



CITY COUNCIL AND COMMUNITY DEVELOPMENT AGENCY MINUTES

Regular Meeting
Tuesday, April 9, 2002
7:30 p.m.
Menlo Park Council Chamber
801 Laurel Street, Menlo Park

CLOSED SESSION – Held at 6:30 p.m. in the Administration Conference Room located on the first floor at City Hall, 701 Laurel Street, Menlo Park.

ADJOURN TO CLOSED SESSION

1. Closed Session pursuant to Government Code Section §54956.8 regarding property negotiations for: 507 Hamilton, APN 055-341-080; Rear of 507 Hamilton, APN 055-341-020; 511 Hamilton, APN 055-341-090; 525 Hamilton, 055-341-120; 547 Hamilton, APN 055-341-160; vacant lot, APN 055-341-190; vacant lot, APN 055-341-200

Negotiating Parties: David Boesch, City Manager/Executive Director, Bill McClure, City Attorney, and Don de la Pena, Housing and Redevelopment Director.

RECONVENE IN OPEN SESSION – 7:30 p.m.

REPORT ON AFOREMENTIONED CLOSED SESSION –No reportable action.

REGULAR MEETING

ROLL CALL – Mayor Schmidt called the meeting to order at 7:35 p.m. Mayor Pro Tem Kinney, Councilmembers Collacchi, and Jellins were present. Councilmember Borak was absent. Staff present included City Manager Boesch, Assistant City Manager Seymour, City Attorney McClure, City Clerk Ramos and other department heads.

A. PRESENTATIONS AND PROCLAMATIONS

1. A Proclamation recognizing April 7 through April 13, 2002 as Week of the Young Child.

At the request of Mayor Schmidt, Curtis Brown, Community Services Director, read the proclamation and acknowledged the teachers and students who were present.

The following persons spoke to express thanks to the Council for its continued support in providing quality childcare and to commend the program's teachers and staff:

1. David Quinn, parent, Menlo Park
2. Martha Andrade, parent, Menlo Park
3. Heather Pew, Youth Services Coordinator, also presented the Council and staff with a gift pin.
4. Xiomara Nickings, parent, Menlo Park
5. Carma Heistman, parent, Menlo Park

B. ANNOUNCEMENTS, APPOINTMENTS AND REPORTS

1. Transportation Commission (one vacancy), Planning Commission (three vacancies) with a deadline for applications April 16, 2002 and the Arts Commission (one vacancy) with the deadline for applications April 30, 2002.

Mayor Schmidt announced the current vacancies and application deadlines.

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

Mayor Pro Tem Kinney commented about proposed legislation scheduled in Sacramento tomorrow for committee hearings regarding the San Francisco Hetch Hetchy water system. He noted that the City's letters of support have been forwarded to the appropriate persons.

Councilmember Jellins reported on a meeting he attended today with Menlo Atherton High School (MAHS), Sequoia High School District and City staff to discuss the collaboration between the City and the School District regarding the development of a theater at the MAHS facility. He said that he would bring back a report to the Council for its consideration at a later date.

Mayor Schmidt invited the public to attend the San Francisquito Creek dedication ceremony at the Ira Bonde bridge near Alma Street in Menlo Park at 12:00 p.m. on April 10, 2002 and learn about life around the creek in the watershed.

C. PUBLIC COMMENT #1 – None

D. CONSENT CALENDAR

M/S Kinney/Jellins to approve the consent calendar items as presented. Motion passed 4-0 with Councilmember Borak absent.

1. Approval of audited bills for periods 39 and 40 ending March 22, 2002 and March 29, 2002 and for pay period 7 ending March 23, 2002.
2. Adoption of a Resolution to: (1) approve the final map for the Oak Grove and Merrill Condominiums Subdivision (Menlo Square Subdivision) Project located at 1145-1195 Merrill Street; (2) approve the agreement for completion of development improvements; and (3) accept the parcel of land dedicated to the City for public use.
3. Approval of the First Amendment to the Employment Agreement between the City of Menlo Park and David Boesch.
4. Approval of the Second Amendment to the Agreement for Services of the City Attorney.

E. PUBLIC HEARING

1. Appeal of a decision by the Planning Commission to approve a Use Permit to allow for excavation to encroach approximately four feet into the required six foot, six inch left side setback for an exterior staircase and light well associated with the expansion of an existing single-family residence at 1205 Woodland Avenue.

Steve O'Connell, Contract Planner, presented the staff report.

Dr. Kelly Fergusson, appellant, Menlo Park, provided a presentation about the storm water drainage impacts and issues at the subject location. She presented some options for Council to consider including an alternative detention/retention basin on site and said that if this alternative were acceptable to the City, she would not object to the City granting the proposed use permit. She provided copies of her presentation materials to the Council and staff.

Staff responded to questions regarding the status of the project's drainage plan, the citywide drainage study, and the feasibility of the alternative detention/retention basin.

City Attorney McClure clarified that the Planning Commission's approval calls for a drainage plan that is reviewed and approved by the City's Engineering staff. If the Council would like staff to explore the alternative drainage plan recommended by the appellant, it could direct staff to do so.

John Sakamoto, property owner, Menlo Park, expressed some frustration about the process. He asked the Council to approve the use permit as recommended and noted that he would consider looking at the proposed alternative provided it does not cost the project more money. He said that he is anxious to start the project. He responded to Council questions regarding on-site drainage and the cost of the drainage plan.

Mayor Schmidt opened the public hearing. There were no public testimonies and the public hearing was closed at 8:30 p.m.

Additional questions and discussion ensued regarding the drainage and pumping system, the location of the berm, the cost for the alternative retention basin, and whether or not to impose the alternative retention/detention basin drainage plan for this project.

Mayor Schmidt expressed caution about the proposed berm for reasons pointed out by the appellant that it would not be safe for pedestrians and bicyclists. He said that he would not support linking the approval of the project to the cost of the drainage plan. He believes that the alternative plan for an onsite retention/detention basin is a superior plan without using a berm and will not cause any runoff water to flow to the creek. He suggested making this alternative plan a requirement for this project instead of an option.

Mayor Schmidt moved to deny the appeal and direct staff to require a retention/detention basin on site for this project subject to it meeting engineering requirements and approval.

Councilmember Kinney expressed concern about imposing the alternative retention/detention basin because the applicant has complied with the City's requirements and regulations.

The first motion failed due to lack of a second.

M/S Kinney/Collacchi moved to deny the appeal subject to an additional condition for the applicant to evaluate the feasibility of an alternative retention/detention basin on site. If the cost of that alternative is less than pumping to the street and adding a berm and it meets engineering requirements, then the alternative would be implemented. If it does not meet engineering requirements or it is more costly than the project's proposed drainage plan then the applicant can proceed with the proposed drainage plan as designed and approved by the City's Engineering Department. Motion passed 4-0 with Councilmember Borak absent.

F. REGULAR BUSINESS

1. Adopt Resolutions of the City of Menlo Park and the City of Menlo Park Joint Powers Public Financing Authority, authorizing the issuance and sale of general obligation bonds in an amount not to exceed \$14,000,000 and approving the related legal Bond documents.

Uma Chokkalingam, Finance Director, presented the staff report and announced that bond counsel representatives and other consultants were present for questions.

Staff commented about the City's high AA and AAA bond ratings.

Councilmember Kinney commended staff and the Council for its good fiscal leadership.

M/S Jellins/Kinney to approve staff's recommendations as follows:

1. **Authorize issuance and sale of not to exceed \$14,000,000 principal amount of bonds;**
2. **Approve the form of the Paying Agent Agreement;**
3. **Authorize the execution and delivery of a Bond Purchase Agreement by and among the City of Menlo Park, the City of Menlo Park Joint Powers Public Financing Authority and U.S. Bancorp Piper Jaffray Inc.; and**
4. **Approve the form and distribution of an Official Statement and authorize certain actions in connection with the issuance, sale and delivery of such bonds.**

Motion passed 4-0 with Councilmember Borak absent.

2. Consideration of the Phase I Park and Recreation Facility Improvements.

Curtis Brown, Community Services Director and Bob Roessler, Community Services Manager, presented the staff report.

Questions ensued regarding pool description and size, maintenance of playfields, artificial turfs, Oak Knoll School parking lot and its play structures.

Michael Mellenthin, Menlo Park, expressed concern about the poor condition of the playfields and play structures at Oak Knoll School and urged the Council to approve the proposed improvements.

Bob Frankle, AYSO, Menlo Park, expressed concern about the poor condition and lack of playfields in the City. He said that AYSO Region 109 is ready to contribute toward field renovations with the City subject to meeting its objectives.

Joanne Goldberg, Parks and Recreation Commissioner, Menlo Park, noted the poor condition of the City gyms, pools and playfields. She said that the community needs a skate park. She urged the Council to consider the needs of all the members of the community.

Dawn Morse, Portola Valley, echoed Mr. Frankle's comments and urged the Council to support the park and playfield improvements.

Fred Webster, Menlo Park, said he would like to see Measure T funds go towards maintaining existing playfields and acquiring new playfields. He said that artificial turf is not safe to use.

Richard Cline, Parks and Recreation Commission, expressed thanks and commended staff for its efforts. He noted that he supports keeping Bayfront Park as open space, but feels that not planning new fields at Bayfront Park would place a serious burden on the City's limited and deteriorating playfields. He thought that the option for joint uses with area schools is feasible and that it should be prioritized.

Lee Duboc, Menlo Park, replied to some of the questions raised about the Oak Knoll parking lot, pools, and artificial turf. She expressed thanks to the Commission and staff for its efforts. She shared statistics about the high usage of the City's playfields, parks, Burgess pool, locker rooms, and Burgess gymnasium. She urged the Council to allocate funds for these facilities.

David Akinola, Menlo Park, Ravenswood Soccer Club coach, expressed concern about the inadequate playfields and asked the Council to consider Bayfront Park for playfields. He noted a big difference between artificial turf and grass in terms of play and injuries.

Gracie Naverette, Ravenswood Soccer Club, Menlo Park, commented that the soccer club's objective is to provide sports opportunities for children but inadequate playfields make it difficult. She urged the Council to consider putting playfields at Bayfront Park.

Cedy Fisher, Menlo Park, noted the deterioration of the City's swimming pool, gym, and playfields. She commented about the growing gymnastics program and the aging of its facility and equipment. She questioned why the Menlo Children's Center with its enrollment of 400 children should get the bulk of the bond money as opposed to the 5000 children who are involved in various sports and recreation programs.

Dave Denier, Menlo Park, Alpine West Little League, reiterated that the key for playfields is maintenance and suggested working with user groups to address it. He said that on behalf of the Ravenswood Little League, he would ask the Council to reconsider putting a sports facility in Bayfront Park.

Becky Galvez, Menlo Park, sports coach, said that field maintenance is important and is concerned that the gym improvements would be postponed. She questioned the amount of the bond money that is being allocated for the Menlo Children's Center. She cited reasons why artificial turf would also require maintenance. She urged the Council to consider the benefactors from improving the playfields and parks versus the Menlo Children's Center.

Questions and discussion ensued regarding gym improvement costs, a development plan for the recreation center, Bayfront Park, repaying the General Fund for the Menlo Children's Center expenditures, and timing of the bond money issuance.

Councilmember Collacchi noted from the public comments received tonight that the City over utilizes its playfields. Nevertheless, he hopes that the public understands that the first round of bond money may not be enough for playfields.

City Manager Boesch explained that this item is coming back to allow staff time to respond and bring back information and to enable Councilmember Borak, who is not here tonight, to participate in the Council's direction-setting.

Mayor Schmidt said that he supports staff's recommendations and asked that the matter be brought back next week for consideration.

Councilmember Jellins reiterated staff's comments about talking with user groups to assist with funding opportunities. He said that the City's efforts in partnering with local school districts to use their facilities would bring about some savings.

Councilmember Collacchi noted some of the park improvements that have been made and are ongoing.

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

1. Letter to the State Assembly Committee on Local Government in support of Assembly Bill 2058.
2. Letter to Senate Committee on Local Government in support of Senate Bill 1870.

Councilmember Jellins noted a letter from Councilmember Kinney regarding the Oak Grove Housing project.

Councilmember Kinney commented he would like to bring this matter back for further Council discussion.

Mayor Schmidt reiterated his previous request to the Chamber of Commerce to poll its members about this project and asked that the Council be informed of the results.

H. INFORMATION ITEMS - None

I. PUBLIC COMMENT #2 – None.

J. ADJOURNMENT – The meeting adjourned at 10:30 p.m.

Respectfully submitted,

Susan A. Ramos, CMC
City Clerk