



**CITY COUNCIL  
and  
COMMUNITY DEVELOPMENT AGENCY  
MINUTES**

Tuesday, September 14, 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 Chamber)

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

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

**PLEDGE OF ALLEGIANCE**

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

1. Appointments to the Las Pulgas Committee and the Parks and Recreation Commission.

Appointments to the Las Pulgas Committee

**The City Council appointed, by acclamation, Jacquie Mundley to the Las Pulgas Committee (rental owner seat).**

Appointments to the Parks and Recreation Commission

Mayor Duboc opened the floor for nominations.

Council Member Kinney remarked that applicant Elizabeth Houck withdrew her application.

**Council Member Jellins nominated Richard Cline.**

**The City Council unanimously appointed Richard Cline to the Parks and Recreation Commission.**

2. One vacancy on the Bicycle Commission to fill an un-expired term ending April 2005. The extended deadline for applications is September 28, 2004 at 5:30 p.m.
3. Two vacancies on the Housing Commission to fill un-expired terms. One vacancy is to fill an un-expired term that ends July 2005 and one is to fill an un-expired term that ends September 2007. The deadline for receipt of applications is September 28, 2004 at 5:30 p.m.
4. One vacancy on the Las Pulgas Committee to fill an un-expired term ending March 2005 (business member seat). The extended deadline for receipt of applications is September 28, 2004.
5. Commission Reports. None

**B. PRESENTATIONS AND PROCLAMATIONS**

1. Proclamation in honor of Constitution Week September 17-23.

Mayor Duboc announced that this proclamation commemorates the United States Constitution.

Agenda item G1 was addressed at this time.

**G. WRITTEN COMMUNICATION**

1. Request by Mayor Duboc that the Council consider naming a City facility after Tom Harrison.

Mayor Duboc read a letter expressing her reasons for wanting to deviate from current City policy and begin the process of having a facility named after Mr. Harrison. The Mayor enumerated many of Mr. Harrison's contributions to the community and the City, not only as a Parks and Recreation Commissioner but also as a substitute teacher after retiring. Mayor Duboc acknowledged the late Mr. Harrison's family in the audience.

Dick Poe thanked the Mayor for bringing this forth as he was a friend of the late Mr. Harrison. He served with Mr. Harrison on the Measure T committee. Mr. Poe stated that Mr. Harrison had a rich history with the community and leaves a legacy. He supports making an exception.

**M/S Duboc/Kinney to make an exception to the current City policy.**

Council Member Collacchi believes that waiting the five years might be a better route. Mr. Collacchi agrees with the current policy and he will not support the motion but he is sorry for the loss. It is his opinion that waiting allows for better perspective on the matter. Mayor Duboc said she respects Council Member Collacchi's point of view, but she feels that this is an important matter and it might take up to two years for this to get implemented.

**Motion carries 4-1 with Council Member Collacchi abstaining.**

Mayor Duboc and Council Member Kinney offered to be part of a subcommittee to work on this matter. The subcommittee will bring the item back to Council in the near future.

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

Gordon Lewin, speaking as a Sequoia Union High School District Trustee, gave the Council an update on the fundraising efforts that have begun for a joint use facility and described he is optimistic that all entities will reach consensus on the uses for the facility. Mr. Lewin described Measure H, and encouraged people to look at the web site and asking Council to endorse it.

Mayor Duboc stated that she endorses Measure H.

Erin Braddock Glanville shared concerns about recent newspaper articles concerning the Arts Commission. Ms. Glanville stated that the ordinance also affects public entities and she does not believe that the art ordinance places a burden on businesses. She referred to Carmel as an example of a city where art is respected.

**D. CONSENT CALENDAR**

1. Adoption of a Resolution 5555 to accept \$3,000 from the California State Library, and amend the Library Budget to spend said funds in Fiscal Year 2004-05.
2. Award of a three-year contract to Jensen Landscape Services, Inc. for maintenance of the Vintage Oaks Subdivision perimeter landscaping in an amount of \$35,100.

**Item D3 pulled**

3. Adoption of a Resolution 5556 supporting Proposition 1A, "Protection of Local Government Revenues," a Ballot Initiative on the November 2, 2004 Statewide Ballot to restrict the State Legislature's ability to take local government funding.

**Item D4 pulled**

4. Adoption of a Resolution 5557 of Intention to abandon Derry Lane, Garwood Way Plan Line and an existing City Storm Drain Easement and not abandon the Plan Line for Oak Grove Avenue.

**Item D5 pulled**

5. Adoption of a Resolution of Intention 5558 to abandon a portion of Linfield Drive and Homewood Place along the properties located at 110 and 175 Linfield Drive.

**Item D6 pulled**

6. Adoption of a Resolution 5559 opposing Proposition 68 on the November 2, 2004 Statewide Ballot.
7. Approval of Minutes for the City Council Meeting of June 8, 2004.

**M/S Kinney/Duboc to approve Consent Calendar items D1, D2, and D7. Motion carries unanimously.**

**Discussion on item D3**

Mayor Pro Tem Winkler wanted to take this opportunity to express support for Proposition 1A. She hopes the City Council will support it. Mayor Duboc asked if staff could place information on the City's website about Proposition 1A because it has local implications.

**M/S Winkler/Kinney to approve Consent Calendar item D3. Motion carries unanimously.**

**Discussion on item D4**

Mayor Pro Tem Winkler supports the staff recommendation and moving forward with this issue will ensure that CalTrain formally reviews and studies the project. Council asked for clarification on where Derry Lane and Garwood Way begin.

Ruben Nino, Director of Engineering Services, explained that the plan line runs parallel to the railroad tracks between Glenwood and Oak Grove Ave.

**M/S Winkler/Duboc to approve the recommendation with the proviso that both Derry Lane and Garwood Way are provisional, and are reviewed by the utilities and CalTrain.**

Mr. Nino explained that this is just the beginning of a process and there will be public hearings along the way.

Council asked other questions about diagonal parking. Other Council Members asked why this is being addressed now, and Mr. McClure clarified that the rationale is that the formal process of public hearings can only occur after adopting a resolution of intention to abandon. Mr. McClure clarified that whether the City vacates or not there will be a decision at a later time. Mr. McClure stated that if Council does not plan to consider vacating the plan lines for Garwood then it would be best to state it, so that it doesn't get considered as part of the project.

Council Member Jellins would like to hear from the developer.

Jim Pollard, Vice-President of the Orion Group, representing the applicant came forth stating that because the property has a wedge shaped front line he requests the abandonment of the plan line to free up that real estate. Mr. Pollard stated that the project was designed to be compatible with that plan line.

Council Member Jellins asked if there would be harm if no action was taken tonight.

Mr. Pollard said there would be no harm done because the developer's plan was consciously designed to not encroach into the plan line. Mr. Pollard added that if the plan line were abandoned there would be sidewalk improvements on private property with a public access easement. If the plan line is not abandoned those sidewalks would be within the right of way and he would lose that portion of the site for purposes of calculating density and FAR. The preference would be to do the first and rather than the latter.

Council Member Kinney asked about possible impacts if an underpass occurs at this location. Mr. Pollard stated that if and when the grade separation happens the operating assumption is that there may be a number of improvements within the Oak Grove Avenue. Council asked questions about the plan line and the process. Mr. Nino explained that in past situations the Council requested a dedication so that the plan meets the plan line. Mr. Nino added that the Environmental Impact Report (EIR) will address the traffic issues, and he asks that Council focus on the plan line issue. He reiterated that all options are still available to Council.

Mr. Pollard added that if the plan line were abandoned there would be no physical impact but there would be impact on density. His request is to adopt the resolution of abandonment and do it via an easement instead of right of way.

Council Member Collacchi understands that passing the resolution enables the process of abandonment but he would like to understand the process a little better. Mr. Nino explained that the resolution lists the upcoming dates when the Planning Commission will review the matter. Mr. McClure explained that the Planning Commission will make recommendations and the City Council will deliberate. Mr. Collacchi would like the Planning Commission to review all facets of this project when it comes before them he likes it to be packaged as a “whole”. Council asked about deadlines associated with next steps of this process. Council also discussed including Oak Grove in the Resolution.

City Attorney McClure stated that the policy question is if the Council thinks it might need that space later on. Mr. McClure also clarified that generally this is the process that the City follows. Mr. Pollard intervened stating that at this point the application had not been approved. The application process was discussed as well as the possible implications of Council’s actions tonight. The applicant addressed Council with certain clarifications on the status of the project. Council discussed how the density is calculated and how abandoning the plan line would interfere with this calculation.

**M/S Winkler/Duboc motion to approve the staff recommendation including the easement and not the abandonment of the plan line for Oak Grove Avenue.**

Council Member Collacchi made a friendly amendment that staff bundles it all together when it goes to the Planning Commission. Mr. McClure clarified that this is already in the process and part of the motion. City Manager Boesch asked for clarification in regards to the Oak Grove abandonment.

**Mayor Duboc clarified that the motion is to accept the staff recommendation and have an easement on Oak Grove Avenue and not abandon the plan line for Oak Grove Avenue.**

Mr. Collacchi asked if senior staff wants to weigh in on this item and give an opinion. City Manager Boesch stated that based on what he has heard tonight and the fact that Council still wants to have all options available he suggests Council approve the staff recommendation and slightly modify the recommendation to include the abandonment of the plan line at Oak Grove, and let the EIR study the matter.

**M/S Kinney/Jellins substitute motion to approve the staff recommendation with the change of including consideration of the abandonment of the plan line for Oak Grove Avenue.**

**Council Discussion**

Mayor Pro Tem Winkler asked about the economic impact of leaving this matter open. City Attorney McClure stated that based on what Mr. Pollard suggested it doesn’t look like there is a real impact especially if there is a recorded offer of a dedication. Mayor Pro Tem Winkler asked if it was possible to have that stipulation without abandoning the Oak Grove plan line and Mr. McClure confirmed that it was possible. Mr. McClure explained all viable options to Council and asked Council to ponder the policy decisions. Council Member Collacchi wanted to make sure that even though Council might approve a resolution of intention to abandon the area that this decision could be reversible later on, and Mr. McClure confirmed. Mayor Pro Tem Winkler asked the developer if they are planning to develop to the maximum FAR and the developer confirmed that was the intention. Mayor Pro Tem Winkler wanted to add to her motion that for purposes of density and FAR the plan line should be considered as if it wasn’t abandoned. Mayor Duboc clarified that a substitute motion was on the floor and this could not be introduced at this time.

**Mayor Duboc called for the vote on the substitute motion.  
This motion is whether to substitute the original motion for the substitute motion.  
Motion carries 4-1 with Winkler opposed.**

Mr. McClure stated that now the Council needed to vote on whether to adopt the substitute motion as the Council action. Council Member Jellins asked if the motion pleases Mr. Kinney and he confirmed. Mayor Pro Tem Winkler stated that she would like to continue with her motion and give the developer the opportunity to use that area. She is not comfortable with keeping the question open.

M/S Winkler/Jellins made a proposal for a substitute motion that would entitle the applicant to count the additional floor area associated with the plan line and does not include the abandonment of the plan line. Mr. McClure clarified that the substitute motion may already be part of the current motion and process. Mr. McClure explained that if Council adopts a resolution then all the options are still on the table. Council discussed if a variance would be required. Mr. McClure does not think so but the matter will have to be studied.

Mr. Pollard stated that the best way might be to abandon the plan line and replace it with another instrument. His request is that Council adopts the resolution.

**Vote on the substitute motion.**

**Motion carries 4-1 with Mayor Pro Tem Winkler opposing.**

**Discussion on item D5**

Council Member Collacchi reiterated that here too he wanted the whole subject to be grouped together when going to the Planning Commission.

**M/S Collacchi/Jellins to approve Consent Calendar item D5. Motion carries unanimously.**

**Discussion on item D6**

Council Member Jellins does not believe that there is a direct impact in Menlo Park, and while he does not oppose the resolution he cannot support the motion. Mayor Pro Tem Winkler respectfully disagrees because she believes that the State can influence local finances. Council Member Jellins believes the language of the resolution is too verbose.

**M/S Winkler/Duboc to approve the resolution. Motion carries 4-0 with Council Member Jellins abstaining.**

Mayor Duboc mentioned receiving a letter from the City of San Mateo requesting approval of this item because that City will be impacted.

**E. PUBLIC HEARING - None**

**F. REGULAR BUSINESS**

1. Reconsideration of striping and signage changes at the intersection of University Drive and Menlo Avenue including adoption of a Resolution appropriating \$6,500 from the 2004-05 Measure "A" Fund to implement these changes.

Council Member Jellins asked that this matter come back to Council because the dual stop sign is not a viable option and he sees the effects on a regular basis. Mr. Jellins asked that his colleagues agree with another design that includes eliminating the original stop sign and leaves the recently approved in.

Mr. Jamal Rahimi, Transportation Manager, stated that Police staff will monitor and enforce during the trial period. Mr. Rahimi stated that staff would like to add a sign (instead of the stop sign) and it would say "Do Not Block Intersection" and this would give more justification to enforce the prohibition of blockage of the intersection by motorists. Mr. Greg Rothaus, Police Commander, explained the procedures with a new signalization at an intersection. He explained that for the first two weeks the City monitors this carefully and it becomes a priority.

Mr. Rahimi explained that the only item added is a new sign to make it even more clear to not block the intersection. This sign would be on a trial period of six months. Commander Rothaus was asked to comment on the case and he stated that this is a high priority project. Mayor Duboc asked if there will be a sign on the pavement "Keep Clear" and Mr. Rahimi confirmed. Mr. Rahimi added that other considerations might include the needs of the visually impaired. Council asked about the white stop signs on the pavement, and Mr. Boesch explained that these existing pavement markings get removed as part of the implementation.

**Public Comment**

Lynn Auslander shared concerns about the configuration because she believes that even with the stop sign it is a dangerous intersection. Ms. Auslander stated that without stop sign A there will be greater exposure for residents. Ms. Auslander asks the Council to ensure that this will be a safe neighborhood.

Edgar Auslander commented that one of the slides illustrating the scenario for Menlo Court is not clear enough. Mr. Auslander referred to the DMV handbook and how it defines a "Stop" sign, however it does not clarify what a "Keep Clear Sign" is. He has concerns about the safety of his family and for pedestrians in general.

Richard Mann opposes the new configuration because it makes a confusing intersection even more confusing. He is against removing stop sign A, because it will make it less safe when making a left turn into the cul-de-sac. Mr. Mann believes that option D is the best solution because it is the safest option.

Mayor Duboc explained that the crosswalk could not be implemented because it will be in someone's driveway. Mr. Mann believes that if you end the crosswalk before the driveway this could be done. Mr. Rahimi explained that this would not be feasible because of rules and regulations defining the location of crosswalks.

Jane Z. Hinsdale stated that the danger is being moved from the front of Draeger's to the cul de sac at Menlo and the only option is to place a traffic light there. Ms. Hinsdale believes that the new configuration exponentially increases the danger. She provided a real life scenario and how hard it is to avoid pedestrians.

Hank Lawrence gave his interpretation of what would be the correct solution, and it includes moving the crosswalk away from the stop sign.

Mr. Rahimi explained that the Transportation Commission looked at this option but it does not work because the crosswalk will only be controlled in one direction and not both.

Mayor Pro Tem Winkler asked if it would be possible to have a slightly angled crosswalk that won't go into someone's driveway. Mr. Rahimi stated that staff could probably do it but one of the main concerns is that it may cause jaywalking.

**M/S Jellins/Winkler to revise the plans to eliminate the stop sign at location A.**

Council Member Jellins believes that this will come back after the trial period and hopefully this will result in an improvement and it will be revisited. Mayor Pro Tem Winkler asked if this is a "lights on demand" intersection, and Mr. Rahimi confirmed that staff would look at this intersection for a lighted crosswalk.

Council Member Collacchi asked for clarification on the motion. Mr. Boesch clarified that no action tonight would mean that the action taken by Council two weeks ago would stand. Mr. Collacchi does not like the double stop sign. Mr. Collacchi asked if this was motivated by a fatality, and Mr. Rahimi confirmed the occurrence of one fatality and several injuries at this intersection. Council Member Collacchi asked about performance and efficiency in this intersection. Mr. Rahimi answered it is hard to predict at this point. Council Member Kinney concurs with Mr. Collacchi and believes a traffic light is the best option.

Mayor Duboc would like to leave this as is and to address it at the Priority Study Session of January 2005. The Mayor will not support the motion. Mayor Pro Tem Winkler explained that she had made an additional proposal that would offer a stacking lane from Santa Cruz Avenue.

**M/S Collacchi/Kinney substitute motion to reverse the decision from two weeks ago and allow what is in the field to stay, and to study the possibility of a traffic signal in this intersection as expeditiously as possible.**

City Manager Boesch stated that he does not believe a traffic signal will address many of the concerns that need to be addressed, and it will back traffic up to Santa Cruz Avenue. It will also make it harder for people to exit that area. Mr. Boesch added that if it is the direction of the Council to look into replacing the stop signs with a traffic signal, the staff will do so expeditiously to ensure that the City is proceeding

with efforts to make the pedestrian crossing safer and that staff will look into what interim measures can be implemented immediately to address pedestrian safety concerns.

**Vote on whether to accept the substitute motion.**

**Motion passes 3-2 with Mayor Duboc and Mayor Pro Tem Winkler opposing.**

Because the motion passed 3-2 Council Member Jellins called to question.

**Mayor Duboc asked for a vote on the call to question. It passes 4-1 with Mayor Duboc opposing.**

**Vote on the substitute motion.**

**The substitute motion carries 4-1 with Mayor Duboc opposing.**

Mayor Duboc thanked staff and the neighbors for their involvement in this issue.

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.

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

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

Council Member Kinney asked if a groundbreaking ceremony took place on the skate park. Mayor Duboc confirmed that she attended the event and there were teenagers present.

Mayor Duboc announced the upcoming community meetings regarding off-leash dog activity areas.

Mayor Duboc stated her regret that she was not able to attend the ribbon cutting ceremony for a new automated machine to sell stamps.

Mayor Duboc informed the Council that she signed a letter supporting AB50 and she is waiting to hear from the Governor on this matter.

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

#### **K. ADJOURNMENT – 9:25 p.m.**

Respectfully submitted,

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Silvia Vonderlinden, CMC

Approved at the Council Meeting of October 19, 2004.