

MAYOR JEFF IRA
VICE MAYOR BARBARA PIERCE

MINUTES

COUNCIL MEMBER ALICIA C. AGUIRRE
COUNCIL MEMBER IAN BAIN
COUNCIL MEMBER ROSANNE FOUST
COUNCIL MEMBER JIM HARTNETT
COUNCIL MEMBER DIANE HOWARD

1017 MIDDLEFIELD ROAD
REDWOOD CITY, CA

JOINT MEETING
CITY COUNCIL AND
REDEVELOPMENT AGENCY
FEBRUARY 28, 2005
7:00 P.M.

1. **CALL TO ORDER – 7:10 p.m.**

2. **ROLL CALL**

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

Staff Present: City Manager Everett, City Clerk Howe, City Attorney
Yamamoto, Community Development Director
Patterson, Redevelopment Manager Moeller, Downtown
Development Coordinator Zack, Senior Planner Ekas,
Volunteer Balsamo

3. **PLEDGE OF ALLEGIANCE - Diane Howard, Council Member**

4. **INVOCATION - Pastor Dennis Logie, Sequoia Christian Church**

5. SPECIAL ORDERS OF THE DAY

A. Redwood City Rotary – Rotary International Centennial Year

Mayor read and presented the proclamation to Police Chief Bolanos, current President of Redwood City Rotary, in acknowledgement of the Rotary for its service to the community.

6. ORAL COMMUNICATIONS AND CONSENT CALENDAR

Cathy Moyer speaking on behalf of People for Housing Not Highrises, stated that Marina Shores and Measure Q has been a controversial topic since last spring. She stated disappointment in the apparent disconnect between the public's statements and the recent Council Member appointment. She further stated that the underlying issues of housing density and its appropriate location, downtown revitalization, resource availability, etc. are fundamental issues of concern to every resident of Redwood City and every citizen of this community. She stated that a full and frank discussion of these issues requires embracing the diversity of opinion and prospective; and listening and engaging in constructive problem solving.

The announcement of the April 4 Joint Study Session with the Planning Commission was made. Discussion will involve the General Plan and the relationship between the Downtown Study, Downtown Precise Plan and the General Plan.

Richard Shapiro stated that the 72-hour parking regulation is disrespectful to the working person and his ticketing experience derives from those individuals who already have 2-4 car garages and wish to own the curb area. He also referred to a civil rights issue where he was recording an incident that occurred in his building and a police officer ordered him to turn off the tape recorder. He stated he has since filed a claim.

Nita Spangler offered a suggestion when meeting with the community, that being to not cut somebody off when they hit the 3 minute mark. She stated that if the speaker is redundant or talking too long the gavel can be used to call the person out of order. She further stated that discussion groups are not the best method of communication to learn more about the city and work with people. She encouraged opening it up a bit by meeting more often to obtain real dialogue and real information about how people feel in the community or hosting brown bag lunches.

Council Member Howard stated that Mr. Shapiro had previously spoken under Oral Communications and is referring to an incident that occurred in another jurisdiction and not Redwood City. She stated that in reference to Ms. Spangler's topic, that the

City is considering different and creative ways to provide forums such as a town hall type meeting to discuss the General Plan and downtown.

M/S Hartnett/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.**

6.1 Section – Motions

A. Approve the Joint City Council and Redevelopment Agency Meeting minutes of February 14, 2005 as submitted; **(301)** **MINUTE ORDER 05-26**

B. Lease agreement with San Mateo County Bay Area Legal Aid to occupy an office suite at 707 Bradford Street – **Redevelopment Agency**

Recommendation:

That the Agency approve a lease agreement with Bay Area Legal Aid (Baylegal), which allows Baylegal to be a short-term, month-to-month tenant at 707 Bradford Street, and authorizes the Redevelopment Manager to execute the lease agreement. **(405)** **MINUTE ORDER RD 05-05**

C. Authorization to increase construction contract change order value from 10% to 15% for the Route 101/Ralston Avenue Interchange Improvements Project (from \$1,243,000 to \$1,864,500)

Recommendation:

Authorize the City Manager to execute Contract Change Orders to add contract value for the Route 101/Ralston Avenue Interchange Improvements Project, from 10% to 15% of the original contract value. **(304)** **MINUTE ORDER 05-27**

D. Revocable Permit for Use of Herkner Pool by Menlo Masters/Team Sheeper

Recommendation:

Staff recommends that City Council approve by motion the revocable permit with the Menlo Masters/Team Sheeper for the use of Herkner Pool. **(305)**

MINUTE ORDER 05-28

E. Dates for Budget Consideration

Recommendation:

It is recommended that the dates for formal action of the budget be approved. **(205)**

MINUTE ORDER 05-29

6.2 Section – Final Acceptances

- A. Final Acceptance – Fair Oaks Elementary School Sport Field Improvement Project Engineering File No. 803-02

Recommendation:

Accept, by motion, the Fair Oaks Elementary School Sport Field Improvement Project, and authorize the release of bonds and retention per contract obligations. (304) **MINUTE ORDER 05-30**

- B. Final Acceptance – Construction of Improvements for 1250 Jefferson Avenue

Recommendation:

Accept, by motion, the construction improvements for 1250 Jefferson Avenue (Whole Foods Market), and release the bonds following the submission of a Maintenance Bond in the amount of \$6,600.00, in accordance with paragraph 8 of the Agreement. (304) **MINUTE ORDER 05-31**

6.3 Section – Claims and Warrants

- A. Approve warrants dated through February 28, 2005 and usual and necessary payments through March 14, 2005; (303) **MINUTE ORDER 05-32**

7. PUBLIC HEARINGS

- B. Disposition and Development Agreement (DDA) with Peninsula Habitat for Humanity (PHH) for the development of 8 affordable ownership town homes at El Camino & Vera Avenue – **City Council and Redevelopment Agency**

Mayor Ira opened the public hearing explaining that the recommendation tonight is to continue this item to March 14, 2005 after asking for public comment.

M/S Foust/Howard to continue the public hearing to March 14, 2005. **The motion passed by a unanimous voice vote. (405) MINUTE ORDER 05-33 MINUTE ORDER RD 05-06**

8. STAFF REPORTS

- B. Adoption of a Resolution Confirming City Council Policy with respect to development on Laurel Way

Mayor Ira explained that it is recommended by staff that this item be continued to March 14 and asked for any public comment. No public comment was received.

M/S Howard/Bain to continue this item to the meeting of March 14, 2005. The motion passed by a unanimous voice vote present. (602) MINUTE ORDER 05-34

7. PUBLIC HEARINGS

- A. Appeal of the Zoning Administrator's approval of a Use Permit and Architectural Permit at 2325 Euclid Avenue to allow for the installation of a wireless telecommunications facility.

Project Planner Lyon explained the appeal before Council; location of the property involved; and reviewed the three step staff review process involved with a use permit application. The three steps are the zoning; aesthetics; and operational aspects that involve noise, any maintenance and whether the application is consistent with the radio frequency (RF) reports.

Lyon stated that there were two issues identified in the appeal letter. The first issue was the violation of a contract. Staff believes that it may indicate one of two directions. One is the condition of the Verizon use permit issues in 2002; and maybe some agreements reached between the church and the neighbors. Some health concerns were also raised.

Council Members asked various questions about the equipment enclosure, number of antennae allowed or recommended number of providers, whether radiation frequencies have changed over time, noise level comparisons and what type of outreach to the neighborhood has occurred.

Mayor Ira opened the public hearing.

Public Comment:

Tom Spalding, representing the applicant, AT&T Wireless, thanked staff and Council stating that his concentration would be on the services to be provided. He stated that the site is a part of a network in Redwood City that increases both the capacity and coverage that can be provided. New services such as wireless computer networks, text messaging services, e-mail, and enhancement to the 911 location system were stated. The site will be part of the AT&T blue network which is going to Cingular to provide coverage over Alameda de las Pulgas to the surrounding neighborhood. The site was chosen because it met the coverage objectives and is a site that met with the zoning ordinances and regulations. The use permit received ARC approval and conditions were agreed upon. He stated that the concern of the RF emissions is important and that the highest radiation level is at 1% which is 99% below what is acceptable. He asked that the Council honor the Zoning Administrator's decision and approve the site.

Matt Runte of Diamond Services, prepared the RF emission report for AT&T Wireless for the subject site stated his availability to answer questions.

Howard Macway, longtime member of the First Congregational Church of Redwood City, stated that the church serves the community. He further stated that two additional churches meet at the site; most evenings other groups meet at the church; weddings are held; two schools use the site; public concerts are held; and the church is the founding sponsor for Casa de Redwood. He cited other outreach programs provided that serve the community. He explained his experience as a nuclear engineer and his exposure to radiation stating that the Government set the same safe limits for occupational radiation exposure as for the non monitored public. He summarized that the intensity of radiation dissipates with the square of the distance, the farther away, the less radiation received. The outreach to the residents provided telephone numbers and e-mail addresses with only one communication received. He also explained a conversation with Mary Brown where she asked if he could promise her there would never be any more antennae. He stated that he had no idea.

Mary Drieth, resident since 1953, stated her concern is radiation and that a place of worship is not a commercial use to expend other types of activity. She expressed her desire for Council to reject the use permit as she does not think it is the proper place. She stated that the promise was to not build any more and now the facility is even higher.

Mary Brown stated that Charles Jany, Gary Bonte and Reverend McLane promised the residents there would be no more antennas. She further stated resentment that Mr. Jany took the liberty to provide AT&T with her personal telephone number to test the waters. She stated that the radiation exposure to children should be considered and she along with others has been afflicted with cancer.

Howard Smith, residing two parcels away from the church, stated his opinion that the noise is not a very high volume and consistent with a refrigerator volume. He stated that outreach from the church related to the topic was nonexistent except for a notice from the Planning Department in November 2004 that he understood to be a hearing to extend the use of the existing Verizon tower. He clarified that the RF is a microwave band and he stated that the Verizon towers are at least a kilowatt, or a microwave oven operating all day. He stated he is very uncomfortable with the facility.

Gerald Nagle stated that he is a retired AT&T employee and has worked in the Air Force with radio antennas and is knowledgeable about the radiation level. He

stated that he was present in the Chamber when Mr. Jany said there would be no more antennas and no more equipment from any other company.

Enrique Aparicio stated he recently moved to Redwood City and resides directly behind the church. He stated that he agrees with the concerns expressed but that an additional issue concerns his son who was diagnosed with tuber sclerosis that triggers from 15-20 seizures per night. Another concern he expressed is that his attempts to have the church repair the fence have not been successful.

Russell Kao expressed his support of Mary Brown and his discomfort with the long term effects of radiation stating that there are limits of knowledge and best guess as to what we think are acceptable limits. He also stated his concern with Ms. Brown's assertion that the church previously agreed to limits on the number of antennas and radiation emitted into the neighborhood.

Lupe Anderson stated she lives behind the church and when she walks into the backyard she sees the installation and it really frightens her. She asked that Council please consider the children and other residents in the area.

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

Council asked various questions related to impact of emissions from the towers, clarification of RF and microwave, locations of other installations within residential areas, how other cities compare in number of installations, explanation of benefits to residents, options for sites, whether timing is critical, what recourse the church has if Council upholds the appeal, condition #10 for Verizon in relation to the subject application.

City Attorney Yamamoto explained that the residents concerns appear to be that the perceived levels of radiation are either too high for their well being or there is not responsiveness to their particular needs. He confirmed Mayor Ira's statement that it is not an area that the City has regulatory ability and that perhaps the residents could refer to their Federal representative to seek assistance on lowering the safety standard. The City Council is only able to take evidence on what the existing emission level is and whether or not it conforms to the safety standard. If it does meet the standard, that is the end of the authority of City Council to review the issue.

Lyon explained that all of the zoning requirements are consistent with the application and therefore, the Zoning Administrator approved the use permit.

Council continued to ask questions of staff and the City Attorney.

Public Comment (cont'd):

Howard Smith stated that he took a field trip to the location at the top of 280, almost to 92, where Verizon's air conditioning equipment could only be heard from about 6 feet away, but there was an AT&T installation that he walked 100 feet away from and could still hear the equipment.

Council Member Hartnett made a motion to approve the recommended action. There being no second, the motion failed.

M/S Foust/Bain to continue the matter for consideration within 60 days, or April 25, 2005. **The motion passed by a unanimous voice vote. (603)**

MINUTE ORDER 05-35

Recess: 9:20-9:35 p.m.

**C. Sale of Agency owned property located at 561-563 Douglas Avenue --
Redevelopment Agency**

Redevelopment Agency Manager Moeller explained the property and item before Council.

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

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

Recommendation:

M/S Howard/Foust to authorize staff to proceed with the sale of the Agency owned property located at 561-563 Douglas Avenue, subject to the covenants and conditions required by California redevelopment law, for not less than fair market value. **The motion passed by a unanimous voice vote. (609)**

MINUTE ORDER RD 05-07

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

8. STAFF REPORTS (continued)

A. Memorandum of Understanding between the San Mateo County Historical Association and the City of Redwood City for renovation of the Solari Windmill.

PRCS Superintendent Hover explained the item and gave a brief history.

Public Comment:

Jeri Joseph, Parks and Recreation Commissioner, thanked the Council for assisting in saving a landmark and a part of Redwood City's history. She spoke of Jean Cloud's effort to save this landmark and thanked the Parks, Recreation and Community Services Department.

M/S Foust/Pierce to approve the Memorandum of Understanding between the San Mateo County Historical Association and the City of Redwood City for renovation of the Solari Windmill including a grant of \$30,000 in Capital Improvement Project funds for this project in the 04-05 Budget, together with \$2,315.15 in private donations received from community fundraising. **The motion passed by a unanimous voice vote. (304) MINUTE ORDER 05-36**

9. MATTERS OF COUNCIL INTEREST

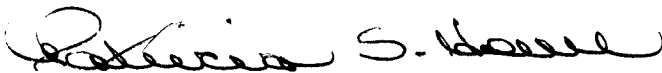
A. Legislation (information only) - This sub-section involves possible discussion of City Position on Proposed Legislation described in the League of California Cities Priority Focus Bulletin No. 6-2005 and No. 7-2005. Council may direct staff to act on positions taken by Council. (Copies of League of California Cities Priority Focus available in City Clerk's Department).

B. Council Member Bain – spoke of the discussion on the Courthouse Plaza and the crossing between the Fox Theatre and the Plaza expressing his desire that staff return with information from other cities in this type of situation for consideration.

10. ADJOURNMENT - 9:50 p.m.

M/S Foust/Howard to adjourn until the next regular City Council meeting of March 14, 2005. **The motion passed by a unanimous voice vote.**

Respectfully submitted,



Patricia S. Howe
City Clerk