



**CITY COUNCIL
COMMUNITY DEVELOPMENT AGENCY MEETING
MINUTES**

**Tuesday, January 15, 2008
7:00 p.m.**

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

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

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

PLEDGE OF ALLEGIANCE

A. COMMISSION/COMMITTEE VACANCIES AND REPORTS

1. **Appointment of El Camino Real Downtown Visioning Process Oversight and Outreach Committee Members.** ([Staff Report #08-013](#))

Thomas Rogers, Associate Planner, presented the staff report. He informed the Council of the nine appointments made by the commissions, Stanford University, and the Chamber of Commerce. He stated that the Council had previously agreed that they would make seven appointments; a) one development community representative; b) three Downtown/El Camino Real residents; and c) three at-large members.

The consultant, Tom Ford of DCE, responded to questions raised regarding the composition and number of members for this committee.

Members of the public commented as follows:

Ben Eiref stated his qualifications and expressed his desire to be appointed to this committee.

Blair Porteous stated his qualifications and expressed his eagerness to be a member of this committee.

Elias Blawie said it appeared to him that the scheduling of meetings revolves around the desires and convenience of staff and the consultant and not the public.

Vice Mayor Robinson made the suggestion, that since one of the charges of this committee is outreach, that he would like to see the committee expanded by two members to be drawn from applicants in any of the three groups.

Actions: Moved, seconded (Robinson/Fergusson) and carried unanimously to expand the committee by two members.

The Council nominated applicants for the development community representative. Council Member Fergusson nominated Jeff Warmoth. Council Member Cline nominated Blair Porteous. Council Member Boyle nominated Roderick Shepard.

Jeff Warmoth received three votes (Cline, Cohen, Fergusson). Blair Porteous received one vote (Robinson). Roderick Shepard received one vote (Boyle). Jeff Warmoth was appointed to the committee as the development community representative.

The Council nominated applicants for the three positions to be filled by residents of the Downtown/El Camino Real area. Council Member Boyle nominated Matthew Sonsini, Sam Sinnott, and Philip Giurlani. Vice Mayor Robinson nominated Tom Hilligoss, Todd Temple, and Elizabeth Weiss. Council Member Cline nominated Josephine Gaillard.

Josephine Gaillard received two votes (Cline and Cohen). Philip Giurlani received one vote (Boyle). Tom Hilligoss received three votes (Cline, Cohen, Robinson). Sam Sinnott received no votes. Matthew Sonsini received two votes (Boyle, Fergusson). Todd Temple received three votes (Cline, Fergusson, Robinson). Elizabeth Weiss received four votes (Boyle, Cohen, Fergusson, Robinson). Elizabeth Weiss, Todd Temple, and Tom Hilligoss were appointed to the committee as residents of the Downtown/El Camino Real.

The Council nominated applicants for the three positions to be filled by at-large members. Council Member Cline nominated Michael Gullard, Katie Ferrick and Vincent Bressler. Vice Mayor Robinson nominated Ben Eiref, Charlie Bourne, and John Kadwany. Council Member Fergusson nominated Mark Flegel and Clark Kepler. Council Member Boyle nominated Fran Dehn, Wendy McPherson, Matthew Sonsini, and William Frimel.

Michael Gullard received two votes (Cline, Robinson). Katie Ferrick received four votes. (Cline, Cohen, Fergusson, Robinson). Vincent Bressler received two votes (Cline, Cohen). Ben Eiref received two votes (Fergusson/Robinson). Charlie Bourne received one vote (Cohen). Clark Kepler received one vote (Fergusson). Wendy McPherson received one vote (Boyle). Matthew Sonsini received one vote (Boyle). William Frimel received one vote (Boyle). John Kadwany, Mark Flegel, and Fran Dehn received no votes.

Katie Ferrick received four votes and was appointed to the committee as an at-large member.

Michael Gullard, Vincent Bressler, and Ben Eiref all received two votes each. The Council conducted a runoff to determine which applicants would be appointed to fill the remaining two at-large positions. Michael Gullard received five votes. Ben Eiref received three votes (Boyle, Fergusson, Robinson). Vincent Bressler received two votes (Cline, Cohen). Michael Gullard and Ben Eiref were appointed to the committee as at-large members.

The Council nominated applicants to fill the two additional positions. Mayor Cohen nominated Charlie Bourne and Vincent Bressler. Vice Mayor Robinson nominated Clark Kepler. Council Member Boyle nominated Roderick Shepherd, Wendy McPherson, and William Frimel. Council Member Cline nominated John Kadwany, Matthew Sonsini, and Philip Giurlani.

Charlie Bourne received one vote (Cohen). Vincent Bressler received four votes (Cline, Cohen, Fergusson, Robinson). Clark Kepler received two votes (Fergusson, Robinson). Roderick Shepherd received one vote (Boyle). William Frimel received one vote (Boyle). John Kadwany received one vote (Cline). Wendy McPherson, Matthew Sonsini, and Philip Giurlani received no votes.

Vincent Bressler received four votes and was appointed to the committee as an at-large member.

Being that no other applicant received a majority, the Council conducted a runoff of all applicants that received one or more votes. Charlie Bourne received two votes (Cline, Cohen). Clark Kepler received three votes (Boyle, Fergusson, Robinson). Roderick Shepherd, William Frimel, and John Kadwany received no votes.

Clark Kepler received three votes and was appointed to the committee as an at-large member.

2. Commission members and Chamber of Commerce reports.

Louis Deziel, Planning Commission Chair, stated that the commission was disappointed with the Council's decision on 1906 El Camino Real. The commission felt that by not allowing entry from Watkins or a left turn as you exit the property will result in a lot of u-turns and extra traffic in the neighborhood.

Rhoda Alexander, Transportation Commission Chair, reported that the commission has spent much of the last three months working on their project priority recommendations for the next fiscal year. She stated that that while not unanimous, there is general agreement on most of the top ten items. She asked that the Council also considering ranking the complete list of 23 projects that were agreed upon by the commission.

Ms. Alexander asked that the Council consider the commission's desire to see Commissioner Bourne appointed as an at-large representative to the El Camino Real Downtown Visioning Process and Oversight Committee. She also informed the Council of the dissolution of several subcommittees that had completed their work.

B. PRESENTATIONS AND PROCLAMATIONS - None

C. PUBLIC COMMENT #1

Marilu Serrano informed the Council that the Ravenswood School District Superintendent and Board are considering the loan of school land for five years to a church foundation to build an artificial turf soccer field. She questioned how the school would be able to get their land back if this goes through.

Elizabeth Lasensky stated that people have been impacted by the loss of the Number 22 bus and that many of these people do not have the resources to get to work or to perform their chores.

D. CONSENT CALENDAR

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

1. **Adoption of a resolution approving a second amendment to the agreement with the County of San Mateo for animal control services to adjust the payment schedule, modify the term, include an indemnity clause and clarify services and to authorize the City Manager to execute the second amendment.** ([Staff Report #08-005](#))

Action: Adopted Resolution No. 5777 approving a second amendment to the agreement with the County of San Mateo for animal control services.

2. **Authorize the City Manager to enter into an agreement in the amount of \$58,900 with DKS Associates to develop a Safe Routes to School Plan for Encinal Elementary School.** ([Staff Report #08-006](#))

This item was removed from the Consent Calendar for discussion by Vice Mayor Robinson.

Vice Mayor Robinson expressed his view that the City doesn't do enough in educating the parents, children, and drivers to get their compliance with these plans.

Council Member Fergusson questioned how the study area was defined.

Council Member Boyle suggested this matter be continued because the study area is not identified and the scope of work doesn't address many of the outstanding issues yet to be decided regarding the boundaries and which children will be going to Encinal.

Transportation Manager Chip Taylor stated that the consultant understands that the school district boundaries will change and will be taking this into account in developing the plan. In response to concerns raised by members of the Council, he stated that that the Fire District could be included in the steering committee and presentations could be made to the Town of Atherton and to the County as part of this process.

Actions: Council Member Boyle's motion to continue this matter until more specific information is included in the scope of work died for lack of a second.

Moved, seconded (Fergusson/Robinson) and carried unanimously to authorize the City Manager to enter into the agreement with DKS Associates to develop a Safe Routes to School Plan for Encinal Elementary School with additional direction to staff: 1) to invite the Fire District to participate as part of the steering committee; 2) to require presentations to the Town of Atherton and San Mateo County; and 3) to include discussion of the implementation plan in the scope of work.

3. **Award of contract to Alaniz Construction, Inc., in the amount of \$30,913 for the Monte Rosa Drive Traffic Calming Project between Sharon Park Drive and Sand Hill Road; and authorization of a budget of \$40,000 for construction, contingencies, testing, inspection, and construction administration.** ([Staff Report #08-007](#))

Action: Awarded contract for Monte Rosa Drive Traffic Calming Project and authorized the budget.

4. **Introduction of an ordinance amending Chapter 5.69 (Video Service Providers) of Title 5 (Business Licenses and Regulations) of the Menlo Park Municipal Code to**

establish a fee to support public, education, and government access once Comcast is granted a State Video Franchise. ([Staff Report #08-009](#))

Action: Introduced Ordinance amending Chapter 5.69, Title 5, of the Menlo Park Municipal Code.

5. Approval of the minutes for the City Council Meeting of October 16, 2007.

([attachment](#))

Action: Approved minutes of October 16, 2007.

E. PUBLIC HEARING - None

F. REGULAR BUSINESS

1. Consideration of the Request for Proposal (RFP) for the Fiscal Impact Analysis (FIA) for a Mixed-Use Office, Research and Development (R&D), Hotel, and Health Club Project at 101 to 155 Constitution Drive and 100 to 190 Independence Drive and creation of a Council Subcommittee for the FIA process. ([Staff Report #08-008](#))

Thomas Rogers, Associate Planner, presented the staff report. He stated that the consultant will prepare a Fiscal Impact Analysis (FIA) for the project and each of the five alternatives that are being studied in the Environmental Impact Report (EIR).

Council Member Cline said that he had reviewed the motion made by the Council on July 31, 2007 and the motion directed staff to include options to be studied in the FIA that don't appear to be included in this scope of work. He expressed concern that the scope hasn't been refined enough.

Council Member Boyle wanted to be sure that the FIA includes the impact this project will have on property taxes. He asked if there was some way the FIA could address assumptions on what might happen if more properties convert from general industrial (M-2) use to mixed use commercial business park (M-3) use.

Council Member Fergusson commented that the scope doesn't distinguish between general and professional office use and asked that it be included. She also expressed concern that the FIA needs to address the big picture as well as the details and needs to address implications to the City's bottom line due to changes in land use in the area and the impact on property taxes.

Vice Mayor Robinson and Mayor Cohen stated their agreement with comments made by other council members.

Mr. Rogers responded to several questions raised by members of the council regarding what would and wouldn't be included in the FIA scope versus the EIR and staff's concerns with including assumptions in the analysis. He suggested that the Council may want to appoint a Council subcommittee to work with staff and the consultant to refine the scope of the FIA.

Council Member Boyle commented that there appears to be Council consensus on what they are looking for, recognizing that there will be a lot of caveats regarding any assumptions included in the FIA. He also questioned who would pay for the additional work if the Council decides to expand the scope of the study.

Council Member Fergusson and Mayor Cohen volunteered to serve on the Council subcommittee to refine the scope of work and come back to Council with a recommendation.

Action: Moved, seconded (Fergusson/Cohen) and carried unanimously to appoint a Council subcommittee of Mayor Cohen and Council Member Fergusson to: 1) work with staff to finalize the scope of the RFP; 2) to review the proposals; and 3) to make a recommendation to the Council on the consultant and funding.

2. **Authorization for staff to enter into an agreement with Ceitronics for replacement of the Council Chambers audio and visual presentation system in the amount of \$108,666 and approval of an additional appropriation of \$71,750 for a total project budget of \$120,000 from General Fund Reserves. ([Staff Report #08-004](#))**

Glen Kramer, Human Resources and MIS Director, presented the staff report, which recommends entering into an agreement with Ceitronics to upgrade specific electronic equipment related to audio and visual presentations for the Council Chamber.

Jim Thielemann, Director of Audio Visual for Ceitronics, responded to questions from council members regarding the overall objective, design of the project, types of equipment being proposed, other alternatives, and the life expectancy of the technology being proposed. He also referred to the company's experience installing similar systems in other council chambers in the area.

In response to Council questions, Mr. Kramer informed the Council that Ceitronics has more experience in designing and installing audio/visual systems for use in council chambers and that Sound Perfection's experience appears to be more in the area of home and office installations. He stated that Ceitronics is headquartered in San Jose and included in its proposal a response time of two to four hours and Sound Perfection, a local vendor, stated a response time of same day during business hours.

Members of the public commented as follows:

Sophie Lo, owner of Sound Perfection, informed the Council that her company has designed and installed numerous residential and commercial projects, many of which are very large. In response to Council questions, Ms. Lo explained the differences between her proposal and the proposal submitted by Ceitronics.

Council Member Boyle asked why the cost of the project had increased from \$44,000 to \$120,000 and questioned what type of improvements could be made for the initial budget.

Council Member Cline said that the City's technology is antiquated and needs to be replaced. He stated that he felt the issue shouldn't be whether or not to make the improvements, but more of a policy decision on whether or not the City gives preference to local vendors.

Council Member Fergusson agreed that the current method of presenting materials to the Council and the public are lacking.

Vice Mayor Robinson questioned if there may be other upgrades needed for the Council Chambers, such as the heating and ventilation system and the cameras. He suggested that the Council has several options: 1) accept staff's recommendation and award the contract to Ceitronics; 2) downsize the project; 3) establish a Council subcommittee to work with staff to address questions raised and come back with a recommendation; 4) award the contract to Sound Perfection, a local vendor. He stated that he was inclined to accept the staff recommendation with some caveats to have a Council subcommittee look at some lower cost options.

Mayor Cohen said that he felt it was important to get input from the consultant that worked with the City in reviewing these proposals. He suggested that this matter be tabled until staff has the opportunity to talk with each council member to determine their needs and respond to any of their questions.

City Manager Rojas explained that the cost increased because staff felt the initial budget estimate would not provide a solution to the problem. Assistant City Manager Ramberg stated it would be helpful to learn from the Council the features that they believe are the most important to ensure they are included in any recommendation brought back to Council.

Council Member Fergusson and Vice Mayor Robinson expressed their desire to continue this item with direction to staff to work to reduce the cost based on input from individual meetings with council members to find out what is important to them and to come back with a revised proposal. Council Member Boyle suggested that at least one recommendation that comes back to the Council should be a proposal in line with the original budget estimate.

Action: By Council consensus, the matter was referred to staff to get additional input from each council member and to return to Council with alternatives.

- 3. Authorization to transfer \$9.2 million from the City's General Fund to the Internal Service Fund for Other Post Employment Benefits and proceed with establishing an Irrevocable Trust Account with California Public Employees' Retirement System (CalPERS) for retiree medical benefits. ([Staff Report #08-011](#))**

Carol Augustine, Finance Director, presented the staff report. Ms. Augustine responded to questions raised by Council Member Boyle regarding what happens if the interest in the fund goes up or down, how it is calculated, and other trust options. She stated that the other two trust options that the City looked at couldn't provide specific data on rate of return because that would depend on how the City chose to invest its money, unlike CalPERS, which has an established investment policy. Ms. Augustine stated that CalPERS rate of return, in most cases, is higher, and that their administrative fees are lower.

Action: Moved, seconded (Cline/Robinson) and carried unanimously to authorize the transfer of funds and establishment of an irrevocable trust account with CalPERS for retiree medical benefits.

- 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 Item. - None**

G. WRITTEN COMMUNICATION

1. **Memorandum from Council Member Cline regarding a request that the Council place on a future agenda a study session to discuss Public Benefit.**
(Memorandum)

Council Member Cline asked that the Council approve setting aside a future date to review and discuss the topic of public benefit, first to determine the proper definition of public benefit as it pertains to Menlo Park residents, and second to agree how that public benefit is defined and calculated as it relates to development and negotiations with developers in Menlo Park.

Action: By Council consensus, it was agreed to include this item for a future study session.

H. INFORMATION ITEMS - None

I. COUNCIL MEMBER REPORTS

Mayor Cohen read an announcement from San Mateo County inviting residents to take an on-line survey that will help San Mateo County Board of Supervisors set policies and priorities for the community. The website is www.co.sanmateo.ca.us/sharedvision2010.

Council Member Boyle announced that Marilyn Franklin, Principal of Oak Knoll School, passed away this week.

J. PUBLIC COMMENT #2 - None

K. ADJOURNMENT – Adjourned at 11:55 p.m.

Respectfully submitted,

Sherry M. Kelly, City Clerk

Approved at the Council meeting of March 25, 2008