



# CITY COUNCIL AND COMMUNITY DEVELOPMENT AGENCY MINUTES

**Regular Meeting**  
**Tuesday, February 12, 2002**  
**7:30 p.m.**  
**Menlo Park Council Chamber**  
**801 Laurel Street, Menlo Park**

**ROLL CALL** – Mayor Schmidt called the meeting to order at 7:30 p.m. Mayor Pro Tem Kinney and Councilmembers Collacchi, Borak, and Jellins were present. Staff present included City Manager Boesch, City Attorney McClure, Assistant City Manager Seymour, City Clerk Ramos and other department heads.

**7:00 pm CLOSED SESSION** Held in the First Floor Conference Room of the City Hall Building located at 701 Laurel Street, Menlo Park.

1. Closed Session pursuant to Government Code Section §54956.8. Regarding Claims against the City of Menlo Park for Benjamin G. Mayer; Pacific Gas & Electric Company; Robert Silano; Allied Insurance; Philip Beitpoulice; Dr. Virginia P. Humphrey II; and Roberto Villanueva.

Negotiating Parties: David Boesch, City Manager, Bill McClure, City Attorney, and Audrey Seymour, Assistant City Manager.

**RECONVENE IN OPEN SESSION** – 7:25 p.m.

**REPORT ON AFOREMENTIONED CLOSED SESSION** – No reportable action.

**A. PRESENTATIONS AND PROCLAMATIONS** – None

**B. ANNOUNCEMENTS, APPOINTMENTS AND REPORTS**

Mayor Schmidt announced the current vacancies on the Housing and Library Commission and noted their application deadline.

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

Councilmember Borak commented that the Parks and Recreation Commission meetings of last night and two weeks ago were well attended and good information was received regarding project priorities for Measure T funding.

Councilmember Kinney commented on the Chamber of Commerce meeting regarding the proposed Oak Grove housing project which was held earlier this evening.

Mayor Schmidt reported as a follow up to the Commission attendance reports presented to Council at a previous meeting. He stated that letters were mailed out to those Commissioners whose attendance rates fell below the minimum sixty-seven percent, encouraging improved attendance.

**C. PUBLIC COMMENT #1** – None

**D. CONSENT CALENDAR**

Mayor Schmidt read the consent calendar items. Councilmember Jellins pulled item 4.

**M/S Collacchi/Borak to approve consent calendar items 1 through 3 as presented. Motion passed 5-0.**

1. Approval of audited bills for period 30 ending January 18, 2002 and period 31 ending January 25, 2002.
2. Adoption of a Resolution Supporting Proposition 40, the Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Bond Act of 2002.

3. Adoption of a Resolution authorizing the City Manager/Executive Director to amend the contract with Vernazza Wolfe Associates to add \$8,135 to the original contract of \$81,580 for additional services for the preliminary concept analysis for the Oak Grove Plaza Housing site.

#### PULLED

4. Denial of Claims filed against the City of Menlo Park:
  - a. Benjamin G. Mayer
  - b. Pacific Gas & Electric Company
  - c. Robert Silano
  - d. Allied Insurance
  - e. Philip Beitpoulice
  - f. Dr. Virginia P. Humphrey II
  - g. Roberto Villanueva

Councilmember Jellins noted he would abstain from voting on the claim of Dr. Virginia Humphrey II due to a potential conflict of interest.

**M/S Kinney/Collacchi to approve the denial of claims a through g as presented. Motion passed 5-0 for claims a through e and g. Motion passed 4-0-1, Councilmember Jellins abstaining, for claim f.**

#### **E. PUBLIC HEARING**

1. Review and approval of the interim Carpooling Program and Trip Reduction Program submitted by the Phillips Brooks School located at 2245 Avy Avenue to comply with Use Permit conditions and approval of specified traffic safety control measures.

Jamal Rahimi, Transportation Manager, presented an overhead presentation highlighting the proposed trip reduction program, the proposed interim carpooling program and a list of proposed traffic safety measures. He noted a correction to the staff report and attachment g regarding the morning peak traffic chart.

Staff responded to questions regarding crosswalks and speed percentile, ground traffic counts, and traffic observed during the time of 7:00 to 9:00 a.m.

Sam Bronfman, School Representative and Applicant, provided background and described the school's proposals. He noted that staff recommends both programs. He distributed a photo to Council to show how serious the school is in its carpool program. The photo depicted pre-school carpoolers walking and carrying their car seats to the pick-up curb. He reiterated that the school wants to be a good neighbor. He responded to questions of the Council regarding the status of the school's proposed site in Woodside and about the school's trip reduction program.

Mayor Schmidt opened the public hearing.

Quin Whitman, Menlo Park, commented that the school has a strong awareness and support of its carpool program and noted that even though carpooling is not an easy transition for some families, they are still willing to do it for the good of the community.

Sally Karlin, Menlo Park, said she is a carpool mom and commended the school for its carpooling efforts to be a good neighbor.

Gail Sredanovik, Menlo Park, commended staff for the proposed safety measures. She said she did not understand the traffic numbers and their correlation to student population. She noted that the study did not analyze afternoon traffic. She expressed support for the points made by Leslie Wambach in her letter to Council regarding this matter.

Stan Drake, faculty member and school parent, stressed the importance of being a good neighbor and the school's effort in that regard.

Diana Holliday, Menlo Park, parent, expressed support of the school's efforts and proposals. She also expressed the school's philosophy of kindness and being neighborly. She commended staff for the proposed safety measures.

Madhavi Padval, Menlo Park, commented that school parents are rallying vigilantly to encourage carpooling and it is clear to her that the school supports the needs of the neighborhood.

Joyce Massaro, Atherton, questioned the ground counts and noted that traffic occurs all day long. She commented that the afternoon is not peak time and expressed concern as to why the traffic count is not correlated with the previous student enrollment.

Questions and clarification ensued regarding the arrival and departure schedule for students and faculty.

In response to Mayor Schmidt, City Attorney McClure clarified the action required from the City Council tonight.

**M/S Borak/Kinney to close the public hearing. Motion passed 5-0.**

Questions and discussion ensued regarding the left hand turn from the school's driveway, the proposed red curb, parking on Avy, the removal of some landscaping in front of the school.

Councilmember Jellins recommended adding a condition for landscape management.

**Councilmember Kinney moved to approve the proposed trip reduction and carpooling programs according to the conditions under the use permit and to approve staff's traffic safety control measures, noting that the #1 measure which is to trim landscaping in front of the school could conflict with the desire for screening along the strip. He stated that the two-year extension of the use permit seems reasonable at this time.**

City Attorney McClure clarified that the extension of the use permit is not for Council consideration tonight and that the matter will be going to the Planning Commission for its consideration. He also clarified that the action to approve the proposed programs would be to approve them as submitted without any conditions, and furthermore that the proposed trip reduction plan is submitted in accordance to the wording articulated in the letter from the school dated December 17, 2001 as follows:

*"The School shall not allow more than 140 vehicles to exit its driveway during the morning traffic peak hour period (7:45 a.m. – 8:45 a.m.). The School shall satisfy this requirement by means it deems appropriate without review by the City, but the City may verify compliance at any time by conducting traffic counts at the driveway exit of the School."*

**Councilmember Collacchi seconded the motion as clarified by the City Attorney.**

Mayor Schmidt suggested an amendment to the motion to remove the left turn sign and install a "Keep Clear Zone" sign in front of the intersection of the school's driveway and Avy Avenue, and to remove six parking spaces on the right side of Avy further down the hill.

Councilmember Jellins expressed concern and requested deferring the traffic safety mitigations on Avy until sufficient information is available to staff and the Council.

Councilmember Collacchi asked for clarification.

City Attorney McClure clarified that Councilmember Kinney's motion on the floor does not include the left turn lane out of the school's driveway so the no left hand turn restriction would remain in place. He added that Mayor Schmidt suggested an amendment to the motion to eliminate this restriction which would allow the left hand turn from the driveway and remove six additional parking spaces in the Southside of eastbound Avy Avenue to eliminate sight distance problems.

City Attorney noted that the proposed amendment requires a second to be a formal amendment to the motion.

In response to Councilmember Collacchi, City Attorney McClure further clarified that Councilmember Jellins' is requesting the deferment because the school's request for a two-year extension will be reviewed by the Planning

Commission and part of this submittal to the Commission is the review of the safety plan of which the left hand turn restriction is a component.

Discussion ensued regarding conditions for the time extension and the safety plan.

City Attorney McClure suggested that if the Council wants to bring back the left hand turn restriction that it could modify the motion to include direction to staff to include in its report to the Planning Commission to consider and recommend to Council the elimination of the left hand turn restriction for Council's final action.

Discussion ensued about the Council and Commission agenda schedules.

Mayor Schmidt supported the City Attorney's suggestion.

Councilmember Kinney concurred and agreed to amend his motion.

**M/S Kinney/Schmidt to amend the motion to approve the trip reduction plan as proposed by Phillips Brooks School according to its letter dated December 17, 2001; to accept the school's report on the interim carpool plan and to approve the eight staff recommendations for safety traffic measures listed in the staff report. In addition, direct staff to return by end of March, after review by the Planning Commission, with staff's recommendation for the elimination or retention of the left turn restriction coming out of the school's driveway for Council's final consideration.**

**Motion passed 5-0.**

Mayor Schmidt declared a recess at 9:05 p.m. and reconvened the meeting at 9:15 p.m.

## **F. REGULAR BUSINESS**

1. Consideration of a request for a waiver of Planning fees associated with applications for a General Plan Amendment, Zoning Ordinance Amendment, Rezoning, Architectural Control, and Environmental Review by the Woodside Atherton Auxiliary to Lucille Salter Packard Children's Hospital at Stanford University (75 Arbor Road, Allied Arts Guild).

Tracy Cramer, Senior Planner, presented the staff report.

Questions and discussion ensued regarding project status, rezoning and general plan amendment requirements, change of use, traffic study fees, environmental analysis review and fees, and timeframes.

City Manager Boesch clarified that the topic this evening is fee waivers and not the proposed project and stated that many of the issues being discussed will be the subject of the Planning Commission review and consideration. He clarified that staff does not have all of the information at this time to make any determinations on environmental analysis.

Councilmember Kinney asked whether the City becomes a party to waiving consultant fees and would that create a conflict of interest?

City Attorney McClure replied no.

Staff responded to questions about the process of requesting waivers at this stage of the application process versus later and regarding the request for financial information from the applicant.

Barbara Wood, Auxiliary president, provided some background and history about the Guild and the reasons for its waiver request.

Robert Susk, Auxiliary Attorney, commented on the public policy aspect of the request and noted the monetary significance of the request. He commented about the request from staff for financial information. He noted that the focus in making this decision should be on what the Arts Guild has given or gives to the community. He stated that all the Guild is asking for is that the recipients of its benefits contribute and assist in preserving the Guild.

Mark Lieberman, Menlo Park, expressed support for the request, but is concerned about the impact to the neighborhood from the change in zone and use.

Gloria Eddie, Menlo Park, expressed support for the request and proposed project. She expressed concern about the rezoning of the property.

Ron Peterson, Menlo Park, noted he expressed his support and concerns in his email. He noted that because it is a residential area, the rezoning raises some concerns. He supports the waiver but is concerned that approval of the waiver suggests approval of the project

Tashia Morgridge, Portola Valley, Co-chair of the fundraising drive for the renovation, described the importance of the Arts Guild and its significance to the City in terms of sales tax because its volunteers shop in the city. She clarified that the Guild's income after the renovation has nothing to do with paying for the renovation since the intent is for all of the renovation expenses to be funded through various sources. She responded to questions on membership and benefits.

Marie McGowan, Menlo Park, lives across from the Guild and has become familiar with its daily activities. She is concerned about some of its activities noting that many of them are in violation to its 1985 agreement with the City such as the number of activities held during the year. She urged the Council to review her complaint letter, which is on file in Planning, and to check all of the information before waiving any fees. She is also concerned about the Guild's misrepresentation to the neighbors in its flyer asking neighbors to support the request and project without providing them with sufficient information.

Monte Anderson, Palo Alto, commented about his involvement with this project since 1997 in assessing the life of the building. He stated that the assessment showed that the building has reached its useful life and its safety issues have caused it to be closed. He urged Council to support the request

#### Original Motion

**Councilmember Kinney noted there is strong support for the renovation and the City has funding programs for non-profits, therefore, he moved to support the request for waiver as follows:**

- 1. Reimburse the \$10,000 initial deposit to the applicant**
- 2. Waive the staff time to process the Planning application**
- 3. Consider waiving the traffic and environmental fees at a later date when there is sufficient information for the Council to make a decision.**

City Attorney McClure clarified the motion and suggested putting a cap on the waiver not to exceed \$30,000 of staff time.

#### Original Modified Motion

**Councilmember Kinney moved to support the request for waiver of fees as follows:**

- 1. Waive fees for staff time to process the Planning application for an amount not to exceed \$30,000.**
- 2. Consider waiving the traffic and environmental fees at a later date when there is sufficient information for the Council to make a decision.**

Questions and discussion ensued regarding cost recovery, consulting and environmental review costs, and the process for application deposits and past fee waivers granted by the City.

In response to Councilmember Jellins, Robert Susk, Auxiliary Attorney, replied about the financial information they provided to staff.

Mayor Schmidt noted there is a modified motion on the floor without a second.

**Councilmember Borak seconded the modified motion by Councilmember Kinney. She stated that the Guild is a significant part of the City and she would like it preserved. However, because of the concerns raised about rezoning impacts, she would support preserving it to be compatible with the existing neighborhood.**

Councilmember Jellins expressed his support of the Guild and its preservation but stated that on a public policy level, he does not believe it is the Council's prerogative to use taxpayer's money for this purpose. He stated he would not support the request for waiver until sufficient financial information is made available.

Councilmember Collacchi felt uncomfortable with the motion because he felt it was open-ended and would prefer to close the issue tonight. He would recommend amending the motion to grant a waiver of fees for staff time of up to \$30,000. He felt that supporting giving away taxpayer's money for a project without any cap would be perceived as a conflict to his neutrality. He would be willing to waive some fees for staff time but not fees for consultants or studies that may be required for this project. He suggested looking into other ways for the City to participate in assisting the Guild.

Staff responded to questions that the waiver of fees would not be a budget allocation but a revenue reduction to the City and would have a direct impact on the City budget's bottom line.

**Substitute Motion**

**City Attorney McClure clarified that the substitute motion by Councilmember Collacchi and Mayor Schmidt is to grant a waiver of fees not to exceed \$30,000. If a determination is made after further review that there is a need for additional fees to cover a consultant and other required traffic or environmental studies that these fees would be the responsibility of the applicant.**

Mayor Schmidt called for the vote on the substitute motion.

Councilmember Jellins clarified that if he abstains, it would mean he has no preference for either motion.

**Motion failed 2-2-1, Mayor Pro Tem Kinney and Councilmember Borak dissenting and Councilmember Jellins abstaining.**

Mayor Schmidt called for the vote on the original modified motion.

**Motion passed 3-2, with Councilmembers Collacchi and Jellins dissenting.**

City Attorney McClure clarified for the record that the approval tonight is for the waiver of fees only and does not constitute Council's approval of the project application.

2. Adoption of the City Council's Calendar for 2002.

City Manager Boesch presented the staff report and responded to Council questions.

Mayor Schmidt noted he would not be available for the meetings of March 12 and July 23, 2002.

There was consensus of the Council to shift the following agenda items to other dates:

- Willow-Cambridge Railroad Undercrossing project from July 23 to an earlier date;
- M2 Study from December 10 to November (date to be determined)
- Regular Business items from December 3 to the next scheduled meeting

Discussion ensued regarding a calendar to track the status of projects and to cross-reference projects with dates.

**M/S Collacchi/Kinney to accept the calendar as amended above. Motion passed 5-0.**

3. Provide Direction to C/CAG Representative on City's Position With Respect to the Proposed Countywide Deficiency Plan.

City Manager Boesch presented the staff report.

Mayor Schmidt commented about ramp metering and expressed support for the plan.

**M/S Kinney/Collacchi to approve the proposed plan as presented. Motion passed 5-0.**

4. 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 – None.

**G. WRITTEN COMMUNICATIONS - None**

Councilmember Collacchi commented about his letter to the City of Palo Alto regarding traffic impacts at Hanover and Page Mill in relation to Sand Hill Road.

**H. INFORMATION ITEMS – None**

**I. PUBLIC COMMENT #2 - None**

**J. ADJOURNMENT – 11:15 p.m.**

Respectfully submitted,

Susan A. Ramos, CMC  
City Clerk