

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

CITY COUNCIL
REGULAR MEETING
April 12, 2004
7:00 P.M.

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,
Human Resources Administrative Analyst Fierro, Human Resources Benefits
Coordinator Flowers-Ford, Financial Services Director Ponty, Financial Services
Manager Freeman, Revenue Services Manager del Rosario, Financial Services
Accountant Greenhorn, Economic Development Coordinator Webb, Public Works
Services Director Ingram, Senior Civil Engineer Chang, Volunteer Balsamo

3. PLEDGE OF ALLEGIANCE - Ian Bain, Council Member

4. INVOCATION - A moment of silence was observed in the absence of an invocation.

5. SPECIAL ORDERS OF THE DAY –

**A. Proclamation Honoring Menlo Masters Swim Club for their Canned Food
Donation Event (207)**

Mayor Ira read the proclamation stating that in February 2004, the 150 members
of the Masters Swim Club swam a total of 7,154,391 yards or 7,000 yards each,
with two tons of food donated to greatly assist the more than 30 working families
served each day at the St. Francis Center. Tim Sheeper accepted the
proclamation thanking the City Council on behalf of the members.

B. Proclamation Honoring Former Mayor Daniela Gasparini (207)

Mayor Ira read the proclamation honoring Former Mayor Gasparini for her achievement of appointment to the Women's Hall of Fame. He stated her numerous contributions and accomplishments. Ms. Gasparini thanked Mayor Ira stating that it's the people that are really the awards – the kids, seniors and homes being built as a result of community service.

C. Presentation: Redwood City Port Subvention to the City

Chair of the Port Board Larry Aikins and Vice Chair Dick Dodge made the presentation. The points covered the financial objectives, historical subvention, supplemental subvention, key factors affecting supplemental subvention, formula enhancements and the financial emergency contribution to the City. (PowerPoint presentation on file.)

Council Members thanked the Port Commission Members, Executive Director and Finance Officer for their vision in the advantages to the community of a deep water port and for the subvention.

D. Five Year Service Award – City Clerk Patricia Howe

Mayor Ira thanked City Clerk Howe for five years of service with Redwood City.

6. ORAL COMMUNICATIONS

Paul Sanfilipo, Chair of the Sequoia High School Alumni Association Scholarship Program stated his hope that there will be a large community turnout for the visit with Charles Johnson (CJ) as he talks about "Growing up in Redwood City" on Saturday, April 24 from 1-4 p.m. at the San Mateo County Historical Association, 777 Hamilton (Old Courthouse) in Redwood City. The Alumni Association believes CJ was an excellent role model for elementary, middle school and high school students. Mr. Sanfilipo cited CJ's credentials and invited the community to attend the event that includes food and refreshments. Tickets are available by calling 650-299-0104.

Shawn White stated that the City Council has a wonderful City Manager staff. He recently completed the 6-week Community Builders program where experts were brought in to show the community how to build community. He personally thanked Ed Everett and his staff for a wonderful program and thanked the City Council for its support of the City Manager and his initiatives to build community. He urged continued effort and support to find new and creative ways to build community.

M/S Howard/Ruskin to waive reading of the Consent Calendar except the ordinances by title, adopt the resolutions and the ordinances, and approve other items. Vice Mayor Pierce requested Item 6.2.A be removed for separate discussion and consideration. **The motion passed by a unanimous roll call vote.**

6.1 Section – Motions

A. Final Acceptance – One Maple Street Subdivision (304)

Recommendation

Accept by Minute Order the One Maple Street Subdivision, and release the bonds following the submission of a Maintenance Bond in the amount of \$210,000 (10% of the original bond), in accordance with the Improvement Agreement.

MINUTE ORDER 04-52

B. Approval of Parcel Map No. 2003-05 – St. Pius Catholic Church located at 1100 Woodside Road (304)

Recommendation

Approve Parcel Map No. 2003-05 extinguishing an existing public street easement, and accepting on behalf of the public all streets and public service easements offered for dedication by St. Pius Catholic Church, for public use.

MINUTE ORDER 04-53

C. Grant of Revocable Encroachment Permit to the Redwood City School District (District) for the Placement and Operation of a Maintenance, Operation and Transportation (MOT) Storage Building at the McKinley Institute of Technology, located at 400 Duane Street, Redwood City. (604)

Recommendation

Approve and authorize execution of the Grant of Revocable Encroachment Permit for the placement and operation of Redwood City School District's storage building on the public right-of-way.

MINUTE ORDER 04-54

D. Acceptance of the final distribution of the Estate of G.R. Cress and the establishment of the "G.R. Cress Bird Bath Fund" for use in the Redwood City Park System (708)

Council Member Bain stated that G.R. Cress had a handwritten will written in 1976 and was a bird lover, donating money to the City to build birdbaths and maintain them, indefinitely, with the sum of \$1.2 million dollars. Council Member Bain stated his concern that this donation be publicly acknowledged as a generous gift to the City.

Recommendation

It is recommended that Council, by motion, agree to accept the final distribution of the proceeds from the estate of Gene Robert Cress and use the funds to establish the "G. R. Cress Bird Bath Fund" in Redwood City. **MINUTE ORDER 04-55**

- E. Amendment No. 2 to the consultant Agreement with Mark Thomas & Company, Inc., relating to the Ralston Avenue/Marine Parkway/Route 101 Interchange Reconfiguration Project (304)

Recommendation

Approve Amendment No. 2 to the Agreement with Mark Thomas & Company, Inc., for providing supplemental consulting design engineering services for the Ralston Avenue/Marine Parkway/Route 101 Interchange Reconfiguration Project, in an amount not to exceed \$48,000. **MINUTE ORDER 04-56**

- F. Amendment to the Cooperative Service Agreement with the Department of Agriculture Relating to the Redwood Shores Levee Improvement Project (304)

Council Member Bain stated that although he had previously voted against this topic six years ago due, in part, to concerns about inhumane treatment of the animals captured on the levees, he will support this program at this time. He further stated that after conversation with the City Manager he is assured that the City works closely with the Humane Society to make sure that the animals caught are treated humanely.

Recommendation:

1. Approve and authorize the City Manager to execute an Amendment to the Cooperative Service Agreement between the City of Redwood City and the Department of Agriculture Animal and Plant Health Inspection Service, Wildlife Service (Redwood Shores Predator Management).
2. Authorize the City Manager to execute future similar Amendments and Scopes of Service, providing the new amendments and scopes of service do not exceed \$60,000 annually, and that the Wildlife Service is performed to the City's satisfaction. **MINUTE ORDER 04-57**

6.2 Section - Resolutions

- B. Resolution opposing Assembly Bill 2702 (Steinberg) - Housing: Second units (214)

Recommendation

Adopt a resolution opposing Assembly Bill 2702, authored by Assemblyman Darrell Steinberg

ADOPT RESOLUTION 14576 OPPOSING ASSEMBLY BILL 2702

6.3 Section – Claims and Warrants

- A. Approve warrants dated through April 12, 2004 and usual and necessary payments through April 26, 2004; (301) **MINUTE ORDER 04-58**

6.4 Section – Ordinances (2nd Reading and Adoption)

- A. Ordinance approving and authorizing execution of the amendment to the contract with the Public Employees Retirement System to provide Government Code 21362.2, "3% @ 50 Full formula" for Redwood City's Police Officers Association and Redwood City Police Sergeants Association members effective on June 28, 2004 (First Reading on March 8, 2004)

ORDINANCE 2260 AMENDING CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE CITY COUNCIL OF THE CITY OF REDWOOD CITY

6.2 Section – Resolutions (continued)

- A. 401 (a) (Defined Benefit) Separation Incentive Plan (SIP) (904)

Vice Mayor Pierce stated her appreciation in seeing the stated plan and the recommendation, but was concerned with the cost of the SIP costing an additional \$20,000. per participating employee. She stated that while the SIP is designed to help avoid layoffs, her concern is that the cost adds up to another employee and questioned the decrease of skill level impacts. City Manager Everett stated that the monies to be paid out would come from current department budgets through existing vacancy savings which allows ten employees to not be laid off next fiscal year. The program was designed following the PERS model and creates a net savings.

Council Members asked additional questions.

Recommendation

M/S Foust/Hartnett to approve a Resolution adopting the trust agreement and Plan document to establish a 401 (a) Defined Benefit Plan, including the appointment of the City Manager or his designee as the Plan Administrator and the authorization of the Plan Administrator to execute all documents relative to the administration of this plan.

ADOPT RESOLUTION 14577 OF THE CITY OF REDWOOD CITY ADOPTING THE PARS TRUST AGREEMENT AND THE DEFINED BENEFIT PLAN EFFECTIVE JANUARY 1, 2004 (PARS SEPARATION INCENTIVE PLAN), AND APPOINTING THE CITY MANAGER AS PLAN ADMINISTRATOR

The motion passed by a unanimous roll call vote.

7. STAFF REPORTS

- A.** Ordinance approving and authorizing execution of the Second Amendment to the Uniform Franchise Agreement with BFI Waste Systems of North America Inc. authorizing the Commercial Organics Collection Program **(801)**

Revenue Services Manager Del Rosario gave the report and introduced others available for questions or clarification.

Council asked various questions and made comments related to the program.

Recommendation

M/S Bain/Pierce to introduce the ordinance approving and authorizing execution of the Second Amendment to the Franchise Agreement with BFI Waste Systems of North America, Inc. authorizing implementation of the Commercial Organics Collection Program.

ORDINANCE OF THE COUNCIL OF THE CITY OF REDWOOD CITY APPROVING AND AUTHORIZING EXECUTION OF THE SECOND AMENDMENT TO THE FRANCHISE AGREEMENT WIT BFI WASTE SYSTEMS OF NORTH AMERICA, INC., FOR A COMMERCIAL ORGANICS COLLECTION PROGRAM

The motion passed by a unanimous roll call vote.

MINUTE ORDER 04-59

- B.** Resolution supporting the "Local Taxpayers and Public Safety Protection Act" for placement on the November 2, 2004 statewide ballot **(209)**

City Manager Everett explained the background in bringing this legislation to the City Council.

Rebecca Elliott, Representative of the Peninsula League of California Cities, explained the "Act" as being needed in order to not allow the State to randomly take local funds without a fight. Since 1991, the State has taken close to \$42 billion dollars and the unfunded mandates are close to \$2 billion dollars in unpaid mandate funds for local government. She detailed the examples of shifts that continue to impact local government stating that this initiative will cease the shifting of those funds but does not raise taxes, create a new bureaucracy or impact any current State program. The initiative gives back to the voters the right to determine where their property tax dollars, sales tax dollars or Vehicle License Fee money is spent. In addition, this initiative tells the State that if services are mandated to the local level there must be a funding mechanism in place to cover those services. The initiative requires approximately 590,000 signatures to qualify for the ballot, necessitating the gathering of 900,000 to one million signatures, and the goal is almost met with the petitions to be filed on Friday, April 16.

Recommendation

M/S Howard/Pierce to adopt a resolution supporting the "Local Taxpayers and Public Safety Protection Act," for placement on the November 2, 2004 statewide ballot

RESOLUTION 14578 SUPPORTING THE "LOCAL TAXPAYERS AND PUBLIC SAFETY PROTECTION ACT" INITIATIVE FOR THE NOVEMBER 2, 2004 STATEWIDE BALLOT, REQUIRING VOTER APPROVAL BEFORE STATE GOVERNMENT MAY CONFISCATE LOCAL TAX FUNDS

The motion passed by a unanimous roll call vote.

C. Fiscal Year 2003/2004 Appropriation Revisions (501)

Financial Services Director Ponty stated that the funds are either items that have been approved by policy or are grants or revenues received to be used for a dedicated purpose.

Recommendation

M/S Foust/Hartnett to introduce an ordinance by the affirmative vote of five-sevenths (5/7ths) of all Council Members appropriating and transferring certain funds for specified purposes in order to conform the budgeted amounts to actual expenditures approved for transactions, which have occurred during fiscal year 2003/2004.

ORDINANCE 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

The motion passed by a unanimous roll call vote.

MINUTE ORDER 04-60

D. Community Input Process for Fiscal Year 04-05 Budget

Parks, Recreation and Community Services Director/Assistant City Manager Centeno explained that although the City Council conducts study sessions in June where public comment is received, staff wishes to build on the Community Builders (CB) and PACT experience. A series of two meetings would occur, the first meeting to be with former CB and PACT participants due to the unique perspective of the City after the education received about departments and the City. The forum would be based on education, materials that Council will receive and discussion around the topic based on techniques learned in the programs. Input will be encouraged around both expenditures cuts and possible revenue increases. The second meeting would be held with the general public with the same process being used with a report from staff to Council prior to budget deliberations.

Recommendation

M/S Hartnett/Ruskin to accept the plan developed for community input into the Fiscal Year 04-05 General Fund Budget. **The motion passed by a unanimous voice vote.**

MINUTE ORDER 04-61

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 Nos. 11-2004, 12-2004 and 13-2004. 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. Staff response to Recycled Water Task Force recommendation - Retail/Cinema project recycled water dual plumbing**

Civil Engineer Chang stated that there are several reasons that the dual plumbing concept cannot be implemented with the Retail/Cinema project. The City does not have an ordinance in place requiring this action; the City cannot pay for the costs of dual plumbing without having a program available to other new commercial buildings; and the developer's plans are 95% completed. The most critical concern with the proposal is that the dual plumbing plans would need review and approval

from the State Health Agency which has only recently begun review and approval activity of this type.

Civil Engineer Chang explained that the plan proposed by the Task Force was an additional \$14,000.00 and by not implementing the dual plumbing, the cost will actually be \$186,000.00 less due to the earlier projection of \$200,000.00 for the program. So, by taking out the dual plumbing program, the Task Force program is actually \$186,000.00 less than the City's Alternative E. Using the estimate of 23 AF/Y water from the program, the recommendation is still 33 AF/Y ahead of the City's Alternative E.

Civil Engineer Chang stated that the Task Force response was, in general, positive for the effort in trying for implementation.

City Manager Everett stated that the dual plumbing concept is a favorable idea and staff is developing the dual plumbing ordinance to present Council for consideration at a later date.

Recommendation

Oral Report Only.

- C. Council Member Howard** – announced that the Pride and Beautification Committee is conducting their Spring clean-up activity on Saturday, April 17 from 8:30-noon, meeting at the Public Works Services Center at 1400 Broadway. The day begins with bagels and coffee, the group will proceed to Redwood Creek and Bair Island to clean the area, returning to the PWS Center for a barbecue. Oracle will be partnering in the restoration of the natural walkways near Mervyn's, and Redwood Creek. A bench will be placed in the area that will serve as the start of a bench and kiosk plan to encourage pedestrian traffic rather than vehicles in the area.
- D. Council Member Foust** – spoke about the Youth Engaged in Leadership and Learning (Y.E.L.L.) program in the Redwood City community out of the John Gardner Center at Stanford. Kennedy Middle School and a middle school in Oakland are participants. She stated that she visited the program on March 17 and suggested people go and visit this program and watch the young 12-14 year-old students. She further stated that it is one of the most inspiring programs in the community and that one of the participants and the director of the program went through the Community Builders program. She showed a picture of the Student Body President from Kennedy Middle School speaking on the steps in Sacramento speaking about youth involvement. Council Member Foust urged the community to visit the program to observe.

9. **ADJOURNMENT** – 8:37 p.m.

M/S Ruskin/Foust to adjourn to the next regular City Council meeting of April 26, 2004.
The motion passed by a unanimous voice vote.

Respectfully submitted,

A handwritten signature in black ink that reads "Patricia S. Howe". The signature is written in a cursive style with a large initial "P".

Patricia S. Howe
City Clerk