



CITY COUNCIL COMMUNITY DEVELOPMENT AGENCY MINUTES

Tuesday, October 17, 2006
7:00 p.m.

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

A Closed Session
took place after the
regular meeting in
the Adm. Bldg.

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

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

PLEDGE OF ALLEGIANCE

Staff Present: City Manager David Boesch, City Attorney William McClure, and City Clerk Silvia Vonderlinden. Other City staff were in attendance.

A. COMMISSION VACANCIES, APPOINTMENTS AND REPORTS

1. Swearing in of new Environmental Quality Commissioner.

Jeanne Durnford was sworn in by City Clerk Vonderlinden.

2. Commission members and Chamber of Commerce reports. None.

B. PRESENTATIONS AND PROCLAMATIONS

1. Proclamation in celebration of the 60th Anniversary of SRI.

Tom Furst, Chief Financial Officer for SRI International, was present to receive the proclamation.

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

John R. Mooney disapproves giving GM any concessions because the quality of services available in this community should be sufficient for the deal to go through.

Morris Brown, with time donated by Denise Brown and Stu Soffer, referred to referendums that have been submitted to the City Clerk. He gave an update on the process and spoke about various situations where volunteers were unable to gather signatures. He believes better protection should have been offered to residents who were trying to gather signatures. He hopes the Derry project is renegotiated. Mr. Brown thanked Vice Mayor Fergusson and Council Member Cohen for their support.

Elias Blawie commented that the Derry Project developer had numbers on his web page that had different costs for the units than what was mentioned by the developer at the City Council meeting. Mr. Blawie does not believe the Police Department handled the situation with the signature gatherers properly. He expects an apology from City staff. He believes that email addresses that are being sent to the Council are being used for political purposes.

Peter Hart said he was among the volunteers who circulated the petition and he said he was among those who were intimidated by the opposing party.

Margaret Spak said that over-development forced her to leave Palo Alto. She was one of the residents who participated in the petition drive and she felt bodily threatened by people who were trying to stop signature gatherers. She did not find the police to be helpful.

Heyward Robinson, speaking as an individual, referred to a report from the Parks and Recreation Commission Task Force on sports fields. He asked if the Mayor has been working with neighboring communities on the issue. He said that he has not heard anything on that matter and he would like to get an answer.

Chuck Bernstein said he has been a resident for 38 years and he believes he was the victim of hassling. He gave examples of incidents when signature gatherers were unable to continue their task. He spoke about the First Amendment and how in his opinion residents were deprived of such right.

D. CONSENT CALENDAR

1. Approval of the minutes for the City Council meetings of May 16, 2006 (attachment) and May 23, 2006. (attachment)

M/S Duboc/Fergusson to approve the Consent Calendar. Motion carries 5-0-0.

E. PUBLIC HEARING

1. Consideration of a revision to a Conditional Development Permit to reduce the off-street parking requirement for an existing 60-Unit, multi-family residential building at 1330 University Drive.

Thomas Rogers, Assistant Planner, presented the staff report and elaborated on the original conditional development permit. Mr. Rogers said that the Planning Commission has reviewed the matter twice and generally was in agreement with staff that some reduction of the parking requirement would be acceptable. The recommendation from that body is that a minimum of 111 off-street parking spaces be available and staff's recommendation is 94. Mr. Rogers said the Planning Commission understands that residents wishing to retain the lifts should address the Homeowner's Association since this is an internal matter and staff has no position on it.

Mayor Jellins opened the floor for questions. Various Council Members asked questions about the permit process and the recommendations from the Planning Commission and staff's approach. Arlinda Heineck, Community Development Director, was present to answer questions and said that the responsibilities of the homeowners associations are their own and city staff should not interfere. Other questions posed included the reasons for the staff recommendation and Mr. Rogers explained the role of the Community Development Director in addressing future problems. Ms. Heineck said that if there were complaints then she would have to do some site investigation over multiple days to determine if there was an excess demand.

Elizabeth Cullinan, representing the Homeowners Association and with a Planning firm, requested a revision of the conditional development permit to allow 94 parking spots instead of the original 124. She provided background information and shared a slide presentation that covered the alternatives studied.

Mayor Jellins asked about the composition of the board.

Greg Rubens and Gary Black of Hexagon Transportation presented their conclusions. They said they are in agreement with the staff recommendation.

Robert Steele, the current president of the Homeowners Association, provided details on the term and number of members. He also provided details on the lifts and how they work.

Public Comment

Elsie Floriani provided details on the malfunctioning of the lifts. She asked that those who want to keep the lifts be allowed to and those who do not want the lifts be able to remove them.

Cassius Kirk, with time donated by Jane Zuckert, said he opposes the application and he referred to a letter he had previously sent to the City Council. He spoke about the issue of parking being a concern if the lifts are removed.

Council Member Winkler asked about the ownership of the spaces. Mr. Kirk said that when each person owns a unit they are allocated an easement to a parking space with a lift and one regular parking spot. Mr. Kirk said that this depends on the unit size but the parking comes with the unit.

Richard Eberli, manager at Menlo Towers, provided details on how the lifts operate. He provided some historical information on the complex.

Thomas A. Knapp, an attorney representing Mr. Kirk explained various details about the residences at Menlo Towers. He asked that Council deny the application and why he is against the application.

Joseph Ziony is a resident of Menlo Towers and he believes the lifts are a significant hazard. He said that in case of an earthquake the lifts could pose serious problems. He supports removal of the lifts.

Robert Steele explained three forms of private property. He thanked the Planning Commission and staff for studying the matter carefully.

Barbara Hauts explained and demonstrated how she gets into her car and what she has to go through to get her car parked.

Tormeq Ward said he supports removing the lifts.

Council asked questions of staff and Mr. Rogers provided clarification on various issues.

Mayor Pro Tem Fergusson is inclined to go with the staff recommendation and she believes that using the Community Development Director is a good step in the process to address any concerns that may arise. Various Council Members expressed their views on the issue after visiting the site. Mayor Jellins and Council Member Cohen said leaving things as they are might be a good approach.

Council Member Duboc shared concerns about devaluing homeowner's property if parking spots are lost.

Mayor Pro Tem Fergusson said that there are dangers associated with the lifts and she found the parking study compelling. Council Member Cohen said he supports replacing the lift units upon departure and installing new ones and paid by the Homeowners. He said he has no problem with the applicant doing a little more work that makes its position more compelling. Council Member Winkler believes that if the applicant wants to remove 17 spaces than they should show how these 17 parking spots are going to be created. Mayor Jellins said that the lifts to be removed are not being used at this time and he explained how residents seem to be using the guest parking. Mayor Pro Tem Fergusson believes the lifts strike her as obsolete and dangerous and there is a list of injuries people have suffered. She finds it reasonable to rely on the Community Development Director to address any complaints that may arise. Mayor Pro Tem Fergusson shared some concerns about earthquake possibility as mentioned by a speaker.

M/S Cohen/Jellins to table the matter and continue it to another date before the end of November to allow the applicant to return with additional information to answer to some of the issues raised by the Council. The applicant will be working with staff on a plan that covers the cost of the replacement of the lifts and a reserve landscape plan. Motion carries 4-0-1 with Mayor Pro Tem Fergusson abstaining.

F. REGULAR BUSINESS

1. 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.

None

G. WRITTEN COMMUNICATION - None

H. INFORMATION ITEMS - None

I. COUNCIL MEMBER REPORTS

Council Member Winkler shared some news about the Stanford Park Hotel adding space for conference rooms.

Council Member Cohen reported that the HEART Fund Development Committees and that body will be reporting at a future Council Meeting on its projects.

Council Member Winkler asked that the referenda filed with the City Clerk be on a future agenda as an information item. City Attorney McClure said he could prepare an information report on the matter for next week's agenda.

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

K. ADJOURN TO A CLOSED SESSION - The meeting adjourned at 9:33 p.m. to a closed session.

The Mayor said that he did not expect to have any reportable action from the Closed Session.

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

1. Closed Session pursuant to Government Code Section §54957.6 to conference with labor negotiators regarding Teamsters 856. Parties present: David Boesch, City Manager, Bill McClure, City Attorney, Labor Attorney Emily Prescott and Glen Kramer, Personnel and Information Services Director. Reconvene in Open Session and Report on Aforementioned Closed Session.

M. ADJOURNMENT - The Closed Session adjourned at 10:15 p.m.

Respectfully submitted,

Silvia M. Vonderlinden, Certified Municipal Clerk

Approved at the Council Meeting of December 19, 2006.