



**CITY COUNCIL
COMMUNITY DEVELOPMENT AGENCY
REGULAR MEETING MINUTES**
Tuesday, May 18, 2010 at 7:00 p.m.
701 Laurel Street, Menlo Park, CA 94025
City Council Chambers

Mayor Cline called the regular session to order at 7:05 p.m. with all members present.

Pledge of allegiance was led by Mayor Cline.

ANNOUNCEMENTS

A. COMMISSION/COMMITTEE VACANCIES, APPOINTMENTS AND REPORTS

B. PRESENTATIONS AND PROCLAMATIONS

1. Presentation: Cooley Landing - Lily Lee, City of East Palo Alto ([Attachment](#))
Presentation made by Ms. Lee with the City of East Palo Alto and Mr. Brian Fletcher of Callandar Associates

2. Proclamation recognizing May 16-22, 2010 as Public Works Week ([Attachment](#))
Proclamation accepted by Kent Steffens, Deputy City Manager who also highlighted the Department.

C. PUBLIC COMMENT #1

- Karlo Reyes spoke in favor of (Consent Calendar item D-1) tobacco retailer permitting requirements
- Emily Lehr-Anning spoke in favor of (Consent Calendar D-1) tobacco retailer permitting requirements
- Barbara Franklin spoke regarding second hand smoke

D. CONSENT CALENDAR

1. Second reading and adoption of an ordinance adding tobacco retailer permitting requirements to the City of Menlo Park Municipal Code ([Staff report #10-074](#))
Pulled by K. Fergusson to clarify that the ordinance is adopted in memory of Mr. Lopez

Action: Motion and second (Ferguson/Cline) to adopt **Ordinance No. 967** adding tobacco retailer permitting requirements to the City of Menlo Park Municipal Code passes unanimously is adopted in memory of Victor Lopez.

2. Authorization for the Deputy City Manager to accept the work performed by Granite Rock Company DBA Pavex Construction Division, for the Resurfacing of Various Federal Aid Routes Project, Federal Project No. ESPL 5273 (020)
([Staff report #10-066](#))

3. Adoption of **Ordinance No. 968** revising Chapter 12.44, "Water Efficient Landscaping", of the Menlo Park Municipal Code ([Staff report #10-072](#))

4. Adoption of **Resolution No. 5927** giving preliminary approval of the Engineer's Report for the Menlo Park Landscaping District for fiscal year 2010/11 which proposes no increases to the tree or sidewalk portions of the assessment; and adoption of **Resolution 5928** of Intention to order the levy and collection of assessments at the current rates for the Menlo Park Landscaping District for fiscal year 2010/11 ([Staff report #10-071](#))

Action: Motion and second (Boyle/Ferguson) to approve Consent Calendar items 2, 3, 4 as submitted passes unanimously.

5. Approval of alternative energy saving features in lieu of photovoltaic solar panels for the Arrillaga Family Gymnasium Project ([Staff report #10-068](#))

Item pulled by H. Robinson for additional information

Action: Motion and second (Robinson/Ferguson) to approve alternative energy saving features in lieu of photovoltaic solar panels for the Arrillaga Family Gymnasium Project passes unanimously.

E. PUBLIC HEARINGS

1. Adoption of a resolution approving a 16.5 percent annual increase in water meter and consumption charges in each of the next five years utilizing the current rate structure (alternative 1); increasing the capital surcharge from \$0.35 to \$0.41 per ccf in fiscal year 2010-11 and then annually adjust the Bay Area Construction Cost Index for subsequent years; and implementing pass-throughs of any San Francisco Public Utilities Commission (SFPUC) increases above the current projects at cost ([Staff report #10-067](#))

Staff presentation by Lisa Ekers, Engineering Services Manager

The public hearing was opened

Action: Motion and second (Fergusson/Robinson) to close the public hearing passes unanimously.

Action: Motion and second (Fergusson/Cline) to adopt **Resolution No. 5929** approving a 16.5 percent annual increase in water meter and consumption charges in each of the next five years utilizing the current rate structure (alternative 1); increasing the capital surcharge from \$0.35 to \$0.41 per ccf in fiscal year 2010-11 and then annually adjust the Bay Area Construction Cost Index for subsequent years; and implementing pass-throughs of any San Francisco Public Utilities Commission (SFPUC) increases above the current projects at cost passes unanimously.

2. Consideration of an appeal of the Planning Commission's decision to approve a Use Permit to construct a partial first floor reconstruction and expansion, and a second story addition to an existing nonconforming single-story, single-family residence on a substandard lot located at 277A Willow Road ([Staff report #10-069](#))

Staff presentation by Megan Fisher, Assistant Planner

Appellant Kara Shafer presented her appeal of the Planning Commission's decision. The points are as follows:

- The remodel will result in a 4 bedroom / 3 bath house of 2,213 square feet, which is out of character with the Willows neighborhood
- The lot is a flag lot less than 2/3's the size required by Zoning and Subdivision ordinances
- The house would be bigger than 9 out of 10 houses in the neighborhood, on a lot that is smaller than 2/3 of the lots
- The house will have only one owner parking space – not up to code and not adequate for a 4 bedroom house
- The existing garage is being demolished, moved forward as far as possible, to allow for the expansion of the house into an L-shaped 2 story house that increases the house size to 230% of its current size, but without complying with existing parking standards. The already tight parking will get worse, and create safety issues, The zoning rules are not being applied fairly; other smaller projects, have been required to bring non-conforming conditions up to code
- This approval and the reasoning that justify such an approval will set a precedent for similar situations, thereby allowing locating parking spaces out to the lot line – typically the sidewalk
- The three houses in tandem at 227 Willow Road are all unusual – oriented in different directions, resulting in 277-B facing into the bulk of this second story addition (277-A)
- The applicants chose this design to minimize their cost and maximize their benefit, but with an unreasonable adverse impact the 277-B

The appellant is requesting that the City Council overturn the Planning Commission's decision to grant the Use Permit.

Applicant Neil Swartzberg presented their positions on the application / appeal. The points are as follows:

- Project is appropriate, especially given substantial redesign to mitigate concerns regarding massing and privacy
- The applicant engaged in significant neighbor outreach
 - Committed substantial time and effort to finding solutions to mitigate massing and privacy concerns
 - Resolving 277-B neighbor's interests were a moving target
- Parking is appropriate, including 2 conforming parking spaces
- Currently the house is composed of a 2 bedroom / 1 bath, small galley kitchen and small eating area
- Currently have 2 children; planning to have another child
- Redesign includes 4 bedrooms - 1 master bedroom, 1 bedroom for 2 younger children, 1 bedroom for the older child and 1 bedroom as office/guest room
- Redesign is a 2-story to maintain a portion of the backyard for kids (especially because house is on Willow Road)
- They are attached to Menlo Park and their house because of the good schools and many friends, and want to continue to live there.

Applicant went through the process to date including the meetings with the appellants.

Council questions:

A. Cohen – There is conflicting information regarding the parking, is the proposed parking conforming?

M. Fisher (staff) informed the City Council that the Planning Commission determined the parking situation to be a legal non-conforming use, and did not require the applicant to provide a second covered space.

A. Cohen – The appellant considers it unfair to them that critically needed second covered space is not being required. Apparently staff feels otherwise, perhaps because the space did not exist previously.

M. Fisher – To create a second covered space would require a 2-car garage which would necessitate a partial demolish of the current living quarters.

A. Cohen – Asked the City Attorney to shed light onto the Council's options.

B. McClure – The Council has the option to uphold the appeal and deny the use permit; modify the conditions of approval on the use permit; or deny the appeal and uphold the Planning Commission's decision. It requires a majority of the Council (3 affirmative votes) to modify.

A. Cohen – There is already a misunderstanding in the interpretation of the non-conformance, is there not?

B. McClure - Where you park on a property is not a use. The lot is non-conforming as to its dimensions; so to increase the square footage of the house by 50% requires a use permit. There is one legal conforming covered parking space in their garage and they are going to replace it with another conforming space. The PC has the authority to approve the continued non-conforming condition. They can also go beyond that and require 2 conforming space.

A. Cohen – The new space, replaces the existing parking garage. In addition there are 1 or 2 other spaces needed but they do not have to be situated in the same place as before the remodel.

B. McClure – There is no requirement to have parking in addition to the garage. If the City Council chooses to require 2 parking then the current garage would need to be demolished to build a 2-car garage.

B. McClure - They currently have one conforming covered parking space within the garage and 3 legal parking spots that are non-conforming.

J. Boyle – The massing, interruption of light, and parking are the issues. For clarity regarding the parking, the applicant can legally park at the end of their driveway? (The city does not enforce where they can park on their property).

After the remodel, the same parking spots could be used. There was a comment earlier that as a non-conforming lot or parcel, they need a permit if the square footage of the house exceeds 50% of the existing square footage, but do they need a permit for a second story?

M. Fisher – A person can build a second story without a use permit if the increase in the square footage is less than 50% *and* the valuation of the home increases less than 50%.

J. Boyle – Is the massing unique or have we regularly approved these in the past.

M. Fisher – It is within the daylight plane restrictions and is within the requirements for height. There are other similar projects in the city.

J. Boyle – One finding is that there is no negative impact on the neighbors. Anytime anybody builds a second story it could have a negative impact on a neighbor.

B. McClure – If you find that it is detrimental to the adjacent property, within a reasonable person's standard, the Council can deny the permit.

H. Robinson – In comparing other typical approvals with situations like this, does the PC often require a setback?

M. Fisher – The decision on the 15th is consistent with past history.

H. Robinson – Did the PC discuss with staff and the applicant an alternative to increase the set back?

M. Fisher – The PC noted that a 5 foot setback had been acceptable in the past, but they wanted to leave it open so the applicant and neighbor could work things out. They did not want to dictate design.

H. Robinson – One idea was to move the fence closer to 277-A. Can they do that?

B. McClure – If two property owners agree and they are not changing the property line, they can.

H. Robinson – There is a reason that setbacks exist including safety reasons. If the fence gets too close to the house the City should have an interest.

B. McClure – There may be a required distance between structures, but not the fence. There are a lot of situations, where there are encroachments into yards.

H. Robinson – Asked the applicant to explain some pictures.

N. Swartzberg – Explained the pictures of examples of non-conforming parking.

H. Robinson – Expressed his concern with the front of the proposed house; is there anything the applicant can do to remedy that?

N. Swartzberg – To get rid of the front bedroom would be a lot of additional design work to keep the fourth bedroom.

K. Fergusson – In MP we do allow large homes on small lots, but they must earn a use permit by the PC and in cases such as this the City Council. There are many odd lots with odd shapes and that is why some of these laws are in place. The use permit hearings are very difficult. When was the last use permit hearing before the City Council and what percent comes to the Council?

L. Heineck – Last one to come to the Council was in 2007 on Olive Street. A very small percentage comes to the Council. Patterns show less than one per year.

K. Fergusson – Parking issues have been raised but the neighbors should be able to work it out. That leaves the issue of bulk. It does seem that all of the bulk is placed next to one neighbor. It strikes her that these properties are unique as one house faces the street and the other faces the applicant's house. Would a variance be warranted if the project was redesigned?

M. Fisher – The specifics would have to be taken into consideration.

B. McClure – It depends on if it would be possible to relocate the house to another part of the property. It depends ultimately on the PC and the Council. If the topography is a unique shape, such as a flag lot, it could be considered.

K. Fergusson – What about daylight plane issues, is it generally applied to the side of the property? B. McClure – yes

K. Fergusson – So with this application you have the side of a house facing the front of a house.

B. McClure – The most restrictive daylight plane is the side daylight plane. Typically when there is a house next to another, the concern is allowing light in the windows on the side of the house. There are two ways to look at this; the house is further away, so there is more light available and the other is that there is a shadow being cast in the front yard, which is not the normal situation.

R. Cline – There have been offers for landscape help and some give on the property line; at some point they were going in the right direction. Why did they walk?

Kara Shafer – the applicant denied the offer. We had no input until after the plans were submitted. The first time we heard about the remodel was when we received the public hearing notice. We called Planning to advise the City that we did not accept this. After that the applicant brought over plans and asked what we wanted to make it acceptable. The appellant did not know they could have a say and asked that it be more of a micro-thing for landscaping. The applicant asked the appellant to think about it.

Then over the process of the redesign, there was no further discussion -- none of the options that the appellant suggested were considered. Because the lots are so small, the applicant already has encroached on their property so the appellant asked the applicant to remove the fence. The appellant was thinking Mediterranean and the applicant was thinking nothing encroaching. It became clear that there was no room for agreement.

R. Cline – When planning the work, did the applicant look at the second story going along the building instead of perpendicular?

N. Swartzberg – We did however, economics came into play and because the house was built in the 1950s, there would be an enormous amount of retrofitting to be done. It would require demolishing the understructure to build up. The idea was to build over the garage, supporting it with that foundation.

R. Cline – Had to know it was going to impact the neighbor.

N. Swartzberg – We did realize the impact and they have approached the neighbor numerous times. They gave the appellant the drawings three months prior to turning them in.

R. Cline – There is available parking, substantially around the house. Is there any way to have a parking pattern so that you ensure that they park in certain areas to attempt to eliminate the issues?

B. McClure – Yes, the Council could require that the applicant use the garage for parking instead of storage and make them record a CC&R.

J. Boyle – In the applicant package there is a picture of property on Marmona. The lower picture on that exhibit there is one car that is off to the side and not blocking the garage; is that second space (where the Mustang is parked) a conforming parking space.

B. McClure – The mustang is parked in the front yard setback. The parking space needs to begin more than 20 feet from the front property line.

A. Cohen – The applicants' exhibit pages 5-6; are these flag lots?

B. McClure – Neither appears to be a flag lot.

A. Cohen – There are other examples of two-story houses

B. McClure – They appear to be two-story

N. Swartzberg – They are two-story lots in conformance with current zoning

A. Cohen – Are there any flag lots among the darkened properties on page 4?

N. Swartzberg – There are three properties that are flag lots - 230, 232 and 234 Santa Margarita.

A. Cohen – Are the orientations of the houses at 232 and 234 identical to 277-A and 277-B?

N. Swartzberg – At 234 is straight out to the street and at 232 the garage is oriented at a 90 degree angle and the area in between is paved.

A. Cohen – The similarity is great; however, he has not heard that the entryway and patio area are oriented in the same way as 277.

N. Swartzberg – The houses are at 90 degree angles to each other; his lot is not like a regular street; he does not agree that his front door is parallel to the appellant's front door. His view is that in some sense, it is their side yard and they already have a back and front yard in other areas.

A. Cohen – The fact is that the difference in 277A&B and 232 and 234 Santa Margarita is where the sun rises is different on the two back lots.

N. Swartzberg – He believes it rises in the same fashion for all properties.

The Public Hearing was opened at 9:49 p.m.

PUBLIC HEARING COMMENTS:

Katie Ferrick – Planning Commissioner (not speaking on behalf of the PC); Unfortunate that you have somebody who wants to improve the property and there is a neighbor that is not in agreement. This is an unusual circumstance and the appellant's views were taken into consideration resulting in extensive changes. The appellant took issue with the increase in the size of the house. To be sensitive to the neighbors the applicant has reduced the size. The property line has large trees and screens the neighbors and will continue to screen the area. Generally the neighbors work it out. Typically it makes a better situation for the entire neighborhood. Regarding the parking situation, there was a mischaracterization in that they should not park where they park. She hopes the Council supports the PC decision.

Elizabeth Katz – Does not believe that the permit should be allowed. This project should be required to meet the parking regulations. The decisions are based on economic need but she does not believe that economics is a basis for bypassing the parking regulations. Her neighbor had a similar situation, and they were made to have a concrete pad and access from the alley. With her remodel, she had to move her garage 5 feet into her yard to allow adequate turn-around space. It fosters discontent among those who have had to conform.

Cathy Ricke – Did a large remodel and went through the Use Permit process and they had to follow all of the regulations and she is offended that they do not have. They had to put in 2 conforming parking spaces.

Bruce Schena – Lives on the other side of Cathy Ricke; they have gone through the permitting process and they have been subjected to a long list of requirements, all of which have been met. They also had to scrape the first design. The financial implications of this are difficult but he has yet to hear a compelling reason to allow the use permit. They should not be allowed a permit due to economics. Uniform application of the rules should be used and he recommends overturning the Planning Commission's decision.

Celia Aufdemberge reiterated and read the use permit code including the words “shall” and “must”. It sounds like the conditions have not been met and it will be detrimental to the adjacent property owners. It will change the whole environment of the neighbors.

Penelope Huang agrees with the appellant that the improvements are too big and if adjustments are going to be made then adequate parking must be required. It should be brought into conformance. Neighborhood integrity is important and she supports the appellant.

Action: Motion and second (Robinson/Fergusson) to close the public hearing at 10:05 p.m. passes unanimously.

K. Fergusson – Does the City apply the rules uniformly?

L. Heineck – They are applied uniformly but the outcome could be different because the projects are different.

K. Fergusson – Proposes the Council uphold the PC appeal in part but require conditions such as removal of the front second story bedroom but allow the square footage in the back of the property

H. Robinson – Expressed concerns about the front second story bedroom and, the parking could be discussed but he is less concerned about that. If a two-car garage is added it becomes close to the maximum allowed floor area ratio. He believes that the neighbors could work out the parking.

This remodel is a 2/1 going to a 4/3 and given the size of the lot and proximity of the neighbors, he has concerns. He would be more comfortable with the design coming back as a 3/3. He has an issue with encouraging the applicant to obtain a variance. His preference is to remove the second story bedroom.

J. Boyle – Asked staff to comment on the drawing that the applicant provided and if it is a fair representation.

M. Fisher – Not seeing the information ahead of time she did not have time to verify the information first hand. There are many two-story houses in the area. The parking is difficult to identify unless they have a 2 car garage.

M. Fisher – Within the last 10 years, there were 4 use permits on Santa Margarita and 1 on Nash but none on Willows. Those 3 streets are the only impacted streets. The other side of Willow Road is a different neighborhood.

J. Boyle – Can there be restrictions requiring using the garage for parking and not storage? It becomes clear from listening that each case is unique and that is why he relies on staff and the PC and look at the entire package. He has heard repeatedly that the regulations have been applied uniformly. He is supportive of staff and Planning Commission decision.

A. Cohen –The Council may find a project acceptable but in order to do so there is a list of requirements that must be met. He thinks the Planning Commission did not rule correctly and staff’s recommendation is inappropriate in this case. The better result would be to send it back for redesign. He hopes that the two couples (appellant and applicant) will go the extra distance to do the right thing.

R. Cline – He has a lot of empathy for the impact on the appellant and there are not a lot of reasonable options without a redesign. The screening should be cured at the cost of the applicant. He was impacted by the parking and the safety concern is an issue. He was looking for alternatives for parking. He would like to see some mandated use of the garage. He is not comfortable in eliminating or moving a room someplace else. There will need to be collaboration for the property line area. Given the nature of where this has come from and the process he is not comfortable sending it back.

K. Fergusson – Does not think that there is support for her suggestions. The current design is too impactful for the appellant; the massing and the impact on reducing day light are the issues for her. She supports upholding the appeal in part and approving the use permit with some strict conditions.

H. Robinson – This can always be denied; the applicants can always withdraw or bring forward for staff approval. There may be restrictions that they do not want to move forward with.

K. Fergusson – There are three different approaches: treat the second story roofline in the middle section on the left side of the property as an outer envelope (5 foot second floor setback from the first floor) or encroachment into the back setback or redesign with a more balanced massing with the second story over the structure.

J. Boyle – Concern with taking the 5 foot additional setback; is it realistic that it could go through staff? They may have to make substantive changes to other parts of the plans.

L. Heineck – if there was a design that required a variance it would require consideration by the Planning Commission. Council could give staff the direction to make the decision, but would have the option to take it to the Planning Commission.

Action: Motion and second (Fergusson/Robinson) to uphold the appeal in part and deny in part and to grant the use permit as requested subject to the following conditions:

The project be redesigned to either:

1 – Modify the side yard setback adjacent to the Shafer property such that the second story setback to the easement side of the master bedroom all the way to the front of the house to be consistent at 5 feet from the exterior wall

2 – Modify the design to remove the second story front bedroom above the garage to the rear of the property subject to obtaining a variance from the Planning Commission for the rear setback

3 – Redesign the massing of the house to more centrally locate the second story addition.

Options 1 and 3 would be subject to staff review and approval; staff would give notice to the contiguous neighbors and the right of appeal to the Planning Commission.

Findings:

The Council is granting the appeal in part because the design as presented have significant impacts on the adjacent property and therefore cannot make the findings unless the modifications as outlined are incorporated into the project

A. Cohen – Trying to make it easier could make it impossible. He cannot support the item.

K. Fergusson – If there are not 3 votes, the Planning Commission decision stands.

B. McClure – If the motion fails, a second motion could be made.

Action: The above motion fails by the following votes:

Ayes – Fergusson and Robinson

Noes – Boyle, Cline, Cohen

J. Boyle – Maybe continue and allow the parties to come up with a solution.

B. McClure – The deadline is July 6

H. Robinson – Not willing to continue the item

J. Boyle – Asked the applicant and appellant if they would waive the 75 days

Kara Shafer – There are a lot of intricacies to the project and she is supportive of trying to work it out and would waive the 75 days in an attempt to reach a compromise.

N. Swartzberg – He is concerned with the timeliness, so wants to keep it close to the 75 day deadline; some of the conditions could be easier than others, he really wants some finality, so they know what they need to do to move forward. Maybe a 3 or 4 foot setback for the second story would work.

Action: Motion and second (Boyle/Cline) to uphold the appeal in part and deny in part and to grant the use permit as requested subject to the following conditions:

The project be redesigned to either:

1 – Modify the side yard setback adjacent to the Shafer property such that the second story setback to the easement side of the master bedroom extends all the way to the front of the house to be 3 feet from the exterior wall to the front but the sides remain with a 5 foot setback from the exterior wall

2 – Modify the design to remove the second story front bedroom above the garage to the rear of the property subject to obtaining a variance from the Planning Commission for the rear setback

3 – Redesign the massing of the house to more centrally locate the second story addition. Options 1 and 3 would be subject to staff review and approval; staff would give notice to the contiguous neighbors and the right of appeal to the Planning Commission.

Findings:

The Council is granting the appeal in part because the design as presented have significant impacts on the adjacent property and therefore cannot make the findings unless the modifications as outlined are incorporated into the project

A. Cohen – He realizes that all of the efforts are being made in good faith. He offered an alternative to have the parties go back and discuss the issue with a mediator.

K. Fergusson – It does not need mediation, it needs a decision. The parties talking to each other is not the problem, it needs a decision as to what will be allowed.

Action: Amendment to motion: that in essence there is a requirement that both parties do some satisfactory planting and screening at the expense of the applicant.

K. Fergusson – Concerned about the day light issue and she does not feel that 3 feet will improve the daylight in the house.

J. Boyle – This design is not at the maximum height and will still come in within the requirements.

Action: Amendment to motion: No setback in the back and a four foot setback for everything else.

Action: (restatement of the motion with amendments) Motion and second (Boyle/Cline) to uphold the appeal in part and deny in part and to grant the use permit as requested subject to the following conditions:

The project be redesigned to either:

1 – Modify the setbacks to 3 feet in the front, 5 feet in the center and no setback in the back

2 – Modify the design to remove the second story front bedroom above the garage to the rear of the property subject to obtaining a variance from the Planning Commission for the rear setback

3 – Redesign the massing of the house to more centrally locate the second story addition.

Options 1 and 3 would be subject to staff review and approval; staff would give notice to the contiguous neighbors and the right of appeal to the Planning Commission.

Findings:

The Council is granting the appeal in part because the design as presented have significant impacts on the adjacent property and therefore cannot make the findings unless the modifications as outlined are incorporated into the project

The above motion with amendments fails by the following votes:

Ayes – Boyle

Noes – Cline, Cohen, Fergusson, Robinson

Action: Motion/second (Robinson/Fergusson) to deny the item (Motion withdrawn)

Action: Motion/Second (Cline/Robinson) to continue the item to as late as July 27, 2010, which includes a waiver of the parties to the 75 day time, passes unanimously.

F. REGULAR BUSINESS

1. Consider a resolution to receive the certified signature results; order the holding of a municipal election on November 2, 2010, relating to an initiative to limit retirement benefits for new City of Menlo Park Employees (except sworn police officers) and to restrict City Council from increasing benefits in the future without voter approval; setting the dates for filing written arguments; direct the City Attorney to prepare an Impartial Analysis; and request the County of San Mateo to consolidate a Municipal Election to be held with the Gubernatorial General Election on November 2, 2010

[\(Staff report #10-073\)](#)

Staff presentation by Margaret Roberts, City Clerk

Public comments on the item:

- Sue Cortesi – spoke in support
- Ed Moritz – spoke in support
- Cesar Serrano – spoke against the item
- Mary Beth Suhr – spoke in support of the item
- Henry Riggs – spoke in favor of the item
- Greg Druehl – spoke in support of the item
- Frank Tucker – spoke in support of the item (approve ordinance tonight)
- John Wallace – spoke in support of the item

- Jagg Ayyangar – spoke in favor of the item
- Roy Sardina – spoke in favor of the item
- Chuck Bernstein – spoke in favor of the item

Action: Motion and second (Boyle/Cohen) to approve **Resolution No. 5930** to accept the certified signature results; order the holding of a municipal election on November 2, 2010, relating to an initiative to limit retirement benefits for new City of Menlo Park Employees (except sworn police officers) and to restrict City Council from increasing retirement benefits in the future without voter approval; setting the dates for filing written arguments; direct the City Attorney to prepare an Impartial Analysis; and request the County of San Mateo to consolidate a Municipal Election to be held with the Gubernatorial General Election on November 2, 2010 and to prepare a report regarding the fiscal impacts passes unanimously.

2. Authorize staff to negotiate with the Menlo Park City School District for a cost sharing agreement for the installation of a traffic signal at the intersection of Santa Cruz Avenue and Elder Avenue including the removal of the existing pedestrian traffic signal in front of Hillview Middle School and the installation of an in-pavement lighted crosswalk at the intersection of Santa Cruz Avenue and Olive Street ([Staff report #10-070](#))

Action: Motion and second (Robinson/Fergusson) to continue the item passes unanimously.

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

G. CITY MANAGER’S REPORT – None

H. WRITTEN COMMUNICATION – None

I. INFORMATIONAL ITEMS – None

J. COUNCILMEMBER REPORTS

J. Boyle reported on the Business Development Roundtable.

K. Fergusson provided a list of legislation that C/CAG is taking a position on as well as a potential ballot measure.

1. Report from the City Council Subcommittee on High Speed Rail (HSR) June 1, 2010 meeting on HSR in the Recreation Center

K. PUBLIC COMMENT #2 – None

L. ADJOURNMENT – 12:24 a.m.

Margaret S. Roberts, MMC
City Clerk

These minutes were accepted at the Council meeting of August 24, 2010