



CITY COUNCIL and COMMUNITY DEVELOPMENT AGENCY MINUTES

Tuesday, October 12, 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. Appointment to the Bicycle Commission.

Mayor Duboc opened the floor for nominations.

Mayor Pro Tem Winkler nominated Liz Smith.

Council Member Jellins nominated Jacqueline Linder.

Council Member Kinney nominated Christine Griffin.

Mayor Duboc asked Council to vote on each nomination.

Liz Smith received one vote from Mayor Pro Tem Winkler.

Jacqueline Linder received one vote from Council Member Jellins.

Christine Griffin was appointed to the Bicycle Commission with votes from Mayor Duboc, and Council Members Collacchi and Kinney.

2. 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 extended deadline for receipt of applications is November 1, 2004 at 5:30 p.m.
3. 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 November 1, 2004 at 5:30 p.m.
4. Commission Reports. **None.**

B. PRESENTATIONS AND PROCLAMATIONS - None

Mayor Duboc recognized Audrey Seymour, Assistant City Manager, for her recent birthday.

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

Kathleen Kane asked Council to support re-electing the incumbents to the Sequoia Healthcare District Board. Ms. Kane elaborated on the services provided by this organization to Menlo Park residents.

Matt Henry, speaking as a resident, voiced his support for commercial streamlining, however he opposes the inclusion of hazardous material permitting in the recommendations for administrative review. Mr. Henry stated that the process of reviewing hazardous materials should be transparent

and open to residents.

Harry Harrison addressed the Council reassuring it and the public that he is alive.

D. CONSENT CALENDAR

1. Award of contract to Armstrong Painting, Inc. for the Street Light Pole Painting Project in the amount of \$48,000; and authorization of a budget of \$73,000 for construction, contingencies, testing, engineering and administration.
2. Approval of an amendment to a lease agreement with Williams Scotsman, Inc. in the amount of \$95,760 for a two-year period for the use of temporary modular buildings for the Menlo Children's Center, and authorization for the City Manager to execute the lease agreement.

Item D3 pulled

3. Approval of an agreement in the amount of \$36,420 with Bartle Wells Associates for consulting services to perform a water rate study; and authorization of a total budget of \$42,000 for consultant services and contingencies.
4. Authorize the Executive Director to enter into a Contract with the Conley Consulting Group for an Amount Not to Exceed \$39,000 to prepare a Redevelopment Implementation Plan for Fiscal Years 2004-05 through 2008-09.
5. Approval of Minutes for the City Council Meetings of June 22, 2004, June 29, 2004, July 20, 2004, July 27, 2004, August 17, 2004, August 24, 2004 and August 31, 2004.

M/S Kinney/Collacchi to approve Consent Calendar items D1, D2, D4, and D5. Motion passes unanimously.

Discussion on Consent Calendar Item D3

Mayor Pro Tem Winkler asked about current water conservation plans. Ruben Nino, Director of Engineering Services, explained that the City has a washing machine rebate program. In addition, the water rate structure includes conservation incentives whereby less water one uses the less one pays. Mr. Nino explained that the City is in the process of working with various water regulating agencies to guarantee water supply to its residents.

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

E. PUBLIC HEARING

1. Adoption of a Resolution approving a Building Construction Street Impact Fee in the amount of 0.66 percent of the total construction project value.

Ruben Nino, Director of Engineering Services, shared slides explaining the condition of the Menlo Park streets and the inventory of repairs needed. Mr. Nino explained the concept of PCI (Payment Condition Index) for each street, and how it represents an overall measure of street conditions. Mr. Nino stated that in order to maintain the streets at the current level the City would need to spend approximately three million dollars a year on this project. He updated Council on the general state of the streets in Menlo Park and the expected expenditures associated with maintenance. Additionally, he shared that studies show a correlation between poor street condition and amount of construction traffic on the streets.

Mr. Nino addressed communications submitted by the Chamber of Commerce and the Silicon Valley Association of Realtors. He clarified that these organizations are recommending \$50,000 as the fee trigger instead of \$10,000. Staff has concerns with changing this figure. The Chamber of Commerce would like a sunset clause and staff is supportive of this approach.

Council Discussion

Council asked questions about what projects would be subject to pay this fee, and how the fee is assessed. Council Member Jellins inquired about the possibility of specifically identifying the nature of the projects that cause damage to city streets. Mr. Boesch, City Manager, explained that the approach

used was not as sophisticated as to discern those answers and this was mainly due to the cost involved. Council asked about the types of permits issued by the City and Mr. Nino responded that there are various types of permits such as demolition and building permits. Staff explained that in some cases even projects below \$10,000 impact streets' conditions especially because contractors transport items for multiple sites. Council Member Jellins reiterated that he would like to know which permits are associated with different impacts on streets.

Council debated whether there are other ways to recover costs. Mr. McClure explained details of the current approach. Mayor Pro Tem Winkler would like simplicity and specificity in the process, and various Council Members agreed that infrastructure and streets should be one of the main city priorities. Council would like to compare other cities' approaches and how they compute their fees.

Council Member Kinney asked if he should recuse himself since he is a builder but Mr. McClure explained that this item applies to everybody so it is not required that Council Member Kinney recuse himself. Council Member Kinney shared that in his view certain projects use small vans and trucks and so it is hard to assess the damage. Council asked if the proposed fees can be appealed and Mr. Boesch explained the fees could be appealed to the City Manager. Council Member Kinney believes that the big projects are the ones that impact the roads and these should be the ones paying for the fees. Council discussed whether the City would invest 3 million a year to keep a pavement standard of 61 PCI.

Council asked about different types of wear and tear and Mr. Nino confirmed that in industrial areas the roads are designed to withstand heavier vehicles. Council inquired about what streets are getting the most traffic and Mr. Boesch clarified that it seems that more trips are occurring in residential areas. Mayor Duboc queried if the Council will spend three million a year for infrastructure and pavement maintenance. Ms. Duboc said the City has been in catch up mode and some action is needed to avoid further deterioration.

Pubic Comment

Nicole Lance believes that impact fees are moving the City in the wrong direction because this makes it harder for new buyers to remodel. Ms. Lance believes that the City needs to do more with less. She shared concerns that the money collected for road improvements might be used for other purposes.

Mr. Boesch, City Manager, clarified that impact fees must be spent for the purpose they were collected.

Kevin Lanigan, representing the Chamber of Commerce, referred to a letter sent to Council and reiterated that he views the projects that would trigger the fee as an overall improvement to the community. Mr. Lanigan believes the overall time and cost of the project need to be considered.

Hank Lawrence addressed the Council stating that streets and sewers should be a priority for the City Council. Mr. Lawrence believes it is prudent to maintain what we have first, and then improve it. He believes that operations and maintenance should be a Council priority.

Mike Lambert opposes the impact fee because certain trucks have greater impact than others. Mr. Lambert believes the City should be inspecting streets before and after and then if damage is reported claim it against the contractor's bond.

M/S Kinney/Collacchi to close the public hearing. Motion carries unanimously.

Council Discussion

Mayor Pro Tem Winkler would consider a motion if it included the following: a two to three year sunset clause; some exploration of a bond measure to fund infrastructure; direction that staff be sensitive of projects that have little or no impact on the streets; and allow the City Manager to have the power to waive fees based on special circumstances. Ms. Winkler believes that if a bond measure succeeds then the fee would sunset. Council Member Jellins is concerned with the equity of this approach and he would support a motion to table the item. Mr. Jellins is not convinced this is the best approach, and he would prefer that staff did more research on the matter. Council Member Kinney has certain concerns with adding taxes, and he is open to doing more research. Council Member Collacchi focused on the facts

and the costs of street maintenance and impacts. Mr. Collacchi feels that these fees are fair but he is concerned that if every time the City reviews a project it may end up not recovering any fees. Mr. Collacchi would like the Council to define if it is willing to recover money via fees or if it has a problem using this approach.

Motion by Council Member Jellins to table the item.

Council Member Collacchi would like to see some more instructions to staff before someone seconds the motion so that this can be discussed. Mayor Pro Tem Winkler would like a simple process that is clear and would spell out that we are taxing ourselves, but also look at other methods of making money. Council would also like to research how other cities are paying for their streets and what methods they use to assess fees. Council Member Collacchi asked Council to clarify its objections to this approach and some Council Members agreed that the formula might be the point of disagreement.

Council Member Collacchi would like to understand if building permits indicate higher intensity of activities on streets and if so maybe these could be targeted. Council discussed placing a bond measure on the ballot but Mr. McClure explained that the degradation of streets is not applicable to a bond measure. Mr. McClure stated that the likelihood is that the bigger the project the bigger the fee.

Council Member Jellins called for the vote, and Council Member Kinney seconded the motion. **M/S Jellins/Kinney to table this item. Motion passes 4-1 with Council Member Collacchi dissenting.**

F. REGULAR BUSINESS

1. Approval of the Neighborhood Traffic Management Program (NTMP).

Kent Steffens, Director of Public Works, introduced the consultant Jim West with Kimley-Horn and Associates, as they were to make a joint presentation. Mr. Steffens provided background on this issue and how it has been difficult for staff to prioritize traffic calming needs and address concerns due to the lack of a policy. Mr. Steffens stated that the NTMP establishes a method by which traffic and pedestrian related issues are to be addressed. Mr. Steffens covered specific goals of the NTMP, and Mr. West presented an overview of the public outreach process. Mr. West elaborated on the traffic management toolbox, and the policy guidelines. Mr. West explained that within the NTMP there are two levels of addressing problems, Level I and Level II. He explained the process for each of these paths. He shared statistics for neighboring cities on survey return rates.

Mr. Steffens reported that staff's version of the plan is slightly different from the recommendation made by the Transportation Commission. He explained that it was difficult to reach a recommendation because each city handles the issue differently and even during public meetings the reaction was mixed. Mr. Steffens explained that the NTMP subcommittee never reached a consensus and staff came up with its own recommendation. Conversely, the Transportation Commission had its own recommendation and there are five areas in which staff suggests a different approach. These areas are: numerical limit for emergency responses, procedure for initiating a trial installation (whether that be a petition process or mailed survey), approval thresholds for a trial installation and removal of permanent features, clarification on traffic volumes shifts on local roadways, and specification on qualifying criteria. Mr. Steffens elaborated on each of these items explaining staff's position and reasoning. He also acknowledged the Fire District for its cooperation on this project.

Council discussed the methodology surrounding surveys. Staff explained why staff recommends a mailed survey process where each occupant as well as property owner receives a survey. Mr. Steffens covered the areas in which staff and the Commission agreed, and then reiterated staff's recommendations.

Mayor Duboc thanked Mr. Steffens for his thorough report.

Public Comment

Irvin Chambers shared views on how the Willows traffic has not hurt real estate values in that area. He supplied real estate figures. He opined that the NTMP should consider only a simple majority.

Barbara Hunter supports the NTMP but she believes it has been under attack. She believes that people stay dormant until changes are implemented. Ms. Hunter mentioned that in her view those who do not vote are counted as a no vote.

Gordon Cruikshank believes that the City staff has attempted to dilute the super majority approach. He believes a super majority is required and it is one way to get people involved.

Penelope Huang believes the NTMP is good on the surface but the response level is arbitrarily high. She noted that the Transportation Commission rejected this plan. Ms. Huang believes that this document represents the anti-traffic calming philosophy. She asked that Council not approve the NTMP. Penelope Huang believes Eric Doyle designed the NTMP that was approved by the Transportation Commission.

Robert Cronin stated that this process gives the illusion of democracy but in his opinion it is a new tyranny of the not involved. He believes this needs to be taken back to the drawing board and he agrees with staff's recommendations.

Omar Kinann stated that there is a lack of acknowledgement of different points of views. He opposes the way this document was brought forth and he alleged that Mr. Doyle changed the document. He is not happy that cut-through traffic is not prevented in this document. Mr. Kinann pointed out that the steering committee did not unanimously vote for it.

Nicole Lance supports the NTMP but shared concerns that she was not notified about the meeting. She would like clarification on the 60% threshold. She has concerns with the traffic signs being covered with vegetation and she would like this matter addressed.

Mr. Boesch stated that Ms. Lance's comments were on the record and someone would look into it.

John Gillespie believes that traffic problems suppress the property values and so he hopes the City Council will take action to promote safety. He believes that the thresholds proposed would make it almost impossible to make changes. He believes that the best proposal is to mimic Palo Alto.

Eric Doyle with time donated by Rebecca Alzofon spoke representing himself and asked Council to support the NTMP as approved by the Transportation Commission. He believes the super majority is a necessity. Mr. Doyle does not believe that whether it is a survey or a petition it matters. Mr. Doyle believes that fairness and common sense dictate the neighborhood experience.

Derek Freyberg supports the NTMP but he supports using surveys and not a petition to poll the residents. In his opinion a petition is not a vote, and Mr. Freyberg believes that the broad picture needs to be considered so that all impacts are reviewed.

Max Crittenden spoke about the merits of making the study areas broad and he also likes the Danville approach and percentages. Mr. Crittenden favors the mailed survey as well as the repeat survey. He believes that with a little help people do respond and he hopes it will be at least 51% response.

Rhoda Alexander (with time donated by Kevin Heller) addressed the Council as a resident and not as a member of the Transportation Commission. She has spent 50 hours plus in meetings and studying the matter. Ms. Alexander explained some of the historical details of the subcommittee process. She had concerns with the guidelines that are unrealistic namely a 40% goal for a mailed survey. Ms. Alexander asks that Council look at what staff is recommending versus what the Transportation Commission has recommended.

Wendy James spoke about the fact that she does not agree with the thresholds. She agrees that Menlo Park needs procedures and policies in place but she does not believe the NTMP in its current form is a good plan. She urges Council not to pass the Commission's NTMP.

Robert Hubbell opined that the NTMP is a product of less than good process and will lead to less than good policy. He asks Council to not approve the NTMP. He believes the system is based on people getting involved and he believes that there were a number of mitigation measures that were well received by the neighborhood.

The Mayor declared a break. The Mayor reconvened the meeting at 10:25 p.m.

Council Discussion

M/S Duboc/Winkler moved to consider delaying the discussion of this item until October 26.

The Mayor also mentioned that those who spoke tonight are on the record so only those who have not spoken would provide additional input at the next meeting. Mr. Boesch confirmed that the meeting of October 26 is a good date.

Motion passes unanimously.

Mayor Duboc thanked all who were present and provided input.

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. Memorandum from the Business Development Manager dated September 30, 2004, and titled Business Development Report for the First Quarter of Fiscal Year 2004-2005.

Mayor Duboc thanked Mr. Dave Johnson for his memorandum.

H. INFORMATION ITEM - None

I. COUNCIL MEMBER REPORTS

The Mayor announced that the Linfield Oaks Neighborhood Group is holding a "Meet the Candidates" forum on October 14, 2004 at 7:00 p.m.

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

K. ADJOURNMENT – 10:31 p.m.

Respectfully submitted,

Silvia M. Vonderlinden, CMC

Approved at the Council Meeting of November 16, 2004.