



CITY COUNCIL COMMUNITY DEVELOPMENT AGENCY MINUTES

Tuesday, March 22, 2005

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 – Winkler, Jellins, Cohen, Duboc, Fergusson

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

PLEDGE OF ALLEGIANCE

A. COMMISSION VACANCIES AND REPORTS

1. One vacancy on the Environmental Quality Commission to fill an un-expired term that ends in August 2006. The deadline for receipt of applications is April 4, 2005 at 5:30 p.m.
2. Three vacancies on the Las Pulgas Committee to fill terms that will expire in March 2009. The deadline for receipt of applications is April 4, 2005 at 5:30 p.m.
3. Four vacancies on the Bicycle Commission to fill four expired terms. The vacancies are for terms that will end in April 2009. The deadline for receipt of applications is April 20, 2005 at 5:30 p.m.
4. Commission Reports.

B. PRESENTATIONS AND PROCLAMATIONS - None

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

Elizabeth Lasensky spoke about the improvements at University and Menlo Avenue and while these are helpful, Ms. Lasensky believes more lighting is needed.

Lewis Calk addressed the intersection at University and Menlo Avenue and he agrees with the previous speaker.

Matt Henry commented on Ivy Drive having worn out paint, however staff painted it. He appreciates this small gesture that means a lot.

D. CONSENT CALENDAR

Items pulled by Council Member Fergusson D3, D6 and D7.

Item pulled by Mayor Pro Tem Jellins D8.

1. Authorization for staff to execute an agreement with Standard Insurance Company to provide group term life insurance, accidental death and dismemberment, dependent life insurance and long term disability coverage to City employees for the period beginning May 1, 2005 and ending April 30, 2007.
2. Approval of Resolution No. 5586 adopting revisions to the Below Market Rate (BMR) Housing Program Guidelines to add provisions for BMR Rental Housing. (Continued from the City Council Meeting of March 8, 2005).

D3 pulled

3. Approval of the preliminary design for the renovation of Downtown Parking Plaza 5; and, authorization for staff to proceed with a final design and to issue an invitation for construction bids.
4. Approval of a five-year agreement with Gas Recovery Systems, Inc., for maintenance and operation of the City's Gas Collection System, and Flare Station at Bayfront Park.

5. Adoption of Resolution No. 5587 Intention to abandon a portion of the Public Utility Easement at 2900 Sand Hill Road.

D6 pulled

6. Authorization of the City Manager to sign an agreement in the amount of \$14,110 with DKS Associates to perform the Traffic Signal Design for the Intersection of Menlo Avenue and University Drive in Menlo Park; 2) authorization of a budget of \$20,000 for consultant services (including contingency) and staff administration and support; and 3) adoption of Resolution No. 5588 appropriating \$20,000 from the 2004-05 Measure "A" Fund to fund this project.

D7 pulled

7. Acceptance of work for the Nealon Park Improvement Project.

D8 pulled

8. Community Development Agency acceptance of work for the Hamilton Avenue Streetscape Project.
9. Waiver of reading of Ordinance No. 934 and adoption of Ordinance No. 934 rezoning property located at 1421-1423 San Antonio Street from C-4 General Commercial applicable to El Camino Real District to P-D (5) Planned Development District.
10. Approval of the Minutes for the Special Meeting of January 10, 2005, and the City Council Meetings of January 11, 2005, and January 25, 2005.

M/S Duboc/Jellins to approve Consent Calendar items D1, D2, D4, D5, D9 and D10.

Motion carries unanimously.

Discussion on item D3

3. Approval of the preliminary design for the renovation of Downtown Parking Plaza 5; and, authorization for staff to proceed with a final design and to issue an invitation for construction bids.

Council Member Fergusson asked for an overview of the project to understand how many parking stalls are being added with the angled versus perpendicular configuration. Mr. Nino, Director of Engineering Services, said there would be a net increase of 13 parking slots. Council Member Fergusson inquired about saving two oak trees, and Mr. Nino explained that the project would have to be redesigned. Council asked about the type of trees to be planted, and staff said the proposed trees were suggested by a downtown committee and the Environmental Quality Commission (EQC). Staff added that the current configuration is the most efficient way to use the space available.

Mayor Pro Tem Jellins would like to understand the options available to preserving the oak trees. Staff explained the impacts on the number of slots and the cost of a possible relocation. Council discussed the water line, and fire sprinklers. Mayor Pro Tem Jellins suggested including in the design water fountains and an estimate of maintenance costs. Council Member Fergusson outlined the items she agrees with, but she can't support removing oak trees for 13 parking spots.

M/S Duboc/Winkler to accept the staff recommendation, research the cost of transplanting the heritage trees, and investigate the cost of water fountains.

Friendly amendment by Mayor Winkler to install a water line, and the maker of the motion agreed.

Council Member Fergusson reiterated her support to invest public funds in public facilities, but she disagrees with the current design.

Motion passes 3-1-1 with Council Member Fergusson opposing and Council Member Cohen abstaining.

Discussion on item pulled D6

6. Authorization of the City Manager to sign an agreement in the amount of \$14,110 with DKS Associates to perform the Traffic Signal Design for the Intersection of Menlo Avenue and University Drive in Menlo Park; 2) authorization of a budget of \$20,000 for consultant services (including contingency) and staff administration and support; and 3) adoption of Resolution 5588 appropriating \$20,000 from the 2004-05 Measure "A" Fund to fund this project.

Council Member Fergusson asked about the current lighting circumstances and Mr. Steffens, Public Works Director, explained that staff is trying to improve the conditions by adding voltage and trimming the trees in the area. Council Member Fergusson inquired about possible objective measures showing that

the current actions are helping, and Mr. Steffens explained that the true test is a decrease in the number of accidents. Council discussed the various approaches to this intersection. Council Member Cohen inquired about the loading and unloading as well as possibly involving private property owners. Mr. Steffens stated that staff had not communicated with Draegers about adding lighting in the area. Staff added that a Federal grant application is being submitted, and Mr. Boesch said that staff is also responding to a letter from Anna Eshoo and requesting additional Federal funds.

M/S Jellins/Cohen allowing six additional months for staff to return with further analyses regarding the lighting and safety improvements based on the current stop sign rather than a signalized change.

Friendly amendment by Council Member Cohen to direct staff to make contact with Draeger's and investigate its willingness to play a role in improving the street lighting as soon as possible. Mayor Pro Tem Jellins accepted the friendly amendment.

Various Council Members shared concerns with delaying the installation of the traffic signal. Other Council Members mentioned that a traffic light will change the character of the area. Council discussed the divergent views on this issue. The design cycle and the bidding cycle were discussed.

Motion fails 2-3 with Winkler, Duboc, and Fergusson opposing.

M/S Fergusson/Duboc to approve staff's recommendation, moving ahead with the design with a particular emphasis on lighting, and staff to contact Draeger's to help with lighting solutions.

Motion carries 4-0-1 with Mayor Pro Tem Jellins abstaining.

Council consensus wants to review the design before going out to bid.

Discussion on pulled item D7

7. Acceptance of work for the Nealon Park Improvement Project.

Council Member Fergusson wanted to make sure the gate latch was fixed, and Mr. Boesch confirmed.

M/S Fergusson/Winkler to approve the item per staff's recommendation.

Mayor Pro Tem Jellins asked if staff inspects the final work, and Mr. McClure explained that the final acceptance finalizes the process. Mr. McClure explained that there are no expectations that Council will inspect or verify the work. Mayor Pro Tem Jellins believes this is perfunctory and he would like this matter to be placed on a future agenda for staff to approve the final acceptance. Mayor Winkler agrees with bringing this back to Council. Mayor Pro Tem Jellins said his comments on D8 were analogous to the comments on D7.

Motion carries unanimously.

Discussion on pulled item D8

8. Community Development Agency acceptance of work for the Hamilton Avenue Streetscape Project.

M/S Jellins/Duboc to approve staff's recommendation. Motion carries unanimously.

E. PUBLIC HEARINGS - None

F. REGULAR BUSINESS

1. Waiver of the reading and adoption of Ordinance No. 935 amending Municipal Code Chapter 12.42, Flood Damage Prevention to allow the construction of detached accessory structures located within Flood Zones without obtaining a Variance, and to allow construction of substantial improvements or new construction with sub-grade crawl spaces located within the flood zone.

Mr. Nino, Director of Engineering Services, presented the staff report explaining the number of homes that would be impacted by this ordinance. Council discussed properties abutting alleys and Mr. McClure clarified that the current ordinance does not address these issues. Mr. McClure stated that regulating detached garages or structures would have to be a different ordinance. Council Member Fergusson shared concerns about the erosion of the character of the alleys. She would like staff to do some analysis of alley engineering standards.

Public Comment

None.

M/S Duboc/Jellins to accept staff's recommendation and waive the reading of the ordinance and adopt the ordinance as submitted.

Council Member Fergusson will be supporting the motion because the changes to the FEMA regulations will help the Belle Haven and Willows residents. She thanked staff for its innovative approach.

Motion carries unanimously.

2. Approval of the Project Priorities for Fiscal Year 2005-06.

Mr. Boesch explained that staff is bringing back the priority list that was discussed at the priority setting session and there is a revised project list reflecting the discussion that took place at that meeting. Council Member Duboc asked about Coleman Avenue and for a status report on what the current condition is. Staff explained the condition of Coleman Avenue in Menlo Park. The boundaries around Coleman Avenue were discussed. Council Member Cohen would like staff to communicate with the County Board of Supervisors. Council Member Fergusson asked about the various jurisdictions involved with the Coleman Avenue issue. Mr. Steffens explained that he has been in contact with the County and various resident groups, however at this point there isn't a single plan to deal with this.

Council discussed the grade separation study (T1) and asked for clarification on the options. Mr. Steffens explained that staff would study all options, research its costs as well as the impacts on the community. Council Member Cohen is in favor of placing the train in the ground much like in New York. Council asked about getting a grant to support this project, and staff was uncertain about the chances of success.

Public Comment

Laura Steuer opined that the grade separation would have devastating impacts on the Felton Gables residents. She asks Council to consider the character of certain neighborhoods.

Carla Dewar (with time donated by Sue Ellefritz) stated that she echoes safety concerns on Coleman Avenue. She asks that this be one of the 2005-06 priorities and she believes the cost would be minimal because it is a matter of staff time and small improvements on Coleman and Willow Road. She asks Council to direct staff to work with the County on this issue. Ms. Dewar referred to the Safe Routes to school grant and how it should be pursued. She mentioned a petition submitted to the County one year ago, and how the majority of respondents had safety concerns with Coleman Avenue. Ms. Dewar is looking for someone to liaison between the Council, San Mateo County and the residents.

Marcia Bever asked Council to adopt the bike path as a priority for next year because in her opinion it is unsafe to ride bicycles on Coleman Avenue. She mentioned a traffic light at Willow and Coleman that is not synchronized for cyclists or pedestrians. She hopes this can be fixed.

Celine Sanie said she drives and walks on Coleman Avenue but she is fearful of bicycling. She would like this to become a priority for 2005-06. She asks the City to pursue the Federal grant.

Judith Orasanu, with time donated by Martin Engel, asked about studies on grade separations. She believes that grade separations are probably the biggest decision a Council makes as far as impacting residents. Ms. Orasanu asked about process, studies, next steps and the public involvement.

Lou Deziel, speaking as an individual, voiced his three recommendations: 1) the grade separation project should be integrated with a urban design initiative and it should be community development driven, 2) stipulate a two track option because there are multiple parcels that will be impacted, and 3) include a slight rise above grade of two to three feet.

Kirsten Keith requests inclusion of the Coleman Avenue project on the project list. She asks Council to work with the County on this issue.

Council Discussion

Council Member Duboc stated that if Coleman Avenue becomes part of the list then something else needs to come off. Council Member Cohen believes Coleman Avenue should be a high priority, and he is willing to use General Fund reserves to support this.

M/S Cohen/Fergusson to include Coleman Avenue in the priority list and include an advocacy role with the County of San Mateo. The motion includes moving priority item T16 above the line, and use of reserves to support these efforts.

Council Member Fergusson outlined the options of using the reserve or moving certain projects around. Enhanced crosswalks were discussed, and Mayor Winkler stated that cycling in the Menlo Park part of Coleman Avenue is safe but when you hit the county line it becomes unsafe. She is unwilling to defer other projects that are already above the line, but she offered to communicate with the County and the Town of Atherton. Mayor Pro Tem Jellins endorsed Mayor Winkler's comments. Council Member Fergusson believes Menlo Park needs to make a commitment to having a bike path. Mr. Steffens suggested the possibility of adding one more intersection at Coleman Avenue to receive the video detection program in addition to Willow Road, Middlefield, Marsh Road at Bohanon Drive, and Marsh Road at Bayroad with an additional cost of \$20,000. Council Member Cohen asked that staff address the concerns shared by a resident in regards to a particular traffic signal and Mr. Steffens said staff would look at it.

Council Member Cohen reiterated his motion which includes having Coleman Avenue be moved above the line, consider a bicycle route along Coleman Avenue (within the City of Menlo Park). Council Member Fergusson added the advocacy role the City could play. Mr. McClure clarified the motion is to move item T16 to the 2005-06 priority status with the item being paid for out of General Fund reserves.

Substitute M/S Duboc/Fergusson to delete priority list item T5 so that project T16 would not be funded out of reserves.

Mayor Winkler can not support this approach because in her opinion T5 has a safety component.

Vote on the substitute motion

Motion fails 2-2-1 with Winkler and Jellins opposing and Cohen abstaining.

Vote on the original motion:

M/S Cohen/Fergusson to add item T16 (Coleman Avenue) to the project list (within the City of Menlo Park), include an advocacy role with the County and fund this project from reserves.

Mayor Winkler would support working with the residents, the County and the Town of Atherton, but she does not think all of Coleman Avenue is an issue.

Vote on the motion:

Motion fails with Duboc, Winkler and Jellins opposing, and Council Member Fergusson and Cohen voting yes.

M/S Jellins/Winkler to approve the 2005-06 priority list presented by staff.

Mayor Winkler reiterated that the grade separation issue will be looked at carefully in the future. Council Member Fergusson would like a two track option on the scope of the study of grade separation, and some Council Members agreed with holding a Study Session on this topic. Council Member Cohen cannot accept the current project priority list because he would like to study each topic and not postpone topics.

Mayor Winkler added to the motion holding a Study Session on grade separations. The maker of the motion agreed.

Council Member Fergusson shared some frustration that a consensus was not reached; hence she will not support the motion.

Vote on the motion:

Motion carries 3-2 with Cohen and Fergusson opposing.

Council took a break at 10:00 p.m. reconvening at 10:10 p.m.

3. 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.

Mayor Winkler announced that Council Member Jellins went home sick.

G. WRITTEN COMMUNICATION

1. Email correspondence from Council Member Cohen regarding open government and a request to place it on the next City Council Agenda.

Council Member Cohen asked Mr. McClure to define the action that Council could take tonight, and City Attorney McClure explained that Council could discuss and take action. Mayor Winkler supports open government and in general she supports Study Sessions being televised. Council Member Cohen spoke about the Budget Priority Session that took place in the fireside room, and in his opinion this should have been held at the Council Chambers. He expects all Study Sessions and other public meetings to be held at the Council Chambers, adding that multi-jurisdiction train meetings should be noticed and residents invited. Council Member Duboc said that every year she has seen growth in the area of being more open and this is a commendation to staff. Ms. Duboc agrees with televising Study Sessions and she thanked Mr. Cohen for bringing this forth.

Council discussed the percentage of Menlo Park residents who have cable and Ms. Seymour, Assistant City Manager, said that about 23% of Menlo Park residents are Comcast subscribers and these viewers can watch Council Meetings. Council Member Cohen said he views the Council meetings over Direct TV, and he would like staff to investigate that satellite TV provides access to government channels.

Mr. Boesch asked for clarification on whether Council would continue to hold meetings at the Menlo Park Senior Center. Council agreed that quarterly meetings will still be held at the Menlo Park Senior Center and that these would not be shown live but re-broadcast. Mr. Boesch added that the logistics of holding Study Sessions before the Council Meetings at the Council Chambers are challenging because of set up time and take down arrangements. Council Member Fergusson wanted to clarify that this covers all public City Council Sessions with the exception of Closed Session. Some Council Members felt uncomfortable that Mayor Pro Tem Jellins could not be present to weigh in on this. Council Member Cohen asked Mr. McClure about the procedural aspect of implementing this Council consensus and Mr. McClure explained that the Council could either move or direct by consensus.

Council discussed drafting a formal policy that would subsequently be approved by Council. Mr. McClure explained that there is a binder with all Council policies and if Council wanted to create a policy someone could write it up for Council review and approval.

M/S Fergusson/Cohen directing staff to write a policy on the subject of having all public Council Meetings be televised and take place at the Council Chambers (with the exception of the Menlo Park Senior Center Meetings which are not broadcast live, but later re-broadcast) and bring the item back for approval. Motion carries 4-0 with Mayor Pro Tem Jellins absent.

2. Memorandum to the Council from the City Manager regarding Budget Advisory Committee Appointments.

City Manager Boesch explained that this memorandum includes a suggestion of how to select the Budget Advisory Committee (BAC) members. Council Member Cohen believes in giving everyone notice that this is being created, and then seeing who comes forward. Subsequently, Council could select two applicants a piece and the City Manager Boesch could select two as well. Mr. Cohen envisions that, in the beginning, the BAC is to operate with direction from Mr. Boesch. He added that the two Council Members should act as liaisons. Mr. Cohen sees the larger group dividing into smaller sub-groups that focus on a particular area and make recommendations. Council discussed outreach methods which include using the web page, local newspaper and other distribution lists to reach a representative cross section of the community. Mayor Winkler would like to have a mission statement for this task force, and she sees this body as a recommending body.

Council Member Fergusson likes the idea of each Council Member appointing one or two applicants, but she is uncomfortable with Council Members being on the committee because of undue influence that may compromise the independence of the ad hoc body. Mayor Winkler feels comfortable having Council Members present. Ms. Duboc said that the larger the group the harder it will be to coordinate the meetings and 12 members should be the maximum. Council Member Cohen sees the committee functioning independently, and it is an ad hoc committee and not a Commission. Mr. Cohen also likes the two Council Members present because they will represent different views and report back to Council.

Council would like the vacancies advertised in multiple places, and the recruitment to be similar to the one for City Commissions. Mr. Boesch said that staff will report back on the applicants and then Council can decide if it wants to interview or not. Council Member Cohen would like this completed by May 1, 2005. Council Member Fergusson would like a six-member committee with two non-voting Council Members. Council Member Cohen said that because the group might decide to divide up in groups of three or four having a larger group is acceptable. Mr. Boesch explained that the goal is to give the group an outline but also tap into its talent and connections to the community. However, it is possible that smaller groups may focus on special areas such as cost recovery, special revenue funds, etc. Mr. Cohen believes a group of 12 would be acceptable with each Council Member appointing two and non-voting Council liaisons which would be Council Members Duboc and Cohen.

- 3 Email request received from Council Member Fergusson to include the letter of March 15, 2005 from Alan Olin regarding a Spruce Avenue barricade.

Council Member Fergusson asked for clarification on what Council action could take place tonight, and Mr. Boesch said Council could give direction to staff.

Alan Olin thanked the Council for its quick response, and said he has gathered neighborhood support and signatures for wood barriers and additional signage on Spruce Avenue. He asks that this item be scheduled for a future agenda because it affects 24 homes. Mr. Olin said he has been before the Transportation Commission twice and his solutions were not accepted.

Mayor Winkler asks that Council visit the site and asked staff to provide an overview of the situation. Council asked what signs the Transportation Commission had agreed to, and Mr. Olin explained it approved two additional signs but not the barrier. Mr. Steffens explained that staff considered the request for a barricade but it did not meet the minimum criteria to deviate from the NTMP (Neighborhood Traffic Management Program). Mr. Steffens added that it is the Council's prerogative to make an exception.

M/S Cohen/Fergusson to make an exception and grant the residents' request.

Council Member Duboc said that she doesn't have enough information to understand the full implications of what the resident is asking. Mr. Boesch explained that before anything gets installed staff needs to study it, design it, bring it back to Council and fund it. These steps are for the protection of the City Council and the City.

Substitute Motion

M/S Winkler/Duboc to place this item on a future agenda with additional information about options. Motion to substitute fails 2-2 with Cohen and Fergusson opposing and Jellins absent.

Vote on the original motion:

The original motion failed 2-2 with Duboc and Winkler opposing and Jellins absent.

M/S Fergusson/Duboc to bring this back as a regular business item with a developed detail design and a cost estimate.

Mr. Steffens said that a design and a cost estimate would take five to ten staff hours and if a design like this is decided on, there are certain requirements such as a survey and measurements that need to be in place in accordance with the NTMP. Council Member Duboc would like to get the comments from the Transportation Commission. Mr. Boesch said this will come back on the Agenda of May 10, 2005 so that enough public notice is provided. Council Member Fergusson wants her motion to state that Council is overriding the NTMP. Council Member Duboc could not agree with this inclusion, and Ms. Fergusson agreed with keeping her motion as originally stated.

Motion carries 3-1 with Winkler opposing and Jellins absent.

Mayor Winkler said she opposed the motion because she is neither certain of the design nor the options on the table regarding this approach.

H. INFORMATION ITEMS

1. Information regarding Menlo Park Direct Connect.

I. COUNCIL MEMBER REPORTS

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

K. ADJOURNMENT - the meeting adjourned at 11:30 p.m.

Respectfully submitted,

Silvia M. Vonderlinden, Certified Municipal Clerk

The minutes were approved as submitted at the City Council Meeting of June 28, 2005.