



**CITY COUNCIL
and
COMMUNITY DEVELOPMENT AGENCY
MINUTES**

Tuesday, November 15, 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

PLEDGE OF ALLEGIANCE

STAFF PRESENT - David Boesch, City Manager; William McClure, City Attorney; and Silvia M. Vonderlinden, City Clerk. Various department heads and other City staff were also present.

Mayor Winkler announced a joint Bicycle and Transportation Commission meeting that will take place on November 16, 2005 at 7:00 p.m. The meeting will take place in the Council Chambers.

A. COMMISSION VACANCIES AND REPORTS

1. One vacancy on the Bicycle Commission to fill an un-expired term that ends in April 2007. The deadline for receipt of applications is December 14, 2005 at 5:30 p.m.
2. Commission Reports.

B. PRESENTATIONS AND PROCLAMATIONS - None

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

Marcia Bever spoke in support of Consent Calendar item D1. Ms. Bever enumerated the benefits of children riding to school and encourages Council to approve D1 to increase safe routes to school.

D. CONSENT CALENDAR

Item pulled D1

1. Adoption of Resolution No. 5637 authorizing the City Manager to submit an application and execute agreements with the California Department of Transportation (Caltrans) to receive a Fiscal Year 2006-07 Bicycle Transportation Account (BTA) Grant to expand the City of Menlo Park's existing Bikeway Network.
2. Authorization to install Parking Restrictions along the creek side of the 800 block of Creek Drive.
3. Adoption of Resolution No. 5636 authorizing staff to execute Program Supplement Agreement No. M006 Rev. 1 to Administering Agency-State Agreement with the California Department of Transportation (Caltrans) for Federal-Aid Project No. 04-5273, covering construction and construction engineering for the Emergency Vehicle Priority Systems Installation on Willow Road between Middlefield Road and Bayfront Expressway (SR-84).

M/S Jellins/Duboc to approve items D2 and D3. Motion carries unanimously.

Discussion on item pulled D1

1. Adoption of Resolution No. 5637 authorizing the City Manager to submit an application and execute agreements with the California Department of Transportation (Caltrans) to receive a Fiscal Year 2006-07 Bicycle Transportation Account (BTA) Grant to expand the City of Menlo Park's existing Bikeway Network.

Mayor Winkler shared concerns about accessing El Camino Real via Ravenswood because she doesn't find this a safe bicycle route. She suggested that the bicycle route go down Laurel to Oak Grove to El Camino Real. Chip Taylor, Transportation Manager, said that while Ravenswood is a more direct route,

Oak Grove is not as busy. Mr. Taylor said this option would increase the cost by \$2,000 because of additional signage.

M/S Winkler/Fergusson to approve the item, increasing the City's 10% share to \$7,090, and use Oak Grove as the connecting route to El Camino Real.

Council discussed the two options asking additional questions of staff regarding the two solutions.

Motion carries unanimously.

E. PUBLIC HEARING

1. Adoption of Resolution No. 5638 accepting Fiscal Year 2005-06 State Supplemental Local Law Enforcement Grant (COPS Frontline) in the amount of \$100,000 and approval of a request to use the funds in conjunction with \$80,000 in funds from the Fiscal Year 2004-05 COPS Frontline Grant in accordance with State requirement.

Chris Boyd, Police Chief, presented the staff report asking that Council pass a resolution to accept the grant. Mr. Boyd explained that the funds go towards technology, equipment and some labor costs.

Mayor Winkler opened the public hearing. There was no public comment.

Council consensus was to close the public hearing.

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

F. REGULAR BUSINESS

1. Consideration of and direction on the Lorelei Manor Zoning Overlay District request.

Linda Heineck, Director of Community Development, provided details on the request from Lorelei Manor. Ms. Heineck explained that the applicant is asking that this become a Council-directed project. The implications with this approach were discussed as far as cost and prioritization of other projects. Council inquired about the timeline and other Planning department priorities. Mayor Pro Tem Jellins suggested starting the project in February '06, and Ms. Heineck said this is a viable option.

Public Comment

Louise DeDera, with the Woodside Atherton Auxiliary, requested that the Allied Arts project continue on the high priority list given that an Environmental Impact Report is needed for the evening events. She believes this is a more urgent matter because people with evening reservations are being impacted.

Michael McKay, homeowner in the Lorelei Manor, asked that Council direct staff to pursue this project as a Council directed priority. He hopes the Council approves the overlay because it would add flexibility to the substandard lots. He supports Mayor Pro Tem Jellins' suggestion to begin work in February 06.

Henry Riggs, President of the Lorelei Manor Association, requested that Council look favorably on this matter. He disclosed that this organization has \$3,232.14 in the bank and the hope is that the Council can take this on as a priority. Mr. Riggs explained how this issue emerged, and how there was support from the members to pursue the matter. He provided details on the history and outreach. He concurs with the schedule of beginning in February of 06.

Mayor Winkler disclosed that she had offered Mr. Riggs more time to address the Council.

Council Member Duboc commented that Mr. Riggs is an architect by profession and serves on the City's Planning Commission. Council discussed the schedule of starting this project in February and ending in June 2006. Ms. Heineck said that she feels comfortable with that timeline; however, the main caveat is the budget process and what it will encompass. Council asked about the current cost of a permit and Ms. Heineck said that on average it is \$1,200. Council discussed the history of projects in the Lorelei Manor and Ms. Heineck said that annually there are one to two permits that get processed. Council asked if this would be an incentive for other neighborhoods to request overlays. Ms. Heineck answered that it is hard to predict because this requires a well coordinated effort.

Council Member Fergusson asked about the noticing for this meeting. Ms. Heineck said that the usual process was followed of posting agendas. Additionally, the Lorelei Manor Association and other interested parties were notified, however individual residents were not notified. Ms. Heineck offered that

broad noticing will take place and staff will make itself available to meet with the public. Staff's availability will also be noticed and will be extended to people on adjoining properties. Council Member Fergusson asked when the critique of the drawings will take place. Ms. Heineck said that whatever the applicant submits to the City this will be public information and available to the public.

Council Member Fergusson asked about obtaining signatures because she wants to avoid the situation of having neighbors persuading each other to sign. Ms. Heineck said that staff does not expect to repeat the survey, but instead hear from the public through the public hearing process. Ms. Heineck said that in the past staff has conducted surveys, but in this case it has been done by the applicant and it might be a duplication of efforts. Ms. Fergusson is concerned with setting a precedent of a less rigorous process. Ms. Heineck said the process is not codified in the Municipal Code so there is a degree of flexibility and it is the Council's call to decide what makes the most sense. The Council priorities were discussed and Ms. Fergusson would like to see staff review edge conditions and impacts on neighboring areas.

Council discussed Lorelei Manor's 89 parcels. Mayor Pro Tem Jellins said the compromise approach appeals to him, and he believes this should be adopted as a Council project. However, Mr. Jellins would like a document that outlines the process. Ms. Heineck said this could be done.

M/S Jellins/Duboc directing staff to:

- **commence work in February `06**
- **adopt this application as a Council project**
- **have staff return with a project template or outline of steps, that will allow for a better discussion about policy issues (noticing requirements, survey methodology).**
- **motion includes Ms. Heineck making herself available to meet with residents and this will be specified in the notice.**

Mayor Winkler asked about movable projects on the project priorities list and Ms. Heineck offered the following: A) changes to the PAL Loan program B) fire sprinklers ordinance C) postponing the Housing Element. Ms. Winkler said that because of the 80% resident response to this survey, she is content to let the process go forward as is, instead of requiring another survey. Ms. Duboc asked if the survey information would be included, and Ms. Heineck confirmed. Council Member Cohen commended Mr. Riggs for all his work and he supports having neighbors resolve issues amongst themselves. Council discussed payment options, and the City Attorney outlined different possibilities for the applicant. Council asked questions of Mr. Riggs about cost and he believes that a definable cost is not set; he opined that there are benefits and savings to the neighborhood and the City because of this overlay. Council Member Duboc believes the survey done by the neighborhood is already a cost savings.

Council Member Fergusson explained what she considers due process, and her main concern is that people understand that their zoning rights are going to change and she wants this done in an objective manner. Ms. Heineck outlined the proposed process which includes: i) staff meets with representatives from Lorelei Manor to clarify the list of 10 regulations so that staff can make sure they are objective and measurable ii) staff drafts a zoning ordinance amendment that includes all the regulations iii) staff provides this document to Lorelei Manor to share with the neighborhood and give them an opportunity to provide staff with feedback on changes, questions, and issues. Once there is agreement on the draft ordinance: iv) staff prepares a negative declaration for the project, v) staff prepares and sends out the public hearing notice that will go to every member of the Lorelei Manor neighborhood as well as adjacent neighborhoods. This notice will be published in the newspaper and the availability of the negative declaration as well as the date of the Planning Commission public hearing will be included. The notice will also reference Ms. Heineck's availability to meet with the public to review the proposal in depth. Subsequently, the negative declaration will be released for a 20-day review period.

Council Member Fergusson does not find this satisfactory because she believes other cities reach out to the neighborhoods and provide objective presentations. She would like to augment the process and have one more meeting in the neighborhood and this meeting to be led by staff. Ms. Heineck offered to attend the meeting of the association to answer questions. Council Member Fergusson reiterated her desire to have a City sponsored meeting in a neutral location. She believes this will ensure that the interests of the residents are protected. Council discussed the process that has taken place to date and the merits of Ms. Fergusson's approach. Council Member Duboc asked if the notice could list the availability of staff to answer questions and staff confirmed that was the case. Council Member

Fergusson shared concerns that this approach may set a precedent and she does not believe this meets a minimum standard of open government since one or more meeting is not being held in a neutral setting.

Mayor Pro Tem Jellins amended his original motion to include the components that Ms. Heineck outlined in the discussion, and the notice specifying staff's availability to meet with interested parties to discuss the proposal. The second of the motion agreed with this addition.

Mr. Riggs was asked to comment on the various approaches discussed. Mr. Riggs understands the concerns expressed by Ms. Fergusson and supports that the neighborhood should have the opportunity to ask staff questions in a neutral setting. Mr. Riggs addressed what he believes to be the issue of intimidation and he clarified that at the Lorelei Manor Association he holds zero power. He does not believe the association is intimidating at all. Mr. Riggs said that if a meeting took place at the church probably 6 or 8 people would show up but he would not oppose it.

Council Member Fergusson questioned the action of changing Council priorities at this meeting, and Ms. Heineck said that staff is not proposing to remove any item on the priority list but simply reorder them. Ms. Winkler thanked the Lorelei Manor for their patience, and it is her belief that there are inherent savings to the City if the overlay ordinance moves forward. Council Member Fergusson disagrees with spending taxpayer funds for this end. Ms. Winkler believes this neighborhood is only now becoming like half of the neighborhoods in Menlo Park. Council Member Duboc said that as a whole the city pays for a lot of services that benefit only a segment of the population. Council Member Fergusson believes this is setting a precedent and it is not meeting the minimum standard of open government. Ms. Duboc objected to these comments because the meetings of the City Council and Planning Commission are open to the public. Council Member Cohen explained that Ms. Fergusson's concerns are understandable because not everybody is as conscientious and proactive as the Lorelei Manor Association, and if there is a situation in the future when the process is not as thorough he will be the first to break from this precedent. A majority of Council Members concurred with Council Member Cohen's statement and this satisfied Ms. Fergusson's concerns.

Motion carries unanimously. Mayor Winkler thanked Council Member Cohen for his efforts.

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 -

Council Member Duboc explained that she will miss the Budget Advisory Committee meeting this Thursday because she will be at the San Francisquito Creek Joint Powers Authority Board meeting.

Council Member Fergusson announced that she will attend a conference in Burbank, CA about Police Hiring and Retention. Ms. Fergusson reported on a presentation by the County Office of Emergency Services about avian flu. She said it was informative and senior City staff will be viewing it on DVD. She encourages Council Members to view the DVD.

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

K. ADJOURNMENT – the meeting adjourned at 8:55 p.m.

Respectfully submitted,

Silvia M. Vonderlinden, CMC

Approved at the Council Meeting of January 10, 2006.