



**CITY COUNCIL  
and  
COMMUNITY DEVELOPMENT AGENCY  
MINUTES**

Tuesday, April 26, 2005  
7:00 p.m.

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

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**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. Mayor Winkler opened the nomination period to fill four vacancies on the Bicycle Commission.

Mayor Winkler opened the floor for nominations.

Council Member Fergusson nominated incumbent John Fox.

Council Member Duboc nominated incumbent Christine Griffin.

Mayor Winkler nominated Liz Smith.

Council Member Fergusson nominated Laure Laprais.

Voting on the nominees:

Four votes in favor of John Fox with Council Member Cohen abstaining.

Five votes in favor of Christine Griffin.

Five votes in favor of Liz Smith.

Three votes for Laure Laprais with Mayor Pro Tem Jellins and Council Member Duboc abstaining.

**The appointees to the Bicycle Commission are: John Fox, Christine Griffin, Liz Smith and Laure Laprais.**

2. Swearing in of three Las Pulgas Committee members.

City Clerk Vonderlinden led the swearing in of the three Committee Members: Carolyn Clarke, Jacquie Mundley and John Preyer.

3. Recognition of Outgoing Las Pulgas Committee Member.

Mayor Winkler recognized outgoing Las Pulgas Committee Member James McAdoo, and acknowledged the fact that he was the Senior Center's Volunteer of the Year.

4. Commission Reports.

**B. PRESENTATIONS AND PROCLAMATIONS - None**

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

Kitty Craven presented a petition asking for a separate residential zoning overlay for the 89-member Lorelei Manor homeowners association.

Robert Stoss provided a synopsis of what Lorelei Manor residents have done to get organized. He referred to a petition supporting the overlay, and how the majority of owners are supportive.

Terry Kent outlined the benefits of the overlay, and in his opinion it would allow units to remodel providing a better design for the neighborhood. He submitted a petition signed by 71 residents.

Council asked what will happen with this petition, and City Manager Boesch explained that staff could bring this back on a future Agenda with a brief report outlining the process. Mr. Boesch stated that staff could explain the resources needed to pursue this item; however this is not on the priority list.

Henry Riggs submitted a letter and thanked Council for its willingness to look at the issue. Mr. Riggs stated that the residents of Lorelei Manor are looking forward to a solution.

Jo Ann Harrer addressed the Council expressing her concerns about the safety of the La Hacienda Market.

Chris DeCardy thanked the Council for scheduling a special meeting for May 5, 2005. He appreciates that certain Council Members have raised awareness about this issue.

#### **D. CONSENT CALENDAR**

1. Approval of the Minutes for the City Council Meeting of February 8, 2005.
2. Community Development Agency acceptance of work for the Ivy Drive Streetscape Project.
3. Acceptance of work by Armstrong Painting, Inc. for the Street Light Pole Painting Project.

**M/S Fergusson/Duboc to approve the Consent Calendar. Motion passes unanimously.**

#### **E. PUBLIC HEARING - None**

#### **F. REGULAR BUSINESS**

1. Consideration of a recommendation from the Housing Commission to approve Resolution No. 5594 reserving \$3.5 Million of the Below Market Rate (BMR) Housing Fund for use in the Purchase Assistance Loan Program and establishing preferred uses for the unreserved BMR Housing Fund (Continued from the City Council Meeting of 3-8-05)

Mayor Winkler apologized for this item being delayed from other Council Meetings. Gretchen Hillard, Housing Coordinator, summarized the staff report, and invited Carol Louchheim, the Chair of the Housing Commission, to speak to the recommendations. Ms. Hillard explained that the primary purpose is to increase the housing supply and assist in the development of affordable housing to very low, low, and moderate income households. Ms. Hillard explained the BMR fund. Council Member Duboc asked if the Purchase Assistance Loans (PAL) were needed in all of the BMR units; Ms. Hillard noted that historically, approximately 50% of purchased units needed such loans.

Mayor Winkler stated that the program's purpose was to diversify, not increase, the housing supply, and she requested an update on the housing element. City Manager Boesch noted that the previous Council decided that an environmental impact report was needed. Staff is now at a point where new numbers are expected from the Association of Bay Area Government. These will then be used to finish the Housing Element document. Council asked questions about diversifying the housing stock as well as the Housing Element. Mayor Winkler asked if the City could use BMR funds in other communities and Ms. Hillard stated that current provisions do not allow for this.

Mayor Pro Tem Jellins clarified that the Hamilton Avenue properties were not covered by the BMR housing fund. He shared concerns about the scope of the fund, and what could be done with any leftover funds. Council Member Fergusson requested clarification regarding the \$2.8 million in BMR funds that are subject to being dedicated to re-housing projects. City Attorney referenced AB 1600 and the government code, explaining that the funds and associated fees are to be committed for housing.

#### **Public Comment**

Linda Craig, representing the League of Women Voters of South San Mateo County, supports the loan program and the recommendation.

Carol Louchheim, Chair of the Housing Commission, spoke in favor of the recommendation. Ms. Louchheim expects 40 BMR units to be eligible within 2-3 years. She advocated that the need for these programs is based on the increased housing prices.

Council Member Duboc requested clarification on BMR/PAL fund transfers, and Ms. Hillard explained that such transfers can take up to 6 weeks. Mayor Winkler complimented the Housing Commission on its work, and asked this body to be alert to upcoming housing opportunities.

**M/S Jellins/Fergusson to accept the staff recommendation and adopt the resolution.  
Motion passes unanimously.**

2. Adoption of Resolution No. 5595 approving the third amendment to the Franchise Agreement for solid waste, recyclable materials and plant materials collection services between the City of Menlo Park and BFI Waste Systems, extending the agreement by four years until December 31, 2010.

Dianne Dryer, Environmental Coordinator, presented the staff report explaining the goal of the amendment. Ms. Dryer provided details on the implications of the four year extension.

Mayor Pro Tem Jellins voiced concerns about the performance of waste hauling in residential areas. Mr. Jellins received complaints that not all the refuse is picked up when it should be. Ms. Dryer explained that she was aware of this situation and she has been in continuous conversations with BFI. Mr. Jellins would like to explore ways to get a more efficient response by BFI. Staff stated that it is keeping track of complaints and there are liquidated damages. Council Member Fergusson raised questions regarding BFI's performance goals and Ms. Dryer explained that in the last two years BFI missed the required recycling tonnage. Ms. Fergusson requested Menlo Park's status on its recycling goals, and Ms. Dryer said the City has been above the average but as of 2003 it was below the expected 50%.

**M/S Duboc/Jellins to approve the staff recommendation. Motion carries unanimously.**

Council Member Duboc would like a phone number to be listed on the City's web page for those whose garbage is not picked up.

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.

City Manager Boesh reported that the County Controller over-collected on the ERAF funds (Educational Revenue Augmentation Funds) and the City will get a refund in two installments in the amount of approximately \$324,000 each. These refunds will occur in the current and the next fiscal year. Mayor Winkler asked if the overpayment could have been noted earlier via an audit. Ms. Augustine, Finance Director, explained that it was the State Controller who caught the error.

**G. WRITTEN COMMUNICATION - None**

**H. INFORMATION ITEMS - None**

**I. COUNCIL MEMBER REPORTS**

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

**K. ADJOURNMENT – the meeting adjourned at 8:25 p.m.**

Respectfully submitted

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Silvia M. Vonderlinden, Certified Municipal Clerk

Approved at the Council Meeting of August 16, 2005.