



**CITY COUNCIL
and
COMMUNITY DEVELOPMENT AGENCY
MINUTES**

**Tuesday, August 16, 2005
7:00 p.m.**

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

6:00 p.m. CLOSED SESSION (First Floor Conference Room – Administration Building)

1. Closed Session pursuant to Government Code Section §54956.9(a) regarding Carlson v. Menlo Park, San Mateo County Superior Court Case No. CIV 441703. Parties present: William McClure, City Attorney, John Flegel, Legal Counsel, David Boesch, City Manager and Chris Boyd, Police Chief.

Reconvene in Open Session and Report on Aforementioned Closed Session.

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

Mayor Winkler announced that there was nothing to report from the Closed Session.

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. Appointments to the Housing, Library and Transportation Commissions.

Mayor Winkler opened the floor for nominations to the Housing Commission:

M/S Jellins/Fergusson to reappoint the incumbents and designate the unexpired term for the new applicant Ms. Lasensky. Motion carries unanimously.

Mayor Winkler opened the floor for nominations to the Library Commission:

M/S Duboc/Fergusson to appoint Sanjoy Goyle, noting that while both applicants are well qualified, Mr. Goyle has been a resident for 8 years. Motion carries unanimously.

Council Member Fergusson asked that the second applicant be considered for upcoming Library Commission vacancies.

Mayor Winkler opened the floor for nominations to the Transportation Commission:

M/S Fergusson/Winkler to re-appoint incumbent Reginald Rice.

Council Member Duboc nominates Henry Lawrence.

Council Member Fergusson nominates Bob Sweezey and Council Member Cohen seconds this nomination.

Vote on the reappointment of Reginald Rice. Motion carries unanimously.

Vote on appointing Henry Lawrence. Mr. Lawrence gets appointed with three votes.

Vote on appointing Bob Sweezey. Mr. Sweezey gets two votes and is not appointed.

Mayor Pro Tem Jellins commented that Mr. Lawrence applied for previous vacancies, and his selection isn't a reflection on Mr. Sweezey's qualifications. Mr. Jellins encouraged the un-appointed applicant to apply for upcoming vacancies.

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 Library Commission has two vacancies to fill two terms that will expire August 2005. The terms will end August 2009. The deadline for receipt of applications is August 17, 2005 at 5:30 p.m.
4. Commission Reports.

B. PRESENTATIONS AND PROCLAMATIONS - None

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

Hank Lawrence spoke on the residential zoning ordinance and he believes that letters going to the Planning Commission should be given to staff for distribution. Mr. Lawrence provided a history of the times when this item was before the Planning Commission and Council.

Chris Leonard described her ailments and an illegal cottage where she lives in Menlo Park. She is frustrated with the lack of response from certain City departments, and believes the City should support her efforts. Ms. Leonard submitted a letter to Council.

D. CONSENT CALENDAR

1. Adoption of Resolution No. 5616 approving the revised Investment Policy for the City and the Community Development Agency of Menlo Park, to be effective immediately.
2. The Community Development Agency acceptance of work for the Market Place Park Renovation Project.
3. Acceptance of work for the Fiscal Year 2004-05 Sidewalk Trip Hazard Removal Program.
Item pulled D4
4. Adoption of Resolution No. 5619 authorizing the destruction of certain records in the City Clerk's Office and other departments.
5. Adoption of Resolution No. 5617 rescinding Resolution 5607, a Resolution of Intention to abandon a portion of Middlefield Road along the property at 525-545 Middlefield Road.
6. Award of contract to J.J.R. Construction, Inc., in the amount of \$307,907 for the Fiscal Year 2004-05 Sidewalk Repair Program and the Santa Cruz Avenue/Sherman Avenue Intersection Realignment Project; and authorization of a budget of \$400,087 for construction, contingencies, engineering, testing, and construction administration.
7. Award of contract for the Fiscal Years 2005-07 Street Lighting Maintenance Project to Republic Electric in the amount of \$72,989 and authorization of the City Manager to renew the contract for an additional four year term.
8. Approval of the Minutes for the Downtown Charrette Public Meeting of April 11, 2005; the City Council Meetings of April 12, 2005; April 19, 2005; April 26, 2005; May 3, 2005; May 5, 2005; May 10, 2005; May 17, 2005; May 24, 2005; and June 7, 2005.
9. Adoption of Resolution No. 5618 to accept \$1,980 from the California State Library, and amend the Library budget to spend said funds in Fiscal Year 2005-06.

M/S Duboc/Fergusson to approve all Consent Calendar items with the exception of item D4. Motion carries unanimously.

Discussion on item pulled D4

4. Adoption of Resolution No. 5619 authorizing the destruction of certain records in the City Clerk's Office and other departments.

Council Member Fergusson referred to five boxes that contained video tapes of Council Meetings and Ms. Fergusson believes there is merit in keeping them for longer than 6-months. She suggested that

the following boxes not be destroyed: box #60, #61, #62, #81 and #101 but instead be omitted from the destruction list. Mayor Winkler asked staff if these tapes are at the Library, and Ms. Vonderlinden explained that these tapes are the City Clerk's Official record and not the Library's copy. Mayor Pro Tem Jellins asked about the Library retention policy and Ms. Vonderlinden said that generally the Library keeps the tapes for three to four years. Mayor Pro Tem Jellins concurs with Ms. Fergusson's proposal.

M/S Fergusson/Jellins to approve agenda item D4 omitting destruction of boxes #60, #61, #62, #81 and #101. Motion carries unanimously.

City Manager Boesch asked Council if this is a policy that Council wants to revisit and Council Member Fergusson volunteered that she would like to see a move towards digital technology. She would prefer storing these items in a hard drive and not having to worry about space. Ms. Fergusson would prefer upgrading the equipment and compare costs to benefits.

Council direction was to move towards digital technology and amend the City's records retention policy to keep City Council meeting tapes for four years.

E. PUBLIC HEARING - None

F. REGULAR BUSINESS

1. Discussion and direction on a work plan for Phase III of Commercial Streamlining.

Justin Murphy, Development Services Manager, presented the brief report enumerating the steps involved in the work plan: 1) project start-up with the creation of a working group, 2) data collection and background information, 3) update use categories and update use issues, 4) select the appropriate review process by use and by zoning district, 5) prepare the draft zoning ordinance amendment and environmental analysis, 6) public review and adoption of the ordinance. Mr. Murphy spoke about current staffing challenges in the department.

Patti Fry supports commercial streamlining but she would like an analysis of impacts and a full understanding of outcomes. Ms. Fry says that the work plan lacks criteria for uses. She would prefer an update to the General Plan.

Fran Dehn, representing the Chamber of Commerce, agrees with comments made by the previous speaker. She believes the current process is cumbersome. Ms. Dehn referred to the Budget Advisory Committee and how it is a good example of a process that includes goals, timelines and results.

Council discussed the use classification process and the output which includes defining permitted uses to offer greater clarity to the public, Council and staff. Council asked about the role of a possible consultant and Mr. Murphy clarified the possible role. Council Member Cohen asked why the estimated hours for this project doubled. Mr. Murphy explained that this is due to the up front research needed. Council discussed different approaches to code design such as form based codes. City Manager, David Boesch, explained that more communities are moving towards being explicit about what is permissible instead of what is prohibited. Mr. Boesch said that after the work group is created, a deeper discussion would take place about different approaches to code design.

Mayor Pro Tem Jellins wants staff to be careful about the fiscalization of land use policies, and how these might impact different communities. He asks staff to not lock Council into a single approach. Certain Council Members shared excitement with this work plan. Council Member Fergusson acknowledged the lean Planning Department staff and the workload in this area. She shared concerns about the department juggling projects already in the pipeline and this work plan. Ms. Heineck, Community Development Director, explained that it would be helpful if Council prioritized which projects to address first.

Council Member Fergusson asked if there will be an analysis of impacts, and staff responded that the overarching goal is to align the City's fiscal health, services and land use. Mr. Murphy added that the fiscal analysis can take a lot of time, based on previous processes, because people can disagree on the assumptions. Ms. Fergusson asked for a progress report at the end of steps I and II to get Council

concurrence on the direction of the work plan. Mr. Jellins agrees with this approach because Council's input might be helpful. Council Member Duboc asked if the Negative Declaration would be sufficient and Mr. McClure explained that ultimately the Council will have to make the findings. Mr. Boesch explained that increasing the intensity of use is not being considered but mostly what uses are appropriate in various zoning districts. He added that if Council decides to have an Environmental Impact Report this could be addressed at that time.

Council Member Cohen would like broader resident input and he suggested covering a 10-year period in the historical research instead of the suggested five-year period. Mr. Murphy said that five years is a good representation, and a good amount of inventorying has been already done, and 10 years would double the work. In terms of the radius for public notice, Mr. Murphy said that multiple notices will be sent and advertisements placed in the newspaper so that everybody is aware of the process. Council discussed the various approach options, and Ms. Heineck explained that it was part of the work plan to look at other cities and recognize best practices. Council discussed the proposed work plan and the scope of work for the work group. Mr. Murphy added that the idea is to have a group that moves the process along, getting community input and reporting to Council.

Council Member Fergusson would like cities of comparable size to be included such as: Woodside, Los Altos, Saratoga, and Portola Valley. Council Member Duboc referred to a letter by Mr. Deziel suggesting Santa Monica and other cities outside of the area. Council Member Fergusson opined that the financial analysis is important and on Task 2.1 she would like included indicators of financial impacts and quality of life impacts. Additionally, Ms. Fergusson is looking for a step that defines the criteria for grouping the uses. Mr. Murphy said this pertained to Task 4.1 and Task 3.1 but it refers mostly to retail use. Staff commented that the work plan will come back to Council and will include input from the Planning Commission.

Council discussed the difference between this work plan and a possible General Plan update and Mr. Murphy said that this will help a future General Plan update. Mr. Boesch said that the goal is to realign the zoning to the current General Plan which was amended about 10 years ago. Ms. Fergusson would like notification to go to all residents. Mayor Pro Tem Jellins addressed the staffing issue and he supports hiring a consultant early on. Mayor Winkler agrees with a consultant early on, redefining the work plan, and bringing it back to Council with considerations on the fiscal health of the city. The role of the consultant was discussed and Ms. Fergusson believes staff should play a key role because of its expertise. Staff explained that the expectation is for the consultant to work with staff, with staff playing the lead role.

City Manager Boesch explained that one possibility is for staff to proceed with Council's direction from the discussion tonight, incorporating all of Council's ideas and suggestions, and finding the right consultant for the job. Council Member Cohen asked about the original allocation of resources and if it included a consultant. Mr. Murphy said that it did not include a consultant. Mr. Cohen asked about the current savings with the four staff vacancies and Mr. Boesch estimated it at \$40,000 per month. City Manager Boesch expects that staff will return in November or December with a revised work plan so that the consultant could possibly start in January 2006. Council Member Cohen would like a monthly update on the matter, and Mr. Boesch offered that staff would prepare a monthly informational report.

Council agreed with the approach outlined by the City Manager.

2. Appointment of a Council Subcommittee to review applications and make recommendations for funding Community Programs for Fiscal Year 2005-06.

Mayor Pro Tem Jellins encouraged the two new Council Members to serve on this subcommittee. Carol Augustine, Finance Director, presented the staff report stating that the budget is the same as last year. Mr. Cohen said he would have a conflict of interest because the organization he leads will be filling out an application. Council discussed the time commitment of this process.

Council appointed Council Members Duboc and Fergusson to serve on the subcommittee.

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.

None.

G. WRITTEN COMMUNICATION - None

H. INFORMATION ITEMS

1. Review of the City's Investment Portfolio as of June 30, 2005.

I. COUNCIL MEMBER REPORTS

Mayor Pro Tem Jellins, President of the League of California Peninsula Division, encouraged Council Members to support an independent organization called CitiPac. It promotes lobbying on behalf of cities' interests and he asks for Council's support. Mr. Jellins announced that City staff was asked to do the same, and it has been the group who contributed the most in the Peninsula.

Council Member Duboc announced an upcoming East Palo Alto, Menlo Park and Palo Alto joint meeting to deal with a feasibility study and long term plans for San Francisquito Creek, which runs through these three jurisdictions. Mayor Winkler would like staff to notice residents in the flood plain about this meeting.

Mayor Winkler referred to a letter from Anna Eshoo, announcing that the house passed a bill supporting possible funds for various traffic signals in Menlo Park.

Council Member Fergusson reported that she has begun service on BAWSCA (Bay Area Water Services and Conservation Agency) and she explained the role of this agency, which is to protect the health and economic well being of bay area residents using the Hetch Hetchy water system by planning and implementing improvements to the system.

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

Hank Lawrence believes that Burlingame and Concord, Massachusetts should be looked at for the commercial streamlining work plan comparative analysis. He supports the hotel plans for Sand Hill Road.

K. ADJOURNMENT - the meeting adjourned at 9:18 p.m.

Respectfully submitted,

Silvia M. Vonderlinden, Certified Municipal Clerk

Approved at the Council Meeting of September 20, 2005.