



CITY COUNCIL AND COMMUNITY DEVELOPMENT AGENCY

MINUTES

Tuesday, November 6, 2007

7:00 p.m.

701 Laurel Street, Menlo Park, CA 94025

Menlo Park City Council Chambers

6:00 p.m. CLOSED SESSION

1. **Closed session pursuant to Government Code Section §54956.9 to meet with the City Attorney, Bill McClure and the City Manager, Glen Rojas to discuss potential litigation against the City of Menlo Park.**

Action: No reportable actions.

7:00 p.m. REGULAR MEETING

ROLL CALL – Fergusson, Cohen, Boyle, Cline, Robinson

Staff present – City Manager Rojas, City Attorney McClure, City Clerk Vonderlinden. Other staff present in the audience.

PLEDGE OF ALLEGIANCE

A. VACANCIES, APPOINTMENTS AND COMMISSION REPORTS

1. **There are three vacancies on the Finance/Audit Committee, a newly formed advisory body. The vacancies are for two two-year terms and one three-year term to allow for staggered seats. The deadline for submittal of applications to the City Clerk's Office is Tuesday, November 27, 2007.**

2. **Commission members and Chamber of Commerce reports.**

Action: None

B. PRESENTATION AND PROCLAMATIONS

1. **Presentation by Martha Poyatos, Executive Officer, San Mateo County Local Agency Formation Commission (LAFCO) regarding that Agency, and overview of upcoming Municipal Service and Sphere of Influence review.**

Ms. Poyatos stated that LAFCO is an independent agency, which has jurisdiction over the boundaries of cities and special districts. She reported that LAFCO is required to adopt and periodically review spheres of influence and to conduct municipal service reviews, which look at service deliveries that promote logical boundaries, efficient delivery of services, and elimination of overlapping agencies in the context of local government finance. She also pointed out that one of LAFCO's missions is to encourage the annexation of urbanized areas to cities.

Ms. Poyatos reported that municipal service reviews are required to be completed every five years and that as part of the review, LAFCO is required to make written determinations in nine areas that include infrastructure, population growth, finance

constraints and opportunities, rate restructuring, shared facilities, cost avoidance, governance options, management efficiencies and local accountabilities. She noted that the Agency will be looking at services including parks and recreation, police, fire, and water, and will also be reviewing other service providers. Ms. Poyatos said the review will look at revenue sources, tax rates, and fees for service. She reported that LAFCO will prepare an administrative draft for review by City staff prior to finalizing the report. Ms. Poyatos stated that the final report will be submitted to the LAFCO Board for consideration and adoption of recommendations identified in the report.

C. PUBLIC COMMENT #1 - None

D. CONSENT CALENDAR

Action: Moved, seconded, (Robinson/Cline) and carried unanimously to adopt the Consent Calendar as noted below.

1. **Authorize the City Manager to execute an Agreement with San Mateo County Transportation Authority for the City of Menlo Park to receive \$59,487 in Transportation Systems Management funding for Fiscal Year 2007-08 to support the City's shuttle program. (*Staff Report #07-183*)**

Action: Authorized the City Manager to execute the Agreement.

2. **Adoption of a Resolution of Intention to abandon a portion of the Willow Road plan line along the property located at 337 Willow Road and 345 Willow Road. (*Staff Report #07-184*)**

Action: Removed from the Consent Calendar for discussion by Councilmember Boyle.

Councilmember Boyle questioned why the City would want to abandon the right to widen Willow Road, as it seems like it would make sense to continue to have that option.

Public Works Director Kent Steffens explained that the plan line was established when the City believed it would want to widen Willow Road. He stated that subsequent studies and Council direction determined that the City is not planning on widening Willow Road. Mr. Steffens stated that the plan lines put an undo burden on the property owners, and at the request of some property owners, the City has already approved some abandonment of the plan lines. He explained the abandonment process, which includes public hearings before the Planning Commission and the City Council. Mr. Steffens responded to Council questions regarding various configurations of Willow Road, including the number of lanes and parking alternatives.

Members of the public commented as follows:

Peter Webb, one of the property owners requesting the abandonment, explained that he desires to relocate living structures on his property because Willow Road is a very busy and noisy road.

Action: Moved, seconded (Robinson/Boyle) and carried unanimously to continue this item to a future date to obtain additional information.

3. **Waiver of the reading and adoption of an Ordinance adopting the 2007 California Building Code, 2007 California Mechanical Code, 2007 California Plumbing Code,**

2007 California Electric Code, and local amendments to those codes. (Staff Report #07-188)

Action: Adopted Ordinance No. 959. Effective January 1, 2008.

E. PUBLIC HEARING – None

F. REGULAR BUSINESS

1. Authorization for the City Manager to fill two budgeted positions funded in the FY 2007-08 Budget.

City Manager Glen Rojas reported that the City Council approved two positions for FY 2007/2008 that were not authorized to be filled until the City Manager was hired. He stated that the Council held a goal setting workshop on October 3, 2007, which included discussion on business development efforts and the Council's goal related to community engagement. He reported that staff presented a request to fill positions aimed at assisting in achieving these goals at the Council meeting of October 23, 2007, and that Council directed staff to return with additional information. He stated that staff has provided additional information and is requesting authorization to fill the economic development and community engagement positions at this time.

City Manager Rojas stated that the economic development specialist position is needed to support the Business Development Manager with the City's general economic development activities. He reported that the duties of this position will include: maintaining regular contact with business owners, property owners and economic development organizations; providing timely follow-up on the concerns and needs identified by Menlo Park businesses; working with existing businesses to implement property improvements or redevelopment; and coordinating marketing and promotional activities aimed at retaining businesses. The City Manager said that by adding this position, the City will be able to provide a more strategic, proactive and creative approach to both business attraction and retention activities aimed at improving the City's long term sustainable revenue.

Assistant City Manager Audrey Ramberg reported that the duties of the community engagement specialist will include: leading community outreach efforts to gather input and feedback regarding the issues and community engagement methods of greatest interest to the public and the effectiveness of the City's current tools; overseeing the creation of citywide publications; implementing staff and commission training; and coordinating website enhancement and modification. The specialist will also consult with staff to identify opportunities to increase and improve community engagement and help to plan and conduct community meetings and other engagement efforts and will serve as the point person between the media and the City.

Members of the public commented as follows:

Vincent Bressler said that he believes the City should develop metrics and ways to quantify economic development efforts and progress. He said that the City has a strong brand, and should do more to exploit existing opportunities.

Elias Blawie referred to his written communication regarding a suggestion on the job description for the economic development position. He suggested the job description put more focus on new business development.

Councilmember Robinson agreed that short and long term metrics need to be developed.

Councilmember Cline suggested that the economic development position be filled by someone who understands the Silicon Valley and the venture capital community.

Mayor Fergusson expressed some concern as to whether the salary is adequate for the economic development specialist position.

Vice Mayor Cohen said that the duties of the economic development specialist need to be prioritized.

Councilmember Boyle expressed his belief that the Council should not get too involved in the job description process, but should spend more time focusing on the desired outcomes. He suggested that the Council define the goals, authorize the positions, authorize the salaries, and leave the writing of the job descriptions and the recruiting to the City Manager.

Action: Moved, seconded, carried (Cline/Boyle; Ayes – Boyle, Cline, Fergusson, Robinson; Noes – None; Abstain - Cohen) to authorize staff to initiate the recruitment process and fill the economic development specialist and community engagement specialist positions.

2. **Adoption of a Resolution authorizing the City Manager to submit a joint application with San Mateo County and the Town of Atherton for a Safe Routes to School grant for the improvement of pedestrian and bicycle safety for Safe Routes to Laurel School; and, 2) consideration of continuing the planning process to improve pedestrian and bike safety on the unincorporated segment of Coleman Avenue.**

Rene Baile, Transportation Engineer, presented the staff report. He reported that the Safe Routes to School (SR2S) program is funded by the California Department of Transportation (Caltrans) in consultation with the California Highway Patrol, and that grants, under this program, require a 10% match of the construction costs. He stated that the goals of this program are to reduce injuries and fatalities to school children and to encourage increased walking and bicycling among students, by constructing facilities that enhance safety for pedestrians and bicyclists on pathways, trails, sidewalks, and crossings. He stated that the application deadline for a grant from this program is November 16, 2007.

The Transportation Engineer informed the Council that on November 16, 2005 there was a joint meeting of the Transportation and Bicycle Commissions, at which concerns from residents and parents regarding the lack of safe routes to the Laurel School were raised. Mr. Baile said that the Safe Routes to Laurel School project was approved as a project priority for FY 2006/2007, with the goal of developing a plan for Laurel School that would be acceptable to all the project stakeholders including: the City of Menlo Park, County of San Mateo, Town of Atherton, Menlo Park School District, local law-enforcement agencies including the California Highway Patrol, the parents, and surrounding

neighborhoods. Mr. Baile stated that the City hired Kimley-Horn Associates to assist staff in developing the plan.

Gene West, Kimley-Horn Associates, reviewed the process used to develop the plan, results of the study, and the status of the plan. He reported that in 1969 about half of all students walked or rode their bicycles to school, but by 2001, less than 15% of the students were bicycling and walking to school. He said that the Safe Routes to School project is intended to make it safer for students to walk and bicycle to school. The four major goals of the project are to develop a comprehensive plan, to balance the needs of the children going to school with the desire to preserve the character of the area, to reach consensus between all of the different major stakeholders, and to have enough information for a successful grant application. He stated that the project has recommendations that include strategies surrounding education, enforcement, and engineering, and the project follows four steps including the initial data collection phase, development of alternatives, a draft plan, and a final plan with some preliminary design.

Mr. West informed the Council that the study showed that the largest share of students were most likely to use the combination of Gilbert and/or Coleman Avenue to travel to school. He reported that traffic volumes on Bay Road are over 8,000 vehicles per day, on Coleman Avenue about 2,500, Middlefield Road over 23,000 and on Ringwood about 6,500. Vehicle speeds were observed closest to the school on the primary roads that lead to the school including Coleman and Ringwood Avenues where the posted speed on Coleman is 25 miles per hour, and the 85th percentile speed was recorded at 28. On Ringwood, the posted speed is 30 miles per hour, and the 85th percentile speed is 38.

Mr. West reported that the project included a considerable amount of public process, led by a steering committee made up of representatives from the City of Menlo Park, the Town of Atherton, San Mateo County, Laurel School and Laurel School PTO, the School District, the Bicycle and Transportation Commissions, the Fire Department, California Highway Patrol, the Sheriff's Department, and the Menlo Oaks neighborhood. Three neighborhood meetings were held for the purpose of providing information and receiving input. Improvement alternatives were presented to both the Bicycle and Transportation Commissions in June 2007. Comments received from the neighborhood and commission meetings indicated general support for the improvement alternatives except for Coleman Avenue. Alternatives for Coleman Avenue included no change, close the road at the city/county line, making it one-way, installing bike lanes, or perhaps a multi-use path along one side of the road. Because of the lack of consensus and looming grant deadlines, the Coleman Avenue option was removed from the plan. A draft plan was developed and presented at a neighborhood meeting where additional comments were heard. Minor adjustments were made to the draft plan as a result of additional comments from the Bicycle and the Transportation Commissions.

Mayor Fergusson stressed the importance of the Safe Routes to School project. She reminded the Council that the Town of Atherton and San Mateo County must also approve this.

City Manager Rojas stated that the School District has expressed strong support for this project, and that it might be helpful to have representatives from both the City and the School District meet with the Town of Atherton and the Board of Supervisors to move this project forward. He pointed out that one question before the Council is whether or not to separate or include the Coleman Avenue option in the plan.

Mayor Fergusson said it is her position that it is important to include Coleman Avenue in the plan.

Councilmember Boyle asked for clarification on the survey results from the various groups. Transportation Manager Chip Taylor responded that the City did conduct a survey through the County. He stated that survey results from the County residents were split with three residents indicating support and three not in support of the plan. Four survey results were returned from Atherton residents with two in support and two not in support. He said that the City did receive support from the principal of the School and the School District with some minor reservations on some off-site details.

Councilmember Cline expressed the belief that the plan needs to include Coleman Avenue to be successful.

Vice Mayor Cohen pointed out the Willows area is the most adversely affected, since students in the Willows use Coleman Avenue to travel to the school. In response to the vice mayor's questions, the consultant acknowledged that vehicle speed in these areas is a high factor in contributing to safety issues.

Councilmember Robinson reiterated the safety concerns regarding speed. He also expressed concern with leaving Coleman Avenue out of the plan, and suggested that it might be beneficial to have some elected officials meet with residents of Coleman Avenue.

Councilmember Boyle said that his impression of the letter from the Coleman Avenue residents is that they don't feel that anything needs to be done on Coleman. In response to questions raised by Councilmember Boyle, the consultant responded that even without inclusion of Coleman Avenue, the plan, if adopted, would significantly improve the safety of children walking and bicycling to school. He reported that a survey done a couple of years ago indicated that between 40% and 50% of the students would walk or bike to school if the routes to school were improved. Mr. Taylor reported that the City is in the process of resurveying students regarding this, and as part of the awarding of a grant, would be required to collect before and after data.

Members of the public commented as follows:

Laure Laprais, a member of the steering committee, suggested that it might be helpful to have some political intervention with the residents of Coleman Avenue. She said that it is unsafe for children to currently walk or bike to school from the Willows area.

Manfred Kopisch expressed frustration that a small number of County residents could hold this plan hostage by not supporting it.

Marcia Bever urged the Council to approve the plan, and if Coleman is not included, to make a commitment to continue to work toward a resolution for Coleman Avenue. She said the route is currently unsafe for many children, and it is not fair to have a small number of County residents stop this plan.

Joanne Burkholder suggested that residents of the Willows and parents be included in any meetings with the residents of Coleman so that they hear other people's needs.

Vice Mayor Cohen asked if there is anything to prevent the City from offering to replace four trees at City expense to the residents of unincorporated Menlo Park in order to get the residents of Coleman Avenue to support the plan. City Attorney McClure stated that there is nothing to prevent the City from doing that as part of a safety project that would benefit the residents of the City as long as the Council can make that finding.

Councilmember Cline questioned if there is any negotiating leverage with the Coleman Avenue neighborhood.

Mayor Fergusson suggested that the plan include Coleman Avenue and that the Council authorize funding to complete the project and develop a strategy to approach the County Supervisors and the Atherton Council to build support.

Councilmember Boyle suggested that the Council move forward by applying for the State grant, without including Coleman, as the consultants believe the proposed plan, even without inclusion of Coleman, will make the route to school significantly safer. He commented that maybe more children will start walking and riding bikes including those on Coleman, which may convince the residents that something needs to be done. He stated that he doesn't want the grant opportunity to be missed, and if the Coleman residents are later convinced, the City could submit the federal grant application to include Coleman Avenue. He did express disappointment that the City has had to take the lead on this, when many of the streets and students are not in the City limits.

Vice Mayor Cohen said the problem is with Coleman Avenue, and therefore he would like to include Coleman in the plan. He suggested working with Trees of Menlo Park to see if there isn't a way to negotiate with Coleman residents for replacement of trees on Coleman to obtain approval for the plan.

Action: Moved, seconded (Robinson/Cohen; Ayes – Cline, Cohen, Fergusson, Robinson; Noes – Boyle) and carried to adopt Resolution No. 5768 authorizing the City Manager to submit a joint application with San Mateo County and the Town of Atherton for a Safe Routes to School Grant for the improvement of pedestrian and bicycle safety for Safe Routes to Laurel School and continuing the planning process to improve pedestrian and bike safety on the unincorporated segment of Coleman Avenue. The motion included direction to staff to include Coleman Avenue as part of the grant application, including the multi-use path alternative. The motion also included the formation of a Council subcommittee of Mayor Fergusson and Councilmember Robinson to continue work on this project.

3. **Approval of the implementation of the Traffic Management Plan for Oak Avenue between Sand Hill Road and Oak Knoll Lane for a six-month trial period at an estimated cost of \$10,000.**

The staff report was presented by Rene Baile, Transportation Engineer. He reported that the Council adopted the City's Neighborhood Traffic Management Plan (NTMP) in November 2004 to provide consistent, citywide policies for neighborhood traffic management, and to ensure equitable and effective solutions to traffic issues. He stated that in April 2007 staff received a petition from residents and property owners on Oak Avenue and its neighboring streets requesting traffic measures on Oak Avenue to address the problems of drivers speeding on Oak Avenue and Oak Knoll Lane. Since the petition met the NTMP requirements, staff undertook a review of the reported

concerns and collected data of collision statistics and vehicular traffic volumes and speeds. In June 2007 the Transportation Commission heard from the neighbors and also reviewed the results of the preliminary staff traffic evaluation. As a result of recommendations by the Transportation Commission and a meeting with the Oak Avenue neighbors, the following traffic management measures were agreed upon: 1) a neighborhood gateway structure, not offset, would be installed between the residences at 1975 and 1985 Oak Avenue; 2) rumble strips would be installed in the eastbound lane, west of Vine Avenue, in the vicinity of 1985 Oak Avenue; and 3) an advance school area sign would be installed at the entrance to Oak Avenue on Sand Hill Road. Surveys were sent to the 42 households and businesses in the study area describing the proposed traffic management plan. The results of the survey indicated that 71% supported a trial installation; 12% did not support the plan; and 17% did not respond to the survey. On October 10, 2007 the Transportation Commission reviewed the traffic management plan and recommended the Council implement this plan on a six-month trial basis. Mr. Baile reported that after this process, the project proponents requested a raised crosswalk on Oak Avenue at its intersection with Oak Knoll Lane. He stated that staff considered this request but feels that this should be brought back to the study area residents through the NTMP process for consideration.

Members of the public commented as follows:

Jonathan Miller pointed out that vehicles speed off of Sand Hill Road onto Oak Avenue until they hit the first speed bump. He said that there is a tremendous amount of foot and bicycle traffic on Oak Avenue, with lots of small children. Mr. Miller stated that the gateway structure is an important means to reduce speed and that a raised crosswalk is a reasonable additional measure. He presented a petition of 80 plus signatures in support of traffic mitigation measures.

Rich Rollins provided a picture chronology of the situation and suggested that the root problem is too much cut-through traffic. He said the neighborhood is requesting a raised crosswalk at Oak Avenue and Oak Knoll Lane. He clarified that the suggestion of a raised crosswalk was agreed upon by the neighborhood after the Transportation Commission rejected the idea of a gateway structure at Oak Knoll Lane.

Transportation Manager Chip Taylor informed the Council that the cost of a raised sidewalk is estimated at \$10,000 to \$12,000.

Councilmember Boyle expressed concern that putting a gateway on Oak Avenue would create a dangerous situation for bicyclists who will be forced to merge with vehicles, and suggested the Council consider other alternatives such as a speed bump and changing the signage.

Councilmember Cline said that his experience is that he has not seen a lot of bicyclists on this street and is supportive of the recommendations.

Vice Mayor Cohen stated that valid points are being raised about the dangers of a gate. He said that people need to respect speed limits and stop signs, but there is no traffic enforcement. He felt that the Council should consider a table as well as a split in the gate.

Mayor Fergusson said she is inclined to support a raised crosswalk at Oak Knoll Lane and Oak Avenue and some modified formation of a gate.

In response to questions raised by Councilmember Robinson, the Transportation Manger pointed out that typically a raised crosswalk is used for a mid-block crossing, not at a stop sign. He responded that temporary structures are more expensive than asphalt, though they have the advantage of being able to be moved.

Councilmember Boyle recommended that Council give staff some suggestions of their ideas and ask staff to come back with some analysis and three or four possible alternatives so that the Council could make a more informed decision. He said he would like staff to look at a raised crosswalk at Vine and Oak Avenue and a speed limit and school crossing sign on Oak Avenue near the crosswalk.

Councilmember Robinson agreed with continuing this matter and said that he would not support a fence on the outbound direction up against the school. Mayor Fergusson agreed with continuing this item and for staff to include analysis of a raised crosswalk.

Action: Moved, seconded (Boyle/Robinson) and carried unanimously to continue this matter to a future date with direction to staff to come back with an analysis of potential alternatives exploring at a minimum the possibility of a raised crosswalk at or near Vine and Oak, a raised crosswalk at or near Oak Knoll Lane and Oak, a modified gate structure engineered in a way that would allow a right-hand pass and any other suggestions staff may have for addressing the local resident concerns.

4. **Direction to staff regarding a request from Quadrus to allow the processing and approval of a proposal to enclose a 300 square foot balcony of an office building located at 2480 Sand Hill Road per historical practices for calculating gross floor area.**

Justin Murphy, Development Services Manager, presented the staff report. He stated that on May 8, 2007 the Council considered the Zoning Ordinance definition of gross floor area and directed staff to prepare an amendment to the Zoning Ordinance to clarify the definition. He reported that the property owners of 2400 through 2498 Sand Hill Road, the Quadrus Office Complex, have submitted information indicating that the Council direction has created a hardship. Specifically, the property owners are in breach of contract with a tenant because a proposal to enclose a 300 square foot balcony cannot be processed per staff's understanding of Council's direction. He stated that staff believes the applicant was acting in good faith in pursuing the balcony enclosure. Mr. Murphy indicated that this is a unique situation, and that staff recommends that the proposal be processed as an architectural control request with review by the Planning Commission per historical practices for calculating gross floor area.

Members of the public commented as follows:

Paul Collachi informed the Council that he was a councilmember in 2004 when the Council approved the abandonment of Saga Lane, which primarily serves the Quadrus campus. He provided background related to the initial abandonment and discussions and intent regarding calculation of gross floor area. He suggested that the Council may want to use historical practices for calculating gross floor area rather than move forward with a zoning ordinance amendment.

Peggy Lo, representing the property owners, said she agreed with staff's recommendation.

The City Attorney responded to questions raised by members of the Council regarding the process used to abandon square footage and the historical interpretation of calculating gross floor area.

Action: Moved, seconded (Robinson/Boyle; Ayes – Boyle, Fergusson, Robinson; Noes – None; Abstain – Cline, Cohen) to approve the staff's recommendation to allow the application to enclose a 300 square foot balcony of an office building to be processed as an architectural control request with review by the Planning Commission per historical practices for calculating gross floor area.

5. 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.

Action: None

G. WRITTEN COMMUNICATION - None

H. INFORMATION ITEMS

1. Report on AT&T's Project Lightspeed Initiative in Menlo Park.

Action: Report was received and filed.

I. COUNCIL MEMBERS REPORTS

Councilmember Robinson presented a report from the Council subcommittee on the Park Theater. As per outlined in the written report, he said that the subcommittee recommends the City end negotiations to purchase the Theater.

Councilmember Cline presented a report from the Council subcommittee on the El Camino Real Downtown Visioning process. He said that four firms that responded to the RFP will be interviewed at a public meeting on Thursday.

Councilmember Boyle announced that the Menlo Park Chamber of Commerce Transportation Committee has recommended that if high speed rail is approved, it go through the Pacheo Pass and have a regional connection, as the lesser of two evils.

Mayor Fergusson reported that she was in Seattle for a U.S. Conference of Mayors on Climate Change, which was a study of best practices. She stated that Menlo Park was included into the best practices guide, which was entered into the congressional record.

J. PUBLIC COMMENT #2

Paul Collachi suggested that the Council subcommittee report on the Park Theater be put on City letterhead and be sent to the media. In addition he reiterated his previous comments regarding historical practices for determining gross floor area.

Elias Blawie commented that the process for review of the zoning ordinance is amazing. He felt that continuing the process as is does not seem to be a good use of City resources, but it should be brought up in January in the setting of priorities.

K. ADJOURNMENT

The meeting adjourned at 12:12 a.m.

Margaret S. Roberts, MMC – City Clerk for
Sherry Kelly, Interim City Clerk