



**CITY COUNCIL
and
COMMUNITY DEVELOPMENT AGENCY MINUTES**

Tuesday, September 9, 2003
7:00 p.m.
801 Laurel Street, Menlo Park, CA 94025
Menlo Park City Council Chamber

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

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

PLEDGE OF ALLEGIANCE

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

A. PRESENTATIONS AND PROCLAMATIONS

1. Recognition for outgoing San Mateo County Mosquito Abatement District Representative.

Mayor Jellins recognized and thanked Mr. Herbert Hamerslough for his years of service as representative for the City of Menlo Park.

2. Recognition for outgoing commissioners.

Mayor Jellins recognized outgoing commissioners, and they were presented with a certificate of recognition for their years of dedication and service to the City's advisory bodies. Some members were recognized in absentia.

Community Mediation Services:

Kirsten Keith from January 2002 through August 2003

Environmental Quality Commission:

Mark McBirney from August 1995 through August 2003

Theo Keet from August 1999 through August 2003

Housing Commission:

Jane West from June 1997 through August 2003

Parks and Recreation Commission:

Tomas Jaime from November 1995 through August 2003

Transportation Commission:

Max Crittenden from October 1995 through September 2003

Greg Baker from September 2001 through September 2003

B. REPORTS

1. Council Member Reports.

Mayor Pro Tem Duboc reported on the first meeting of the steering committee for the Belle Haven Initiative. The goal is that by April 2004 this project will be concluded. Ms. Duboc also reported that as representative to the San Francisco Airport Roundtable the Blue Angels will operate out of San Francisco Airport from October 6 to October 12, 2003.

Mayor Jellins noted that he attended the League of the California Cities conference in Sacramento.

While there, Mayor Jellins attended a series of seminars and workshops, and the general atmosphere was of discontentment with the State Budget challenges. Cities are skeptical that funds will be returned to municipalities, and consequently many local officials want to amend the Constitution to protect the rights of cities.

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

Janet Davis asked Council about a code of ethics that applies to the City Council, because in her opinion certain Council members have voted on items that benefit their children. Ms. Davis would like to know if there is a policy in place that regulates matters of possible conflict of interest.

Oscar Braun offered to review the 50-meter pool project on a pro bono basis and to work with the City Attorney, Mr. McClure, and Public Works Director, Mr. Steffens. Mr. Braun would like to review the record, and come back to Council with some findings related to this matter.

Mayor Jellins directed Mr. Braun to speak with Mr. Boesch, City Manager.

Kurt Heiner, provided documents for distribution to Council and thanked the Council for its previous actions of tabling the matter of a resolution of support for the Mid-Peninsula Regional Open Space District's proposed coastal annexation. Mr. Heiner stated that his concerns are related to the financial aspects of this annexation. He believes that the people affected by the annexation should be the ones voting on these matters and not adjacent communities.

Louis Deziel spoke about the issue of the zoning guidelines and he stated that the concept of the tier one is a brilliant concept. Mr. Deziel approves the notion of creating a lower threshold below which the process is exempt from a political process. He believes staff's approach is a very favorable approach.

D. CONSENT CALENDAR

Mayor Jellins briefly summarized the Consent Calendar items since a scroll of this Agenda item had been running in the Council Chambers (for the benefit of the public) since 6:45 p.m.

Item pulled D1

1. Authorize a Budget amendment to the Measure A Fund Balance in the amount of \$33,793 for the Santa Cruz Avenue Striping Project; award of a contract to Chrisp Corporation for the Santa Cruz Avenue Striping Project in the amount of \$77,792.50; and authorize a Project Budget of \$98,793 for construction, contingencies, and construction administration.
2. Award of contract to Ferreira Service, Inc. (FSI) in the amount of \$40,942 to design and install the heating, ventilating and air conditioning energy project at the Main City Library.
3. Community Development Agency authorization of an agreement, to be renewed annually for seven years, with West Coast Arborists, Inc. for tree establishment services for the Belle Haven neighborhood in a total amount not to exceed \$110,000; and, 2) appropriation of \$10,000 in Fiscal Year 2003-04 funded by the Community Development Agency Property Tax Increment for the first year of the agreement.

Item pulled D4

4. Community Development Agency approval of a budget increase in the amount of \$60,000 for the Ivy Drive Streetscape Project and approval of a revised total Project budget in the amount of \$470,000 for Environmental Impact Review (EIR) preparation, design, permit fees, administration and contingencies.
5. Approval of the City Council Minutes for the Meeting of August 19, 2003.

M/S Duboc/Kinney to approve items D2, D3, and D5 as presented. Motion carries unanimously.

City Manager Boesch excused himself before the discussion began, and left the Council Chambers, due to a possible conflict of interest, as a result of owning property on Santa Cruz Avenue.

Item D1

Mayor Pro Tem Duboc shared concerns about the cost of the tire grip installation, and asked how this cost could be decreased. Mr. Steffens, Public Works Director, stated that to avoid spending this \$24,000 the project would have to be re-bid. Mayor Jellins asked questions about other options available. Mr. Steffens explained that this reduction would be a substantial reduction to the contract forcing re-bidding. Mr. Steffens also clarified that the Council could reject all bids. The Council inquired about the plans and the parking spots location. Mr. Steffens will check the Minutes to confirm the direction previously given.

M/S Jellins/Kinney to adopt staff's recommendation and move forward with this project. Motion carries 3-2 with Mayor Pro Tem Duboc and Council Member Winkler dissenting.

City Manager Boesch re-entered the Council Chambers.

Item D4

Council Member Winkler asked about the actual need for an EIR (Environmental Impact Report) and how there was a change from the previous direction of just needing a Negative Declaration. Mr. Ruben Nino, Supervising Engineer, explained the reasoning for this change and how it was mostly based on traffic impacts. Mr. Jamal Rahimi, Transportation Manager, explained that upon further analysis it was realized that if Ivy was closed there would be a lot of diverted traffic. Council was surprised that this wasn't anticipated.

Mr. Rahimi explained that one of the problems was that the redistribution of cars was a significant impact because it generated more than 25 trips per day. Council Member Winkler stated that she had concerns about so much money being spent on this matter. Mayor Pro Tem Duboc asked about possibly revising the TIA (Traffic Impact Analysis) guidelines and holding off on this item. Mr. McClure, City Attorney clarified that this is Council's prerogative. Mr. Boesch stated that this could be one of multiple topics discussed at the October 7, 2003 meeting on the General Plan update. Mayor Pro Tem Duboc suggested having a specific Study Session on September 16, 2003.

Council Member Collacchi disagreed with altering the TIA guidelines to accommodate this particular issue, because there might be a real need to detect the impacts in the neighborhood. Council Member Kinney asked particular questions about the delay this would cause, and Mr. Nino clarified this would be a 6 to 8 month delay. Mr. McClure clarified that city staff is forced by the current TIA guidelines to have an EIR every time the numbers exceed 25 trips per day on a local street.

M/S Mayor Jellins/Kinney motion that this item be tabled until the TIA guidelines are addressed on September 16th, 2003. Motion carries with Council Member Collacchi abstaining.

Mr. Boesch asked if Council desired to have a study session, followed by a regular meeting. Subsequently, the item could come back to Council with revised language changing the current policy. Council Member Collacchi requested that ample notice be given to the community about the plan to alter the TIA guidelines. Mr. McClure clarified that this will be a two meeting process. Mr. Collacchi insisted that augmented notice be given to the community.

M/S Collacchi/ motion to have staff mail notices to the community about these upcoming meetings and informing the public that these discussions are going to take place.

Mr. Boesch asked for clarification on the public notice required, and Mr. Collacchi mentioned that his request is for ample noticing to occur so that the residents are aware that the Council may alter the TIA guidelines and possibly increase the traffic amounts in local streets. Mr. Boesch mentioned all the noticing methods available to Council. Other Council members thought the approach suggested by this motion was premature.

Motion fails for lack of a second.

E. PUBLIC HEARING

Council Member Winkler inquired about the methods used to notice the fact that item E1 had been cancelled. Mr. Boesch clarified that a press release was issued and notices were posted in all the usual places. Ms. Winkler believes the methods used were effective.

1. Consideration of an Ordinance amending Zoning Ordinance regulations pertaining to single-family residential development and the Negative Declaration prepared for the Ordinance amendment. (***This item has been cancelled. It will be rescheduled at a later time.***)
(Staff Report # 03-172)
2. Appeal of a decision by the Planning Commission to deny a Use Permit at 849/851 Cambridge Avenue to allow the demolition of two existing residences and the construction of two new, two-story residences located on an R-2 zoned lot that is substandard with regard to lot width and for excavation into the required right side setback for the construction of a sunken patio associated with basements in each of the units (***The Appeal has been continued to October 28, 2003.***)

F. REGULAR BUSINESS

1. Review findings and recommendations of the Grade Separation Study Report and consider further potential actions on the matter.

Mr. Jamal Rahimi presented a brief report requesting that Council give direction on this matter. This is also an opportunity to receive public input and to do outreach to the community. Mr. Dan Smith, Transportation Consultant, stated that one of the findings is that if there were going to be grade separations in Menlo Park, the preferred method is to have partial rail elevation and partial depression on the road way. Mr. Smith is asking that Council affirm this finding and concur with the remaining proposed approaches.

Council asked questions about the JPB (Joint Powers Board) accepting our choices and their response. Mr. Smith clarified that there is no certainty about the JPB response. Council asked questions about having the tracks underground. Mr. Smith explained that a challenge in Menlo Park is the geography because of the San Francisquito Creek related issues. He said that going underground is extremely costly and involves moving enormous amounts of earth as well as utility relocation.

Council asked questions about "deep dip" plans and how this would work. Mr. Smith explained the challenges with this approach in that the deep under-crossings are very difficult because of access to the frontage and demand acquiring a lot of private property. Mr. Smith personally believes the "deep dip" is infeasible. Partial depression and partial elevation were further discussed. Staff and the consultant explained the benefits of partial elevation.

Public Comment

Peter Colby believes the downtown in Menlo Park is very historic and it would be better to keep streets the way they are now. Mr. Colby believes this is a railroad town and we should keep it as is due to excessive costs of all these recommendations.

James Bigelow with the Menlo Park Chamber of Commerce believes that the new baby bullet train will add usage to Caltrain. Mr. Bigelow stated that there is a project under way to electrify the train system to quiet the train down and improve safety. He believes that no railroads have been depressed because of the cost, and he referred to Ralston Street and Holy Street in Belmont and San Carlos respectively, as examples of successful grade separation. The Chamber supports this project.

Don Brawner believes there are no neutral parties handling this matter and that residents are not being heard, but instead proponents of grade separations are moving straight ahead. Mr. Brawner believes that the public needs to be outreached, and that lobbying for grade separation should be stopped. Mr. Brawner believes that public outreach is needed.

Harry Harrison spoke about elevated tracks at the station in Palo Alto. Mr. Harrison says that the natural place for tracks is where the geography permits it. Mr. Harrison believes floods are something to keep in mind and that depressing is not a good idea.

Jim Pollart with the O'Brien Group spoke in regards to this company's interest in this matter and stated that they will follow this process closely. Mr. Pollart said the O'Brien group is reviewing the data and reports available and at this point they have not finished their analyses.

Louis Deziel has an interest in urban development and recommends that Council move forward. Because he has studied the matter, he believes the best option is to copy Palo Alto and go as deep as possible with the road. Mr. Deziel believes that this project is already delayed as it is, and he believes in fully depressing the road.

Council Discussion

Council asked questions about the value of deep underpass alternatives. Mr. Smith stated that such option is not recommended by staff due to the cost and other issues. Council discussed the option of finding a middle ground between raising the rail and depressing the road. Mr. Collacchi prefers the Redwood City 5th Street "deep dip" (close to Middlefield) design, instead of the San Carlos example of raised tracks. Council discussed a more aesthetically pleasing approach to grade separation, and it wants to proceed with more outreach and reduce the unpleasant "wall" effect.

M/S Duboc/Winkler to accept staff recommendations 1-5 increasing outreach, and that outreach include more tangible examples and graphic materials for presentation to the public.

Mr. Boesch stated that one option is for staff to restructure their recommendation to include the lowest possible elevation and include some level of an elevated track.

Council asked questions about particular cul-de-sacs and feasible alternatives with those streets that can be cut off and create cul-de-sacs.

Amendment by Council Member Collacchi to consider possible closures of certain streets and create cul-de-sacs as a feasible alternative instead of barrier "walls".

The maker of the motion supports the amendment but the second does not support it.

The second does not believe that this is an acceptable amendment because she is against further bifurcating the city and restricting access, she does not believe that cul-de-sacs are an acceptable approach.

Council discussed various options around closing certain streets and ramps around Alma and Oakgrove.

Substitute Motion

M/S Collacchi/Jellins to include the details from the first motion of Mayor Pro Tem Duboc and the "deep dip" options with two closures (Oak Grove and Glenwood), and evaluate aesthetic considerations to make it a visually pleasant experience.

Vote on whether to substitute the motion:

Motion carries 4-1 with Council Member Winkler dissenting.

Vote on substitute motion:

Motion carries unanimously.

2. Council discussion regarding externally generated Resolutions.

Mr. Boesch gave the brief report stating that this item is before Council at the request of Council Member Winkler because of recent requests from exterior entities wanting Council to take a position on resolutions. This is an opportunity for Council to discuss and decide what the policy and/or practice should be.

Council Member Winkler stated that a number of requests came to Council e.g. Falun Gong, SBC, Midpeninsula Regional Open Space District, Sequoia Hospital, etc. which prompted this item.

Council Member Collacchi suggests a protocol that was accepted by Council:

- 1) items are to show up as an information item and then Council discusses them briefly, and decides whether to agendize the item or not. At this point Council can also cast their votes to agendize the item or not.
- 2) the Council Member bringing the item forth is free to do research and bring additional information to present to Council.

Mayor Jellins explained that as a matter of principle he feels compelled to avoid making decisions on items that are not directly related to the City of Menlo Park. However, there are certain gray areas.

Council Member Kinney disagrees with this standpoint because he believes that it is important for elected officials to take a stand.

Mayor Pro Tem Duboc cited the example that she will be likely placing on the Agenda a request for resolutions supporting Measure A and B in the November 4, 2003 Elections for the Menlo Park School District.

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.

Mr. Boesch stated that in Sacramento there is a lot of activity in regards to last minute amendments to bills, and Mr. Boesch is monitoring the matter and will keep the Council informed if there are any that Council may need to comment on.

G. WRITTEN COMMUNICATIONS - None

H. INFORMATION ITEMS - None

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

Andrew Barfknecht appreciates living in Menlo Park and is against raised tracks and the wall in San Carlos and Belmont. However, he wants to continue residing on Oak Grove and hopes Council will make the right choices. He agrees that dead-ending might be an option for Oak Grove however access should be a consideration.

Mr. Collacchi asked about the matter of condemnations of properties. Mr. Boesch offered Mr. Barfknecht his card so the City can keep him posted.

J. ADJOURNMENT - at 10:05 p.m.

Respectfully submitted,

Silvia M. Ponte, City Clerk

Approved at the City Council Meeting of October 7, 2003.