



**CITY COUNCIL
and
COMMUNITY DEVELOPMENT AGENCY
MINUTES**

**Tuesday, August 23, 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 §54957 for the City Manager and City Attorney performance evaluations.

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

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. Swearing in of newly appointed Commissioners.

Silvia Vonderlinden, City Clerk, swore in the following incoming Commissioners: Carol Loucheim, John O'Malley, Clarice O'Neal, Elizabeth Lasensky and Sanjoy Goyle.

2. Appointments to the Environmental Quality Commission and the Library Commission.

The Mayor opened nominations for the Environmental Quality Commission vacancies:
Council Member Duboc nominated David Negrin.
Mayor Winkler nominated Martin Engel.

Vote on the nominations:

One vote for David Negrin.

Four votes for Martin Engel. Mr. Engel is appointed to the Environmental Quality Commission.

Mayor Winkler said that she knows Mr. Negrin and hopes he will apply again.

The Mayor opened nominations for two Library Commission vacancies:

Council Member Duboc nominated James Tedrow.

Mayor Pro Tem Jellins nominated Arthur Traum.

By acclamation the two nominees were appointed to the Library Commission.

3. Correction on Transportation Commission applications presented to Council.

Mayor Winkler announced that this item is being revised because Mr. Cronin's application was not included in the packet due to a staff oversight.

Mayor Winkler asked for nominations for the two Transportation Commission seats:

Council Member Cohen nominates Robert Cronin.

Council Member Duboc nominates Reginald Rice.

Mayor Pro Tem Jellins nominates Henry Lawrence.

Two Council Members voted in favor of appointing Robert Cronin.

Four Council Members voted for the appointment of Reginald Rice.

Three Council Members voted for the appointment of Hank Lawrence.

The two appointees to the Transportation Commission are Reginald Rice and Hank Lawrence.

Council Member Fergusson recognized Mr. Cronin's contributions to the Bicycle Commission, and Mayor Winkler echoed her comments.

4. Recognition of outgoing Commissioner.

Mayor Winkler thanked Transportation Commissioner Don Brawner for his dedication and many hours of service.

The Mayor also welcomed the new Ace Hardware Store on Santa Cruz Avenue, and extended a special thanks to Dave Johnson, Business Development Manager, and Bill Frimel, Minister of Administration, Menlo Park Presbyterian Church, the master lease holder for the hardware store property.

5. The Parks and Recreation Commission will have two vacancies for seats that expire September 2005. The appointees will serve until September 2009. The deadline for receipt of applications is September 21, 2005 at 5:30 p.m.
6. Commission Reports.

B. PRESENTATIONS AND PROCLAMATIONS

Pat White commented on the Arts Commission and recent newspaper articles.

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

D. CONSENT CALENDAR

Item pulled D1

1. Adoption of Resolution No. 5620 authorizing the City Manager to execute a contract with the State of California Department of Education to reimburse the City \$555,270 for child care services at the Belle Haven Child Development Center.
2. Approval of the Minutes for the City Council Meetings of June 9, 2005 and June 14, 2005.

M/S Duboc/Winkler to approve Consent Calendar item D2.

Motion carries with Mayor Winkler and Council Member Fergusson abstaining on the June 9, 2005 minutes but voting in favor of the June 14, 2005 meeting minutes.

Discussion on item D1

1. Adoption of Resolution No. 5620 authorizing the City Manager to execute a contract with the State of California Department of Education to reimburse the City \$555,270 for child care services at the Belle Haven Child Development Center.

Mayor Pro Tem Jellins inquired about the extent to which services provided at the Belle Haven Child Development Center are subsidized. Mr. Jellins would like to know where the remaining funds come from. Michael Taylor, Senior Recreation Supervisor, responded that the majority of the funds are paid from the General Fund. Mayor Pro Tem Jellins encourages staff to find grants to pay for these services. Council Member Duboc announced that soon residents will be getting a survey about General Fund allocations and she encourages residents to fill it out.

M/S Jellins/Duboc to approve Consent Calendar item D1. Motion carries unanimously.

E. PUBLIC HEARING

1. Approval of a condominium conversion for six units at 1050-1060 Pine Street.
(To be continued to the City Council Meeting of August 30, 2005.)

Mayor Winkler announced that this item was moved to next week's meeting. She welcomed public comment from anyone present to speak on the item. There was no public comment.

F. REGULAR BUSINESS

1. Consideration of the feasibility of adding a second northbound left turn lane at the intersection of Middlefield Road with Ravenswood Avenue.

Kent Steffens, Public Works Director, introduced Chip Taylor the City's new Transportation Manager.

Rene Baile, Transportation Engineer, presented the staff report explaining the results of a level of service survey. Mr. Steffens provided a project update which included information about grant applications and discussions with the Menlo-Atherton High School about participating in a study. Council asked questions about bicycle paths, and if an environmental impact document had been prepared by Menlo-Atherton High School regarding its new performing arts facility. Mayor Pro Tem Jellins would be interested to find out if such a document exists and staff offered to research the matter. Mr. Baile presented a “before and after” simulation of how the traffic would flow in the area. Council discussed the need for additional signage (southbound Middlefield) alerting drivers that this is not a merging lane. Staff said this was part of the plan. Council Member Fergusson shared concerns with cyclists’ safety in this area. Mr. Baile said the goal for the northbound lane on Middlefield is to have markings on the street and eventually a traffic signal (south of Ringwood). Ms. Fergusson would like staff to pursue opportunities for grants to channel additional resources towards this project.

Mayor Winkler invited public comment but there was none.

M/S Duboc/Jellins to approve staff’s recommendation and add a second northbound left turn lane at the intersection of Middlefield Road with Ravenswood Avenue and charge staff with having a coordinating role with Menlo-Atherton High School and Town of Atherton. Motion passes unanimously.

2. Review of scope of work for comprehensive traffic study for development proposals in the Linfield/Middlefield/Willow Area.

Justin Murphy, Development Services Manager, gave details about the proposed traffic study. Mr. Murphy said that the applicants at 8 Homewood Place have contacted staff and are no longer interested in pursuing medical use but instead will focus on general office use. Council asked about 8 Homewood Place and the impacts of this new situation. Mr. Murphy said that the other applications are still interested in pursuing their projects and the overall cost of the traffic study will be reduced (because there is one less element to study) but the shared cost will increase.

Council discussed the traffic study and other similar projects. Mayor Winkler asked about the flow of traffic around Seminary Oaks and asked to include a swing lane (a center left turn lane). Mr. Steffens, Public Works Director, said that this had not been considered and this might be a good mitigation. Council discussed various components of the system. One goal Council discussed was keeping traffic out of the Willows and Seminary areas. Council Member Fergusson spoke about a crosswalk (across Middlefield, near Linfield Drive) by the Fire Station, and she would like to add South Seminary area to the study.

Public Comment

Britt Van Thadem lives in the Flood Triangle Neighborhood and is concerned about traffic and its impacts on the neighborhood around Ringwood.

Stu Soffer (with time donated by Fran Dehn) referred to an environmental report for 110 and 175 Linfield Drive that is available for public review. He believes the plan remains fragmented and Mr. Soffer addressed the traffic coming from SRI. In his opinion, the staff report limits the types of mitigations that may be available before knowing traffic results. He asked about plans to narrow Linfield Drive.

Council Member Cohen expressed the view that quality of life is what is at stake, and even though staff has done a good job, the goal should be to look at all projects together.

Elaine Breeze, applicant for the project at 75 Willow Road, reaffirmed her interest in pursuing the traffic study.

Jim Pollock, applicant at 321 Middlefield Road, believes staff has done a good job and he remains committed to address the needs from the people in that area.

Council discussed California Environmental Quality Act requirements for various projects and Mr. Murphy explained the process of Environmental Reports. Council Member Duboc asked questions about the Fire Station in that area.

Bart Spencer, President of the Menlo Park Board of Directors, said that the Fire District has no plans to close the Middlefield Station or any other stations. Mr. Spencer introduced the new Fire Chief and gave details about the Strategic Planning process this agency is engaged in.

Mayor Winkler asked about impact on the cost of the traffic study of adding adaptive signaling, a swing lane, to the list of studied mitigation measures. Mr. Murphy said the impact would be nominal. Council Member Fergusson inquired about zoning requirements that have been grand-fathered in, and Mr. Murphy provided history on the issue.

M/S Winkler/Duboc to accept the recommendation, changing the recommended list of potential mitigations for study to include considering adaptive signaling on Willow Road and a swing lane, delete the double left hand turn at Ravenswood, and consider a crosswalk near the fire station.

Mr. Steffens recommended leaving the double left hand turn at Ravenswood, so that staff can get a better idea of cost and benefit. Council Member Duboc asked if Willow Road would become a more attractive entrance for Palo Alto traffic and Mr. Steffens said it shouldn't be the case.

Mayor Winkler deleted the portion of the motion dealing with the Ravenswood left lane.

The cost and benefits of adaptive signals on Willow Road were discussed. Mayor Winkler asked that this study be completed by September 2005, and Mr. Boesch said this project is already on an aggressive schedule.

M/S Winkler/Duboc reiterated the motion which includes:

- 1) acceptance of the staff report**
- 2) study adaptive signal technology on Willow Road from 101 to Middlefield**
- 3) add a swing lane on Middlefield (a center left turn lane)**
- 4) add an in pavement lighted crosswalk from Linfield Drive to the Fire Station (crossing Middlefield)**
- 5) maintain the double left hand turn at Ravenswood**
- 6) give staff latitude to include or exclude 8 Homewood Place, depending on whether or not the applicant wants to consider a residential project**

Council Member Fergusson asked about the situation with SRI. Mr. Murphy explained that if SRI has plans for new buildings it needs to demolish a comparable amount of space to avoid additional environmental review. Mr. Murphy commented that at this time there are no concrete plans with SRI. Council Member Fergusson asked that this explanation be included in the study, and City Attorney McClure said this could be done. Ms. Fergusson shared concerns about barriers on Middlefield Road and Mr. Steffens said he was not aware of the problem. Council Member Fergusson asked if the NTMP could be placed on a future agenda and there was no Council consensus. Council Member Duboc asked that disclaimers about other projects be included in the study, and Mr. Murphy confirmed it could be done.

Motion passes 4-1 with Council Member Cohen opposing.

Council took a brief break at 9:10 p.m. The council reconvened at 9:16 p.m.

3. Consideration of the reconstitution of the Arts Commission.

Nancy Nuckolls, Business Manager, presented the staff report explaining that the Arts Commission has been inactive since September 2004 and has no current members. Ms. Nuckolls gave a brief description of the role of this advisory body.

Public Comment

Philips Wagner expressed her views on the value of art and how it goes back 40,000 years.

Margery Morse gave reasons why an Arts Commission will benefit residents in Menlo Park. She spoke about other communities that have Arts Commissions.

Milton Borg said he was the first applicant subject to the Percent for Art Ordinance and it was a difficult process for him. However, he sees nothing wrong with an Arts Commission.

Stu Soffer believes there are three things that need to be discussed: the Arts Commission, the Percent for Art Ordinance which was rescinded, and the City cultural plan from several years ago. Mr. Soffer believes this topic should be included on the budget survey.

Council Member Cohen proposes the creation of a commission of seven volunteers to assist staff with its tasks and save the City money. Mr. Cohen believes the Percent for Art Ordinance is not the issue. Council Member Duboc is concerned about the fact that a plan to reinstall the Art Commission will cost money. Mr. Brown said that the work could be divided as long as expectations are clear, and the Commissioners could do some of the leg work and research. Ms. Duboc is concerned that a budget for the Arts Commission will be eventually needed.

Council Member Fergusson would prefer reinstating an Arts Commission with one of its first goals being to define a mission in the context of the City's difficult budgetary situation. Ms. Fergusson spoke about an arts project in the Willows and she does not think art has to be expensive to have an impact. Mayor Winkler said she is torn because she knows this will stretch staff and funds. She would prefer waiting until January when staff will bring back with the Council priority project to explore alternative arts programs. Ms. Winkler said the City is already offering a lot of art through the Activity Guide. Council Member Cohen disagreed with this approach. Council Member Duboc said that nothing has a zero cost and she would like to be fiscally prudent. She opposes adding services that don't have a budget.

M/S Fergusson/Cohen to reconstitute the Arts Commission with the first mission being defining a scope and a mission in tough fiscal times.

Council Member Fergusson acknowledged the contributions of Susan Wringler to the Willows area art project. Mayor Winkler asked staff if the report on alternative programs could be expedited, and staff said the earliest would be mid-December. Mayor Pro Tem Jellins would like to know the scope of work. Mr. Brown explained that the scope of work includes looking at art programs and how they are funded in other cities, and what can be done at no cost or low cost. Mayor Pro Tem Jellins does not accept that the commission was disbanded, since the Commission resigned in mass. He supports postponing the item until January 2006.

Mayor Pro Tem Jellins made a friendly amendment to adjust the timeline and appoint an Arts Commission at or about the time when staff presents the arts program report to Council. This includes having a potential scope of work for an Arts Commission, and a subcommittee of Council Members to work with the appointed group and staff, focusing on a list of items the Arts commission could look at including budget implications.

Council Member Fergusson would like the new Arts Commission to help prepare the staff report, and she believes this could happen in parallel. Council Member Cohen does not agree with Mr. Jellins' friendly amendment. Mayor Pro Tem Jellins withdrew his friendly amendment. Council Member Duboc asked about the possibility of uniting the Arts and the Parks and Recreation Commissions. She suggested appointing two arts people to the Parks and Recreation commission and maybe calling it Community Service Commission. Ms. Duboc stated that since the Parks Commission is already budgeted this wouldn't have as much financial impact. Mayor Pro Tem Jellins prefers this approach.

Substitute motion - M/S Duboc/Jellins to:

- **take the possibility of merging the Arts Commission with the Parks and Recreation Commission to an upcoming Parks and Recreation Commission Meeting for feedback**
- **return item to Council when the staff report on the arts programs is before Council.**

Vote on the substitute motion.

Motion to substitute carries with Cohen and Fergusson opposed.

Vote on the substitute motion.

Motion passes 3-2 with Cohen and Fergusson opposing.

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.

G. WRITTEN COMMUNICATION

1. Request from the Menlo Park Fire Protection District to agendaize consideration of an ordinance to require automatic fire sprinklers in single-family dwellings.

Council Member Fergusson asked that the three-minute rule be extended for representatives from the Fire Protection District.

Bart Spencer introduced the new Fire Chief Doug Sporleder. Mr. Sporleder thanked the Council for its time and he is looking forward to serving the community.

There was no public comment.

Council Member Fergusson explained that in her opinion this is a different proposal than the previous one, because it applies to new single dwelling residences. Council Member Fergusson said she would like to move placing this item on a future agenda. Mayor Pro Tem Jellins asked for clarification on what is new about this proposal. Ms. Fergusson believes the focus on new residential dwellings is something new, and Mayor Winkler said this had been considered in the past. Mayor Winkler asked about the International Building Code and Mr. Boesch explained that from his understanding this code may in the future require residential fire sprinklers.

M/S Fergusson/Cohen to place this proposal on a future agenda and discuss the item.

Mr. Spencer asked Fire Marshals Hass and Ron Kiefer to provide Council with information on the two codes that regulate building. Mr. Kiefer said California does not subscribe to the National Fire Protection Building Code, and has voted to go with the International Building Code instead. Under this agency, there is a proposal that will be heard in September, requiring fire sprinklers for new residential buildings. Council discussed the matter and various members of the District came forth and explained their case.

Mayor Winkler would prefer to hold off on this conversation until September and find out what direction the International Building Code goes and then have a productive conversation.

Michael Lambert addressed Council and spoke about societal cost versus the actual cost of implementation of sprinklers. Mr. Lambert said that the National Institute of Standards and Technology is in the course of doing another cost benefit analysis and it would be good to see the results.

Mr. Kiefer confirmed that every three years the codes are available for modification and this modification would be for the 2006 code version, which would come out in May 2006. Once it is accepted by the State, then local agencies have 180 days to review the new code and adopt it or make it more stringent.

Mayor Winkler and Mayor Pro Tem Jellins would prefer bringing this back 180 days after the State takes action. Council Member Fergusson would like to have a discussion on the matter and not wait. Mayor Winkler said that this discussion has taken place; however, because the two new Council Members were not present and because there is a new Fire Chief then Council can revisit the item for the benefit of the new members.

Mayor Winkler announced that this matter would come back per the motion made.

H. INFORMATION ITEMS - None

I. COUNCIL MEMBER REPORTS

J. PUBLIC COMMENT #2 (Limited to 30 minutes) - None

K. ADJOURNMENT – the meeting adjourned at 10:27 p.m.

Respectfully submitted,

Silvia M. Vonderlinden, CMC

Approved at the Council Meeting of October 18, 2005.