

COUNCIL MEMBERS
MAYOR, ROSANNE FOUST
VICE MAYOR, DIANE HOWARD
COUNCIL MEMBER, ALICIA C. AGUIRRE
COUNCIL MEMBER, IAN BAIN
COUNCIL MEMBER, JIM HARTNETT
COUNCIL MEMBER, JEFF IRA
COUNCIL MEMBER, BARBARA PIERCE



MINUTES

CITY COUNCIL
CITY OF REDWOOD CITY
1017 MIDDLEFIELD ROAD · P.O. BOX 391
REDWOOD CITY, CALIFORNIA 94064-0391
www.redwoodcity.org
CITY COUNCIL CHAMBER

CITY COUNCIL
REGULAR MEETING
June 1, 2009
7:00 P.M.

***** Partnership Academy for Community Teamwork (PACT) Graduation Celebration took place at 6:30 in the City Hall Foyer*****

1. CALL TO ORDER

2. ROLL CALL – All Council Members present

Staff present: City Manager Ingram, City Attorney Yamamoto, City Clerk Vonderlinden, Assistant City Attorney Aranda, Deputy City Clerk Wong, Fire Battalion Chief Balton, Public Works Director Barwacz, Community Development Services Director Chang, Planning Manager Ekas, Public Works Superintendents Ezell and Harang, Principal Planner Jany, Fleet Manager Kyaw, Senior Planner Lyon, Associate Planner Mehra, Environmental Initiatives Manager Ross, Public Communications Manager Smith, Acting Engineering and Construction Manager Vorametsanti, Community Development Management Analyst Wheeler, Administrative Clerk III Rosas, Neighborhood Liaison Coordinator Spacher, Librarian II Spore-Alhadef.

Others Present: Housing and Human Concerns Committee Members Bondonno and Wright, Planning Commission Chair Radcliffe, Planning Commission Vice Chair Gee, Planning Commissioner Borgens.

3. PLEDGE OF ALLEGIANCE – Barbara Pierce, Council Member

4. INVOCATION – Chaplain Logie, Redwood City Police Department

**DRAFT –
NOT FOR CITATION**

5. SPECIAL ORDERS OF THE DAY –

- A. Presentation - Partnership Academy for Community Teamwork (PACT) Graduation – Malcolm Smith, Public Communications Manager

Mayor Foust recognized the 37 graduates and Mr. Smith provided them with a certificate of recognition. Their names were: Melita Balestieri, Ernesto P. Bautista, Robert Bondonno, Carol Bondonno, Ray Branam, Jennifer Buchanan, Mirta Caivano, Casandra Campos, Simms Duncan, Kathy Erken, Carol Ferrieri, Terry Finn, Carol Hague, Douglas Heintz, Mary Jo Hernandez, Gladys Hernandez, Wendy Hoffman, James Jonas, Lynn Chou Jonas, Lilia Ledezma, Bill Murphy, Amitabh Passi, Elizabeth Philpott, David Philpott, Jerry Pierce, Sandra Robles, Elizabeth Robles Daniel Rosas, Julie Rosas, Karen Routt, Melissa Sandoval, Erica Spacher, Susan Valletta, Barbara Valley, and Lorena Vargas. The full Council congratulated the group that completed this training.

- B. Presentation - Redwood High Bright Ideas Grant – Pacific Gas & Electric Company Nicole Yelich, Government Affairs and other Educational Leaders

Mayor Foust welcomed Dr. Gemma and other educational leaders present. Mr. de Sollar, Science Department Chair, at Redwood High addressed the Council and thanked PG&E. The Mayor thanked PG&E for making a difference in this community through this grant.

- C. Presentation - Election 2009 – Silvia Vonderlinden, City Clerk

City Clerk Vonderlinden provided a brief overview of the mechanics of running for office of City Council (presentation on file and posted to the city's website).

6. ORAL COMMUNICATIONS AND CONSENT CALENDAR

Robert Slusser, with the Peninsula Celebration Association that puts on the annual Fourth of July celebration, said they are committed to producing this year's celebration as scheduled. He said that due to the current economic situation it may not be sustainable in future years. A community-based group is being created to help. They will keep Council informed of any changes. Mayor Foust asked that information be placed on the City's website.

6.1 Section - Motions

M/S Ira/Howard to approve the Consent Calendar. **Motion carries unanimously by electronic vote.**

- A. Approve the Special Joint City Council/ Redevelopment Agency Board meeting minutes of May 18, 2009 as submitted. **Minute Order 09-096**
- B. Disposal of Surplus Property.

Recommendation:

Approve by motion and declare the vehicles and equipment on the surplus list and authorize staff to sell the items per City procedure. **Minute Order 09-097**

- C. Purchase of Two Utility Trucks.

Recommendation:

Approve by motion the purchase of two Utility Trucks from San Francisco Ford of San Francisco, CA in the amount of \$111,672.54. **Minute Order 09-098**

D. Parking Fund programs – Informational Update.

Recommendation:

No Action – information only at this time.

E. Amendments to Professional Services Agreements with Mark Thomas & Company, Inc., for the Ralston Avenue/Marine Parkway/Route 101 Interchange Project.

Recommendation:

1. Approve, by motion, Amendment No. 4 to the Design Consulting and Construction Agreement with Mark Thomas & Company in an amount not to exceed \$25,300.00 for the Ralston Avenue/Marine Parkway/Route 101 Interchange Project.
2. Approve, by motion, Amendment No. 2 to the Landscape Design Agreement with Mark Thomas & Company, Inc., in an amount not to exceed \$33,900.00 for the Ralston Avenue/Marine Parkway/Route 101 Interchange Project.

Minute Order 09-099

6.2 Section – Final Acceptance

A. Final Acceptance of the 2008-2009 Tree Preservation and Sidewalk Replacement Project, SpenCon Construction, Inc. of Foster City, CA.

Recommendation:

Accept by motion the completed improvements constructed during the 2008-2009 Tree Preservation and Sidewalk Repair Project, from SpenCon Construction, Inc., Foster City, CA and release the retention in the amount of \$80,181.65 withheld during construction in accordance with City procedure. **Minute Order 09-100**

6.3 Section – Resolutions

A. Consolidated General Municipal Election to be held on November 3, 2009 Candidate Statements and Related Matters.

Recommendation:

Adopt resolutions calling the November 3, 2009 General Municipal Election;

1. Resolution calling General Municipal Election and requesting Board of Supervisors, County of San Mateo to consolidate General Municipal election of the City of Redwood City with the Consolidated Municipal, School and Special District Election and all other local elections to be held on November 3, 2009.

RESOLUTION NO. 14938 CALLING ELECTION AND REQUESTING BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, TO CONSOLIDATE GENERAL MUNICIPAL ELECTION OF THE CITY OF REDWOOD CITY TO BE HELD ON NOVEMBER 3, 2009

2. Resolution authorizing execution of the contract with the County of San Mateo for certain election services relating to the Consolidated General Municipal election.

RESOLUTION NO. 14939 APPROVING AND AUTHORIZING EXECUTION OF AGREEMENT WITH THE COUNTY OF SAN MATEO FOR CERTAIN SERVICES RELATING TO CONSOLIDATED GENERAL MUNICIPAL ELECTION OF NOVEMBER 3, 2009

3. Motion to require a deposit of \$500.00 for a candidate's statement to be translated and printed in English, Chinese and Spanish as required under Section 203 of the Federal Voting Rights Act, 42 U.S.C. 1973aa-1a section 203. All amounts are to cover actual estimated costs. **Minute Order 09-101**

6.4 Section – Ordinance (First Reading/Introduction)

- A. Introduction of Ordinance amending the Redwood City Municipal Code to allow San Mateo County to administer and enforce Tobacco Retailer Permits.

Recommendation:

Introduce an ordinance amending sections 15.20 through 15.26 and adding new sections 15.27 through 15.29 of Article III of Chapter 15 of the Redwood City Municipal Code with respect to Tobacco Retailer Permits. **Minute Order 09-102**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REDWOOD CITY AMENDING CHAPTER 15, ARTICLE III OF THE REDWOOD CITY MUNICIPAL CODE

6.5 Section – Claims and Warrants

- A. Approve warrants dated through June 1, 2009 and usual and necessary payments through June 15, 2009. **Minute Order 09-103**

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7. PUBLIC HEARINGS

- A. 1581-1617 Kentfield Avenue: Appeal of the Planning Commission's Approval of a 24-Unit Residential Development

Recommendation:

Based on the findings made by the Planning Commission as documented in the Draft Notice of Official Action (Attachment 1), for development of 1581-1617 Kentfield Avenue:

1. By motion, deny the appeal and thereby uphold adoption of the Initial Study/Mitigated Negative Declaration;

2. By motion, deny the appeal and thereby uphold approval of the Planned Development Permit;
3. By motion deny the appeal and thereby uphold approval of the Tentative Map.

Mr. Mehra, Associate Planner, provided the staff report (presentation on file). Ms. Ekas, Planning and Engineering Manager spoke about the outreach done to date and she personally apologized for the sequence of the notices (presentation on file). She said that tenants and owners were noticed acknowledging that this is a special case. Mayor Foust thanked both parties involved in the appeal for the level of respect expressed and she outlined the sequence of events for the evening.

Brad Smith, the developer with Pacific Peninsula Group, addressed the Council and presented an overview of the project (presentation on file). He provided details on the size, scale and public benefit of the project. Council asked about the shadow studies performed and Mr. Smith provided details.

The appellant Mr. Bautista addressed the Council (presentation on file). He made comments relating to impacts to the neighborhood, the size, scale and traffic impacts associated with the project.

Mayor Foust opened the public hearing and invited public comment.

Public Comment

Sister Suzanne Lasseigne said that she is actively involved in volunteering and in sustainable gardening to reduce landfill. She talked about her concerns with the number of people/units, the increased amount of garbage that would be generated, and how she has not seen any plans for recycling, composting or sustainable gardening. She suggested that the developer revise the plan to reduce the number of units, facilitate green space, and opined that there are better uses for the property.

Sister Frances Tobin shared her concerns regarding water drainage, the retaining wall not going all the way, the map not being clear, decreased privacy in her backyard, property values, the type and direction of lighting, how an existing oak heritage trees nearby can or cannot continue to thrive, and pollution. She asked Council to carefully consider revamping and reducing the number of units and she thanked Council and the developer.

Mike Reardon said he has lived on Union Avenue for 26 years and said he is in the building trades. He stated his concerns with what he considers overbuilding, infringement on the neighborhood's quality of life and dynamics, impact on ground water and the retaining wall, and increased parking problems. He opined that the plan should comply with the original Code and he questioned if allowing a change isn't setting a precedent.

Michelle Bautista said she is a housewife, mother and grandmother and that she loves the neighborhood and has been there since the 1980s. She said that she has previously built two houses according to the City Code and questioned why this project does not follow the R-2 zoning. She stated her concerns about the current lack of guest/street parking, a possible rush on development, and honoring current City zoning formula.

Anita Piercey, with time ceded from Claudia Thomas, said her family home is on Union Avenue bordering Kentfield Avenue and she expressed her pride in the City. She talked about her concerns including the proposed housing density, minimal setbacks, traffic congestion, open space versus parking issues, and pollution. She asked for consideration for all the information and for community input for positive changes.

Vera Bennett identified herself, her husband, W.L. Butler, and Kentfield Pacific as the property owners. She said they have all wanted to enhance the neighborhood and provide reasonable and affordable housing and that throughout the process 26 units were discussed. She said neighbors had agreed to this number in past meetings. She said they chose a developer to bring back quality and pride of ownership to this area and that they have diligently complied with all requests in working with City staff, the Architectural Review Committee, and the Planning Commission. She questioned the interpretation of the Code in the appeal by Mr. Bautista versus staff's interpretation and application of the Code. She asked Council to proceed with the project.

Mayor Foust clarified that she allowed the property owner to speak to balance out the extra time the appellant used earlier in his presentation.

Lisa Ladd said she has lived in the Kentfield area for eight years and expressed her concerns about the lack of guest parking, the code as it pertains to three story units, the loss of views, the minimal setbacks, and the high number of units in the project.

Pamela McCarthy said she moved to the area three years ago into a single family, one-story home and she expressed concerns with: the density of the proposed development not being in character with the neighborhood; R-2 zoning versus the proposed three stories; possible lack of privacy; limited setbacks from the street; and, what she called inadequate parking provisions.

Dave Rollins provided a handout to Council and said he lives on Union. He expressed his concerns with preserving the community's way of life, problems with parking, impacts on water and sewer, increased density, loss of sunlight (from shading), privacy, quiet, affordable housing, the General Plan, R-2 zoning. He opposes development that is not within the Code and the adopted housing element.

M/S Ira/Bain to close the public hearing. **Motion carried unanimously by voice vote.**

At 9:10 p.m. the Council took a break and resumed at 9:22 p.m.

Ms. Ekas spoke about the zoning interpretations. She said that in retrospect she wished the interpretation had been validated by the Planning Commission. She provided a bird's eye view of a number of projects (presentation on file). Ms. Ekas addressed parking as well as height. Council asked about the retaining wall and drainage. Mr. Vorametsanti, Supervising Engineer, explained that no project will be approved without being legally compliant and he assured Council of such.

Council asked questions about staff's interpretation. Council inquired about current and past practices and Ms. Ekas provided details. She explained the goal is to work with the environment of the site adding some variety, consider common areas, pleasing

landscaping and open space. One Council Member commented that the pitched roof was attractive. The Council discussed the greenery around the property.

Council asked about the changes that the developer made taking in account the comments from the community. Ms. Ekas said that the following items were revised: five balconies were eliminated, ongoing dialogue on tree selection, one unit was moved towards the street, six parking spaces were interspersed, and an increase in the front setback of the two front units. Council asked for a demo of the solar impacts. Ms. Ekas covered the shadow studies in detail (presentation on file).

Council asked what would happen if the developer was to reduce the height. Staff said this would probably impact density. Parking by permit was also discussed and how this might be implemented. One Council Member would like staff to look at a formula or a process determining how and when the neighborhood should be brought in so that planned development permits have a smoother outreach process. One Council Member commented on the caliber of the City's Planning staff and thanked the Planning Commission for its hard work. Mayor Foust thanked Ms. Ekas for her professional integrity shown through the public apology. One Council Member thanked Mr. Bautista for all his research and dedication to his neighborhood.

Council discussed the new General Plan and how there needs to be clarity and transparency on the rules and regulations. Mayor Foust said that the Council is struggling tonight with balancing the needs and the demands of the community. She stated that housing is needed in this community. She opined that ultimately negotiations do not occur without compromise. In her opinion it is important to find the common ground and avoid absolutes.

M/S Bain/Aguirre to extend the meeting to 11:30 p.m. **Motion carried unanimously by voice vote.**

Assistant City Attorney Aranda referred to the zoning ordinance article 48 and 48.5 quoting the Council's options. He confirmed that Council can retain jurisdiction of the matter, and request additional information and wait for another recommendation. One Council Member commented that the developer could provide some concessions on issues related to height, parking and density. It was suggested that this matter go back to the Planning Commission and come back to the Council via an expedited process.

Council discussed the various options in detail. Council Member Ira said he would prefer having the developer work with the Planning Commission and get a recommendation from them but have the Council maintain jurisdiction. He believes that density could be reduced. One Council Member was ready to uphold the decision of the Planning Commission tonight. Vice Mayor Howard said she would support the suggestion from Council Member Ira if he made it into a motion.

M/S Hartnett/Ira to have the Council retain jurisdiction of the matter, have staff work with the developer on issues relating to height and parking and seek a recommendation from staff. The motion also includes closing the public hearing tonight. One Council Member would like to know the implications of these changes and asked that these be included when the matter comes back. This became part of the motion.

Motion carries 6-1 with Vice Mayor Howard opposing.

Minute Order 09-104

Vice Mayor Howard said she opposed because she was pleased with the project as presented and that was why she voted no.

(The above mentioned item lasted between 7:55 p.m. and approximately 11:20 p.m. For the full content of the discussion please view the archived web stream for the meeting of June 1, 2009 at http://www.redwoodcity.org/government/council/agendas/2009/mov_090601.html and select the correct agenda item).

B. Approval of Water Utility Service Rates and Charges.

Justin Ezell, Public Works Water Superintendent, was present to give report Staff mentioned that this matter had been vetted through the Council's Utilities Committee. He stated that four written protests were received and two email comments. Mayor Foust received one phone call regarding this matter and the caller opposed the increase. Mayor Foust opened the Public Hearing. There was no public comment M/S Ira/Pierce to close the public hearing. **Motion carried unanimously by voice vote.**

M/S Hartnett/Pierce to introduce the ordinance. **Motion carried unanimously by electronic vote.**

Council Member Ira explained that the rates could have been increased even more but that was not the recommendation based on the economic climate.

M/S Harnett/Bain to adopt the resolution. **Motion carried unanimously by electronic vote.**

Recommendation:

1. Introduce Ordinance amending Redwood City Code – Section 38.5 – Water Basic Service Charge. **Minute Order 09-105**

ORDINANCE AMENDING SECTION 38.5 OF THE CODE OF THE CITY OF REDWOOD CITY RELATING TO WATER SERVICE CHARGES AND FEES

2. Adopt a resolution amending Section 3 of the Rules and Regulations of the Redwood City Water Department (Public Works Services Department) related to water rates.

RESOLUTION NO. 14940 AMENDING SECTION 3 OF THE RULES AND REGULATIONS OF THE REDWOOD CITY WATER DEPARTMENT (PUBLIC WORKS SERVICES DEPARTMENT) RELATING TO WATER RATES; AND RESCINDING RESOLUTION NO. 14913

C. Amendment of Sewer Service Charges.

Recommendation:

Convene Public Hearing and Introduce Ordinance Amending Redwood City Code – Section 27.100 – Increase the Basic Monthly Sewer Service Charges from \$41.01 to \$44.70. **Minute Order 09-106**

**ORDINANCE AMENDING SECTION 27.100 OF THE CODE OF THE CITY OF
REDWOOD CITY RELATING TO SANITARY SEWERAGE SERVICE CHARGES**

Ms. Harang, Public Works Superintendent, was present to give the report. Council acknowledged reading the report. Ms. Harang said that four protests were received.

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

M/S Howard/Pierce to close the public hearing. **Motion carried unanimously by voice vote.**

M/S Hartnett/Pierce to introduce the ordinance. **Motion carried unanimously by electronic vote.**

8. STAFF REPORTS

A. Pilot Street Cleaning Program Progress Report – Information Only.

B. American Recovery and Reinvestment Act 2009 – Energy Efficiency and Conservation Block Grant.

Recommendation:

By motion, authorize submission of American Recovery and Reinvestment Act 2009 Block Grant to the Department of Energy. **Minute Order 09-107**

Beth Ross, Environmental Initiatives Manager, presented the report. Mayor Foust thanked Ms. Ross for all her work.

M/S Bain/Pierce to approve the recommendation. Motion carried unanimously by electronic vote.

C. Redwood City Strategic Plan.

Recommendation:

Provide direction to staff for refinement and implementation of Redwood City Strategic Plan. **Minute Order 09-108**

City Manager Ingram referred to the budget and how this will dovetail with that process. Due to the late hour, he suggested that this come back via the budget process. He asked that Council provide guidance on the goal statements through the upcoming Budget Study Sessions. **There was Council consensus on following this approach.**

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 City Advocate Weekly Issue No. 18-2009 and 19-2009. 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 Reports on Committee Meetings Attended. (None due to the late hour)

1. Council Member Aguirre
2. Council Member Bain
3. Council Member Hartnett
4. Council Member Ira
5. Council Member Pierce
6. Vice Mayor Howard
7. Mayor Foust

10. ADJOURNMENT – M/S Ira/Howard to adjourn at 11:27 p.m.
Motion carried unanimously by voice vote.

Respectfully submitted,

Silvia Vonderlinden,
Certified Municipal Clerk

Submitted for approval at the City Council Meeting of June 15, 2009.