



CITY COUNCIL and COMMUNITY DEVELOPMENT AGENCY MINUTES

Tuesday, January 27, 2004
7:00 p.m.
110 Terminal Avenue, Menlo Park, CA 94025
Menlo Park – Senior Center

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

Mayor Duboc called the meeting to order at 7:00 p.m. and congratulated Council Member Kinney who was absent celebrating his 40th wedding anniversary.

ROLL CALL – Duboc, Winkler, Collacchi, Jellins.

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

PLEDGE OF ALLEGIANCE

A. COMMISSION VACANCIES

Mayor Duboc announced various vacancies including a Parks and Recreation vacancy for an un-expired term ending in September 2006.

1. There is one vacancy on the Transportation Commission to fill an un-expired term ending January 2005. The deadline for applications is 5:30 p.m. on March 1, 2004.
2. There is one vacancy for an architect who lives and/or works in Menlo Park on the Residential Zoning Ordinance Monitoring Committee.

Mayor Duboc stated that Agenda item H3 was going to be addressed at this time.

H 3. Status report regarding the Belle Haven Community Life Initiative.

Assistant City Manager Seymour presented the staff report announcing an upcoming event that is the culmination of the Belle Haven Community Life Initiative. This event will take place on Saturday March 6, 2004 and the goal is to involve a large number of community members to identify issues that are important to them so they can be addressed. Mara Mintzer, Belle Haven Family Services Program Manager, was identified in the audience as someone who could provide additional information on the event. Members of the task force were also present.

Mayor Duboc thanked the task force and community members for their involvement.

B. PRESENTATIONS AND PROCLAMATIONS - None

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

Marjorie Wallace spoke about the need to educate newcomers about the rules and regulations associated with living in a city. Ms. Wallace stated that some people are responsible homeowners

while renters lack an understanding of what can be done in certain domiciles, and might endanger the safety of other community members.

Mayor Duboc directed Ms. Wallace to the Code Enforcement Officers in the audience.

D. CONSENT CALENDAR

Consent Agenda items are considered to be routine and will be enacted by one motion. There will be no separate discussion on these items unless members of the Council, staff or public request specific items to be removed for separate action.

D1 Item Pulled

1. Community Development Agency award of contract for the Hamilton Avenue Soil Remediation Project to Performance Excavators, Inc. in the amount of \$202,671; authorization of a budget of \$312,671 for construction, contingencies, testing, engineering, inspection and administration; and authorization of staff to amend the contract with Erler & Kalinowski, Inc. in the amount of \$171,000, resulting in a total contract of \$383,000 for environmental consulting services for the Belle Haven Park and Housing Development.
2. Adoption of a Resolution NO. 5488 authorizing an appropriation from the Peninsula Partnership Special Revenue fund balance in the amount of \$34,884 to fund additional school readiness programs of the Menlo Park Peninsula Partnership Collaborative.
3. Waiver of reading of an Ordinance No. 927; adoption of Ordinance No. 927 modifying the Below Market Rate Housing Program to delete the reference to a specific index for calculating annual increases in the commercial in-lieu fee.
4. Approval of the Minutes for the City Council Meetings of December 16, 2003; January 6, 2004. Resubmitting approved City Council Minutes of November 4, 2003.

Council Member Collacchi pulled item D1.

M/S Jellins/Collacchi to approve the Consent Calendar items D2 through D4. Motion passes unanimously with Council Member Kinney absent.

Discussion on Item D1

Council Member Collacchi asked questions in regards to the Environmental Impact Report (EIR) and if it is related to the Housing EIR. City Manager Boesch clarified that this is a different one. Council Member Collacchi also asked about the status of the EIR at the Habitat site and Mr. McClure stated that at this point it is still being determined the source and extent of the problem.

Council Member Jellins inquired how the initial scope of work did not include these additional costs. Mr. Ruben Nino, Engineering Services Director explained that this is a request for additional work for construction and administration which could not have been predicted until the investigation and assessment were started.

Mayor Pro Tem Winkler asked about the City's liability in regards to future projects built at this site. Mr. McClure, Legal Counsel, informed the Council that as part of any sale a complete release will be included and it will be an "As Is Sale" without the City accepting any responsibility for future projects. Mr. Jellins asked that Mr. McClure look into the possibility of indemnification from previous owners who contributed to the contamination.

M/S Collacchi/Jellins to approve item D1 and the staff recommendation. Motion carries unanimously with Council Member Kinney absent.

E. PUBLIC HEARING

1. Consideration of a Conditional Development Permit Revision and Architectural Control Requests for Construction of a New Two-Story Building Containing Three Residential Units and a Church with Related Classroom Facilities on a Property Located at 310 Market Place.

Jeffrey Smith, Assistant Planner presented the staff report clarifying all the pertinent aspects of the conditional development permit. Mr. Smith made reference to the conditions listed in the staff report on page B5 namely conditions Q and R and how these had been stipulated by the Planning Commission and have been satisfied. He also mentioned that attachment E, Minutes for the Planning Commission, had been slightly corrected by that body.

Council Discussion

Council asked questions about the church serving neighborhood residents and how the parking may impact the immediate community. Mr. Smith explained that staff considered onsite parking as well as on street parking and this was part of the Conditional Development Permit. Council asked about condition N and Mr. Smith clarified that this condition had been satisfied. Council discussed neighborhood parking and how there might be conflicting uses if other projects emerge with similar parking needs. Mr. Smith stated that at this time there were no other competing projects known at this time.

Council Member Jellins expressed concerns with the parking since it is currently a challenge. Mr. Jellins also inquired if the City had issued similar permits in the past and Ms. Heineck, Community Services Director, stated that this is consistent with previously issued Conditional Development Permits. Furthermore Ms. Heineck said that so far there hadn't been any opposition to the permit.

Mayor Duboc offered the applicant an opportunity to address the Council.

The architect Mr. Bill Breuner explained that this project intended to find a home for the church because it has been renting in the Town of Woodside. Mr. Breuner also stated that the membership is growing and it needs a better place to have services. However he said that the school is fairly small. The pastor, Ms. Vico Wills, said that currently people from Menlo Park go to Woodside to attend the service.

Council asked questions about the calculations used by staff to figure out parking needs and attendees. Certain Council Members find parking already hard in that area and fear that this will further burden the residential neighborhood.

Public Comment

John Preyer opposes the issuance of this permit because of the number of people and buildings in the surrounding area. He believes this will bring more parking challenges to the area. Mr. Preyer does not agree with the multi-use of this area (school, residential and church).

Matt Henry stated that he is concerned with a church and a school co-existing due to the number of people that will attend both. Mr. Henry would like to find out how many people specifically will be attending the church and the school. He believes there is already a lot of activity in this residential area.

Rose Bickerstaff stated that if the church grows exponentially then there wouldn't be enough space for everyone. She stated that 11,000 sq. ft. is not that much and she has concerns about all the other uses in the area that have been grandfathered in.

Sam Licatano spoke as someone who has attended the church for the last 10 years and it has not grown that much. Mr. Licatano does not think parking will be a problem because the service is only on Sundays so it will not impact most of the neighborhood or the other activities and organizations in the area.

M/S Jellins/Winkler to close the Public Hearing. Motion carries unanimously with Council Member Kinney absent.

Council Discussion

Council Member Jellins asked about further investigating possible parking issues and he would like staff to return with more data. Mr. Smith responded that staff could do a street traffic count to better assess this concern.

M/S Jellins/Winkler to postpone the item until staff returns with more empirical data on traffic and parking issues. Motion passes unanimously with Council Member Kinney absent.

Council Member Collacchi inquired about the size of the residential units and how the school and the church will co-exist. Mr. Smith explained that the size of the units is 750 sq. feet and the school will have no more than 20 students. Council Member Collacchi asked about the teacher to student ratio and if this had been pre-determined. He would like this matter researched further and then taken to the Planning Commission for an opinion. Council Member Jellins agrees with the approach but does not think there is a need to take the matter back to the Planning Commission.

Mr. Jellins would like his motion to include the suggestions made about investigating the student to teacher ratio and for this item to return to Council as soon as possible. Mr. Jellins and Ms. Winkler rewrote the motion to read:

M/S Jellins/Winkler to postpone the item until staff returns with more empirical data on traffic, parking and teacher to student ratio. This item is to come back to Council as soon as possible. Council expressed consensus with this adjustment to the wording.

F. REGULAR BUSINESS

1. Agency Board approval of the use of \$19,167 from the Community Development Agency (CDA) fund to be used in the development of a Code Enforcement Task Force focused on improving Pierce Road and the surrounding areas.

Commander Rothaus presented the staff report stating that two proposals had been received and were carefully examined. Council asked questions about Code Enforcement issues being covered under this matter and Mr. Rothaus confirmed that if parking or other items came up and they were related to Code Enforcement then they would be addressed by this Task Force.

M/S Winkler/Jellins to accept the staff recommendation. Motion carries unanimously with Council Member Kinney absent.

2. Approval of the recommendation to discontinue the Menlo Park Community Mediation Service.

Pat Carson, Executive Secretary to the City Manager presented the staff report elaborating on the recommendation made by the Menlo Park Mediation Service to disband because most of the calls are for information and not for mediation. Ms. Carson also stated that during the trial period (last six-months) the group had answered various phone messages but no mediation had taken place. Staff also said that group members offered to continue giving their services on an "on call basis" or when the need was felt.

The recently elected Chair Ms. Camille Acayan addressed the Council stating that only a few members want to stay on an on-call basis. Ms. Acayan is one of those members who are willing to donate services when the City and its residents need them.

Mayor Duboc thanked Ms. Acayan and the other members for their services and for the work the Menlo Park Community Mediation Service did in the past.

M/S Winkler/Collacchi to accept the recommendation from the Menlo Park Community Mediation Service and discontinue its existence. Motion carries unanimously with Council Member Kinney absent.

Council Member Collacchi thanked the committee members for all their work and stated that he was sad to see this service discontinued.

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.

G. WRITTEN COMMUNICATION - None

H. INFORMATION ITEMS

1. Six-month review of Zoning Ordinance amendment regarding secondary dwelling units.
This was an information item only.

2. Review of the City's Investment Portfolio as of December 31, 2003.

Mr. Boesch stated that there were two budget workshops planned for the near future.

3. Status report regarding the Belle Haven Community Life Initiative.

This item was addressed earlier on the Agenda.

I. COUNCIL MEMBER REPORTS

Council Member Jellins invited all present to an upcoming League of California Cities dinner.

Mayor Duboc shared the good news about an award of a grant for "Christmas in April" at the Belle Haven after school program and she thanked the staff that made this possible.

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

Matt Henry stated that the City Council would have to make some tough choices to make sure standards are understood by all. He understands it will be hard but necessary to make sure everybody understands the rules.

Cassandra Wallace complimented the Menlo Park Police Department on its efforts and work with the many issues that arise in that area. In particular Ms. Wallace appreciates the work the Police Department does in educating those who are not aware of the rules.

Mayor Duboc adjourned the meeting to a closed session and thanked the staff for all the logistics involved in setting up for this meeting.

K. ADJOURN TO A CLOSED SESSION – at 8:45 p.m.

L. CLOSED SESSION

1. Closed Session pursuant to Government Code Section §54957 regarding annual performance evaluations for the City Manager and City Attorney.

RECONVENE IN OPEN SESSION and REPORT ON AFOREMENTIONED CLOSED SESSION

No action to report.

M. ADJOURNMENT – adjourned at 10:10 p.m.

Respectfully submitted

Silvia M. Vonderlinden, CMC

Approved at the Council Meeting of March 2, 2004.