.00. **MINUTE ORDER 03-239**

- G. Agreement between the County of San Mateo, City of Redwood City, and the Redwood City School District for the renovation of Fair Oaks School Field with Synthetic Turf (304)

Recommendation:

To approve the Agreement between the County of San Mateo, the City of Redwood City and the Redwood City School District for renovation of the Fair Oaks School Athletic Field. **MINUTE ORDER 03-240**

- H. Water Recycling Project – Completion of Environmental Documentation (304)

Recommendation:

By Motion, authorize final Task Order No. 2 to the professional services agreement with CH2M Hill, Inc. for completion of California Environmental Quality Act (CEQA) documentation for the proposed Recycled Water Project

MINUTE ORDER 03-241

- I. Acceptance of Quit Claim Deeds – Redwood City Elementary School District (608)

Recommendation:

Accept the Quit Claim deeds offered by the Redwood City Elementary School District, and direct the City Clerk to record a certified copy of the order with the deed in the office of the County Recorder of San Mateo County.

MINUTE ORDER 03-242

- J. Suspension of enforcement of maximum parking periods and meter rates in certain areas of downtown during the holiday season (702)

Recommendation:

Pursuant to Redwood City Municipal Code Section 20.133, by motion, suspend enforcement of those sections of Redwood City Municipal Code (Article VII, Chapter 20, Division 4—Parking Meters Generally) regulating on-street, 2-hour maximum parking periods and meter rates for those areas lying within the downtown area as described below, for the period of Thanksgiving 2003 to New Year's Day 2004.

MINUTE ORDER 03-243

- K. Suspension of enforcement of maximum parking periods and meter rates in Parking Lot T North (702)

Recommendation:

Pursuant to Redwood City Municipal Code Section 20.133, by motion, suspend enforcement of those sections of the Redwood City Municipal Code (Article VII, Chapter 20, Division 4—Parking Meters Generally) regulating parking in Parking Lot T as described below.

MINUTE ORDER 03-244

7.2 Section - Resolutions

- A. Approval of the Updated Engineering Standards for Public and Private Streets (701)

Recommendation:

Adopt a resolution approving the updated three volume document entitled, "Engineering Standards for the City of Redwood City."

RESOLUTION 14557 APPROVING AND ADOPTING REVISED ENGINEERING STANDARDS FOR THE CITY OF REDWOOD CITY; AND RESCINDING RESOLUTION NO. 13267

7.3 Section – Claims and Warrants

- A. Approve warrants dated through October 13, 2003 and usual and necessary payments through October 27, 2003; (301)

8. CONSENT CALENDAR – CITY COUNCIL AND REDEVELOPMENT AGENCY

- A. Agreement for Professional Services with Communities By Design

Recommendation:

Approve an agreement with Communities By Design (“CBD”) to provide urban design training and education to City Staff, Redwood City and Peninsula officials and leaders.

M/S Hartnett/Howard to remove this item from the agenda for consideration at a later date. **The motion passed by a unanimous voice vote by those present.**

MINUTE ORDER 03-246

7:20-7:28 p.m. - Vice Mayor Ira left the dais due to a potential conflict of interest regarding the Retail/Cinema project. Council Member Ruskin sat as Chair.

- B. Construction and Reimbursement Agreement for an Underground Public Parking Garage in the Downtown Area (100)

Rudy Luca directed questions to the City Attorney. He asked for explanation of section “3. Financial Terms”.

Legal Counsel Attorney Linda Beck explained that the Development and Disposition Agreement that the City previously entered into defines the parking facility costs to include the hard costs of construction, costs of acquiring property, designing the public parking facility and testing inspection.

Council Member Hartnett explained that the recommendation to sign the revised agreement is due to the prior authorization to execute the agreement as written with some latitude to make revisions within certain parameters. If changes exceed those parameters, staff is to present those to the Agency and that is what has occurred. *Chair Ruskin* added that the revisions are to the detail but do not add cost at all.

M/S Hartnett/Howard to:

1. Direct the City Manager and the Redevelopment Agency Executive Director not to execute the Construction and Reimbursement Agreement with BHV Innisfree Ventures 1, LLC (developers of the Downtown Retail-Cinema Project), approved on September 22, 2003.
2. Approve and authorize the City Manager and the Redevelopment Agency Executive Director to execute the revised Construction and Reimbursement Agreement with BHV Innisfree Ventures 1, LLC (developers of the Downtown Retail-Cinema Project), for construction of an underground public parking garage.

MINUTE ORDER 03-247
MINUTE ORDER RD 03-30

ADJOURN THE REDEVELOPMENT AGENCY MEETING

7:28 p.m. – Vice Mayor Ira returned to the dais.

9. STAFF REPORTS

A. General Plan Update (601)

Principal Planner Passinisi explained that the General Plan is 13 years old and does not include all of the required topics required by State Law. He stated that the process will be divided into three sections: Vision, Mandatory Elements, and Optional Elements. He stated that the vision process is to take approximately 6 months with several public workshops, joint meeting of Council and Planning Commission with review and consideration of adoption sometime in Spring 2004. There are also State mandated elements and optional elements to be addressed. He further explained that various departments, boards, committees and commissions will be involved and explained the Council's role in the visionary process.

Planning Commission Chairperson Rosanne Foust explained the Commission's role and the public participation model for the General Plan. She stated that when looking at the model it is very inclusive in nature. She further described how and why the various City boards, committees, commissions, neighborhoods, Downtown Business Group, Chamber of Commerce, Redwood City 2020 and various other groups that need to provide input into the Plan. She stated that as the visioning and public input sections are developed, the Planning Commission will come back to the Council to discuss thoughts and feelings.

Council reviewed and provided comment on the General Plan Update Process.

10. PUBLIC HEARING

A. Zoning Text Amendments (602)

Principal Planner Passinisi stated that staff is recommending three revisions to the zoning ordinance and explained that this is bring the zoning ordinance in compliance with State Law. Council asked various clarifying questions.

Vice Mayor Ira opened the public hearing.

Public Comment:

Rudy Luca asked if this is the appropriate venue to ask for an increase in the percentage of affordable and low income housing.

Council Member Hartnett stated that the percentage of affordable housing primarily involves the Redevelopment Agency and there are projects within a Redevelopment area, there is a minimum requirement for a certain level of affordable housing. The discretion is always available during the process.

Ross Memole thanked Council for adjustment of the traffic around the Redwood City area, stating it has had a positive impact.

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

M/S Ruskin/Hartnett to:

- a) Amend Article 32 (Supplemental Provisions) to conform to recently enacted state law as it relates to the review and granting of density bonuses. Introduce an

ORDINANCE AMENDING ARTICLE 32 SUPPLEMENTAL PROVISIONS OF THE REDWOOD CITY ZONING CODE RELATED TO DENSITY BONUSES

The motion passed by a unanimous roll call vote by those present with Council Member Jordan and Mayor Claire absent. MINUTE ORDER 03-248

M/S Ruskin/Hartnett to:

- b) Amend Article 37 (Accessory Dwellings) to conform to recently enacted state law related to the city's discretionary review of accessory dwelling units and establish objective criteria for architectural review and introduce an

ORDINANCE AMENDING ARTICLE 37 (ACCESSORY DWELLINGS) OF THE REDWOOD CITY ZONING CODE

The motion passed by a unanimous roll call vote by those present with Council Member Jordan and Mayor Claire absent. MINUTE ORDER 03-249

M/S Ruskin/Hartnett to:

- c) Amend Article 41 (Amendments) to also allow City staff to initiate zoning amendments and introduce an

ORDINANCE AMENDING ARTICLE 41 (AMENDMENTS) OF THE REDWOOD CITY ZONING CODE

The motion passed by a unanimous roll call vote by those present with Council Member Jordan and Mayor Claire absent.

MINUTE ORDER 03-250

11. 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 Nos. 37-2003, 38-2003, and 39-2003. 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. Prevailing Wage Resolution (203)

Council Member Ruskin explained that Redwood City has been a supporter of prevailing wages on public projects and the benefits of the principle. The reason the issue is being considered at this time is because recently the California Court of Appeal ruled that the prevailing wage law is a matter of statewide concern and therefore applies to Charter cities. Because the City supports the goals of the State law, he recommends that at this time the City not participate in certain efforts that may be underway to overturn or depublish the City of Long Beach decision.

Public Comment:

William Nack, speaking on behalf of the Building and Construction Trades Council of San Mateo County, thanked Council for considering the resolution. He stated that the Council and residents have always supported quality of life issues important to working families. He further explained the purpose behind the resolution and that it is as relevant today as it was in 1931.

M/S Howard/Ruskin to adopt:

RESOLUTION 14558 OF SUPPORT OF CALIFORNIA STATE LAW REGARDING PREVAILING WAGE REQUIRING CONTRACTORS AND SUBCONTRACTORS ON PUBLIC PROJECTS TO PAY CONSTRUCTION WORKERS WAGES AT LEAST EQUAL TO THE WAGES PREVAILING IN LOCAL LABOR MARKETS

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

C. Vehicle License Fee Elimination: City Opposition and Consequences of Reduction (203)

Council Member Hartnett explained his reason for bringing the issue forward at this time.

Consensus to direct City Manager to on behalf of Redwood City and in coordination with as many cities as possible and the County to construct a communication to the Governor elect that does several things. Letter to outline what the impact on a city by city basis would be if the Vehicle License Fee is reduced and the funds are not replaced by General Fund monies. Secondly, the letter is to give some narrative description of the general revenue reductions the cities have already faced and dealt with. Thirdly, is to recommend to the Governor elect that, should he decide to proceed to reduce the VLF, that he not do so except in connection with a program to backfill the funds so that the cities and the County do not, in fact, lose the money.

MINUTE ORDER 03-251

D. Council Member Howard – stated that Council was in receipt of a letter from Betty Moran, Chairperson of the Senior Affairs Commission regarding housing for low income individuals and seniors on fixed income. The letter requested that either a study session or working together could occur to explore increasing the number of senior and low income housing units. Council Member Howard requested a letter be sent to the Senior Affairs Commission to explain that the Council will be working on the General Plan with the Housing Element and asking the Commission to participate. Consensus by Council for Vice Mayor to send such a letter.

MINUTE ORDER 03-252

E. Council Member Ruskin – stated that the City was recently apprised that because of State and therefore, County errors, that the City will be receiving a check for \$1.35 million to go into the General Fund. Additionally, due to good work from the City's Financial Services Department, there will be a transfer payment of about \$250,000.00 that will also go back into the General Fund. He further stated that when Council made various budget cuts earlier this year, it was determined that if there were additional available funds, Council would take another look at those cuts. Although some of the Vehicle License Fee cuts were heavier than expected and will reduce this amount, there will be several thousand dollars more in the General Fund. He reiterated his desire that a table be maintained on the budget cuts for use during priority sessions and other pertinent points in time to consider phasing those areas back into the budget. Council consensus for staff to return and report on the situation updating Council in terms of the actual revenues and additional unexpected costs.

MINUTE ORDER 03-253

- F. **Council Member Pierce** – referred to a recent Council meeting where Ted Hannig spoke under Oral Communications regarding issues surrounding the redevelopment and the Celotti property. She asked City Attorney Yamamoto to provide an update on the statements.

City Attorney Yamamoto stated that because this is a topic related to the Retail/Cinema project that Vice Mayor Ira must step down from the dais.

Vice Mayor Ira left the dais due to a potential conflict of interest involved with his client owning property adjacent to the Retail/Cinema project.

City Attorney Yamamoto reviewed the issue of notices and stated that notices are not going to Mr. Hannig's client in relation to the taking of the parcel of the Celotti's. Those notices are going by the City's attorney to Mr. Hannig. The only reference found was with respect to a permit application made by the developer of the retail/cinema complex where because the application was going through the Planning Commission, the City notified approximately 678 property owners and tenants in the surrounding area. A question from Mr. Hannig was what the follow-up to the Planning Commission consisted of and the answer is that an update is on the City's website, all the agendas and minutes are available on the website and hard copy to any member of the public. The third question was related to where he might be able to find where the developer is paying the incremental costs for the foundation for his building on the retail/cinema complex parcel. The answer to that is that it is found in the construction and reimbursement agreement for the parking garage which was before the Council/Agency at the September 15, 2003 meeting and on this evening's agenda. In relation to the next phases involving the Celotti's, City Attorney Yamamoto stated that there is ongoing communication between Mr. Hannig and the City's attorney regarding this condemnation process.

8:25 p.m. - Vice Mayor Ira returned to the dais.

12. ADJOURNMENT – 8:25 p.m

M/S Hartnett/Howard to adjourn to the next regular City Council meeting of October 27, 2003. **The motion passed by a unanimous voice vote by those present.**

Respectfully submitted,



Patricia S. Howe, CMC
City Clerk/Redevelopment Agency Secretary