



**CITY COUNCIL  
COMMUNITY DEVELOPMENT AGENCY  
MINUTES**

**Tuesday, September 19, 2006**

**7:00 p.m.**

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

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

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

**STAFF PRESENT** – City Manager, David Boesch; Dan Siegel, Acting City Attorney; and City Clerk Vonderlinden. Other City staff was present in the audience.

**PLEDGE OF ALLEGIANCE**

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

1. Recognition of outgoing Parks and Recreation Commissioners.

Rory Whittaker was present and was recognized by the City Council for his many years of service. Mr. Stephen Luder was recognized in absentia.

2. Commission members and Chamber of Commerce reports. None

Mayor Jellins announced that he would give the seat as Mayor to Caroline Hayse who would be Mayor for one day. He offered Ms. Hayse a certificate of recognition for being Mayor for one day. She won this honor by her family's donation to the Menlo Park Education Foundation.

**B. PRESENTATIONS AND PROCLAMATIONS - None**

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

Rose Bickerstaff said that the Council has gotten a lot of attacks and she finds those disrespectful. She said that this Council has had the courage to put the City in drive instead of neutral and she asks that people do not stagnate and stop change. She believes that growth brings revenue and people forget that.

Patti Fry spoke about the project that is being referended and she apologized to the Derry family for only finding about this so late in the game. However, she opined the residents have a right to object to projects such as these. She mentioned areas that she believes were not in compliance with the General Plan such as the density, height, and parking deficiencies.

Sandy Venning, representing the League of Women Voters of South San Mateo County, announced an upcoming candidates' forum that will take place tomorrow night at the Council Chambers.

Peter Keller commented on staff for the trimming that was done on a middle island of Seminary and Middlefield but more action is needed. He hopes the matter can be revisited.

Council Member Duboc asked about the groundwater contamination in the Derry project and Ms. Heineck, Community Development Director, said that the Derry Project EIR included a full environmental impact report and it identified potentially significant impacts in the groundwater. Ms. Heineck outlined the findings and explained that each one of these had mitigations included as conditions of the project.

**D. CONSENT CALENDAR**

1. Adoption of resolution no. 5703 appointing the Bay Area Water Supply and Conservation Agency as authorized representative of the City of Menlo Park in discussions and negotiations with San Francisco for an agreement to provide a reliable supply of high-quality water at a fair price.
2. Adoption of resolution no. 5704 in support of Measure A proposing a one-eighth cent retail transactions and Use Tax for Parks and Recreation purposes in San Mateo County.
3. Authorization for the City Manager to enter into an agreement with Paul D. Sheriff and Associates, Inc., for development of an on-line time card system in an amount not to exceed \$95,000.

**M/S Duboc/Fergusson to approve the consent calendar. Motion carries unanimously.**

Mayor Jellins introduced Julia Bach who was available to answer questions regarding item D2. Mayor Jellins read the resolution passed as part of the Consent Calendar.

**E. PUBLIC HEARING**

1. Consideration of a zoning ordinance amendment necessary to implement revisions to the Allied Arts Guild Preservation Permit for the operation of the Allied Arts Guild, located at 75 Arbor Road.

Arlinda Heineck, Community Development Director, presented the brief staff report explaining this is the first Allied Arts amended permit. She said this is the result of extensive negotiation to find a compromise between the Auxiliary and the neighbors. The Planning Commission voted unanimously to approve the permit. Mayor Jellins asked for Council input and Council Member Cohen asked about the outreach. Ms. Heineck said there was a newspaper notice and a mailed notice. Mayor Jellins opened the Public Hearing.

Jim Dickerson said he is the spokesperson for the Allied Arts neighbors and he offered his support to this amended permit.

Jeff Kirshbaum, attorney for Allied Arts, said that there was an effort to mitigate the efforts and negotiate with the neighbors. He thanked City staff for its input and assistance.

Council Member Cohen asked for a brief description of the changes and the negotiations. Mr. Kirshbaum said that each item on the permit was looked at and the main issue for residents was the reduction in evening events and the total number of events. He shared other items that were agreed upon to satisfy the neighbors such as parking and size of events.

Mayor Jellins deemed the Public Hearing closed without objections.

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

**F. REGULAR BUSINESS**

1. Consideration of and direction on work plan and timeline associated with the Commercial Zoning Ordinance Update Project.

Thomas Rogers, Assistant Planner, presented a brief introduction to the matter. Council Member Winkler asked for a revised schedule because the concept of office by right needs to be digested and better understood. Mayor Pro Tem Fergusson asked for one more meeting of the Working Group.

**M/S Winkler/Fergusson to have one more meeting of the Working Group and have staff come back with a full revised schedule and possibly include 1) a meeting of the Planning Commission solely dedicated to this matter and 2) a community meeting with stakeholders and residents.**

Mayor Jellins asked for public comment, there was none. Council Member Cohen asked for clarification and Council Member Winkler said that her wish is to launch this in a manner that is beneficial to the community.

**Motion carries unanimously.**

Mayor Jellins asked that item three and four be addressed jointly.

2. Authorization of the City Manager to enter into an agreement with Granicus for \$31,657 for start-up costs and ongoing maintenance services related to the City Council Meeting Web Casts of live and on demand video streams; and, discussion of using video stream of the proceedings of Council Meetings in combination with action minutes as the official record for the City of Menlo Park.
3. Council direction on how to address the backlog of City Council Meeting minutes.

Silvia Vonderlinden, City Clerk, presented the staff report and provided information on the award of contract. She mentioned the additional capabilities for the creation of draft action minutes during the course of the Council Meeting. This allows the City Clerk to record votes, actions, and time stamp the agenda items linking them to the video. Ms. Vonderlinden highlighted the benefits and disadvantages of action minutes. Ms. Vonderlinden outlined the options before Council. Mr. Charles Blanchet, with Granicus Inc., demonstrated the capabilities of the proposed software.

Council asked staff about the searchable function of the system and Mr. Blanchet provided information on the matter. Mr. Blanchet explained that all of the discussion items and draft action minutes would be searchable by key word. Mayor Jellins asked if this application uses QuickTime and Mr. Blanchet said that this would use Media Player. The conversion of previous archived meetings was discussed. Council asked if the agendas would be linked to this system and staff answered that all documents would be integrated so that residents could have access to the video stream, the draft action minutes, and the agenda with all live links. The consultant illustrated how the viewer could jump to different topics of the meeting instead of having to watch the full meeting.

Council Member Winkler discussed the previous content and how it would be included with the new system. Mr. Boesch explained that going backwards we don't have the video stream indexed and so it could not be searched. He said that on a going forward basis all of the minutes would be searchable and indexed but not going back. Mayor Pro Tem Fergusson asked about integrating minutes, agendas with staff reports and the video stream. Council Member Cohen referred to an editorial in a local newspaper requesting verbatim minutes. Mr. Boesch said that the City Council has never used verbatim minutes, with the exception of one period of time when the City had no City Clerk.

Mr. Boesch explained that this technology would allow staff to incorporate action type minutes and if need be separately create summary minutes, because this system does not provide for that. The other issue is the continuation or not of the video streaming. Council Member Cohen asked the consultant about the action minutes and Mr. Blanchet said he has been through this over 100 times with government agencies and there is a move from summary to action minutes. He added that people realize that if the action can be linked to the actual spoken word, it becomes more effective and so the summary of the action becomes redundant. Council asked about the use of this application for other commissions. Staff said that as long as the meetings are held in the chambers and there are operators, this would be feasible. A staff member would also be needed to index in real time. The other option is to have audio only and no video. Mr. Boesch said that this needs to be looked at more carefully, and that staff has been looking at the technology in the Chambers.

### **Public Comment**

Lennie Roberts found the presentation fascinating but she would like to support creating summary minutes for the backlog of Council Minutes. She finds these documents very helpful and a lot of people still need to look at a piece of paper instead of a screen. She said that the County of Supervisors recently changed from summary to action minutes and sometimes videotapes lose quality. She supports the technology proposed but she also supports continuation of summary minutes.

John Boyle supports a move towards action minutes combined with a full digital storage that does not allow the audio and video to deteriorate. Mr. Boyle said that summary minutes include a bias regardless of the best effort of the writer.

Fran Dehn supports verbatim minutes, and then action minutes with a video back up and thirdly summary minutes. She shared concerns with the tight timing since the video stream grant will expire soon.

#### Council Discussion

Mayor Jellins reiterated the issues and mentioned that the current delay pales in comparison to a delay of preparation of minutes in September of 2000. Mayor Jellins asked how often the City Clerk provides hardcopies of minutes and City Clerk Vonderlinden said she will get one or two requests for hard copies of minutes every three months. Mayor Jellins believes that people usually read the minutes via their computers. He acknowledges the value of summary minutes and his preference would be to have: summary and action minutes.

**M/S Duboc/Jellins accept the bid from Granicus and keep the summary minutes but revisit the issue after using the system for one year and touch base again with the public and the Council. The motion includes outsource the backlog of minutes creating summary minutes, and give discretion to the City Manager to use additional outsourcing resources when needed.**

Mr. Boesch said that staff can commit to keeping Council better informed as to the backlog and take its direction. Council Member Winkler asked if VCR tapes would be available and the City Clerk said that yes and possibly DVD's. Council Member Winkle has not been a fan of the current minutes and she finds them subjective and she usually concludes that the minutes are not a very good summary of what was said. Hence she finds this an opportunity to be more timely and objective, and she asks that when the new system is working smoothly for staff to come to Council and change to action minutes. The maker did not agree with reducing the review period to less than a year. Council Member Cohen asked that it be added to the motion that staff return with an update in six months or less. Mayor Jellins said that as long as there are real records of what went on, his problem is that summary minutes can be subjective. Mayor Pro Tem Fergusson supports approving the contract and continuing with summary minutes until better search functionality is included. She believes that summary minutes include context that is searchable that is not included in the staff reports.

#### **Motion carries unanimously.**

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.

Mr. Boesch said he wanted to inform the Council that he asked the Mayor to sign letters in opposition to AB 2987 and SB 817 and the letters ask that the governor veto both of the bills.

#### **G. WRITTEN COMMUNICATION**

1. Letter from Jennifer Dahmus in regards to 1981 Menalto Avenue.

Mayor Jellins asked how this matter got placed on the agenda and Mr. Boesch said that due to timing Council direction was needed on this matter.

#### **F. REGULAR BUSINESS (continued)**

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.

Mayor Pro Tem Fergusson requested a presentation on Proposition 90 at the next meeting. Mr. Boesch said he can provide background information at the next meeting.

Council Member Winkler announced that on September 21 the Community Emergency Response Training begins and she encouraged residents to sign up.

Mayor Jellins reported that a grant was awarded to Menlo Park to provide mid-way shuttle bus services at the Association of Bay Area Governments. Two Menlo Park residents were reappointed

as bicycle and pedestrian committee members Mr. Alfano and Mr. Cronin. He highlighted other items approved at such meeting.

**H. WRITTEN COMMUNICATION** (continued)

1. Letter from Jennifer Dahmus in regards to 1981 Menalto Avenue.

Council Member Winkler left the Chambers due to a conflict of interest.

Linda Heineck, Community Development Director, said that this item is scheduled for October 10.

**Public Comment**

Jim Lucas is in support of the letter moving the hearing from October 10 to October 24 because many of the appellants will not be present on that evening.

Mayor Pro Tem Fergusson would agree with moving the item because it would allow for more complete public testimony. Council Member Duboc said that there is a concern with the applicant's pregnancy. Council discussed the matter and City Attorney Siegel provided information about the customary process. Ms. Heineck said that all parties are aware of the timeline but they might want to submit additional information. Council Member Duboc believes this should just go forward and she is not inclined to change the date. Mayor Pro Tem Fergusson believes that hearing from adjacent neighbors requires reasonable accommodation. Council Member Cohen asked how October 10 was selected and Ms. Heineck said that the noticing comes into play, as well as agenda planning and the work load of the staff in the Planning Department. Ms. Heineck said that if no special circumstances are expressed to staff then staff goes ahead and schedules the matter. If there is ample notice of schedule conflict, then staff tries to accommodate the request while adhering to the 45 day requirement, unless all parties agree. Council discussed the various options and possibilities such as having a continued hearing where all inputs could be received. Mayor Pro Tem Fergusson asked for a vote.

**M/S Fergusson/Cohen to have the item heard on October 17 or 24.  
Motion fails 2-2 with Jellins and Duboc opposing.**

**I. INFORMATION ITEM - None**

**I. COUNCIL MEMBER REPORTS - None**

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

Hank Lawrence encourages everyone to attend the debate tomorrow with all the candidates. He said that he is disappointed that only one of the candidates has shown up at the Council Meetings.

**K. ADJOURNMENT – the meeting adjourned at 9:20 p.m.**

Respectfully submitted,

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Silvia M. Vonderlinden, City Clerk

Approved at the Council Meeting of November 28, 2006.