



CITY COUNCIL and COMMUNITY DEVELOPMENT AGENCY MINUTES

Tuesday, July 15, 2003

7:30 p.m.

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

7:30 p.m. REGULAR MEETING (Menlo Park City Council Chamber)

ROLL CALL - Jellins, Duboc, Kinney, Winkler. Council Member Collacchi was absent.

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. Recognition of an outgoing Library Commissioner and Transportation Commissioner.

Mayor Jellins recognized Mr. Frank Briski and Eric Hjertberg, Library Commissioner and Transportation Commissioner respectively for their dedication and services pro bono to the City of Menlo Park. Mr. Hjertberg was recognized in absentia. Mr. Briski thanked the Council for the recognition, and complimented the Library of Menlo Park for its quality of services and personnel.

B. COMMISSION APPOINTMENTS, VACANCIES, AND REPORTS

Mayor Jellins addressed item B2 first, and encouraged the public to apply for these vacancies.

2. The Transportation Commission has one vacancy for an un-expired term, ending July 2005. The deadline for applications is 5:00 p.m. on July 15, 2003.

The Transportation Commission also has two new vacancies to serve four-year terms that expire September 2007. The deadline for receipt of applications is 5:00 p.m. on August 18, 2003.

The Arts Commission has two vacancies to serve four-year terms that expire September 2007. The deadline for receipt of applications is 5:00 p.m. on August 18, 2003.

The Environmental Quality Commission has two vacancies to serve four-year terms that expire September 2007. The deadline for receipt of applications is 5:00 p.m. on August 18, 2003.

The Housing Commission has two vacancies to serve four-year terms that expire September 2007. The deadline for receipt of applications is 5:00 p.m. on August 18, 2003.

The Las Pulgas Committee has one vacancy for a Rental/Owner to serve an un-expired term, ending March 2005. The deadline for receipt of applications is 5:00 p.m. on August 18, 2003.

1. Appointment to the Library Commission to fill an un-expired term, ending September 2003 (one vacancy). Due to the brevity of this term, Council consensus is to extend the term for four more years, upon its expiration.

Mayor Jellins confirmed that this term would be automatically extended for another four years. Two applications were received: Charlene A. Friedman and John Haller Jr.

Open Nominations

Mayor Pro Tem Duboc nominated Charlene A. Friedman for the Library Commission but simultaneously recognized John Haller Jr. as a solid candidate. Mayor Jellins thanked Mr. Haller for his interest and great involvement in the community.

Close Nominations

Council unanimously appointed **Charlene A. Friedman** to the Library Commission.

3. Council Member Reports.

Council Member Kinney recognized receipt of an electronic correspondence from Cynthia D'Agosto, Executive Director of the San Francisquito Joint Power Authority, informing Council that a U.S. Senate Committee will consider approval of a Corps of Engineers Study on the San Francisquito Creek. Mr. Kinney stated that this request for funds was a three-year process. Mr. Kinney asked the Council and public to contact Dianne Feinstein to support this project.

Council Member Winkler thanked the community members who have come forth and volunteered their time and expertise to assist the City. Ms. Winkler thanked the following volunteers who have started donating their time: **Lois Barnhart, Constantine Boyko, Karen Mohler, Chris Pencavel, Nathan Perkins, and Lamesha Robertson.**

Mayor Jellins announced an additional vacancy for the Parks and Recreation Commission. The Parks and Recreation Commission has one vacancy to serve a four-year term expiring September 2007. The deadline for receipt of applications is 5:00 pm on August 18, 2003. The Mayor encouraged people to apply by calling the City Clerk or by visiting the website at www.menlopark.org.

Mr. Jellins complimented the improved City web page. In his opinion its functionality and user friendliness have improved.

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

Sue Barkhurst, Executive Director of Adolescent Counseling Services, reported on the progress of this organization at the Menlo-Atherton High School site. This organization offers individual, group and family counseling at the campus. Ms. Barkhurst thanks the Council for its support and future funds.

Richard Angus, Vice-President of the Menlo Park Historical Association requested the City's keep in preserving the historic fire station building. Mr. Angus believes this building has much historical value, and Mr. Angus is available and willing to work with the Council on this project.

Mayor Jellins thanked Mr. Angus for his willingness to assist with this project.

David Boesch, City Manager updated the Council on the matter by stating that possible relocation areas

are being explored and the costs analyzed to preserve this historic building. This project is not on a tight schedule, so the City has some time to study options and find solutions.

D. CONSENT CALENDAR

1. Community Development Agency approval of a month-to-month rental agreement for temporary use of a portion of Agency owned property at 507 and 511 Hamilton Avenue for parking by the Menlo Park Community Church of God in Christ located at 1410 Chilco Street. (*Staff Report # 03-123*)
2. Rejection of the bid for the Willow Place Bike/Pedestrian Bridge Replacement Project and direction to Re-bid the project. (*Staff Report # 03-124*)
3. Award of contract for the construction of the various Park Improvements Project (Fremont Park, Sharon Park, Sharon Hills Park and Stanford Hills Park) to Jensen Corporation Landscape Contractor in the amount of \$346,484; and (2) authorization of a budget of \$422,000 for construction, contingencies, testing, engineering, inspection and administration. (*Staff Report # 03-125*)

Item Pulled:

4. Approval of the City Council Minutes for the Meetings of June 17, 2003 and June 24, 2003.

M/S Winkler/Jellins to approve Consent Calendar items D1 through D3. Motion passes unanimously.

Discussion on item D4

Council Member Winkler discussed item D4, Minutes of June 17, 2003. Ms. Winkler shared a document with two revised sentences and deleting one sentence. Ms. Winkler stated that these corrections would make the Minutes congruent with the Environmental Quality Commission recommendation, and reflect Council action.

M/S Kinney/Winkler to approve the corrected minutes of June 17, and the minutes of June 24, 2003 (item D4). Motion passes unanimously.

E. PUBLIC HEARINGS

1. Adoption of a Resolution No. 5465 ordering the abandonment of a portion of the Willow Road Plan Line and Right-of-Way along the property located at 500 Willow Road. (*Staff Report 03-126*)

Kent Steffens, Public Works Director introduced Virginia Parks, Junior Engineer who provided the staff report by sharing a slide presentation of the property in question. Ms. Park also provided a chronological review of the events that have brought the City to the current situation and contemporary plan lines. If this abandonment is approved a Resolution and a Deed will be recorded with the County.

Council asked questions of Ms. Parks and invited the owner, Mr. Ron Mallia, to explain the reasoning behind this request. Mr. Mallia, explained that he needs this abandonment in order to create more space for his customers and upgrade and remodel the station. He will also replace the gas-pumping island to comply with state regulations.

Mayor Jellins asked if the plan line abandonment could include all of Willow Road and not just this portion of the plan line. Mr. McClure clarified that this plan line abandonment can be done separately, because the whole plan line would require more staff time due to the required notifications. Mr. Mallia

stated that at this time the project is not on hold, since he resolved tenant issues, and with this approval he will be ready to move forward with this plan. Mr. Mallia stated that this location has been extremely successful.

Mayor Jellins opened the Public Hearing

John Haller, Jr. spoke about the fact that some owners might not agree with this abandonment because development might be view as a detriment. Furthermore, some residents might feel that this will lower the valuation on their property.

Mr. McClure stated that if anyone had that opinion they could voice their opinion at this Public Hearing.

M/S Duboc/Jellins to close the public hearing. Motion carries unanimously.

Mayor Pro Tem Duboc stated that gas stations bring much needed sales tax revenue.

M/S Duboc/Winkler to approve the abandonment and adopt the resolution. Motion carries unanimously.

2. Appeal of Environmental Quality Commission denial of a Heritage Tree Removal Permit at 654 Hermosa Way. (*Staff Report # 03-127*)

Dianne Dryer, Environmental Program Coordinator, stated the facts leading up to the denial of the permit to cut down a heritage tree. Ms. Dryer briefed the Council on the process that the Environmental Quality Commission (EQC) used to address this matter. This included two meetings and providing remedial actions to decrease the problem and save the tree. The EQC unanimously denied the appeal because of the options available to mitigate the problem i.e. pruning and/or gardener's assistance with leaf removal, pool cover, and or putting up a net to catch the leaves. According to staff other reasons for the denial include: this is a heritage live oak, it is a healthy native tree in good condition with an expected long life span, it is distanced from buildings and it is structurally sound. In addition, the tree's co-owner and neighbor has expressed the preference that the tree not be cut down.

Ralph Osterling, certified arborist, spoke about this particular oak tree. He stated that the two black walnuts in its immediate vicinity contribute enormously to the leaf dropping. Mr. Osterling stated that this tree is an excellent tree for the future generations of Menlo Park.

Council asked questions in regards to the co-ownership of the tree, and the legal implications of the tree being on more than one property. City Attorney McClure clarified that if the Council granted the appeal, he would need to draft legal language to require that approval of the co-owner must be obtained before the tree could be removed.

Marjorie Johnk, the appellant, provided a report on her predicament due to leaves in the pool. Ms. Johnk stated that this problem only started last year, and according to Ms. Johnk pruning of this tree makes the tree come back much fuller and stronger. She also stated that the cover of the pool is old, and it has been perforated. One additional problem mentioned was that the tree blocks the morning sun and it does not heat up the pool in the morning. In Ms. Johnk's opinion the gardeners already have a hefty job and to add the job of picking up leaves from the pool would be a bigger responsibility. According to Ms. Johnk the tree is directly on the property line and it was estimated that to have the tree taken down it would cost \$1,650, and this includes cutting the wood for firewood. Ms. Johnk has many additional trees that need pruning and she was waiting on this matter to get the other trees addressed.

Ms. Johnk stated that she would like to keep her pool and make good use of it. If the tree is not cut

down this will be a serious physical and financial burden on Ms. Johnk.

Council asked questions about when Ms. Johnk last pruned these trees. Ms. Johnk informed the Council that every three to five years she prunes the trees. However, the previous arborist had told her that this oak should be pruned every year.

Mr. Osterling stated that pruning an oak every year would be excessive, and that last year it was a particularly unusual year for leaf droppings.

Mayor Jellins opened the Public Hearing

Frank Carney spoke as a member of the public, even though he is a member of the EQC. Mr. Carney said he was present at both hearings of the EQC, and while he feels much sympathy and empathy for Ms. Johnk, the tree also needs sympathy. If this tree gets appropriate care it will live close to 200 years, and he believes this is a perfect example of the purpose of the heritage tree ordinance. Mr. Carney urges the Council to save this tree for the benefit of present residents and future generations.

Ms. Johnk says that there are three oaks on the other side of her property, and Ms. Johnk has every intention to maintain those.

M/S Kinney/Duboc to close the Public Hearing

Council Winkler/Kinney motion to approve the staff recommendation and deny the appeal.

Ms. Winkler stated she is very sympathetic to all parties involved, but she believes that since the tree is co-owned and one of the owners wants it to remain alive, it would be wiser to let it live.

Council praised the work of the EQC, and the cooperation between the staff and the EQC for their work and sensitivity in this matter. Council also stated that since there are mitigating measures that could address this problem, and also because it is a seasonal pool, they don't see the justification in cutting down the tree.

Motion carries unanimously.

F. REGULAR BUSINESS

1. Introduction of an Ordinance to amend the Menlo Park Municipal Code to change the starting time of regular City Council Meetings from 7:30 p.m. to 7:00 p.m. (*Staff Report # 03-128*)

Audrey Seymour, Assistant City Manager presented the staff report stating that in an effort to improve public participation, staff proposes changing the time of starting Council meetings from 7:30 p.m. to 7:00 p.m. This information was posted on the City's web page, and a specific phone line and email box were designated to receive public feedback on the matter. The responses included two residents who are opposed to earlier meeting times, and three who agreed with the proposed change. One of the opposed advocated web streaming.

Council discussed the sequence of items on the Agenda and how some items should be addressed earlier rather than later. Ms. Seymour also clarified that the average end time of Council meetings in other cities in San Mateo County is 10:20 p.m. versus 11:20 p.m., which is Menlo Park's average.

Council ensued in discussion over the adjournment procedure of the meetings, and how some cities opt to make a motion to extend meetings past a certain time. Mayor Jellins believes that starting earlier will allow for more public comment, and will permit finishing the meetings earlier.

Council shared concerns about possible conflict of earlier start time for those Council Members that have a regular job. Other Council members support the earlier start time because it will ease the burden on staff, since they come into work the next morning. Ms. Seymour clarified that one of the topics previously discussed with Council members, was the meeting starting time and the Council members did express concerns about starting at 7:00 p.m.

Council asked about the sequence of items on the agenda. Mr. McClure stated that the Council could reorder the Agenda items as they deem it necessary.

Public Comment

Frank Carney believes in participatory democracy. Mr. Carney shared some concerns about the 7:00 p.m. start time posing a challenge for working parents. However, Mr. Carney supports this idea if it allows getting to the real issues earlier in the evening.

M/S Duboc/Winkler to introduce an ordinance to change the start time of Council Meetings from 7:30 p.m. to 7:00 p.m. and to adopt different methods to cancel the meetings (this action to include the Community Development Agency meetings). Motion passes unanimously.

- 2. 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.

Mayor Jellins stated that in Sacramento some decisions about the budget are very close to being made. Mayor Pro Tem Duboc asked about a particular memo addressing the timing of VLF payments.

Mr. Boesch clarified that the payments will continue.

G. WRITTEN COMMUNICATIONS - None

H. INFORMATION ITEMS - None

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

J. ADJOURNMENT - 9:03 p.m.

Respectfully submitted,

Silvia M. Ponte, City Clerk

Approved at the City Council Meeting of July 29, 2003.