



CITY COUNCIL AND COMMUNITY DEVELOPMENT AGENCY MINUTES

Regular Meeting
Tuesday, July 16, 2002
7:30 p.m.

Menlo Park Council Chamber
801 Laurel Street, Menlo Park

6:00 p.m. CLOSED SESSION – Held in the Administration Conference Room located on the first floor at City Hall, 701 Laurel Street, Menlo Park.

Dan Segale, Menlo Park, commented regarding amending the settlement agreement with the City.

ADJOURN TO CLOSED SESSION

1. Closed Session pursuant to Government Code Section §54956.8 regarding property negotiations for: 507 Hamilton, APN 055-341-080; Rear of 507 Hamilton, APN 055-341-020; 511 Hamilton, APN 055-341-090; 525 Hamilton, 055-341-120; 535 Hamilton, 055-341-240; 547 Hamilton, APN 055-341-160; vacant lot, APN 055-341-190; vacant lot, APN 055-341-200

Negotiating Parties: David Boesch, City Manager/Executive Director, Bill McClure, City Attorney, and Don de la Pena, Housing and Redevelopment Director.

RECONVENE IN OPEN SESSION - 7:30 p.m.

REPORT ON AFOREMENTIONED CLOSED SESSION – No reportable actions were taken.

REGULAR MEETING

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

A. PRESENTATIONS AND PROCLAMATIONS

1. Proclamation for Kenneth Silverton – Police Chief Boyd provided background and Mayor Schmidt presented the proclamation to Mr. Silverton and his parents.
2. Introduction of Police Management Staff – Chief Boyd provided background about the police services and introduced the department's management staff.

B. APPOINTMENTS AND REPORTS

1. Arts Commission (two vacancies), Las Pulgas Committee (one vacancy), Library Commission (two vacancies), Housing Commission (one vacancy) and the Transportation Commission (one vacancy). The deadline for application is August 20, 2002 – Mayor Schmidt announced the current vacancies.
2. Housing Commission and Community Mediation Service current disposition – City Manager Boesch presented the report.
3. Councilmember Reports: Schmidt, Kinney, Borak, Collacchi, Jellins.

Mayor Schmidt reported on Samtrans service cutbacks and the weekend shut down of Caltrain.

Councilmember Kinney reported on the Bay Area Water User Association's (BAWUA) monitoring of the development and status of the bond issue pertaining to the Hetch Hetchy Water System that was approved by the San Francisco Public Utilities Commission for the November ballot.

C. PUBLIC COMMENT #1

Chun Lee, San Jose, commented about the Falun Gong principles and asked for the Council's support.

Mary Gilles, Menlo Park, asked for an update of the Sand Hill Road widening project discussions with Stanford University. She asked that updates about this issue be posted on the City's website.

Chuck Bernstein, Menlo Park, commented about the Menlo Children's Center and expressed concern about its costs. He urged the Council to reconsider the proposed facility and suggested looking into the remodel option.

NeelAnne Keith, Menlo Park, representing the Belle Haven Homeowner's Association, commented about the use of illegal fireworks and its danger to residents and animals in the area. She asked that the City send a representative to attend the Association's next meeting to develop a plan to address this issue.

D. CONSENT CALENDAR

John Posthauer, Menlo Park, raised a procedural issue for the bike tunnel item and requested that the Mayor give up the gavel for this item noting that it is a tradition with items that are of a personal nature to the Mayor. He also asked that the Mayor consider recusing himself from any discussion on this issue to avoid any appearance of impropriety.

Discussion ensued and there was no consensus for this request.

Mayor Schmidt read the consent calendar items. Councilmember Kinney pulled item 4 and Councilmember Jellins pulled item 3.

M/S Borak/Collacchi to approve items 1, 2, 5 and 6 as presented. Motion passed 5-0.

1. Approve audited bills for period 52 and 53 ending June 21 and 28, 2002, and for pay period 12 ending June 1, 2002.
2. Authorization of the City Manager to enter into an agreement with Republic Electric for traffic signal repair and maintenance for fiscal year 2002-03 in an amount not to exceed \$142,610 with authorization to exercise an option to renew the contract annually for an additional four years with the contract amount increasing by not more than five percent per year.
5. Approval of a motion to rescind Resolution No. 5387 recommending that the San Mateo County Flood Control District impose charges for funding the 2002-03 Countywide National Pollution Discharge Elimination System (NPDES) General Storm-water Management Program; adoption of two Resolutions in its place as now required by the San Mateo County Flood Control District; and adoption of a Resolution authorizing the City Manager to execute an agreement with the District indemnifying it to the extent of the charges collected on behalf of the City.
6. Approval of Minutes for the City Council Meetings of May 28 and June 4, 2002.

PULLED ITEM

6. Award of contract for the El Camino Real Adaptive Traffic Signal Coordination Project to Mike Brown Electric Company in the amount of \$492,110; and authorization of a budget of \$593,321 for construction, contingencies, testing, engineering, inspection, and construction administration; and adoption of a Resolution appropriating \$45,000 from 2001-02 Measure "A" account and \$38,321 from the 2002-02 Traffic Impact Fee account to increase the City's matching portion of the project cost.

Councilmember Jellins asked questions about the difference in functionality when using copper cable instead of fiberoptic, the process necessary to change the contract to use fiberoptic cable and its benefits. Staff responded.

M/S Collacchi/Schmidt to approve item 3 as presented. Motion passed 4-1, with Councilmember Jellins dissenting.

PULLED ITEM

7. Authorization of the City Manager to enter into an agreement in the amount of \$195,000 with BKF Engineers, Surveyors and Planners to conduct a feasibility study of grade separations at Ravenswood, Oak Grove, Glenwood and Encinal Avenues from the Caltrain Rail Line.

Councilmember Kinney asked that the study of the pedestrian/bike underpass in the vicinity of Middle Avenue be included in the contract.

Staff responded to questions regarding the scope of work, grade elevation for the railway, deliverables, timelines, and outreach efforts.

City Manager Boesch noted that the scope of work is sufficient to provide the information that Council desires and there is no need to amend the contract and scope.

M/S Collacchi/Kinney to approve item 4 as presented. Motion passed 5-0.

E. PUBLIC HEARING - None

F. REGULAR BUSINESS

1. Review of the Willow-Cambridge Bicycle/Pedestrian Under-crossing Feasibility Study; approval of Preferred Design Concept; and authorization of staff to undertake further actions in project development.

Jamal Rahimi, Transportation Manager presented the staff report and noted that Dan Smith, Traffic Consultant, was also available for questions. In addition, a representative from HNTB Corporation, Engineering Consultants, provided an overhead presentation and responded to questions.

Questions ensued regarding storm water ponding issues, flooding issues, structural materials, grant funding search, timeline, funding for the construction drawings and the project, and Measure A funds.

Mayor Schmidt said that for the sake of time, he requested limiting the public comments to two minutes per speaker and requested the audience to refrain from clapping and cheering.

Vincent Bressler, Menlo Park, was not present. Joanne Goldberg, his spouse, distributed some of the petitions opposing the project to the Council on his behalf.

Leslie Wambach, Menlo Park, expressed support of the project for safety reasons.

Kelly Fergusson, Menlo Park, was not present.

Pat White, Menlo Park, opposed the proposed tunnel and suggested using the concept of a grade separation for Sand Hill Road and Ravenswood.

John Higgins, Menlo Park, believes that although there is a need to make crossing El Camino safe, there should be a better way than the proposed tunnel. He supports finding ways to enhance traveling by bicycle and walking.

Joanne Goldberg, Menlo Park, commented about the project related costs and funding sources. She expressed concern that a filing of eminent domain would raise costs. She is opposed to the proposed project for reasons including unnecessary costs, lack of study for the project, and wrong location.

Karen Cotter, Menlo Park, finds the Alma and Ravenswood crossing very challenging and dangerous and would welcome a bike tunnel in that location for reasons including better access for residents from west to east.

Blon Mora, Menlo Park, was not present.

Peg Spak, Menlo Park, was not present.

Ellen Fletcher, Palo Alto, commented about the California Avenue Undercrossing in Palo Alto noting that there has been no problem with crime, homelessness and it has not created any problems for the residential area next to it. She added that the property values in that area have increased. She also cited other undercrossing sites that are not experiencing any problems.

Jeff Joncke, Menlo Park, (no speaker card), opposed the proposed project because it is a waste of money, the lack of secured funding and lack of support from the property owners.

David Alfano, Menlo Park, provided visual overheads and said that there are users for the proposed tunnel. He expressed support for the project for safety reasons.

Milton Borg, Menlo Park, said that he has collected about 90 percent of signatures opposing the project. He added that the landowners do not support the project and is concerned about the City condemning these properties.

Mike Harding, Menlo Park, said that the proposed tunnel would get good use. He cited other existing undercrossings that are used heavily and property values in those areas have not decreased. He noted that this type of a project would qualify for federal funding.

Dave Lowell, Menlo Park, opposed the project for reasons that he does not feel that scheduling this project should be contingent upon the Caltrain shut down schedule and suggested waiting until the grade separation project would bring about other locations.

Anita Dippery, Menlo Park, expressed support for the proposed project and would applaud any effort towards inspiring people to bike and walk.

Eric Kinney, Menlo Park, expressed opposition to the proposed location of the tunnel for reasons including parking, cost, reconfiguration of the Stanford hotel parking lot and maintenance costs. He expressed concerns that there is no approval from the landowners to use their land, no funding sources, there is a need to explore a link with Buick/GMC dealership, there is a lack of support from the community, a lack of bike lanes or sidewalks on Cambridge, there is no discussion of soft costs, and there could be potential litigation from Stanford.

Christina Kinney, Menlo Park, expressed opposition for safety reasons. She expressed concern about the lack of bike lanes on El Camino and managing bicyclists going through the parking lot at Stanford Hotel. She commented about an alternate site at Middle Avenue instead of Willow and Cambridge.

Lissa Zelaya, Menlo Park, did not speak.

Sharyn Crosat, Menlo Park, expressed support and said that the project is long overdue.

Ann Whittaker, Menlo Park, expressed opposition for safety reasons and questioned whether safety studies have been conducted for the project.

Mary Kenney, Menlo Park, expressed support and submitted support petitions with about 500 signatures. She believes that the City could take advantage of several sources of funds and take advantage of the weekend shutdown by Caltrain to implement the project.

John Posthauer spoke for Lynne Calvarese, Menlo Park, said that the project would benefit Stanford and the City of Palo Alto for an eventual vehicle connection from Willow Road to El Camino Real. He said that it would be inappropriate to implement this project at this time.

Kevin Lanigan, Menlo Park, representing the Stanford Park Hotel opposed the project and stated that their concerns have been expressed to the City, including the strong neighborhood opposition.

Jim Greer, Menlo Park, expressed opposition and has some concerns about the consultant's study including maintenance costs, drainage and city liability. He suggested Ravenswood might be a better location.

Kay Real, Menlo Park, said that tunnels are undesirable and many have been abandoned. She expressed concern about maintenance and cleanliness. She suggested the City wait for the Caltrain grade crossing.

Elizabeth Houck, Menlo Park, expressed support for biking and walking. She expressed concern about the crossings at Sand Hill Road and Alma Road. She said that it would be good to have some connection from west Menlo to Alma but is not sure where the best location would be.

Therese Brekke, Menlo Park, expressed opposition for reasons including fiscal responsibility, ambiguous and incomplete information and research.

David Krieger, Menlo Park, said he would use the bike bridge on a regular basis and would support it. He suggested making the tunnel with four tracks consistent with Caltrain and work towards making the city walkable.

Brenda Berman, Menlo Park, did not speak.

Philip Ducharme, Menlo Park (no card), expressed opposition because there is no funding for it and the landowners oppose it.

Kurt Servos, Menlo Park, was not present but noted on the card that he supports it.

Sue Kayton, Menlo Park, expressed opposition for hygiene, maintenance and homeless issues. She felt it would be a waste of money because it would be abandoned in time and suggested focusing on the grade separation.

David Mathiasmeier, Menlo Park, expressed opposition because of drainage issues and suggested looking at another location.

Tom Harrison, Menlo Park, expressed opposition for hygiene and safety reasons and suggested looking at the other locations on Alma and Ravenswood Avenue.

Dani Weber, San Jose, Peninsula Bicycle and Pedestrian Coalition, expressed support for convenience and safety reasons for bicyclists who frequent the Menlo Park route. She cited some tunnels in the area that are clean and safe.

Frank Carney, Menlo Park (also spoke for Margaret Carney), expressed opposition because it is a waste of money and a bad location because it would not be used. He suggested spending the funds to improve the crossing on Alma Street. He suggested another location at Burgess Drive to Middle Avenue. He asked if the City intends to use eminent domain if the landowners resist.

David Roise, Menlo Park, spoke as a resident and Bicycle Commissioner, expressing support for the visual east-west connection it would provide to pedestrians and bicyclists. He commented about the use of other existing tunnels. He supported the Cambridge location rather than Ravenswood or Sand Hill Road.

Susan Basso, Menlo Park, expressed opposition for safety, poor hygiene and homelessness reasons.

Reginald Rice, Menlo Park, said he is surprised that the discussion and the 4-1 vote with two abstentions against the tunnel by the Transportation Commission has not been mentioned in the deliberations. He questioned why it would be safer to cross El Camino Real at Cambridge than it is at Sand Hill and Alma Road.

Dan Brawner, Menlo Park, commented about the strong community opposition to the project. He noted that the staff report did not accurately and completely reflect the Transportation Commission's comments and recommendation. He said that the proposed project has a poor location, no defined destination, no survey, no approval by the landowners, no neighborhood support, and no reduction in traffic.

City Manager Boesch clarified that AT & T was experiencing technical broadcasting problems earlier but it has since been resolved and the meeting is currently being televised.

Eric Gilbertson, Menlo Park, expressed his support and cited other successful undercrossing projects. He feels that the Caltrain grade separation will trigger a need for an undercrossing at Cambridge.

Eric Olsen, Menlo Park, did not speak but his opposition was noted.

Janada Clark, Menlo Park, deferred her time to John Posthauer.

John Posthauer, Menlo Park, reiterated that the majority of the residents oppose the project and urged the Council to consider the voice of the majority and the needs of the community.

Frank Tucker, Menlo Park, was not present.

Rory Whittaker, Menlo Park, commented about the majority of residents and petition signatures who oppose the project. He suggested putting this matter to an advisory vote.

Kate Johnson, Menlo Park, was not present.

Bob Cronin, Menlo Park, Bicycle Commissioner, commented that tunnels, like other community amenities, have a constituency of pedestrians and bicyclists that should receive consideration.

Michael Meyer, Menlo Park, expressed his opposition for the same reasons expressed by others.

Jerry Jones, Menlo Park, expressed his support and noted that not all residents oppose the project.

Dan Finlay, Menlo Park, thanked the Council for removing the Santa Cruz obstacles at May Brown. He expressed his opposition to the proposed undercrossing and the proposed residential guidelines.

Mary Gilles, Menlo Park, noted that there are no bike lanes between Sand Hill Road and Santa Cruz Avenue and questioned where the bicyclists would ride after crossing the proposed tunnel. She suggested postponing the tunnel until safe bicycle lanes are established. She suspects that majority of the Council will approve it regardless of the opposition. She noted the lack of any good solutions or plans for motorized or other kinds of traffic.

Harry Harrison, Menlo Park, commented about the legal ramifications that could arise with the affected landowners or leaseholders on the proposed tunnel and questioned the accuracy of the project cost.

Jean Holtzman, Menlo Park, (did not submit card), commented that she is one of the petition signers opposing the project and witnessed many of the other signers.

Mayor Schmidt declared a recess at 10:40 p.m. and reconvened the meeting at 10:50 p.m. He recommended that because of the late hour, the Council might want to continue any deliberation on the next item regarding residential guidelines to another date and receive staff's presentation and any public comments tonight.

Councilmember Collacchi suggested continuing the item to a date certain later tonight.

Staff responded to Council questions regarding project design and bicycle lanes, grant and other sources of funding and its process, railroad grade separation construction and maintenance costs and timelines and impacts, and eminent domain procedures.

Councilmember Borak read an excerpt from the June 19, 2002 staff report, which cited reasons why other locations are not recommended, in order to correct the public notion that other locations have not been studied. She asked staff to confirm if the main findings in that staff report still stand. Staff confirmed and called attention to additional information in the aforementioned staff report about the studies and findings made for an alignment at a location south of the GMC dealership.

Mayor Schmidt commented about funding processes for transportation related projects and reasons why he felt that the design phase for the project should move forward together with the process to seek outside funding and continue to work with the landowners or leaseholders for an easement. He commented about the benefits of the proposed alignment in particular, connecting different parts of the City. He added that the light traffic activity currently at Cambridge would also be beneficial.

Mayor Schmidt moved to accept staff's recommendation to proceed with the project's plans, specifications and engineering, proceed with pursuing the funding options, pursuing the reconciliation of the community benefits and goals with the two landowners or leaseholders that are affected. In addition, he would support the sidewalk widening, option 2 for the Alma approach segment as outlined in the staff report, and upgrading the loop detectors on both sides of Cambridge.

Councilmember Borak seconded to support the motion. She commented about the process of the bike-crossing project at the end of San Mateo Drive many years ago and noted that even with a lot of opposition at that time, the project is a success. She said she is not sure whether she would support an eminent domain proceeding and did not feel that now is the proper time to make that determination.

Councilmember Kinney commented that an east-west connection would be good for the community and that the Willow/Cambridge bike-undercrossing plan has existed for years. He is disturbed that the leaseholders do not support the project because it might lead to eminent domain proceedings. He is concerned that it is not clear how the project will be funded at this point. He suggested directing staff to go forward with securing funding for the project, work with the leaseholders to obtain their support. He said that he would not support eminent domain proceedings. He suggested putting it on a ballot for an advisory vote and could not support the motion.

Councilmember Collacchi suggested amending the motion to include putting the matter on an advisory vote in June 2003. He felt it is difficult to move forward with the project without resolving the issues and concerns raised.

Discussion ensued regarding an advisory vote, design and timelines.

Mayor Schmidt declared a recess at 12:10 a.m. and reconvened the meeting at 12:20 a.m.

Questions and discussion ensued regarding an environmental review process.

Councilmember Jellins commented that connecting the community on various sides of the tracks are good policies, but have costs associated with them. He concludes that the City can do better in spending its tax

dollars to efficiently connect the community. He has difficulty ignoring long-term decisions that have a price tag. He said he could not support eminent domain and questioned why the City would want to spend \$250,000 before resolving the issues raised by the community and leaseholders. He feels there is still work to be done in this matter and would not support the motion at this time.

Mayor Schmidt commented that when the General Plan contains certain goals and objectives, the Council's job is to provide the means and infrastructure to encourage the kind of behavior and goals that support the General Plan and the community. He reiterated that other sites have been studied and determined that the Willow/Cambridge location is preferable. He called for the vote.

Motion failed 2-3 with Jellins, Collacchi, and Kinney dissenting.

Councilmember Collacchi moved to take the matter to a June advisory vote.

Discussion ensued regarding scheduling an advisory election, contractor timelines in line with Caltrain's shut down period, and project funding opportunities.

Councilmember Collacchi rephrased the motion to conduct a June advisory election for this item and based on that outcome, proceed with the plans, specifications and engineering that are appropriate given that timeframe. In addition, he moved to direct staff to pursue funding opportunities.

Mayor Schmidt seconded the motion.

City Attorney McClure commented that the process for an advisory ballot in June (subject to County confirmation that there is a June election) would require the proposed language on the ballot to come back to the Council in January for its consideration. He noted it would not be necessary to decide anything tonight for something that will occur in June. He suggested that the Council could direct staff to return in January with an agenda item for an advisory ballot measure in June 2003 for the construction of a design of the proposed undercrossing at Willow/Cambridge.

Councilmember Collacchi clarified that his motion tonight is to approve placing an advisory ballot measure on the June 2003 election. Mayor Schmidt earlier seconded the motion.

Councilmember Borak requested an amendment to the motion to direct staff to move forward with the information that is available to seek funding sources.

Discussion ensued regarding the funding process.

Councilmember Collacchi accepted the amendment. Mayor Schmidt seconded the amendment.

City Attorney McClure restated the motion to direct staff to return an advisory ballot measure in June 2003 for an undercrossing to connect Alma Street to El Camino Real, subject to the Council's approval in January of the proposed language for the ballot and authorize staff to proceed to apply for funding for the proposed undercrossing at the Willow/Cambridge location.

Councilmember Jellins asked for clarification on the amount of staff time required to pursue funding.

Dan Smith, Contract Traffic Planner, replied he does not have a cost breakdown separating staff's funding effort from its overall effort for the project at this time.

Councilmember Jellins said he believes the City is committing itself to an expense that is unnecessary until there is public buy in and a commitment to seek funding. He believes it is a futile expense of public funds and he would not support it.

Motion 4-1, with Councilmember Jellins dissenting.

Councilmember Kinney suggested deferring the rest of the items on the agenda due to the late hour.

2. Review of the proposed Zoning Ordinance amendments and design guidelines pertaining to single-family residential development.

Discussion ensued regarding rescheduling this item to a date certain.

There was Council consensus to continue the proposed zoning ordinance amendments and design guidelines to July 30, 2002 and send a notice to all persons who submitted a speaker card tonight.

3. Community Development Agency Approval of the local employment program for applicability to Capital Construction Contracts receiving \$100,000 or more in Community Development Agency financing for construction work to be performed in, or of benefit to, the Las Pulgas Community Development Project Area of Menlo Park.

There was Council consensus to continue this item to next Tuesday, July 23, 2002.

4. Consideration of state and federal legislative items or items referred to in Written Communications or Information Items, including decisions to support or oppose any such legislative, written communication or information item.
 - (a) Information regarding SB 1243 (Torlakson) the partial merger of the Metropolitan Transportation Commission and the Association of Bay Area Governments. – City Manager Boesch provided background and the Council approved to oppose the merger.

G. WRITTEN COMMUNICATIONS

1. Memorandum regarding the Menlo Children's Center Budget - Noted and filed.

H. INFORMATION ITEMS

1. Staff Plans for the Burgess Theater Annex Building – Noted and filed.

I. PUBLIC COMMENT #2

Terry Kent, Menlo Park (no speaker card), said that he is frustrated about the delay on the proposed residential guidelines matter. He expressed opposition to the proposed guidelines and is upset that Lorelei Manor was not exempt from the proposed regulations like Suburban Park, even after all of the work that Lorelei Manor has done in expressing its interest in the city and given the similarities that exist between the two neighborhoods.

Marie Kent, Menlo Park (no speaker card), noted that Lorelei Manor represented 85 percent of the signatures in a petition to opt out of the proposed residential regulations. She said that it is her understanding that there is a letter that states that the Council felt that Suburban Park and Lorelei Manor should be excluded from the proposed regulations and suggested making this letter a public record.

Councilmember Collacchi suggested resubmitting the letter to the Council before or at the July 30 meeting.

Mayor Schmidt noted that it is clear to the Council that both Suburban Park and Lorelei Manor are opposed to the proposed regulations and want to opt out.

Sue Kayton, Menlo Park, said that West Menlo Park recently formed a Homeowner's Association and would also like to opt out of any changes forthcoming to the residential zoning ordinances. She noted that the neighborhood is looking forward to obtaining information about the status on the Sand Hill Road widening project on the City's website.

J. ADJOURNMENT – 1:25 a.m.

Susan A. Ramos, CMC, City Clerk
Approved by City Council on September 10, 2002