



**CITY COUNCIL
and
COMMUNITY DEVELOPMENT AGENCY
MINUTES**

Tuesday, March 21, 2006

7:00 p.m.

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

Teleconference with participation by Council Member Cohen from Il Bargello Bed and Breakfast, Via Pandolfini No. 33, Firenze 50122, Italy (Posted March 16, 2006). Teleconference did not take place.

6:00 p.m. Closed Sessions (First Floor Conference Room – Administration Building)

1. Closed Session pursuant to Government Code Section §54956.8 regarding proposed price and terms of proposed lease with Highlands Golf for a portion of Bayfront Park. Parties present: William McClure, City Attorney, David Boesch, City Manager.
2. Closed Session pursuant to Government Code Section §54956.8 regarding the Police Annex/City Service Center agreement. Parties present: William McClure, City Attorney, David Boesch, City Manager.
3. Closed Session pursuant to Government Code Section §54956.9 (b) and/or (c) regarding potential litigation by or against the City. Parties present: William McClure, City Attorney, and David Boesch, City Manager.

Reconvene in Open Session and Report on Aforementioned Closed Sessions.

Mr. McClure reported that Highlands Golf LLC withdrew its proposal. Council Member Duboc asked that on a future agenda Council discuss the consideration of playing fields at Bayfront Park. Mayor Pro Tem Fergusson expressed reservations about pursuing this issue. Council direction was to schedule the matter for discussion.

7:00 p.m. REGULAR MEETING (Menlo Park City Council Chambers) 7:05 p.m.

ROLL CALL - Jellins, Fergusson, Cohen (absent), Duboc, Winkler

STAFF PRESENT - David Boesch, City Manager, William McClure, City Attorney, Silvia Vonderlinden, City Clerk. Other City staff was also present.

PLEDGE OF ALLEGIANCE

A. COMMISSION VACANCIES AND REPORTS

1. Request for Council direction on appointment to the Planning Commission.

Mayor Jellins asked City Clerk Vonderlinden to outline the request from staff. Ms. Vonderlinden stated that staff is seeking Council direction on whether to: interview the applicants, appoint from the list, or have Council contact the applicants individually. Mayor Pro Tem Fergusson thanked the applicants for their interest and her preference would be to schedule interviews. Council Members Winkler and Duboc agreed with Ms. Fergusson. City Manager Boesch said staff would work on a date that includes Council Member Cohen's participation.

2. One vacancy on the Las Pulgas Committee to fill an un-expired business member seat that expires March 2009. The extended deadline for receipt of applications is April 5, 2006 at 5:30 p.m.
3. Commission Reports.

B. PRESENTATIONS AND PROCLAMATIONS

1. Proclamation celebrating "Week of the Young Child" April 2, 2006 through April 8, 2006.

Carolina Gaskin, Burgess School-Age Child Care Program Assistant, and Kelly Gallo, Menlo Children's Center Teacher, were in attendance to receive the proclamation.

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

Nancy Borgeson, with time donated by Chris MacIntosh, made comments as a representative of the Friends of Bayfront Park, opining that Council and staff have made misleading statements regarding Bayfront Park. She shared various figures and asserted that as of the beginning of the fiscal year there was \$1.65 million in the park maintenance fund. She counteracted what she believes are previous comments made by certain Council Members. Her suggestion is for the process to include the following steps: 1) carry out a fact-based reallocation of maintenance and capital cost between the park and the landfill 2) prepare financial projections for the park and landfill funds based on historic or actual numbers 3) prepare alternative financial projections for the park and 4) ask the Parks and Recreation Commission to revisit the Measure T funds and present the results of this process to residents.

Council Member Winkler responded that as of 2012 all the City's special funds will be depleted. Ms. Winkler acknowledged telling the press that the park will cost \$736,000 a year and all this information is based on public documents provided by staff.

John Slater said that it is confusing for people the split of the cost for maintenance of the landfill and the recreational park cost. He opined that Bayfront Park costs less than previously mentioned and disagrees with the notion that its users are responsible for an annual expense of \$750,000.

Dr. Kay Gamo, a physician at the Belle Haven Clinic, said she gets to work with the less visible seniors of that area. Ms. Gamo explained the need of many of her patients, and dependence on various programs, in particular the Transportation program. She urged Council to maintain current service levels at the Menlo Park Senior Center.

Rafaela Quintero, with the assistance of a translator, asked Council to maintain the Transportation program since many seniors need it. She asked Council to keep current service levels and not implement any cuts because residents depend on those services.

Juan Reese addressed Council on a report that was on last week's Council Agenda. Mr. Reese finds the report misleading and commented on the legitimacy of stops by Police Officers. He said he is not the average Belle Haven resident and many of them do not know their rights.

D. CONSENT CALENDAR

1. Authorization of the City Manager to enter into contract negotiations with the City of San Carlos to provide police communications services.
2. Authorization of the City Manager to negotiate and enter into a Memorandum of Understanding with Peninsula Partnership and Belle Haven Elementary School to provide hiring and fiscal services for the Belle Haven Elementary Full-Service School Project (Community School).

Item pulled D3 (Minutes for January 31, 2006)

3. Approval of the resubmitted City Council minutes of January 24, 2006 (*attachment*), the minutes for the City Council Meeting of January 31, 2006, (*attachment*) and minutes for the Study Session of February 7, 2006. (*attachment*)

Council Member Winkler pulled the Minutes of January 31, 2006.

M/S Duboc/Winkler to approve all Consent Calendar items with the exception of the Minutes of January 31, 2006. Motion carries 4-0-1 with Cohen absent.

Ms. Winkler mentioned she had one change on page three of said minutes and the Mayor read it.

M/S Winkler/Duboc to approve the corrected minutes. Motion carries 4-0-1 with Council Member Cohen absent.

E. PUBLIC HEARING

1. Consideration of a request for a General Plan Amendment (Resolution No. 5660), Rezoning, Conditional Development Permit, Tentative Subdivision Map, Below Market Rate Housing Agreement, Heritage Tree Removal Permit and Environmental Impact Report to demolish two existing office buildings and construct a total of 56 residential units on properties located at 110 Linfield Drive and 175 Linfield Drive, and approval of a left turn restriction during the weekday

hours of 7:00 a.m. to 9:00 a.m. from northbound Alma Street to westbound Ravenswood Avenue.
Resolution No. 5660 (Staff Report #06-055)

Justin Murphy, Development Services Manager, explained the breath of the application and the project in general. He said that the proposal was reviewed on multiple occasions by various Commissions. Mr. Murphy explained that the draft conditions of approval were revised and he covered certain details in regards to the streetscape.

The applicant, Kevin Fryer, with Mission Valley Properties, thanked staff for its work and assistance. He said that the process has taken 3 ½ years. He introduced Mark Day, the architect, who shared some of the highlights of the plan and various stills. Mr. Day expressed his excitement in bringing this project to the community. Mr. Fryer covered each aspect of the project, the studies performed to date and the analysis involved adding that this project is the result of a balancing act.

Council posed questions about the lack of parking. Mr. Fryer explained that each of the homes has a two car garage and there are 20 guest parking spots; overnight on-street parking is not allowed. Council discussed the parking issue. City Attorney McClure was asked to comment and he said that the applicant at 321 Middlefield will also come forward and ask for an approval and the Council could demand an agreement with the homeowners of 175 Middlefield to allow parking. Mr. McClure also commented that the language in the current document is to encourage the current applicant to negotiate in good faith. Council discussed the intersection at Middlefield and Linfield, the cost of the adaptive signal technology that is being included as well as the cost split.

Council engaged in some discussion about the final map approval and Mr. Murphy provided details on the improvements proposed for the streetscape and the three options available. Parking was discussed in detail and Mr. McClure explained that there is no overnight parking and that there is limited parking on the streets, and this will have to be disclosed to future buyers. Council Member Winkler would like to retain parking on both sides of the street. Mr. McClure said that there have been a lot of alternatives that were looked at and he said that there hasn't been any overnight parking due to the current ordinance. Council Member Winkler clarified that she is not suggesting overnight parking but the consideration of street parking for special events. Council Member Duboc asked if this project is subject to the building construction road impact fees and Mr. Murphy confirmed. She inquired about whether Council could earmark the in-lieu recreation fee and Mr. Boesch said staff could return with more information.

When Mr. Fryer was asked about school impact fees he commented that based on the student demographic study, the project is anticipated to produce 15 students between K and 8th grade. Mayor Pro Tem Fergusson asked about the school impact fee, and she believes the number of students added is almost a full new classroom; consequently she asked the developer to pay the full amount. Mr. Fryer explained that since the schools are in the process of raising their fees to the State maximum, the developer agrees to pay whatever the applicable fee is at the time of approval (up to the State maximum).

Public Comment

Joanne Goldberg opposes high density housing in this area and she does not believe Council is listening to residents. She questioned the traffic report study since it excluded interior streets, and she thinks there will be a lot more cars on those streets. She shared concerns for students who attend the M-A High School and cross Middlefield because the traffic may intensify.

Gayle Likens generally supports the idea of converting to residential along Linfield and Willow Road, but she has four areas of concern: 1) parking because this project is providing only half of what it should be providing 2) the development users will not be able to purchase overnight parking permits 365 days a year 3) some streetscape improvements along Linfield Drive are needed 4) she asked Council to proceed cautiously. She opined that these projects may create an additional 700 vehicles in the neighborhood and this will be almost a 30% to 40% increase in traffic levels.

Robin Theil, a renter on Linfield commented that she chooses to live in Menlo Park. Ms. Thiel believes that the quality of housing in this development is questionable because of the side windows and possible lack of privacy. She commented that the lack of a playground area is unacceptable. She requests that Bayfront Park be retained for its open space.

Susan Paris shared concerns with the overnight parking mentioning that there are other annual events that already impose on that neighborhood. She suggested building less housing if there isn't enough parking.

Bill Olson supports this project and while he is concerned about traffic issues and parking, in this case it looks like the applicants have made many efforts to make this work.

Without objection, Mayor Jellins deemed the public hearing closed.

M/S Duboc/Winkler to accept the staff recommendation on all points and include attachment A as revised and distributed tonight.

Council discussed the density level of this project and Mr. Murphy said this is a medium density project. Council Member Duboc elaborated on parking impacts as well as school impacts, but she believes this is a long time coming and it has gone through enough process. Mayor Pro Tem Fergusson shared what she believes are the pluses and minuses of the project. She believes the developer is taking a risk by funding these improvements upfront. She referred to a project with three story homes and it is setting a precedent in her opinion and she believes this will dilute the quality of education. Mayor Pro Tem Fergusson spoke about public access easements (PAEs) and she believes this makes a development more welcoming. Mr. Murphy explained that in the proposed project there is an explicit condition of approval for a pedestrian access easement that would allow connectivity from Willow Road to Linfield. Mr. Murphy said it was unclear if the PAEs were for the overall benefit of the public and the applicant should clarify that.

Mayor Pro Tem Fergusson outlined the points she would like to work into the motion: 1) lower density at this site 2) parking deficit 3) more transportation improvements needed 4) concerns that the EIR and traffic study did not include the interior streets 5) money for subsequently identified mitigations 6) the question of public access easements on the loop roads, and 7) the need for a playground structure. Council Member Winkler believes the project was originally denser and that the developer has already cut down the density further opining that if the current offices were fully utilized there would be more traffic than with this residential proposal. While she believes the City is getting money to mitigate the traffic issues, she believes the parking may be a problem. Mayor Jellins commented on the documents received and what is before Council. He explained the complexity of the project, the various components, impacts and ramifications of the change in the look and feel of this area. Mayor Jellins spoke about the statement of over-riding considerations and its implications. He believes parking is a concern with only 20 visitor spaces for 56 units. He added that the lack of green spaces or play areas are a concern and the greenway is not large enough.

Council reviewed the proposed parking as it compares to previous projects. Mr. Murphy referred Council to comparisons listed in the staff report. City Attorney McClure explained that in typical single family homes there is a 20-foot front yard set back. The play equipment was discussed as well as the effect on schools. Mr. McClure said that there is nothing the City can mandate besides having the developer comply with State law and pay the local impact fees. He said that the language on the condition is that the developer complies with State law. Council Member Duboc believes the play structure can wait until the Homeowners Association is in place.

Mr. Fryer agreed with the concept of a play structure to be designed by the Homeowners Association (HOA). Mayor Pro Tem Fergusson reiterated that she believes this is an issue of quality of life and she would like the requirement to be firmer. Mr. McClure said Council could require the applicant to present a plan to install a play structure/facility for each site as part of staff's review and approval of the landscape design. Mr. Fryer said that with respect to the playground issue he is willing to work with staff and he is amenable to two structures. Council concurred with having a play area. Mr. McClure gave details about the pedestrian improvements that may be done at the Middlefield/Linfield intersection.

Council Member Winkler inquired about funds for traffic mitigation and what would happen if they were not used. City Attorney McClure responded that the developer would have to agree to provide the money for undesignated purposes. Mr. Murphy clarified that there would not be enough money to also fund adaptive signals at Middlefield/Ravenswood and Ringwood from the five projects. Chip Taylor, Transportation Manager, gave details about the benefits of the adaptive signal technology

when it is set up in a corridor. Mr. McClure explained that if Council is not ready to adopt the staff recommendation for the Linfield Drive streetscape there is a suggestion for a different process.

Mayor Pro Tem Fergusson believes that at a minimum a crosswalk should be considered. Council discussed the traffic improvements and Mr. McClure said that each project will contribute. He added that initially these were designated funds for pedestrian improvements at Linfield and Middlefield and to the extent the money is not used, the City could retain the money for other measures within the neighborhood or outside the area as directed by Council.

The Council took a break at 10:30 p.m.

Council inquired about the proposed median at Linfield and the public process. Mr. Murphy said that a meeting was held at the Burgess Center and five members of the neighborhood showed up. Mr. Taylor said that this is the best option for the area. Mayor Jellins asked for confirmation that this is City property that will be maintained by the HOA, and staff confirmed. Mayor Pro Tem Fergusson asked for an additional financial commitment and Mr. McClure explained the complexity of the issue because of the reimbursement agreement. Mr. Fryer said that if the Council locks in tonight what the streetscape is going to look like, then the \$70K would be acceptable, but he believes this is a cost estimate and so he would be willing to contribute the difference. Mr. McClure said that there can be an agreement stipulating that the applicant will contribute the difference between the actual cost of the streetscape improvements as shown on the plan, and \$400,000 to the City for additional traffic mitigation, to the extent that the cost is less than \$400,000. The cost will be prorated between the two projects and the actual amount will be established and paid at the time of those final improvements. The PAE designation was discussed and staff said that this is not defined in the map but Mr. McClure believes this was an omission and it should be included for both projects. Mayor Pro Tem Fergusson asked if it covers the pavement and the sidewalks and Mr. Fryer confirmed.

M/S Jellins/Winkler to adopt attachments A through J of the staff report with revised attachments A and H as received this evening, with the following modifications or changes:

- 1) A new condition will be added that the applicant shall design and install one play structure and/or child play area or facility on each site subject to staff review and approval and said play structure/area or facility shall be installed with the landscape improvements**
- 2) Condition 6.4.2 will be modified so that each project will contribute \$62K with the first priority of these funds being for the Linfield/Middlefield intersection to address pedestrian improvements. To the extent the funds are not used for that purpose the City may use such funds for other traffic calming measures or traffic improvements in the Linfield neighborhood or elsewhere in the City**
- 3) To the extent that the cost of the Linfield streetscape improvements that are being approved by Council tonight is less than \$400K, then the projects will pay the difference between the actual cost of the streetscape improvements and \$400K to the City for additional traffic mitigation and that fee will be prorated between the two projects based on the number of units. The fee, if any, will be paid upon final acceptance of the streetscape improvements by the City.**

Mayor Pro Tem Fergusson would like to include the words pedestrian improvement/traffic signal on item 2 (Linfield/Middlefield intersection). This friendly amendment was accepted.

Mr. McClure asked the applicant to confirm acceptance of these items as they've been modified and restated. Mr. Fryer said that he was in agreement.

Motion carries 4-0-1 with Council Member Cohen absent.

F. REGULAR BUSINESS

1. Approval of a selection process for a consultant for a comprehensive update of the commercial use categories and regulations in the Zoning Ordinance, and the appointment of two City Council members to the selection committee. *(Staff Report #06-056)*

Mayor Pro Tem Fergusson offered to serve on the selection committee and the task force. She opined that the latter is too business weighted and it lacks balance on the residents' representation. Mr. Murphy said that Council Members and Planning Commissioners are residents and that was how

staff considered it, but Council could make a different assessment. Mayor Pro Tem Fergusson suggested three residents and that the Budget Advisory Committee (BAC) members be considered. Council Member Duboc concurred with using BAC members. Council Member Winkler offered to serve as well. Mayor Pr Tem Fergusson suggested changing the wording on the task breakdown (task 6) to use the word citywide for the notification and that this be applicable to the entire document. Mr. Boesch said suggestion will be taken in consideration and if need be it will come back for discussion.

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.

Mayor Jellins reported that a proposal will be coming from the San Mateo County in regards to a possible position on the issue of Wunderlich and Huddart Parks.

G. WRITTEN COMMUNICATION

1. Council discussion of an item listed on the San Mateo County City Selection Committee agenda of March 24, 2006, regarding the selection of a city representative to the Association of Bay Area Governments (ABAG). (*attachment*)

Mayor Jellins said that he has not received any letters on this issue and he will use his discretion.

H. INFORMATION ITEMS – items taken out of sequence

2. Report on options for Cultural Arts Programs and the Arts Commission. (*Staff Report #06-058*)
(This item was addressed before H1)

Mayor Jellins commented that he would like to direct the Parks and Recreation Commission to enlarge its scope to include cultural arts. Council Member Duboc said she attended the meeting when the Commission discussed the item and the consensus was to not increase the number of Commissioners, because they felt they could handle the expanded duties. Council Member Duboc believes that renaming this Commission might be in order and possibly expand its scope to include cultural arts. Mayor Jellins, Council Members Duboc and Winkler concurred with this approach. **Council's direction was to have the Commission give input on a new name and return to Council with cultural recommendations.**

1. Plans and timeline for the removal of the existing Menlo Children's Center modular buildings and subsequent site improvements. (*Staff Report #06-057*) (This item was addressed after H2)

Mayor Pro Tem Fergusson asked if there was support to retain the playing structure and swing set. Mr. Taylor, Acting Director for Community Services, said that it would be convenient to remove it now because of timing and it doesn't meet regulations. Council Member Duboc suggested that the structures could be donated and she said that the portables are available if anyone wants to contribute to see them used as a teen center. **Council consensus was to remove and donate the playground structure but leave it in place until the landscaping is being done.**

2. Potential refunding of the Community Development Agency of Menlo Park Bond Series 1996-2000. (*Staff Report #06-059*)

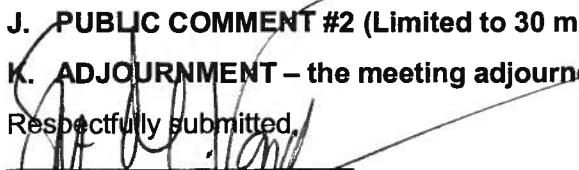
I. COUNCIL MEMBER REPORTS

Mayor Jellins reported on attending AB 1234 Ethics Training.

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

K. ADJOURNMENT – the meeting adjourned at 11:17 p.m.

Respectfully submitted,


Silvia M. Vonderinden, CMC

Approved at the City Council Meeting of June 13, 2006.