



CITY COUNCIL COMMUNITY DEVELOPMENT AGENCY MINUTES

Tuesday, October 26, 2004

7:00 p.m.

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

5:30 p.m. CLOSED SESSION (The Administration Conference Room)

1. Closed Session pursuant to Government Code Section §54957.6 to conference with labor negotiators regarding labor negotiations with the American Federation of State, County, and Municipal Employees Local 829 (AFSCME) and Service Employees International Union (SEIU) Local 715. Parties present: David Boesch, City Manager, Bill McClure, City Attorney, Charles Sakai, Labor Attorney and Glen Kramer, Personnel and Information Services Manager.

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

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

Mayor Duboc stated that there was no action to report from the Closed Session.

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. Recognition of outgoing Planning Commissioners.

Mayor Duboc thanked outgoing Planning Commissioners Patti Fry and Stu Soffer for their contributions to the City of Menlo Park, and presented them with certificates of recognition.

2. Swearing in of new Bicycle Commissioner.

City Clerk Vonderlinden swore in Christine Griffin, a new Bicycle Commissioner.

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

B. PRESENTATIONS AND PROCLAMATIONS - None

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

Matt Henry inquired if the City intends to lease or rent the sports and soccer fields at Kelly Park.

City Manager Boesch addressed the question by saying that the City at this time has no plans to enter into any long-term lease agreement. Mr. Boesch added that currently the City has multiple arrangements with various groups using the fields.

Mr. Henry questioned if the grant money staff is applying for (Consent Calendar item D2) could be used for paying for services.

Mr. Boesch explained that to the best of his knowledge money under this grant has to be spent on capital projects. In this case, the grant is to provide improved soccer facilities to an underserved neighborhood.

D. CONSENT CALENDAR

Item Pulled D1

1. Adoption of a Resolution No. 5560 adopting the 2004 Circulation System Assessment Document.

Item Pulled D2

2. Adoption of a Resolution No. 5561 authorizing the City of Menlo Park to apply for grant funds from the Youth Soccer and Recreation Development Program under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002.

Item Pulled D3

3. Approval to waive the City Council Policy CC-86 "Naming and/or Changing the Name of Facilities" and approval to name the Little League Field at Burgess Park in honor of Tom Harrison.
4. Approval of the Minutes for the City Council Meeting of September 21, 2004 and Closed Session of October 5, 2004.

M/S Collacchi/Winkler to approve Consent Calendar item D4. Motion carries unanimously.

Discussion on Consent Calendar item D1 (Adoption of a Resolution adopting the 2004 Circulation System Assessment Document)

Council Member Jellins asked questions about the staff recommendation, in particular the TIA (Traffic Impact Analysis) Guidelines. It is Council Member Jellins' belief that the final determination if a project has significant impact or not should be made by Council. Mr. Rahimi, Transportation Manager, concurred that this was the process and it will be the discretion of the City Council to make such determination. Council Member Jellins asked for clarification on why staff recommends a 1% regional increase when the local traffic growth has decreased. Mr. Rahimi stated that staff conducted a regression analysis to approximate the average growth in the long-term. In order to establish a new trend, more years will be needed to establish a different growth pattern. Council Member Collacchi asked about data points from past studies and commented how these would have been helpful.

The resolution was edited deleting the first two words on the fifth line "the document". Thus the paragraph should read, "be it and it is hereby further resolved by the City Council of the City of Menlo Park that the City Council does hereby adopt the 2004 Circulation System Assessment Document, a copy of which is attached".

M/S Jellins/Collacchi to approve Consent Calendar item D1. Motion carries unanimously.

Discussion on Consent Calendar item D2 (Adoption of a Resolution authorizing the City of Menlo Park to apply for grant funds from the Youth Soccer and Recreation Development Program under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002).

Council Member Jellins explained that even if the full amount of the grant were received the City would still be one quarter of a million short to fund the development. Mr. Jellins would like clarification on the expectations. Mr. Boesch stated that sources of additional revenue have not been identified, and because this is a competitive grant process it is hard to predict if the City will receive the grant. City Manager Boesch added that the City could always reject the grant funds.

M/S Jellins/Duboc to approve Consent Calendar item D2.

Mayor Duboc asked if the grant money could be used for other projects, to which Mr. Boesch responded that he does not believe that to be the case.

Motion carries unanimously.

Discussion on Consent Calendar item D3 (Approval to waive the City Council Policy CC-86 "Naming and/or Changing the Name of Facilities" and approval to name the Little League Field at Burgess Park in honor of Tom Harrison).

Council Member Jellins announced that he would abstain on this matter. Even though he voted to place the item on the Agenda, he will stand by the policy and respect the waiting period. Nevertheless, Council Member Jellins recognizes the contributions made by Mr. Tom Harrison.

M/S Kinney/Duboc to approve Consent Calendar D3. Motion carries 3-0-2 with Council Members Collacchi and Jellins abstaining.

E. PUBLIC HEARING

1. Introduction of an Ordinance to repeal Chapter 16.69 of the Zoning Ordinance, Required Artwork for New Commercial, Industrial and Municipal Construction, also known as the "Percent for Art" Ordinance.

Nancy Nuckolls, Community Services Business Manager, provided a brief staff report explaining that staff is proposing the introduction of an ordinance repealing the "Percent for Art" Ordinance and authorizing staff to relieve eight projects that are in the pipeline. Ms. Nuckolls provided a chronological report on the steps leading to the current recommendation. She also added that upon review by the Planning Commission that body determined that the imposed fees have a significant impact on the cost of doing business in the City, and therefore have an adverse impact on the business community.

Mayor Duboc opened the Public Hearing

Margaret Fruth, former Arts Commissioner, addressed Council stating that Commissioners work pro bono and taking this action gives the message that Menlo Park does not value art.

John Conway thanked the Planning Commission and the City Council for helping rebuild the Chevron station. He supports the decision to repeal the "Percent for Art" ordinance.

Milton Borg shared with Council his experience with the current process, and his belief that it is an arduous process for the applicant.

M/S Kinney/Jellins to close the Public Hearing. Motion carries unanimously.

M/S Winkler/Duboc to adopt staff recommendations one and two of the staff report.

Council Member Kinney believes this ordinance should not be rescinded because businesses and art should not be mutually exclusive. Mr. Kinney finds the fee fair since it supports community goals. He believes there are applicants who followed the process and had no problem with it. Mr. Kinney believes that instead of discussing an alternate in-lieu fee the Council voted to rescind the ordinance that took five years for the Arts Commission to come up with the 1% fee. Council Member Kinney reiterated his arguments on why he believes this ordinance does not hurt small business owners.

M/S Kinney/Collacchi substitute motion to maintain the "Percent for Art" ordinance. Because Council wished to discuss the broader matter, the motion was withdrawn.

Council Member Collacchi stated that while he values art, he objects to this ordinance. He added that while he values the participation of Commissioners he does not believe the process has been good, and he advocates providing relief for those who are in the process of complying with the current ordinance. Mayor Pro Tem Winkler mentioned that the review process was included in the ordinance and if some applicants had challenges with the treatment they received, the process should be fixed. She believes this ordinance has been tried and has been disappointing, so in her opinion it is the duty of the Council to find a better way.

Council Member Jellins does not believe it should be thrown out all together. His preference would be to start over with the current ordinance and revise it. He mentioned various art projects that in his opinion worked. He believes that a better approach is to apply it to those who are in the pipeline already. Mayor Duboc explained that this ordinance has had a long history and she does not believe the City should be in the business of making residents suffer for art. She advocates sharing the burden equally. Mayor

Duboc shared her disappointment at some Arts Commissioners who resigned, and she believes many did so reluctantly. It is her desire to bring back the Arts Commission and create something that will be fair for all segments of the population.

Council Member Mr. Kinney shared what he believes are the merits of the ordinance. Council Member Collacchi asked if the Council could separate the two items, and Mr. McClure confirmed that this was possible. Council Member Collacchi asked for clarification on Council Member Jellins' previous comments, and he stated that he clarified that all projects should be treated the same way (with non-retroactive action). Mr. McClure explained that there are only four projects that have been completed and where artwork would have to have been installed. They are: 150 Middlefield Road, 1200 El Camino Real, 1170 and 1180 Alma, 325 Sharon Park. Council Member Jellins suggests that the last four projects have no obligation. Mr. Jellins believes the first four should follow the art ordinance process but the maintenance requirement can be deleted for them.

Council Member Collacchi asked if Mr. Conway could address the Council. John Conway stated that he would be willing to pay the in-lieu fee.

Mr. McClure explained that for Mr. Borg's project the City would have to refund the bond, since he has already installed the art, and relieve him of the requirement to record the maintenance covenant. The artwork could then either remain or not.

Council Member Collacchi said he would make a substitute motion to include staff recommendation number one, which is to introduce an ordinance to repeal chapter number 16. 69 of the zoning ordinance. The second part of the motion he is considering is to authorize the following actions:

- relieve the 150 Middlefield Road project and allow the re-conveyance of the maintenance covenant
- at 1200 El Camino Real, at the election of the applicant, to either forfeit the art fee of \$3,593.00 to be used by the City as an in-lieu art fee, or allow the applicant to go ahead with the art project
- at 1170 and 1180 Alma, staff to terminate the security bond, return the check in the amount of \$4,360 and to relieve the applicant of the obligation to record a maintenance covenant.
- at 325 Sharon Park road there will be no further action necessary.
- for the other four projects at 230 Constitution, 20 Kelly, 500 Willow, and 2440 Sand Hill it would be per the staff recommendation on reimbursement of the administration fee.

The original motion made by Mayor Pro Tem Winkler and seconded by Mayor Duboc to adopt staff recommendations one and two was withdrawn.

M/S Collacchi/Duboc motion to introduce an ordinance to repeal chapter number 16. 69 of the zoning ordinance.

Council discussed the various options with this approach. Council Member Kinney would like clarification on next steps.

Mayor Duboc called for the vote.

Motion passes 3-2 with Council Member Jellins and Kinney voting not to repeal the ordinance.

M/S Collacchi/Duboc to authorize staff to take the following actions:

- 150 Middlefield Road authorize staff to allow to re-convey the maintenance covenant
- on 1200 El Camino Real at the election of the applicant to either install the art work or forfeit the art fee of \$3,593.00 to be applied to public art
- at 1170 and 1180 Alma terminate the security bond, return the check in the amount of \$4,360 and to relieve the applicant of the obligation to record the maintenance agreement
- at 325 Sharon Park road there will be no further action necessary and the applicant will be relieved of the obligation to record
- for the other projects at 230 Constitution, 20 Kelly, 500 Willow, and 2440 Sand Hill it would be per the staff recommendation on reimbursement of the administration fee.

Motion passes on a 4 -1vote with Council Member Kinney voting no.

M/S Kinney/Duboc to prioritize this item at the January 2005 Priority Setting Session. Motion passes unanimously.

Council Member Kinney asked about the date for this meeting. At this time no date has not been set.

F. REGULAR BUSINESS

1. Approval of Parking Plazas One and Three as preferred sites for further analysis and preparation of design alternatives for downtown parking structures.

Jamal Rahimi, Transportation Manager, provided the staff report covering the project history and explaining the public process. Mr. Rahimi is seeking Council direction on which site should be looked at as a potential site for parking structures. He mentioned that some of the public comments included:

- Look at parking issues during the weekend and not just weekday parking demands
- Combine the parking structure with retail use
- Focus on potentially closing the street to allow for a larger parking structure
- Keep in line with the downtown style and avoid going over two levels in the parking structure
- Compensate for the loss of business during the construction of the parking structure
- Come up with an economic analysis for this downtown parking structure

Michelle Wendler with Watry Designs made a brief presentation to Council covering the data collection and criteria used. Council asked questions about demand criteria and the day the study was conducted, which was a Tuesday. Various plazas were discussed and Mr. Boesch explained that what was not included in the scope of work was a detail demand study. Consequently, what is before Council is meant to be a guide.

The height of various structures was discussed, and the currently allowed height permitted in downtown is 35 ft (height limit on downtown buildings without variances), which would allow for a four-floor parking structure. Parking at grade and below grade were debated and projects from other cities demonstrated. Mr. Boesch explained that the fundamental question is what plazas to further study with Plazas One and Three seeming to be the top candidates. Council Member Jellins would like parking Plaza Three to be pursued. Council Member Kinney likes the mixed-use approach, but has concerns about the impact on the number of parking spots available.

Public Comment

Reg Rice believes the parking structure could work. He would like Plazas One and Eight to be considered, and he asks that traffic flow on El Camino Real and its impact on merchants be considered.

Bill Frimel is in favor of parking Plaza Three and he believes there is a great need during the weekend. Mr. Frimel mentioned that the Menlo Park Presbyterian Church shuttle parks at Menlo School and runs every five minutes. He believes Plaza Three would be a win-win situation and he does not think the church impacts the parking situation during the week unless there is a special event.

Mary Gilles believes it is important to take a look at Plaza One and Eight because it would free up some of the parking on El Camino Real. Ms. Gilles asks Council not to limit its study to just one structure.

Mayor Pro Tem Winkler suggested that staff include looking at parking permits to increase revenue, and further utilize the parking structure. Mr. Rahimi confirmed this would be possible.

M/S Winkler/Duboc to focus on studying Plaza Three. Friendly amendment by Council Member Kinney to consider multi-use in Plaza Three. The maker and second of the motion agreed with such consideration.

Council Member Collacchi would like the priority to be parking, but if mixed use is a possibility he does not oppose it.

Motion carries unanimously.

2. Approval of the Neighborhood Traffic Management Program. (Continued from October 12, 2004) (Public comment is closed to previous speakers)

Mayor Duboc explained that the matter was continued so previous speakers are on the record.

Public Comment

Reg Rice, spoke as a 49-year resident, and stated he was surprised at some of the changes staff proposed and the Council approved. However, while he agrees with staff on various points he does not agree with the formula for a minimum 40% return.

Mary Gilles, addressed Council as a resident of Menlo Park, and presented slides illustrating her views and those of Eric Doyle. Ms. Gilles mentioned that a super majority is a necessity and not a unique idea. She explained various issues related to the NTMP using slides and reiterated that a super majority is part of the Portland Protocol and the Council should approve it.

Don Brawner stated that he was a member of the task force who refused to vote on it because he believes the current document is the product of one person. He believes that there have been various versions of this plan. Mayor Duboc asked Mr. Brawner to avoid allegations.

Joel Wilhite, with the Menlo Oaks District Association, believes that safety should be the focus. He suggests including the Town of Atherton in these plans. Mr. Wilhite asks that traffic not be pushed into his neighborhood.

George Pappas, spoke as a resident, and he endorses what Ms. Gilles and Mr. Rice advocate and he believes that the super majority is needed. He does not believe the rule of a minority should have the most say.

Council took a recess at 9:26 p.m. Council resumed at 9:40 p.m.

Mayor Duboc stated that she would like to go through the document point by point.

Mayor Pro Tem Winkler made amendments to the Objectives and Goals section of the document. She would like to add to the goals statement of the NTMP:

- 1) help staff prioritize projects
- 2) provide a process that is cost efficient by encouraging high standards for project acceptance before the project goes to trial
- 3) provide a process that clearly states the procedures and avoids neighborhood divisiveness.

Mayor Duboc read the program objectives one by one. Council Member Collacchi asked about the meaning of “possibly reducing posted design speeds”. He would like to change it to read “reducing posted speeds”. Council agreed with the change. Cut through traffic was discussed and Mr. Steffens, Public Works Director, explained the definition used by staff for origin-destination studies. Delays caused by speed humps were discussed and Mr. Steffens explained staff’s methodology on this matter.

Council Member Collacchi elaborated on the petition/initiative issue, agreed with the proposed program, but believes there might be non-invasive tests that might require a less rigorous process. Mr. Collacchi suggested a streamlined protocol, and he would like to tackle prioritizing on Level II projects. Mr. Steffens explained that this is addressed on page 49 of the NTMP. Mr. Collacchi stated that on page seven he would like it to be clear that arterial streets are not included in this program. Mr. Steffens stated that the intent is not to place traffic calming measures on arterial streets. He also explained that if there is a safety issue staff will bring the item to the City Council for review and action. Mayor Duboc stated that citizens could bring the concerns forth too.

Mayor Duboc addressed the Level I express process, and Mayor Pro Tem Winkler believes that landscaping and fencing issues should be Level I items. Level II was then addressed and Mayor Duboc posed some questions. Mayor Pro Tem Winkler would like to have the speed hump conform to the speed limit of the area. Council discussed having staff use common sense discretion to avoid having all projects subjected to protocol. Council Member Collacchi would like the document to read, “these items should be subjected to protocol” instead of “shall”. Council discussed speed humps as well as prefabricated speed humps.

Qualifying criteria and extraordinary cut through traffic were discussed, and Mr. Steffens explained that this term is not defined but it gives discretion to Council to act on issues that may come up. Mayor Pro Tem Winkler would like to either have a definition of the term or take it out.

Subsequently, Council addressed the express process and on the fourth paragraph on page 47 (on the sample) Mayor Pro Tem Winkler would like to add a column saying "I've read this petition in full" so that people understand. Mr. McClure explained that these changes are for Level II and not Level I. Mr. McClure suggested that a lower petition form for Level I, and the petition form for Level II to include the wording suggested by Mayor Pro Tem Winkler. There was agreement with this suggestion.

Council asked how the residents get hold of the petition and Mr. Steffens explained that staff would prepare the correct documentation and provide it to those interested. Council discussed the signatures on the petition, and the number of surveys per household. Mayor Duboc believes that the goal should be to get 100% of the homes to return these surveys. Mayor Pro Tem Winkler clarified that the goal is to get a super majority of eligible voters and the recommended percentage is 51% of the total affected properties. Mayor Duboc agreed. Council asked about other cities return rates, and Mr. Steffens explained that it is possible that if the bar is set too high then nothing gets accomplished.

Council asked questions about previous surveys, and Mr. McClure explained that the process includes sending one survey to each property owner, one to each resident and one to each business. So it is more than one per property and the question is if one needs 51% of the properties or 51% of the surveys. Council discussed this at length and the consensus was to send one survey per unit to the resident, and not the owner because they might not live there. Mr. Steffens explained that on page 18 of the document if a feature is adjacent to a property then it is the property owner who must be notified. Certain Council Members thought this provision should be removed. Mr. Collacchi believes the protocol secures the public use of the street and that is a good thing and ensures that the public use of the street is protected. The removal protocol was discussed and the Council specified that anything that is on the street now needs to go through the same process to be removed.

Mr. McClure made a suggestion to have Council arrive at a consensus on the numbers and then staff will come back with a redlined document on the Consent Calendar and Council can adopt it at a subsequent meeting. Certain Council Members supported the process that Mr. McClure outlined. Council Member Collacchi likes the 60% return of the ballots and he likes the super majority. Council ensued in some discussion on the various thresholds. Council asked staff about its recommendation and Mr. Steffens explained that the numbers were based on previous response rates, and they were trying to be realistic. Council Member Kinney cannot support the motion because in his opinion the numbers are not fair.

M/S Winkler/Jellins to move forward with the NTMP including edits proposed during the discussion and having the numerical threshold for initiating work at:

- 51% of eligible voters
- eligible voters to be one vote per business and one vote per residence i.e. occupant

Motion passed on a 3-2 with Collacchi and Kinney opposing.

3. 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.

City Manager Boesch informed Council there was nothing to report at this time.

G. WRITTEN COMMUNICATION

1. Memorandum from the Finance Director dated October 18, 2004 regarding First and Second Quarter Budget Report.
2. Email communication from Council Member Kinney requesting that the Council place on an agenda the approval of a tree-planting project on El Camino Real in the medians between Middle Avenue and San Francisquito Creek.

Council Member Kinney asked if item G2 could be placed on an Agenda for discussion. Council agreed with the request.

H. INFORMATION ITEMS

1. Review of the City's Investment Portfolio as of September 30, 2004.

I. COUNCIL MEMBER REPORTS

Mayor Duboc referred to a notice sent by the Transportation Authority stating it will proceed with a study on the addition of auxiliary lanes on 101 from Embarcadero in Palo Alto to Marsh Road.

Mayor Duboc announced that Samtrams would be hosting a party at Belle Haven. Kids will be provided free bus rides and refreshments.

Council Member Kinney reported that the San Francisquito Creek JPA would celebrate its 5th year with the planting of a tree on Woodland at the intersection of the towns of East Palo Alto and Menlo Park. All Council and staff are invited.

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

K. ADJOURNMENT - 11:37 p.m.

Mayor Duboc announced that there would not be a City Council meeting next week because of election night. The next official meeting is November 9th, 2004.

Respectfully submitted,

Silvia Vonderlinden, CMC
City Clerk

Approved at the City Council Meeting of January 4, 2005.