



CITY COUNCIL AND COMMUNITY DEVELOPMENT AGENCY MINUTES

Regular Meeting
Tuesday, May 21, 2002
7:30 p.m.

Menlo Park Council Chamber
801 Laurel Street, Menlo Park

6:30 p.m. STUDY SESSION

1. Fiscal Year 2002-2003 Budget Workshop – The workshop started at 6:35 p.m. in the Council Chambers.

City Manager Boesch presented the staff report with overhead slides and commended and presented flowers to Uma Chokkalingam, Finance Director and Diel Hutchins, Financial Services Manager, for their efforts and hard work in spearheading the organization's efforts to convert over into a new program based budget structure. He also commended other department heads in particular, Assistant City Manager Seymour, for the assistance and support provided.

Staff responded to questions including but not limited to property taxes, levels of service, Bayfront Park costs, and the transit occupancy tax revenues.

7:30 p.m. REGULAR MEETING

ROLL CALL – Mayor Schmidt called the regular meeting to order at 7:30 p.m. Mayor Pro Tem Kinney, Councilmembers Borak, Collacchi and Jellins 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. Arts Commission (one vacancy) open until filled.

Mayor Schmidt provided background about this vacancy and the application deadline extension. He suggested setting the appointment date on June 11, 2002.

Discussion ensued regarding setting a date for this appointment.

Nancy Chillag, Arts Commission Chair, noted that the Commission has scheduled an interview with the applicant at its June 12th meeting.

There was a Council consensus to set the appointment date on June 11, 2002.

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

Mayor Pro Tem Kinney announced the San Francisquito Creek JPA meeting on Thursday, May 23, in the East Palo Alto Council Chambers.

Councilmember Jellins reported on his trip to Sacramento for Legislative Days with the Peninsula Division of the League of California Cities delegation to receive information about the state's budget and meet with numerous members of our state legislative delegation including Senator Byron Sher and Assemblyman Joe Simitian about matters of mutual interest.

Mayor Schmidt provided a slide presentation about Bike to Work Day and some of the participants.

Mayor Schmidt suggested moving agenda item H up to follow the consent calendar before item E. Council concurred.

C. PUBLIC COMMENT #1

Susan Ogiome, Menlo Park, commented about safety issues and the lack of sidewalks on O'Connor Street and noted the increase in traffic resulting from the establishment of the new market at Willow, the construction of the East Palo Alto high school and the University Circle buildings.

Councilmember Jellins suggested Ms. Ogiome discuss her concerns with the City Manager.

D. CONSENT CALENDAR

Mayor Schmidt read the consent calendar. Councilmember Borak pulled item 2.

M/S Kinney/Collacchi to approve consent items 1 through 8 as presented with the exception of item 2. Motion passed 5-0.

1. Approval of audited bills for period 46 ending May 10, 2002.
3. Adoption of a Resolution appropriating \$50,000 from the Storm Water Management Fund for the San Francisquito Creek Levee Project and approval of the agreement.
4. Approval of the City's current standard practice for signing and marking speed humps, speed tables, and raised crosswalks.
5. City Council approval of improvement measures to increase safety on Arbor Road and the allocation of \$23,210 from the 2001-02 Traffic Impact Fee account to cover the cost of these improvements and the installation of new curb-cuts as required by Americans with Disabilities Act (ADA).
6. Adoption of Resolutions related to the Menlo Park Landscape Assessment District for fiscal year 2002-03, approving the Engineer's Report and establishing the intention to order the levy and collection of assessment.
7. Adoption of a Resolution preliminarily approving a regulatory fee to implement the City of Menlo Park Storm Water Management Program for fiscal year 2002-03 and setting a Public Hearing on the adoption of the fee for June 18, 2002.
8. Approval of Minutes for the City Council Meeting of April 30, 2002.

Pulled item

2. Adoption of a Resolution fixing the annual installment of assessments for fiscal year 2002-03 for the City of Menlo Park Downtown Landscaping and Lighting District.

Councilmember Borak commented that she spoke with representatives from the Chamber of Commerce and it seems that there is more work needed with respect to lighting in the parking plaza after this last installment.

M/S Borak/Kinney to approve consent item 2 as presented. Motion passed 5-0.

Moved up to this part of the agenda:

H. INFORMATION ITEMS

1. Feedback regarding the Santa Cruz Avenue Street Project

Assistant City Manager Seymour gave a brief presentation and noted that the City Manager will not be participating in the discussion due to a potential conflict of interest. She responded and updated the Council on the phone calls, correspondence and email received by staff from the public regarding this matter.

Robert Cronin, Menlo Park, said that the Bicycle Commission received a briefing from the consultant on the project and absent any apparent concerns, the Commission supported staff's recommendations. He said that more recently when the markings were installed, some concerns were brought forward and the Commission members traveled on Santa Cruz Avenue with their bicycles. Some safety concerns were noted, expressed to staff and were taken into account. Speaking as a resident, he asked the other residents to think about the improvements as if they were already in place and were slowing traffic. He asked people what their reaction would be to removing these improvements and turning Santa Cruz Avenue into an expressway.

Councilmember Jellins asked staff to identify the author of the anonymous sheet concerning information about Santa Cruz Avenue road changes placed on the tables in the Council Chambers. Staff indicated that the sheet was prepared by staff and made available to the public without identification of City staff authorship.

Mary Gilles, Menlo Park, expressed safety concerns and opposes the traffic calming measures.

Pat Michaels, Pastor, St. Raymond Church expressed safety concerns and noted that speed has not reduced and motorists are dodging the obstacles, which is hazardous for bicyclists and pedestrians and has impeded traveling by wheelchair. He noted that some of the issues raised at last week's meetings were not refuted and requires clarification and that the plan seems flawed.

Councilmember Borak clarified the laws about public notification and public meetings that places constraints on the Council.

Councilmember Jellins clarified that since the item is on the agenda, the Council can take any action that it deems appropriate.

Randall Feldman, Menlo Park, questioned the difference in lane widths. He gave Council a collection of street construction debris that he felt is a reflection of the poor quality of the work on that street. He asked about the City's future plans for Santa Cruz Avenue, the diversion of traffic, and the double markings. He noted that the pavement/gutter interface has created a tripping hazard at numerous sections of the street. He also noted that the storm drains are sealed in numerous areas and that it is unsafe to leave and enter driveways.

Milton Borg, Menlo Park, commented on safety issues. He commented about a drainage problem on the sidewalk at the corner of Oak Dell at Oak Knoll Lane that has not been maintained and creates a hazard.

Mayor Schmidt asked staff to look into the drainage matter.

Lisa Anderson, Menlo Park, commented on safety hazards for bicyclists. She said that the notice she received described the project as a resurfacing project. She opposes the bulb outs because they interfere with the bike lane and the obstacles will divert traffic to Middle Avenue. She also commented that the "Not a through street" sign on Hidden Oaks Drive is on the wrong side of the street and urged the Council to move it.

Bob Eastman, Menlo Park, said that the plan is not practical and is flawed. He expressed safety concerns from the turning moves. He commented that traffic calming involves three things: engineering, enforcement, and education.

Pat White, Menlo Park, was disappointed that none of the Council members attended the community meetings at St. Raymond's. He clarified that the 1989 to 1999 accident statistics that staff provided included one fatality that was not related to traffic conditions. He noted that he has seen one accident happen in the last two weeks and the after effects of one accident this morning in the Hillview commute. He is concerned that the fire trucks have not yet used Santa Cruz Avenue with its current configuration and it could be very dangerous. He urged the Council to return the road back to how it was and let the community decide what to do.

David Montague, Menlo Park, expressed safety concerns, particularly regarding the bulb outs, for pedestrians and motorists especially at night. He is disturbed about the article in the Almanac quoting the

City Attorney who stated that the City is not liable for injuries caused by such projects. He reminded the Council that negligence does not fall under that category.

Michele Otte, Menlo Park, expressed concerns about the crosswalk that ends directly at her curved driveway, that there is no longer parking allowed in front of her house, that the bulb outs and narrow lanes are hazardous for cyclists, and that motorists are entering the bike lanes because of the impediments, and that it is difficult to enter her driveway .

Sandy Cohen, Menlo Park, studied the site with a local architect and observed several concerns including but not limited to, vehicles wider than ten feet would have to use the bike lane, traffic is not slowing down, the center strip at the median islands for people to walk on is not perpendicular to the sidewalk or curb, but at an angle which makes it hazardous for the blind. She questioned why speed bumps were not considered and asked for a safety study for this project. She also noted that the bike lanes are problematic particularly for those with a low riding device such as a stroller, wheelchair, or a scooter because they may not be seen by motorists who are focusing on the median strips.

Roger Hagman, Menlo Park, expressed safety concerns for pedestrians and children. He said that he is disappointed about the way the City is handling the situation and is disturbed that the Fact Sheet prepared by City staff states the City will test the project for six months. He is surprised that SamTrans was never informed about this project and their buses are ten feet wide. He also noted the narrow lanes and the Assistance with Disabilities Act (ADA) compliance issues.

Libby Hagman, Menlo Park, expressed opposition to the project for safety reasons and that traffic has not slowed down. She noted that there are many school and day care children and church goers who use Santa Cruz and there are no sidewalks to make it safer or police in the area to slow down traffic. She commented about the shuttles for businesses and questioned why not provide shuttles for children too.

Horace Nash, Menlo Park, said he supports many of the views expressed about the Phase I project and concurs with the concerns about the bike lane, the parking strip area, the median islands and curb extensions. Nevertheless he said it is important to note that the project has some clear successes and to keep in mind the underlying principles behind Phase I and II as decisions are made about this street.

Joyce Farrell, Menlo Park, expressed safety concerns and questioned the absence of an Environmental Impact Report (EIR) or the thirty-day period for a Negative Declaration. She questioned why speed bumps were not considered and was disappointed that Council members were not present at the community meetings. She also questioned the public notification process.

James Schott, Menlo Park, expressed safety concerns and would like to see the long term plan. He noted that the parking restrictions will obstruct the bike lanes and the curb extensions should serve as barriers for motorists but not for strollers, pedestrians, bicyclists and fire trucks. He suggested enforcement as a short-term objective noting that the key is to change the behavior of majority of the drivers and suggested including sidewalks for a long-term objective.

R. A. Soderman, Menlo Park, showed photos of the project illustrating skateboarders, pedestrians, students, strollers, bicyclists on Santa Cruz Avenue. He noted a bulbout directly adjacent to a gutter and at intersections, a bus on a narrow lane, and double crosswalks. He noted the danger and complexity of the situation.

Nancy Hobson, Menlo Park, expressed opposition to the solutions being implemented and disappointment over the City's response to the complaints and concerns that have been expressed. She said that the City should attempt to provide public information about this project before spending any more money on it.

Harry Harrison, Menlo Park, suggested that a prototype should have been considered. He said that the project has caused a lot of animosity and expense.

Joanne Bailey, Menlo Park, said that she did not receive any public notification about the project. She said that the curb extensions will impede traffic and is concerned that the fire trucks will have to slow down to maneuver the street. She observed a flat bed tow truck that could not fit in between the obstacles and had difficulty backing up. She added that the bike lanes, particularly where there are no sidewalks, are unsafe especially for children and the obstacles are hard to see at night and hazardous and they should all be

removed. She noted some traffic hazards at Hill View School. She urged the Council to rethink the traffic policies as well as the Sand Hill Road.

Bob Creamer, Menlo Park, challenged the Council to do something about the dangerous situation. He noted that the situation is hard to imagine without being physically at the site to observe the hazards. At Windsor and Johnson, he observed the impacts to pedestrians and bicyclists and said that the situation would disrupt the residents from the west side from visiting downtown. He asked about the status of the report that was referred to by staff at the community meetings and asked if it is available.

Assistant City Manager Seymour replied that the information report that is included in tonight's agenda packet and is available on line and additional copies can be provided upon request.

Kevin Hobson, Menlo Park, is a student at Hill View Middle School and found the curb extensions hazardous and difficult for the fire trucks.

Britt Van Thaden, Menlo Park, commented about the bike lanes and impacts to bicyclists. He said that the current configuration causes confusion and challenges the drivers to beat bicyclists to the next bulb out. He noted that the bike lanes taper at the intersections which is unsafe. He suggested that any landscaping proposed at the bulbouts should be kept at low heights.

Maggie Betsock, Menlo Park, said that it is difficult for residents on Hermosa Way to turn onto Santa Cruz. She noted that the new pavement has reduced noise. She said that the project was approved on May 1, 2002, which she supported at that time based on the plan which was pinned to the wall and incomplete and hard to evaluate. Since its implementation, she is amazed that the professionals have not looked at the details of the plan. She urged that the project be stopped so the details and the safety issues can be addressed. She suggested that a professional should be involved in the project, that a mock up should be done for Middle Avenue and questioned why the Oak Knoll School transit plan stops at Santa Cruz and suggested it be investigated further.

Steve Peckler, Menlo Park, said that he was involved in the earlier discussions with the City about fences and safety on Santa Cruz Avenue but does not remember the zigzags and the narrow bike lanes. He feels there is not enough room for children and emergency vehicles and the speeding traffic is at 40 mph for the most part. He asked the Council to remove the barriers. He asked what the City's plan is for sidewalks.

Elias Blawie, Menlo Park, said that he was also involved in the earlier discussions about the fence issue and is amazed at how it has come to what it is today. He asked the City to rethink its process in the future and is concerned about what is going to happen for Middle Avenue. He said that the plan is flawed and dangerous. He also noted that traffic diversion is occurring. He suggested scraping the street.

Becky Galvez, Menlo Park, questioned why the speed limit was not reduced before the obstacles were put in, why the City did not use the funds for this project towards police enforcement instead, why there are so many crosswalks, and the zigzag route aims at the children who use the street. She said that the lack of sidewalks makes it unsafe and turning is more difficult. She is upset about the City Attorney's comments in the Almanac and believes the project should be stopped before injuries or fatalities occur.

Norman Abt, Menlo Park, commented that no one seems to be taking responsibility for the project and everyone is surprised with the outcome. He said that concerns were made last April about left turns and too many crosswalks. He questioned that the turning radius for fire trucks should have been known by the professionals. He questioned the project cost and would like an explanation and a cost breakdown.

Ruben Nino, Engineer, clarified and gave a breakdown of the project costs.

Jennifer Tsay, Menlo Park, said that she concurs with the comments made. She encouraged the Council to walk Santa Cruz Avenue to experience the concerns particularly during peak time. She said that traffic calming devices are good if they are done right. She questioned the lack of attention to details on the design of the project.

Mayor Schmidt announced the Community Walk Day on Saturday, June 1 at Fremont Park.

Eric Gilbertson, Menlo Park, expressed disappointment that the project has not been stopped. He said that the design is far too invasive for the use of the street by motorists, cyclists and pedestrians. He felt that the project reflects a drastic departure from traffic calming in other parts of the City. He suggested removing eight of the bulb outs and using speed tables instead. He suggested suspending the red painting on the bike lanes. He said there should be less deviation and attention should be placed on attacking driver behavior. He suggested and encouraged the use of electronic agenda subscriptions and on line information.

Tom Mavrano, Menlo Park, agreed that some of the measures are more invasive than what the City is trying to solve. He opposes most of the impediments in place. He thinks the crosswalks are over done and implored the Council to suspend the red paint on the bike lanes because it is very difficult to remove.

Al Landi, Menlo Park, suggested installing "No Speeding" signs to discourage speeders.

Councilmember Jellins asked that responses be provided to the questions raised tonight. He does not believe that all those who expressed concerns tonight and by email represent a small minority of the community. He said that although this project was approved in concept, the proof is in the implementation. He concurs with the concerns expressed about the implementation and believes that it has been flawed. He referred to Mr. Nash's letter about methods to improve the basic design concept which includes eliminating the curb extensions and using other common methods such as reflectorized paint to enhance safety. He would favor stopping the project now and assessing methods to improve the basic design concept.

Mayor Schmidt summarized the questions he noted for a response including the off center lanes, double yellow lines, and monitoring traffic diversion.

Councilmember Collacchi added two other questions regarding police enforcement and sidewalks.

Mayor Schmidt replied to the questions about police and sidewalks, noting that traffic calming measures are permanent and would slow traffic all the time, while police presence would only slow down the traffic temporarily. He said that sidewalks would cost about \$80/linear foot and will be considered in Phase 2. He deferred additional comments to staff regarding funding a comprehensive plan for sidewalks on Santa Cruz Avenue.

Jamal Rahimi, Transportation Manager, reported about the design review process for Phase 2. He said that the conceptual design would take about nine months to complete and a rough estimated cost for engineering for sidewalks, potential undergrounding and other features could run anywhere from \$4 to 8 million dollars.

Councilmember Collacchi commented about police enforcement and sidewalks, noting that sidewalks are expensive and difficult to fund.

Councilmember Borak noted that police services is the City's biggest budget item and concurs with the observation that enforcement is good when there is a police in the area. She agrees that traffic calming makes sense in reducing traffic speed. She realized that the traffic measures are not what was expected and it needs to be reviewed. She believes that the basic objective to slow traffic down is a good one and should be pursued. She visited the site and is concerned about the safety issues but also noted some positive aspects such as slower traffic and drivers are more courteous. She sees a need to work on implementing the details and to make some changes.

Councilmember Kinney supported stopping and evaluating the work to remove or adjust some of the obstacles. He encouraged joining the Mayor on June 1 to walk Santa Cruz Avenue and bring back the consultant who was involved early on in the design, staff and a Council liaison to review the project and bring back a recommendation to the Council.

Councilmember Collacchi supported the notion to rethink and review the issues. He feels that the design does not fully take advantage of what the City has that is available in the areas on the side of the road that could be used for pedestrians and bicyclists. He feels that the bulbouts take that space away and force people to use the other parts of the street. He commented about the concept of traffic calming and asked the residents to keep in mind that the basis for the project is to resolve a problem on Santa Cruz Avenue

even if it means some inconvenience to motorists because they have to drive more slowly and cautiously. He is unsure whether the City should begin the process all over again in order to get buy in from the community or whether there is a general buy in and it's a question of finding a better way to do it. He thought that maybe the quiet asphalt and the pigmentation may have been enough to address the problem, so he would like the City to pursue the pigmentation methodology somewhere in the City. He would support stopping the project in order to review the design and implementation further.

Mayor Schmidt observed that none of the lane markings are in place for bicyclists and motorists which would make traveling easier. He questioned whether this would be an opportunity for the City to mock up this project by marking and painting the lanes and obstacles that are in place and removing or reexamining various elements such as the crosswalks and median islands. He finds it distressing that the current design did not consider people with strollers. He would like to see staff work with the consultant, a resident like Horace Nash, and a Council liaison to take a closer, more detailed look and eliminate the unsafe elements while continuing to maintain the effectiveness of traffic calming as a concept on Santa Cruz Avenue. He would be in favor of doing additional work now to define the lanes to better the plan's effectiveness.

Assistant City Manager Seymour commented that a striping plan would be implemented in a way that would be easy to change, if necessary. She noted that it is clear that Council does not want to wait six months to have options brought back for the redesign of the project. She said that the numerous comments and input that have been received would help staff and the committee to come up with alternatives for Council consideration.

Mayor Schmidt noted he would not want to take more than a month to resolve the issues.

Councilmember Jellins asked what can be done to make the road safer until a new design is devised.

Mr. Rahimi suggested that staff would proceed with completing the delineation of the roadway by marking the lanes and painting one line to separate the bike pathway from the travel lane. He indicated that within a month, staff would be able to look at the elements and decide which would be a better approach for traffic calming.

Mr. Feldman (who spoke earlier) questioned why the road is not split down the middle.

Councilmember Jellins asked for clarification about the center lines and how it would affect the turn pockets beside the islands.

Councilmember Borak expressed concern that while staff is reviewing and studying the design, something should be done with the raised barriers to make them safer especially at night.

Mr. Rahimi clarified that reflective markers and other markings would be used.

First Motion

Councilmember Jellins moved to direct staff to remove the curb extensions, put down appropriate striping on an interim basis and return to Council within the shortest period of time possible to address a redesign of the roadway.

Councilmember Borak clarified whether the motion is to remove the curb extensions at all the crosswalks. She said that it would make more sense to review the entire area before ripping all of the curb extensions.

Mayor Schmidt clarified the purpose of curb extensions and does not think it unreasonable to bring this matter back at the next Council meeting in two weeks with more information regarding the removal of the curb extensions.

Assistant City Manager Seymour suggested rescheduling the previously cancelled Council meeting next week to bring this back since the following Tuesday has a full agenda.

Amended Motion

Councilmember Jellins amended his motion to direct staff to come back next week with more information regarding the removal of the curb extensions. Mayor Schmidt seconded the motion.

Councilmember Collacchi suggested a substitute motion to direct staff to bring back a design next week to remove as many curb extensions as possible. Councilmember Jellins accepted the clarification.

Substitute Amended Motion

M/S Jellins/Schmidt to direct staff to come back next week with a design to remove as many of the curb extensions as possible. Motion passed 5-0.

Mayor Schmidt read a note from Becky Galvez requesting a change in the date of the walk because of Oak Knoll School's 50th anniversary. He did not feel that this event would interfere with the walk and decided to stay with June 1.

Assistant City Manager Seymour clarified if the Council wanted to implement the interim striping as recommended earlier by Mr. Rahimi. Mayor Schmidt and Councilmember Jellins said yes.

E. PUBLIC HEARING

1. Introduction of an Ordinance to the City Council of the City of Menlo Park amending Title 16 (Zoning) of the Menlo Park Municipal Code by adding Chapter 16.69 thereto relating to Public Artwork which would assess a percentage of Building Fees to install Public Art in Commercial, Industrial and/or Municipal buildings.

Bob Roessler, Community Services Manager, presented the staff report.

Staff responded to questions regarding the application and review process, determining acceptable art, and development of a policy manual.

Nancy Chillag, Arts Commission Chair, responded to questions regarding in lieu fees.

Mayor Schmidt opened the public hearing at 11:15 p.m.

Kathy Baum, Menlo Park, gave background about her role as the City's consultant hired to begin the process for the public handbook and guidelines.

Mike Felice, Menlo Park, former Arts Commissioner, asked the Council to consider the long-term impact to the City.

Eva Zerker, Menlo Park, questioned who determines standard in arts and asked for some background about the Arts Commission and its members.

Joe Zerker, Menlo Park, expressed support of the ordinance because public art can be the expression of a community's aspirations and the values of beauty and meaning are passed on to children in the community.

Nancy Chillag, Arts Commission Chair, replied to the concerns expressed about workload. She would anticipate the Commission handling one project per meeting and forming a sub committee that would preliminary meet with developers to make recommendations back to the Commission. She referred to the City of Sunnyvale ordinance that was recently modified to include the addition of municipal buildings and the removal of the dollar limit.

There being no further public testimony, Mayor Schmidt closed the public hearing at 11:25 p.m.

M/S Jellins/Kinney to introduce the proposed ordinance with the following change under Section 16.69.090A to read, " *Guidelines for the approval and maintenance of Art work shall be established from time to time by the City Council pursuant to recommendation by the Arts Commission.*"

Councilmember Borak opposed the proposed ordinance and referred to Section 16.69.020, items 3 and 4, stating that the City should not be approving projects in the first place that result in undesired and deleterious sense of uniformity and a loss of human scale and orientation. She believes that the approval processes that the City has prevents this from happening. She said that she supports public art but does

not want to see public art in the community resulting in controversy that gets in the way of the community wanting to support good public projects.

Councilmember Collacchi also opposed the proposed ordinance. He said that he supports public art but not in the way that is proposed. He suggested funding it through the general fund. He could not support the finding in number 4 regarding mitigating the visual impacts of development because the statement conflicts with the CEQA exemption (listed on the following page) that the project will not cause a significant effect on the environment, part of which, would be the visual effects. He also said that from a practical point of view, most of the art would be on the east of 101 and he is not sure how many of these projects would be in the more central areas of the City.

Councilmember Jellins said that he hopes that people both east and west of 101 will benefit from the ordinance. He said that the term "impacts from commercial development" as used in the proposed ordinance are different from the term "impacts" as used in CEQA. He believes that the proposed ordinance is fair and will benefit the community.

Mayor Schmidt sympathized with Councilmember Borak's comments regarding items 3 and 4 under Section 16.69.020 and asked the City Attorney to clarify their importance and justification.

City Attorney McClure replied that the entire item 3 and the first sentence of item 4 could be eliminated.

Mayor Schmidt suggested an amendment to the motion to eliminate item 3 altogether, eliminate the first sentence of item 4 and renumber the rest of the language in item 4 to item 3.

Amended Motion

M/S Jellins/Kinney to introduce the proposed ordinance with the following changes:

- **Under Section 16.69.090A to read, " *Guidelines for the approval and maintenance of Art work shall be established from time to time by the City Council pursuant to recommendation by the Arts Commission.*"**
- **Under Section 16.69.020 – Delete the entire item 3**
- **Under Section 16.69.020 – Delete the first sentence of item 4 and renumber the rest of the language to item 3**

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

2. Approval of a request to use Citizen's Option for Public Safety (COPS) funds in the amount of \$22,100 in accordance with State requirements.

Greg Rothaus, Commander, presented the staff report.

Mayor Schmidt opened the public hearing at 11:42. There was no public testimony received and the public hearing was closed.

M/S Kinney/Jellins to approve the request as presented. Motion passed 5-0.

3. Adoption of a Resolution amending the City's Master Fee Schedule to incorporate proposed changes in fees to become effective July 1, 2002 for the following departments: Administrative Services, Community Services, Police, Community Development and Public Works.

Uma Chokkalingam, Finance Director, presented the staff report.

Staff responded to questions regarding heritage trees and miscellaneous fees.

Mayor Schmidt opened the public hearing at 11:50 p.m.

Brielle Johnck, Environmental Quality Commission, expressed concern that imposing heritage tree fees might be premature since the public should be allowed some time to learn about the new requirements and the fee. She suggested some options including eliminating the proposed fee at this time and revisiting it a year later.

There was no other public testimony received and the public hearing was closed at 11:55 p.m.

Councilmember Kinney said he would consider the option to eliminate the heritage tree fee for one year. Mayor Schmidt concurred.

Councilmember Collacchi said he could support a smaller fee.

Discussion ensued regarding other fee options.

City Attorney McClure clarified whether the motion is to impose a tree removal application deposit of \$100 plus actual costs for owner or non-owner occupied property and no fee for appeals.

M/S Kinney/Schmidt moved to amend the master fee scheduled to impose a tree removal application and a tree protection plan review deposit of \$100 plus actual costs or time spent, for owner or non-owner occupied property, and no fee for appeals.

Motion passed 5-0.

City Manager Boesch noted staff would have to change the proposed budget's revenue forecast accordingly.

F. REGULAR BUSINESS

1. 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

1. Interoffice Memorandum dated April 25, 2002 from the City Manager to the City Council regarding Sand Hill Road and Stanford's Offer.

Mary Gilles, Menlo Park, applauded the City Manager's efforts and supported Stanford's offer and urged the Council to begin the project. She questioned the double left turn lane from Sand Hill to Santa Cruz Avenue and how the Council proposes to break the contention that exists between the City and Stanford in this regard. She urged the Council not to support a piecemeal approach.

Questions and discussion ensued regarding the proposed expansion of Sand Hill Road, double turns and dual left turns.

Councilmember Kinney concurred with the City Manager's letter.

City Manager Boesch clarified that after conferring with City Attorney McClure for additional information regarding the process, he intends to meet with Councilmembers Collacchi and Borak and report back to Council.

H. INFORMATION ITEMS

1. Feedback regarding the Santa Cruz Avenue Street Project – This item was moved up on the agenda.

I. PUBLIC COMMENT #2 – None

- J. ADJOURNMENT** – Mayor Schmidt adjourned the meeting at 12:15 p.m. and announced that there will be a Council meeting next week.

Susan A. Ramos, CMC, City Clerk
Approved by the City Council on June 25, 2002