



**CITY COUNCIL  
and  
COMMUNITY DEVELOPMENT AGENCY  
SPECIAL MEETING MINUTES**

Tuesday, June 24, 2003

7:00 p.m.

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

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**7:00 p.m. SPECIAL MEETING** (Menlo Park City Council Chamber)

The meeting was called to order at 7:00 p.m.

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

**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 were present.

**PLEDGE OF ALLEGIANCE**

**A. PRESENTATIONS AND PROCLAMATIONS**

1. Proclamation designating July 1 through 31, 2003 Parks and Recreation Month.

Mayor Jellins presented the proclamation to Parks and Recreation Commissioner Patricia Watkins and they read the proclamation jointly.

**B. COMMISSION APPOINTMENTS, VACANCIES, AND REPORTS**

1. Transportation Commission vacancy for an un-expired term, ending July 2005; the deadline for applications is July 15, 2003. Mayor Jellins invited the public to apply for this position.

Mayor Jellins asked for an update from City Clerk Silvia Ponte on the number of applications received. She reported that two applications had been received, and the appointments were scheduled for July 15, 2003.

2. Council Member Reports.

Council Member Kinney reported that on Thursday June 27, at 6:00 p.m. the Joint Powers Authority for the San Francisquito Creek meets at the Council Chambers. Mr. Kinney also reported that there would be an update on the CAP 205 project, the status of the Sand Hill Road Improvement, and the Willow Road. Mr. Kinney was sworn in at the new water agency BAWUSA (Bay Area Water User's Services Agency), and the Council thanked Mr. Kinney for his contributions to this agency.

Council Member Duboc stated that an Environmental Impact Report is forthcoming on the expansion of the runways at the SFO terminal. This event is to be held at the Herbst Theater War Memorial and Performing Arts Center on June 25, 2003 from 9:00 a.m. to 12:00 noon. Such expansion will be postponed until the rider ship at the Airport is much higher. Ms. Duboc reported that Mr. John Long, Officer at the San Francisco International Airport Noise Abatement, passed away from a heart attack on Father's Day. Ms. Duboc sends her condolences to his family. Similarly, Ms. Duboc reported that Mr.

Nathaniel Brooks passed away and he was a remarkable man, who she served with on the Parks and Recreation Commission. She remembers him as a truly loving and generous man. Ms. Duboc stated that Mr. Brooks' contributions have made Menlo Park a better place.

Mayor Jellins reported on the trial of the matter of Johnson vs. City of Menlo Park and stated that the City prevailed against the plaintiff's claims. Secondly, the Mayor said that he has just been appointed Chair of the Criminal Justice Council. Mayor Jellins reported that he also attended the funeral of Mr. Nathaniel Brooks and he presented a post mortem proclamation to the family. Mayor Jellins informed those present that the City Council Meeting would be adjourned in memory of Mr. Brooks.

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

Laura Fanucchi, director of HIP, a Housing and Home Sharing Program, expressed gratitude to the City Council for its continued support. Ms. Fanucchi reported that this fiscal year such organization was able to provide housing and community resources to almost 100 Menlo Park residents.

Harold Pritchard resident of Menlo Park since 1979, has served on the Library Commission and opposes the reduction in Library hours. He views libraries as a place for social congregation, and believes they are no longer just repositories of information but also places to socialize and engage the community.

Mayor Jellins clarified that the Council receives many emails and letters and all of them are read and considered. Mr. Jellins mentioned two in particular, one by Jim Goode and one by the Chamber of Commerce with input in regards to the budget situation.

### **D. CONSENT CALENDAR**

1. Adoption of a Resolution No. 5455 recommending that the San Mateo County Flood Control District Impose charges for funding the 2003-04 Countywide NPDES (National Pollution Discharge Elimination System) General Storm Water Management Plan. (*Staff Report # 03-115*)

#### **Item D2 pulled**

2. Adoption of a Resolution No. 5459 approving the renewal of a contract with the County of San Mateo for Animal Control Services. (*Staff Report # 03-109*)
3. Community Development Agency (1) Award of Contract for the Hamilton Avenue Demolition Project to Thomas D. Eychner Co., Inc. in the Amount of \$186,204; and (2) Authorization of a Budget of \$240,000 for Construction, Contingencies, Testing, Engineering, Inspection and Administration. (*Staff Report # 03-111*)
4. Adoption of a Resolution No. 5456 making certain findings and determinations in compliance with Section XIII B of the California Constitution (The Gann Initiative). (*Staff Report # 03-106*)
5. Adoption of a Resolution No. 5457 approving the current investment policy for the City and the Community Development Agency of Menlo Park, to be effective for 2003-2004. (*Staff Report # 03-107*)
6. Approval of an appropriation of \$83,000 from the Vehicle Maintenance Fund for the purchase of various fields maintenance equipment and authorization of staff to issue purchase orders for the equipment. (*Staff report # 03-118*)
7. Adoption of a Resolution No. 5458 Canceling the Public Hearing set for July 15, 2003 to Adopt a Resolution to Abandon a Portion of an Existing Access Easement Between Deanna Drive and Monte Rosa Drive Along the Properties Located at 1135 and 1160 Deanna Drive. (*Staff Report #03-119*)
8. Approval of the City Council Minutes of the Meeting of June 10, 2003.

**M/S Kinney/Duboc to approve all the items on the Consent Calendar with the exception of Consent**

**Calendar item D2. Motion passes unanimously.**

**Item pulled D2**

Mayor Pro Tem Duboc explained that this matter is an example of the City outsourcing services, and being unable to negotiate a better cost. Ms. Duboc shared concerns about the City being asked to pay more and receive less. Council Member Kinney asked questions of Commander Bruce Goitia in regards to statistics and services provided by the Humane Society. Commander Goitia explained that the number of animals picked up by the service is usually consistent, with the exception of the month of February when there was a particularly high incidence of feral dogs at the Bayfront Park. The Humane Society representatives were at the Bayfront Park 97 times in that particular month.

**M/S Kinney/Duboc to approve Consent Item D2. Motion carries unanimously.**

**E. PUBLIC HEARINGS**

1. Adoption of a Resolution No. 5460 approving a regulatory fee to implement the local City of Menlo Park Storm Water Management Program (SWMP) for fiscal year 2003-04. (*Staff Report 03-114*)

Pat Stone, Supervising Engineer provided the report by sharing a brief history of the matter. Council asked questions of staff in regards to a possible Proposition 218 requirement. Mr. Ruben Nino, Director of Engineering Services explained that the Storm Drain Program had been previously presented to Council and other funding options will be shared at a later time. Council Member Winkler said that the San Francisquito Watershed Council volunteered a \$10,000 reduction in its budget.

Philip Chang, representing the San Francisquito Watershed Council, clarified that the \$10,000 reduction would have a great impact on their organization and their program. Mr. Chang also stated that if the San Francisquito Watershed Council is left with fewer resources, then the City would be less capable of getting State funding.

**Mayor Jellins opened the Public Hearing and invited Public Comment.**

Philip Chang asked that the Council continue its annual contribution to the San Francisquito Watershed Council since this organization focuses on water quality and wildlife. Mr. Chang clarified that the focus of his organization is on water quality, education and involving the community to improve the environment. The web page is [www.acterra.org/watershed/](http://www.acterra.org/watershed/) and donations are welcomed.

Mayor Pro Tem Duboc asked that the City's next newsletter include an article with the address of this organization so people can donate money.

Peter M. Colby spoke about the issue of leaves being cleared and blocking the storm drain. Mr. Colby has concerns about having more trees along the median on El Camino because they might load up the storm drain and overload the creek.

**M/S Duboc/Jellins to close the Public Hearing. Motion passes unanimously.**

Council asked more questions of staff, in particular relating to the leaves from new trees being planted.

**M/S Duboc/Kinney to adopt the staff recommendation and allocate \$17,000 to the San Francisquito Watershed Council.**

Council Member Winkler stated that as other organizations are feeling the pinch by the City reducing its support, i.e. Chamber of Commerce, in her opinion it would be best to cut the allocation to \$15,000.

**M/S Winkler/Jellins substitute motion to reduce the funding to \$15,000. Motion fails with Duboc, Collacchi and Kinney dissenting.**

The Council Members opposing the substitute motion stated that this was too big of a cut and they were not comfortable with the \$15,000 allocation instead of the \$17,000. The \$15,000 might be a figure to consider in subsequent years.

**Vote on the original motion enabling the allocation of \$17,000. Original motion carries with Collacchi dissenting.**

2. Adoption of a Resolution No. 5461 overruling protests, ordering the improvements, confirming the diagram and ordering the levy and collection of assessments for the City of Menlo Park Landscape Assessment District for Fiscal Year 2003-04. (*Staff Report # 03-116*)

Pat Stone, Supervising Engineer presented the staff report explaining that the recommendation is for the rates to remain the same for the City of Menlo Park Landscape Assessment District. Council asked questions about the noticing of this matter, and if there was any opposition to this matter. Staff clarified there was no opposition and that the item was published in the newspaper.

**Mayor Jellins opened the Public Hearing.**

No public comment.

**M/S Kinney/Jellins to close the Public Hearing. Motion passes unanimously.**

**M/S Kinney/Duboc to approve the staff recommendation, which includes the resolution. Motion carries unanimously.**

3. Consideration of the Introduction and Adoption of an Urgency Ordinance No. 923 Amending Zoning Ordinance Regulations Pertaining to Secondary Dwelling Units. (Urgency Ordinance concurrent introduction and adoption. A 4/5 vote is required.) (*Staff Report # 03-110*)

Arlinda Heineck, Community Services Director presented the staff report clarifying that this report is in response to new State Law which requires jurisdictions to ministerially approve applications for secondary dwelling units. One of the intents of the law is to facilitate the creation of secondary dwelling units as a source of housing by streamlining the application process. Ms. Heineck explained that Menlo Park currently allows attached secondary dwelling units in single family zoning districts via a discretionary process (use permit process). Ms. Heineck clarified that the ordinance before Council is in the form of an urgency ordinance in order to be effective before State Law goes in effect on July 1, 2003. The State Law does not differentiate between attached and detached secondary dwelling units.

Council asked questions about the current non-conforming secondary units that are either attached or detached. Ms. Heineck clarified that there are very few secondary dwelling units built every year. City Attorney Bill McClure clarified that ministerial means that if all the requirements are met, the City has no discretion to deny a permit even if all the surrounding neighbors oppose such construction. Council asked that this item be revisited in one year for an update on the status.

Mr. McClure also stated that the need for the 4/5 vote is because this is an urgency ordinance and it requires that sort of affirmative voting in order to pass and be adopted immediately. Residents who want to appeal this set of rules can do so by applying for a variance, and try to get a secondary dwelling unit in lots smaller than those established by the City (7,000 sq. ft). Parking was also discussed and the State Law requires one additional space for the secondary dwelling unit, and tandem parking is permissible.

**Mayor Jellins opened the Public Hearing**

Boyd Paulson referred to the Minutes from the Planning Commission and he would like to correct that his issue is that he does not agree with ministerial review on both categories (attached and detached). Mr. Paulson believes that secondary dwelling units should be subject to discretionary review by staff.

**M/S Duboc/Winkler to close the public hearing. Motion passes unanimously.**

**M/S Kinney/Winkler to approve the urgency ordinance and have the ordinance come back to Council in approximately six-months unless there is a great deal of activity in this matter.**

Council Member Kinney complimented the working relationship between Planning staff, Planning Commission and the Housing Commission.

#### **Council discussion**

Council Member Winkler will support this urgency ordinance, but she would like this item to come back to Council at a later time. Ms. Winkler had some additions to the ordinance that she would like to share at a later time, because she understands the time constraint in this matter. Council asked questions in regards to the parking needed for these secondary dwelling units and the resale value added by these secondary units. Council also inquired about the inclusion of basement square footage in the FAL (floor area limit). Ms. Heineck clarified that basement square footage does not count towards the square footage of the house, however all square footage within a secondary dwelling unit, whether it is in the basement or above ground level, will count towards the maximum size of that secondary dwelling unit. Council Member Winkler will wait until the item comes back and then she will provide her edits. Council consensus was to have a six-month trial period.

**Mayor Jellins called for the vote. Motion passes unanimously.**

Recess at 8:45 p.m.

#### **F. REGULAR BUSINESS**

1. Adoption of a Resolution No. 5462 by the City Council of the City of Menlo Park adopting the City's 2003-04 Budget and Capital Improvement Program and Adoption of a Resolution No. 265 by the Community Development Agency adopting its 2003-04 Budget. (*Staff Report # 03-112*)
2. Community Development Agency Adoption of a Resolution No. 266 Approving a Loan from the City for the 2003-2004 Budget, Authorizing an Agreement to Repay the City, and Determining that Planning and Administrative Expenses are Necessary for the Production, Improvement and Preservation of Low and Moderate-Income Housing. City Council adoption of a Resolution No. 5463 determining the Benefit and Need for Agency funded improvements and of a Resolution No. 5464 Authorizing a Loan to the Community Development Agency for the Agency's 2003-2004 Budget and Resolution No. 267 by the Community Development Agency. (*Staff Report # 03-113*)

David Boesch, City Manager presented the staff report explaining that this is both a City Council and Community Development Agency action (items F1 and F2), and that this years' revenue is going to be approximately \$26.3 million. Consequently, the expenditures in the current year match almost exactly the revenues previously stated. However, this is due to the fact that over the year many expenditure adjustments were made as the deficit was becoming apparent and to avoid a wider gap between the two. Mr. Boesch stated that the City spends 72% of its money on employee salaries and benefits because the City is a service oriented organization. The goal is to reduce internal service costs and try to decrease the impact of these reductions in the community. Mr. Boesch pointed out that there is a very modest capital improvement project list being presented for consideration, and that the Council action includes approving the Community Development Agency budget as well. Mr. Boesch reiterated that the budget is predicated on staff's best estimates of revenues, subsequent targeting of expenses, and achieving a balance of the two.

Council asked Mr. Boesch if the City will be asked to give the State approximately \$500,000. Mr. Boesch stated that at this point it is very hard to predict how much each municipality will have to give to the State. The current budget has set aside \$900,000 for a potential take away by the State. Council inquired if the City is being reimbursed for Emergency Preparedness training. Chris Boyd, Chief of Police stated that a grant is being written up and it looks like some funds are being released, so the City might have a good chance at getting some money back. Additionally, the EOS (Emergency Operations System) program will provide a good platform to request further reimbursements.

### **Council discussion**

Council asked about the Vehicle License Fee, and how the City will get reimbursed for Emergency Preparedness Training. Mr. Boesch recognized the efforts of Commander Greg Rothaus with the city's Emergency Preparedness Program.

Mr. Boesch clarified that the hope is to have the Capital Budget and the Operating Budget presented to Council on alternate years so the process is more manageable. On one year the Council would review and approve the Operating Budget and the next year the Council would review and approve the Capital Budget. Mayor Jellins stated that this approach would satisfy some of his concerns.

### **Mayor Jellins asked for Public Comment on items F1 and F2**

Art Margolis thanked the Mayor and the Council for hearing his concerns regarding speed bumps in the Willows. Mr. Margolis congratulated the Council for putting aside \$200,000 to address the Willows traffic abatement.

### **Council Discussion**

Mayor Pro Tem Duboc shared some concerns about the size of the Community Services budget and she would like to see some reductions in this budget in order to increase the Police Department's budget. Ms. Duboc stated that she would like to see the Activity Guide continue being printed in the same numbers. She also shared thoughts about the Library being funded by private donors, and suggested requesting donations during the Summer in the Park series. Council concurred with the approach of having a donation box at these events.

Council discussed the Activity Guide and how its reduced distribution is going to be managed. Audrey Seymour, Assistant City Manager clarified how this process will develop stating that the three times a year publication will continue but it will be more concise and the number of printed copies will be reduced to half. The Council also asked the City Manager to expand on the Business Development Manager position. Mr. Boesch said the direction of this endeavor will be dictated by Council and there are a myriad of options to focus on, i.e. permit streamlining, M2 zoning, downtown, hotel development, retail expansion, etc. Council also discussed that the three motorcycle officers will be in patrol cars and Mr. Boesch stated the Police Department would try to do more with less resources. Chief Boyd interjected that the Police Department will try to continue to do traffic enforcement as efficiently as possible.

Council Member Collacchi stated that he was not inclined to support the budget as it stands because it doesn't look like the \$400,000 cuts in structural components will occur soon enough. Mr. Boesch was asked to identify the staff cuts that would result in this amount, and he stated that this would probably represent about 5 employees at a salary (including benefits) of \$80,000 each. Mr. Collacchi stated that he would feel more comfortable if the budget approval process was postponed until the City Manager identifies the positions, and partners with the Unions to find cuts via voluntary separation.

Mr. Boesch was asked to give a brief summary of the understanding reached by the Council discussion. Mr. Boesch stated that Council wants to make structural changes to reduce annual

operating expenses in the amount of \$400,000 and to have these done by October 1, 2003. The plan is to have these personnel cuts implemented in the second quarter of the fiscal year. Mr. Boesch stated that this seems like a more deadline driven process towards the goal of "right sizing" Menlo Park government. Mayor Jellins agreed with Mr. Collacchi to cut expenditures and move towards structural changes that will enable the City to be in a better place next year. However, Mr. Jellins would like to pass the budget.

**M/S Jellins/Collacchi motion to approve items F1 and F2 on the Agenda and all the resolutions included referencing the following actions:**

- **Provide cost reductions in FTE's (full time equivalent employees) in the amount of \$400,000 by the end of the first quarter of the new fiscal year;**
- **Create the list of positions to be cut by 10/01/03, possibly by using the original list presented by the City Manager, and commit to getting these reductions in place by having staff work with the Unions to achieve the \$400,000 reduction via voluntary means if possible;**
- **Consider additional sources of revenue such as new programs that would provide excess revenue to restore Library hours.**

**Council Discussion**

Mayor Jellins asked questions in regards to the allocation of \$200,000 for traffic calming in the Willows. Mr. Boesch explained that this amount is an estimate and not a precise figure. Mayor Jellins confirmed that the Activity Guide printing will be reduced but this will be on a trial basis, and to consider enrollment and participation rates in future analysis of this approach. Mayor Pro Tem Duboc asked that staff look at the possibility of publishing twice a year instead of three times a year. Council agreed that the Library hours are to stay as proposed in the City Manager's report, i.e. reduce weekly hours from 65 to 59 in order to achieve the savings. However, Council would like to restore Library hours as soon as it becomes feasible. Council agreed with the Business Development position as proposed and the General Plan Update as proposed.

**Mayor Jellins called for the vote. 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 - None**

**H. INFORMATION ITEMS - None**

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

Dean Tsaggaris talked about Dr. Charles Lee, a US citizen and resident of Menlo Park who is in prison in

China due to his association with the Falung Gong. Mr. Tsaggaris explained that this practice has been outlawed in China.

Yeong Ching Foo asked for Council's support in freeing her fiancé, Dr. Charles Lee, who is in jail and has been sentenced to three years in jail in China. Ms. Foo is very concerned about the physical abuse he has endured in a Chinese jail. Ms. Foo requested that the Council write a letter on behalf of Dr. Charles Lee.

Council Member Collacchi enjoyed the previous Study Session regarding Grade Separation and asked that a follow up discussion be scheduled. Mayor Jellins will pursue the matter with the City Manager.

Council Member Kinney asked that the matter of Dr. Charles Lee be agendized, and he will work with

Council Member Winkler.

**J. ADJOURNMENT – Adjourned in memory of Nathaniel Brooks at 11:03 p.m.**

**Respectfully submitted,**

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**Silvia M. Ponte, City Clerk**

Approved at the City Council Meeting of Menlo Park on July 15, 2003.