



**CITY COUNCIL AND
COMMUNITY DEVELOPMENT AGENCY REGULAR MEETING
MINUTES**

Tuesday, December 18, 2007

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 present in the audience.

PLEDGE OF ALLEGIANCE

A. COMMISSION/COMMITTEE VACANCIES AND REPORTS

1. **There are seven vacancies on the El Camino Real/Downtown Vision Process Oversight and Outreach Committee, a newly formed advisory body. The vacancies are for terms ending with the completion of the project (projected June 2008). The deadline for applications is Tuesday, January 8, 2008.**

Action: The Mayor announced vacancies and deadline.

2. **Commission members and Chamber of Commerce reports.**

Action: Elizabeth Lasensky, Housing Commission, announced that the commission is performing a senior housing needs assessment survey to determine future housing needs of seniors and baby boomers.

Fran Dehn, Chamber of Commerce Executive Director, thanked residents and merchants for the success of the holiday programs. She also noted that contributions to Menlo Park charities are down this year and encouraged contributions of money and services.

B. PRESENTATIONS AND PROCLAMATIONS - None

C. PUBLIC COMMENT #1

Cesar Cervarntes, a Project Read board member and former user of the program, reported that the program is administered by a board of six and two staff members, and that they have been operating without a director for a number of years. He stated that the August fundraising event was attended by over 100 people. In addition to contributions from local merchants, they received help from the Friends of the Library, and some funding from the state and from corporate donors, which allowed them to purchase computers, books and software. Mr. Cervarntes asked for the Council's consideration as part of next year's budget.

Robin Mouat, a tutor for the Project Read program, reported that this year's fundraising event raised \$6,300, resulted in awareness of the program, and increased the number of tutors participating in the program.

Kristie Breisch, a Project Read board member, stated that the program's three goals are awareness, advocacy and accountability and asked for guidance from members of the Council and City staff on how to improve advocacy of the program.

D. CONSENT CALENDAR

Action: Moved, seconded (Robinson/Cline) and carried unanimously to approve the Consent Calendar with the exception of D2, D3 and D4 which were removed for discussion.

1. **Community Development Agency Board approval of the Menlo Park Community Development Agency Annual Report for Fiscal Year 2006-07.** ([Staff Report #07-217](#))

Action: Approved the Annual Report for Fiscal Year 2006-07.

2. **Review of the Annual Report on the status of the Traffic Impact, Storm Drainage, Recreation in Lieu and Building Construction Road Impact fees collected as of June 30, 2007 according to Government Code Section 66000 et.seq.** ([Staff Report #07-211](#))

This item was removed from the Consent Calendar for discussion by Council Member Boyle. Council Member Boyle questioned what fees were being evaluated and when these reports would be presented to the Council. He asked that in the future additional information be provided that identifies which projects are accounted for within a report.

Finance Director Augustine responded that staff is in the process of completing a cost allocation and fee study, but that does not include the impact fees specifically in this report. Public Works Director Steffens reported that the Public Works Department is working on a traffic impact fee study which should be completed in the Spring.

Action: Moved, seconded (Fergusson/Boyle) and carried unanimously to accept the Annual Report.

3. **Approval of the Annual Report on the Below Market Rate (BMR) Housing Program and the status of the BMR In-Lieu fees collected as of June 30, 2007, in accordance with Government Code Section 66000 et.seq.** ([Staff Report #07-214](#))

This item was removed from the Consent Calendar by Council Member Boyle for discussion. Council Member Boyle wanted to clarify a statement on page four of the report which indicated the voters rejected the Derry Lane project. He stated that a referendum petition was submitted to the City and as a result the proposed project was suspended and the report should be corrected to reflect that the referendum never went to the voters, and any number of units is undetermined until resolution of this matter.

Action: Moved, seconded, (Fergusson/Boyle) and carried unanimously to approve the Annual Report with the corrections presented by Council Member Boyle.

4. **Authorization of the Public Works Director to accept all work for the Parking Plaza 5 Improvement Project.** ([Staff Report #07-216](#))

This item was removed from the Consent Calendar by Council Member Fergusson for discussion. Council Member Fergusson stated that she felt that the benefit of adding additional parking spaces did not make up for the loss of two big oak trees and other parking conveniences.

Public Works Director Steffens responded to Council questions regarding the use of pervious paving surfaces and loss of the trees.

Action: Moved, seconded, carried (Robinson/Boyle; Ayes – Boyle, Cline, Cohen, Robinson; Noes – None; Abstain – Fergusson) to authorize the Public Works Director to accept all work for the Parking Plaza 5 Improvement Project.

5. **Approval for staff to initiate the recruitment process and fill one computer support technician position currently funded in the 2007-08 Operating Budget.** ([Staff Report #07-218](#))

Action: Approved initiating the recruitment process to fill one computer support technician position.

E. PUBLIC HEARING - None

F. REGULAR BUSINESS

1. **Acceptance of the California Department of Transportation Plan to replace the existing U.S. 101 Pedestrian/Bicycle Overcrossing at Ringwood Avenue within close proximity to its current location as part of the U.S. 101 Auxiliary Lane Project.** ([Staff Report #07-215](#))

Chip Taylor, Transportation Manager, presented the staff report. He informed the Council that Caltrans is in the environmental review stage of adding auxiliary lanes to U.S. 101 between Embarcadero Road in Palo Alto and Marsh Road in Menlo Park and that as part of this project it will need to reconstruct the pedestrian overcrossing located at Ringwood Avenue to comply with ADA requirements. Mr. Taylor reported that the overcrossing is primarily used by approximately 50 children to go to and from the high school in the morning and afternoon. He stated that for Caltrans to keep the project on schedule the City needs to determine whether it wants the overcrossing replaced in the same location, replaced in another location, or removed completely.

The Transportation Manager informed the Council that Caltrans attended a Bicycle Commission meeting to receive input on whether the overcrossing should be replaced and where the access points should be located. While there were concerns regarding the overcrossing, in particular related to crime and safety, Mr. Taylor reported that the Bicycle Commission recommended replacing the overcrossing in the same or close proximity to the present location. He stated that staff recommends that the ramps go to the existing locations and that the overcrossing be replaced in close proximity, which will allow for use of the present overcrossing during construction of the new one.

Caltrans representative, Ron Moriguchi, provided information on the scope of the project, the schedule and design options. He stated that Caltrans is before the Council seeking direction on whether or not the Council supports replacement of the overcrossing and to receive comments on preferred locations so that this information can be included as part of the environmental review process. Mr. Moriguchi said that the deadline for starting the draft EIR process is March 2008 and that while 2013 is the estimated completion date, Caltrans may split the project into smaller construction segments, which would result in having the overcrossing project finished sooner. He further stated that the structure is over 50 years old and will need to be replaced or torn down at some time in the future.

The Caltrans representative presented several design models showing various options for configuring the location of the ramps and access points. Mr. Moriguchi informed the

Council that Caltrans will be working with City staff during the design phase to make sure concerns are addressed.

Council Member Cline asked about: 1) impact of ramps on neighborhoods; 2) construction impact on the neighborhoods; 3) how Caltrans will work with staff during the construction phase of the project; 4) project budget and funding sources; 5) distance between access and neighborhoods; and 6) the position of the Police Department regarding this project.

Commander Burt of the Police Department responded that the Police Department has not taken a position for or against this project. She stated that the department does provide crime statistics by census tract. Commander Burt reported that over the last three years over 250 Part 1 crimes have been recorded annually in the census tracts east of U.S. 101; 100 to 150 Part I crimes have been recorded in the census tracts west of this area; and that in the census tracts in question there have been between 50 to 70 Part 1 crimes recorded annually, ranking them fifth in crime in the City. She stated all other census tracts in the City report anywhere from five to 30 Part 1 crimes each year.

Council Member Fergusson noted that one of the benefits of keeping the overcrossing at its current location is that the children going to school don't have to cross busy streets such as Van Buren or Pierce.

In response to Council questions, the Caltrans representative informed the Council that: 1) the budget for this overcrossing portion of the project is \$5.75 million; 2) stairs are not currently shown in any of the current designs, but could be incorporated during the design phase of the project; 3) the ramps are eight feet wide; and 4) looping the ramps, rather than straight ramps, would require the purchase of right-of-way and would eliminate some parking.

Members of the public commented as follows:

Paul Hugo stated that overcrossing usage is low and monies would be better spent in providing shuttle service. He informed the Council that the neighborhood has experienced violent crime, and the overcrossing is being used as access and as an escape route.

Matt Henry acknowledged that there are some problems, but that it is irrational to think that everyone that uses the overcrossing causes problems. He stated that this overcrossing serves a lot of people and is needed.

Ann Mueller stated that the overcrossing impacts her and others that live near it. She said that the proposed location and design will create more noise and more crime in her neighborhood.

David Bress encouraged the Council to consider an alternative which would give up some right-of-way along Van Buren to allow for a u-shape to keep the access and egress on Ringwood and cut the length of the ramp in half.

Michael Glantz said that many of his concerns have already been expressed by prior speakers. He questioned what studies have been done regarding projected use over time; on what streets crime will go to and police enforcement costs; and the impact on property values. Mr. Glantz also asked what measures will be taken to obtain public input.

Peter Santero stated his opposition to moving the overcrossing to his block. He echoed prior speakers regarding concerns for crime and property values and support for the use of a bus service to get children to and from school.

Todd Dampier felt that the present access points are the safest for the children going to school and that moving the access to his neighborhood would not be safe for the children and would increase crime in his neighborhood. He also questioned how residents could stay abreast of this project.

Philip Hartstein informed the Council that he was robbed in his home and that people continue to trespass on his property. He noted that children going to school use the frontage road as a shortcut, and don't use or have access to sidewalks on Ringwood. He questioned whether or not the high school, the parents and the students have been included in this process.

Rachel Olinger agreed with Mr. Hartstein and commented that the high school needs to be involved in this process.

Andre Glebov noted that crime is a reoccurring theme among the speakers and wondered how much time the police are spending dealing with this. He also expressed the belief that adding stairs would increase the access points and increase crime. Mr. Glebov questioned where the children using the overcrossing were coming from and if funds wouldn't be better spent for a shuttle service.

Judy Santero expressed similar concerns of other speakers.

Kevin Dunne pointed out that the meeting of the Bicycle Committee with Caltrans was not sufficiently noticed and that documentation of the plans for this project has been inadequate. He echoed Mr. Hugo's sentiments and comments.

Shintiera Moore stated that she lives in East Menlo Park and that it is not the children going to school from her neighborhood that are causing the crime. She expressed her desire to see the overcrossing kept at the same location.

Tara Bress informed the Council that there are a lot of young children in their neighborhood and asked the Council to consider their concerns for the safety of their families and their property values. She asked the Council to not allow access on Menlo Oaks and to not include stairs in the design. She suggested that monies would be better spend on shuttle service to safely get children to and from school.

Mary Ann Poinsignon asked the Council to consider utilizing monies more effectively by providing transportation for school children and to not build the overcrossing. She stated that she has been a victim of crime and that safety is a hugh concern for her and her neighbors.

Edward Dikun said that he agrees with most of the previous speakers.
Tom Wagstaff stated his agreement with previous speakers.

Steve Schmidt made the following observations: 1) crime is a law enforcement issue, not a design issue; 2) the Green Ribbon Citizens' Committee recently finished identifying strategies for improving access to various activity centers, and that it would be ironic to

take one away that already exists; 3) residents of Belle Haven would have to travel 1.5 miles to get back to where they would have been if this access goes away; 4) having shuttle buses is great, but people aren't willing to wait for them; and 5) cyclists don't use existing overcrossing because of the current ramp design. He stated that he would like to see the project completed as proposed.

Christian Scott questioned the cost of safety for people living in the residential neighborhoods.

Katherine Bailey asked when and where people would go to follow up on this process and questioned the history of the current overcrossing location and usage. She stated that she would prefer to see monies put into a transportation system for schools rather than an overcrossing.

Jason Drimuth agreed that monies would be better spent to fund shuttle buses for school children and others and that the cost per person for the overcrossing is excessive.

Chase McMichael felt that if the money is going to be spent to build an overcrossing, a switchback would work.

Transportation Manager Taylor responded to several questions raised. He stated that the City does not have any data on the demographics of the area or the cost to implement a shuttle system. He stated his belief that a looped or switchback design at Ringwood would most likely result in less roadway and parking.

Mayor Cohen questioned if there is a reason why this item can not be postponed until all questions are answered and all information is provided to the community. City Manager Rojas responded that a community meeting with City staff and Caltrans would be doable if there are no timing issues. The Caltrans representative informed the Council that it is their intent to release the environmental document in March 2008 and their preference to receive the Council's position prior to preparing the environmental documents. Mr. Taylor offered that City staff could set up a community meeting by the end of January and bring that information back to Council in February.

Council Members Fergusson, Cline and Boyle expressed their desire for the Council to raise their questions now, many of which were raised by members of the public, and to have City staff and Caltrans address these questions at a community meeting.

Council Member Fergusson raised the following questions: 1) why is the direction south not north; 2) have there been studies related to projected use, crimes, property tax impact; 3) what is the process for the community to weigh in and where can citizens get design information; 4) why isn't the high school using buses to transport children; 5) clarification of crime statistics and how much time is spent by the police monitoring access points; 6) will the EIR cover safety and crime issues; and 7) what is the current history of the overcrossing and have the demographics changed.

Vice Mayor Robinson asked: 1) is there a neighborhood safety traffic group; 2) how is crime being addressed; 3) does the overcrossing have to be replaced; 4) has the high school been involved; 5) what is the process going forward; and 6) can there be a neighborhood design group working with staff and Caltrans.

Council Member Cline suggested one way to keep information flowing is to use neighborhood e-mail groups that would include residents from both sides of the freeway.

Council Member Boyle questioned when more detail on potential safety designs that can be added would be available. He questioned if there is a design where the overcrossing is relocated but the ramps stay in same location.

Mayor Cohen expressed his desire to table the matter until after there has been community outreach and to then bring back to Council a design proposal that is more clearly defined and has community support.

Action: Moved, seconded, carried (Robinson/Fergusson; Ayes – Boyle, Cline, Fergusson, Robinson; Noes - Cohen) to accept staff's recommendation to accept Caltrans plan to replace the existing pedestrian overcrossing at or close to its current location with direction: 1) that City staff and Caltrans will address questions raised by the public and members of the Council in a community meeting or other appropriate public venue coordinated through City staff, working with Caltrans; 2) City staff will convene groups of neighbors and community members that will be impacted from both sides of the freeway, Menlo Atherton High School, and all other stakeholders to give guidance and direction to Caltrans on the design; 3) City staff and Caltrans will consider options for access at or near the same location on the neighborhood side, a u-shape or switchback design, preference for a single access point, and purchase of right-of-way; and 4) that the project be brought back to the Council prior to approval of the final design.

2. Approval of the Audited Comprehensive Annual Financial Report for the Fiscal Year ended June 30, 2007. ([Staff Report #07-219](#))

Finance Director Augustine presented the staff report and responded to questions raised by council members regarding one-time expenditures, workers' compensation and retiree benefits, and the budget surplus.

Action: Moved, seconded (Boyle/Fergusson) and carried unanimously to approve the CAFR.

3. Approval of the scope of work and authorization for the City Manager/Agency Executive Director to execute funding agreements with the Metropolitan Transportation Commission and San Mateo County Transportation Authority for proceeding with work on the Dumbarton Rail Station Area Specific Plan. ([Staff Report #07-210](#))

City Manager Rojas presented the staff report. He informed the Council that the City would receive grants to assist with the planning study. The City Manager stated that staff recommends the Council approve a scope of work for a comprehensive planning study within a half mile area surrounding a proposed Dumbarton Rail Station and authorize staff to execute funding agreements.

Council Member Fergusson suggested that this study should focus on a transit station, not just rail. She questioned: 1) if the transit station could be sited on the north side of U.S. 101 rather than the south side; 2) if the City would be evaluating the fiscal impact of rezoning this area; and 3) what process would be used to obtain stakeholder input.

The City Manager responded that the planning process requires several community meetings and that the City would need to do a marketing analysis and a land use planning study to determine the fiscal impact of the station and any rezoning.

Members of the public commented as follows:

John Morris pointed out that this project calls for 2,200 housing units at each station site as proposed by MTC. He expressed concern that once the City moves forward on this study and accepts funding, it will be obligated to approve an environmental document including 2,200 housing units, which would be a major impact to the City.

Katie Ferrick said she is not a proponent of this rail system, but would support more transit. She expressed her belief that MTC is trying to build ridership by building more cities and that this is not the way to solve the present transit problems.

Council Member Cline questioned whether or not the City could do a M-2 study. The City Manager responded that the City does not have the resources and time to do a M-2 study.

Council Member Boyle questioned if the City could make a case that 2,200 housing units would not be appropriate based on some of the environmental land issues in this area, and if so, would the City be in violation of the grants. The City Manager responded that he thought the City might be able to make such a case. Council Member Boyle cautioned against overreacting at this stage and noted that by accepting this grant the City would be able to progress its thinking to better understand what it could mean if the City were to end up with a transit/rail station.

Mayor Cohen stated his opposition to this proposal.

Vice Mayor Robinson asked if the matter could be continued for a period of time. The City Manager responded that the City was scheduled to get back to MTC in January.

Action: Moved, seconded, carried (Robinson/Cline; Ayes – Cline, Fergusson, Robinson; Noes – Boyle; Abstain – Cohen) to continue the item to a meeting in January.

4. Consideration of state and federal legislative items, including decisions to support or oppose any such legislation, and items listed under Written Communication or Information Item.

Action: None

G. WRITTEN COMMUNICATION - None

H. INFORMATION ITEMS - None

I. COUNCIL MEMBER REPORTS

Mayor Cohen announced the Chamber of Commerce is sponsoring an Eggnog Social at Café Borone on December 20th at 4:00 p.m.

Mayor Cohen reported that Council Member Boyle was reappointed as the representative to HEART, the Housing Endowment and Trust of San Mateo County, at the City Selection Committee meeting.

Council Member Boyle announced that HEART does have home buyers assistance funds available countywide. He also reported that the 2020 Peninsula Gateway Corridor Study Policy Committee is trying to sort through 71 potential projects to improve traffic flow in the region. He asked if the Council would like to hear more about these projects either as an information item or at a future study session. By consensus, the Council suggested that Council Member Boyle work with the City Manager and the Mayor to set up a study session at a future date.

J. PUBLIC COMMENT #2 – None.

K. ADJOURNMENT – Adjourned at 11:50 p.m.

Respectfully submitted,

Sherry M. Kelly, City Clerk

Approved at the Council meeting of February 26, 2008