



**CITY COUNCIL
and
COMMUNITY DEVELOPMENT AGENCY MINUTES**

**Tuesday, December 10, 2002
7:30 p.m.
Menlo Park City Council Chambers
801 Laurel Street, Menlo Park**

6:00 p.m. SPECIAL MEETING - in the Administration Conference Room located on the first floor at City Hall, 701 Laurel Street, Menlo Park.

ROLL CALL – Jellins, Duboc, Collacchi, Kinney, Winkler

1. Meeting with Assemblyman Joe Simitian to discuss activities in Sacramento, pending legislation and other matters of mutual concern. City Manager Boesch, Assistant City Manager Seymour and Attorney McClure were present.

Assemblyman Simitian updated the Council on the budget crisis in Sacramento and the potential impacts on the City of Menlo Park.

7:25 p.m. STUDY SESSION ADJOURNED

REGULAR MEETING

ROLL CALL – Mayor Jellins called the meeting to order at 7:40 P.M. in the City Council Chambers. Mayor Pro Tem Duboc, Councilmembers Collacchi, Kinney and Winkler were present. Also present were City Manager Boesch (arr. 7:50 P.M.) Assistant City Manager Seymour, City Attorney McClure, Interim City Clerk Kern and other Department Heads.

A. PRESENTATIONS AND PROCLAMATIONS – None

B. COMMISSION VACANCIES, APPOINTMENTS AND REPORTS

1. Planning Commission, Parks and Recreation Commission, Housing Commission and Arts Commission. There is one vacancy on each commission and the application deadline is January 14, 2003.

Mayor Jellins announced these vacancies.

2. Councilmember Reports.

Mayor Pro Tem Duboc encouraged the residents to support the business community in Menlo Park, which would help generate sales tax for the City.

Mayor Jellins explained that this Council would be making some process changes to improve the way the Council conducts business and receives comments from the public. He reported that a Council member had requested that the Pledge of Allegiance be included at Council Meetings. He invited the public to join the Council and staff in the Pledge of Allegiance at this time.

Mayor Jellins further explained that he, Mayor Pro Tem Duboc and the staff had discussed some changes to help manage the Council meeting time more efficiently. He explained that one of the changes they were considering was the policy of donating time for speakers during meetings. He noted that he had received calls today from speakers requesting extra time to present their information to Council, and he had given permission for these presentations. He explained that in the future, residents should call the City Manager's office or the Mayor, before the meeting, to get approval for lengthy presentations. He invited anyone who had a comment, but did not wish to speak, to hand those written comments to the City Clerk and they would be read into the record. Mayor Jellins invited the public to continue to communicate by mail, e-mail, fax or telephone.

C. PUBLIC COMMENT #1

Mr. Bayersdorfer, Menlo Park, expressed concerns about the Phase II tree-planting program along El Camino Real. He stated that the cutouts for the trees in the sidewalks made pedestrian access difficult. He said he was especially concerned about the limited wheelchair access near the curb cutouts around Cambridge and El Camino Real. Mr. Bayersdorfer invited the Council to view the area.

Mr. Crittendon, Menlo Park, stated that he would shop Menlo Park, but the merchandise he needed was not available here.

Mayor Jellins stated that Council would make note of concerns expressed during public comments and attempt to respond immediately, if possible.

Mr. Carney, Menlo Park, expressed his disappointment with the actions that were taken by the Council, with regard to the selection of the Mayor on December 2nd. He said Mr. Kinney would have been elected Mayor if the process had been followed. Mr. Carney said he would like the City Attorney to investigate this process to see if there had been a Brown Act violation. He said he was concerned that the seats would be rotated back and forth between the newest council members for the next four years, and the other council members would not have a chance to serve as Mayor or Mayor Pro Tem. Mr. Carney said that he thought this item should be put on a future agenda for a full discussion of this policy.

Ms. Cash, representing Mt. Olive Church and Belle Haven, thanked Council members Collacchi and Kinney for attending the neighborhood meeting to listen to the concerns regarding the proposed M2 zoning proposal. She explained that she would like to distribute copies of a letter, (on file in the City Clerk's office) signed by 195 residents, to focus attention on their concerns regarding community outreach, redevelopment, and inclusion in the decision making process regarding Belle Haven. She thanked the staff and Council members for attending their community meeting when they presented their idea to locate a Super Wal-Mart in the Belle Haven neighborhood.

Mr. Burnell, representing Menlo Office Plaza, Inc. read a letter into the record (on file in Clerk's office). He expressed concerns about the progress on the upgrade and remodel of Parking Lot #5 between Crane and Evelyn Avenues. He requested that that this work be completed in a timely fashion.

Mayor Jellins explained that Council and staff would reply to the comments made earlier.

City Manager Boesch stated that he would have the staff contact Mr. Bayersdorfer to discuss his concerns.

Mayor Jellins stated that he would meet with Mr. Carney regarding his concerns.

Mayor Pro Tem Duboc suggested that a shopping directory be generated to facilitate residents shopping here.

Mayor Jellins stated that the Council and staff welcomed their comments and concerns and requested that they continue to be part of the process.

City Manager Boesch stated that he would have the Public Works Director contact Mr. Burnell regarding parking lot #5 at the Plaza Shopping Center.

D. CONSENT CALENDAR

1. Approval of audited bills for periods 19, 20 and 21 ending November 8, 2002, November 15, 2002 and November 22, 2002.
2. Council approval of the Annual Below Market Rate (BMR) Housing Program Report. (*Staff Report # 02-270*)
3. Resolution No. 5417 amending the City's Conflict of Interest Code and Biennial Review. (*Staff Report # 02-264*)
4. Approval of the Local Appointments List (Maddy Act) Posting. (*Memorandum*)
5. Review of the Annual Report on the status of the Traffic Impact, Storm Drainage and Recreation-in-Lieu Fees collected as of June 30, 2002 according to Government Code Section 66001. (*Staff Report # 02-263*)
6. Approval of a request to approve the mediation training previously received by two members of the Community Mediation Service. (*Staff Report # 02-267*)
7. Approval of an agreement in the amount of \$59,238 with Carollo Engineers to perform a chloramine conversion study of the City's Municipal Water System and authorize \$5,924 for contingency for a total project budget of \$65,162. (*Staff Report # 02-265*)

M/S Collacchi/Kinney to approve the Consent Calendar items. Motion passed unanimously.

E. PUBLIC HEARING

1. Mid-Term Report on the Community Development Agency Redevelopment Implementation Plan. (*Staff Report # 02-262*)

Housing and Redevelopment Manager Hillard presented the staff report and responded to questions.

Mayor Jellins opened the public hearing. There was no public testimony.

Mayor Jellins closed the public hearing.

M/S Duboc/Collachi to approve item E1 as presented. Motion passed unanimously.

F. REGULAR BUSINESS

1. City Council 1) approval of the revised improvement measures in Phase I of the Oak Knoll School Traffic Safety and Management Plan; 2) allocation of \$15,000 from the 2002-03 Traffic Impact Fee account to fund the implementation of these improvements; and 3) status report of Phase II improvements. (*Staff Report # 02-268*)

Transportation Manager Rahimi reviewed the proposed revisions to the Oak Knoll School Traffic Safety and Management Plan – Phase One. He explained that during the implementation phase, concerns were expressed by the residents near Oak Knoll School regarding the size of the implementation of the plan. The Council directed staff to provide an interim plan, to present to the Bicycle and Transportation Commissions, the community, and the safety committee, which has reviewed the project from the beginning. He noted that staff was presenting this plan for final approval.

Transportation Manager Rahimi listed the proposed revisions for Council approval and answered Council questions.

- ✓ **Oak Knoll and Oakdell.** –Remove crosswalk.
- ✓ **Oak Knoll Midblock** Crosswalk at School Entry. Replace green neon crossing signs with standard yellow signs. Retain sandwich signs.
- ✓ **Oak Knoll and Oak.** Relocate the crosswalk and sandwich sign on Oak – eastside of intersection. Establish a “No parking” zone on the south side of Oak in intersection.
- ✓ **Oakfield and Oakdell.** Replace the continental crosswalk with a parallel crosswalk.
- ✓ **Oakfield and White Oak.** Replace the continental crosswalk with parallel crosswalk.
- ✓ **Oak and Bay Laurel.** Replace the continental crosswalk with a parallel crosswalk.
- ✓ **Lemon and Oakdell.** Replace the continental crosswalks with parallel crosswalks.
- ✓ **Olive and Oakdell.** Retain the continental crosswalk and sandwich sign. Remove advance crossing signs and pedestrian crossing signs on Olive.

Transportation Planner Teddyputra explained that the speed limit on Olive was 35 miles per hour.

Mayor Jellins asked the members of the audience to raise their hands to indicate how they felt about the proposed amenities for the Phase I improvements throughout Transportation Manager Rahimi’s presentation.

Transportation Manager Rahimi summarized the Phase II improvements, which consist of category 2 and 3 improvements. He noted that some of the category 3 improvements: 1) potential introduction of a bike lane on Middle Avenue; 2) removal of parking along Middle; 3) speed humps on Oak; and, 4) landscaping on Olive, had not received a clear mandate from the residents, so he was recommending that further public outreach be done to determine what the impacts would be for these proposed changes.

Transportation Manager Rahimi reported that one traffic mitigation that was of concern to residents was the potential stop sign at Middle Avenue/San Mateo Drive. He said staff thought that if Council directed staff to proceed, the only way to analyze this mitigation was to install a stop sign on a trial basis for six months and return in six months with the results and a recommendation. Transportation Manager Rahimi explained that surveys indicate there was not an overwhelming support by the neighbors to make drastic changes at this location.

Mayor Jellins requested a show of hands from the audience members who favored/opposed a stop sign at Middle Avenue/ San Mateo Drive. He noted that the vast majority opposed this traffic mitigation.

Mr. Welch, Menlo Park, Oak Knoll Neighborhood Association, reviewed the history of traffic concerns around Oak Knoll School. He explained that their Association was in favor of the conversion of the two sandwich signs in front of Oak Knoll School to single double-sided signs, removal of continental crosswalks, and parallel style crosswalks at Oak Knoll/ White Oak, and Oak/Lemon. Mr. Welch stated that they were against further striping, signage and additional parking restrictions in Phase II. He noted that it was important to engage the community early in these types of issues.

Mr. McGannon, Menlo Park, expressed concerns regarding the signage and the imposition of excessive sandwich signs in the area. He said he thought that part of the problem was the egress and

ingress to the school in such a short time frame. Mr. McGannon said he thought it was the school's responsibility to mitigate this problem, instead of polluting the neighborhoods with signage.

Mayor Jellins explained that it was his intention to work with the school district to implement solutions for these ongoing traffic concerns.

Ms. McMillan, Menlo Park, said all the traffic data has indicted that a stop sign was not warranted at Middle/San Mateo and she requested that that advice be heeded. She said she was in favor of wide bike lanes on Middle coupled with limited parking restrictions, during peak hours. Ms. McMillan suggested the use of Baylor as an option for this bike lane. She said she thought the most favorable type of cross walk signage would be a pedestrian activated crosswalk with in-ground flashers. She said she thought the parents would also support bus transportation for school children, funded by the school district. Ms. McMillan said she said she was against a stoplight at Santa Cruz/ San Mateo, and requested that this idea be removed from further consideration.

Mr. Mroz, Menlo Park, said he was in favor of the stop sign placement at San Mateo Drive/Middle Avenue and proposed an additional sign that stated "No Turns". He said this would discourage drivers from turning into the Wallea/ San Mateo neighborhood.

Ms. Bailey, Menlo Park, stated that she agreed with the ideas proposed by Mr. Welch and Mr. McGannon.

Ms. Kroeger, Menlo Park, reviewed the history of this project and urged the Council to vote to implement the Oak Knoll Elementary Parent Teacher Association Board's recommendations. She stated that the Oak/Oak Knoll intersection needed more study before the crosswalk was moved. She said there would not be enough room for bikes and pedestrians to move safely through the area near 1815 Oak. Ms. Kroeger reminded everyone that these mitigations were being done to protect the children.

Ms. Young, Menlo Park, presented the Oak Knoll PTA nine members Board position on the proposed options for Phase II. She explained that they felt that cross walks should be visible, durable and consistent for the safety of school age children and that ladder type cross walks meet that criteria. She stated that they would like continental crosswalks at the following locations: Oak Knoll/Oakdell; Oak Knoll Lane/White Oak. She said they were in agreement with the other staff recommendations.

Ms. Gilles, Menlo Park, explained that the combination of no sidewalks or bike lanes and minimal traffic enforcement was a great concern to the neighborhood. She reviewed the history of the process that had taken place and stated that Phase I had been effective in achieving its goal of improving safety around the school.

She noted that during the process the Safe Routes committee reviewed the changes requested by the Oak Knoll Neighborhood Association, and agreed to most of the recommended changes. Ms. Gilles stated that she was not in disagreement with the PTA's recommendations and felt that the changes facilitated a compromise between the neighbors and the school.

Mr. Fioretti, Menlo Park, stated that he was against the stop sign at Middle/San Mateo.

Mr. Veentluyzen, Menlo Park, stated that he was against the stop sign at Middle/San Mateo. He said he was disappointed that staff was still recommending this mitigation because he thought this idea had been removed from consideration.

Mr. Borg, Menlo Park, stated that he agreed with Tom McGannon and Dave Welch. He said there had not been a problem in the past five years and didn't think that tweaking the process would be helpful. Mr. Borg stated he thought one solution was to make Vine Street a drop off spot and he thought that staggered hours were helpful to mitigate the traffic concerns.

Mr. Keelin, Menlo Park, reviewed various cross walks throughout Menlo Park and compared what was currently proposed around Oak Knoll School. He said he thought the parallel crosswalks, at three-way controlled intersections, would work well because they were extremely visible. He said they agreed with the staff report except at three locations: 1). Approve parallel (rather than continental) crosswalks at White Oak/Oak Knoll; 2). Approve parallel (rather than continental) sidewalks at Lemon/Oak; and, 3). Approve one double-sided sandwich sign at the mid-block school crossing. Mr. Keelin noted that 1 and 2 were not mentioned in the staff report. He said that the petition signed by 97% of the residents in the Oak Knoll neighborhood approves of these changes. He noted that if Council was in doubt about these changes, he would like the Council to consider the "less invasive" solutions for a trial period before imposing a more invasion solution on the neighborhood.

Mr. Gilbertson stated he was against over engineering residential streets and said this type of signage was not appropriate for neighborhood streets. He explained that if streets were striped like highways, people start to drive like they are on a highway. Mr. Gilbertson stated that the sandwich boards were not bicycle friendly and should not be placed at every intersection. He said more effective traffic enforcement would help in this area, but signs telling people to obey the signs, was not effective. Mr. Gilbertson said he thought 4-way stop signs created more problems than they solved.

Mr. Blawie, Menlo Park, stated he was opposed to the stop sign at San Mateo Drive/Middle. He expressed his concern about the lack of notice to the neighborhood regarding this issue and the lack of notification regarding the traffic committee meetings. He said that the traffic advisory notes from last spring indicated that the stop sign at San Mateo was not recommended. He noted that this was not mentioned in the staff report. He reviewed an informal traffic count that had been conducted by one of the neighbors and this indicated there wasn't a problem in this area.

Mr. Brenner, Menlo Park, expressed concerns about the signage in this area and suggested a solution of greater participation of Oak Knoll school parents utilizing staggered hours and safety volunteers at key intersections, while the children come and go. He said the neighborhood has to take on the problems caused by the school and the Vine Street closure. Mr. Brenner stated the need for a greater incentive to get people out of their cars by encouraging biking and walking to school. Mr. Brenner encouraged the Council to adopt the safety measures suggested by staff along with the ones suggested by Mr. Keelin.

Ms. Pickus, Menlo Park, stated her concerns regarding the lack of bike and pedestrian lanes to separate the children from the traffic on Oak Avenue.

Council member Winkler made a motion to eliminate discussion regarding the stop sign at San Mateo and Middle Avenue.

Mayor Jellins requested Council consensus to remove this item from further consideration.

Council member Collachi requested that staff explain what traffic warrants were. Transportation Manager Rahimi explained that the primary warrant for stop signs was based on right-of-way designation and traffic volume at an intersection. Transportation Manager Rahimi said that San Mateo/Middle did not warrant a stop sign.

Following this explanation, Council concurred to remove this item from further consideration.

Councilmember Winkler polled the audience regarding their preferred mode of getting their children to school. There was overwhelming support to bus them. She said this was a citywide problem, and she felt that the City should work to find a solution while these traffic issues are being discussed.

M/S Kinney/Collacchi to approve the staff recommendations with the addition of retention of cross walks at Oak Dell/Oak Knoll; and add an additional continental crosswalk for the intersection of Oak Avenue and Oak Knoll, using standard yellow signage.

In response to Councilmember Collacchi, Transportation Manager Rahimi reported that the reconstruction of the Oak/Oak Knoll intersection is not as critical now that No Parking signs have been added to Oak Avenue. He explained that they would be shortening the curb radius on the north/east corner to improve safety.

City Attorney McClure clarified that this motion did not include direction on Phase II or III, other than removal of consideration of a stop sign at Middle /San Mateo Drive. He said the only point that was not addressed was the request for changes at Oak Knoll/White Oak.

Following discussion, M/S Kinney/Collacchi amended the motion to add parallel crosswalk striping at the intersection of Oak Knoll/White Oak.

Mayor Jellins stated he was sensitive to safety in this area and thanked everyone for the time that had been given to work on solutions to these neighborhood concerns. He said he was comfortable with the proposed recommendations with the exception of Oak Dell/Olive. He requested that staff continue to work on solutions to the speeding on Olive.

In response to Mayor Jellins, Transportation Manager Rahimi stated that the second crosswalk was warranted because the neighbors indicate that both sides are used for crossing.

Vice Mayor Duboc **suggested two amendments to the motion: 1). change cross walk at Oak Knoll/Oak Dell to parallel cross walk; and, 2). no additional crosswalk at Oak Knoll/Oak.**

City Attorney McClure clarified that the motion was to amend the original motion, to delete the proposed crosswalk on the east side of Oak Knoll/Oak, and retain existing crosswalk on the west side of this intersection.

Transportation Manager Rahimi explained that staff would like to retain the existing crosswalk and survey the neighbors to see if they concur with changes considered for this intersection.

City Attorney McClure explained there was a main motion, for two crosswalks at that intersection. He explained that Council member Duboc would like to amend the motion to delete the proposed crosswalk on the east side and retain the crosswalk on the west side of the intersection of Oak/Oak Knoll. He said that if this was the motion, it would be appropriate to see if there is a second, and then a vote on whether or not to amend the main motion.

City Attorney McClure explained that a yes vote would amend the main motion to delete one of the two proposed cross walks at that intersection.

M/S Winkler/Jellins to amend the main motion. Motion carried 3/2, with Kinney/Collacchi dissenting.

M/S Kinney/Collacchi to approve staff recommendations with amendments. Motion passed unanimously.

Mayor Jellins asked if Council would like to provide direction to staff regarding Phases II and III.

Council discussion ensued.

Mayor Jellins stated that there was consensus to hold further discussions regarding Phase II and III. He said this discussion could be held at a Study Session.

RECESS AND CALL TO ORDER

Mayor Jellins recessed the meeting at 10:25 P.M. and called it back to order at 10:30 P.M.

2. Approval of a process to develop a Willows Traffic Mitigation Implementation Plan.
(Staff Report # 02-266)

Transportation Manager Rahimi explained that in response to the redevelopment project known as the University Circle, the City had instituted traffic mitigation measures in the Willows neighborhood. He explained that another project, University Place was now being considered for this area, and the staff had concerns about the additional traffic impacts. He reported that their research indicated there has been considerable growth in traffic in the Willows neighborhood, and for this reason, Council directed the staff to prepare a work plan in a timely fashion to try and take advantage of possible funding by the developer for some traffic mitigations in this area. He requested direction on the work plan, so that staff could move forward to address the issues in this neighborhood. He introduced Mr. Smith, Transportation Division, to give a brief report.

Mr. Smith provided traffic counts since University Circle had reached 40% occupancy. He reported that staff was recommending a focused approach to restrict through traffic in the Willow's neighborhood. He said the proposal was to use signed movement prohibitions at key entry points to the neighborhood during peak hours. Mr. Smith explained that staff was suggesting this limited approach because there were traffic-calming devices in this area and these devices had limited effect so far. He said staff thought that fixed barriers or signed restrictions were the best way to get compliance in the neighborhood. Mr. Smith said that without the participation by the adjacent city, control points would be needed on a large number of streets. He explained that staff was recommending a minimum approach to provide relief from commuter traffic, and then additional mitigations, if necessary, as things evolve. Mr. Smith explained that if the City implements controls before May, the developer of University Circle, is obligated to contribute a share of the City's costs for this mitigation plan. He explained that if the project were sign based only, the plan would be categorically exempt from CEQA and could be completed by the end of April. Mr. Smith reviewed two options for Council consideration and explained that the staff recommendation was different from the concepts developed by the neighborhood. He stated that a focused response could be done in a short period of time to provide relief to the neighborhood.

Council and staff discussed the various elements of the proposed traffic mitigations, signage, developer contribution, and traffic calming devices.

Mr. Hubble, Menlo Park, presented the neighbor's concerns regarding excess speed and traffic in the Willows neighborhood. He stated that the residents would like a phased comprehensive plan, with special consideration for Woodland Avenue. He explained that they would like this plan to provide safe streets and eliminate cut-through traffic at reduced speeds on a permanent basis. They also requested that the neighborhood be protected against parking, and other impacts resulting from large-scale commercial activity bordering this area.

Mr. Crittenden, Menlo Park, stated his support for the staff recommendations. He said he thought that some of the ideas proposed by the Willows neighborhood might be unrealistic.

Ms. Leitch, Menlo Park, stated her concerns about the increased traffic on her street and would like to add Marmona and Blackburn to the list of streets to be considered for traffic measures.

Mr. Kinaan, Menlo Park, stated he was in support of the correspondence sent to the staff, and the comments made by Mr. Hubble regarding traffic in the Willows area. He said he would like to have a comprehensive plan that would address the problems in the neighborhood. Mr. Kinaan stated that this traffic plan needed to divert traffic out of the neighborhood.

Ms. Hammond, Menlo Park, said she agreed with Mr. Hubble's comments and requested that neighborhood preservation methods, as well as traffic mitigation, be taken into consideration.

Mr. Bernstein, Menlo Park, stated that he was concerned about future traffic when the commercial area was built out in the neighboring community. He said the groundwork needed to be completed now to mitigate this increased traffic. He noted the changes that had taken place at major intersections in the neighboring community and the closed freeway entrances and exits on Highway 101 reduced capacity in and out of town and impacted the neighborhood. Mr. Bernstein urged the Council to not accept developer funding, so that it would not appear that the city approved of this development.

Mr. Molony, Menlo Park, reported that there were three separate groups concerned about the traffic in the Willows. He said he would like to address the fact that a regional market had been displaced by the commercial development at University Circle. He said he thought developer funding could be used for City capital improvements at the new location on Menalto Avenue, to improve pedestrian safety and traffic flow.

City Attorney McClure reported that Council member Winkler had a conflict of interest in discussing any issue regarding the Menalto streetscape. He noted that she had stepped down from the dais during this discussion.

City Attorney Mc Clure explained to Council that the Menalto Avenue streetscape was not on the agenda and he suggested that this be brought back at a later time for discussion.

City Attorney McClure explained that based on the settlement agreement, he did not think that the developer funds could be used for this streetscape project.

City Manager Boesch explained that this project was already on the list to be evaluated.

Ms. Ferguson, Menlo Park, asked if the staff could meet with their group to further refine their plans.

Mayor Jellins said he would like to have a meeting with staff regarding this issue, before they committed staff time.

City Manager Boesch stated that he thought staff could take a look at the neighbor's ideas and provide some numbers regarding staff time and costs required for these improvements.

Mr. Hubble stated that the neighbors would like a tiered approach, with short term goals, to take advantage of the developer funding, and do it in such a way, that it would lead to a longer term phased solution.

Council member Kinney stated that if cut-through traffic were addressed in a comprehensive way immediately, the other of the concerns could be addressed on an ongoing basis.

City Manager Boech explained that staff attempted to narrowly focus the scope of work so it could be implemented. He said he would caution against calling this recommendation Phase I, because of the differences in the scopes. He said staff was assuming that a large portion of the traffic was coming

from Highway 101. He said if the neighborhood would like the staff to do an in depth study for a phased approach, then staff would return with a different scope.

Mr. Smith said that staff needed direction on whether the Council was in favor of using the developer contribution or not and he thought that time was an important consideration to get measures in place before University Circle becomes fully occupied.

Council and staff discussed traffic mitigation ideas for the neighborhood.

Mayor Jellins requested that Council members Winkler and Collachi work with staff and the Transportation Commission to develop a project. He asked if they would make themselves available to the neighborhood to answer questions and concerns also.

City Attorney McClure explained that Councilmember Winkler and Collachi would be allowed to work on this project. The only time they would have to recuse would be if and when traffic mitigations were being considered for their streets.

Mayor Jellins asked when this project would come back to Council. City Manager Boesch explained that staff was planning a goal setting session with Council in early January, before the annual project priority setting in February.

3. Consider rescission of Ordinance No. 915, An Ordinance of the City of Menlo Park, Amending Title 16 of the Menlo Park Municipal Code, Deleting Chapters 16.65 *Solar* Access and 16.81 Family-Nonconforming, Adding Chapter 16.65 Design Guidelines for Single-Family Residential Development, and Amending Chapters 16.04 Definitions, 16.08 Districts Established – General Regulations, 16.10 R-E Residential Estate, 16.12 R-E-S Residential Estate Suburban, 16.14 R-1-S Single Family Suburban Residential, 16.15 R-1-S (FG) Single Family Suburban Residential (Felton Gables), 16.16 R-1-U Single Family Urban Residential, 16.18 R-2 Low Density Apartment, 16.58 Lots, 16.60 Encroachments and Balconies, 16.62 Yards, 16.64 Fences, Walls, Trees and Hedges, 16.67 Daylight Planes, 16.72 Off-Street Parking, 16.80 Nonconforming Uses and Structures, 16.82 Permits, 16.84 Public Hearings, and 16.88 Amendments. *(No staff report)*

Mayor Jellins explained that this item had been placed on the agenda at last week's Council meeting.

City Attorney McClure explained the procedure to vote to rescind this ordinance. He said if this action were taken to rescind, it would take effect immediately.

Mr. Blawie, Menlo Park, expressed concerns about this action and stated that he thought that Council should discuss the various elements to determine if there were some that were workable. He said this action would put the old rules back in place and could cause concerns for people on both sides of the issue.

Council member Kinney stated that he had similar concerns and asked the City Attorney if there were other options available to the Council besides rescission. City Attorney McClure explained that if the ordinance was not rescinded now, the Council would have to go through an amendment procedure in the future. These amendments would then be referred back the Planning Commission for recommendation. He explained further that if this ordinance was rescinded, it would not preclude the Council from bringing this back for discussion and direction at a later date.

M/S Winkler/Duboc motion to rescind Ordinance 915. No vote was taken.

Council member Winkler stated that she would like this Ordinance to be brought back to Council as soon as possible to consider modifications.

Council member Jellins stated that he would support this action and looked forward to amending the various elements in the ordinance. He suggested that individual Council members work with staff to come up with modifications to this ordinance.

Council member Kinney suggested a friendly amendment to convene a study session with the staff to provide direction for these modifications.

Council member Winkler accepted the amendment. Councilmember Duboc seconded the amendment.

Council member Collachi stated that he liked this ordinance in its present form, but was willing to take a second look at revising this ordinance. He said he thought this was a rewrite of the code base, and if this Council was willing to look at this Ordinance, then he felt there was trust in this ordinance. Council member Collachi said he would rather start with this one, and come back and amend it later.

M/S Winkler/Duboc to rescind Ordinance 915. Motion carried 3-2 with Kinney and Collacchi dissenting.

- 4 Appointments of Council Representatives and Alternates to various outside agencies.
(*Staff Report # 02-260*)

Following discussion the following list of agencies and representatives was established for the year 2003:

- City/County Association of Governments of San Mateo County C/CAG – Mayor Jellins, Representative; Lee B. Duboc, Alternate.
- Airport Community Roundtable – Mayor Pro Tem Duboc, Representative; Mayor Jellins, Alternate.
- Association of Bay Area Governments (ABAG) – Mayor Jellins, Representative; Council member Winkler, Alternate.
- Emergency Services Council (San Mateo County Joint Powers Authority) – Mayor Pro Tem Duboc, Representative.
- League of California Cities (Peninsula Division) – Mayor Jellins, Representative.
- San Francisquito Creek JPA – Council member Kinney, Representative; Mayor Pro Tem Duboc, Alternate.
- County of Santa Clara Community Resources Group for Stanford University – Council member Winkler, Representative, Council member Collacchi, Alternate.
- San Francisco Bay Area Water Users Association – Council member Kinney.

Mayor Jellins reported that he had asked the staff to identify other JPA's that the City belongs to, so that Council members could consider any interest in serving as a liaison with the staff or attending the meetings. He said a report would be brought back for consideration.

Mayor Jellins commented that the San Mateo County City Selection Committee would meet next week, and requested that item would be on the next agenda, so Council would have an opportunity to provide direction on the various appointments.

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.

No items for discussion.

G. WRITTEN COMMUNICATIONS - None

H. INFORMATION ITEMS - None

I. PUBLIC COMMENT #2

Mr. Blawie, Menlo Park, suggested that Council identify their key priorities or a Mission Statement and then empower the various commissions to complete the groundwork on various issues on behalf of the Council.

J. ADJOURNMENT 12:37 P.M.

**Kathy Kern
Interim City Clerk**

Approved by the City Council on January 7, 2003