



**CITY COUNCIL
and
COMMUNITY DEVELOPMENT AGENCY MINUTES**

Tuesday, August 26, 2003

7:00 p.m.

The Menlo Park Senior Center
110 Terminal Avenue
Menlo Park, CA 94025

7:00 p.m. REGULAR MEETING (Menlo Park Senior Center, 110 Terminal Avenue)

Mayor Jellins announced that 7:00 p.m. will be the new starting time for Council Meetings.

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

STAFF PRESENT - David Boesch, City Manager, Audrey Seymour, Assistant City Manager; Dan Siegel, Acting City Attorney; and Silvia M. Ponte, City Clerk. Various department heads and other City staff were present.

PLEDGE OF ALLEGIANCE

A. PRESENTATIONS AND PROCLAMATIONS - None

B. COMMISSION ANNOUNCEMENTS, APPOINTMENTS, AND REPORTS

1. Recognition of outgoing Las Pulgas Committee member, Kenneth Harris.

Mayor Jellins introduced Mr. Harris and thanked him for his work not only with the Las Pulgas Committee, but also for his many years of dedication to the community. Mayor Jellins presented Mr. Harris with a certificate of recognition.

2. Commission appointments to the Arts, Environmental Quality, Housing Commission, Parks and Recreation, Transportation Commission and the Las Pulgas Committee.

Arts Commission (two vacancies)

Nomination of June Cancell by Mayor Pro Tem Duboc

Nomination of Gil McMillon by Council Member Kinney

Nomination of Mara Brill by Mayor Jellins

Mayor Jellins closed the nominations

Council voted: five votes for June Cancell, four votes for Gill McMillon and one vote for Mara Brill.

Council appointed June Cancell and Gill McMillon.

Environmental Quality Commission (two vacancies)

Mayor Jellins informed the Council that Mr. Kadwany had withdrawn his application

Nomination of Christina MacIntosh by Council Member Collacchi

Nomination of Richard Stevens by Council Member Kinney

Nomination of Daniel Kocher by Mayor Jellins

Mayor Jellins closed the nominations

Council voted: Daniel Kocher had three votes, Christina McIntosh had two votes and Richard Stevens received five votes. The two appointees are Daniel Kocher and Richard Stevens.

Housing Commission (two vacancies)

Council Member Kinney nominated John Donald

Mayor Pro Tem Duboc nominated Kirsten Keith

Council Member Collacchi nominated Jane West

Mayor Jellins explained the policy in regards to consecutive terms and such policy restricts service to two consecutive terms. Ms. West has served two consecutive terms. Council discussed giving other people the chance to contribute. However, Ms. West's hard work is appreciated. Based on the information provided, Council Member Collacchi retracted his nomination. Council voted and approved the appointments of John Donald and Kirsten Keith by acclamation. Council was unanimous in its decision.

Las Pulgas Committee (rental/owner vacancy)

Mayor Jellins clarified that Mr. Assunto does not fall under the category of rental/owner therefore he can not be considered for this vacancy.

Mayor Pro Tem Duboc nominated Ana Miriam Monjaras

Mayor Jellins closed the nominations and Council appointed Ana Miriam Monjaras by acclamation.

Parks and Recreation (one vacancy)

Council Member Collacchi nominated Robert Silano

Council appointed Robert Silano by acclamation.

Mr. Collacchi is pleased that Mr. Silano got appointed because he has tried many times to serve but it was not the right time. Mayor Jellins stated that in June of 2004 there will be eight vacancies, but in the meantime other vacancies might occur and the City Clerk will contact the applicants who were not appointed.

Council Member Winkler thanked the community for its overwhelming response since there were close to 30 applicants who came forth and applied for these vacancies.

Transportation Commission (two vacancies)

Mayor Jellins opened the nominations

Council Member Kinney nominated Theo Keet

Mayor Pro Tem Duboc nominated Mary Gilles

Council Member Collacchi nominated Henry Lawrence

Mayor Jellins nominated Michael Meyer

Voting:

Three votes for Michael Meyer, two votes for Henry Lawrence, two votes for Theo Keet, three votes for Mary Gilles.

The two appointees were Michael Meyer and Mary Gilles.

3. Council Member Reports.

Council Member Kinney requests that the Midpeninsula Regional Open Space District (MPROSD) item be reconsidered. Council Member Winkler asked that Council set up a study session to address resolutions that come to Council from outside agencies. Other Council Members concurred with this suggestion to discuss the way Council handles these external resolutions and possibly define a policy. Mayor Jellins will confer with Mr. Boesch to schedule a study session. Council Member Kinney asked that the MPROSD item be readdressed before the District submits its application to LAFCo of San Mateo County. There was no discussion.

Mayor Pro Tem Duboc spoke in regards to a resolution pertaining to a Senate Bill that relates to land use and circulation patterns. Mr. Boesch stated that a study session regarding the General Plan will be scheduled sometime in October, and at that time staff will address this particular Bill.

Mayor Jellins introduced Mara Mintzer and Ms. Seymour, Assistant City Manager, explained that Mara is the new Belle Haven Family Services Program Manager. Ms. Mintzer will be working with Ms. Seymour on the Belle Haven Community Life Initiative.

Mayor Jellins shared a letter asking for commitment from the City to the literacy program as well as a new form from C/CAG (City/County Association of Governments) with a report on legislation recently considered.

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

Marie Kent shared concerns about seeing employees from San Francisco Water District and City employees doing maintenance work along Bay Road. Ms. Kent would like to be informed about what is going on in that location.

Mr. Boesch, City Manager explained that if residents want to be informed they can either reach Public Works Director Mr. Steffens directly, or leave their names with the City Clerk and Mr. Steffens will be informed of the inquiries. Council Member Kinney stated he would also follow up on the matter since he serves on two boards that handle water issues.

Michael Murphy lives in an area adjacent to the right of way, and he is concerned because that area has changed tremendously and it has become a danger for the residents. Mr. Murphy said that the crews working there also shared concerns about the maintenance of the landscape above the pipeline. Mr. Murphy would like to hear from the City about its standpoint.

Carolyn Sperry is trying to identify what is planned for that area. Ms. Sperry said it is challenging trying to get answers about the issues, and she has spoken with neighbors who were unable to get clear information. Ms. Sperry stated that there are homeless people living there.

Scott Chamness has made attempts to contact the City and the SFPUC (San Francisco Public Utilities Commission) and he has had little success getting answers, even though the City has been very responsive. Mr. Chamness would like to verify that the PUC has jurisdiction over that area.

Mr. Boesch, clarified that the PUC has the right of way in that area, however the City of Menlo Park has some authority and regulatory power over things such as heritage trees, maintenance of the right of way, and other issues that influence the city's residents. Mr. Boesch stated that the City will try and do outreach to the residents to make it a better process, and will engage more with PUC staff.

Reggie Navarro owns the restaurant "Tu Casa Taqueria" and he is very concerned about the higher water bills he is receiving even though business is down. His water bill for 2002 was \$14,000 and Mr. Navarro would like to understand the increase by the Sanitary District. Due to this price he will probably not renew the lease and will leave that area.

Mayor Jellins understands the concerns, however the City has no jurisdiction over this matter. Mayor Jellins, the City Manager and the representatives from the West Bay Sanitary District will get together and discuss the problem.

Sam Jun is the new owner of the Togo's and Baskin Robbin at the Belle Haven and he got a bill for \$16,000 for water usage. Mr. Jun feels very frustrated and he has hired an attorney to address this matter because his usage can't be up if the business is down by 30%.

Mr. Boesch stated that the City can act as a liaison but this is not a matter that the City can directly

deliberate on.

D. CONSENT CALENDAR

1. Adoption of a Resolution 5470 authorizing the destruction of certain records in the City Clerk's Department and other departments.
2. Adoption of a Resolution 5471 authorizing the City Manager to execute contracts with the State of California Department of Education to reimburse the City in the amount of \$542,203 for childcare services at the Belle Haven Child Development Center.
3. Approval of payment to the San Mateo County Narcotics Task Force for Narcotic Enforcement Services.
4. Appointment of Thomas McDonough to the Peninsula Library System Advisory Board.

Item pulled

5. Approval of the City Council Minutes for the Meeting of July 29, 2003.

Item pulled

6. Consideration of a Resolution by SBC endorsing policies to encourage investment in local telecommunication services infrastructure.

Mayor Pro Tem Duboc pulled item D6 and Council Member Winkler pulled item D5.

M/S Collacchi/Duboc to approve item D1 through D4 of the Consent Calendar. Motion passes unanimously.

Discussion on item D5

Council Member Winkler made a correction to the minutes on the bottom of page 6 to eliminate three words "it is hoped" and substitute these words with "so."

M/S Winkler/Collacchi to approve item D5. Motion passes unanimously.

Discussion on item D6

Mayor Pro Tem Duboc would like to pull the item from the Consent Calendar and not address it at this time.

M/S Duboc/Collacchi to not consider this item at this time and table the item. Motion passes unanimously.

E. PUBLIC HEARING - None

Agenda Item H1 was addressed at this time

Ms. Audrey Seymour, Assistant City Manager gave a brief status report on this matter. Ms. Seymour stated that the group stated that staff is in the process of establishing an Advisory Committee that will meet in early September, and acknowledged that some of the members were in the audience. It is anticipated that this will be a 9-month process that includes a targeted needs assessment that covers engaging the community and learning about its needs and vision.

Mayor Jellins recognized Mayor Pro Tem Duboc's efforts, and Ms. Duboc shared her satisfaction with the improvements and upgrades in this community. Ms. Duboc thanked the members of the community who are involved in this process.

Council asked questions about the Police Service Center, and Mr. Boesch explained that plans are being submitted but an environmental impact report will be necessary. The City will own a half of the building

where the Police Substation will be, as well as an annex to City Hall, where city services will be provided.

F. REGULAR BUSINESS

1. Community Development Agency review and direction to Clarum Homes concerning a proposal for the Belle Haven Park and Housing Development on Hamilton Avenue.

Gretchen Hillard, Housing and Redevelopment Manager provided a status report for the Hamilton Housing proposal. Ms. Hillard explained the next steps, which include a Planning Commission Public Hearing followed by a City Council Public Hearing. The current schedule is for ground breaking to occur in the Fall of 2004, and some models will open in December of 2004. Ms. Hillard also stated that the park would be built between March and August 2005. The three designs that Council was to consider were explained, and Ms. Hillard explained how each design had evolved based on community meetings. Mr. Boesch explained the dilemma with private versus public streets and how staff is requesting that Council give direction.

John Bassman with Clarum Homes also provided some clarification on designs and floor plans. The value of Homeowner Associations and their powers were discussed. Council asked questions about Below Market Rate (BMR) housing and the designated number of such housing units as well as income levels.

Public Comment

Barbara Christensen, Director of the San Mateo County Community Colleges, gave a synopsis of the issues relating to teachers and their housing needs. Ms. Christensen has been involved in housing needs assessments for the last 10 years and she tries to identify opportunities. Ms. Christensen said that a second and third loan program has been implemented to help teachers purchase homes.

Council Members asked questions of Ms. Christensen, and she clarified that teachers in general want to live in the communities they serve, but the housing affordability is an issue.

Jim Calhoun hopes the Council capitalizes on this opportunity because this is a great chance for the City to serve the teachers of Menlo Park and make a real difference in their quality of life. Mr. Calhoun spoke about including an innovative model that would allow teachers to own a home, and this would be a significant benefit to many.

Sheryl Bims read a letter that she submitted to Council stating that the proposed numbers for BMR units are too high. Ms. Bims is very excited about this plan however she believes that Belle Haven is already saturated with BMR housing. Ms. Bims believes that the vision for this community is to have a variety of homeowners from a variety of socio-economic backgrounds.

Elza Keet supports this plan and believes the Council needs to support this proposal with a large number of BMR units. Ms. Keet asks the Council to reaffirm its goal and commitment to effective law enforcement. She sees this is as a great opportunity for the people who live in Menlo Park to enjoy this benefit, and a great investment for the City.

Anita Nickson shared concerns about the demolition and the dust that keeps flowing in the air. Ms. Nickson is suffering with this excess of dust. Ms. Nickson often goes and asks the contractor to wet down the site to minimize her affliction.

City Manager Boesch offered to follow-up on this matter, and make sure the contractor waters down as much as possible.

Matt Henry is very happy and proud of what is happening in Belle Haven. Mr. Henry believes that too much affordable housing is not going to be helpful to the community, so he would advocate less affordable housing and possibly zero % BMR units.

Rose Bickerstaff stated that too much of anything is not good, and she wants this community to be a great place. Ms. Bickerstaff does not want too much affordable housing. Ms. Bickerstaff agrees with Ms. Bims's approach and she does not believe that the community should be taken over with BMR units. She also stated that Belle Haven can't fix all the housing challenges in one community.

Darlene Forman pointed out that this design only has one way in and one way out. In her opinion there should be more than one entrance and more than one exit. Ms. Forman hopes that this will be addressed now rather than later. Ms. Foreman believes 20% of BMR housing is sufficient.

Council discussion

Council asked questions of Jon Bassman in regards to the dilemma of what number to allocate to BMR units. The issue of housing stock that is BMR and that isn't BMR was discussed, and Ms. Hillard clarified that the only difference is a mandatory deed restriction on the BMR housing (which restricts the appreciation of the properties). John Suppes with Clarum Homes gave some details in regards to possible cost of these units and the square footage. Potential appreciation of regular housing versus BMR units was discussed and the perception that BMR units have a deleterious effect on regular housing property values.

Mayor Jellins approves the zero lot line approach with each house having a private side yard. John Suppes with Clarum Homes was asked to explain median income for moderate buyers and how this differs from teachers' and police officers' incomes. Mr. Suppes stated that market rate homes are hardly affordable by the teachers and police officers. The affordability of the homes that are at market rate, are still entry-level housing for the regular workforce buyers.

Mr. Boesch clarified that the real estate transaction can be structured however Council desires it to be, however it would be good to have a range of numbers of permissible BMR housing units. Mr. Boesch asked that Council give direction on such a range.

Council asked questions about the difference between having a condominium community versus single-family homes. Mr. Suppes answered various questions about this matter, and stated that single residences are much easier to build and insure versus condominiums. Mr. Bassman also clarified that some town homes were incorporated in this plan to meet the ratio from the RFP (request for proposal).

Council agreed on giving preference to teachers in the BMR income at 120% and other identified groups.

Council consensus on specific items was as follows:

- 1) One acre park;
- 2) Predominantly detached housing with some attached housing as appropriate to achieve other goals (duette units, with cost issues to be considered);
- 3) Preference is to include an outlet on Chilco for traffic circulation purposes, however this item will be part of the traffic study;
- 4) Preference is to have public streets and staff is to make specific recommendations on this matter and come back to Council at a later time;
- 5) No long term parking on Hamilton permitted and orientation of the project to be toward Hamilton Avenue; parking on Hamilton to be time limited and parallel parking permitted (no off-street parking);
- 6) Homeowner Association is acceptable but caution should be taken to minimize the cost to residents and to have the appropriate mix of individual vs. homeowner responsibilities;
- 7) Park to be a City park and to be owned by the City of Menlo Park;
- 8) Total BMR units to be between 40% and 50% in order to continue with the original idea of creating affordable housing, with some targeted affordable housing to certain categories such as Menlo Park teachers (numbers proposed by staff were acceptable to Council);

Some Council Members reiterated the fact that ultimately this will be a great project that will benefit all.

Council Member Collacchi suggested that Council Member Winkler get together with Mr. Boesch and Ms. Hillard to go over the categories and other policy issues.

Mayor Jellins thanked Ms. Hillard for all her hard work on this matter.

2. Review of the Governmental Accounting Standards Board (GASB) Statement 34 Infrastructure Valuation and approval of a five-year Capital Improvements Work Plan.

Yaw Owasu, supervising engineer presented the report. Council Member Winkler endorses the idea and the approach but would like to know the real meaning of this work plan and the value to the City of the GASB 34 requirements. Mr. Owasu confirmed that this requirement is important because it documents the City's infrastructure e.g. parks, trees, streets, and shows what investments are needed and being made.

Mayor Pro Tem Duboc asked if this will change the way the budget is handled and Mr. Boesch suggested that when this item comes back to Council, it might consider a two-year budget so that on the off year the Council could focus on the Capital Improvements Plan.

Mayor Jellins asked for public comment. There was none.

M/S Winkler/Duboc to approve the five-year Capital Improvement Work Plan and accept the staff recommendation. Motion carries 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

1. Belle Haven Community Life Initiative and Redevelopment Projects. (addressed earlier on the Agenda)
2. Update on the status of the Community Mediation Service six-month trial.
3. Update on the Police Department's response to the issue of racially biased policing.

Chris Boyd, Police Chief gave a brief progress report to keep the Council informed. Chief Boyd commended the Advisory Committee in particular commander Greg Rothaus who is very dedicated to this issue.

Mayor Jellins is pleased that the Department is in tune with this issue, but he asked how the Citizen's Advisory Group is using this data. Chief Boyd clarified that the Advisory Committee has been fine-tuning the data collection process and its categories. Mr. Rothaus also stated that some of the Advisory Committee members mentioned that they are happy that the Police Department is not engaging in racial biased policing. Other members had no comment on the data, and one other member of the committee wants to take more time researching the reports.

Mayor Jellins asked about this being a burden to the officers. Mr. Rothaus stated that a lot of this is computerized and takes but a few seconds longer than the regular citation process. Council Member Winkler appreciates the commitment of this Department to this matter. Chief Boyd stated that good

results are only obtainable if the officers are committed to this goal, and they are, and in the last year and a half there haven't been any complaints about racial biased policing.

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

J. ADJOURNMENT – 11:00 p.m.

Respectfully submitted,

Silvia M. Ponte, City Clerk

Approved at the City Council Meeting of September 23, 2003.