

CITY COUNCIL OF THE CITY OF SAN MATEO
REDEVELOPMENT AGENCY OF THE CITY OF SAN MATEO
COUNTY OF SAN MATEO



Minutes of the Regular Meeting of January 4, 2010

Prior to the Closed Session, the City Attorney announced the City Council would go into closed session: Conference with Legal Counsel on Anticipated Litigation, Significant Exposure to Litigation pursuant to Subdivision (b) of Section 54956.9, to consider a potential claim by the owners of Yumi Yogurt who are seeking return of a deposit made as part of an agreement to purchase the City owned site at 4140 South El Camino Real. The agreement expired and the transaction to purchase the property was not completed.

The regular meeting convened at 7:00 p.m. in the Council Chambers of City Hall and was called to order by Mayor John Lee. A representative of the American Red Cross led the pledge of allegiance to the flag. Mayor Lee read and presented a proclamation proclaiming January 2010 as National Blood Donor Month in the City of San Mateo.

MEETING AS CITY COUNCIL AND REDEVELOPMENT AGENCY

Those present were Council Members David Lim, Jack Matthews, Brandt Grotte, Robert Ross, and John Lee.

1. Minutes of the Regular Meeting of December 7, 2009 were approved as presented upon motion by Grotte, seconded by Matthews, and carried unanimously (5-0).

REDEVELOPMENT AGENCY CONSENT CALENDAR

2. Mayor Lee asked for any business to come before the Agency, and there was none.
3. Mayor Lee adjourned the Redevelopment Agency at the hour of 7:08 p.m.

CONSENT CALENDAR

The matters numbered 4 through 15 were considered to be routine by the City Council, to be enacted by one motion without discussion.

The titles of the items having been read by the City Clerk, motion was made by Matthews, seconded by Grotte, and carried unanimously (5-0), to adopt the Consent Calendar, as follows, with the exception of Item 8 which was removed and considered separately.

4. Approval of Two Agreements – State of Board Equalization – Implementation of Local Transaction and Use Tax

Concur in the recommendation of the City Attorney and authorize the City Manager to execute two agreements with the State Board of Equalization for implementation of a local transaction and use tax; and adopt:

(a) Resolution No. 1 (2010) A Resolution of the City Council of the City of San Mateo Authorizing the City Manager to Execute Agreements with the State Board of Equalization for Implementation of a Local Transactions and Use Tax.

(MINUTE ORDER 1-10)

5. Participation in Petition to Review Municipal Regional Stormwater NPDES Permit Being Filed by City/County Association of Governments

Concur in the recommendation of the Public Works Director and support participation as a co-petitioner for a Review of the Municipal Regional Stormwater Permit being filed by the City/County Association of Governments; and adopt:

(a) Resolution No. 2 (2010) Authorizing Participation in a Petition for Review of the Municipal Regional Stormwater NPDES Permit.

(MINUTE ORDER 2-10)

6. Change Order – 2008 Sanitary Sewer Line Replacement Project – W. Fifth Avenue and A2 Basin

Concur in the recommendation of the Public Works Director and approve Change Order No. 4 to the 2008 Sanitary Sewer Line Replacement West Fifth Avenue and A2 Basin project with Stoloski and Gonzalez in the amount of \$56,318.59 for a total contract amount of \$576,541.98; and adopt:

(a) Resolution No. 3 (2010) Approving Contract Change Order No. 4 to Stoloski and Gonzalez for the 2008 Sanitary Sewer Line Replacement Project – West Fifth Avenue and A2 Basin (\$56,318.59). (MINUTE ORDER 3-10)

7. Award of Contract – 2009 Street Resurfacing Project Phase II

Concur in the recommendation of the Public Works Director and award a contract for the 2009 Street Resurfacing Project Phase II to G. Bortolotto & Co. Inc., in the amount of \$1,075,427.22; and adopt:

(a) Resolution No. 4 (2010) Approving and Authorizing Execution of the Agreement with G. Bortolotto & Co., for the 2009 Street Resurfacing Project – Phase II (\$1,075,427.22). (MINUTE ORDER 4-10)

8. Rejection of All Proposals and Execution of a Contract for the 2009 Sanitary Sewer Root Foaming Project

This item was removed from the Consent Calendar and considered following Item 15.

9. Ordinance for Introduction – Amending Chapter 7.41 of the San Mateo Municipal Code Regarding Tobacco Retailer Permit Suspensions

Concur in the recommendation of the City Attorney and amend the suspension procedures set forth in Chapter 7.41 regarding Tobacco Retailer Permits; and introduce:

(a) Ordinance No. 2010-__ Amending Chapter 7.41 of the San Mateo Municipal Code Regarding Tobacco Retailer Permit Suspensions. (MINUTE ORDER 5-10)

10. Ordinance for Introduction – Amending Chapter 7.32, “Garbage,” of the San Mateo Municipal Code

Concur in the recommendation of the City Attorney and amend Chapter 7.32, “Garbage,” of the San Mateo Municipal Code to conform to the City’s actual rate-setting and charging procedures; and introduce:

(a) Ordinance No. 2010-__ Amending Sections 7.32.100, “Removal From Residential Property,” 7.32.110, “Removal From Non-Residential Property,” and 7.32.160, “Collection Rates” of Chapter 7.32, “Garbage,” of the San Mateo Municipal Code. (MINUTE ORDER 6-10)

11. Ordinance for Introduction – Amending City Business Tax Provisions (Chapter 5.12, San Mateo Municipal Code)

Concur in the recommendation of the City Attorney and amend the City’s business tax provisions, specifically Chapter 5.12, “Tax Return Filing – Issuance of Certificate,” in order to define term “tax collector” and clarify “apportionment” procedures; and introduce:

(a) Ordinance No. 2010-__ Adding Section 5.03.315, “Tax Collector,” to Chapter 5.03, “Definitions,” and Adding Section 5.12.020, “Constitutional Apportionment,” to Chapter 5.12, “Tax Return Filing – Issuance of Certificate,” of the San Mateo Municipal Code. (MINUTE ORDER 7-10)

12. Ordinance for Adoption – Amending the Provisions of Chapter 3.50 of the San Mateo Municipal Code Regarding “Transactions and Use Tax” to Add Sunset Provision to Chapter

Concur in the recommendation of the City Attorney and amend provisions of Chapter 3.50 of the San Mateo Municipal Code to add a sunset provision to that Chapter; and adopt:

(a) Ordinance No. 2010-1 Amending Chapter 3.50 of the San Mateo Municipal Code, “Transactions and Use Tax”, to Add a Sunset Clause. (MINUTE ORDER 8-10)

13. Commendatory Resolution – Michael Ragsdale – San Mateo Library

Adopt:

Commendatory Resolution No. C-1 (2010) Commending Literacy Lab Coordinator Michael Ragsdale for His Service with the San Mateo Library September 28, 2000 to December 30, 2009. (MINUTE ORDER 9-10)

14. 2010 Solid Waste Annual Maximum Collection Rate Adjustment Noticing

Concur in the recommendation of the Public Works Director and authorize staff to mail a notice to residents of a recommended annual increase in the maximum rates to be charged by Allied Waste for garbage collection up to six percent effective April 1, 2010. (MINUTE ORDER 10-10)

15. Amendment to Contract with Pacific Municipal Consultants for Additional Payment for Preparation of the General Plan Update Environmental Impact Report

Concur in the recommendation of the Community Development Director and approve an amendment to the City’s contract with Pacific Municipal Consultants for the completion of the Environmental Impact Report (EIR) to increase the compensation by \$7,980 to \$102,980; authorize its execution by the City Manager; and adopt:

(a) Resolution No. 5 (2010) Approving and Authorizing Execution of the Amendment No. 1 to the Agreement with Pacific Municipal Consultants for Completion of the Environmental Impact Report for the General Plan Update (\$7,980; Total Not to Exceed \$102,980). (MINUTE ORDER 11-10)

END OF CONSENT CALENDAR

REMOVED FROM CONSENT CALENDAR

8. Rejection of All Proposals and Execution of a Contract for the 2009 Sanitary Sewer Root Foaming Project

Following removal from the Consent Calendar by Council Member Lim, Public Works Director Larry Patterson responded to his concerns as well as questions from other Council Members regarding various aspects of the City’s bidding and award process.

There being no one present who wished to speak to the item, the Mayor closed the public comment period.

Motion was made by Grotte, seconded by Matthews, and carried by a vote of 3-2 (Lim and Ross opposed), to approve the recommendation of the Public Works Director and reject all proposals received in response to the Notice Inviting Sealed Proposals for the 2009 Sanitary Sewer Root Foaming Project; and, in accordance with Municipal Code section 3.60.050(b), find that calling for bids is impracticable; approve a contract for services with Duke’s Root Control in the amount of \$304,163.20; authorize the Public Works Director to execute it; and adopt:

(a) Resolution No. 6 (2010) Rejecting All Bids for the 2009 Sanitary Sewer Root Foaming Project and Approving and Authorizing Execution of the Agreement with Duke’s Root Control, Inc., for the 2009 Sanitary Sewer Root Foaming Project (\$304,163.20). (MINUTE ORDER 12-10)

PUBLIC HEARING

Open hearing, hear testimony, close or continue hearings on the following:

16. * PA08-087 Kaiser Medical Office Building SPAR

Associate Planner Kenneth Chin offered a presentation on the proposed Kaiser Medical Office Building SPAR project.

Kaiser Redwood City Project Manager Robert Serafin introduced Ratcliff Principal D. Roger Hay who offered an architectural review of the Kaiser building site plan.

Daniel Kaul spoke to the item.

There being no one else present who wished to speak to the item, the Mayor closed the public hearing.

Council noted their support of the project and expressed concern regarding crosswalk safety. The Mayor instructed staff to monitor this and if a problem should arise, take the necessary steps to fix it. The Council encouraged the applicants to work with the adjacent businesses during the planning of the Farmers Market.

Motion was made by Grotte, seconded by Lim, and carried unanimously (5-0) to certify the Negative Declaration to Assess Environmental Impacts; approve PA08-087 Kaiser Medical Office Building SPAR; Specific Plan Amendment to the Bay Meadows Specific Plan I to Allow the Medical Office Land Use; Site Plan and Architectural Review for the Construction of the Development; and Site Development Permit for Grading and Tree Removal; based the Findings for Approval and subject to the Revised Conditions of Approval; and adopt:

(a) Resolution No. 7 (2010) Adopting the Specific Plan Amendment to the Bay Meadows Specific Plan to Allow Medical Office Use, and Approving Site Plan and Architectural Review and the Site Development Permit, and Adopting the Negative Declaration (Kaiser Medical Office Building). (MINUTE ORDER 13-10)

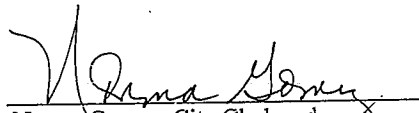
17. OTHER BUSINESS – Not listed above

The Mayor asked for any other business to come before the City Council, and the following was considered:

17a. David Weekly requested the City Council consider revising the noise ordinance to change weekday construction start times from 7:00 a.m. to 8:00 a.m. The Mayor requested Mr. Weekly leave his contact information with the City Clerk so that staff might follow-up.

18. ADJOURNMENT

There being no further business to come before the City Council, the Mayor adjourned the meeting at the hour of 8:12 p.m.


Norma Gomez, City Clerk and
Clerk of the City Council

*NOTE: This is a final decision concluding all Administrative proceedings. Judicial review may be had only if a petition is filed with the Court not later than the 90th day following the date the decision is made. Judicial review of the environmental determinations may be subject to a time period for litigation as short as 30 days following the date the decision is made.