



**CITY COUNCIL  
COMMUNITY DEVELOPMENT AGENCY  
MINUTES**

Tuesday, August 1, 2006

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** – Jellins, Fergusson, Cohen, Duboc, Winkler

**STAFF PRESENT** – Audrey present

**PLEDGE OF ALLEGIANCE**

**A. COMMISSION VACANCIES, APPOINTMENTS AND REPORTS**

1. There is one vacancy on the Environmental Quality Commission to fill one expired term that ends August 2006. The new term will run until August 2010. The deadline for receipt of applications is Tuesday, August 15, 2006 at 5:30 p.m.
2. There are three vacancies on the Parks and Recreation Commission to fill three expired terms that end September 2006. The new terms will run until September 2010. The deadline for receipt of applications is Thursday, August 31, 2006.
3. Commission Reports.

**B. PRESENTATIONS AND PROCLAMATIONS – None**

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

Josh Abend spoke about a verbal petition for a narrow Below Market Rate waiver and he is appealing to the Council's instincts of creativity.

Mayor Jellins referred the resident to the City Manager.

Ernest Meissner said that an area of special interest to him is downtown and he provided a chronological outline of events around the downtown improvements. Mr. Meissner compared and contrasted the current irrigation plan with the previous ones. Would like a position to be created to address these concerns and to monitor downtown issues.

Betty Meissner said she dealt with Menlo Park Direct Connect and so she sent the message through and by 4:00 p.m. that afternoon the matter was resolved. The other issue was around the kiosks and she is not happy with the lights there. She believes these fliers should be related to Menlo Park events.

**D. CONSENT CALENDAR**

1. Adoption of a resolution approving the installation at Willow Oaks Park of a two-hour parking restriction in the parking lot and red curbs on both sides of the parking lot entrance.
2. Authorization to enter into a contract to provide Police Communication Services for the City of San Carlos.
3. Authorization for the City Manager to modify the professional services agreement with Robert H. Aaronson, Counselor at Law, to provide specialized legal services in an amount not to exceed \$70,000.
4. Approval of the Minutes for the City Council Interview Session and Special Meeting of April 4, 2006.

**Items pulled Winkler D1**

## Items pulled Fergusson D4

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

### Item D1 pulled by Winkler

Ms. Winkler asked if we could red curb one side and the entrance way at both sides. Mr. Chip Taylor, Transportation Manager, illustrated the width of the roadway with a vehicle parked. Ms. Winkler believes that the parking should be increased to three hours. The loop detectors were discussed by Council as well as the parking request made by Footsteps School.

Motion by Winkler to have a parking limit of three hours and extend the red line for one and a half car sizes on the entrance on both sides. Ms. Winkler withdrew her motion.

### **M/S Cohen/Winkler move this back to the Transportation Commission**

**Friendly amendment by Jellins to include and red curb the area adjacent to the loop detectors. Cohen wants to deactivate one loop detector and if that is possible or reasonable then this as well as the rest goes to the Transportation Commission. Okay. Approving red curbing on the signs with the loops to try and deactivate one of the items. Red curbing both sides.**

Council Member Duboc believes more public input should be included. Mayor Pro Tem Fergusson concurs with Lee.

**Original motion gets changed to be sent back to the commission. This was the final consensus.**

**M/S Fergusson to continue the minutes. Ms. Duboc would like to clear it.**

**Duboc on page 4 does not want the Redwood trees. No objection to table the matter.**

## E. PUBLIC HEARINGS

1. Consideration of a request for a Rezoning, Planned Development Permit, Vesting Tentative Map, Below Market Rate Housing Agreement, Heritage Tree Removal Permit, and Environmental Impact Report to construct a 26,800 square-foot, two-story commercial building and 16 attached residential units on a 1.5-acre site located at 1460 El Camino Real.

Council Member Cohen recused himself from this item because of his proximity to the project. Deanna Chow, Senior Planner, presented the staff report outlined a revised attachment E. The shared parking easement was discussed. The frontage improvements and the trees to be used were discussed and Mayor Jellins would like to know what other trees are an option. Council Member Winkler asked for confirmation that the utilities will be undergrounded and Mr. Murphy confirmed that the service connectors will be underground. Storm drains were discussed and Mr. Murphy said that the improvements meet the City's Master Plan. Kent Steffens, Public Works Director, made comments about the line that is going to be installed at San Antonio.

The applicant representative Nathaniel McKittrick, is representing the Beltramo's on the project. He said the project started back in 1996 with a Study Session, there have been two public hearings at the Planning Commission level and he outlined the public benefit of this project. He thanked the City Attorney and other City staff for working with the developer on this project. Mr. McKittrick said that the zoning is consistent with the C-4 zoning. He also addressed night parking and he mentioned that the project has guest parking dedicated to this end. The London Plane trees are negotiable and he will work with staff. On the storm drain issue the project expects to have a decreased run off. He does not believe the utilities will be undergrounded on San Antonio but on the other one they will be.

Mayor Jellins invited anyone that wants to speak because this is a public hearing. Without objection the Public Hearing was closed with Mr. Cohen recused.

**M/S Duboc/Winkler to approve the staff recommendation and include all items requested by staff and includes attachment E as it has been presented this evening.**

Mayor Pro Tem Fergusson would like the sidewalk to be 6 feet wide and so slightly reduce the planting area and increase the walking area. Mr. Murphy said that the staff recommendation reflected the minimum standard applied in other areas of El Camino Real. The applicant said that they would not mind widening the sidewalk but the concern is the permeable surface and increase off-site run off. The tree well was discussed. Kent Steffens, Public Works Director, said that he agreed with Mr. McClure and he would like to stick with the condition that run off will not be increased.

Mayor Jellins made comments about the London Plane trees and how unattractive they are. M/S approve the project as per staff recommendation with the modification and increase the sidewalk width on the El Camino Real and ensure no... (see tape where Bill is talking). Second new condition is that the street trees may be modified with the Council.

**Motion carries with 4-0 unanimously with Council Member Cohen recused.**

Council took at 2 minute break at 8:37 p.m. Council resumed at 8:39 p.m.

## **F. REGULAR BUSINESSP**

1. Waiver of second reading and adoption of ordinance no. 950 adopting a Utility User Tax for the City of Menlo Park and adoption of resolution no. 5694 calling for a Special Election to be consolidated with the General Election of November 7, 2006, for the purpose of submitting to the voters of the City of Menlo Park a ballot measure establishing a Utility Users Tax for the City of Menlo Park.

City Manager Boesch said that staff is asking that Council waive the reading of an ordinance and adopt a resolution to call an election. Council directed that the ordinance be modified and the Council discussed the ballot wording.

Mayor Jellins asked for public comment and there was none. Mayor Jellins asked to split the matter. **M/S Winkler/Fergusson to waive the reading and adopt an ordinance set forth as A1 to the staff report.**

Council Member Winkler said that she asked about business people and when this will be addressed and Mr. McClure said that the ordinance could be amended between the election and when it becomes adopted which might be March of 2007. Ms. Fergusson asked if there were consensus on the ballot language if seniors and youth could be included and Mr. Boesch said that ultimately the Council was constrained by the number of words to be included. Additionally, staff looked back at the research done by Godbe and reflect that in the languages presented. Council Member Cohen will not vote for this and he has concerns with 1) he is afraid we haven't tackled some important problems and there is no way to be sure that we will and the problems are business development and employee costs and what he is most afraid of is that this tax will be taken for granted and that it will become something that we will perpetuate. He said that the BAC was willing to go into these areas and was not allowed to and his sense of the people of Menlo Park is that the benefits of this tax will not be used to meet obligations related to employee issues. Mr. Cohen mentioned that last week of a \$50,000 dollar cap and in the spirit of compromise Mr. Jellins compromised at \$17,5000 and the compromise was at \$12,000. He said that these are his primary concerns and he can't say that he would even consider the tax. He started out with a problem in that he was opposed to regressive taxes.

To put the ordinance on the ballot and waive the second reading and it requires a vote of the people to place it on the ballot. Council Member Duboc said that she was not at the meeting last night and without the unanimity she does not see this passing.

*At 9:05 p.m. Mr. Jellins asked for a 10-minute recess.*

The Council resumed its meeting at 9:15 p.m.

**Vote on the motion to waive the reading and adopt the ordinance. Motion carries unanimously.**

Proposed language:

**To address a current balance imbalance shall the city of Menlo Park.... Motion of language proposed by Winkler and Duboc seconds it,**

**M/S to approve the word ballot #2 and not have additional expense so long as he can include in the impartial analysis a reference to the whole document on the web page. Jellins/.. Motion carries unanimously.**

2. Introduction of an ordinance repealing and adopting a new Chapter 13.20 of the Municipal Code pertaining to Street Trees and adoption of resolution no. 5695 approving the updated Street Management Plan.

Dianne Dryer

Mayor Pro Tem Fergusson would like the streets to have the names of the trees they are called after.  
**M/S Duboc/to accept the staff recommendation/Winkler. Motion carries unanimously.**

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.

**G. WRITTEN COMMUNICATION - None**

**H. INFORMATION ITEMS**

1. Progress report on Commercial Zoning Ordinance Update.

Council will be seeing this in the August 22, 2006 meeting.

2. Status of Valparaiso Avenue resurfacing project.

**I. COUNCIL MEMBER REPORTS**

Mayor Jellins said that the Council will have a recess.

Winkler said that the Grand Jury reported that Menlo Park had the highest number of individuals trained by residents. Ms. Winkler asked the public to check the website.

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

**K. ADJOURNMENT – 10:34 p.m.**

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