



# CITY COUNCIL AND COMMUNITY DEVELOPMENT AGENCY MINUTES

Regular Meeting  
Tuesday, March 19, 2002  
7:30 p.m.  
Menlo Park Council Chamber  
801 Laurel Street, Menlo Park

## 6:00 PM STUDY SESSION (Held in the Council Chamber)

1. City Council direction regarding the scope and expected outcome of a Childcare Program review.

The study session started at 6:05 p.m. and ended at approximately 7:50 p.m. Staff presented an overview of the childcare program review scope of work and asked Council to provide direction regarding the scope and desired outcome of the review. Lee Duboc of the Parks and Recreation Commission suggested alternatives to current plans for the Menlo Children's Center. Several members of the public spoke to support childcare programs and urge the Council go forward with plans for a new Menlo Children's Center facility.

Council directed staff to continue with the plans for the Menlo Children's Center facility, and to return to Council with a scope of work to identify whether there are additional opportunities to address community childcare needs and improve current operations.

**ROLL CALL** – Mayor Schmidt called the meeting to order at 8:00 p.m. Mayor Pro Tem Kinney and Councilmembers Borak, Collacchi and Jellins were present. Staff present included City Manager Boesch, Assistant City Manager Seymour, City Attorney McClure, City Clerk Ramos and other department heads.

### A. PRESENTATIONS AND PROCLAMATIONS - None

### B. ANNOUNCEMENTS, APPOINTMENTS AND REPORTS

1. There is one vacancy on the Housing Commission, the Library Commission and Transportation Commission (the deadline is March 19, 2002 for Housing and Library, and April 16 for Transportation). There are three vacancies on the Planning Commission (the deadline for applications is April 16, 2002).

Mayor Schmidt announced the current vacancies and application deadlines.

2. Councilmember Reports: Schmidt, Kinney, Borak, Collacchi, Jellins

Councilmember Kinney announced that the San Francisquito Joint Powers Authority will meet this Thursday to discuss the levee restoration project. He reported on a meeting in Sacramento to discuss Caltrans policies and guidelines for planting trees on El Camino Real.

Mayor Schmidt announced the upcoming SamTrans public hearing meeting on March 27 to discuss proposed fare increases. He reported about his recent trip to Washington DC as a Samtrans board member to lobby for federal monies to provide a Caltrain information network system and a clean fuel bus program in conjunction with the Valley Transportation Authority (VTA).

### C. PUBLIC COMMENT #1 – None.

### D. CONSENT CALENDAR

Mayor Schmidt read the consent calendar. Councilmember Jellins pulled consent items 2 and 6.

**M/S Collacchi/Borak to approve consent items 1, 3, 4, 5, 7, 8 and 9 as presented. Motion passed 5-0.**

1. Approval of audited bills for period 37 ending March 8, 2002 and for pay period 5 ending February 23, 2002.

3. Authorization of the City Manager to enter into an agreement with Berryman Henigar to perform an infrastructure asset evaluation as required by Government Accounting Standard Board (GASB) Statement 34 in the amount of **\$6,930 (this figure was changed –previously \$9,000)** plus a fifteen percent (15%) contingency.
4. Authorization of staff to begin negotiations with the Cultural Planning Group on the scope of work to complete the Cultural Plan and to enter into a contract and approval of an appropriation of \$25,000 from the General Fund Operating Reserves for completion of the Cultural Plan.
5. Community Development Agency (1) Award of contract for the construction of the Menlo Oaks School/Willow Oaks School Field Renovation Project to Jensen Corporation Landscape Contractor in the amount of \$556,888; and (2) authorization of a budget of **\$735,000 (this figure was revised from \$73,000 on 3-18-02)** for construction, contingencies, testing, engineering, inspection and administration.
7. Authorization for the City Manager to modify the contract with Ralph Osterling Consultants, Inc. for a maximum total contract of \$85,178 for arborist services through the end of fiscal year 2002.
8. Adoption of a Resolution setting up the 2001-2002 Disadvantaged Business Enterprise program (DBE) for federally funded projects.
9. Approval of Minutes for the City Council meeting of February 26, 2002.

PULLED ITEM

2. Approval of improvement measures to increase pedestrian safety at the crosswalk on Ravenswood Avenue at Alma Street.

Staff responded to questions about the pedestrian flag devices to mitigate safety at crosswalks and liability concerns associated with their use.

City Manager Boesch noted that if the flag devices were ineffective, staff would advise Council before terminating their use.

**M/S Collacchi/Jellins to approve the improvement measures as presented. Motion passed 5-0.**

PULLED ITEM

6. Appointment of Tim Goode to the Peninsula Library System Advisory Board.

Staff responded to questions regarding the applicant's background and the selection process.

Councilmember Jellins expressed concern about noticing and suggested allowing more time to notice this vacancy.

**M/S Schmidt/Kinney to support the appointment of Tim Goode. Motion passed 4-1, with Councilmember Jellins dissenting.**

**E. PUBLIC HEARING - None**

**F. REGULAR BUSINESS**

1. Update regarding the feasibility study of the potential development of revenue-generating uses at Bayfront Park to cover the cost of maintaining the closed landfill and selection of up to four development options for further evaluation to determine their economic viability.

Audrey Seymour, Assistant City Manager, presented the staff report and introduced Tim Raibley, a consultant from Brown, Vence and Associates.

Tim Raibley, summarized the status of the feasibility study and presented several potential development scenarios. He also commented about the public input process.

Questions and discussion ensued about zoning regulations for the scenarios presented, and maintenance for the turf-covered use and other uses.

Richard Cline, Menlo Park, spoke first as a Commissioner and said it is a difficult decision to make because of the Park's many users and cost recovery needs of the City. As a resident he suggested finding alternative uses other than buildings or sports fields for Bayfront Park.

Peter Colby, Menlo Park, commented about the high costs associated with the previous beautification gateway project for Bayfront Park and urged the Council to look at costs more closely for any additional improvements.

Lee Duboc, Menlo Park, spoke as a Park and Recreation Commissioner and gave examples of uses for the park including a driving range, dog park, and soccer fields. She also noted some examples from other cities that have developed their landfills into parks.

Tom Harrison, Menlo Park, spoke as a Commissioner and said that the City should look at costs. He noted that the potential uses provided in the consultant's report were not based on comments from the residents but were comments from other users. He stated that the Commission supports open space and if the Council decides to approve a different use for the park, to consider minimizing the impact to open space. He suggested putting together a study group to review this plan seriously and think long term because it is a large piece of land and it's the only open space in the City.

Alice Newton, Menlo Park, supported open space and keeping the park as natural as possible.

Jeff Carlick, Redwood City, supported open space and urged the Council to look at this plan long term.

Susanne Beattie, Menlo Park, said it would be detrimental to the area to eliminate open space.

Christine Couch, Menlo Park, supported open space and the idea of a study group. She read the mission statement of the Parks and Recreation Commission supporting open space and the parklands.

Susan Carlson, Menlo Park, urged Council to keep part of the trails as open space for people to walk their dogs. She cited some examples in the area including the Berkeley Marina and others. She suggested having a parks or multi use group see this as a fund-raising opportunity and let people give philanthropic contributions to preserve the open space.

MA Halse, Menlo Park, supported open space and a place for people to walk their dogs.

Sue Miller, Menlo Park, urged Council to consider recommendation #4, to look at alternative ways to raise money to sustain Bayfront Park. She was stunned with the alternatives proposed and expressed support for open space.

Tigger Newman, Menlo Park, noted that there are no roads going in and out of the proposal. She supports open space and its natural surroundings, wildlife and habitat. She urged Council to find alternative ways to fund the park.

Mason Woo, Menlo Park, commented about the financial feasibility of a golf course (from a golfer's perspective). He noted that revenue or costs associated with the proposed uses have not been presented and he would like to know what they are.

Chris Golde, Menlo Park, said it is important to think of this park in a regional context because residents don't always limit themselves to using local public facilities. She urged the Council to take a broader perspective and instead of focusing on how much money the City can make off this piece of land, it should focus on the best use for the residents and surrounding users. She shared the data that she collected regarding the use of the park. She was stunned with the alternatives presented by the consultant and suggested removing the golf course because it would be costly.

Lee Watson, Menlo Park, expressed support for a golf course because it would bring in other businesses, jobs and provide additional recreation for young adults.

Kay Cockerill, San Carlos, is a volunteer and board member of the East Palo Alto Junior Golf Program and would like to see a small public golf facility to generate adequate revenue to offset the cost needed to maintain the land and secondly to serve the Midpeninsula First Tee program, a program for low income or minority families to learn golf. She said she is also speaking on behalf of BV Golf which has four facilities in the peninsula, three of which

are on environmentally sensitive areas. She said that BV Golf has a preliminary proposal for a small golf facility, sports fields, dog park and open space, which she said would complement the park, not detract from it.

Julie Kennedy, Menlo Park, uses the park and said it would be detrimental to take it away from open space and its wild life. She urged the Council to consider recommendation #4.

Eva Cuffy, Menlo Park, commented about the EPA golf program and the benefits it provides the students. She named some of the existing golf courses that sit on previous landfills and noted that the income from the golf course would help pay for upgrading the hiking trails and dog path. She noted that open space was not a concern when Sun Microsystems moved in the area. She urged the Council to take a stand to preserve youth in Menlo Park.

Dee Tolles, Menlo Park, spoke on behalf of East Palo Alto Junior Golf (EPAJG) stating that it was created to use golf to develop positive values and help young people grow into productive adults. He said that EPAJG is requesting the opportunity to enter into a partnership with the City of Menlo Park on a revenue sharing basis to create and manage a 9-hole golf course, a driving range and a small club facility, with all associated costs to be borne by the EPAJG.

Robert Hoover, Menlo Park, commented about the EPAJG program whose primary goal is to develop youth and assist them in pursuing college. He described the benefits of the program and its student statistics and demographics. He said he supports child development and noted that golf courses provide open space and habitat for animals.

Nancy Chillag, Arts Commissioner, urged Council to not look at developing the entire site but to look at developing small sections to defray costs to the City and still maintain open space. She suggested that if the Council decides to develop the park in full, she asked that Council consider artistic alternatives such as a visual art center to generate income. She also noted that there's an opportunity for Council to add a sculpture garden in this development and urged the inclusion of an artist on the design team/committee so that artistic elements are taken into account.

Robin Smith, Menlo Park, president of Sequoia Audubon Society, spoke in support of the birds and wild life at the park. She said that Bayfront Park is a stop for migratory birds during this time of the year. She is concerned that if dogs are freed and not contained, they will scare the birds and other wildlife away. She urged Council to look seriously at the open space that it currently provides.

Anne Moser, Menlo Park, submitted a letter to Council which has been included in the agenda packet to support and preserve open space. She questioned page 2 of the staff report regarding the park's operating budget where it reflects the gas expense but it does not say anything about income. She also referred to the policies outlined in the report promoting open space land for recreation purposes. She recommended Council consider recommendation #4 and noted that her letter includes several possibilities for alternate funding.

Staff clarified the budget for gas cost recovery.

Judy Rocchio, Menlo Park, supports looking at the bigger picture of the Bay Area and try to tie in with what is going on with the bay. She noted that 95 percent of the wetlands of the San Francisco Bay has been lost. She felt it would be detrimental to develop the park and said that none of the options reflect what the people wanted in the survey and that they are very development intensive. She said that the EPAJG program has done a good job without a golf course. She does not believe dogs should be off leash because it would hinder protecting the wildlife.

Dr. E. Hansot, Stanford, spoke in support of mixed use from the perspective of a civic payoff where people can gather together from different areas and mingle. Open space should not be eliminated and mixed uses should be dog friendly.

Gail Sredonovik, Menlo Park, said she found it odd that 6 of the 9 options include a golf course because it was rated low in the survey. She supports mentoring children but this does not have to involve the game of golf. She commented in favor of open space and a large dog park. She collected fifty signatures in favor of a dog park and many of them were willing to volunteer in planning a dog park. She asked that disabled access be considered in designing the plans.

John Morris, Menlo Park, expressed concern about the leachate and is afraid that whatever development plans the City might have for the park might allow more leachate to occur.

Mayor Schmidt noted that another idea for the park would be a cycling and bicycling racing facility.

Mayor Schmidt declared a recess at 10:10 p.m. and reconvened the meeting at 10:20 p.m.

Councilmember Borak concurred with the importance of open space and expressed frustration about having questions and no answers until the next level of study takes place. She would like to receive more information about the revenues generated from the different uses proposed.

Councilmember Collacchi concurred with Councilmember Borak and said that it is clear from the comments tonight that people want to do nothing and keep the open space at Bayfront Park. He clarified that the intent is to reduce cost associated with maintaining the park, specifically leachate expenses, and not make money. He had questions of staff regarding maintenance costs.

Staff responded to questions about cost maintenance.

Councilmember Collacchi said he would be inclined to go with recommendation #4. He said there must be some funding assistance from the federal and state level or perhaps the City could work with the County to help preserve open space.

Councilmember Kinney commented he wants to preserve open space. He said there were some good ideas expressed tonight like those by Commissioners Harrison and Chillag. He suggested looking at generating other sources of revenue to let the park pay for itself without development on the site. He would ask staff to come back with reasonable ways to defray costs and find other ways to generate revenue.

Councilmember Jellins commented that there were certain unanticipated costs related to the maintenance of the closed landfill because of the leachate. He questioned whether the Bayfront Park maintenance fund has been used entirely for the cost of mitigating the landfill or had it been used for other maintenance costs. He noted that if the landfill mitigation costs were a separate item from other maintenance costs, that the Bayfront Park maintenance funds could last a few more years.

Staff responded to clarify that if the Bayfront Park maintenance fund were used only for landfill costs, the other park maintenance costs would still occur and might put a burden on the General Fund.

Discussion ensued regarding the accounting for the costs for the landfill and the maintenance of the park.

In response to Mayor Schmidt, staff responded on the status of the consultant's agreement, which is based on payment for services rendered.

**Mayor Schmidt stated that he is not willing to compromise the park's open space for any of the options proposed and moved to direct staff to terminate consideration of development options and proceed with recommendation #4, to explore alternative sources of funds to cover the costs associated with the site at least for the leachate and landfill associated expenses.**

Mayor Schmidt further stated that the Parks and Recreation Commission might have some ideas about managing the park in its current state where different uses could come into play like a dog park.

**Councilmember Kinney seconded the motion.**

Councilmember Collacchi noted that since some of the people who spoke said they would be willing to pay a fee to keep the park as open space, he suggested accepting contributions from the park users to help defray the cost to maintain it as open space.

Assistant City Manager Seymour said that the direction from the Council to explore alternative sources of funds and return with another plan or scope modification or resource request is not something that can be done with the existing consultant's contract or existing staff resources and therefore staff would have to come back to Council with a recommendation on how to proceed.

Mayor Schmidt concurred.

Councilmember Kinney said that several ideas were expressed about keeping the park the way it is and allowing for different types of uses and would like to know what the process would be to pursue that direction.

Mayor Schmidt asked if the Parks and Recreation Commission could take that up.

Assistant City Manager Seymour replied she would like to confer with the staff to the Commission regarding staff capacity to take on that task. She suggested focusing first on the problem at hand, which is to find ways to fund the existing costs of the park.

Councilmember Borak asked whether the joint powers authority that oversaw the landfill would like to participate in this ongoing effort to fund the costs associated with the leachate.

City Attorney McClure noted he would have to research and review the JPA agreement that was entered into about twenty years ago.

Councilmember Borak suggested the City continue to fund the expenses status quo until the funds are depleted and come up with another plan at that time.

**Mayor Schmidt called the question. Motion 5-0 passed.**

2. Approval of the retention of the "Right Turn Only" sign at the Phillips Brooks School located at 2245 Avy Avenue.

Jamal Rahimi, Transportation Manager, presented the staff report with overhead slides.

Beth Passi, Phillips Brooks School, expressed thanks for the approval of the trip reduction plan and traffic safety program. She said that the school's carpool program is working successfully, and the red curbing and landscape modifications are also working and have enhanced safety in the neighborhood.

Joyce Massaro, Phillips Brooks School, commented that the school supports keeping the right turn only sign for safety reasons.

Nancy Travers, Menlo Park, supported the right turn only sign and urged adoption of the recommendations of the professionals who have studied this issue.

Gail Sredanovic, Menlo Park, gave her time to Leslie Wambach.

Katy Spurlock, Portola Valley, supported the right turn only sign, noting that its removal will not solve the congestion and would impact safety.

Leslie Wambach, Menlo Park, used overhead slides in her presentation. She clarified that although this sign is not the only reason for traffic coming down Avy, she has had to wait for more than one cycle at the traffic light. She concurs that progress has been made because of the school's efforts, but there is still some room for improvement. She said that she feels that the recommendation in the staff report will not resolve the situation. She noted that improving visibility is good but to a point. She felt that too much emphasis is placed on speeding cars through a pick up process as much as possible. She noted there is a lack of traffic calming to slow the cars speeding down Avy. She said that the red curbs, the wide-open visibility and the right hand turn sign would only encourage the speeders to go faster. She commented that the neighborhood school meetings resulted in a majority wanting fewer cars and improved safety along Avy. She said that the new strategy does not reduce congestion but displaces it down the street. She said that to fix the congestion/safety problem, a more comprehensive strategy should be employed including reducing the number of cars as much as possible, slowing people down, and letting cars disperse to reduce congestion. She disagreed with staff's comment in the report that a temporary stop sign would not be a wise approach, because she believes that alternating the right of way is exactly what needs to be done during the peak pick up time at the school. She also commented about empty parking spaces in the parking lot and curbside parking. She expressed the suggestions made by many of the neighbors including employing a school bus, installing a permanent stop sign, requiring a smaller student population, and deploying a traffic guard and a temporary stop sign.

Questions and discussion ensued regarding traffic devices, crossing guard and traffic calming methods.

Mayor Schmidt believes there is a better way to distribute the traffic in a more equitable way. He noted that the strategy staff is proposing would only encourage people to go faster and therefore, he cannot support staff's recommendation.

Councilmember Collacchi concurred with Mayor Schmidt. He commented that all the work and process that has been undertaken continues to leave out the two biggest problems unsolved which are the safety problem at the school's driveway and the distribution of traffic in the afternoon. He said he is not content with staff's response to this problem and would vote to revisit it. He does not have a problem with deploying a police officer at the intersection as a condition of approval to legally and temporarily regulate the traffic at the intersection.

Discussion ensued about the safety issue in the intersection, and whether to allow left turn lanes versus preserving the right turn only sign.

City Attorney McClure summarized the options in the staff report to address the safety issue including putting an unwarranted stop sign in an incomplete intersection, putting a police officer at the intersection, and putting warning traffic devices to make the intersection safer but would not slow it down.

Discussion ensued about whether Council direction at previous meetings had been to evaluate the safety of removing the right turn only sign or to develop a plan for allowing safe left turns.

Mayor Schmidt commented about adding speed bumps to that portion of Avy. He said that he is afraid that the red curb and wider visibility will make people drive faster and make it unsafe. He concurred with Councilmember Collacchi's suggestion to direct staff to bring back solutions to make the intersection safer for all turns.

**M/S Schmidt/Collacchi to direct staff to return with alternatives (to include assigning a police officer at the intersection to regulate traffic at peak times) for allowing a safe left turn out of the school's driveway.**

Councilmember Jellins stated that staff has done the job Council asked it to do and has presented an approach that addresses the problem that staff identified. For this reason, he stated support for staff's recommendation. He commented that his understanding from staff's presentation is that at least in staff's opinion, the red curb and modification to hedges, etc. make the sight lines for wide turns coming out of the driveway acceptable as a safety matter. He acknowledged that it is a steep, curvy and downhill roadway approaching from the west on Avy to and past the school. However, he does not believe that the accident rate there over the last several years substantiated the concerns expressed this evening. He said that he would always favor a safer solution but is concerned that more time is spent on this matter than is necessary.

**Motion passed 4-0, with Councilmember Jellins abstaining.**

3. Consideration of legislative items listed in the League of California Cities Bulletin(s), or items referred to in Written Communications or Information Items, including decisions to support or oppose any such legislative, communication or information item – None.

**G. WRITTEN COMMUNICATIONS - None**

**H. INFORMATION ITEMS - None**

**I. PUBLIC COMMENT #2 – None.**

**J. ADJOURNMENT – 11:50 p.m.**

Susan A. Ramos, CMC, City Clerk  
Approved by the City Council on June 25, 2002.