

MAYOR JEFF IRA
VICE MAYOR BARBARA PIERCE

MINUTES

1017 MIDDLEFIELD ROAD
REDWOOD CITY, CA

COUNCIL MEMBER IAN BAIN
COUNCIL MEMBER ROSANNE FOUST
COUNCIL MEMBER JIM HARTNETT
COUNCIL MEMBER DIANE HOWARD
COUNCIL MEMBER IRA RUSKIN

JOINT MEETING
CITY COUNCIL AND
BOARD OF EQUALIZATION
DECEMBER 8, 2003
7:00 P.M.

The Mayor/Chairman convened the City Council and the Board of Equalization meetings to order concurrently.

1. CALL TO ORDER – 7:01 p.m.

2. ROLL CALL

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

Staff Present: City Manager Everett, PRCS Director/Assistant City Manager Centeno, City Clerk Howe, City Attorney Yamamoto, Assistant City Attorney Brower, Assistant to the City Manager Gonzalez, Financial Services Manager Freeman, Financial Services Accountant Greenhorn, Information Technology Manager Chulick, Planning Manager Church, Community Development Services Manager Passanisi, Associate Planner Ekas, Project Planner Mehra, Administrative Sergeant Harper, Volunteer Balsamo

3. PLEDGE OF ALLEGIANCE - Barbara Pierce, Vice Mayor

4. INVOCATION - Dennis Logie, Sequoia Christian Church

5. ORAL COMMUNICATIONS AND CONSENT CALENDAR

Marjorie Wallace read the contents of a letter dated December 8, 2003 requesting Redwood City to enact a rent control ordinance. The letter is on file.

Rudy Luca discussed talking on a level playing field as it pertains to the Planning Commission vacant seat. He expressed his belief that Dick Claire will be one of the Planning Commission members and that the decks are stacked. He stated that it is a power struggle and that the residents of Redwood City are not being represented honestly.

Judy Fong thanked City Council on behalf of HIP Housing for continued support of the organization. She stated that HIP Housing supplies over 1,000 people each year with a place to call "home". She stated that this would not be possible without the City support and presented the Council with the 2004 calendar filled with children's artwork and information about the program. She further explained the program.

Pete Hughes spoke with a message and gifts from Colima, Mexico, thanking the City for the donation of a surplus fire engine.

Jeff Norris representing the "Tis the Season" committee, thanked the City Council, Cultural Commission and City staff, who together with the sponsorship of Washington Mutual make the event successful.

Consent Calendar:

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. Council Member requested Item 5.1.C be removed for separate consideration. **The motion passed by a unanimous roll call vote.**

5.1 Section - Motions

- A. Approve the Joint City Council, Redevelopment Agency, and Public Financing Authority minutes of November 3, 2003 as submitted;(301) **MINUTE ORDER 03-284**
- B. Agreement to provide information technology services for Shelter Network (304)

Recommendation:

Request the authorization for the Assistant City Manager to sign the agreement for the Information Technology Division of the Finance Department to provide Information Technology support to the Shelter Network, a private non-profit organization. **MINUTE ORDER 03-285**

5.2 Section – Claims and Warrants

- A. Approve warrants dated through December 8, 2003 and usual and necessary payments through December 15, 2003; (301) **MINUTE ORDER 03-286**

5.1 Section – Motions – Removed from Consent Calendar

- C. Transportation Impact Fee Account Report (702)

Council Member Howard stated that the report addresses fees collected from potential development in Redwood City and asked if the projects listed have a sunset clause on the funds if the projects are outstanding. Traffic Engineer Haygood stated that the traffic fee program adopted by ordinance is a 20-year program so there is that much time to perform and construct the items in the program. He further stated that the Government Code requires an annual report to show expenditures and revenues of the fee. Additionally, every five years, a more comprehensive report is required on the status of the projects and progress toward completion. He further explained the shuttle program as an example of the type of project in this report.

Recommendation:

M/S Howard/Pierce to review and file the Transportation Impact Fee Account Report for Fiscal Year 2002/2003. **The motion passed by a unanimous voice vote.** **MINUTE ORDER 03-288**

6. STAFF REPORTS

- A. Resolution supporting placement of the proposed “Local Taxpayers and Public Safety Protection Act” on the November 2, 2004 statewide ballot (209)

M/S Hartnett/Howard to continue this item to a later date. **The motion passed by a unanimous voice voted.** **MINUTE ORDER 03-287**

- B. Results of 2003 Neighborhood Survey (304)

Assistant to the City Manager Gonzalez introduced members of the Godbe Research and Analysis, the company that surveyed and produced the report in conjunction with the Council Subcommittee. She further explained the background and the PowerPoint presentation was made by Godbe. (A copy of the entire report is available at the City Clerk’s Office, libraries and City website.)

Council Members asked various questions and made comments such as the information being disseminated and made available to various groups; the desire for a report on any plans or intentions in relation to the report with caution

expressed due to margin of error. It was suggested that the report be presented when considering the two year budget and priority setting.

Recommendation:

This report was for informational purposes only. There was no staff recommendation.

7. PUBLIC HEARINGS

- A.** The proposed use of 2003 Citizens Option for Public Safety (COPS) funds for \$113,212 by the Redwood City Police Department (505)

Administrative Sergeant Harper explained the proposal.

Mayor Ira opened the public hearing. There was no public comment.

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

Recommendation:

M/S Hartnett/Pierce to approve by motion, the Police Chief's recommendation to dedicate Citizens Options for Public Safety (COPS) funds to the salaries and benefits of the new police officer positions approved by City Council pursuant to the staffing study of 1997. **The motion passed by a unanimous voice vote.**

MINUTE ORDER 03-289

- B.** Municipal Stormwater National Pollution Discharge Elimination System (NPDES) Permit and San Mateo Countywide Stormwater Management Plan for 2004-2009

Recommendation: (802)

M/S Hartnett/Ruskin to open the Public Hearing and continue until December 15, 2003. **The motion passed by a unanimous voice vote.**

MINUTE ORDER 03-290

- C.** Zoning Map Amendment – 1025 Lakeview Way (602)

Assistant Planner Mehra made the presentation and recommendation for the rezoning. The recommendation is to approve the amendment from RH-40 to RH-20.

Council questions ensued.

Mayor Ira opened the public hearing.

Public Comment:

Charlene Xuereb stated that the report presented had covered all issues.

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

Recommendation:

M/S Howard/Ruskin to approve the proposed Zoning Map Amendment from RH-40 to RH-20 be approved and introduce:

AN ORDINANCE AMENDING ARTICLE 60, ZONING MAP NO. 17 (FARM HILL NEIGHBORHOOD), OF ORDINANCE NO. 1130, THE REDWOOD CITY ZONING ORDINANCE, AS AMENDED, TO REZONE PROPERTY AT 1025 LAKEVIEW WAY IN THE CITY OF REDWOOD CITY FROM THE RESIDENTIAL-HILLSIDE 40,000 SQ.FT. MINIMUM LOT SIZE (RH-40) TO RESIDENTIAL-HILLSIDE 20,000 SQ. FT. MINIMUM LOT SIZE (RH-20)

The motion passed by a unanimous roll call vote.

MINUTE ORDER 03-291

- D. Appeal of the decision by the Zoning Administrator to deny an Architectural Permit for the construction of a new single family house at 3738 Laurel Way (603)

Senior Planner Ekas gave the report stating that in 1988 a Council policy was approving establishing that an environmental impact report (EIR) be provided for the remaining vacant parcels on Laurel Way. An application has been received for development on one of the vacant parcels and the application was rejected because it did not come with an improvement plan and environmental impact report. She explained that this is not an appeal of the Zoning Administrator's decision, but a challenge of the City Council policy related to environmental review for future development on Laurel Way. She reviewed the subject site, the setting of Laurel Way, gave a brief history of the Council policy on Laurel Way, closing with environmental review and what the California and Environmental Quality Act (CEQA) requires the City to do. In conclusion, Senior Planner Ekas, stated that the staff, as former Councils have reviewed Laurel Way, continues to support existing Council policy. The policy does not preclude development, but simply requires a process to get to development. Furthermore, it complies with CEQA; and ensures the city and the adjacent hillside residents and affected Laurel Way property owners that the environment impacts of future development will be mitigated resulting in a safe, well planned and adequately serviced neighborhood.

Mayor Ira opened the public hearing.

Public Comment:

Roger Flores, appellant, clarified some statements he noted in the staff report such as the square feet should be 3,495 rather than 4,018. He stated that the plans submitted were conceptual in order to get on the Council agenda tonight. He stated that the property is actually 51 feet wide at the top and widens going down and that the slopes have been described as being very steep with extreme slopes, difficult terrain and severely substandard infrastructure such that the Council established a policy requiring an EIR. He stated that most of the lot decreases are at a relatively uniform rate and not excessively steep and the Planning Department study on Laurel Way shows his lot has an average slope of 29%. He further stated that the City has allowed development on Laurel Way for some with slopes in excess of 37%. He stated that all EIR experts he has talked to state that single family lots are exempt from an EIR. He stated that if he satisfies the City's zoning and building codes that there is no reason or benefit to him to pay for the cost to improve the area beyond his lot.

David Finkelstein, the appellant's attorney, stated that Mr. Flores has given a good presentation of his case. He asked the Council to consider themselves in the place of the applicant having lot zoned residential hillside that is buildable with utilities coming to the lot. He further stated that there are numerous developed lots around his lot that are steeper than his. He stated his position to be that under CEQA, there are two categorical exemptions, one of them for a single family lot and one exemption under 15332 – infill development projects. He stated that the applicant's legal position is that not only is it exempt under the single family, but also under the "infill" categorical exemption.

Erzebet Dobrasinovic stated that she owns two lots on Laurel Way for her children. She agreed that he should build on the lot, but the problem on Laurel Way should be taken care of. She requested the Council to consider the issue so that her children can build and live in Redwood City.

Martin Kamph stated that traffic is the issue for him stating that at the intersection of Laurel, Altamont and Highland does not have stop signs, a large residence interferes with sight lines and continued development along Laurel Way will have a cumulative negative impact on Laurel Way and Highland. He stated that the speeding issue in the area will contribute to the problem. He asked that stoplights be placed at the corner of Laurel and Highland; and at the corner of Altamont and Highland. He further asked for specific improvements to be considered to ensure clear and safe traffic movement in the area that pertain to items such as striping and signage. He expressed concern that if there is no EIR required now, it would set a precedent for the other lots in the area. He asked that Council consider the entire area rather than piecemeal.

Jane Hanigan stated she has lived at the end of Laurel Way for 37 years and gave her recollection of the history of Council policy and action in the area. Due to previous issue, she stated that the residents are not anxious to see another

development occur without water patterns studies and an EIR. She expressed her concern with the natural habitat that exists and the issue of stability in the area.

Tom Tornquist, a resident of Emerald Lake and realtor, asked that Council consider that the goal of getting 23 people on any given street to agree to a planned unit development is unrealistic. He stated that no owner of an existing legal lot in the Emerald Lake area has ever had to do an EIR. He stated that those issues addressed in and EIR are addressed when an applicant applies for a building permit.

Kevin Bruce stated that he owns two adjacent lots that have 20,000 square feet. He stated his problem with the EIR requirement lumps everyone together and asked why the building regulations in place cannot be used on an individual basis. He asked that the City assist the owners in improving the area and his belief that the owners would agree on the fact that something needs to be done in the area. He further stated that an EIR is not necessary.

Jim Del Favero, a four year resident of Laurel Way, stated his concern is that he could not determine what the intent of the build is and his interest around the EIR pertains to that point. He stated that the specific interests differ between the owner developing a residence to live in himself and building the largest house for the biggest profit. He stated that he thinks it is appropriate that if one owns a lot that it can be developed and going forward, knowing whether a developer or owner will live there, equal laws be applied to protect the right of current and future residents.

Scott Sweeney, owner of a vacant Laurel Way lot for ten years, stated that several years ago he attempted to obtain agreement from several owners for an EIR. He named various EIR consultants he approached that told him that single family lot in an improved subdivision is statutorily exempt.

Joseph Hanson, Laurel Way, the traffic situation is a consideration, gutters and sidewalk exist to an extent with a substandard street, the water flow is towards his house and he described the cause of the deterioration of the road. He stated that he would encourage the Council to go back to the original position of allowing no development on Laurel Way without an EIR. At the minimum, he asked that Council support their decision of 2000 to establish the EIR line and continue to enforce it until the situation changes so that an EIR is not necessary.

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

Recess: 9:40 – 9:50 p.m.

Council questions of staff and comments ensued.

Recommendation:

M/S Hartnett/Foust to uphold the decision of the Zoning Administrator to deny an Architectural Permit for the construction of a new single family house at 3738 Laurel Way. **The motion passed by a unanimous roll call vote.**

MINUTE ORDER 03-292

- E. Appeals Against the General Improvement District 1-64 Assessments for Fiscal Year 2003-2004 – **CITY COUNCIL AND BOARD OF EQUALIZATION (510)**

Financial Services Accountant Greenhorn gave the presentation.

Chairman Ira opened the public hearing. There was no public comment.

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

Recommendation:

M/S Foust/Pierce to approve and accept the revised appraised values for Nos. 1, 2 and 4 that includes the proposed revised appraised value in the appeal by Mr. Fred Countryman be accepted. **The motion passed by a unanimous voice vote.**

M/S Howard/Bain to approve and accept the revised appraised value for No. 3. **The motion passed by a majority voice vote with Board Member Hartnett abstaining due to previous representation of Hotel Sofitel, eliminating any conflict of interest.**

MINUTE ORDER BOE 03-003

8. 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. 46-2003. 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.)

Vice Mayor Ira stated that City Manager Everett would be contacting Senator Byron Sher and Assemblymember Joe Simitian, meeting with other City Managers regarding the Vehicle License Fee (VLF) and updating Council on December 15, 2003.

- B. Appointment to Planning Commission Seat Vacated by Council Member Rosanne Foust **(209)**

On August 25, 2003, City Council made Planning Commission appointments/re-appointments to three seats, each for a three-year term. A vacancy has occurred to fill the unexpired term of Rosanne Foust as she was elected to the City Council at the November 4, 2003 election. The term of the vacant seat expires in June, 2006. The names listed below are those individuals who have applications on file with the City Clerk Department to serve on the Planning Commission.

- Julia Cheng
- A.D. Cline, Jr.
- Richard Claire
- Cecelia Ellis
- Dee Eva
- Henry T. Gaw
- Michael Hitchcock
- Rachel Holt
- Gabriella Judd
- Kenneth C. Knutsen
- Rudy Luca
- Robert Lyman
- Fred Thiemann
- Kristina Vetter
- Roy Yost

Council Members commented on process for appointment to the Planning Commission vacancy.

Public Comment:

Rudy Luca asked the date that Richard Claire submitted his application for the Planning Commission. *Mayor Ira* stated that the application was submitted the Wednesday following the announcement at the Council meeting.

M/S Hartnett/Howard to continue appointment to the vacant seat on the Planning Commission, expiring in June, 2006, to the Council meeting of December 15. Staff was directed to contact all applicants to assess whether they are still interested and allow the newest members of Council the opportunity to contact those applicants. **The motion passed by a unanimous voice vote.**

MINUTE ORDER 03-293

C. California High Speed Rail Route

Council Member Ruskin stated the City Council has taken an active role in recent years in regional transportation with members serving on C/CAG, the Transportation Authority, SamTrans and involvement in the development of ferry service. He stated he thought it appropriate to take a closer look at high speed rail and make the City more aware of the process of high speed rail as it develops. He

stated his belief that high speed rail is a great concept which will provide a high speed rail solution to transportation along the main corridor of the State from the San Diego-Los Angeles area up to the Bay Area and Sacramento. The system is expected to return twice as many benefits to the citizens as it costs. He further defined those benefits and described the system.

Adrian Brandt stated that his organization is watching the California High Speed Rail Authority progress and the California High Speed Rail Commission for quite some time and is a great advocate of a statewide high speed rail system. He stated the concern is the High Speed Rail Authority has, for unknown reasons, taken the preferred route via the Altamont Pass into the Bay Area via the Dumbarton Bridge corridor. He stated that this particular alignment has been completely removed from consideration and is highly favored with much merit. He stated that there is a lot of benefit statewide and for Redwood City for that alignment to be studied fully. He stated his hopes that the City Council considers being a part of an aggressive statewide effort to lobby for an increase in Federal funding for high speed rail in California and that the City becomes part of an effort to encourage state, regional and local entities to include high speed trains in their planning. He stated his concerns with the system and asked that at a later date support or thoughts on the position be offered.

Melissa Hippert, conservation representative with the local chapter of the Sierra Club, clarified that there is a designated wilderness area within Henry Coe State Park in which two of the proposed rail routes would transect. She stated that the Sierra Club has gone on record in support of high speed rail. She further explained the four proposed routes, two of which involve Henry Coe State Park. She stated that the Sierra Club would like to see the project built with minimal environmental impact and the Chapter has undertaken a campaign with two main messages. One is to have the High Speed Rail Authority remove the Coe routes from consideration. The second issue is to bring Altamont back in for the reasons previously mentioned.

M/S Ruskin/Howard to extend the meeting until 11:10 p.m. The motion passed by a unanimous voice vote.

Michael Kiesling stated there are many reasons why the Council should support Altamont, but explained one in particular. The project as proposed would go from San Francisco to San Francisco Airport, to Redwood City to San Jose, and then either over the hills of the valley or further south to Gilroy and over the valley. If the Altamont route were chosen, it would go San Francisco, San Francisco Airport, Redwood City and across the bay picking up Fremont and out to Pleasanton. An alignment would also come from San Jose to Fremont and out. He stated the difference means that Redwood City would be compelled to build parking garages and deal with all the traffic coming to downtown Redwood City.

D. Council Member Howard – announced a boat tour of five Redwood City Harbor on sites on December 16 at 1:00 p.m. The location to meet is at the Marine Science Institute Dock.

E. Vice Mayor Pierce – announced that on Thursday from 7-10 p.m., December 11, at the Veterans building there would be a continuation of the Courthouse Plaza Design.

9. ADJOURNMENT – 11:10 p.m.

M/S Foust/Hartnett to adjourn until the next Special City Council meeting of December 15, 2003. **The motion passed by a unanimous voice vote.**

Respectfully submitted,



Patricia S. Howe, CMC
City Clerk