



CITY COUNCIL AND COMMUNITY DEVELOPMENT AGENCY MINUTES

Regular Meeting
Tuesday, February 5, 2002
7:30 p.m.
Menlo Park Council Chamber
801 Laurel Street, Menlo Park

ROLL CALL – Mayor Schmidt called the meeting to order at 7:35 p.m. Mayor Pro Tem Kinney and Councilmembers Collacchi, Jellins and Borak were present. Staff present included City Manager Boesch, Assistant City Manager Seymour, City Attorney McClure, City Clerk Ramos and other department heads.

A. PRESENTATIONS AND PROCLAMATIONS - None

B. ANNOUNCEMENTS, APPOINTMENTS AND REPORTS

1. Commission Attendance Reports

This item was noted and filed. Mayor Schmidt suggested he would discuss the matter of absenteeism further with the City Manager and report back to Council.

2. Councilmember Reports: Schmidt, Kinney, Borak, Collacchi, Jellins

Mayor Schmidt commented about an upcoming bike ride to raise funds for AIDS from San Francisco to Los Angeles, green building practices and rainfall similar to “El Nino” that is anticipated for next year.

C. PUBLIC COMMENT #1

Howard Van Jepmond, Menlo Park, reiterated a previous concern about zoning restrictions on his property. He noted the response he received from the City Attorney and urged the Council to permit his proposed improvements or to direct him to City staff he could talk to.

Mayor Schmidt referred him to the City Manager.

Julie King, Redwood City, volunteer for the American Cancer Society, provided information about its Relay for Life program and encouraged Menlo Park’s involvement and participation. She noted that the next event is scheduled on May 18 and May 19, 2002 at Sequoia High School.

D. CONSENT CALENDAR

Mayor Schmidt read the consent calendar items. Councilmember Borak pulled items 2 and 7, Councilmember Collacchi pulled item 7, Councilmember Jellins pulled items 3, 6 and 8 and Councilmember Kinney stated he would abstain from voting on the minutes of December 11, 2002 under consent item 9 since he was absent.

M/S Jellins/Collacchi to approve consent items 1, 4, 5 and 9 as presented. Motion passed 5-0 for items 1, 4, 5 and minutes of January 8 and 15 under item 9. Motion passed 4-0-1, Councilmember Kinney abstaining for the minutes of December 11, 2001 under item 9.

1. Approval of audited bills for period 29, ending January 11, 2002 and pay periods 25A and 25 ending December 1, 2001 and pay period 26 ending December 15, 2001.
4. Approval of a Resolution Authorizing Applications to San Mateo County for Community Development Block Grant (CDBG) Funds for FY 2002-2003 for the Housing Rehabilitation Loan Program and Belle Haven Afterschool Program and Authorizing the City Manager to Execute Related CDBG Agreements.
5. Initiation of the Menlo Park Landscape Assessment District proceedings for fiscal year 2002-2003 and adoption of a Resolution describing improvements and directing preparation of the Engineer's Report.
9. Approval of the City Council Minutes for the meetings of December 11, 2001 and January 8 and 15, 2002.

PULLED ITEM

2. Adoption of an Ordinance amending Municipal Code, Chapter 12.42, Flood Damage Prevention, as required by the Federal Emergency Management Agency (FEMA).
 - a) Waive the reading of the Ordinance (requires a unanimous vote);
 - b) Adopt Ordinance.

Councilmembers Borak and Collacchi recused themselves due to a conflict of interest.

M/S Jellins/Kinney to waive the reading of the Ordinance. Motion passed 3-0-2 with Councilmembers Borak and Collacchi abstaining.

M/S Jellins/Kinney to adopt the Ordinance as presented. Motion passed 3-0-2 with Councilmembers Borak and Collacchi abstaining.

PULLED ITEM

3. Adoption of a Resolution approving the current Investment Policy for the City and the Community Development Agency of Menlo Park, as amended to comply with language changes enacted by AB 609, to be effective for 2002-2003.

Staff responded to questions regarding the effective date.

M/S Jellins/Kinney to adopt the Resolution as presented. Motion passed 5-0.

PULLED ITEM

6. Community Development Agency approval of an amendment to the Peace Officer Mortgage Assistance Program Promissory Note.

Staff responded to questions regarding fiscal impacts and commitment of funds.

M/S Borak/Collacchi to approve the proposed amendment. Motion passed 5-0.

PULLED ITEM

7. Adoption of an Ordinance regulating the installation and use of wood-burning appliances and fireplaces.
 - a) Waive the reading of the Ordinance (requires a unanimous vote);
 - b) Adopt Ordinance.

Councilmember Kinney recused himself due to a conflict of interest.

M/S Borak/Jellins to waive the reading of the Ordinance. Motion passed 4-0-1 with Councilmember Kinney abstaining.

M/S Collacchi/Schmidt to adopt the ordinance as presented. Motion passed 3-1-1, Councilmember Borak dissenting and Councilmember Kinney abstaining.

PULLED ITEM AND CONTINUED

8. Denial of Claims filed against the City of Menlo Park:
 - i. Benjamin G. Mayer
 - ii. Pacific Gas & Electric Company
 - iii. Robert Silano
 - iv. Allied Insurance
 - v. Philip Beitpoulice
 - vi. Dr. Virginia P. Humphrey II
 - vii. Roberto Villanueva

Following Councilmember Jellins' request, **there was a consensus to bring back this item next week in Closed Session.**

E. PUBLIC HEARING - None

F. REGULAR BUSINESS

1. Final presentation and acceptance of the Fiscal Impact Model.

City Manager Boesch presented the staff report.

Doug Svensson, Applied Development Electronics, Consultant, provided a presentation reviewing the purpose of the model and its characteristics.

In response to Mayor Schmidt, City Manager Boesch replied that the proposed model would be an excellent tool to ascertain fiscal impacts from development and stated his satisfaction with the flexibility of its application.

Questions and discussion ensued regarding cost to applicants, data updates, re-allocation of sales taxes, project threshold and cost recovery.

M/S Kinney/Jellins to accept the Fiscal Impact Model and directed staff to evaluate it further and bring back guidelines and standards for its use for Council consideration. Motion passed 5-0.

2. Approval of next steps regarding Burgess Theater: (1) Demolition of the Burgess Theater and the planting of grass; (2) Initiation of negotiations with the Menlo-Atherton

High School to develop a joint use Performing Arts Facility; (3) Further direction relative to a potential funding commitment by the City Council for a Theater Facility, and; 4) Outreach to the Arts Community to seek partners to build an additional performing arts space for music and other non-theater type activities, and develop an arts facility plan.

Curtis Brown, Director of Community Services and Bob Roessler, Community Services Manager presented the staff report.

Discussion ensued regarding the demolition of the theater, salvage of materials and the accessory building.

Mayor Schmidt noted his disappointment that the outcome of this assessment made it clear that demolition of the building is necessary. He suggested extending the demolition schedule to allow for an adequate salvage of materials.

Councilmember Jellins also expressed disappointment at the need for demolition and suggested that the use of the new building should blend with the use of the accessory building.

There were no public comments.

M/S Kinney/Collacchi to approve demolition of Burgess Theater. Motion passed 5-0.

Discussion ensued regarding negotiations with Menlo Atherton High School for a joint use facility.

Councilmember Collacchi reported that he is currently engaged in discussions with the Menlo Atherton High School, as the Council's liaison in this matter.

Councilmember Borak supported the option of partnering with Menlo Atherton High School but stressed that in doing so, it is important that the City knows what it wants and is clear on what its expectations are from this partnership.

Councilmember Jellins concurred with Councilmember Borak and offered to assist as a liaison to continue discussions with the high school. He envisioned collaborative discussions taking place with City staff, Parks and Recreation Commission and the Council for approximately six months.

Councilmember Collacchi stated he would be happy to have Councilmember Jellins take over as liaison.

Councilmember Kinney suggested linking recommendations 2 and 3, noting it would add credibility to the City's efforts.

There was consensus to continue discussions with Menlo Atherton High School for a joint use facility and to communicate the City's interest in providing financial support, depending on the outcome of the discussions.

Mayor Schmidt noted that the financial aspect would not only grant the City the right to use another facility but it would enable the City to participate in the planning and developing process of the facility.

Councilmember Jellins corrected his earlier statement clarifying that the process would include the Arts Commission in a collaborative discussion with staff, Parks and Recreation Commission and the Council.

In response to Councilmember Jellins, Manager Roessler summarized the Council's direction.

In response to Mayor Schmidt, City Manager Boesch replied that sequentially it would make sense to focus on building a partnership with Menlo Atherton High School for a joint use facility and see what happens. In the meantime, staff could explore other facility needs in the community and use that data to help update the Recreation Master Plan.

3. Consideration of legislative items listed in the League of California Cities Bulletin(s), or items referred to in Written Communications or Information Items, including decisions to support or oppose any such legislative, communication or information item.

City Manager Boesch updated the Council on AB 680 regarding the proposed reapportionment of sales tax in Sacramento County and noted that the City's opposition has been conveyed to Assemblyman Simitian's office. He stated that staff will continue to monitor this bill.

G. WRITTEN COMMUNICATIONS - None

H. INFORMATION ITEMS

1. Review of the City's Investment Portfolio as of December 31, 2001 – Noted and filed.

I. PUBLIC COMMENT #2 – None.

J. ADJOURNMENT – Mayor Schmidt adjourned the meeting at 9:15 p.m. to a special Council meeting on Thursday, February 7, 2002 at 6:00 p.m. for a closed session to discuss performance evaluations for the City Attorney and City Manager.

Respectfully submitted,

Susan A. Ramos, CMC
City Clerk