



CITY COUNCIL And COMMUNITY DEVELOPMENT AGENCY MINUTES

Tuesday, November 12, 2002

7:30 p.m.

Menlo Park Council Chamber
801 Laurel Street, Menlo Park

ROLL CALL – Mayor Schmidt called the meeting to order at 7:35 p.m. in The City Council Chambers. Mayor Pro Tem Kinney, Councilmembers Borak, Collacchi, and Jellins were present. Also present was City Manager Boesch, City Attorney McClure, Interim City Clerk Wahlsten, and other department heads.

A. PRESENTATIONS AND PROCLAMATIONS

1. Proclamation recognizing Geographic Information Systems (GIS) Day on November 20, 2002.

Mayor Schmidt read the proclamation and presented it to Liz Colvard, representing the U.S. Geological Survey, Menlo Park.

B. COMMISSION VACANCIES, APPOINTMENTS AND REPORTS

1. Appointments to the Environmental Quality Commission (one vacancy), the Las Pulgas Committee (one vacancy - homeowner in the Redevelopment Area) and the Housing Commission (one vacancy).

Mayor Schmidt stated that one application has been received for each of the three vacancies. Council concurred to appoint Laura Teksler to the Environmental Quality commission; Sheryl Bims to the Las Pulgas Committee; and Carol Swanson Louchheim to the Housing Commission.

2. Planning Commission (one vacancy). The application deadline is January 14, 2003.

Mayor Schmidt announced the vacancy.

3. Councilmember Reports.

Mayor Pro Tem Kinney asked if the special Council meeting scheduled for tomorrow, November 13th, to continue the discussion of the M-2 issue should be held. Council concurred that the meeting should be cancelled and discussion on this issue should be held after the new Council is seated. City Attorney McClure stated that the proper notice of the meeting cancellation would be given. City Manager Boesch stated that the Consent Calendar items on the November 13th agenda would be continued to the November 19th regular meeting. Mayor Schmidt stated he would hope the new City Council does not lose sight of the overall goals of looking at connecting land use and transportation and finance impacts on the City.

Mayor Pro Tem Kinney stated he attended the City of Atherton's Planning Commission meeting last Thursday regarding the proposed road from Sacred Heart campus to Valparaiso Avenue at Arbor. Menlo Park residents were concerned about the possibility of a new road. The Atherton

Planning Commission found that due to carpooling and other traffic mitigation efforts on the campus, traffic on Emilie has been reduced about 40% and voted to not recommend a new road. Our two cities will continue to work on Valparaiso issues, since it is the border between the two cities.

Councilmember Jellins stated the City Council received an agenda from the City Selection Committee for a meeting scheduled on Friday, November 22. He requested it be discussed at the November 19th regular meeting.

C. PUBLIC COMMENT #1

Henry Organ, Menlo Park, thanked Mayor Schmidt particularly for helping get a local Resolution passed supporting a moratorium on the death penalty. He gave the former and future Councilmembers best wishes for future success.

Mickie Winkler, Councilmember-elect, Menlo Park, thanked the City Council for canceling the November 13th Special Meeting and, in the same spirit, asked the Council to not adopt Ordinance 915, but leave it to the new Council to complete.

Lee Duboc, Councilmember-elect, Menlo Park, also asked the City Council to not go forward with Ordinance 915.

Mayor Schmidt stated the public hearing on Ordinance 915 was closed at the meeting of October 29th, so this is the appropriate place to speak on this item, even though it is on the agenda as Item F-1.

Catherine McMillan, Menlo Park, stated she felt insulted by the statements that the average person cannot understand Ordinance 915. She cited the City of Palo Alto's experience with a similar ordinance; stated she is worried about the future of her one-story neighborhood; cited campaign contributions by a real estate Political Action Committee (PAC) in the recent election; and requested a traffic signal not be built on Santa Cruz Avenue at San Mateo.

Dick Poe, Menlo Park, stated he is a realtor. The real estate PAC contributions were from local realtors and funneled through the PAC. He requested the City Council take no action on Ordinance 915 in this classic "lame duck" session.

Harry Harrison, Menlo Park, stated the Lions Club paid for and served the pancake breakfast last Saturday from funds raised in the Farmers' Market. They served 500 people.

Mayor Schmidt thanked the Lions and others involved in Saturday's 75th anniversary celebration. He expressed a desire to have this be an annual event. It is very beneficial for the community. Harry Harrison gave credit to Don Johnson, the City's Building Official, for planning and executing the breakfast.

Elias Blawie, Menlo Park, stated concern about public process on the Santa Cruz Avenue agenda item. There has not been a chance for public comment and the agenda is not clear as to whether public comment will be taken. He does not want a traffic signal at San Mateo Drive and Santa Cruz. He also stated he does not feel there was a mandate given in this election and urged the City Council to adopt Ordinance 915 and complete the work that was started. There have been many citizens involved in the process.

Bill Joyce, Menlo Park, congratulated the newly elected Councilmembers.

Pat White, Menlo Park, requested that the important issues be put aside for the new Council.

D. CONSENT CALENDAR

1. Approval of audited bills for period 17 ending October 25, 2002, period 18 ending November 1, 2002 and pay period 22 ending October 19, 2002.
2. Acceptance of work for Laurel Street Resurfacing from Oak Grove Avenue to Ravenswood Avenue, and Willow Road Resurfacing from Middlefield Road to Alma Lane. (#02-240)
3. Acceptance of work for the 2002 Sidewalk Repair Project. (#02-241)
4. Community Development Agency award of contract for the construction of the Belle Haven overall Street Light Improvements Project to A-American Electric and Service Company in the amount of \$83,438; and authorization of a budget of \$126,438 for construction, contingencies, testing, engineering, inspection and administration. (#02-243)
5. Acceptance of work for Santa Cruz Avenue Resurfacing from University Avenue to Olive Street, and Willow Road Resurfacing from Chester Street to Gilbert Avenue, and the Santa Cruz Avenue Traffic Calming Project. (#02-244)
6. Community Development Agency (1) approval of Resolution CDA 260 to accept a grant deed from Raymond B. Tollner and Lynn D. Tollner, and Jerry R. Paulsen and Marjorie A. Paulsen (as co-owners), for 525 Hamilton Avenue (APN 055-341-120) and authorizing the Executive Director to execute the acceptance on behalf of the Agency; (2) approval of an amendment to the fiscal year 2002-03 budget to appropriate \$4.7 Million from the Agency Non-Housing fund for the Hamilton Avenue East Project; and transfer \$1 Million from the Belle Haven Community Park and Housing Project to the Hamilton Avenue East Project;(3) approval of a budget allocation of \$5.7 million for the Hamilton Avenue East Project; and (4) authorization to charge the \$5.7 Million cost of purchasing the Hamilton Avenue East properties to the Hamilton Avenue East Project. (#02-250)
7. Approval of Minutes for the City Council Meetings of October 1, 2002, October 15, 2002 and October 22, 2002.

Mayor Schmidt read the titles of the Consent Calendar Items. Councilmember Jellins pulled Item 6 from the Consent Calendar

**M/S Jellins, Kinney to approve the Consent Calendar with the exception of Item 6.
Motion passed 5-0.**

E. PUBLIC HEARING - None

F. REGULAR BUSINESS

3. Resolution approving an agreement between the City of Menlo Park and Stanford University regarding widening of Sand Hill Road, reconstruction of Sand Hill Road – Santa Cruz Avenue – Alpine Road intersections, and related improvements; and related actions. (#02-245)

Mayor Schmidt stated that since the majority of the speakers are present on Item 3, Sand Hill Road, it would be moved up on the agenda. City Manager Boesch gave the staff report. This item was discussed by the City Council in September. Inter-related issues that were brought up are: 1) the pedestrian bicycle trail that is proposed, and, combined with the road widening, what potential impact it might have on the reconfiguration of Stanford University's golf course; and 2) concern about the level of environmental review required and what has been done to date. The written staff report gives details on the issues.

Councilmember Kinney asked the City Attorney about his meetings with Palo Alto since the September meeting. City Attorney McClure stated Palo Alto's City Attorney was of the opinion that the proposed trail that is part of the proposed agreement was not inconsistent with the EIR adopted in 1997.

Speaking to this issue:

Larry Horton, Stanford University, stated the staff report provides answers to questions raised during meeting of 9-24 and the CEQA issues have been addressed.

Councilmember Borak asked why the trail is 16 feet wide rather than 8 feet. Mr. Horton responded that they used CalTrans standards. They are willing to consider a different surface composition or different width.

Janet Davis, Alpine Drive, stated she is opposed to trail along Alpine Road.

Karl Vander Linden stated he lives on Stowe Lane in San Mateo County, which is the first cul-de-sac off Alpine Road south of Junipero Serra and had not received any notice that Sand Hill Road would be closed during the construction period.

Don Sweet, Menlo Park, cited current congestion and delay in getting through Sand Hill Road and Santa Cruz and stated he is in favor of the road widening.

Reg Rice, Menlo Park, read a letter from Mary Giles, urging the widening of Sand Hill Road.

Richard Harris, representing the Committee to Save Stanford Golf Course, requested language regarding a fence be put in the agreement. Also that Exhibit E show the link-up of the trail at Oak with a notation that makes a commitment for the wall and landscaping that the golf architect has asked for. "Golf course remodel to include perimeter walls per Zoning Code Section 16.64.020."

Councilmember Jellins asked staff if that Ordinance section applies since that is a residential zoning section. City Attorney McClure stated the property is zoned residential. This would not be the front property line so it would be an administrative matter to recommend a fence or wall along that right of way between the golf course and Sand Hill Road and could be approved with a height of four to seven feet.

Jim Bigelow, a member of the Menlo Park Chamber of Commerce, stated he is in favor of the project.

Ann Barhoum, stated she lives on Leland Avenue, San Mateo County, and feels there is not enough consideration being given to their small neighborhood. She is fearful of cut-through traffic.

Vic Lovell, Menlo Park, requested the project be rejected. He feels a new EIR is needed. He has concerns about the impact the street widening will have on the creek.

Melba Rogers, Menlo Park, lives on Sand Hill Road at the corner of Leland, and cited the noise pollution impacts they live with.

Sarah Filice, Menlo Park, stated she is in favor of widening.

Al Filice, President of the Menlo Park Chamber of Commerce, stated they are in favor of widening.

Mayor Schmidt stated he has been a critic of Stanford's development plans in the past, but he believes that options for something other than a four-lane road have been exhausted.

M/S Schmidt/Kinney to approve staff recommendation and adopt Resolution No. 5410 approving an addendum to the San Hill Road Corridor Projects Final Environmental Impact Report, approving a mitigation and monitoring program, approving findings and a Statement of Overriding Considerations, approving an Agreement between the City of Menlo Park and the Board of Trustees of the Leland Stanford Junior University to Reconstruct the Sand Hill Road – Santa Cruz Avenue Intersection and related intersection approaches including Sand Hill Road from Santa Cruz Avenue to the City Limit at San Francisquito Creek and authorizing the City Manager to execute the Agreement on behalf of the City.

M/S Collacchi/Borak to amend the motion to remove the trail component.

Mayor Schmidt stated there is language in the agreement that Menlo Park's acceptance of this trail is not an endorsement to any other jurisdiction's discussions regarding trail alignments outside of Menlo Park. There is a path now on the south side of Sand Hill Road and one below Alpine Road as it approaches Junipero Serra and both will be abolished by the road improvement. The proposed trail will replace those inadequate facilities and is an improvement over what exists.

Motion failed 2-3 with Jellins, Kinney and Schmidt dissenting.

Council asked Mr. Horton, as Stanford's representative, if they agreed with the language proposed by Mr. Harris being added. Mr. Horton stated they would work with the City Attorney to add language regarding landscaping, the fence and wall. Director of Public Works Steffens is the construction liaison and will determine the height of the wall, its location and other design details. If the trail will be dedicated to the City when it is completed, the City will have concerns on visibility. Mr. Skaggs, Stanford's attorney, stated that the trail is planned to be dedicated to the City.

Motion to adopt Resolution 5410 approved 3-2 with Borak and Collacchi dissenting.

RECESS AND CALL TO ORDER

Mayor Schmidt recessed the meeting at 10:45 p.m. and called it back to order at 11:00 p.m.

F. REGULAR BUSINESS

2. Report on the status of the Santa Cruz Avenue Streetscape Project (Rescheduled from the October 22, 2002 City Council meeting.) (#02-231)

Mayor Schmidt stated his preference would be to not take any private property for right of way expansion; and that there be a goal of continuous sidewalks between Orange and University or

Arbor on one side, probably the north side. He asked about the timetable for a future look at this. Transportation Manager Jamal Rahmini stated there would be a Transportation Committee meeting on December 5 and another public workshop in January. The plan will then be presented to the City Council.

There was no one present wishing to speak to this item.

1. Approval of a Revised Negative Declaration; waiver of reading of Ordinance No. 915; adoption of Ordinance No. 915 amending the Zoning Ordinance to modify the regulations and review process for single-family residential development; and approval of single-family residential design guidelines. (#02-248)

Staff report by Acting Director of Community Development Heineck. On October 29, 2002, the City Council took three actions to approve the revised Negative Declaration, introduce Ordinance No. 915, and approve the Single-Family Residential Design Guidelines. All three documents are before the City Council for final approval and incorporate all changes directed by the City Council.

Councilmember Kinney stated he had spoken with the City Attorney. If the City Council approves the Ordinance at this meeting, the new City Council could rescind it, prior to it becoming effective. He asked whether this should be continued so the new City Council can debate the issue.

M/S Kinney, Jellins to continue this item to a date certain so that the new City Council can continue discussion of revising the residential ordinance to reflect concerns about out of scale housing and inequities in handling the review process for lots called non-confirming.

Mayor Schmidt allowed the following speaker to address the City Council, stating that he had not been able to be present when the public hearing was held.

Chuck Bernstein, Menlo Park, stated he was a member of the Residential Review Task Force, and before that part of a neighborhood group that worked to alter notification procedures. He requested that the use permit process be extended to all lots in Menlo Park when a two-story development over a certain size is being considered.

Mayor Schmidt stated he feels the current City Council had the responsibility to continue its work. He feels the ordinance is effective and beneficial for issues of daylight plane, access and privacy.

Councilmember Borak stated she does not feel the work should be stopped just because things will be changed next month. She stated it is unfortunate there is so much misinformation being given out and cited the Menlo First website that said that no windows would be allowed in new development except ones that face the street which is not true.

Motion failed 2-3 with Borak, Collacchi and Schmidt dissenting.

M/S Schmidt/Borak to approve the Revised Negative Declaration; waive reading and adopt Ordinance No. 915 amending the Zoning Ordinance to Modify the Regulations and Review Process for Single-Family Residential Development; and approval of Single-Family Residential Design Guidelines.

Councilmember Collacchi stated he feels it is correct for this Council to complete its work based on its values and not take action based on what a future council might do. The new City Council can rescind this and then do its own work on this issue.

Councilmember Jellins asked how much will be expended on having graphics prepared for the Design Guidelines between now and December 10. City Attorney McClure stated there are no plans to proceed with the drawings at this time. The cost to publish the ordinance is approximately \$3,000.

Motion passed 3-2 with Kinney and Jellins dissenting.

D. CONSENT CALENDAR

6. Community Development Agency (1) approval of Resolution No. 260 to accept a grant deed from Raymond B. Tollner and Lynn D. Tollner, and Jerry R. Paulsen and Marjorie A. Paulsen (as co-owners), for 525 Hamilton Avenue (APN 055-341-120) and authorizing the Executive Director to execute the acceptance on behalf of the Agency; (2) approval of an amendment to the fiscal year 2002-03 budget to appropriate \$4.7 Million from the Agency Non-Housing fund for the Hamilton Avenue East Project; and transfer \$1 Million from the Belle Haven Community Park and Housing Project to the Hamilton Avenue East Project; (3) approval of a budget allocation of \$5.7 million for the Hamilton Avenue East Project; and (4) authorization to charge the \$5.7 Million cost of purchasing the Hamilton Avenue East properties to the Hamilton Avenue East Project. (#02-250)

Councilmember Jellins stated he had pulled this item from the Consent Calendar because he could not see the link between the purchase and the reallocation of funds from funding sources. During the break he talked to the City Manager and City Attorney and got his questions answered.

M/S Jellins/Schmidt to adopt staff recommendation. Motion passed unanimously.

4. Consideration of state and federal legislative items or items referred to in Written Communications or Information Items, including decisions to support or oppose any such legislative, written communication or information item.

There were no items discussed.

G. WRITTEN COMMUNICATIONS - None

H. INFORMATION ITEMS - None

I. PUBLIC COMMENT #2 - None

J. ADJOURNMENT – 11:42 P.M.

Marjorie K. Wahlsten, CMC
Interim City Clerk

Approved by the City Council on _____