



**CITY COUNCIL  
COMMUNITY DEVELOPMENT AGENCY  
MINUTES**

**Tuesday, August 28, 2007**

**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** - Fergusson, Cohen, Boyle, Cline (absent), Robinson

**Staff present** - Glen Rojas, City Manager, William McClure, City Attorney and Silvia Vonderlinden, City Clerk. Other City staff was present in the audience.

**PLEDGE OF ALLEGIANCE**

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

1. The following Advisory Bodies will have vacancies for seats that expire September 2007. The new terms will serve until September 2011. The application deadline for submittal of applications to the City Clerk's Office is Wednesday, September 26, 2007 by 5:30 p.m.
  - The Environmental Quality Commission (two seats)
  - The Library Commission (one seat)
  - The Housing Commission (two seats)
  - The Parks and Recreation Commission (one seat)
  - The Transportation Commission (two seats)

The new terms will serve until September 2011. The application deadline for submittal of applications to the City Clerk's Office is Wednesday, September 26, 2007 by 5:30 p.m.

The Mayor announced the vacancies and invited residents to apply.

2. Appointment of one resident to the Dumbarton Rail Citizen Advisory Panel.

Council Member Robinson nominated Margaret Fruth as the representative and Hong-Loan Nguyen as the alternate. Vice Mayor Cohen seconded the nomination.

**The nomination for the representative and the alternate was accepted by acclamation with Council Member Cline absent. Margaret Fruth was selected as the representative and Hong-Loan Nguyen was appointed as the alternate.**

3. Commission member and Chamber of Commerce reports.

Fran Dehn, with the Chamber of Commerce, reported on the two Santa Cruz Avenue block parties. She introduced and acknowledged the efforts of the organizing committee composed of: Katie Ferrick, Brian Flegel, and Bryan Celedon. Mr. Flegel said that the committee was pleased with the turn out and how everything went smoothly. Mr. Flegel recognized some committee members in absentia namely Janine Mankin and Todd Temple. He expressed his gratitude for the collaboration between local businesses. Mr. Flegel said that a future goal might be to have two events in June, two in August and possibly two in September. The committee discussed leaving July out because of the Connoisseur's marketplace. He also mentioned that it might be a good idea to brand each event with a certain theme

such as a green theme or an auto row theme. His goal for next year will be to begin planning six months in advance.

Mayor Fergusson thanked the volunteers for their hard work. She suggested that the committee debrief with the City Manager and debrief possibly formulate a plan on how these events might happen next year.

Ms. Dehn announced that the dunk tank raised over \$1,000 for the Boys and Girls Club.

## **B. PRESENTATIONS AND PROCLAMATIONS**

### **1. Proclamation celebrating International Literacy Day September 8, 2007. (attachment)**

The Mayor presented the proclamation to various members of the program in attendance which included: volunteers, staff, Advisory Board Members and Friends of the Library Board Members.

The Mayor announced that the City Council meeting for September 4, 2007 has been cancelled. The next Council Meeting will take place on September 11, 2007. She also announced that tomorrow at 6:00 p.m. Professor Jim Sweeney, an expert in climate changes, will speak at the Council Chambers. Regarding the Valley Transportation Authority, the Mayor reported that Bus Route 22 is being proposed for discontinuation and she invited residents to join her in efforts to stop this action. She provided details on the meeting time and place and invited impacted residents to attend as well.

## **C. PUBLIC COMMENT #1**

The Mayor invited comments on Agenda item H1 (information item) regarding 1300 El Camino Real.

Richard Angus, President of the Historical Association, welcomed the new City Manager and presented him with a book on the history of Menlo Park.

James Lewis, with time donated by Robert Van Fredenberg, spoke about a downtown sign. He said that this particular sign impacts the look of the city. Mr. Lewis recognized that many efforts have been made to take down this particular sign but were unsuccessful. He listed all the people he has contacted on the issue. Mr. Lewis made a presentation to Council on his views on the sign and why it should be taken down. He provided details on another sign that in the past caused controversy. He read excerpts from previous articles published in local papers regarding signs and he quoted previous elected officials. He requested that the matter be considered at in a future Council meeting.

Nicholas Jellins, former Mayor, said he is hopeful Council will find the tools to eradicate or correct the problem of the sign mentioned above. He opined that there are other signs too but this one in particular is at the gateway of the commercial district in the downtown area. Mr. Jellins said he is interested in maintaining a certain level of aesthetics but he is aware of the freedom of speech issue. He acknowledged Mr. Johnson's efforts, Business Development Manager, on this matter and asked that Council appoint a subcommittee to address the issue.

Mayor Fergusson asked that Mr. Jellins meet with the new City Manager and brief him on the topic.

Mark Petersen-Perez, former resident of Menlo Park, said he still feels a part of this community. He spoke about a decision made by the courts and Justice Brennan's case of 1964. He opined that since we live in a democratic society it is prudent of to look at the decisions of the Supreme Court. He read excerpts from that ruling. He said that he is in favor of keeping the sign because it touches an individual's fundamental freedom of press and speech.

Aram James said that he does a lot of business in Menlo Park and is encouraged by this particular sign. In his opinion the sign expresses views contrary to law enforcement and the business owner has the right to those views. He is glad the residents of Menlo Park are free to express their opinions.

Dick Poe concurred with comments made by Mr. Lewis and Mr. Jellins. He said that he supports free speech but in his view civic pride dictates expressing it in a manner that is consistent with a clean, beautiful and pleasant Menlo Park.

Margaret Fruth said that the goal should be to keep the message but improve the look of the sign.

Mr. Rojas said that Business Development Manager Johnson has been trying to get together with the business owner to address the issue. The Mayor asked the City Attorney to comment. He said that there are two different provisions that address signs. One is in the zoning ordinance and it addresses commercial signs. The other provision regulates signs on the public-right-of way but because of prior litigation, the City stipulated to an injunction and this ordinance is not enforceable. The City Attorney said this particular sign is on private property so there is little the City can do. Mr. McClure added that the City regulates commercial speech and commercial signs but not political signs and non-commercial speech.

Council Member Robinson said that there is State Law that regulates signs on State Highways. He asked if El Camino Real is a State Highway and Mr. McClure confirmed but said that this sign is not on the public-right-of-way but on private property. Mr. McClure commented that if the Council wanted to have a discussion about the subject of signs it could be placed on a future agenda but for now there is no action the City can take besides the one that the City is already taking. Mayor Fergusson thanked all the view points presented tonight.

Kristi Breisch spoke about Project Read and an upcoming fundraiser titled "Just Desserts! for Literacy". She invited people to attend and provided details on the program of the event.

Don Brawner spoke about ethics and he posed questions about a project on Willow Road. Mr. Brawner pointed out his issues with this remodeling project and he made comments about staff's approach.

Mayor Fergusson asked the City Manager to comment and Mr. Rojas said that the project is substantially in conformance with the Planning Commission's direction. Mr. Rojas said he had concerns with the comments of the last speaker questioning staff's ethics because he has been here three weeks and he has seen nothing but stellar behavior from the Planning Division.

Council Member Robinson announced that tomorrow is Spare the Air Day and he encouraged people to ride their bicycles and carpool to work.

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

1. Approval of the fourth amendment to the agreement for services of the City Attorney. (Staff Report #07-145)
2. Authorization of the Public Works Director to accept the work by JJR Construction, Inc., for the Willow Road Improvements Project. (Staff Report # 07-147)
3. Authorization of the Public Works Director to accept the work performed by Republic Intelligent Transportation Services for the purchase and installation of Video Detection Systems at the intersections of Sand Hill Road with Saga Lane, Branner Drive, and Sharon Park Drive. (Staff Report #07-149)
4. Authorization of the Public Works Director to accept the work performed by Page Construction Company for the Burgess Pool and Locker Room Project. (Staff Report #07-151)
5. Approval of the minutes for the City Council meeting of July 10, 2007. (attachment)

Council Member Robinson recognized that all projects listed for approval under the Consent Calendar came in under budget. He congratulated the Public Works Department on this accomplishment.

**M/S Robinson/Boyle to approve the Consent Calendar as submitted. Motion carries 4-0-0 with Council Member Cline absent.**

**E. PUBLIC HEARING - None**

**F. REGULAR BUSINESS - None**

**G. WRITTEN COMMUNICATION - None**

**H. INFORMATION ITEMS**

1. Update on the review process for the proposed commercial project located at 1300 El Camino Real. (Staff Report #07-150)

Megan Fisher, Associate Planner, gave a brief overview on the project and how it is progressing. She spoke about the building height impacting the zoning causing the applicant to for a rezoning of the project. Ms. Fisher said that there is a distinction between zoning and the General Plan amendment, and the latter is not being requested by the applicant. She spoke about next steps.

Council Member Robinson asked why the Housing Commission reviewed the project since there is no housing in this project. Ms. Fisher explained that through in-lieu fees, the developer contributes a monetary sum towards housing.

Jeff Warmoth, the applicant, said that he is excited about this project and he found the dialogue with the Planning Commission positive. He thanked staff and added that he is satisfied with the process so far.

Vice Mayor Cohen asked for confirmation that underground parking is included. He also asked about set backs.

The applicant said that in certain areas the set backs would be over 30-feet and the Redwood trees would remain. The applicant confirmed that underground parking is included. Mr. Warmoth explained that he has been in conversations with Whole Foods but there is no commitment because there is no final approval from the City.

Council asked questions about the possibility of housing and how it could be worked into the current project. Mayor Fergusson expressed curiosity on how to include housing in this project.

City Attorney McClure said that if this was going to change, Council would need to schedule another meeting or possibly a Study Session to explore that possibility since that option was not listed on the agenda. He added that this matter should not be addressed or deliberated tonight. Mr. McClure said that if the applicant was willing to discuss housing as a possibility then this would be placed on a future agenda. Council Member Boyle asked that this be placed on a future agenda for discussion. Mr. McClure explained that the item that will come back on the agenda is whether Council agrees with placing the matter on a future agenda for discussion or not. He also said the applicant was present and could comment on his interest or lack thereof.

Mr. Warmoth said he could not commit to an answer without reviewing the possibilities with his team.

Morris Brown spoke about his views and he said that if this project changes then he will oppose it. Mr. Brown made comments about the Derry Lane project. He added that he is satisfied with the current project as it is proposed and he does not agree with changing it at this point in the process. He spoke about the guidelines and he does not mind the extra height but he would like to have a Council session on how rules are being interpreted by staff.

Mayor Fergusson said that there is a certain beauty in having a compromise and she would like to see how the original project would look like with a combination of housing and retail.

**Public Comment**

Margaret Fruth stated that it is important to save all seven heritage trees on this site.

City Manager Rojas asked Council for clarity on the issue of the Study Session. Council Member Boyle said that he wanted to place the matter on a future agenda for discussion. Mr. McClure said that there will be some communication between staff and Mr. Warmoth to see if he is interested on revising the project. Staff will place the question in an upcoming agenda and engage Mr. Warmoth's interest in modifying the plan. Council Member Robinson said that his position is that he is trying to balance a lot of demands and there is pressure to add housing.

**An item will be placed on a future agenda to have Council discuss the possibility of making this project the subject of a Study Session to discuss the inclusion of housing.**

**I. COUNCIL MEMBER REPORTS**

Council Member Boyle spoke about the work being done by the Council subcommittee working on the El Camino Real Visioning Process. He said a draft newsletter will go out soon. He provided details on the speaker series which will start sometime in late September. He reported that a Request for Qualifications went out to approximately 40 firms and the responses are due by September 4, 2007. Subsequently, a draft RFP (Request for Proposal) will come to Council for approval.

Council Member Robinson reported that he (and the Mayor) attended the Regional Rail meeting held at the SamTrans office regarding the Regional Rail Plan that goes out to 2050 and will cost approximately \$60 billion. Council Member Robinson said this will be presented to the Metropolitan Transportation Commission (MTC) and adopted sometime in September. The Mayor asked that Mr. Steffens and the City Manager work on a letter, similar to the Dumbarton Rail letter, reiterating some of those points. Council Member Boyle was not sure the issues related to Dumbarton Rail would apply to this matter. Council Member Robinson clarified that the Dumbarton Rail segment in the Regional Rail Plan, is a stand alone topic. Mayor Fergusson asked that a letter be sent from staff letting the MTC know that Menlo Park is paying attention to the issue. Mr. Rojas said he understood direction to be for staff to create a generic letter and send it.

Council Member Robinson reported that he attended a San Mateo County Sub-RHNA (Regional Housing Needs Allocation) meeting. He said that the final housing numbers will be before Council in the near future and he has data on how these numbers are arrived at. Council Member Robinson offered to provide data on the formula used to arrive at these numbers.

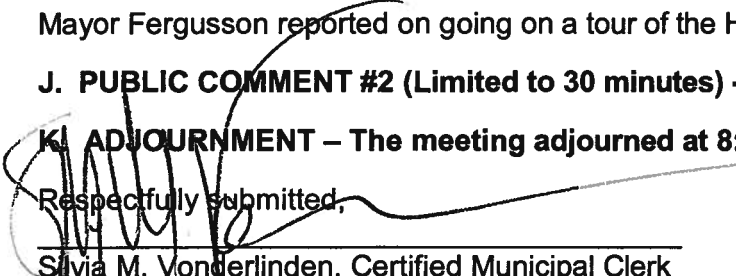
Mayor Fergusson attended a Planning Commission Study Session where the Bohannon Project was discussed. She said this meeting was a good first step and there was public input with good discussion by the Planning Commission.

Mayor Fergusson reported on going on a tour of the Hetch Hetchy reservoir in Yosemite.

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

**K. ADJOURNMENT – The meeting adjourned at 8:51 p.m.**

Respectfully submitted,

  
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Silvia M. Vonderlinden, Certified Municipal Clerk

Approved at the Council Meeting of October 2, 2007.

