



CITY COUNCIL and COMMUNITY DEVELOPMENT AGENCY MINUTES

Tuesday, August 30, 2005
7:00 p.m.
701 Laurel Street, Menlo Park, CA 94025
Menlo Park City Council Chambers

5:30 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.

Reconvene in Open Session and Report on Aforementioned Closed Session.

Mayor Winkler stated 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 incoming Commissioners.

City Clerk Vonderlinden swore in Hank Lawrence, James Tedrow and Martin Engel as newly appointed Commissioners.

2. 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.
3. Commission Reports.

B. PRESENTATIONS AND PROCLAMATIONS - None

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

Roxanne Rorapaugh spoke on Consent Calendar item D7 providing personal views on Impact Sciences. Ms. Rorapaugh shared newspaper articles that question the work of this company.

D. CONSENT CALENDAR

1. Community Development Agency actions 1) overruling of a bid protest by Graniterock; 2) adoption of Resolution No. 280 authorizing a budget amendment from the Redevelopment Agency 2000 Bond proceeds increasing the project budget in the amount of \$168,000 for the Belle Haven overall street improvements 2005 project; 3) award of a contract for the construction of the Belle Haven overall street improvements 2005 project to Golden Bay Construction, Inc. in the amount of \$1,083,842; and 4) authorization of a budget of \$1,324,000 for construction, contingencies, testing, engineering, inspection, and administration.

Item D2 pulled

2. Authorization to install a 40-foot "No Parking" zone on El Camino Real, South of Stone Pine Lane.

Item D3 pulled

3. Acceptance of work for the Menalto Avenue and Avy Avenue sidewalk improvement project.

Item D4 pulled

4. Authorization of the City Manager to enter into a Cost-Sharing Agreement in the amount of \$15,470 with California Water Service Company for the installation of a water line in Parking Plaza 5; award of a contract to O'Grady Paving, Inc. in the amount of \$598,700 for the Parking Plaza 5 improvement project; and authorization of a project budget in the amount of \$797,799 for construction, contingencies, material testing, and construction administration.
5. Acceptance of work for the fiscal year 2004-05 water main replacement project.
6. Adoption of Resolution No. 5621 to approve the final map for the San Antonio Homes subdivision project located at 1421-1431 San Antonio Street and accept the easement dedicated to the City for public use.

Item D7 pulled

7. Authorization of the City Manager to execute a Master Agreement with Impact Sciences, Inc. for preparation of environmental documents for various development projects and authorization of the City Manager to sign purchase requisitions for said consulting services in excess of \$25,000 up to a maximum of \$300,000 paid for by privately sponsored developments.

M/S Duboc/Fergusson to approve Items D1, D5 and D6. Motion carries unanimously.

Discussion on Item D2

2. Authorization to install a 40-foot "No Parking" zone on El Camino Real, South of Stone Pine Lane.

Mayor Pro Tem Jellins thanked all parties involved for their cooperation on this issue. He asked about other intersections i.e. Buckthorn and Spruce. Mr. Steffens said that the recommendation was to make various intersections consistent. Mr. Steffens added that even if this is approved by Council the item still needs Caltrans' approval.

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

Discussion on Item D3

3. Acceptance of work for the Menalto Avenue and Avy Avenue sidewalk improvement project.

Mayor Winkler asked if the item includes street work at the intersection of Gilbert and Menalto, which Mr. Nino confirmed. Ms. Winkler shared concerns about water collection and Mr. Nino said the drainage issues in the area are being looked at.

M/S Winkler/Duboc to approve Consent Calendar Item D3. Motion carries 4-1 with Fergusson abstaining.

Discussion on Item D4

4. Authorization of the City Manager to enter into a Cost-Sharing Agreement in the amount of \$15,470 with California Water Service Company for the installation of a water line in Parking Plaza 5; award of a contract to O'Grady Paving, Inc. in the amount of \$598,700 for the Parking Plaza 5 improvement project; and authorization of a project budget in the amount of \$797,799 for construction, contingencies, material testing, and construction administration.

Mayor Winkler asked about transferring certain trees to other areas besides Nealon Park. She would like to find another destination for the trees. Council Member Fergusson will not support this motion because she has strong reservations with the parking lot design and the removal of the trees.

M/S Duboc/Jellins to approve the staff recommendation.

Council Member Duboc pointed out that seven trees were being added.

Motion carries 4-1 with Fergusson opposing.

Mayor Pro Tem Jellins would like to have staff administratively look at separate drinking fountains for canines and humans. Mayor Winkler supports this approach.

Discussion on Item D7

7. Authorization of the City Manager to execute a Master Agreement with Impact Sciences, Inc. for preparation of environmental documents for various development projects and authorization of the City Manager to sign purchase requisitions for said consulting services in excess of \$25,000 up to a maximum of \$300,000 paid for by privately sponsored developments.

City Manager Boesch explained that the City of Menlo Park has had positive experiences with this firm, and clarified that Menlo Park is dealing with the Northern California office. Mr. Murphy, Community Development Manager, explained that the previous request for qualifications was never received by this firm, due to a typo in the email address. Council Member Cohen asked if this could be postponed and Mr. Murphy said this would have short term impacts on the scope of work. Council Member Fergusson would like one more round of reference checks. Mayor Pro Tem Jellins said the articles mentioned by the speaker were from 2004 and 1999 and relate to the Los Angeles area.

M/S Jellins/Winkler to approve the staff recommendation with, with direction for staff to do additional background checking to determine if there is cause for concern. Once this is completed, staff is to administratively make a determination.

Motion carries 3-1-1 with Cohen abstaining and Fergusson opposing.

E. PUBLIC HEARING

1. Consideration of a request for a tentative subdivision map to convert six residential units into six condominium units, architectural control for minor exterior modifications, and a Below Market Rate (BMR) agreement for property located at 1050-1060 Pine Street.
(Continued from the City Council Meeting of August 23, 2005.)

Deanna Chow, Associate Planner, presented the staff report. Council asked about the existing tenants and Ms. Chow said that they were notified about the process and would have first right of refusal to purchase. A letter received from Mr. Don Charles, one of the current tenants, was discussed.

Mayor Winkler Opened the Public Hearing.

Charles Pick, architect for the project, addressed the Council and offered to answer questions.

Don Charles, a resident at the property, stated he does not want to be displaced. Mr. Charles asks to have priority on the BMR unit and to be given an exception.

Robert Barnick, the applicant, offered to answer Council questions.

M/S Winkler/Jellins to close the Public Hearing. Motion carries unanimously.

M/S Jellins/Duboc to move staff recommendation and bring back the policy issue of amending the BMR guidelines, to address tenant priority in condominium conversions.

Mayor Pro Tem Jellins asked how this item could be placed on a future agenda and City Attorney McClure explained it would come back as a review of the BMR Housing Program Guidelines. Mayor Pro Tem Jellins stated he would like to hear the Housing Commission's recommendation, but he is inclined to grant the request. Council discussed the number of rental units as well as proposed upgrades to the building.

Mr. Pick gave details about the new roof to be installed; the shared walls improvements, and replacement of most windows. Mr. Pick added that the CC&R's meet State requirements.

Mr. McClure was asked if he had reviewed the CC&Rs and he confirmed that he had. City Attorney McClure asked for confirmation that the motion included:

- 1) **directing staff to return with reconsideration of the BMR guidelines to address Mr. Charles' situation; and,**

- 2) **including the fact that any revisions to the BMR guidelines will then be applicable to the BMR agreement that is being approved tonight.**

The maker and second of the motion agreed with this language. Motion carries unanimously.

2. Adoption of Resolution No. 5622 approving a building construction street impact fee in the amount of 0.58 percent of the total construction project value and exempting residential alterations, residential repairs, and all projects less than \$10,000.

Ruben Nino presented the staff report explaining the study that took place and which streets were evaluated over the five-year period. The fee to be charged was explained as was the study conducted by Stanford University students. It suggested a two step approach: 1) analyze the road maintenance system and characteristics of Menlo Park in comparison with other cities to explain pavement condition; and 2) determined how to equitably assess development projects to recover the cost/damage caused by construction vehicles. Staff explained the four options before Council and revenue impacts.

Council asked questions about the redevelopment area. The Stanford study was discussed and Council inquired about option number two. Council pursued the topic of truck trips and the cost of a building permit and how the various impact levels are represented. The fees charged by other cities were discussed. Mayor Winkler believes the cost impact should be related to the road damage and not the funding gap.

Mayor Winkler opened the public hearing.

Public Comment

Lou Deziel disagrees with the exemptions and believes everybody should pay for this. He opined that residents are disconnected from the budget problem in the city.

Heyward Robinson applauds Council for this approach, however he is of the opinion that that there is signage restricting certain weights on certain City streets, and this is not being enforced.

Mike Lambert believes there needs to be a comprehensive solution, and he thinks garbage trucks are doing damage to our community and should pay for it.

Mr. McClure explained that the Council did approve an increase in the franchise fee to address this issue.

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

Council asked staff which options would be easiest to administer. Mr. Nino said that option one and four would be the simplest to administer. Council discussed the various options and how option two or three would encourage people to think about street impacts. Council Member Cohen said that the cost is not being fully picked up. He thanks staff for a difficult job well done. Council discussed where the remainder of the money would come from and staff said it is still looking at it. Council Member Fergusson believes something needs to be done now. The funds needed were discussed and the current standard of city streets. Council Member Fergusson stated that there is hard evidence that construction is doing damage and so a fee is justifiable.

M/S Duboc/Jellins to approve staff recommendation option #2 which exempts residential repairs, residential alterations, and all projects under \$10,000 and sets the fee at 0.58%. This approval is subject to two stipulations:

- 1) **a 3-year sunset clause**
- 2) **if a project, as a condition of the permit includes doing a major street improvement, then the applicant is exempt (as well as for those who are paying sizable street impact fees)**

Council Member Fergusson believes that construction related traffic is causing the damage and it should be recovered. Ms. Fergusson objects to the sunset clause and to the fee imposed, she believes it should be a higher fee. Council Member Cohen believes that the cost should be placed where it belongs. Council discussed the outreach that has been done on this issue. Mr. Nino explained that staff went to the Chamber of Commerce and the Board of Realtors to present this report, and a public hearing took place last year.

Motion carries 3-2 with Cohen and Fergusson opposing.

Council took a five minute break at 9:32 p.m. Council reconvened at 9:37 p.m.

Mayor Winkler announced that the budget surveys will be available to residents soon and residents are encouraged to fill them out.

F. REGULAR BUSINESS

1. Approval of the installation of in-pavement lighted crosswalks at Ravenswood Avenue at Alma Street, Santa Cruz Avenue at Johnson Street, and Oak Grove Avenue in front of the Menlo Park Post Office.

Rene Baile, Transportation Engineer, presented the staff report and a history of events. The benefits of in-pavement lighted crosswalks were enumerated. Mr. Baile explained why and how these intersections qualified for the in-pavement lighted crosswalks. Council asked about keeping the flags at Ravenswood and Alma even with the in-pavement lighted crosswalk and staff said the plan is to take them out so that the traffic signs do not become redundant. Council Member Duboc is concerned about taking out the flags. Mayor Winkler asked if staff is going to monitor the program and Mr. Baile said it could be done.

Public Comment

Douglas Cowger asked Council to not take out the flags at Ravenswood and Alma because they add to safety. He said depending on the light during different times of the day, the flags are helpful.

Stephen Foreman supports the in-pavement lighted crosswalk at Ravenswood Avenue at Alma Street because he believes this is a dangerous intersection. He asked for an additional sign "Stop For Pedestrians" to be installed.

Heyward Robinson asked about the data provided and he believes that Ravenswood is a major thoroughfare and traffic should not come out of Alma. He would like the Alma exit to be right turn only.

Lou Deziel believes the paddle sign in the middle of the street is dangerous and he does not support it. He believes the flags get stolen and he does not believe they are effective.

Council asked about previous studies conducted in this area. Mayor Pro Tem Jellins believes lighted crosswalks are a move in the right direction.

M/S Jellins/Cohen to move staff recommendation.

Council Member Fergusson asked if it was possible to keep the flags at Ravenswood and Alma. Mr. Baile said that staff's recommendation is to take these out, but it is Council's call to have two mitigation tools. Ms. Fergusson would like to keep the flags at Ravenswood and Alma. Mayor Winkler asked questions about the flags. Mr. Boesch said that there is a turning restriction at this intersection. Ms. Fergusson would like to keep the flags because she has observed the vulnerable segments of the population using them.

City Manager Boesch offered to have staff develop a transition plan that includes keeping the flags longer, and monitoring the new in-pavement lighted crosswalks. The maker and second of the motion agreed on adding these words to motion.

Motion carries unanimously.

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 - None

H. INFORMATION ITEMS - None

I. COUNCIL MEMBER REPORTS - None

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

K. ADJOURN TO A CLOSED SESSION – the meeting adjourned at 10: 25 p.m. to a closed session.

L. CLOSED SESSION (First Floor Conference Room – Administration Building)

1. Closed Session pursuant to Government Code Section §54956.9(b)(1) regarding potential litigation against the City of Menlo Park.

Reconvene in Open Session and Report on Aforementioned Closed Session.

M. ADJOURNMENT – 11:15 p.m. adjournment from the closed session with nothing to report.

Respectfully submitted,

Silvia M. Vonderlinden, Certified Municipal Clerk (CMC)

Approved at the City Council Meeting of October 18, 2005.