



CITY COUNCIL AND COMMUNITY DEVELOPMENT AGENCY MINUTES

Regular Meeting
Tuesday, July 23, 2002
7:30 p.m.
Menlo Park Council Chamber
801 Laurel Street, Menlo Park

ROLL CALL – Mayor Pro Tem Kinney called the meeting to order at 7:35 p.m. Councilmembers Borak, Collacchi, and Jellins were present. Mayor Schmidt was absent. 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. 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 Pro Tem Kinney announced the current vacancies.
2. Councilmember Reports: Schmidt, Kinney, Borak, Collacchi, Jellins.

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Councilmember Jellins announced that he was selected Vice Chair to the Criminal Justice Council.

C. PUBLIC COMMENT #1

David Alfano, Menlo Park, commented about the unanimous support from the residents of Palo Alto for its bike tunnel on Homer Avenue.

Sue Kayton, Menlo Park, asked for the status of the Sand Hill Road widening project. She referred to an article in the Almanac and questioned what the City is doing about its budget shortfall.

Carla Posthauer, Menlo Park, expressed concern about the City's project management methods and suggested that complete information should be disseminated to the public regardless of the project. She expressed opposition to eminent domain proceedings.

Lynne Calvarese, Menlo Park, donated her time to John Posthauer, Sr.

John Posthauer, Sr. Menlo Park, commented about City's funds being wasted on items like the Sand Hill litigation, Santa Cruz Avenue project and the tunnel, which is strongly opposed by the community.

Rick Ciardella, Menlo Park, represented the Chamber of Commerce to express thanks for the City's assistance with the Connoisseur's Market Street Fair.

Harry Harrison, Menlo Park, commented about his close vehicle mishap on one of the islands on Santa Cruz Avenue and urged its removal as soon as possible.

Staff responded to Council regarding the implementation process and outreach based on input from the community and the Santa Cruz Avenue striping plan.

Kathy Newman, Menlo Park, commented about ways of making the Council and Commission meetings more effective and providing opportunities for dialogue with the public. She asked about staff's process of recording and tracking public comments. She asked about the status of the Valparaiso Corridor Study.

City Manager Boesch replied about the status of the Study and the City of Atherton's position.

Eric Kinney, Menlo Park, expressed support for an east-west connection but opposed the Cambridge bicycle/pedestrian tunnel. He expressed concerns about the costs for an advisory election and the specific ballot language, eminent domain proceedings and potential legal costs at a time when the City's revenues are down, the GMC/Buick dealership at Middle Avenue, project timeline and soft costs, and the Middle/Burgess location. He proposed shelving the project at Willow and Cambridge given the concerns raised. He suggested authorizing staff to initiate preliminary discussions with tenants at the Middle location when the economy recovers, and the consultant report and grade separation are complete.

Pat White, Menlo Park, presented Council with some items, which in his opinion, reflected its poor leadership. He asked about total costs to date for the legal battle with Stanford University over Sand Hill Road and the Santa Cruz Avenue project. He asked about the status of the Stanford negotiations.

Bob Creamer, Menlo Park, expressed his frustration about the Council's decisions and process in conducting City business. He felt it has caused an increasing loss of confidence in the community. He cited some examples including the Santa Cruz Avenue and the bike tunnel projects.

Vincent Bressler, Menlo Park, presented a petition with 82 additional signatures opposing the proposed tunnel.

Joanne Goldberg, Menlo Park, commented about the City's revenue shortfall and the presence of political groups that she felt has affected some Council members. She said that most residents would like the Council to deal with issues based on their merits not on political pressure from special interest groups. She noted that at a recent local event, she was asked to convey to the Council that the City does not have a bike map.

Milton Borg, Menlo Park, suggested that the local reporters should do some investigative reporting to help keep the community informed about important issues.

D. CONSENT CALENDAR

Mayor Pro Tem Kinney read the consent calendar items.

Borak/Kinney to approve the consent calendar as presented. Motion passed 4-0, Mayor Schmidt absent.

1. Approve audited bills for period 1 ending July 5 and for pay period 13 ending June 15, 2002.
2. Adoption of a Resolution authorizing an application with the Area Agency on Aging for the delivery of Senior congregate nutrition and transportation services for the fiscal year 2002-03.
3. Approval of Minutes for the City Council Meeting of June 11, 2002.

E. PUBLIC HEARING

1. Adoption of a Resolution approving the Final Report of the City Manager regarding unpaid garbage collection fees for fiscal year 2002-03 and approving the placement of unpaid compulsory, single-family garbage service fees on the 2002-03 property tax roll.

Mayor Pro Tem Kinney suggested that after receiving staff's presentation and public comments tonight, the Council should defer its action to next week.

Uma Chokkalingam, Finance Director, presented the staff report and responded to questions.

Mayor Pro Tem Kinney opened the public hearing at 8:20 p.m. There was no public testimony.

M/S Jellins/Borak to continue the public hearing next week. Motion passed 4-0, Schmidt absent.

F. REGULAR BUSINESS

Mayor Pro Tem Kinney requested changing the order of the agenda to move up item F4 to F2 and move other items down. Council concurred.

Councilmember Jellins noted that the staff report did not comment on the public noticing for the proposed Public Employment Program under agenda item F2. He said that the Belle Haven community would be affected and if there was no public noticing there, he recommended continuing this item in order to solicit comments from the Belle Haven community.

City Manager Boesch responded that there is a timing factor involved in the F2 item and suggested addressing the question of Councilmember Jellins when the subject item comes up on the agenda.

1. Approval of measures to increase the traffic safety on Avy Avenue between Altschul Avenue and Monte Rosa Drive.

Jamal Rahimi, Transportation Manager, presented the staff report with overhead slides. He introduced Rene Baile, who authored the report and is available for questions.

Staff responded to questions regarding speed signs, school zone identification, landscaping, and enforcement.

Sam Bronfman, Phillips Brooks School representative, expressed thanks for the City's efforts to improve safety on Avy. He concurred with staff that the right turn only sign would maintain safety. He said that the school is committed to carpooling and the other measures recommended by the City. He expressed support for all of staff's recommendations and asked the Council to approve them. He responded to questions about the status of the school's move to Woodside and about crossing guards at Altschul and Avy.

M/S Jellins/Kinney to approve staff's recommendation as presented.

Staff responded to questions regarding the accident history in the subject area before and after the right turn only sign was installed and speed percentiles.

Motion passes 4-0, Mayor Schmidt absent.

The agenda was moved out of order and item F4 was moved to this section of the agenda.

4. Motion to reconsider the Council direction to place an advisory ballot measure on the Willow-Cambridge Bicycle/Pedestrian Under-crossing on the June 2003 election; and, consideration of such

a measure on the November 2002 general election ballot at the request of Councilmember Paul Collacchi.

Councilmember Kinney clarified there is a motion to reconsider the advisory ballot scheduling and move it to the November election.

City Attorney McClure clarified that the motion before the Council tonight is to reconsider the motion that was approved at a previous meeting to place an advisory measure on the June ballot and direct staff to continue seeking funding sources, if those became available, for the proposed undercrossing project at Willow/Cambridge to connect El Camino Real and Alma Street. He explained that if the motion passes tonight, it would reopen the question again and a new motion would be in order to place it on the November ballot. He added that the motion tonight would be in two parts: to reconsider the motion approved previously and if that motion passes, then another motion would be in order which would be proposing that the measure be placed on the November ballot.

Councilmember Jellins clarified that a yes vote on the first motion does not require a yes vote on the second motion.

Councilmember Jellins clarified that his vote previously was a dissent because the motion at that time included direction to staff to explore funding for the Willow/Cambridge project.

Councilmember Borak asked if the motion tonight was to reopen the entire discussion about the proposed undercrossing or just the part that dealt with putting the matter on an advisory election in June.

Councilmember Collacchi said that his intent was to move the election date from June 2003 to November 2002. He asked if the decision to do the detailed design of the project could be brought back.

City Attorney McClure replied yes because although the motion to direct staff to spend money for the design previously failed, the Council can reconsider that action again in the future. He clarified that the motion on the floor is to reconsider the motion that was approved at the last meeting to place an advisory measure on the June 2003 ballot and to direct staff to proceed and look at funding sources if they became available.

M/S Collacchi/Borak to approve the motion as stated by the City Attorney. Motion passed 4-0, Mayor Schmidt absent.

Milton Borg, Menlo Park, encouraged the reporters to get comments from the people who are directly impacted by the project and print it so accurate information is disseminated to the community.

City Attorney McClure responded to Council questions regarding an advisory measure and its effect on eminent domain proceedings. He clarified the requirements for eminent domain proceedings. He responded to questions about election costs.

Staff responded to questions regarding negotiations with the landowners and leaseholders regarding the easement and exploring other alternatives.

Lee Duboc, Menlo Park, asked the Council to reconsider the proposed tunnel at Willow/Cambridge at this time because of the strong opposition from the residents, particularly from Linfield Oaks who are most impacted, and the ongoing economic downturn and uncertainty.

Sue Kayton, Menlo Park, said there is no need for a bike tunnel, noting that interest groups are driving it. She questioned the City's desire to rush the project rather than wait for the grade separation. She opposed eminent domain.

Bunny Good, Menlo Park, questioned the cost of \$1.4 million in comparison to the City of Palo Alto's proposed cost of over \$5M for its bike tunnel at Homer Avenue. She said that the City is not providing

all of the information. She suggested that the City should instead be spending money on seniors and the disabled.

Kathy Newman, Menlo Park, commented about eminent domain proceedings and its effect on timelines.

Joanne Goldberg, Menlo Park, commented about election costs and how it could set a bad precedent for other hot issues to be placed on the ballot. She is opposed to eminent domain and creating animosity with two prominent business members in Menlo Park. She is concerned about potential litigation with the landowners, Stanford University, and related legal costs and urged the Council to make a decision tonight.

Christina Kinney, Menlo Park, commented about preliminary injunctions.

City Attorney McClure, provided clarification about preliminary injunctions and eminent domain costs.

Mary Kenney, Menlo Park, expressed support for an advisory ballot in November. She asked that if the ballot measure passes, that those who opposed it let the project move forward.

Frank Carney, Menlo Park, asked questions about elections and language on the ballot measure. He said that he is disturbed about the inaccurate information he received regarding the position of the land or lease owners and maintenance costs for the proposed tunnel. He does not feel that regional environmental groups should get involved in this matter.

Harry Harrison, Menlo Park, said there is a lack of information about project costs for the proposed tunnel and about the land issues. He urged the Council to settle the matter soon.

Carla Posthauer, Menlo Park, expressed opposition to the proposed tunnel location. She commented about a petition she conducted in which many residents opposed the City spending money for a tunnel at any location and others supported a tunnel at an alternate location. She noted that many residents on Cambridge were not aware of the project. She found it interesting that a proponent at a previous meeting stated that the tunnel is not a necessity.

John Posthauer, Menlo Park (no speaker card), expressed concern that this process has been ongoing for two years and suddenly the community is faced with a potential election to vote on this matter. He suspects that the Council will receive an overwhelming response from the community for the language on the ballot. He is concerned about the outside organizations that want to be involved. He suggested that if the Council wants to obtain the desire of the community, then it should consider holding an election in March or June election when outside political organizations are not around. He said that this is a bicycle activist issue. He questioned the location at Cambridge particularly since it conflicts with the project's goal of providing safety for children.

Michael Meyer, Menlo Park, (no speaker card), asked the Council to make a decision about the project tonight.

City Attorney McClure responded to questions regarding associated potential costs for the use of the land currently leased by Auto Nation and Stanford Park Hotel.

M/S Collacchi/Borak to move the advisory election for the proposed bike undercrossing at Willow and Cambridge from June 2003 to November 5, 2002.

City Attorney McClure clarified that it might be appropriate to have a vote to consider placing a measure on the November ballot. He said that if that vote fails, there is no need to discuss ballot language, and if it passes, it is imperative for Council to provide staff with direction on the ballot language it would like staff to bring back at the next meeting. He said that to place an advisory

measure on the ballot requires adoption of a resolution at the next meeting with precise wording of the ballot language for Council consideration.

The motion to place the proposed bike undercrossing at Willow and Cambridge as an advisory vote to the November 5, 2002 ballot passed 4-0, Mayor Schmidt absent.

Discussion ensued regarding the proposed ballot language.

Councilmember Collacchi submitted the following ballot language for Council consideration:

“Should the City of Menlo Park design and construct a bicycle/pedestrian undercrossing beneath the Caltrain railroad tracks to connect El Camino Real near Cambridge Avenue with Alma Street at Willow Road by obtaining the necessary easements, negotiating with property owners (obtaining the necessary easements by negotiating with property owners but not exercising eminent domain), spending approximately \$250,000 of Measure A funds to prepare construction plans, specifications and estimates necessary to solicit funds from grant sources and developing the funding program to implement the project by soliciting funds from grant sources external to the City’s general funds. The contemplated designs are those referenced in the July 16, 2002 staff report and described in the feasibility study for project 70-026. Construction amounts are estimated at \$1.8M or \$2.6M (this amount is subject to verification) depending on the selected design and the timing of the project.”

Councilmember Collacchi said that the proposed language is a streamlined version of what appears on the July 16, 2002 staff report without the part about the environmental review. He noted that the bracketed portion in the proposed language regarding eminent domain requires further discussion.

Councilmember Borak suggested amending the location description to “*El Camino Real with Alma Street near Cambridge Avenue at Willow Road*”. She suggested leaving the question of eminent domain out of the ballot language.

Councilmember Jellins suggested asking the City Attorney to formulate ballot language that would clearly and comprehensively address the points in the staff report alluded to by Councilmember Collacchi, rather than wordsmith it tonight.

Discussion ensued about the key elements that should be contained in the language including location, easement, eminent domain, total project cost, project definition and funding.

Councilmember Collacchi said he liked the suggestion of outlining the elements for staff to formulate ballot language. He suggested including staff’s fact base in the July 16, 2002 staff report and if people want to know the details of the project, the feasibility study could be referenced.

City Attorney McClure clarified that staff will bring back a proposed ballot language with the following elements: location, definition of project, easement, eminent domain/condemnation, total project cost, funding, fact-based staff report and feasibility study.

Councilmembers Collacchi and Jellins concurred with the aforementioned elements for the proposed ballot language that staff will bring back to Council next week. There was no opposition from the rest of the Council.

City Attorney McClure noted that the proposed ballot language will return to Council for its consideration next week at 6:00 p.m. He recommended some agenda scheduling procedures for next week’s meeting to make it more efficient and effective.

Discussion ensued regarding next week’s agenda and meeting procedures.

City Manager Boesch suggested polling the Council for other special meeting dates to accommodate some of the agenda items that might require more time. He suggested starting the meeting next Tuesday at 6:00 p.m. for the ballot measure item.

Councilmember Collacchi suggested that staff establish procedures for setting time limits for public comments at that meeting and subsequent meetings, as necessary, and announcing it to the public beforehand.

Councilmember Jellins noted that he is not convinced that the proposed tunnel project should be on the ballot, however, given the election timeline, the decision should be made tonight, otherwise, it would come back next week. He is interested in hearing from the community next week about this matter.

Mayor Pro Tem Kinney declared a recess at 10:45 p.m. and reconvened the meeting at 10:55 p.m.

2. 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.

Councilmember Jellins asked whether public noticing was provided to the Belle Haven community.

Staff responded that per the discussion and feedback from the Las Pulgas Committee to proceed with the program, there was no notice sent to the Belle Haven neighborhood.

Don de la Pena, Redevelopment and Housing Director, presented the staff report with overheads.

Staff responded to questions regarding incentives, the basis for the hourly amount, monitoring and administration of the program, type of projects under the proposed program, and agency funding.

M/S Kinney/Jellins to approve the public employment program as presented. Motion failed 2-2, with Councilmembers Collacchi and Borak dissenting.

3. Review of the potential housing sites compiled by the Council Subcommittee for analysis in the Housing Element Environmental Impact Report.

Mayor Pro Tem Kinney suggested continuing this item to a future meeting due to the late hour.

City Manager Boesch suggested receiving staff's presentation tonight and continuing the matter to a future meeting for public comments and Council deliberation and consideration. Council concurred.

Justin Murphy, Senior Planner, presented the staff report including an overview of the list of sites and process for the next steps and responded to questions regarding sites, location criteria, and process.

Council consensus to continue this item to a future Council meeting.

4. Motion to reconsider the Council direction to place an advisory ballot measure on the Willow-Cambridge Bicycle/Pedestrian Under-crossing on the June 2003 election; and, consideration of such a measure on the November 2002 general election ballot at the request of Councilmember Paul Collacchi.

This item was moved up to follow agenda item F1.

5. 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 – None.

G. WRITTEN COMMUNICATIONS - None

H. INFORMATION ITEMS - None

I. PUBLIC COMMENT #2 – None.

J. ADJOURNMENT – The meeting adjourned at 11:45 p.m.

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