



CITY COUNCIL and COMMUNITY DEVELOPMENT AGENCY MINUTES

Tuesday, November 30, 2004
7:00 p.m.
701 Laurel Street, Menlo Park, CA 94025
Menlo Park City Council Chambers

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

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

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

PLEDGE OF ALLEGIANCE

A. COMMISSION APPOINTMENTS, VACANCIES AND REPORTS

1. Swearing in of a new Housing Commissioner and clarification on the length of term.

Mayor Duboc relayed that staff needed clarification on the length of Ms. Boyle's term. Council consensus was that Ms. Boyle is to fill the longer term of the two vacant seats and her seat will expire September 2007. City Clerk Vonderlinden swore in the new Housing Commissioner.

2. One vacancy on the Housing Commission to fill an un-expired term. The extended deadline for receipt of applications is December 6, 2004 at 5:30 p.m.
3. One vacancy on the Las Pulgas Committee to fill an un-expired term that ends in March 2005 (this vacancy is for a business member seat). The extended deadline for receipt of applications is December 6, 2004 at 5:30 p.m.
4. One vacancy on the Parks and Recreation Commission to fill an un-expired term that ends in September 2005. Applications will be received until December 27, 2004 at 5:30 p.m.
5. One vacancy on the Planning Commission to fill an un-expired term that ends in April 2006. Applications will be received until December 27, 2004 at 5:30 p.m.
6. Recognition of outgoing Planning Commissioner and Parks and Recreation Commissioner.

Mayor Duboc thanked former Planning Commissioner Fergusson for her service on that body.

7. Commission Reports. - None

B. PRESENTATIONS AND PROCLAMATIONS - None

C. PUBLIC COMMENT #1

Steve Schmidt, shared concerns about the Transportation Division due to the loss of two staff people. Mr. Schmidt asks that Council consider keeping the Transportation Services Manager (TSM) position because he is not sure the services promised will be delivered. He asked Council to address this matter at an upcoming Council Meeting.

D. CONSENT CALENDAR

Item pulled D1

1. Acceptance of work for the Chester Street Traffic Calming Project.

2. Waiver of reading of Ordinance 931 and adoption of an Ordinance amending Zoning Ordinance Regulations pertaining to commercial development.
3. Waiver of reading of Ordinance 932 and adoption of an Ordinance amending the Zoning Ordinance to allow personal service as a conditional use in the R-C (Mixed Use) Zoning District.

Item pulled D4

4. Approval of final design for the Burgess Pool and Locker Room Project; Adoption of a Resolution authorizing a budget amendment from Measure T Bond proceeds in the amount of \$755,000 resulting in a total project budget of \$6,834,639; award of contract to Page Construction Company in the amount of \$4,918,000; and authorization of a budget of \$5,900,000 for construction, contingencies, testing, engineering, inspection, fees, furniture, equipment and administration.
5. Adoption of a Resolution 5567 approving a Memorandum of Understanding (MOU) between the City of Menlo Park and Service Employees' International Union (SEIU), Local 715, for the period beginning October 31, 2004 through October 28, 2006 and appropriating up to \$250,000 from General Fund Reserves as required to fund the agreement for the remainder of the 2004-05 fiscal year.
6. Adoption of a Resolution 5568 approving a Memorandum of Understanding (MOU) between the City of Menlo Park and the American Federation of State, County and Municipal Employees (AFSCME), Local 829, for the period beginning October 31, 2004 through October 28, 2006 and appropriating up to \$80,000 from the General Fund Reserves as required to fund the agreement for the remainder of the fiscal year.
7. Adoption of a Resolution 5569 authorizing the City Manager to execute a contract with the State of California Department of Education to reimburse the City \$2,088 for instructional materials and supplies at the Belle Haven Child Development Center.

Item pulled D8

8. Adoption of a Resolution authorizing the City Manager to submit applications and execute all agreements with the Metropolitan Transportation Commission to receive TDA Article 3 grants for the creation of Bike Lanes on Bay Road (between Berkeley Avenue and Willow Road) and on Middlefield Road (between Willow Road and Palo Alto City limit), and for installation of video detection systems for bicycles at the intersections of Willow Road at Middlefield, Marsh Road at Bohannon Drive, and Marsh Road at Bay Road.

Item pulled D9

9. Adoption of a Resolution rescinding Resolution No. 5557 a Resolution of Intention to abandon Derry Lane, Garwood Way Plan Line, Oak Grove Avenue Plan Line and an existing City Storm Drain Easement.

Item pulled D10

10. Adoption of a Resolution rescinding Resolution No. 5558 a Resolution of Intention to abandon a portion of Linfield Drive and Homewood Place along the properties located at 110 and 175 Linfield Drive.

Item pulled D11

11. Authorize the Executive Director/City Manager to approve payment in the amount of \$42,872.03 to MBIA Muniservices Company for property tax audit services that generated a net increase of \$171,488.11 in revenue for the Agency/City in Fiscal Year 2004-05.
12. Approval of the Minutes for the City Council Meeting of October 19, 2004.

M/S Collacchi/Jellins to approve Consent Calendar Items D2, D3, D5, D6, D7, D12. Motion carries unanimously.

Discussion on Item D1

1. Acceptance of work for the Chester Street Traffic Calming Project.

Mayor Pro Tem Winkler asked for confirmation that there will be a "No Left Turn" sign installed at Chester and Willow Roads. Mr. Nino, Director of Engineering Services, stated that this was correct.

M/S Winkler/Collacchi to move Consent Calendar item D1. Motion carries unanimously.

Discussion on Item D4

4. Approval of final design for the Burgess Pool and Locker Room Project; Adoption of a Resolution 5569A authorizing a budget amendment from Measure T Bond proceeds in the amount of \$755,000 resulting in a total project budget of \$6,834,639; award of contract to Page Construction Company in the amount of \$4,918,000; and authorization of a budget of \$5,900,000 for construction, contingencies, testing, engineering, inspection, fees, furniture, equipment and administration.

Council Member Collacchi asked about the disparity between the new budget and the old budget. Mr. Nino, Director of Engineering Services, referred to page three of the staff report offering a break down of the differences. Council Member Jellins asked about the improvements at Hillview School and Mr. Nino explained that there is a delay because the City has not heard back from the School about its plans. Council discussed the pool dimensions and Council Member Jellins wanted to understand how this configuration would meet the future needs of the community. Mr. Nino explained that this is based on public input and users' information. Mr. Brown, Community Services Director, clarified that research and a survey had been completed to clarify what the community wishes are. He added the community wanted a community pool and not a regional pool.

City Manager Boesch stated that the recommendation is not to review the historical background, but if Council wants to revisit past steps the item can be brought back. Mayor Duboc stated that she is comfortable with this approach because it meets many of the community needs. The Mayor asked for information on Encinal School, and Mr. Nino explained that it was not part of the project because of the additional maintenance costs.

M/Jellins to reject the staff recommendation including the final design, and direct staff to return with information for the basis of its current recommendation. Motion dies for lack of a second.

M/S Duboc/Collacchi to approve the staff recommendation. Motion carries 4-1 with Council Member Jellins opposing.

Discussion on Item D8

8. Adoption of a Resolution 5570 authorizing the City Manager to submit applications and execute all agreements with the Metropolitan Transportation Commission to receive TDA Article 3 grants for the creation of Bike Lanes on Bay Road (between Berkeley Avenue and Willow Road) and on Middlefield Road (between Willow Road and Palo Alto City limit), and for installation of video detection systems for bicycles at the intersections of Willow Road at Middlefield, Marsh Road at Bohannon Drive, and Marsh Road at Bay Road.

Staff was asked to explain why the current bicycle detection system is not working. Mr. Rahimi, Transportation Manager, stated that the current system is not very sensitive, and the video detection cameras are more successful.

M/S Winkler/Duboc to approve Consent Calendar item D8. Motion carries unanimously.

Discussion on items D9 and D10

9. Adoption of Resolution 5571 rescinding Resolution No. 5557 a Resolution of Intention to abandon Derry Lane, Garwood Way Plan Line, Oak Grove Avenue Plan Line and an existing City Storm Drain Easement.
10. Adoption of Resolution 5572 rescinding Resolution No. 5558 a Resolution of Intention to abandon a portion of Linfield Drive and Homewood Place along the properties located at 110 and 175 Linfield Drive.

Council Member Jellins shared concerns about the indefiniteness of the rescheduling of the two items. Mr. McClure, City Attorney, explained that the items would be heard at the time the application is reviewed and no specific date has been set.

M/S Jellins/Kinney to approve Consent Calendar items D9 and D10 with the inclusion of the word “underlying” by the word project on the second paragraph of both resolutions located on pages A1 of both staff reports. Motion carries unanimously.

Discussion on item D11

11. Authorize the Executive Director/City Manager to approve payment in the amount of \$42,872.03 to MBIA Muniservices Company for property tax audit services that generated a net increase of \$171,488.11 in revenue for the Agency/City in Fiscal Year 2004-05.

Council Member Jellins inquired about the loss of \$30,242 and City Manager Boesch explained that this is a one-time loss. Mr. Boesch added that this firm detected some errors on the coding of property taxes at the County level, and this will result in monies being returned to Menlo Park. Council Member Jellins had questions about the agreement with MBIA and Mr. McClure offered to review the agreement prior to payment being made. Council Member Collacchi is pleased that this results in recurring revenue to the City.

M/S Jellins/Duboc to approve Consent Calendar item D11. Motion passes unanimously.

E. PUBLIC HEARING

1. Consideration of a revision to an existing conditional development permit, architectural control, heritage tree removal permit, and mitigated negative declaration for a 27,489 square-foot additional to Building T located on the SRI International Campus at 333 Ravenswood Avenue.

Julie Thompson, Associate Planner, presented the staff report delineating the applicant’s goals and staff’s recommendation. Ms. Thompson provided details on the revised permit. Council Member Kinney asked about the set back, and Ms. Thompson provided the new measurements proposed in the Conditional Development Permit. Council discussed the non-conforming buildings and Mr. Murphy, Development Services Manager, added that certain buildings pre-date the development permit and are non-conforming. Council discussed the number of trees to be planted. Ms. Thompson disclosed that staff received one email in support of the project.

Mayor Duboc opened the Public Hearing

No public comment.

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

M/S Winkler/Collacchi to accept the staff recommendation to revise an existing Conditional Development Permit, Architectural Control, Heritage Tree Removal Permit, and Mitigated Negative Declaration for a 27,489 square-foot Addition to Building T, located on the SRI International Campus at 333 Ravenswood Avenue.

Discussion

Council Member Kinney asked if any future additions were planned. Mr. Murphy explained that this was not mentioned by SRI.

Tom Little, Director of Support Operations at SRI, volunteered that there are no plans to expand in this area.

Anthony Matisi explained that SRI will be installing sprinkler heads and so they will need 2-ft. of additional setback.

Council Member Kinney offered a friendly amendment to maintain the 20-foot rear set back from the Southwest and the North East (page C15) property line, including an overhang.

Council Member Jellins asked why staff is giving SRI more leeway in the setback than it is requesting. Mr. Murphy referred to page B1 and B2 of the staff report and how this Conditional Developmental Permit will guide future revisions. Mr. Murphy explained that if Council wants to

revise the set back to 20-foot it could do so and staff would need to do some rewording of other parts of the permit.

City Attorney McClure clarified wording for the motion to include:

**“a 20-foot rear set back from the Southwest and the North East (page C15) property line.”
The maker and second agreed with the friendly amendment by Council Member Kinney.
Motion carries unanimously.**

F. REGULAR BUSINESS

1. Consideration of a Traffic Signal at the Intersection of University Drive and Menlo Avenue; approval of the interim safety measures; and, adoption of a Resolution appropriating \$6,500 from the 2004-05 Measure “A” Funds to implement interim safety measures.

Mr. Rahimi, Transportation Manager, provided a slide presentation illustrating how this project has evolved. Mr. Rahimi covered details of installing a signal at this intersection. The consultant shared a simulation model.

Council inquired about the traffic flow eastbound on Menlo Avenue. Mr. Rahimi provided details on traffic signal timing, design and cost. Some Council Members stated that they do not believe an interim measure is justified. Mayor Pro Tem Winkler suggested installing a “No Left Turn” sign. Various approaches were suggested and the general direction was to have staff return to the community.

Public Comment

Jane Hinsdale opposes the proposed interim measure for this intersection. She would like to keep what they have until the final system is in place. Ms. Hinsdale does not believe enough notice was provided for this meeting.

Council Discussion

Certain Council Members would like to move forward with some form of an interim measure and allocate the correct amount of money for this. Council Member Collacchi believes that no interim measure should be included at this point. Council Member Jellins noted that he is not convinced that a traffic signal is the only choice. Mayor Duboc would like to have more public input regarding a potential traffic signal before spending money.

**M/S Duboc/Jellins to have staff go back to the community and share the various options.
Mayor Pro Tem Winkler would like to include in the process of returning this item to the community an exploration of a left turn prohibition out of Menlo Avenue Court.**

Mr. Boesch interjected and asked for clarification prior to Council committing to a motion because there is no budget for a major outreach effort. Mayor Duboc explained that she wanted a notice to go up at Draeger’s and Peet’s Coffee and that limited and informal outreach be done so that the public knows that a traffic signal light is being considered. Mr. Boesch believes this will only reach a slice of the community. Council Member Collacchi believes that a larger outreach effort is beneficial. Mr. Boesch offered a middle solution, which would include a meeting in January, putting up signs and posters.

Jane Hinsdale addressed Council stating that Richard Draeger was at the Traffic Commission Meeting.

City Attorney McClure explained that this is before Council due to a pedestrian safety issue crossing Menlo Avenue, and if nothing is done then the situation remains. Mr. McClure said that a meeting and other near future steps are a reasonable path, as long as it is not put off too much in the future. Mr. McClure suggested other things the City might do to better mark the crosswalk. Council ensued in discussion about the interim solution and the public outreach process.

Council gave direction for staff to have a meeting in the Council Chambers in January before the Priority Setting Session. Mr. Boesch explained that staff would additionally investigate ways to advertise this efficiently and effectively. Mayor Duboc thanked staff for its efforts and good work.

2. Consideration of future Land Uses for the Haven Avenue area and discussion of a financial feasibility analysis.

David Johnson, Business Development Manager, addressed Council explaining that Council in August 2004 instructed staff to fulfill three goals: 1) conduct a fiscal analysis 2) identify possible redevelopment tools and 3) outline a process to allow new uses in the Haven area. A report addressing these issues was presented by staff and consultant Keyser Marston Associations (KMA). Mr. Johnson addressed concerns and possibilities relating to current auto dealers on El Camino Real. Comments were made about decreasing auto sales in the City .

Council asked for clarification on becoming a financial partner, and Mr. McClure explained the various possibilities associated with this possibility. The City Attorney explained property taxes and tax incentives.

Ms. Heineck, Community Development Director, explained that the General Plan does not currently permit the uses suggested in the KMA study. She elaborated on the steps needed to amend the General Plan and how extensive a project this might be. The support of a consultant would be needed and funds have not been allocated for this end. A traffic report and an EIR would be required and these funds might come from the Redevelopment Agency if the area studied falls within the Redevelopment Agency.

Council Member Jellins would like to discuss the vision for this area, i.e. are auto dealers the only option. Mr. Boesch explained that staff seeks direction on what Council believes this area might be. Mr. Boesch explained that there is a fair degree of urgency if this is of interest to the Council, because time is of the essence. Mayor Duboc believes that multi-use should be considered in order to keep multiple options on the table. Mayor Duboc agrees with Option A1 in the staff report. Ms. Heineck explained that the broader the uses to be studied the higher the cost. Mayor Pro Tem Winkler suggests a full scope of study in the Redevelopment Agency site and a partial scope of study in the site North of Marsh Road. Ms. Heineck believes that it would be wise to study the overall impacts to Marsh Road.

Public Comment

Kelly Fergusson believes that the area as a whole has unique potential coupled with uncertainty because of the Bay Front Expressway Extension. Ms. Fergusson specifically mentioned the future of the Redwood City Open Space area. She would like to have considered the full potential for the area such as waterfront housing among other options. Ms. Fergusson suggested the following:

- 1) the scope be broad enough to include housing and waterfront oriented uses;
- 2) a design charrette be undertaken where Council and the public can brainstorm about various uses.

Jerry Keyser explained that from a real estate perspective this is a hot area and some of the uses might not be viable now but they might represent good possibilities in the future. Mr. Keyser believes that there is potential for an auto dealership deal but there is too much movement in this industry to predict for certain. Mr. Keyser suggests Council move forward one step at a time and involve a long-term solution.

Council asked questions of Mr. Keyser relating to the interim measure. Ms. Heineck explained that even if an interim solution is being sought Marsh Road should be considered because of the long-range planning. Council Member Collacchi asked about other use possibilities and Mr. Keyser explained that because of the freeway proximity this is a desirable site with multiple use possibilities. Council discussed Options A1 and B and how these could both be included in an EIR.

Council asked if Option A1 could be part of a use permit and Mr. Keyser explained that the cooperation of the property owner would be needed, but the property owner would retain

ownership. Council discussed FARs (floor area ratios) and various scenarios. Mayor Pro Tem Winkler asked if there are other structures that could accommodate an interim auto dealership.

David Bohanon explained that he has spoken to General Motors and staff about an interim auto use on Independence Road. He is willing to consider such a use there, and the property has been shown. Mr. Bohanon explained that General Motors has been told about a possible 10-year lease. Mayor Duboc and Mayor Pro Tem Winkler disclosed that they met with the dealers.

M/S Winkler/Duboc to move forward with:

- a **General Plan amendment and Zoning Ordinance amendments**
- **studying Option B including the following uses 1) auto dealerships, 2) regional retail and 3) hotel**
- **analyzing Option A1 for auto dealerships only**

Implicit in the motion is the analysis of the initial auto use area for a limited time of 10-years and no overlapping uses allowed.

Council Member Jellins believes there is opportunity but that it is fraught with financial risk. City Manager Boesch stated that staff will begin conversations with auto dealers and might come back for direction either at a Regular Meeting or a Closed Session to address possible negotiations. Mayor Pro Tem Winkler is sensitive to time and would like for things to happen in parallel. Council Member Jellins believes the goal is to realize the possibilities and to free staff to act in the right direction. Council Member Collacchi is concerned about delays due to coupling Options A1 and B. Council discussed the EIR and how the 10-years period will give ample time for Council to continue studying the Marsh Road area.

Mr. Boesch explained that when the options relating to scope of work are complete the item will come back to Council and traffic specific questions can be discussed. Mayor Pro Tem Winkler is concerned that certain auto dealers might need to feel committed to the longer solution even as Council approves the interim solution.

David Bohanon stated that the General Motors auto dealer needs to see the path to the long-term solution.

Council consensus was for staff to proceed focusing on Option A1 as an interim model and look at Option B with a mixed-use type of approach. Staff is to proceed and come back to the extent that authority is needed to make decisions or evaluation of further studies. This matter is to be addressed on parallel tracks.

3. Consideration of Council Member Kinney's request to install 25-30 trees in the El Camino Real medians between San Francisquito Creek and Middle Avenue. (Continued from the City Council Meeting of November 16, 2004.)

Mr. Nino, Engineering Services Director, presented the staff report explaining the additional information promised at the November 16, 2004 meeting. Council Member Kinney asked Council to approve this item subject to finding the private funds to cover its expenses. Council Member Jellins believes the item should be postponed until Mr. Kinney presents letters promising the funding.

M/S Duboc/Winkler approving the matter contingent upon funds being found for every aspect of the project, except for the maintenance (this to be covered by the City).

Mayor Pro Tem Winkler asked about the impact of trees on U turns on El Camino Real, and Council Member Kinney explained that this issue has been addressed in the design.

Motion carries unanimously.

4. Consideration of state and federal legislative items including decisions to support or oppose any such legislation and items listed under Written Communication or Information Items.

None.

G. WRITTEN COMMUNICATION - None

H. INFORMATION ITEMS - None

I. COUNCIL MEMBER REPORTS

Council Member Kinney referred to the subject of the TSM Coordinator. Mr. Boesch offered to provide a written Memo on the subject. He added that if after receiving the Memo Council desired to place this on an Agenda it could be done. Council concurred with this approach.

Council Member Kinney will provide a report on the BAWSCA (Bay Area Water Supply and Conservation Agency).

Council Member Jellins attended a meeting of the League of California Cities Leaders to set policies and priorities for the next year. These include focusing on Redevelopment Agency funding, and continuing to build the capacity of the organization. Council Member Jellins reported that he was elected President of the Peninsula Division of the League of the California Cities.

Mayor Duboc announced that Duane Bay from East Palo Alto did not get re-elected and that is a loss to the San Francisquito Creek JPA.

Council Member Jellins explained that he was nominated for a vacancy on the Bay Conservation and Development Commission (BCDC). This is a competitive appointment and Council Member Jellins will be interviewed in December. The San Mateo Council of Cities and the Council of Mayors nominated him and he appreciates the honor.

Mayor Duboc announced that the Council reorganization would happen at the next meeting of December 7, 2004.

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

Kathy Goodel thanked the Council for the many years of service and she believes Council Members have a demanding job. She thanked Council Members for their hard work.

K. ADJOURNMENT – the meeting adjourned at 10:46 p.m.

Respectfully submitted

Silvia Vonderlinden, CMC

Approved at the City Council Meeting of February 1, 2005.