



# CITY COUNCIL and COMMUNITY DEVELOPMENT AGENCY MINUTES

Tuesday, March 9, 2004  
7:00 p.m.  
801 Laurel Street, Menlo Park, CA 94025  
Menlo Park City Council Chamber

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

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

**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**

Mayor Duboc reported that Robby Bobcock, a local 17 year-old, passed away on February 18, 2004. Robby attended local schools and lived in Menlo Park. Mayor Duboc expressed her sincere and heartfelt condolences to the family. The Council Meeting will be adjourned in his memory.

## **A. COMMISSION VACANCIES, APPOINTMENTS AND REPORTS**

1. One vacancy on the Parks and Recreation Commission to fill an un-expired term ending September 2006. The deadline for receipt of applications is 5:30 p.m. on March 15, 2004.

One vacancy on the Bicycle Commission to fill an un-expired term ending April 2007. The deadline for receipt of applications is 5:30 p.m. on March 22, 2004.

Mayor Duboc mentioned an additional vacancy on the Library Commission. The Mayor invited the public to apply for these vacancies.

2. Advisory Bodies Attendance Reports for 2003.

Mayor Duboc directed staff to write letters to those commissioners whose attendance records are problematic. The letters will bear the Mayor's signature.

3. Appointment to the Transportation Commission.

Mayor Duboc thanked the eight applicants who submitted applications, and Council Member Kinney said all applicants were qualified.

### **Mayor Duboc Opened Nominations**

Council Member Kinney nominated Hank Lawrence.  
Mayor Pro Tem Winkler nominated George Pappas.  
Council Member Collacchi nominated Robert Hubbell.

Vote on the nomination of Hank Lawrence:

**One vote – Council Member Kinney**

Vote on the nomination of George Pappas:

**Two votes - Mayor Duboc and Mayor Pro Tem Winkler**

Vote on the nomination of Robert Hubbell:

**Two votes – Council Member Collacchi and Council Member Jellins**

**The Mayor announced a tie and asked for another vote.**

Vote on Robert Hubbell - **Council Member Kinney and Council Member Collacchi.**

Vote on George Pappas - **Mayor Duboc, Mayor Pro Tem Winkler and Council Member Jellins.**

**Mr. George Pappas is appointed to the Transportation Commission.**

Mayor Duboc encouraged all applicants to reapply.

4. Commission Reports.

None.

**B. PRESENTATIONS AND PROCLAMATIONS - None**

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

Kelly Fergusson stated that the letter of the law is violated if Council does not take action on ordinance 926. Ms. Fergusson read excerpts of a letter her attorney sent to the City Council. She feels compelled to challenge this delay, and asks that Council either repeal ordinance No. 926 or submit it to the voters.

**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.

**Item D1 pulled**

1. Approve an Investment Advisory Service Agreement with MBIA Municipal Investors Service Corporation (MBIA) and authorize the City Manager to execute the agreement.
2. Approval of Minutes for the Council Meeting of February 10, 2004.

**M/S Collacchi/Winkler to approve item D2. Motion carries unanimously.**

**Discussion on item D1**

Council Member Jellins found the staff report very clear and thanked Finance Director Uma Chokkalingam. Mr. Jellins inquired about the role of the investors in portfolio management, and Ms. Chokkalingam said the advisors would have access to what is happening in the marketplace as well as what are the best investments. Ms. Chokkalingam said this approach allows the City to take advantage of current market conditions and best offers. Council Member Jellins inquired why the City is initiating this now, and Ms. Chokkalingam explained that with the shortage of staff and fluctuation of market this was the right time.

Council Member Jellins asked about the fee the City will pay, and about the contract term and cancellation policy. Ms. Chokkalingam clarified these points stating that the fee will be \$36,000 per year. Ms. Chokkalingam explained that MBIA will be providing the City with guidance but will not be moving the money around, that will be the role of the City Manager and Finance Director.

Council Member Collacchi asked if this endeavor entailed higher risk for City investments and Ms. Chokkalingam said no. She explained that certain government codes stipulate what the City can invest its money in. On top of these legal requirements the City has its own investment policy. Mr. McClure, City Attorney, explained that MBIA will be doing the shopping for the City, and then the City will still have to abide by its legal and policy requirements. Mr. McClure stated that this would enable the City to find the best investments.

Council asked questions about the effective date of the contract, and Ms. Chokkalingam clarified that the first step is to have MBIA review the investment policy, and if there are changes then this item will come back to Council. She said MBIA would probably start work at the beginning of the 2004-05 fiscal year.

**M/S Kinney/Jellins to approve the staff recommendation and authorize the agreement.  
Motion passes unanimously.**

**E. PUBLIC HEARING - None**

**F. REGULAR BUSINESS**

1. Direction on the Five-Year Capital Improvement Program Implementation Plan.

Kent Steffens, Public Works Director, presented the staff report thanking the Council for its time during the Study Sessions leading up to this meeting. At these study sessions various segments of the Capital Improvement Projects (CIP) were explained in detail. The topics included:

- Curbs, Gutters and Sidewalks;
- City Trees;
- Street Pavements;
- Street Lights;
- Sports Fields;
- Traffic Signals and Parking Plaza;
- Water System and Storm Drains;
- Parks, Sports Fields and City Fields;

Council asked questions about federal grants and how these monies are matched by other agencies. Mr. Steffens explained that there are various programs, and every year there are different possibilities to recover expenditures. Council inquired about franchise fees, and how a recovering fee for all new construction is in the works. Mr. Steffens explained that staff plans to repave Ivy Drive and Pierce Road in 2004-05 using redevelopment funds. Detail was provided on the eight downtown parking plazas and their condition. Council asked about the plazas in the worst conditions, and Mr. Steffens stated that Plaza five is in the worst condition.

Council discussed the possibilities for parking structures, especially at plazas two and five. Other plazas were discussed especially those that need repairs. Mr. Steffens clarified that the costs presented did not include any underground utilities, and staff is requesting that a Council subcommittee be created to make recommendations about a possible storm drain assessment.

**Council Discussion**

Council discussed parking structures specifically current demand, locations and length of time to build them. Council also inquired about undergrounding of utilities and the cost. Mr. Steffens stated that this matter relates to a petition from homeowners who want to underground their utilities. However, he stated that this would be a very costly endeavor. Council went through various projects on the list of projects (attachment D) and asked for clarification on particular items.

Mayor Pro Tem Winkler would like a fee study to be done in order to better determine fees charged to the public. Mr. Boesch stated that on April 6, 2004 the Council would have a chance to prioritize all the lists and projects presented tonight.

Mr. Kent Steffens stated that the Project Priority Lists are for Council to take a preliminary look and then staff can follow up with an assessment of resources and staff time available to deal with each item. There was one item that needed correction from \$150,000 to \$15,000 on staff report page D1, project name "Streamline Commercial Development Regulations and Review Process". Mayor Pro Tem Winkler believes that item 6 on page D1 regarding undergrounding, should not be there because this is not feasible. She is not comfortable with the approach of addressing one street because there was a petition versus the other streets. Mr. Collacchi feels comfortable taking this item off the list, but he does not want

the public to feel the petition was useless. Mr. Kinney wants the City to be the facilitator and then the citizens could decide what to do.

### **Public Comment**

Jeff Kleck spoke about the need to implement the undergrounding of utilities because of infrastructure obsolescence, safety, and property damage. Mr. Kleck said the petition submitted was very easy to circulate because 100% of the people want underground utilities installed. He asks the Council to move forward on this.

Mayor Duboc asked if Mr. Kleck knows if the residents are willing to pay for it. Some discussion ensued about what is being done in Palo Alto, and how that City is assessing the homeowners for the cost of underground implementation.

Council discussed increasing the importance of Santa Cruz sidewalks (item 3 on page D1). Other Council Members would like to combine item three and four (Santa Cruz Corridor Sidewalk Design and Sidewalk Extension Project). After going through the list of projects, Council in general agreed with the priority given by staff with the exception of the following item: on page D3 Council Member Jellins would like that items 5 and 6 be moved to a less important ranking, however Mayor Pro Tem Winkler would like to keep item 6 as is because of the Transportation Commission interest. Council Member Collacchi would like to go further than the five years and have a spreadsheet that projects 10 years into the future.

### **Public Comment**

Jeff Kleck spoke in favor of undergrounding utilities while resurfacing versus having to address infrastructure obsolescence at a later time. He believes that if there are power posts there are more power loses, explosions, and risks of electrocutions. Mr. Kleck believes that residents support this effort.

**M/S Duboc/Kinney to direct staff to include the funding for projects identified in the five-year maintenance infrastructure program (attachment B) in the fiscal year 04-05 budget proposal, and the general fund capital improvement project; direct staff to include funding for street resurfacing as identified in the five-year resurfacing program (which is attachment C of the staff report) in the fiscal year 04-05 budget; accept staff recommendations on the prioritization of proposed new projects for fiscal year 04-05 as listed in the project priority list, with one stipulation that there will be some re-prioritization of transportation projects as per Council discussion. Motion to include that Council will form a subcommittee composed of Council Member Kinney and Collacchi to work with the staff on the development of a proposal to fund storm drainage system improvements, and staff to do public outreach as per staff recommendations, and to include a public hearing with the commission. This motion also includes taking parking plaza number two off the program list, and proceeding with renovation, paving and landscaping of parking plaza number 5 (full project). Motion carries unanimously.**

Council thanked staff for its thorough work and detailed information on all these CIP projects.

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.

### **G. WRITTEN COMMUNICATION - None**

### **H. INFORMATION ITEM - None**

### **I. COUNCIL MEMBER REPORTS**

Council Member Kinney referred to two memos he sent on the Park Theater, and the Environmental Quality Commission. Mr. Kinney asked that the item on Ordinance 926 be brought back and discussed at the next meeting as a written communication. He also asked if Council's decision to postpone action was legal, and Mr. McClure stated that other cities have deferred action. Mr. McClure stated that a number of cities have done the same thing so it is not unusual to defer or delay action. Mr. McClure clarified that the Council will need to act before the last date for putting the measure on the ballot, which

is the first week in August. At this time there is no threat of litigation and there is no penalty. Mr. McClure stated that if Council wants to discuss this it should be placed on the Agenda.

Mayor Duboc reported on the Belle Haven Community Day saying it was a success and most of those present were interested in education. Ms. Duboc said she would be attending the next board meeting of the Ravenswood School District because some of the items discussed at the Community Day will be reported to this body. Ms. Seymour, Assistant City Manager, informed the Council that the report to Council would be presented on March 23, 2004 at the Menlo Park Senior Center.

Council Member Kinney said he attended Mike's Café unveiling of the art piece, and inaugural evening. Mr. Kinney appreciates the mural (art piece) and he enjoyed the event.

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

Al Heibem spoke about the Park Theater project and in his opinion there isn't a shortage of theaters in this area. He does not agree with subsidizing this project. Mr. Heibem believes it is very difficult to keep these places afloat and so he doesn't think the City should invest money. He believes the City should invest money into roads, and avoid getting into this endeavor.

**K. ADJOURNMENT - 9:50 p.m. in memory of Robby Bobcock.**

Respectfully submitted

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Silvia M. Vonderlinden, CMC

Approved at the City Council Meeting of April 6, 2004.