



CITY COUNCIL and COMMUNITY DEVELOPMENT AGENCY MINUTES

Tuesday, May 20, 2003

7:30 p.m.

The Menlo Park Council Chambers
801 Laurel Street
Menlo Park, CA 94025

6:00 p.m. STUDY SESSION (First Floor Conference Room - Administration Building)

1. Discussion of project selection for the San Francisquito Creek Joint Powers Authority continuing assistance program.

The study session was called to order at 6:10 p.m. and Kent Steffens, Public Works Director was present to provide a PowerPoint presentation. Mr. Steffens introduced representatives of the JPA at the Study Session, and proceeded to explain the suggested project that the JPA will present to the Army Corps of Engineers. The request is that the Corps of Engineers conduct a CAP 205 project.

The public was given an opportunity to provide input. Council Member Kinney is the Council representative at the San Francisquito Creek JPA.

The study session adjourned at 7:15 p.m. Due to the late hour, Council decided to move the Closed Sessions to the end of the regular meeting.

CLOSED SESSIONS – Moved to the end of the Regular Meeting Agenda

1. **PUBLIC COMMENT** - Under "Public Comment", the public may speak to the Closed Session items at this time.
2. Adjourn to Closed Sessions
3. Closed Session pursuant to Government Code Section §54956.9(c) regarding pending litigation: Allied Arts Neighbors, et al v. City of Menlo Park, San Mateo County Superior Court Case Number CIV430714; and, Johnson v. City of Menlo Park, United States District Court, Case number C-98-2858-VRW. Parties present: David Boesch, City Manager; Bill McClure, City Attorney.
4. Closed Session pursuant to Government Code Section §54957 regarding annual performance evaluation of City Manager. Parties present David Boesch, City Manager; Bill McClure, City Attorney.

7:35 p.m. REGULAR MEETING (Menlo Park City Council Chamber)

Mayor Jellins recognized and welcomed Boy Scout Troop 215 that was visiting the City Council Meeting, for their government badge.

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

PLEDGE OF ALLEGIANCE

STAFF PRESENT - David Boesch, City Manager; William McClure, City Attorney; Audrey Seymour, Assistant City Manager; Silvia Ponte, City Clerk. Various department heads, and other City staff present.

Mayor Jellins reported on the Study Session, and informed the public that the Closed Session was moved to the end of the regular meeting.

A. PRESENTATIONS AND PROCLAMATIONS - None

B. COMMISSION VACANCIES, APPOINTMENTS AND REPORTS

1. Mayor Jellins announced a vacancy for the Library Commission for an un-expired term, ending September 2003 the deadline for applications is June 20, 2003.
2. Council Member Reports.

Mayor Jellins acknowledged and welcomed Patti Fry, Chair of the Planning Commission. Ms. Fry spoke as the Chair of the Planning Commission, reporting that she had contacted all the Chairs of other Commissions and they are all receptive to working together. Ms. Fry also explained to the Council that the Planning Commission met in regards to the Residential Zoning Ordinance changes and they had serious challenges completing the review and providing a recommendation. The Planning Commission shared concerns about being able to complete the review in a thoughtful manner and asked for an extension. Ms. Fry asked that Council postpone this item until the Planning Commission can fully review it and provide a recommendation.

Mayor Jellins thanked Ms. Fry for her report, and acknowledged her message from the Planning Commission stating that he and Ms. Fry would continue to dialogue.

C. PUBLIC COMMENT #1 (*Limited to 30 minutes*)

Chuck Bernstein acknowledged the presence of the Boy Scouts. Mr. Bernstein stated his opinion against the California Realtor Association, and their accomplishment with Bill 1866 that allows a second living unit be built on every single-family lot. He asked Council to resist the forces of this organization during their review of the Residential Zoning Ordinance.

Harry Harrison visited City Hall on a Friday and realized that the offices were closed. Mr. Harrison believes the City Hall should be open five days a week. He also spoke against the pot holes in the streets, and that they need patching.

Mayor Jellins clarified that City Hall is opened longer hours (7:30 a.m. to 5:30 p.m.) in order to close on alternate Fridays. It was also stated that an item on the Agenda was to approve a paving contract.

Rick Ciardella stated that as he drove down El Camino Real, he realized that the traffic lights are synchronized. Mr. Ciardella complimented the Engineering Department for their work and success on this issue.

D. CONSENT CALENDAR

1. Adoption of a Resolution No. 5447 giving preliminary approval of the Engineer's Report for the Landscape Assessment District for Fiscal Year 2003-04, adoption of a Resolution No. 5448 of Intention to order the levy and collection of assessment for the 2003-04 Landscape Assessment District, authorization of the City Manager to approve a request from the County of San Mateo to

modify the compensation schedule for the Landscape Assessment District for the Fiscal Year beginning July 1, 2003. *(Staff Report # 03-087)*

2. Award of contract for the traffic signal installation at Valparaiso Avenue and University Drive to Pacific Electric Company in the amount of \$120,000; and authorization of a budget of \$150,000 for construction, contingencies, testing, engineering, inspection, and construction administration. *(Staff Report # 03-084)*
3. Award of contract to O'Grady Paving, Inc. for the Marsh Road, Oak Grove Avenue, Sand Hill Road, and University Avenue resurfacing project in the amount of \$408,101 and authorization of a project budget in the amount of \$551,317 to cover construction, contingencies, material testing and construction administration. *(Staff Report # 03-088)*
4. Community Development Agency approval of a one-year extension to the Exclusive Negotiating Rights Agreement (ENRA) with Peninsula Habitat for Humanity for the property located at 297 Terminal Avenue, and authorization of the Executive Director to execute the extension agreement. *(Staff Report # 03-085)*
5. Authorization for staff to execute an agreement with Standard Insurance Company of Portland, Oregon, to provide group term life insurance, accidental death and dismemberment, dependent life insurance and long term disability coverage for City employees for the period beginning June 1, 2003 and ending April 30, 2005. *(Staff Report # 03-089)*

Item pulled from Consent Calendar

6. Preliminary approval of a regulatory fee to implement the local City of Menlo Park Storm Water Management Program (SWMP) for Fiscal Year 2003-04, and setting a public hearing on the adoption of the fee for June 24, 2003; and 2) authorization of the City Manager to approve a request from the County of San Mateo to modify the compensation schedule for the Storm Water Management Program Regulatory Fee for the Fiscal Year beginning July 1, 2003. *(Staff Report # 03-092)*
7. Approval of the City Council Minutes of April 29, 2003 and May 6, 2003.

M/S Kinney/Collacchi to approve Consent Calendar items D1 through D5 and D7. Motion passes unanimously.

Item Pulled D6

Council Member Winkler asked specific questions in regards to page three of the staff report and details on expenditures and funding. David Boesch, City Manager, responded to the questions, and asked that Council approve the collection of the fee, even though it will not be construed as an allocation of funds for this project. Mr. Boesch stated that if the Council has further questions the Storm Water Management Program Fee Budget can be discussed during the Budget Public Hearing.

M/S Jellins/Kinney to approve item D6 of the Consent Calendar. Motion passes unanimously.

E. PUBLIC HEARING

1. Consideration of a Zoning Ordinance Amendment, Use Permit, Architectural Control, Sign Review, and Negative Declaration for the Chevron service station located at 1200 El Camino Real. *(Staff Report # 03-086)*

Jeffrey Smith, Associate Planner presented the staff report covering the details pertaining to this site. He also stated that this Zoning Ordinance Amendment is specific to five Service Stations located along El Camino Real. Staff stated that the Planning Commission had reviewed this project (prior to slight modifications) and approved the project in concept. The two policy issues presented to the City

Council were: amendment of the Zoning Ordinance and whether to consider the pump stations as parking spaces when determining if the proposal meets the parking requirements. Council asked questions of staff on the required use permits for Service Stations along El Camino Real, and the signage suggested. Staff clarified that the signs will be reviewed at a later point. Staff answered questions related to: street elevation, the side wall, parking spaces, and the use of the color red in the proposed signs.

Public Comment

Rick Ciardella, Board Member of the Menlo Park Chamber of Commerce, supports this project and hopes the Council gives the go ahead since this will bring revenues for the City of Menlo Park. Mr. Ciardella agrees with the location and the design.

Muthana Ibrahim with Designer's Collective provided a copy of the sign and the elevations for the service stations. Mr. Ibrahim made himself available to answer questions from the City Council.

Mayor Jellins closed the public hearing and mentioned that this matter entails an amendment to a Zoning Ordinance.

M/S Collacchi/Kinney moved approval of item E1 including Introduction of the Zoning Ordinance Amendment and the other staff recommendations.

Discussion on the motion:

Council asked questions of staff about the parking around the site, and how it relates to the size of the building. Mayor Pro Tem Duboc encouraged residents to buy gas in Menlo Park, and Council Member Kinney suggested that buyers require that their sales taxes stay in Menlo Park, even when the car comes from an affiliate store. Council discussed the possibility of generating a letter informing local dealers that if cars are bought in town, but the car comes from an affiliate, the customer may request that the sales tax be credited to Menlo Park. Mr. Boesch and the Finance Department will work on this issue.

Justin Murphy, Principal Planner, clarified that on circled page F1, item 3 relating to the Zoning Ordinance it should read Introduction of an Ordinance and not Adoption.

Motion passes unanimously.

F. REGULAR BUSINESS

1. Consideration of a request from Woodside Atherton Auxiliary to rescind the following approvals granted to the Allied Arts Guild property located at 75 Arbor Road: a) Resolution No. 5433 amending the General Plan to modify the public and quasi-public land use designation and change the land use designation for certain property located at 75 Arbor Road; b) Ordinance No. 919 amending Title 16 of the Menlo Park Municipal Code, adding Chapter 16.55 AAGP Allied Arts Guild Preservation District, and amending 16.08 Districts Established - General Regulations; c) Ordinance No. 920 rezoning property located at 75 Arbor Road; d) Allied Arts Guild Preservation Permit, dated April 8, 2003 e) architectural control for the renovation of the Allied Arts Guild facility located at 75 Arbor Road; and f) revised Mitigated Negative Declaration prepared for the project.

Mayor Jellins informed those present that a letter was received from the President of the Woodside Atherton Auxiliary requesting that Council decline to consider rescinding the approvals previously granted. Council took no action.

2. Community Development Agency discussion about Agency owned property at 735, 777, 787, 791, 801, 811 and 821 Hamilton Avenue and authorization to proceed with soliciting bids for the Hamilton Avenue Streetscape Project. (*Staff Report # 03-091*)

Don de la Pena, Housing and Redevelopment Director provided the staff report and a PowerPoint presentation. Art Morimoto, Supervising Engineer was also available for comment. Staff outlined the options available to Council. Council asked questions about uncommitted funds and Mr. de la Pena provided a break down of these amounts.

Public Comment

Jim Calhoun spoke representing his business interests, and not the interests of the Las Pulgas Advisory Committee. Mr. Calhoun supports this project, and stressed to the Board that these funds are Agency Funds. Mr. Calhoun reiterated the need for the City to invest in the community of Belle Haven.

Richard Landawn spoke about his particular steps to get a permit and having to pay \$30,000. He fully supports this project, because it will not only beautify Hamilton Avenue but also allow his particular situation to be resolved.

Carrie Peterson asked Council to consider the value of this project and the positive impact it will have on City property. Ms. Peterson stated that many community meetings have been held on this matter, and support exists for this project. Ms. Peterson believes a lot of money has already gone into this project, and hopes Council will move forward.

Chuck Bernstein asked Council to look at the long-term return and impact of this type of project. Mr. Bernstein did not have an opinion but wanted Council to look into the future and identify possible gains or losses associated with this gradual land use transformation.

Council expressed consensus in having staff prepare a scope of work for Hamilton East, in order to get a broader perspective, and to include consideration of all potential uses, excluding uses that would be incompatible with residential use, e.g. heavy industrial use. Council also agreed that the new Business Development Specialist should collaborate with this project, even though staff has some opportunity to start now.

This limited scope of the plan will be paid by the Agency, instead of the General Fund because this will be work for the Redevelopment Agency. Staff is to prepare a scope of work for a study to look at potential development that could take place on Hamilton Avenue East.

Mr. Boesch summarized the discussion by relating items that are to be part of the study:

- Compatibility with the neighborhood
- Must take in consideration surrounding land uses
- Feasibility in terms of market economics
- Give consideration to the existing M1 zone
- Include consideration of the possibility of retail and/or residential use at an appropriate density level.

The abovementioned information is to be included in the scope of the study, and shared with the new Business Development person. Subsequently, this item is to be brought back to Council for further discussion. Council agreed with the summation presented by Mr. Boesch.

M/S Jellins/Kinney to move forward with the process of going out to bid for the Hamilton Avenue Streetscape project. Motion passes unanimously.

3. 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

1. Email from Bob Stevens with recommendations on how to engage the public and City on decision-making practices on City projects and enhance the democratic process.

Council Member Winkler shared that she has been in contact with Mr. Stevens and one positive outcome is that the City's website will probably have an electronic distribution list. Mayor Jellins thanked Mr. Stevens for his input and suggestions.

2. Correspondence from Patti Fry regarding Study Sessions and decision-making practices.

Mayor Jellins acknowledged Ms. Fry's letter, and clarified that the Council is in the process of implementing numerous improvements to the Agenda and Study Session processes. Ms. Seymour was asked to provide a brief update.

Ms. Seymour began by mentioning that one of the areas that staff is working on is the earlier start time for the Regular Council Meetings, to give the public more opportunity to speak at an earlier time. The area of Study Session is also being addressed in regards to having more of the materials available for the public and these sessions, as of May 6, 2003, are now being tape recorded for the benefit of the public. Staff is also working on having staff reports available for Study Sessions to facilitate the information sharing and discussion that is supposed to take place in these settings.

Various Council Members shared the following ideas:

- some Study Sessions have worked out very well, one in particular the Belle Haven Study Session was exemplary. In this particular case, a very good staff report from Ms. Seymour had been pre-circulated, and the venue was very good.
- The Joint Study Session with the Planning Commission also worked really well because of the seating arrangements and the tape recording is sufficient for the record.
- Keep a reduced frequency of Study Sessions.
- Study Sessions are a good place to study issues and get information.
- It would be good to have more flexibility to vote on issues discussed at Study Sessions; one proposal is to have a place holder on the Regular Agenda to allow Council to take action.
- Nameplates to identify Council Members at Study Sessions.
- The fish bowl is too small, and maybe the Council Chambers could be used for Study Sessions with Council sitting at tables in front of the dais.
- It is beneficial when Council can face each other and the Public during the Study Session.

Public Comment

Patti Fry spoke about being pleased with the improvements towards open government. Ms. Fry mentioned that the Business Roundtable was not posted on the website. Ms. Fry read an excerpt from the Brown Act, and believes some education is necessary on the kinds of meetings that it allows. Ms. Fry believes the City can still do a better job.

3. Memorandum from Councilmember Kinney regarding an American Institute of Architects Charrette for Menlo Park.

Council Member Kinney explained that this would be a way to get a group of Architects to come and study an issue, and find solutions for design. The cost of a Charrette is \$12,000 and Council Member Kinney suggests that these funds be raised privately. Mr. Kinney was able to have a site

and the catering secured by the donation of the General Manager of the Stanford Park Hotel. Council discussed this matter and some Council Members support the project, but would like to wait until the Business Development Specialist joins the City. Then this person could work and coordinate this event. Mayor Jellins agreed with this plan, and the Council consensus was that there is an interest in pursuing this matter, but it is a question of timing.

4. Request from CCAG for letter of support for AB1546 that authorizes CCAG to assess up to \$4 in motor vehicle fees.

Mr. Boesch reported that a letter was received from the City/County Association of Governments to assess up to \$4 in motor vehicle registration fees to address two specific programs: reduce congestion in San Mateo County and to fund Storm Water Pollution Prevention Programs. The City Manager gave statistics on which Cities have approved such resolutions.

Some Council Members expressed concerns about how the public will react to this fee increase. After some discussion, Council agreed to place the Resolution on the Consent Calendar of the June 3rd Meeting, so the public has greater awareness of the issue.

H. INFORMATION ITEMS - None

I. PUBLIC COMMENT #2 (Limited to 30 minutes)

David Speer thanked the Council for postponing item G4 because he believes the public should have a chance to be informed. Mr. Speer raised questions about the need to inform the public in regards to plans to have a Charrette. Mr. Speer applauded the Council's efforts to have improved process, and is happy about the audio record of the Study Sessions.

- J. ADJOURNMENT** - Mayor Jellins adjourned the regular meeting at 10:13 p.m. and Council went into the Closed Sessions that had been postponed from the beginning of this meeting.

Council had no Action to report from the Closed Sessions.

Respectfully submitted,

Silvia M. Ponte, City Clerk

Approved at the City Council of Menlo Park Meeting of June 3, 2003.