



**CITY COUNCIL
and
COMMUNITY DEVELOPMENT AGENCY
MINUTES**

**Tuesday, June 29, 2004
7:00 p.m.**

**701 Laurel Street, Menlo Park, CA 94025
Menlo Park City Council Chambers**

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

ROLL CALL – Duboc, Winkler, Jellins, and Kinney. Council Member Collacchi absent.

STAFF PRESENT – Audrey Seymour, Acting City Manager; Dan Siegel, Acting City Attorney; Silvia M. Vonderlinden, City Clerk. Various department heads and other City staff were present.

PLEDGE OF ALLEGIANCE

A. COMMISSION APPOINTMENTS, VACANCIES AND REPORTS

1. Swearing-in of two new Parks and Recreation Commissioners.
City Clerk Vonderlinden swore in two park commissioners, Paula Maurano and Michael Barany.
2. One vacancy on the Housing Commission to fill an un-expired term ending in July 2005. Extended deadline for receipt of applications is July 6, 2004 at 5:30 p.m. Two vacancies on the Housing Commission to fill expired terms. These terms will end in July 2008. The deadline for receipt of applications is 5:30 p.m. on July 6, 2004.
3. One vacancy on the Las Pulgas Committee to fill an un-expired term. This term will end in March 2005 (this vacancy is for a business member seat). One vacancy on the Las Pulgas Committee to fill an un-expired term ending in March 2005 (this vacancy is for a rental owner seat). Extended deadline for receipt of applications is July 6, 2004 at 5:30 p.m.
4. One vacancy on the Library Commission to fill an expired term. The vacancy is for a term that will end in July 2008. The deadline for receipt of applications is 5:30 p.m. on July 6, 2004.
5. Three vacancies on the Planning Commission to fill expired terms. The vacancies are for three terms that will end in August 2008. The deadline for receipt of applications is August 9, 2004 at 5:30 p.m.
6. Two vacancies on the Environmental Quality Commission to fill two expired terms. The vacancies are for terms that will end in August 2008. The deadline for receipt of applications is August 9, 2004 at 5:30 p.m.
7. Commission Reports.

B. PRESENTATIONS AND PROCLAMATIONS

1. Proclamation designating July as Parks and Recreation Month.

Richard Cline, Chair of the Parks and Recreation Commission and Robert Silano (Parks and Recreation Commissioner) received the proclamation presented by Mayor Duboc.

Council Member Kinney entered the Council Chambers.

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

Nitza Derfner addressed the Council providing paperwork and pictures on a lawsuit she initiated versus the City. Ms. Derfner alleged that fraud led her to lose her case against the City of Menlo Park.

Harry Harrison stated that the Lyons Club presented a donation of \$7,500 to the City, but such money indirectly derived from Farmer's Market proceeds. Mr. Harrison encouraged everyone to "Shop Menlo".

D. CONSENT CALENDAR

1. Adoption of Resolution 5535 calling and giving notice of holding a General Municipal Election for two expiring seats; requesting that the City Council consolidate said election with the Statewide General Election to be held on November 2, 2004; and, contracting with the San Mateo County Assessor County Clerk Recorder for election services.

Item pulled

2. Approval of improvement measures to increase safety at the intersection of Newbridge Street at Almanor Avenue and at the intersection of Ivy Drive at Chilco Street/Henderson Avenue in the Belle Haven neighborhood.
3. Adoption of Resolution 5536 authorizing the City Manager to enter into an agreement with the Town of Atherton to transfer ownership and maintenance responsibility of the Pedestrian Traffic Signal on Valparaiso Avenue near Arbor Road from the City of Menlo Park to the Town of Atherton.
4. Community Development Agency award of contract for the construction of the Ivy Drive Streetscape Project to John Clay General Engineering Contractor, Inc. in the amount of \$1,234,162; and authorization of a budget of \$1,525,000 for construction, contingencies, testing, engineering, inspection and administration.
5. Adoption of Resolution 5537 authorizing the destruction of certain records in the Police Department.
6. Adoption of Resolution 5538 approving a Memorandum of Understanding (MOU) between the City of Menlo Park and the Menlo Park Police Officers' Association, for the period beginning July 1, 2004 through June 30, 2006.
7. Adoption of Resolution 5539 to grant a designated period for two years additional service credit pursuant to Government Code 20903 to improve retirement benefits for two eligible employees at an estimated cost of \$63,500.

Item pulled

8. Adoption of Resolution 5542 authorizing payment to Bay Cities Joint Powers Insurance Authority of combined premium deposits not to exceed \$615,000 for general liability coverage, excess worker's compensation coverage, property and fire coverage, and crime coverage for the period of July 1, 2004 through June 30, 2005.

Item pulled

9. Adoption of Resolution 5543 appropriating \$118,650 in fiscal year 2003-04 from the General Fund Capital Improvement Program Fund Balance for improvements to the Burgess Gymnasium building and authorize staff to issue sole source contracts to perform the work.
10. Adoption of Resolution 5540 approving a Memorandum of Understanding (MOU) between the City of Menlo Park and Teamsters 856 (PMA) representing Police Sergeants for the period beginning July 1, 2004 through June 30, 2006.
11. Adoption of a Resolution 5541 of Intention to grant a designated period for two years additional service credit pursuant to Government Code 20903 to improve retirement benefits for one eligible employee at an estimated cost of \$28,700.

M/S Duboc/Kinney to approve Consent Calendar items D1, D3, D4, D5, D6, D7, D10 and D11. Motion passes on a 4-0 vote with Council Member Collacchi absent.

Discussion on Consent Calendar item D2

Mayor Pro Tem Winkler asked about lighted crosswalk on demand and if this intersection could be a good place to install such tool. Jamal Rahimi, Transportation Manager, explained that in the coming fiscal year many intersections will be studied to find candidates for the lights on demand approach, but in this case this one would probably not be a good candidate because it is an intersection. Mr. Rahimi added that this area was identified as a high incidence area for accidents with a strong propensity for exhibitionist or donut driving.

M/S Winkler/Duboc to approve Consent Calendar item D2. Motion passes on a 4-0 with Council Member Collacchi absent.

Discussion on Consent Calendar item D8

Council Member Kinney inquired about certain clauses in the agreement that would protect the City, and Acting City Attorney Siegel stated that he would review the agreement again to make sure it was as complete as possible.

M/S Kinney/Duboc to approve Consent Calendar item D8. Motion passes on a 4-0 vote with Council Member Collacchi absent.

Discussion on Consent Calendar item D9

Mayor Duboc clarified that this action is aimed at mitigating the high temperatures experienced at the Burgess Gym. Ms. Duboc recognized staff's efforts to improve the gym.

M/S Duboc/Winkler to approve Consent Calendar item D9. Motion passes on a 4-0 vote with Council Member Collacchi absent.

E. PUBLIC HEARING - None

F. REGULAR BUSINESS

1. Consideration of a request by the Menlo Park Fire Protection District for adoption of a Resolution supporting revisions to the District's Fire Prevention Code that would establish new requirements for automatic fire sprinklers, including new requirements for single-family residences.

Ron La France, Building Official, explained the staff recommendation and asked for Council direction. Mr. La France informed Council that certain recommendations made by the Fire District had been revised since a meeting was held with the Chamber of Commerce. Staff explained the meaning of the word "alteration" and how it is being interpreted and defined in the context of the recommendations.

Mayor Duboc welcomed the Fire District representatives present, and they were: Chief Wilson, Jeff Hass, Ron Kiefer and Ollie Brown.

Council Discussion

Council inquired about the definition of the word "alteration", and if all the recommendations from the Fire Department are consistent with staff's recommendation. Ms. Heineck, Community Services Director, explained that some portions of the Fire Department's recommendations were excluded. Council asked about the cost of installing fire sprinklers, and questioned how effective they are. Ms. Heineck responded that, to date the Fire District had not provided data on this, but maybe a Fire representative could address this question. Fire Chief Wilson stepped forward explaining that the National Fire Protection Association reports that the death rate is lower in (residential and commercial) properties that have fire sprinklers. Council asked questions regarding other communities that may use these regulations and Chief Wilson explained that some communities are enacting fire sprinkler ordinances instead of building fire stations because this cuts costs.

Chief Wilson reiterated some of the benefits of fire sprinklers. He mentioned that the Fire District is aiming to protect children, seniors and handicapped who could benefit from this ordinance. He read an official statement delineating the recommendations made by the Fire District Board and informed the Council that East Palo Alto and Atherton have adopted similar regulations.

Council inquired about the next steps and Chief Wilson stated that Council's direction would be reported back to the Fire District Board. Ms. Heineck elaborated on the fact that Council is being asked to act on a resolution in support of certain recommendations made by the Fire District Board, however if the Fire District Board moves forward with its approach, then it goes through the State for the review process. Ms. Heineck referred to the fact that even if the matter does not get approved, it could still come back to the City Council for adoption of said regulations. Acting City Attorney Siegel brought to light the fact that the Council is only making a suggestion via the resolution, on how the ordinance should read. Chief Wilson confirmed that the Fire Board would take the recommendation, and then craft the final ordinance.

Public Comment

Al Felice, representing the Chamber of Commerce, reported that the Fire District has met with said entity and there is still some confusion on the pragmatic application of the recommendations.

Fran Dehn, President of the Chamber of Commerce, stated that there are many considerations that need to be brought forth especially in regards to assessing impacts on landlords and tenants. Ms. Dehn mentioned a verbal agreement with the Fire District for a multi-year implementation approach.

Council Member Kinney requested clarification on the 75% trigger area, and Chief Wilson explained that the Fire District intends to make this applicable to major renovation or significant improvements only.

Dick Poe mentioned a letter he sent to the Council, and how he disagrees with the recommendations. Mr. Poe believes the statistics presented should relate only to single-family housing and not include data from commercial sites.

Richard Li urged the Council to defer this decision because there isn't enough information on single-family homes. Mr. Li presented a list of 8 signatures opposing these recommendations.

Henry Riggs presented a list with eight names opposing the adoption of a fire sprinkler resolution. Mr. Riggs believes that the current request will establish Menlo Park as a special area that needs fire sprinklers and that will force homeowners to incur involuntary costs.

Sam Sinnott opined that the data should come from an objective body and not from a body that would benefit from this approach. He asked that Council not approve the item until cost estimates are available.

Michael Lambert spoke about the burden this will impose on homeowners. Mr. Lambert believes this will slow modernization and renovation, and will affect Belle Haven in particular. Based on his research less than 1/7 of the communities in the United States have a fire sprinkler ordinance. Mr. Lambert stated that taking bars out the windows would be more beneficial than imposing extra costs on homeowners. Mr. Lambert submitted signatures of residents who oppose this matter, and former Building Official, Don Johnson signed the petition.

Council Discussion

Council Member Kinney believes that the cost for the homeowner is a concern but overall he agrees with the staff recommendation.

M/S Kinney to approve the staff recommendation. Motion fails for lack of a second.

Mayor Duboc commented that she is not ready to approve this matter because there are too many questions about the effectiveness and cost of the sprinklers. However, she would like to support the Fire District as well as the homeowners. Mayor Pro Tem Winkler listed some of the reasons why she could not support the resolution, they included: no proof that fire sprinklers are effective, Menlo Park is not experiencing unusual circumstances that would justify going beyond the norm, and many people she respects are skeptical about this issue. Council Member Jellins is persuaded that there is no basis to support the staff recommendation.

Acting City Attorney Siegel explained that at this time Council did not have to adopt a resolution and a motion was not required if Council just wanted to request more answers from the Fire District and staff.

Chief Wilson asked if there is any support for any of the points in the resolution and asked for direction from Council. Mr. Wilson also stated that for existing commercial property there is a five-year phase in period. Mr. Wilson stated that his intent is to share the Council's view with the Fire District Board.

Mayor Duboc stated that the Chamber of Commerce plays an important role and its suggestions should be incorporated. Mayor Pro Tem Winkler would like to see what has been implicitly agreed to be explicitly stated on the recommendation to add clarity. Some Council Members requested more information on the potential costs related to water supply, remodeling, and resurfacing. The Council majority agreed that these requests for additional information pertained to commercial properties and not residential properties, which are off the table.

Mayor Duboc encouraged the Fire District to do more education of residents. Mayor Duboc thanked the Fire District for its presence and efforts.

Michael Lambert came forth and stated that the Fire District could always request the Building State Commissioners Board to make a deliberation on whether these recommendations have merit or not. Chief Wilson clarified that this body is no longer accepting requests for an opinion.

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.

None.

G. WRITTEN COMMUNICATION

1. Exploration of keeping the Burgess Pool open while the renovation project is re-bid.

Mayor Duboc thanked staff for the new signs around the Burgess Pool area and the written communication explaining the status and progress.

H. INFORMATION ITEM - None

I. COUNCIL MEMBER REPORTS

Council Member Kinney, representing the Bay Area Water Supply and Conservation Agency, met with San Francisco Mayor Newson and impressed upon him the need to seismically upgrade the Hetch Hetchy water system. Mr. Newson stated that his office will be providing quarterly reports to BAWSCA, and he will keep a close eye on the accounting of the project. Mr. Kinney reported that he had a meeting with the San Francisco Joint Powers Authority Creek and the Santa Clara Valley Water District has offered to pay for the next phase of the CAP 205 project. Mr. Kinney said that the second portion of this project is still pending Senate funding.

Mayor Duboc announced that Sun Microsystems will be laying off 126 employees. Ms. Duboc also announced that she was the City's representative on a health care task force spearheaded by Supervisor Jerry Hill and a final report was published and is available online for the public to read.

J. PUBLIC COMMENT #2 (Limited to 30 minutes) - None

Mayor Duboc announced that the Council's next two meetings have been cancelled.

K. ADJOURNMENT – 8:55 p.m.

Respectfully submitted,

Silvia M. Vonderlinden, CMC

Approved at the Council Meeting of October 12, 2004.