



**CITY COUNCIL AND COMMUNITY DEVELOPMENT AGENCY
MINUTES**

Tuesday, May 20, 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 was present in the audience.

PLEDGE OF ALLEGIANCE

A. COMMISSION/COMMITTEE VACANCIES AND REPORTS

1. **Commission members and Chamber of Commerce reports.** - None

B. PRESENTATIONS AND PROCLAMATIONS

1. **Presentation and Proclamation recognizing May 18-24, 2008 as Public Works Week.** ([attachment](#))

Action: The Mayor presented a proclamation recognizing Public Works Week. Public Works Director Kent Steffens made a presentation relating to public works projects and goals.

C. PUBLIC COMMENT #1

Sue Kayton spoke in opposition to Item D6, developing a Caltrain Bicycle/Pedestrian Undercrossing location. She stated her belief that it is premature to move forward on this until it is known whether or not the high speed rail bond measure passes.

Howard Crittenden, owner of the Park Theater, expressed concern that there is a statement in the draft El Camino Real Downtown Vision Plan to use the Theater as a cultural amenity. He informed the Council that it may not be economically feasible for the building to be used in this manner and urged the Council to remove this statement from the Plan.

David Montague asked the Council to place an item related to plans for the Encinal School on a future agenda. He stated that the School District's plan to build a new 11,800 square foot Teaching Education Resource Center on this site creates major irreversible environmental impacts to the City and that the City needs to take a stronger position before the School Board acts on the environmental documents.

D. CONSENT CALENDAR

Action: Moved, seconded (Fergusson/Cline) and carried unanimously to adopt the Consent Calendar in one motion as noted.

1. **Adoption of a Resolution of Intention and introduction of an Ordinance to approve a Contract amendment with the Public Employees' Retirement System, providing for Section 21354.5 (2.7% at 55 Full-Formula) for local miscellaneous**

members as required by the City's collective bargaining agreements. ([Staff Report #08-061](#))

Action: Adopted Resolution No. 5798 intending to approve an amendment to Contract with CalPERS and adopted first reading of an Ordinance authorizing an amendment to the Contract providing for Section 21354.5 (2.7% at 55 Full Formula) for local miscellaneous members.

2. **Authorization of the Public Works Director to accept the work by Alaniz Construction, Inc. for the Monte Rosa Drive Neighborhood Traffic Management Project between Sand Hill Road and Sharon Park Drive. ([Staff Report #08-064](#))**

Action: Authorized the Public Works Director to accept the work performed by Alaniz Construction, Inc. for the Monte Rosa Drive Neighborhood Traffic Management Project.

3. **Adoption of a Resolution approving the Final Map for the Royal Oak Subdivision located at 2122 Santa Cruz Avenue and authorizing the City Manager to execute the Subdivision Improvement Agreement for completion of development improvements. ([Staff Report #08-063](#))**

Action: Adopted Resolution No. 5799 approving Final Map for Royal Oak Subdivision and authorizing the City Manager to execute the Subdivision Improvement Agreement.

4. **Approval of Hamilton Park as the name of the park located at the Hamilton Avenue Housing and Park project. ([Staff Report #08-067](#))**

Action: Approved naming of Hamilton Park.

5. **Authorization of the City Manager to enter into an Agreement with Walter Levinson, Consultant Arborist in the amount of \$90,000 for a survey of Street Trees as part of the Fiscal Year 2007-08 Street Tree Reforestation Project. ([Staff Report #08-068](#))**

This item was removed from the Consent Calendar for discussion by Council Member Boyle. Council Member Boyle questioned the cost and number of trees replaced during the first pilot project. He stated that residents need to be made aware of the opportunities and limitations in replacing trees.

Assistant Public Works Director Nino reported that the cost of the first pilot project was approximately \$50,000 and a small amount of trees were removed and replaced. He stated that this pilot anticipates surveying approximately 3,000 of the City's 12,000 street trees, and only trees that are sick or have reached their life cycle will be replaced. Mr. Nino estimated no more than 50 trees will be removed and replaced. He also informed the Council that the City will plant a larger tree than planned, if a resident pays the difference.

Council Member Fergusson encouraged staff to educate residents on this program.

Vice Mayor Robinson questioned what comes after this pilot. Assistant Public Works Director Nino responded that staff will come back to Council with a proposal for an on-going program.

Action: Moved, seconded (Fergusson/Robinson) and carried unanimously to authorize the City Manager to enter into an Agreement with Walter Levinson for a survey of street

trees as part of the Street Tree Reforestation Project.

6. **Authorization of the City Manager to enter into an Agreement in the amount of \$40,968 with Alta Planning and Design to develop a Caltrain Bicycle/Pedestrian Undercrossing location and Plan Line. ([Staff Report #08-070](#))**

This item was removed from the Consent Calendar for discussion by Council Member Boyle. He stated his desire to not move forward on this project until it is known whether or not the high speed rail bond measure passes in November and until the El Camino Real Downtown Vision Plan is approved by the Council.

Vice Mayor Robinson questioned staff regarding the process and whether or not they believe this project should be put on hold. Transportation Manager Chip Taylor responded the purpose of this study is to determine a preferred location and to establish a plan line. He stated that the design and environmental review process could take up to three years and that the City may have to purchase property and will need to secure funding, both of which will take longer. He said that this project will only determine the horizontal location of the proposed path and is not impacted by whether or not the high speed rail bond measure is approved.

Action: Moved, seconded, carried (Robinson/Fergusson; Ayes – Cline, Cohen, Fergusson, Robinson; Noes – Boyle) to authorize the City Manager to enter into an Agreement with Alta Planning and Design to develop a Caltrain Bicycle/Pedestrian Undercrossing Location and Plan Line.

7. **Approval of the City Council minutes for the meeting of April 22, 2008 and April 29, 2008 ([attachment](#))**

Action: Approved minutes as submitted.

8. **Authorization of the City Manager to enter into an Agreement in the amount of \$45,452 with DKS Associates, Inc. to conduct a Traffic Impact Analysis for the Burgess Gymnasium and Gymnastics Center Project. ([Staff Report #08-069](#))**

Action: Authorized the City Manager to enter into an Agreement with DKS Associates, Inc. to conduct a Traffic Impact Analysis for the Burgess Gymnasium and Gymnastics Center Project.

E. PUBLIC HEARING – None

F. REGULAR BUSINESS

1. **Adoption of a Resolution of Intention to abandon a portion of the Willow Road Plan Line along the properties located at 337 Willow Road and 345 Willow Road. ([Staff Report #08-071](#))**

Kent Steffens, Public Works Director, stated that the owners of the properties at 337 Willow Road and 345 Willow Road have requested abandonment of plan lines on their properties in order to situate future new construction more advantageously. He said that the owner of 337 Willow Road has demolished the existing home and plans to construct a new home, and finalization of the building plans for the new home is contingent on a determination of whether or not the plan line will be abandoned. Mr. Steffens reported that staff presented a recommendation that the plan lines be abandoned on these

properties in November 2007, but that the Council directed staff to return with additional information regarding any implications for the future widening of Willow Road.

Mr. Steffens presented information regarding the current plan lines and right-of-way lines on Willow Road from U.S. 101 to Middlefield Road. He said the plan lines were set to establish right-of-ways of approximately 100 feet for this area and that the existing right-of-ways in front of 337 and 345 Willow Road are approximately 69 feet. The Public Works Director reviewed studies performed for Willow Road over the past 50 years and a statement in the City's General Plan that states the City has established a policy not to widen Willow Road west of U.S.101. He reported that the City has previously approved plan line abandonments at 600, 595 and 500 Willow Road and noted that if Willow Road were to be widened beyond the current right-of-way lines at 337 and 345 Willow Road, the City would need to acquire additional right-of-way from the adjacent property owners. Mr. Steffens reported that in the area encompassing these properties, the varying widths of the right-of-ways and the plan lines limit the future widening of Willow Road to not more than three travel lanes, with bike lanes and sidewalks on both sides and parking on one side. He showed diagrams of options that could be achieved if the City abandons the plan lines on these properties: 1) three travel lanes with bike lanes, but the elimination of on-street parking on the south side of Willow Road and 2) relocation of the existing sidewalk on each side of the street, narrower lanes, three travel lanes, bike lanes and nominal on-street parking.

The Public Works Director stated that staff is in support of abandoning the plan lines based on Council's policy to not widen Willow Road; the geometric constraints that currently limit the widening of Willow Road; and the precedent that has been set with prior abandonments on Willow. Mr. Steffens reported that if the Council adopts the resolution of intent, the matter will go before the Planning Commission for a report as to the conformity with the General Plan and will then need to come back to the City Council for a public hearing and final adoption of the abandonment.

Council Member Fergusson noted that this area is in the City's redevelopment district, and that plan lines may be an impediment to property improvements. She suggested that sometime in the future the City might want to consider abandoning the plan lines on all properties in this area rather than making it a burden on the property owner to request the abandonment.

Council Member Boyle stated that it appears that several structures are situated beyond the plan line and asked for clarification of this as well as whether changing the plan line affects the size of a building allowed on a property. Mr. Steffens responded that most likely these buildings were built before the plan lines were established and that changing the plan line only affects where a building can be located on a property and does not affect the size of a building on the property.

Members of the public commented as follows:

Jose Cotto, 337 Willow Road, informed the Council that the front yard of his property is not very usable due to its irregular shape, noise, foot and vehicular traffic. He stated his desire to relocate his garage to the front of the property in order to create a viable backyard for his family and to provide an effective sound barrier for his home and backyard. He said that his project includes a pre-fabricated modular home. He reported that when he purchased this property the title did not show a plan line and it wasn't until

he met with the Planning Department in 2007 that he was made aware of the plan line. Mr. Cotto stated that due to delays in getting his building permit, he will be in a position of having the modular home delivered with no place to put it. He asked that the Council allow him to start laying the foundation by July 1 so that he will be able to place the modular home on the property when it arrives in mid-July. He informed the Council that he can not delay delivery, and having to store the home and move it, rather than locate it on the property, will be at considerable expense for him.

Peter Webb, 345 Willow Road, said he is not doing a complete teardown and rebuild like his neighbor, but that his desire is to build a garage or other extension on the front of his property so that he can enjoy his home and backyard without noise and traffic.

Council Member Boyle expressed concern that the plan lines may be needed in the future and that the City can not assume what the traffic requirements will be in 20 years. He stated that abandoning the plan lines will limit the City's flexibility, including the width of lanes on Willow Road and the size of the planting strips. He questioned whether it would be possible for the owners to obtain a variance in order to accomplish their building objectives. The City Attorney responded that the findings required for granting a variance could not be made in this case.

Vice Mayor Robinson said he would support staff's recommendation and wondered if the City could find a location to park the modular home, if necessary.

Council Member Cline stated that he believes the City's process has let the applicants down and he is supportive of the City finding a location to temporarily park the modular home. Council Member Cline expressed support for this abandonment, but recommended that the City take a broader approach in addressing this issue in the future.

Action: Moved, seconded, carried (Fergusson/Cline; Ayes – Cline, Cohen, Fergusson, Robinson; Noes – Boyle) to adopt Resolution No. 5800 intending to abandon a portion of Willow Road Plan Line at 337 and 345 Willow Road.

2. Council direction regarding Residential Design Guidelines, a Sustainable Building Program, El Camino Streetscape, and a Quiet Zone Study as potential Priority Projects. ([Staff Report #08-072](#))

City Manger Glen Rojas reviewed the process that was used to approve the project priorities to be included in the FY 2008-09 budget. He reminded the Council that on March 11, 2008 staff presented a list of 54 possible projects, 35 of which were recommended by staff based on a number of criteria and that on April 1, 2008 the Council approved 36 projects to be included for adoption with the budget. He stated that the Council did not reach conclusion regarding: 1) Single Family Residential Review (CD3); 2) Sustainable Building Program (CD5); 3) the El Camino Streetscape (E15); and 4) Quiet Zones Study (T21). Mr. Rojas informed the Council that staff is prepared to present additional information at this time.

Single Family Residential Review (CD3)

Community Development Director Arlinda Heineck stated that at the April 1 meeting the Council discussed a community-driven approach for Single Family Residential Review

Guidelines, but expressed concern regarding the need for a detailed plan for community outreach and consensus building when defining the problems and researching alternative solutions. To address these concerns, Ms. Heineck informed the Council that staff has developed a modified approach that includes an initial step that would require the development of a detailed outreach and consensus building plan. The Community Development Director reviewed Phases 1 through 4.

Council Member Boyle asked if this process will focus on all residential parcels or just the non-conforming ones that require a use permit. He also expressed concern as to whether or not the steering committee would be subject to the Brown Act. Ms. Heineck responded that the staff hasn't taken a position on whether this process should focus on all or just non-conforming parcels.

There was no public comment.

Vice Mayor Robinson commended staff and the residents for putting together this plan and stated that he is comfortable with the criteria for Phase 1.

Council Member Boyle cautioned that this is an important and controversial issue which needs to be handled correctly. He expressed his belief that a process, similar to the El Camino Real Downtown Visioning Process, should be followed. He stated that the City already has too many other projects and priorities to add another major one. Council Member Boyle suggested that another approach might be for the Mayor or any of the council members to form an informal group to talk with some people and to come back to Council with some ideas.

Council Member Cline clarified that if the Council approves this, nothing will happen beyond Phase 1 without additional Council review and approval and that the purpose of Phase 1 is to develop a recommendation for an outreach process. He said he will support moving forward on Phase 1.

Council Member Fergusson reminded Council that City has tried different approaches to this problem in the past and that this is a small dollar investment with potential big benefits. She stated she will support moving forward with Phase 1.

Council Member Boyle said he will oppose this because he is uncomfortable with the self-selecting nature of a steering committee or of a committee appointed by Mayor. He stated his concern that if the steering committee is not balanced or is perceived not to be balanced, the Council may have to reject their proposals.

Mayor Cohen described how this proposal came about and stated his desire not to influence the process, but rather to find a solution to a problem.

Action: Moved, seconded, carried (Robinson/Fergusson; Ayes – Cline, Cohen, Fergusson; Noes – Boyle) to approve including the Residential Design Guidelines (CD3) as described in the staff report as a Project Priority for FY 2008-09 including the budget for this project, with the understanding that no monies will be allocated and the project will not proceed beyond Phase I without Council approval.

Sustainable Building Program (CD5)

Community Development Director Arlinda Heineck stated that staff had not originally recommended this program as a priority based on the level of staff commitment on other projects and the need for staff to familiarize themselves with the various certification programs and complete training on these programs. She reported that at the March 11, 2008 meeting the Council expressed an interest in considering a phased approach to this project and that at the April 1, 2008 meeting staff suggested that the Council consider the use of sustainable development standards on the construction of City building projects, but noted that the only active City building project planned for the upcoming year is the Burgess Gymnasium and Gymnastics Center Project. She informed the Council that as result of the Council discussion at the meeting of April 1, 2008 staff has prepared an alternative approach, consisting of four phases, which focus on voluntary submittal of LEED checklists. Ms. Heineck reviewed the proposed phases.

In response to questions raised by members of the Council, Ms. Heineck reported that staff is exploring options for staff training. She stated she would like to have some key staff in a position to understand and help applicants through the checklist. She said that it would be her hope that applicants that would eventually be subject to a mandatory program would have expertise or would hire someone who does, and that is one reason why the staff is proposing to focus on larger projects. The Community Development Director reported that the State is also working on integrating green standards into the State's building codes, but that staff needs to understand this better and needs to develop an outreach program prior to this becoming a mandatory program.

No members of the public commented.

Council Member Fergusson pointed out that the genesis of this recommendation came from the Green Ribbon Citizens Committee and that cities across California, in particular, are adopting plans like this. She expressed her belief that this is an excellent first step in reducing green house gases and stated that 40% of our green house gases come from our buildings.

Council Member Boyle said that he supports moving toward some form of sustainable building guidelines, but objects to the timeline. He pointed out that: 1) the State hasn't established guidelines; 2) staff isn't trained and hasn't as of yet developed an informed opinion; 3) any checklist will make its way through both the Planning Commission and possibly to the City Council and that neither body is well-informed on this; and 4) this should be considered as part of the City's Climate Action Plan. Council Member Boyle expressed his belief that it is a mistake to move forward on this before the City develops the expertise. He also expressed concern that by asking applicants to fill out the checklist, the Council is imposing a defacto requirement and approving public policy before the Council receives a more detailed staff analysis and the Council has an opportunity to discuss and debate the matter.

Mayor Cohen noted that the program, as proposed, is voluntary and that there will be opportunities to find out if there are problems, what they are, and to learn from doing. He stated he is prepared to support this program.

Vice Mayor Robinson reiterated that this project, as proposed, is voluntary, and that he will support it. He suggested that a motion to approve this project include that staff report back to the Council prior to making this program mandatory.

Council Member Cline reminded staff to capture and keep track of budget expenditures related to implementation of recommendations coming out of the Climate Action Plan and Green Ribbon Citizens Committee. He said he will support the phased voluntary approach.

Action: Moved, seconded, carried (Fergusson/Cline; Ayes – Cline, Cohen, Fergusson, Robinson; Noes – Boyle) to approve including the Sustainable Building Program (CD5) as a Project Priority for FY 2008-09 with the understanding that staff will report back to Council before the program becomes mandatory.

El Camino Streetscape (E15)

Public Works Director Kent Steffens informed the Council that the El Camino Streetscape project is the third phase of a long-term tree planting effort along the entire length of El Camino Real and covers planting trees in both medians and along the sides of the road between Oak Grove and Roble Avenues at a cost of \$700,000. He stated that staff did not recommend this project because of the cost and lack of staff resources. He informed the Council that staff will continue to pursue grant opportunities for the project, including funding from the C/CAG Grand Boulevard Initiative Grant and the C/CAG Transit Oriented Development Housing Incentive Grant. Mr. Steffens suggested that if the Council desires to proceed with this project, it consider breaking it down into smaller phases and eliminate one or more projects from the project priority list that utilize the same staff resources and funds.

Members of the public commented as follows:

Morris Brown acknowledged the work done by Trees for Menlo on El Camino Real, but questioned the cost/benefit of this project.

Vice Mayor Robinson asked about any risks associated with moving forward on this project prior to the completion of the El Camino Real Downtown Vision Plan. Mr. Steffens indicated there would be additional costs if it was later determined, as a result of the Vision Plan, that trees needed to be removed or relocated. He noted that Trees for Menlo has offered to do the design work and the City would be responsible for construction costs, bidding, and managing the project.

Council Member Fergusson spoke in support of this project. Other members of the Council stated that they could not support this project for FY 2008-09 due to the cost and the number of other important projects on the project priority list.

Action: Moved, seconded, carried (Cline/Cohen; Ayes – Boyle, Cline, Cohen, Robinson; Noes – Fergusson) to approve staff's recommendation that the El Camino Streetscape (E15) project not be included as Project Priority in FY 2008-09.

Quiet Zones Study (T21)

Mayor Cohen and the City Attorney announced that they have a potential conflict of interest as they reside or work near the railroad tracks. They recused themselves and left the Council Chambers.

Public Works Director Kent Steffens reported that this study, estimated at approximately \$55,000, would require the preliminary design and cost estimates for improvements to the City's four at-grade rail crossings in order to qualify them as quiet zones. He stated that staff feels this project is premature until it is known whether or not the November high speed rail bond measure passes. He informed the Council that if the high speed rail system is approved, the entire Caltrain system on the San Francisco Peninsula would require grade separation, making quiet zones obsolete.

Council Member Boyle questioned if staff knows who would own the liability and also questioned what funding might be available for quiet zones. The Public Works Director responded that he is unaware of any legislation or case law regarding liability. He also reported that he is unaware of any funding for quiet zones, but that the San Mateo Transportation Authority does have funding available for pedestrian safety, gates, fencing, and grade separations.

Members of the public commented as follows:

Morris Brown said he is favor of this study, but does understand the timing issue because of the bond measure. He asked that the Council go on record to move forward with the study if the bond measure fails.

Council Member Fergusson recommended that the Council direct staff to bring this matter back as part of the mid-year budget review.

Council Member Boyle said he would support a motion to consider this at mid-year budget review, but wanted the record to reflect that by doing so, in no way was the Council as a whole stating its preference to support quiet zones as the Council has yet to receive a staff report on this.

Action: Moved, seconded, carried (Fergusson/Cline; Ayes – Boyle, Cline, Fergusson, Robinson; Absent – Cohen) to direct staff to bring back the Quiet Zones Study (T21) for Council reconsideration as a project priority with the mid-year budget review.

- 3. 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 – None

H. INFORMATION ITEMS – None

I. COUNCIL MEMBER REPORTS

Council Member Fergusson announced that she attended a meeting of the Bay Area Water Supply and Conservation Agency (BAWSCA) at which AB 2175 and AB 2153 were discussed. She informed the Council that these bills involve assigning authority to a State agency rather

than at the local level. She suggested that staff monitor these bills, working with the League of California Cities, to make sure the City's interest is protected. She also informed the Council that many water districts are looking at voluntary or mandatory water conservation measures for this year.

Council Member Boyle reminded the Council that the 2020 Peninsula Gateway Corridor Study Policy Committee continues to look at ways of improving traffic flow to and from the Dumbarton Bridge and getting traffic to U.S. 101. He repeated his desire to have the Council schedule a study session on this matter. Council Member Boyle informed the Council that one of the potential alternatives being looked at is to add some restrictions on left turns off Willow Road between U.S. 101 and Bayfront during peak hours and that a longer term alternative being considered is to create some sort of express lane between Bayfront and U.S. 101.

J. PUBLIC COMMENT #2 – No speakers.

K. ADJOURNMENT – Adjourned at 11:45 p.m.

Respectfully submitted,

Sherry M. Kelly, City Clerk

Approved at the Council Meeting of August 5, 2008