



**CITY COUNCIL
and
COMMUNITY DEVELOPMENT AGENCY
MINUTES**

Tuesday, July 19, 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

Mayor Winkler congratulated Chief Boyd on the birth of his son.

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

Item A1 was addressed later (see below).

2. The Environmental Quality Commission has one vacancy to fill one expired term. The vacancy is for a term that will end August 2009. The deadline for receipt of applications is August 17, 2005 at 5:30 p.m.
3. The Housing Commission has three vacancies to fill three expired terms. The vacancies are for terms that will end in July 2009. There is one additional vacancy to fill an unexpired term ending September 2007. The deadline for receipt of applications is July 20, 2005 at 5:30 p.m.
4. The Library Commission has one vacancy to fill one expired term. The vacancy is for a term that will end July 2009. The deadline for receipt of applications is July 20, 2005 at 5:30 p.m.

The Library Commission also has two vacancies to fill two terms that will expire August 2005. The term will end August 2009. The deadline for receipt of applications is August 17, 2005 at 5:30 p.m.
5. The Transportation Commission has two vacancies to fill two expired terms. The vacancies are for terms that will end July 2009. The deadline for receipt of applications is July 20, 2005 at 5:30 p.m.

6. Commission Reports.

1. Recognition of outgoing Housing Commissioner

Mayor Winkler recognized John Donald, outgoing Housing Commissioner, and presented him with a certificate of recognition.

B. PRESENTATIONS AND PROCLAMATIONS - None

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

Stu Soffer addressed Agenda item G1 and he supports this protocol for Council/Commission communication. He hopes it will help clarify the relationship between different bodies. Mr. Soffer spoke on Agenda item F1 and likes the current process for single family residential zoning.

Don Barrett expressed his views on Consent Calendar D1 and asks Council to reject all bids because in his opinion black aggregate is too expensive. He asks Council to re-bid the project

without the black aggregate.

D. CONSENT CALENDAR

Item pulled D1

1. Overruling of the protest by Graniterock, award of contract to O'Grady Paving in the amount of \$848,453 for the Street Resurfacing Project for Fiscal Year 2005-06; and authorization of a project budget in the amount of \$1,335,453 for construction, contingencies, material testing, and construction administration.
2. Approval of the Minutes for the City Council Study Session of April 5, 2005.

M/S Jellins/Duboc to approve item D2. Motion carries unanimously.

Discussion on item pulled D1

Council asked questions about re-bidding the project. Ruben Nino, Director of Engineering Services, said it would delay the project by approximately two months. Council discussed timelines and impacts of delaying the project, and Mayor Pro Tem Jellins is concerned with the condition of streets. Mr. Jellins opined this is a matter of aesthetics. Council discussed the different materials that are used, and Mr. Nino commented that based on research and opinions voiced by the general public, the black aggregate is preferred. The crowning of the streets was discussed and staff added that certain cities are now reverting back to the black aggregate. Council discussed open grade asphalt and how the black aggregate is a small portion of the bid (five to six percent). Council Member Cohen believes the contrast is important. Staff said any delay could be problematic because resurfacing requires good weather. Council Member Fergusson asked Mr. McClure if the City conducted a fair bidding process and the City Attorney confirmed.

M/S Fergusson/Jellins to :

- 1) **overrule the protest by GraniteRock and follow staff recommendation awarding the contract, and authorizing the project budget, and**
- 2) direct staff to include, in future bids, a line item indicating the case of different types of aggregate

Mayor Pro Tem Jellins requested a friendly amendment to delete the second portion of the motion and make it purely direction to staff. The maker of the motion agreed with the deletion of the second part of the motion.

Council Member Duboc would like to see (in future staff reports) more information about materials to be used, and how they compare and contrast. Mayor Pro Tem Jellins thanked the various contractors for their professionalism in dealing with this matter.

Motion passes unanimously.

E. PUBLIC HEARING

1. Adoption of Resolution No. 5614 approving the placement of a tax lien on a property at 1118 Madera Avenue regarding public nuisance abatement.

Terri Molakides, Acting Police Chief, presented the staff report. She explained the process and the various attempts to communicate with the property owner. Ms. Molakides added that the cost of the abatement to the city was \$775 plus \$500 in administrative fees.

Mayor Winkler asked for public comment. There was none.

M/S Winkler/Cohen to close the public hearing. Motion carries unanimously.

M/S Fergusson/Duboc to adopt the resolution and approve the staff recommendation. Motion passes unanimously.

2. Adoption of Resolution No. 5615 approving the final report of the City Manager regarding unpaid garbage collection fees for Fiscal Year 2005-06 and approving the placement of unpaid single-family garbage service fees on the 2005-06 property tax roll.

Carol Augustine, Finance Director, presented the staff report explaining that this is a routine annual process. Ms. Augustine provided details on how residents were notified of the fees to be paid. The Finance Director added that the amount of about \$400,000 will be posted to the property tax roll and the public hearing is a requirement.

Mayor Winkler opened the public Hearing. No public comment.

M/S Cohen/Jellins to close the public hearing. Motion carries unanimously.

M/S Duboc/Cohen to adopt the resolution and approve the staff recommendation. Motion carries unanimously.

F. REGULAR BUSINESS

1. Waiver of reading of Ordinance No. 938 and adoption of Ordinance No. amending Zoning Ordinance regulations pertaining to single-family residential development.

Linda Heineck, Community Development Director, stated the Council's direction at the last Council Meeting, adding that the current ordinance reflects changes made at such meeting. These changes involve: include site plans and elevations with the courtesy notices to be sent to contiguous neighbors for building and demolition permits. Ms. Heineck covered other Council direction provided at such meeting.

Mayor Pro Tem Jellins asked questions about the properties affected and Ms. Heineck said that the new regulations will apply to all single family zoned properties proposing to develop a single story design. Mr. Jellins asked if the proposed regulations are more or less restrictive in regards to lots that are not substandard. Ms. Heineck said that there is no change in FAR (floor area ratio) but there will be a change in allowed amount of lot coverage depending on the lot size. Council Member Fergusson shared some diagrams depicting the notification changes proposed with this ordinance. The courtesy notice was discussed as well as the timing of the notice. Mayor Winkler asked if during the conceptual stage neighbors wanted to discuss the issue with staff, could they do it? Ms. Heineck said that this is encouraged.

Public Comment

Don Barnby disagrees with decreasing neighbor notification and he hopes the Council will agree with Ms. Fergusson's amendment to provide early opportunity for residents' input.

Charlie Bourne does not believe the proposed notification is acceptable and reasonable. He urges the Council to oppose this ordinance.

Hersh Shefrin believes that external effects are not being taken into consideration and in Menlo Park this is an important issue. Mr. Shefrin would like to know why Council does not place this on the ballot.

Steve Schmidt opined that the public should be able to provide input and contiguous neighbors should have recourse. He does not believe the current ordinance represents a compromise.

Russ Dember supports Kelly Fergusson's amendment and he can not support the proposed notification because it is insufficient. Mr. Dember does not think this ordinance is middle ground.

Patti Fry would like the Council to discuss specific issues relating to this ordinance, and hopes Council explains the way it will vote focusing on facts. She is looking for an in depth discussion.

Lynne Bramlett believes this matter should go on the ballot for the people to voice their preference. She sees no disadvantage in waiting.

Kurt Armburst believes there are too many notifications and regulations that are unreasonable. He supports this ordinance and hopes the Council passes it tonight.

David Speer spoke about what he believes are the two problems with this ordinance: lack of Design Guidelines and the removal of a public hearing notice.

Council Discussion

Council Member Duboc said that at the last meeting a resident from Lorelei Manor strongly supported this ordinance and she represented a large number of residents. Ms. Duboc does not believe this is developer friendly because this does not promote two story homes. She added that this offers certainty to individual homeowners. Mayor Winkler added that there is a lot of misinformation on this issue, and she does not believe the ordinance is controversial. She believes there is considerable staff oversight on these projects, and these are the homes that have no controversy. Ms. Winkler believes this is a compelling effort to have residents remodel and build one story homes.

M/S Winkler/Jellins to adopt the ordinance as presented.

Council Member Fergusson expressed her disappointment at what she believes is a lack of middle ground. Ms. Fergusson said that her goal was to protect the character of neighborhoods and provide opportunity for public input. She believes this is a significant change in the process. Council Member Cohen agrees with Ms. Fergusson and opined that the one good thing in this ordinance is treating standard and substandard lots equally. Mr. Cohen challenges the idea that single story development is problem-free. Mayor Winkler commented that sun light and privacy are usually not a problem with single story homes. Various Council Members shared divergent views on how the proposed ordinance serves or doesn't serve residents.

Mayor Winkler called for the vote on the motion that was on the floor.

Motion passes with Cohen and Fergusson opposing.

2. 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.

G. WRITTEN COMMUNICATION

1. Communication from Mayor Winkler regarding a possible protocol for Council relationships to commissions and task forces.

Steve Schmidt supports this discussion and advocates that communication between Council and Commissions should be done via staff. Mr. Schmidt would like to have some research on what other cities are doing as far as communications between these bodies.

Mayor Winkler responded that when she sent a letter to the Planning Commission she gave it to staff who included it in the agenda packet.

Lou Deziel speaking as a Commissioner and as a resident shared that he was erroneously attacked in recent articles and he finds this unfair. He believes the best process is to include the letters in the agenda packet so Commissioners can get them at least 72 hours in advance.

Patti Fry said while serving on the Planning Commission she was never once advised on how to vote on any issue.

Jack Morris would hope that Council would not make a regulation on how the public should provide input. The goal of public hearings is to have public input.

Council Member Fergusson would support a discussion on the topic and she would like to include the role of liaisons, Commissions, task forces, and relationship with staff. Council Member Cohen is not pleased with the current process of placing letters on the Agenda. He questioned the process particularly regarding a written communication about the Arts Commission. City Manager Boesch said that the Arts Commission letter he is referring to is scheduled to come back in August.

Various Council Members praised the work of Planning Commissioners. Mayor Pro Tem Jellins explained that the goal was to establish a protocol to help the process. He does not believe staff should research the matter. Mayor Winkler said that her original goal was to establish agreement.

Council consensus was to place this matter on a future agenda.

2. Email correspondence from Council Member Cohen requesting Council support Senate Bill 681 which addresses public safety and welfare concerns related to potentially dangerous and vicious dogs.

Mayor Pro Tem Jellins corrected that this was SB 861 and not SB 681 and he provided a status on the bill. Council Member Fergusson requested regular updates on this bill. City Manager Boesch said that should this heat up the City might send a letter about the bill and copy Council.

Mayor Winkler would like to place on a future agenda the creation of a Business Committee.

Mayor Pro Tem Jellins would like to discuss the request made by Lorelei Manor regarding residential zoning overlay and hear from the Community Development Department.

H. INFORMATION ITEMS - None

I. COUNCIL MEMBER REPORTS

Mayor Pro Tem Jellins encouraged attendance of Council Members at the League of California Peninsula Division dinner, this Thursday at 6:00 p.m.

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

K. ADJOURNMENT – the meeting adjourned at 9:31 p.m.

Mayor Winkler dedicated this Council Meeting to the memory of former City Clerk Jaye Carr. She was City Clerk for Menlo Park for 15 years and served the City for a total of 28 years. The Mayor extended condolences to the family on its loss.

Respectfully submitted,

Silvia M. Vonderlinden, CMC

Approved at the Council Meeting of September 20, 2005.