



CITY COUNCIL COMMUNITY DEVELOPMENT AGENCY MINUTES

Tuesday, August 17, 2004
7:00 p.m.

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

Between 5:00 p.m. and 6:45 p.m. the City Council interviewed applicants vying for the Planning Commission vacancies.

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

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

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

PLEDGE OF ALLEGIANCE

A. COMMISSION APPOINTMENTS, VACANCIES AND REPORTS

Mayor Duboc addressed Agenda items A2, A3, A4, A5 and A6, first encouraging the public to apply.

2. Two vacancies on the Arts Commission to fill two expiring terms. The vacancies are for terms that will end in September 2008. The deadline for receipt of applications is September 7, 2004 at 5:30 p.m.
3. One vacancy on the Bicycle Commission to fill an un-expired term ending April 2005. The deadline for applications is August 23, 2004 at 5:30 p.m.
4. One vacancy on the Housing Commission to fill an un-expired term ending in July 2005. The extended deadline for receipt of applications is August 23, 2004 at 5:30 p.m.
5. 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). The extended deadline for receipt of applications is August 23, 2004 at 5:30 p.m.
6. One vacancy on the Parks and Recreation Commission to fill an expired term that ends in September 2004. The vacancy is for a term that will end in September 2008. The deadline for receipt of applications is September 7, 2004 at 5:30 p.m.

Council Member Kinney arrives.

1. Appointments to the Environmental Quality Commission.

Mayor Duboc opened the floor for nominations.

Council Member Jellins nominated Robert Swezey to serve the full term.

Council Member Kinney nominated Heyward Robinson.

Mayor Pro Tem Winkler nominated Douglas Scott.

Vote on the un-incumbent seat to serve until August 2008.

Heyward Robinson receives one vote from Council Member Kinney.

Douglas Scott receives three votes and is appointed to this vacancy.

Vote on the incumbent seat to serve until August 2008.

Robert Swezey receives three votes, and gets re-appointed to this vacancy.

7. Swearing in of two Housing Commissioners and one Library Commissioner.

Silvia Vonderlinden, City Clerk, swore in the Housing Commissioners Elza Keet and Anne G. Moser and Library Commissioner Anne Wellner de Veer.

8. Commission Reports.

B. PRESENTATIONS AND PROCLAMATIONS - None

C. PUBLIC COMMENT #1 - None

D. CONSENT CALENDAR

Item Pulled

1. Adoption of Resolution 5551 authorizing the Transportation Manager to execute Program Supplement Agreement Number M006 to administering Agency-State Agreement for Federal-Aid Projects Number 04-5273, covering preliminary engineering for the Emergency Vehicle Priority Systems Installation on Willow Road between Middlefield Road and Bayfront Expressway (SR-84).

Item Pulled

2. Approval of the Traffic Calming Plan for Chester Street; award of contract to O'Grady Paving Inc. for the Chester Street Traffic Calming Project in the amount of \$44,300; and authorization of a total budget of \$60,000 for construction, contingency, engineering, testing and construction administration.
3. Adoption of Resolution 5549 authorizing the destruction of certain records in the City Clerk's Office and other departments.
4. Adoption of Resolution 5550 amending a portion of the City's Records Retention Schedule.
5. Approval of the Minutes of the City Council Meeting of May 25, 2004.

M/S Jellins/Winkler to approve Consent Calendar items D3, D4 and D5. Motion passes 4-0 with Council Member Collacchi absent.

Discussion on Consent Calendar item D1

Council Member Jellins inquired if City Attorney McClure reviewed the agreement, and he confirmed that he had. Mr. Jellins wondered if the Fire District will come through by signing the agreement. Mr. Rahimi, Transportation Manager, explained that the Board had approved the action at one of its meetings. Mr. Rahimi explained that this agreement pertains to a grant received for Willow Road, and it would be preferable to move forward at this time. Mr. Boesch asked if there was a downside if the agreement with the Fire District did not come through, and Mr. Rahimi explained that yes there would be because the City would have to maintain the traffic signal system.

M/S Jellins/Kinney to approve Consent Calendar item D1. Motion passes 4-0 with Council Member Collacchi absent.

Discussion on Consent Calendar item D2

Council Member Kinney acknowledged receiving a letter from a resident wanting to include a left turn restriction on Chester Street. Mr. Nino, Director of Engineering Services, explained that this was an authorized element of the previous Council decision, however it was part of the second phase of this project. Council Member Jellins asked if the new detail on the striping would be used throughout the City and Mr. Nino confirmed.

M/S Kinney/Jellins to approve Consent Calendar item D2 and include the left turn sign in this phase of the project. Motion passes 4-0 with Council Member Collacchi absent.

E. PUBLIC HEARING - None

F. REGULAR BUSINESS

1. Adoption of a Resolution providing comment on the California High Speed Rail System Draft Program Environmental Impact Report/Environmental Impact Statement. *(Staff Report #04-168)*

Jamal Rahimi, Transportation Manager, explained the history of this project stating that it is important to address this matter now because the City should have a voice. Mr. Rahimi explained that a traffic impact report has been circulated and the impacted cities and organizations have until August 31, 2004 to comment. He reported that certain issues are of concern to Menlo Park, i.e. the grade separation, right of way acquisitions, construction needs, impact on residential developments along the tracks, impact on trees, visual and economic impacts and the electrification of the project. Mr. Rahimi stated that placing this on the 2006 ballot may deprive the public of a full disclosure of environmental impacts. Mr. Rahimi explained details about the Pacheco, Diablo and Altamont Passes.

Council Discussion

Council Member Jellins pondered if additional information is needed before the City approves a resolution and takes a formal position. Mr. Rahimi stated that a more detailed analysis will take place, however Mr. Rahimi believes that if the local cities do not share concerns now, than these will not be on the record and will not be looked at. Council Member Jellins shared concerns with taking a position on the Altamont Pass. Mayor Pro Tem Winkler concurred but she would like to include it as a possibility. Council discussed the implications of Pacheco Pass and how this may or not directly impact Menlo Park.

Public Comment

Jim Bigelow shared concerns about the economics of the ridership and he believes the concept of crossing Henry Coe State Park is hard to implement. Mr. Bigelow believes that identifying concerns in the document earlier is better.

David Montague shared his concerns with the topic in general and in particular with the strong linkage between the electrification, grade separation and High Speed Rail. Mr. Montague studied the EIRs and these issues are separated but the cumulative impacts are significant. He advocates an integrated approach where BART and Caltrain merge their routes and don't necessarily come up the Peninsula.

Mike Brady would like the Council to ask for studies on traffic coming into the Peninsula. Mr. Brady stated that approximately 1,900 mature trees will be cut down along the path of this plan, and Mr. Brady believes at least 500 will be cut in Menlo Park. In his opinion the noise impact is also significant.

Michael Holy stated that he had nothing to add.

Robert Kelly shared concerns with this issue referring to a letter submitted opposing such plans. Mr. Kelly submitted a petition with 140 signatures. He disagrees with the tracks going through Menlo Park and recommends the Altamont Pass route be studied as part of the EIR.

Margaret Okuzumi is the Executive Director of Bayrail Alliance and is also a local volunteer with the Sierra Club. Ms. Okuzumi believes that certain issues should be studied and there are serious questions about the costs as well as the Altamont alignment.

Hank Lawrence stated that in his opinion San Francisco and San Jose will both get High Speed Rail but the question is how to make this a reasonable project. Mr. Lawrence believes that the best tactic is to lower the trains' speed.

Ron Fischler, representing advocates for Henry Coe State Park, believes it is important to ask questions now and bring these issues forth. Mr. Fischler stated that this park is a valuable resource and he asks for an amended resolution that does not include the State Park. Mr. Fischler mentioned various cities and counties that have passed such a resolution.

Alan Miller, Executive Director of Train Riders Association of California, said the Peninsula has the unique opportunity to be between the two routes that will be built. Mr. Miller believes that people will go where the speed is and he believes the trains will come up the Peninsula.

Don Brawner stated that it is important to find out the real impacts of this project now. Mr. Brawner believes that bringing the trains up the Peninsula will have significant impacts.

Milton Borg mentioned that he has property directly affected by this and he has heard very little about the issue. He believes the matter should be dropped, however he asked how much right of way would need to be acquired.

Mayor Duboc stated that the resolution will be redrafted and then it should come back to Council.

Conceptual motion by Mayor Pro Tem Winkler to change item number six in the draft resolution to include studying the possibility of the Altamont Pass; include number seven as the possibility of High Speed Rail trains either to Fremont or San Jose, but do not come through or onto the Peninsula, and possibly include a number eight that excludes Henry Coe State Park from the EIR. Some Council Members expressed concerns about the Henry State Coe State Park. Council also mentioned that staff had done a good job at providing information. However, some Council Members thought there was too much opinion in the report and others thought there wasn't enough specificity.

M/S Winkler/Kinney to change item number six to include a Study of the Altamont Pass, add number seven to include the possibility that High Speed Rail trains deliver passengers to points outside the Peninsula, either Fremont or San Jose as examples, and add a number eight which is to exclude the Henry Coe State Park from the EIR.

Council asked staff if this was sufficient direction and City Manager Boesch stated that staff has a clearer idea of what the resolution should look like. Council Member Jellins reiterated that he does not believe the City should be making a statement on a matter that is outside its jurisdiction (Henry Coe State Park). Some Council Members appreciated the idea of Council integrating various parts of the system, and Mayor Pro Tem Winkler amended a portion of her motion to read "**on item seven include possibility of integrating High Speed Rail trains with existing transit systems so that they deliver passengers to points outside the Peninsula, either Fremont or San Jose as examples**".

Mr. Boesch stated that if more discussion needs to occur the matter should come back, and Mayor Duboc directed staff to redraft the resolution and letter and make available to Council for its review and approval consistent with the motion.

Mayor Duboc called for the vote.

Motion carries unanimously.

2. Approval to amend the Percent for Art Ordinance to add a 1.5% voluntary In-Lieu Fee. (*Staff Report #04-157*)

Bob Roessler, Community Services Manager, presented the staff report explaining the reasons for the 1.5% in lieu fee. Mr. Roessler provided an overview of past steps and changes to the in-lieu fee provisions and reiterated, that based on the Arts Commission input, staff requests an increase in the in-lieu fee. Mr. Roessler clarified that once Council gives direction the percent for art ordinance will be rewritten to include the new fee and be brought back for adoption. Details were provided on what will be covered by the 1.5% fee, e.g. staff time, consultant fee, artist's fee, and selection of the art. Council inquired about selection of the art piece and artist. Council asked if this change would be retroactive and staff said that it would depend on Council direction. Mayor Pro Tem Winkler asked if art programs in other cities had been studied or compared to and Mr. Roessler answered that such analysis was not done at this time.

Public Comment

Milton Borg stated that this is an opportunity to avoid complex programs and it has been hard for him as a small business owner to comply with the ordinance. Mr. Borg believes it would be best to have the public more actively involved in the public art process.

Patricia Daniels, Vice-chair of the Arts Commission, stated that the Commissioners worked closely with staff to reach the current recommendation. Ms. Daniels believes that the increased in-lieu fee is justified. She stated that out of the eight projects submitted, two have requested the in-lieu fee approach.

Discussion

Council Member Kinney supports the staff approach and the increase in the fee. Mr. Kinney is however concerned that this might be limiting the use of art to certain areas of Menlo Park. Mayor Pro Tem Winkler stated that this issue should be deferred until staff provides a list of all fee schedules imposed on businesses, and she further asks for a list of new fees for all development projects.

David Boesch confirmed this request had arisen before but it had been overlooked. And, even though Mr. Boesch has the information available, he understands that it was not properly disseminated and so a motion to table would be appropriate.

M/S Winkler to table the item. No second on the motion, in order for the item to be discussed.

Mayor Duboc agrees with this tabling and asks that staff research what other cities are doing. Mr. Boesch stated that a larger scale analysis had not been identified as a priority at the January meeting; and, if this was added it would become a bigger project for staff. Mayor Pro Tem Winkler believes this could be placed on the priority list for next year. However, Mayor Duboc believes that getting the fee schedule information now would be useful. Council Member Kinney would like to see the information but he also asks about the current projects that are in the pipeline and how this would work. Mr. Curtis Brown, Community Services Director, explained that currently the person makes a deposit that is held by the City, and the same practice would remain. Mr. Boesch explained that the fee information could return to Council within two weeks.

Mayor Duboc seconds the motion, and calls for the vote. Motion to table carries 3-1-0 vote with Council Member Kinney opposing and Council Member Collacchi absent.

3. Approval of striping and signage changes at the intersection of University Drive and Menlo Avenue and adoption of a Resolution 5552 appropriating \$6,500 from the 2004-05 Measure "A" fund to implement these changes. (*Staff Report #04-166*)

Jamal Rahimi, Transportation Manager, stated that this site is being studied because there has been a high rate of pedestrian and car accidents. Mr. Rahimi stated that after reviewing and studying the issue three proposals were presented to the Transportation Commission. The Commission reviewed the proposals and asked staff to notify residents and receive feedback. Staff confirmed that this took place and a subcommittee of the Commission was formed to get input. Mr. Rahimi clarified that nearby residents had reservations with the alternatives but on May 12, 2004 the Commission recommended that Council approve certain safety measures. Subsequently, the Commission asked for more review and the original recommendation made by staff was adopted. Mr. Rahimi explained with illustrations the proposed design as well as the differences between what residents want and what staff recommends.

Council asked questions why staff wants to remove the existing University stop at the northerly end of the intersection. Mr. Rahimi explained that it is not advisable to have two stop signs so close together. Council asked about the residents' proposal and why it would not work out. Mr. Rahimi stated that, based on staff's experience, if two signs are too closely spaced then people would not follow it. Staff responded to specific questions about what the differences are between staff's and the residents' proposals. Council suggested various scenarios and staff shared safety concerns.

Mayor Pro Tem Winkler asked about a proposal she had submitted in writing three days ago. Mr. Rahimi showed slides illustrating her proposal that includes a refuge zone where the residents merge into the center lane and then look when it is prudent and safe to continue. Mr. Rahimi stated that staff looked at the proposal and it has merit but the drawback is that it eliminates the left turn and will likely increase backup. City Attorney McClure stated that if Council wanted to study this matter further it could be studied, but it would convert the northbound direction into one lane and also the Draeger's permit would need to be reviewed. Mr. McClure stated that there have been problems in the past with this area, so he has some concerns with the design, liability and compatibility with the Draeger's permit. Mr. McClure mentioned that the high volume of traffic going to SRI, 101 and City Hall could be impacted, consequently the ramifications of this proposal should be studied. Mayor Pro Tem Winkler concurs with the approach of sending this back to staff for review and further study.

Public Comment

Edgar Auslander believes that the proposal to include an additional stop sign will make access to his home difficult and unsafe. He does not believe that two stop signs are not enforceable. He stated that people obey rules and asked for an explanation on proposal B and D.

An unidentified member of the public shared her concerns about safety and encouraged the additional stop sign to make it safe.

Mary Gilles stated that she is a member of the Transportation Commission and disagrees with the staff's proposed placement of a crosswalk because it will add to drivers' confusion. She believes that as part of the solution the City should add the concerns of Menlo Court residents. She urges the Council to focus on increasing safety on the crosswalk across Menlo Ave., decrease driver confusion in the intersection, and provide a safe left turn for Menlo Court.

Mayor Pro Tem Winkler made a motion directing staff to review the proposed alternative and bring it to the Transportation Commission, however if staff and the City Attorney find this approach not feasible she would suggest adoption of Attachment D but without the rails and this to be reviewed in six-months.

City Attorney McClure clarified that this crosswalk would be going right into someone's drive way.

Mayor Pro Tem Winkler withdrew her motion because the proposed crosswalk isn't feasible.

M/S Jellins/Kinney to move forward with the staff recommendation, and take a look at it in six-months. Mayor Duboc made a friendly amendment to keep stop sign A in, and to shorten the red zone on Menlo West to increase safety. The maker of the motion accepts the amendment.

Mayor Pro Tem Winkler asked if her proposal could be studied and looked at more carefully. Council Member Jellins asked what other consideration staff should study, and Ms. Winkler responded that she would like to have the backup studied as well as the Draeger's permit issue. Mayor Duboc does not think there is a need to pursue this. Mr. McClure explained the implications of the proposal and how it would stack traffic on University. Mr. Rahimi was asked to respond, and he said staff could run a simulation program and show the resulting backup. Mayor Pro Tem Winkler withdrew her interest to further study the proposal.

Mayor Duboc called for the vote and the motion carries unanimously with Council Member Collacchi absent.

4. 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.

Mr. Boesch stated that there are a number of bills going through the Legislature, and that he received a Memo from Mayor Pro Tem Winkler asking for clarification on various propositions that will be on the November ballot. The City Manager will be addressing this matter in the near future.

G. WRITTEN COMMUNICATION

1. Request of Mayor Pro Tem Winkler that the City Council consider whether to place Proposition 68 on a future Council meeting agenda. (*Memorandum*)

Mayor Pro Tem Winkler asked if Mr. Justin Colsky could address the Council on the gaming Proposition.

Justin Colsky, with the organization "No on Proposition 68", mentioned various alleged negative impacts of this proposition on the Bay Area. Mr. Colsky shared traffic, and crime concerns. Mr. Colsky stated that the League of California Cities opposes this proposition as well as many other law enforcement organizations in the State of California. Mr. Colsky stated that the San Mateo City Council voted against it as well as the City of Belmont.

Council Member Jellins does not think this item should be placed on an Agenda because it is a countywide or statewide issue but not one that has direct impact on the residents of Menlo Park. Mayor Duboc is open to placing it on a Consent Calendar with a resolution and then seeing what happens. Mr. Boesch asked for clarification. Mayor Duboc clarified that there is majority support on Council for this to return on a future Consent Calendar, and that Mayor Pro Tem Winkler is to work with staff on this item.

H. INFORMATION ITEM

1. Expansion of the Shopper's Shuttle for a six-month trial period. (*Staff Report #04-169*)

Mayor Pro Tem Winkler stated that she hopes more seniors will use the service.

I. COUNCIL MEMBER REPORTS

Mayor Duboc explained that next week's meeting will take place at the Menlo Park Senior Center and that it will not be televised live.

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

K. ADJOURNMENT – 9:55 p.m.

Respectfully submitted,

Silvia Vonderlinden, CMC

Approved at the City Council Meeting of October 12, 2004.