



**CITY COUNCIL  
and  
COMMUNITY DEVELOPMENT AGENCY  
MINUTES**

Tuesday, May 15, 2007  
7:00 P.M.

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

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**ROLL CALL** - Fergusson, Cohen, Boyle, Cline and Robinson

**PLEDGE OF ALLEGIANCE**

**Staff present** - Kent Steffens, Interim City Manager, Bill McClure, City Attorney, Arlinda Heineck, Acting Assistant City Manager, and Silvia Vonderlinden, City Clerk. Other City staff was in attendance in the audience.

**A. COMMISSION REPORTS**

1. Commission members and Chamber of Commerce reports.

Chair Steele and Commissioners Fox and Levenson of the Bicycle Commission announced Bike to Work Day. Mr. Steele distributed to the Council satchel bags that will also be handed out Thursday morning, May 17, 2007 to participants.

**B. PRESENTATIONS AND PROCLAMATIONS**

1. Presentation by "Site Creations" a California Public Art Association.

Nancy Chillag and Eren Glenville were present to explain the role of their company in bringing art to various communities. Ms. Chillag said she was part of the arts commission and subsequently she formed her own organization. She provided information on Site Creations and elaborated on the various projects this firm has completed. She requested that Council hold a Study Session on public art and she offered to cover the range of options for Menlo Park.

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

Josh Geiavschek spoke about Consent Calendar item D2, the Willow Road Improvements Project, and referred to previously working with Dan Smith, a transportation consultant. He said that this is a new plan where two spots had been proposed to be taken away. He said that he worked with Mr. Morimoto and Mr. Taylor to add one of those parking spots back in and so he supports the staff recommendation.

Kurt Hafer, with time donated by Rich Rollins, shared concerns about the Oak Knoll School Renovation Plan and said that while neighbors support it in theory more dialogue is needed. He shared a presentation demonstrating the impacts of the current plan stating that he primarily had concerns with a parking lot that has been added to the back of the school. Mr. Hafer stated that there isn't enough detailed information on the size of the new building and its impacts on the neighborhood. He proposed a new and different plan for developing the site which among other items would preserve the heritage oak tree. Mr. Hafer believed his proposal was a good compromise.

The Mayor asked the City Attorney to clarify how the City could get involved. Mr. McClure explained that items that are within the public right-of-way, such as curb cuts, turning movements and parking, are within the City's purview. Elements of the proposal that are located on the school property are under the school district's purview. Council Member Robinson asked about the possibility of the City assisting with a shuttle or providing input on the traffic study. City Attorney McClure explained that the City could decide to participate in some way in a shuttle program but that the decision is a policy and budget decision for the Council. Council Member Robinson questioned whether Council Members who lived on nearby streets that may be impacted by the changes would have a conflict of interest on this issue.

City Attorney McClure responded that some of the changes could have indirect or direct impacts on nearby streets and, in that case, would create a conflict. Council Member Boyle said that there was a suggestion to have Oak Knoll Lane closed to traffic and made a school drop off road. He asked the City Attorney to comment on this possibility. The City Attorney commented that this is a public street and making it a private street would require a vacation and abandonment which would impact all the houses on Oak Knoll Lane. Mr. McClure stated that such action is beyond what was listed on the agenda and so this could not be discussed or acted on.

#### **D. CONSENT CALENDAR**

##### **Item D1 was pulled for discussion.**

1. Adoption of Resolution No. 5738 authorizing continued participation in the City/County Association of Governments of San Mateo County (C/CAG), approving the Joint Powers Agreement, and authorizing execution of the Joint Powers Agreement by the Mayor. (Staff Report #07-089)
2. Approval of a design change to the Willow Road Improvements Project that modifies the sidewalk at 415 Chester Street to allow parking. (Staff Report #07-090)
3. Award of contract for the Valparaiso Avenue Deep Lift Project to G. Bortolotto & Company, Inc., in the amount of \$147,070, and authorization of a budget of \$191,000 for construction, contingencies, material testing, engineering, inspection, and construction administration. (Staff Report #07-093)
4. Approval of the minutes for the City Council meeting of April 17, 2007. (attachment)

##### **M/S Cline/Boyle to approve items D2 through D4. Motion carries 5-0-0.**

##### **Discussion on item D1**

Council Member Robinson asked for the Mayor's input on this since she is the representative to this body. Mayor Fergusson commented that she sits on the C/CAG board and it includes the 20 cities in the County plus the County of San Mateo. She said this organization leverages the money in an impressive way by bringing in federal and state money to do projects throughout the County. The Mayor enumerated some of the projects such as the storm water management program and other countywide programs. Interim City Manager Steffens said that while the City has to pay a membership fee to this Joint Powers Authority the City gets reimbursed for part of the costs of many programs and the benefits outweigh the expenditure. The Mayor added that C/CAG is also an effective lobbying agency. She added that through C/CAG San Mateo County is the second County in the state that will have a hydrogen shuttle in place. Council Member Robinson asked if Council could receive an annual report from this organization so that it could evaluate what projects are being completed. Interim City Manager Steffens said that he will arrange a presentation to the Council on C/CAG's activities.

##### **M/S Robinson/Boyle to approve item D1. Motion carries 5-0-0.**

*The Mayor asked that items G, H and I be taken ahead of F1. There was no objection to such approach.*

#### **E. PUBLIC HEARING**

1. Consideration of a Resolution No. 5739 authorizing the execution of a joint exercise of Powers Agreement relating the California Municipal Finance Authority, and approving the issuance of revenue bonds by the Authority for the purpose of financing certain educational facility improvements for the benefit of Trinity School, located at 2650 Sand Hill Road. (Staff Report #07-091)

Carol Augustine, the Finance Director, presented the report which highlighted the request from Trinity School for the City to become a member of California Municipal Finance Authority (CMFA). This is a requirement for that organization to be able to issue tax exempt bonds to finance improvements to the property.

Council Member Cline asked if it is a Code requirement for the City to join CMFA to help Trinity School issue the bonds. He asked for confirmation that this has no impact on the City finances. Finance Director Augustine confirmed those statements and added that the requirement is that the public entity (the City) hold a public hearing. Vice Mayor Cohen inquired about the CFMA contribution to the General Fund. Mr. John Stoker, financial advisor to the CMFA, said that \$3,000 is approximately 25% of the issuance fee. Council Member Boyle had concerns with setting a precedent with this action and so he asked about project qualifications. Mr. Stoker said that it needs to be a tax-exempt project, with some exceptions, and the Code is strict about the type of project that gets approved by the CMFA. He added that this is a complex process that takes the public benefit into consideration. Mayor Fergusson asked about the cost of preparing the staff report and legal fees and Mr. McClure said that the \$3,000 should cover the staff costs.

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

**M/S Boyle/Cohen to close the public hearing. Motion carries 5-0-0.**

**M/S Boyle/Robinson to approve item E1. Motion carries 5-0-0.**

### **G. WRITTEN COMMUNICATION**

1. Request by Council Members Robinson and Cline that Council consider the transfer of \$32,578 from the General Fund to the Bayfront Park Maintenance and Operations fund. (attachment)

Council Member Robinson stated his belief that the funds that were spent on Measure J should be paid for by the General Fund and not from the Bayfront Park Maintenance Fund. He does not believe that sponsoring a ballot measure from this fund is appropriate. He noted that there was about \$200,000 budgeted that was not spent. Mr. Steffens said that it is within the Council's purview to direct where these funds should be charged. If the Council wishes to give new direction then staff can follow-up on this.

Elizabeth Lazensky, representing Friends of Bayfront Park, said that the Bayfront Park Maintenance Fund is sinking and she does not find it appropriate to fund a ballot measure from that source. She encouraged placement on a future agenda of a broader discussion about the park and how to protect its finances and enhance the park.

Interim City Manager Steffens said that changing the accounting is a simple transaction but a broader discussion of Bayfront Park would require Council direction and significant staff time. Council Member Boyle asked how long it would take to do the transfer and Mr. Steffens explained that a fund transfer would be done in 06-07 but that the books for 05-06 and 06-07 would not be adjusted. He also stated that this action would make the fund whole as if no money had been spent from the fund and that this could be done quickly by staff. Council Member Robinson stated that it would be good to consider the broader issues related to Bayfront Park. Council Member Cline stated that he will ask the Parks and Recreation Commission if this is something that body can address. Council Member Boyle commented that he did not understand why this was needed now since when that fund runs out of money, money could be transferred in from the General Fund. Council Member Cline agreed that the money should have come from a different fund instead of the Bayfront Maintenance Fund and would like this changed, especially when beginning to consider broader issues related to the Park. Council Member Robinson asked where the money for Bayfront Park came from and Mr. Steffens said it came from tipping fees at the landfill. Council Member Robinson reiterated that he does not find it appropriate to pay for elections out of this fund. He added that he is attempting to keep the budgeting as clean as possible.

**M/S Robinson/Fergusson to place this on a future agenda. Motion carries 4-1-0 with Council Member Boyle opposing.**

2. Request by Mayor Fergusson and Council Member Robinson for Council to consider placing on a future City Council agenda the possibility of closing Santa Cruz Avenue on August 1 and August 15, 2007. (attachment)

Mayor Fergusson explained how this came about and she enumerated other nearby cities that have had the same practice. Council Member Boyle said that he sent a letter to about 20 downtown merchants sharing the idea and has gotten six or seven positive responses. Council Member Cline agreed with it conceptually but he would like to see the logistics ironed out because these are important. Vice Mayor Cohen supported the idea because it might help create a sense of community. Council Member Robinson thanked the Mayor for taking the lead on this and he believed it would help invigorate the downtown. He posed the question of who will be the champion of this endeavor.

**M/S Cline/Cohen to place this matter on a future agenda. Motion carries 5-0-0.**

City Attorney McClure referred to a memorandum he provided to the City Council regarding the City Manager hiring process. He reminded Council to appoint community members to the community panels. Mayor Fergusson requested that the memorandum be sent to CCIN.

**H. INFORMATION ITEM - None**

**I. COUNCIL MEMBER REPORTS**

Council Member Boyle requested that August 21, 2007 not be a Tuesday off and instead take off August 7, 2007. Council Member Cline said he will be away because he scheduled his vacation based on the Council calendar. Mayor Fergusson suggested canceling the August 7, 2007 meeting. This did not work for all Council Members and so the calendar remained as is. Council Member Boyle also reported on the HEART kick off event and the fact that there were a number of speakers and interesting information about programs that are taking place. He acknowledged that Mayor Fergusson, Interim City Manager Steffens and City Commissioners attended the event.

Council Member Robinson reported that he, Mayor Fergusson and Dianne Dryer, the City's Environmental Coordinator, attended the Zanker Materials Processing facility tour.

Mayor Fergusson reported on attending the Community Partnership Awards at Stanford University and that Menlo Park was well represented with former Mayor Winkler in attendance. The Mayor reported on the winners of the various awards. She also attended the Little House Tea and she appreciated the event. She said she rode her bike around town and to the different events. Mayor Fergusson also reported that Menlo Park or a neighboring City in San Mateo County might have an opportunity, through C/CAG, to be a hydrogen shuttle station.

*Council Member Robinson recused himself and left the Council Chambers because of a possible conflict of interest on agenda item F1.*

**F. REGULAR BUSINESS**

1. Consideration of a Resolution No. 5740 authorizing the installation of a No Stopping Zone on the south side of the intersection of Oak Avenue and Oak Knoll Lane in front of 1875 and 1885 Oak Avenue. (Staff Report #07-092)

Renee Baile, Transportation Engineer, presented the report explaining the goal of the project and how this was an approved project priority for FY 2006-07. He provided information on traffic flow and speed on the subject streets.

Council Member Cline asked staff to clarify the recommendation of the Transportation Commission to remove on-street parking restrictions. Chip Taylor, Transportation Manager, said that the recommendation was to remove on-street parking, and that the word "restriction" should not have been included. Council Member Boyle referred to the aerial photo and asked for staff to identify two crosswalks on Bay Laurel and Oak Avenue.

There was no public comment.

Council Member Cline said he is sensitive to the homeowners because of the morning time but he understands the overnight street restrictions. Council Member Boyle asked about granting an

exemption to the property owners. Interim City Manager Steffens said that granting an exemption would be a possible but hard for the Police Department to enforce. Council Member Boyle asked about Oak Knoll Lane and a particular area (past White Oak) where there is a wider area used for parking. Transportation Manager Taylor said that there was some discussion about placing a white stripe but the area was too narrow to accommodate the travel lane as well as the cars sticking out into traffic and Oak Knoll is not wide enough to accommodate such approach.

**M/S Cline/Cohen to approve item F1. Motion carries 4-0-0 with Council Member Robinson recused.**

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 Item.

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

**K. ADJOURNMENT** - The meeting adjourned at 9:00 p.m. The meeting adjourned in memory of Kurt Servos, who served on the Bicycle Commission and was active with the Trees for Menlo organization. He was a geologist and an Assistant Professor of mineralogy at Stanford University.

Respectfully submitted,

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Silvia M. Vonderlinden, Certified Municipal Clerk

Approved at the Council Meeting of July 10, 2007.