



**CITY COUNCIL AND COMMUNITY DEVELOPMENT AGENCY
MINUTES**

Tuesday, July 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

PLEDGE OF ALLEGIANCE

A. COMMISSION/COMMITTEE VACANCIES, APPOINTMENTS AND REPORTS

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

B. PRESENTATIONS AND PROCLAMATIONS

1. **Proclamation declaring July as Parks and Recreation Month** ([attachment](#))
2. **Proclamation honoring Music@Menlo** ([attachment](#))
3. **Proclamation recognizing the American Cancer Society's Relay for Life Event** ([attachment](#))

Action: The Mayor presented proclamations.

C. PUBLIC COMMENT #1

Betty Meisner thanked the Council for welcoming Music@Menlo and invited the Council and members of the public to stop by Project Read's booth at the Downtown Block Parties.

Anne Moser provided the highlights of a "Livable Communities for Successful Aging" workshop that she attended. She reported that urban design guidelines include benches, shade, large print on signage, ease of walking, curb cuts, crosswalk timing that allows for slower gaits, bus shuttle services, and available restrooms. She felt that since 35% of the Bay Area's population is expected to be over 65 by 2030, these guidelines should be incorporated into any future Menlo Park planning.

Morris Brown spoke about the problems associated with the possibility of high speed rail coming through Menlo Park. He urged the Council to take a stand against this measure.

Dave Lewis, Kristin Duriseti, and Jay Miller all expressed support for Agenda Item D4 as a traffic safety and preventative measure.

D. CONSENT CALENDAR

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

1. **Adoption of a Resolution authorizing the City Manager to execute a Contract with the State of California Department of Education to reimburse the City up to \$749,671 for Child Care Services at the Belle Haven Child Development Center. ([Staff Report #08-091](#))**
Action: Adopted Resolution No. 5815 authorizing the City Manager to execute a Contract with the State of California Department of Education to reimburse the City for Child Care Services at the Belle Haven Child Development Center.
2. **Authorization of the City Manager to enter into an Agreement with LSA in the amount of \$75,505 to perform an Environmental Study and develop a focused Environmental Impact Report for the Burgess Gymnasium and Gymnastics Center Project and approve a Budget of \$83,000 for the Contract and contingency. ([Staff Report #08-095](#))**
Action: Authorized the City Manager to enter into Agreement with LSA to perform an Environmental Study and develop an EIR for the Burgess Gymnasium and Gymnastics Center Project and approve a budget for the contract.
3. **Adoption of a Resolution approving the Final Map for the Pine Court Condominiums at 1050-1060 Pine Street. ([Staff Report #08-096](#))**
Action: Adopted Resolution No. 5816 approving the Final Map for the Pine Court Condominiums.
4. **Approval of final design for the Oak Avenue Traffic Calming Project; Award of contract to Granite Rock Company in the amount of \$43,863 for the Oak Avenue Traffic Calming Project between Oak Knoll Lane and Sand Hill Road; authorization of a budget of \$53,000 for construction, contingencies, testing, inspection, and construction administration; and, approval of staff's recommendation for the Oak Avenue Neighborhood Traffic Management Program (NTMP) Study Area for the Resident Survey for Permanent Installation. ([Staff Report #08-097](#))**

This item was removed from the Consent Calendar by Councilmember Boyle for discussion. Councilmember Boyle questioned the increased cost and the funding source. He also pointed out that the stop sign, if you are on Oak Avenue headed towards Sand Hill Road, approaching the intersection of Oak Knoll Lane, is barely visible because of vegetation. He asked what could be done to improve this situation.

Chip Taylor, Transportation Manager, responded that the cost of the project has increased based on Council's direction to add a raised crosswalk and due to increases in the cost of construction materials. He stated funding is coming out of the FY 2008-09 budget due to the timing of the project. Mr. Taylor stated that staff would look at issues related to the visibility of the stop sign and improve this through relocation of the stop sign, pruning of vegetation, or both.

Action: Moved, seconded and carried (Fergusson/Robinson; Ayes – Cline, Cohen, Fergusson, Robinson; Noes – Boyle) to approve the final design for Oak Avenue Traffic Calming Project, award the contract to Granite Rock Company, and approve the Oak Avenue Neighborhood Traffic Management Study Area.

E. PUBLIC HEARINGS

1. **Adoption of a Resolution overruling protests, ordering the improvements, confirming the diagram, and ordering the levy and collection of assessments at**

the existing fee rates for the Sidewalk Assessment and at a 2.6 % increase for the Tree Assessment for the City of Menlo Park Landscaping Assessment District for FY Year 2008-09. ([Staff Report #08-093](#))

Lisa Ekers, Engineering Services Manager, informed the Council that this is the last step in a series of steps necessary prior to levying annual assessments. She stated that the Council took action on June 17, 2008 to preliminary approve the Engineer's Report and state its intention to order the levy and collection of assessments for FY 2008-09. Ms. Ekers stated no protests have been received on the proposed assessment to date.

The Mayor opened the public hearing. No members of the public spoke.

Action: Moved, seconded (Robinson/Cline) and carried unanimously to close the public hearing.

Councilmember Boyle stated his continued objection based on that under the current plan, the fund balance will be depleted in the near future.

Moved, seconded and carried (Fergusson/Cline; Ayes – Cline, Cohen, Fergusson, Robinson; Noes – Boyle) to adopt Resolution No. 5817 overruling protests, ordering improvements, confirming diagram and ordering the levy and collection of assessments for the Sidewalk and Tree Assessments for Menlo Park Landscaping Assessment District for FY 2008-09.

2. Adoption of a Resolution approving the Final Report of the City Manager regarding unpaid Garbage Collection Fees for FY 2008-09 and approving the placement of unpaid Single-Family Garbage Service Fees on the FY 2008-09 Property Tax Roll. ([Staff Report #08-092](#))

John McGirr, Revenues and Claims Manager, informed the Council that the action before the Council is to approve the placement of unpaid single-family garbage service fees on the property tax roll. He reported that by April 30, 2008 a service order form and a public hearing notice were mailed to single-family residents and property owners outlining the types of garbage service level options and payment options available. The notice also informed customers that payment must be made by June 30, 2008 if they wished to avoid the placement of a lien for the unpaid annual charge. He stated that as of July 7, 2008 a total of 5,293 parcels had not paid the garbage service fee, resulting in a total of \$1,290,149 in unpaid fees. He noted that many property owners chose to have the fee placed on the tax rolls as a lien rather than pay the bill when due.

The Mayor opened the public hearing.

Russ Denver expressed concern that scavengers are stealing aluminum cans from recycling containers in his neighborhood and that this not only hinders the City's recycling program, it amounts to vandalism and burglary. He said the police respond to calls when they are not too busy, but that there really needs to be scheduled patrols coordinated for when the recycling containers are out on the curb.

Elias Blawie agreed with Mr. Denver's comments, saying that he has also observed scavengers in his neighborhood.

Frank Carney suggested that staff find out if this is a problem in other cities and that cities coordinate their efforts to get the Traffic Commissioner to prosecute these cases.

City Manager Rojas acknowledged that this is a problem and that the Police Department will continue to look at enforcement and prosecution issues. He informed the Council that there is proposed legislation to require recyclers to show proof of identification when they go to recycling centers and that, if passed, this may cut down on the problem.

Councilmember Boyle expressed his belief that if the next recycling contract results in single stream recycling, scavengers may be somewhat deterred.

Councilmember Fergusson noted that persons going through an individual's recyclable material might also be going through other discarded waste for purposes of identity theft, which is a much bigger crime. She encouraged members of the public to call the Police if they see this happening.

Police Commander Burt informed the Council that the Traffic Commissioner has not been inclined to prosecute these cases, which are considered infractions, but that staff will continue to work on this.

Actions: Moved, seconded (Robinson/Boyle) and carried unanimously to close the public hearing.

Moved, seconded (Boyle/Robinson) and carried unanimously to adopt Resolution No. 5818 approving the final report regarding unpaid garbage collection fees and approving placement of unpaid fees on the FY 2008-09 property tax roll. The Council also directed staff to report back on issues related to theft of recycled materials.

3. **Adoption of a Resolution approving the placement of a Tax Lien on a property at 1918 Menalto Avenue regarding Public Nuisance Abatement. ([Staff Report #08-100](#))**

Councilmember Fergusson announced a possible conflict of interest based on the location of her residence from this property and recused herself from discussion and action on this item.

Code Enforcement Officer Fambrini reported that staff received a complaint in January 2007 regarding multiple vehicles, with expired tags, being stored on the property at 1918 Menalto Avenue, along with excessive amounts of old and rusted heavy machinery, garbage, trash, debris and old household items, which provide a rat harborage and breeding ground for insects. She reviewed the steps taken over the course of several months to get Mr. Kaylor, the property owner, to complete the nuisance abatement. She stated that the City ended up having to pay a contractor to have the property cleaned up and debris removed. She said that the City has billed Mr. Kaylor for these costs, but since he has not reimbursed the City, staff is recommending the Council approve placing a tax lien on the property in the amount of \$2,150.

The Mayor opened the public hearing.

Roy Kaylor, the property owner, said that he tried to comply with the orders of the City by painting the house a different color, building a fence, removing a fence, and cutting and trimming trees. He stated that his tenants were the cause of the initial problem and they have since been evicted. He also stated that he believes the amount of the bill to be unfair and that he doesn't believe he was given due process.

The Mayor asked the City Attorney to respond to the question of whether or not Mr. Kaylor was afforded due process. The City Attorney responded that code enforcement has written procedures and a process, which they follow, and that this process does give the property owner opportunities to correct, object, and be heard, and this is the last step in the process.

Actions: Moved, seconded, carried (Boyle/Cline; Ayes – Boyle, Cline, Cohen, Robinson; Absent – Fergusson) to close the public hearing.

Moved, seconded, carried (Boyle/Robinson; Ayes – Boyle, Cline, Cohen, Robinson; Absent – Fergusson) to adopt Resolution No. 5819 approving the placement of a tax lien on a property at 1918 Menalto Avenue regarding a public nuisance abatement.

F. REGULAR BUSINESS

1. **Authorization of the City Manager to execute an Agreement between the San Francisco Bay Conservation and Development Commission, the Peninsula Open Space Trust and the City of Menlo Park to use the balance in the Menlo Park Bay Fund (Mitigation Fund) of approximately \$488,000 to finance a portion of the South Bay Salt Pond Restoration Project as mitigation for the City's placement of Garbage and Refuse in an 11-1/2 acre area of a former Salt Pond now known as Bayfront Park. ([Staff Report #08-098](#))**

Lisa Ekers, Engineering Services Manager, stated that authorizing the City Manager to sign an agreement with the San Francisco Bay Conservation and Development Commission (BCDC) and the Peninsula Open Space Trust (POST), would provide for the balance of \$488,000, in the Menlo Park Bay Fund, to be used to finance a portion of the South Bay Salt Pond Restoration Project as mitigation for the City's placement of garbage and refuse in an area of the former Salt Pond now known as Bayfront Park. She said this request has been brought forward at the request of BCDC.

Steve Richie, State Coastal Conservancy, and Mendell Stuart, U.S. Fish and Wildlife Service, described the project and the funding. They reported that these funds are proposed to be used to help finance restoration of Pond SF2 in the Ravenswood pond complex, which is part of the Don Edwards San Francisco Bay National Wildlife Refuge, located within the City limits. The Salt Pond Restoration Project is intended to design and create a water bird pond on property the U.S. Fish and Wildlife Service purchased from Cargill Salt in 2003. The pond is being designed to have nesting islands, feeding areas and a public access trail with wildlife viewing platforms. They reported that the current cost estimate for restoring Pond SF2 is \$4.5 million and that the mitigation funds will provide the project with matching funds to enhance opportunities for federal funding and potential grants.

Ms. Ekers stated that if these funds are allocated to this project, the City will have discharged its obligations related to the mitigation fund for the former landfill.

Members of the Council acknowledged this would be a great project for Menlo Park and a good use of the funds, which must be used either for purchase of land suitable for return to tidal action or otherwise capable of mitigating the loss of open water.

Action: Moved, seconded (Fergusson/Robinson) and carried unanimously to authorize the City Manager to execute an agreement with the San Francisco Bay Conservation and Development Commission and the Peninsula Open Space Trust to use the Menlo Bay Fund to finance a portion of the South Bay Pond Restoration project.

2. **Review and acceptance of the El Camino Real/Downtown Vision Plan (Phase I), and approval of a scoping and Consultant Procurement Process for Implementation of the Vision Plan (Phase II).** ([Staff Report #08-099](#))

Arlinda Heineck, Community Development Director, said that staff is recommending the Council accept the El Camino Real/Downtown Vision Plan, completing Phase I, and approve a scoping and consultant procurement process for implementation of Phase II of this process. She reported that the Plan before the Council includes changes made based on Council comments at the June 10, 2008 meeting. Ms. Heineck pointed out that the heart of the Plan is its 12 goals, with the objectives serving to better define the goals and providing a basis for further discussion and analysis in Phase II. She stated that only after extensive community outreach and direction by Council as a result of Phase II would staff embark on changes to the planning documents and the review process that would be necessary for implementing specific plans.

David Early, of Design, Community & Environment (DCE), said that the Vision Plan presents a broad vision statement, which is meant to be inspirational and provide a picture of what could happen in the El Camino Real/Downtown area. He said this process has had a lot of community involvement and will provide a foundation for moving into Phase II. Mr. Early reviewed the 12 goals and pointed out that within each of the goals there are a series of objectives, which are suggested directions that will need to be discussed and debated during Phase II.

Thomas Rogers, Associate Planner, informed the Council that if the Council accepts the Vision Plan, the next steps would be for the Council to approve a scoping and consultant procurement process for implementation of Phase II of the Vision Plan. Mr. Rogers reviewed the elements of Phase II as well as the process and timeline for approving a scoping and procurement process for Phase II.

Vice Mayor Robinson asked for examples of aspects of other communities that the City would likely want to emulate based on the visioning process. He also asked how the City would control vibrancy, without having lots of businesses staying open late.

Mr. Early noted examples such as Fourth Street in Berkeley, areas of Main Street in Walnut Creek, parts of downtown Palo Alto, Larkspur and Mill Valley, and aspects of Lafayette and Orinda, which have kept a village character to them, while maintaining economic vitality. He stated that the City, by its regulatory power, can put restrictions on the types of business, the number of types of businesses, and the hours of operation.

Vice Mayor Robinson pointed out that El Camino Real is a state highway and its main

function is to move cars through the City and that some people believe it should be a consistent six lanes of traffic. He noted that some of the renderings show a shrinking of lanes, and he expressed concern for pedestrian and bicycle safety.

Mr. Early acknowledged that keeping traffic flowing, while providing a more pedestrian and bicycle friendly environment on El Camino Real, is a difficult challenge. He stated that the City most likely will have a transportation or traffic engineer involved in Phase II, to help the City resolve these types of issues.

Members of the public commented as follows:

Steve Elliott, Stanford University and a member of the committee, referred to a letter submitted by Stanford. He stated that the purpose of the letter is to clarify the status of the six Menlo Park parcels owned by Stanford. Mr. Elliott said that one parcel is a hotel site and the other parcels have long term leases, some with tiered leasing. He said that Stanford has been, and will continue to work with City staff to redevelop these parcels. Mr. Elliott requested that the reference of Stanford, as the property owner, be removed from the Plan, and if not, some language be added to the document to explain the status of the leases.

Vincent Bressler, committee member, said he liked the way the Plan has been presented, but believes the process for Phase II needs to be different. He suggested that during the next phase a committee should be formed that is diverse, and composed of residents, who have a super-majority vote, so that decisions can be reached, and that this committee should be part of deciding the scope for Phase II.

Joanne Goldberg said that she appreciated the public outreach and visionary input from the public, but that she did not see a lot of that reflected in the Plan. As an example, she pointed to statements in the Plan regarding increased density. Ms. Goldberg said she would like to see Phase II be more community driven and reflective of what the community wants or she doesn't believe it will be accepted by the community.

Ezia Alviti said he finds it difficult to traverse many sidewalks and streets because of designs that do not take into account people with sight impairments. He said that when he is aware of an upcoming project, he does his best to contact the developer to offer suggestions. Mr. Alviti asked that as the City continues with this process, it keep in mind the needs of those with disabilities.

Frank Carney said that the City should be congratulated on how it approached this and that these decisions are going to affect the look of the City for years to come. He urged the Council to keep this process moving forward. Mr. Carney felt that the efforts put in by Trees for Menlo Inc. should be capitalized on, by completing the treescape plan for the central part of El Camino Real.

Oliver Koehler said he attended lots of the meetings and his wife sits on the committee. He commended the process and said he didn't think you could get away from criticism with these types of processes, but there was a diverse group of people and opinions, and it is time to move into Phase II. Mr. Koehler said it is important to focus on what we all agree on and then work on the areas where we need to make some trade-offs.

James Clendenin said this has been an extensive and well organized attempt to do something for the planning of the City. He stated that he liked the idea of the emphasis on a village character to the Downtown and would like to see an effort for pedestrian and bicycle improvements and the east/west access across El Camino Real to bring the Downtown together, especially in the area around the train station.

Skip Hilton echoed previous speakers' comments about this being a great process. He suggested that prior to commencing on Phase II, the City reflect on lessons learned and think through how best to involve the community in the next phase. He also stated his belief that it is important to be able to visualize things to have a good vision process.

Katie Ferrick, a member of the committee, stated her belief that the 12 goals do represent the process that she was a part of and that Phase II is the time to develop more concrete plans.

Elias Blawie hoped that Phase II would be resident, not consultant, driven. He questioned whether or not density and height should be part of a vision for the City and suggested it be removed from the Plan.

Miles Gullard, a committee member, said he was encouraged by process. He noted that there is still a lack of broad community buy in, which will be necessary in Phase II. He suggested that one way to accomplish this would be to have Phase II more community driven with a committee that would be more integral to the process, rather than just providing input and doing outreach.

Jo Eggers, a new medical business owner, stated that she is interested in being involved in Phase II and is concerned that many medical businesses will need to relocate to nearby areas as Stanford moves forward with its plans for the hospital and that there may not be sufficient spaces to lease.

Frank Priscaro thanked the Council for this process and expressed his appreciation that the Plan speaks to development be compatible with adjacent neighborhoods. He said that his neighborhood is aware that there are interests that would like to see increased density, but that his neighborhood and many others urge the Council to hold fast to the current zoning regulations.

Elizabeth Weiss, a committee member, expressed appreciation for the work staff, the consultant, and the community has done to date. She stated that the goals do largely represent the goals expressed in Phase I. She encouraged that the process for Phase II be more flexible and creative and that the Council consider ways to involve more members of the community.

Councilmember Fergusson asked how many people responded to the surveys and how these responses were incorporated into the Plan and also asked the consultant to address comments raised that some of the community's input was not included in the Plan, and that other ideas included in the Plan were consultant, not community, initiated.

Mr. Early responded that the City sent out two surveys and received approximately 3,000 responses. He said the surveys were reviewed in detail and were published,

and the results did become part of the Plan. He stated that ideas suggested by one or two people were not included in the document and some ideas were included in the document, but dismissed as either being technically or financially not feasible. Mr. Early noted that at times the community did not reach consensus on an issue and as a result they, as the consultant, attempted to accurately document this and at times they used a bell curve to reflect an emerging compromise and they also added their recommendations.

Councilmember Cline stated it is important to manage expectations in Phase II and questioned when and how the Council will determine the process for Phase II. He questioned how long Phase II will take and if there are any advantages or disadvantages to excluding developers from the process and only including residents as suggested by some members of the community.

Thomas Rogers suggested the Council define the process and expectations through the RFP process for Phase II, with input from the committee, a Council subcommittee, and the Council, as a whole. He cautioned that excluding anyone from the process can set up an adversarial role, and that it is important to take advantage of everyone's experiences and opinions so that people feel valued, while still protecting the interest of the residents. Mr. Rogers said that he expected Phase II to take at least one year.

Mayor Cohen asked for clarification of the properties owned by Stanford. City Manager Rojas responded that Stanford does not want to see their properties vacant, but are being hampered by some long term leases. He stated that he and staff have had discussions with representatives from Stanford and they have indicated that they are continuing to develop short and long term plans, which include short term leases and more long term objectives for developing the properties as a whole. Dave Johnson, Business Development Manager, spoke about specific leasing options in process.

Councilmember Boyle said that he believes the 12 goals hit the nail on the head and that most things the community cares about are included in these goals. He stated that the objectives are just the starting points as to how the goals are implemented and these will be figured out in Phase II. He noted that when the Council subcommittee and staff interviewed consultants for this project, they purposely decided to select someone who was more in the middle and who would act as a facilitator, would also guide the process, and would create the Plan document. He expressed his opinion that the consultant and staff clearly listened to the community and that the document reflects that. He said that he is optimistic that the City will be able to address the hard issues when they get to them in Phase II. Councilmember Boyle announced that he is prepared to accept the Plan with some minor edits and to also accept staff's recommendation for moving forward with Phase II.

In response to questions raised by members of the Council, Cherise Brandell, Community Engagement Manager, stated that the Council will have an opportunity when it reviews the RFPs for Phase II to make sure it is alignment with the new community engagement model that the City will be using. She stated that this model will hopefully make people feel that they have adequate opportunity to be heard and be involved. Ms. Brandell said that the Council will need to make some decisions about what the role of a committee will be in Phase II, but that it is important to first receive and review the RFPs before making that decision.

Councilmember Cline stated that he is pretty enthusiastic and cautiously optimistic. He said he recognizes that there are some taunting tasks ahead and pretty heavy debates that will need to take place in Phase II. Councilmember Cline said that he believes the consultant did a good job of listening and documenting what was said and that this Plan is a good starting point for moving into Phase II.

Councilmember Fergusson acknowledged that the Plan includes a lot of good content, and she thanked everyone associated with this process. She said she likes the emphasis on the 12 goals, but suggested that the introduction be strengthened to include wording on what this document is and what it isn't.

Vice Mayor Robinson said he was surprised to see the Stanford letter requesting that their name be removed from the Plan, and asked staff's opinion on whether or not to delete their name. Mr. Rogers said that staff's recommendation would be not to remove their name, but to add language to the Plan that better describes the lease status of the properties and that Stanford continues to work with the City to see that these properties are leased. Council consensus, with the exception of Councilmember Fergusson, who had to recuse herself on any discussion of Stanford, was to follow staff's recommendation.

Councilmember Boyle also suggested that somewhere in the Plan it be made clear that the City has no current intention of using eminent domain.

Mayor Cohen said that he has already stated how important it is to make sure there is community engagement in all of these processes and that he would like to use the block parties to increase public participation. He said that the staff and consultant have done the best of the task that was asked of them, and noted that Phase II will be even harder.

Action: Moved, seconded (Boyle/Robinson) and carried unanimously to accept the El Camino Real/Downtown Vision Plan (Phase 1) and to approve the scope and consultant procurement process for implementation of Phase II. Council directed staff to make non-substantive edits to the Plan; to make it clear in the opening statement that this Plan is a starting point and the framework for Phase II; to add clarifying language regarding the properties owned by Stanford; and for Councilmembers Boyle and Cline to continue to serve on the Council Subcommittee for Phase II.

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 ITEM – None

I. COUNCIL MEMBER REPORTS

Councilmember Boyle announced that HEART has officially announced a homebuyer loan program in San Mateo County. He offered to provide more detail to anyone who has an interest and that the information is also on their website.

Councilmember Boyle informed the Council that the Transportation Commission is looking

at hosting a panel on the high speed rail issue in advance of the ballot measure.

J. PUBLIC COMMENT #2 – None

K. ADJOURNMENT – Adjourned at 12:27 a.m.

Respectfully submitted,

Sherry M. Kelly
Interim City Clerk

Approved at Council meeting of August 26, 2008