



CITY COUNCIL and COMMUNITY DEVELOPMENT AGENCY MINUTES

Tuesday, March 25, 2003

7:30 p.m.

The Menlo Park Council Chambers

801 Laurel Street

Menlo Park, CA 94025

6:00 p.m. STUDY SESSION (Administration Building – Main Lobby Conference Room)

1. Discussion of policy issues related to the proposals to demolish two office buildings located at 110 and 175 Linfield Drive and construct a total of 59 residential units on the two properties, and 2) adoption of a Resolution of Intention to abandon a portion of Linfield Drive and Homewood Place along the properties located at 110 and 175 Linfield Drive.

7:30 p.m. REGULAR MEETING (Council Chambers)

ROLL CALL - Jellins, Duboc, Collacchi, Kinney, Winkler

STAFF PRESENT - David Boesch, City Manager; William McClure, City Attorney; Audrey Seymour, Assistant City Manager; Silvia Ponte, City Clerk. Various department heads and other staff present.

PLEDGE OF ALLEGIANCE

Mayor Jellins explained that there was a study session that took place at 6:00 p.m. at the main conference room at City Hall.

A. PRESENTATIONS AND PROCLAMATIONS

1. Mayor Jellins presented a Proclamation for the Week of the Young Child. A short PowerPoint presentation was shared showing pictures of children in City sponsored programs.

B. COMMISSION VACANCIES, APPOINTMENTS AND REPORTS

1. Appointments to the Planning Commission (one vacancy) to fill one term expiring April 2007, the Bicycle Commission (three vacancies) to fill terms that expire April 2003, and the Arts Commission (one vacancy) to fill an un-expired term that ends September 2005.

Mayor Jellins accepted nominations for the various vacancies:

Arts Commission (one vacancy):

Mayor Pro Tem Duboc nominated Patricia Daniels for the open seat. Council made a unanimous nomination to appoint Patricia Daniels to the Arts Commission.

Bicycle Commission (three vacancies):

Mayor Jellins made a nomination to appoint all three applicants and Council followed with a unanimous appointment of Marie "Pipo" Bui, Peter Fechheimer, and David Roise to serve on the Bicycle Commission.

Planning Commission (one vacancy):

Council Member Winkler nominated Lorie Sinnott for the position of Planning Commissioner. Council Member Kinney nominated Toni Stein for the position of Planning Commissioner. Mayor Jellins asked for the vote.

Nomination of Lorie Sinnott: Mayor Jellins, Mayor Pro Tem Duboc, and Council Member Winkler voted in favor.

Nomination of Toni Stein: Council Member Kinney, and Council Member Collacchi voted in favor.

Lorie Sinnott was appointed to the seat of Planning Commissioner with three votes.

Council Member Kinney thanked all those that applied, and encouraged them to keep interested in the City's Commissions and Committees.

2. Council Member Reports.

Council Member Winkler gave a brief review of the last community meeting at the Willows, and requested that this item be agendaized for April 8, 2003. Council Member Winkler requested that staff propose a traffic calming strategy for Woodland Avenue, report on the volunteer destination study, and identify a means to access certain funds that were promised through the settlement of the De Monet action. Council Member Collacchi informed the Council that he will not be present at the meeting of April 8, 2003.

Council Member Kinney requested that a brief staff report from the meeting at the Willows, be brought back to Council to encapsulate the items covered. David Boesch, City Manager, stated that staff would work on bringing back a summary staff report. Council Member Collacchi added that there were about 100 people at the meeting, and a wide range of opinions was shared at this meeting.

Council Member Kinney announced that on Thursday, March 27 there will be a meeting of the Joint Powers Board for the San Francisquito Creek from 6:00 p.m. to 8:00 p.m. at City Hall.

Mayor Pro Tem Duboc reported on a Library Visioning Meeting that took place over the weekend. A report will come out sometime in May, and will clarify what the community's expectations are for the Library.

C. PUBLIC COMMENT #1 (*Limited to 30 minutes*)

David Speer spoke about traffic problems in the Willows, thanking the Council for the meeting, and restating the need to address safety and traffic volume issues. He referred to a Settlement Agreement from May 11, 1992.

Ezik Mollegaard, wished to continue with the currently established parking system, and does not agree with the new parking system because it is too hard for clients, and business owners.

Mr. Boesch encouraged those present with concerns about this issue to step outside and talk with police staff present. Commander Molakides offered to discuss the matter outside.

Patti Fry, chair of the Planning Commission, shared the Commission's enthusiasm in having a more frequent dialogue with the Council. She stated that the Planning Commission will try and communicate more often with the Council, and requested that the Study Session in April be a joint study session.

Ross Wilson thanked the Council for its presence at the meeting about traffic abatement in the Willows. Mr. Wilson stated that the meeting was well attended, and it is great to see so much interest and involvement.

E. Gary Smith spoke about the traffic in the Willows, applauding Council efforts. He requests that the Council include surrounding areas of the Willows because adjacent areas also need attention.

Robert Hubbell thanked the Council for the meeting in the Willows, because it was a real success. Mr. Hubbell suggests that the Council use the money to mitigate the traffic and to protect all the affected streets.

Penelope Huang thanked the Council for the meeting in the Willows and is excited about a plan that is real and concrete. She hopes that on April 8, 2003 a plan will be presented to move forward.

Paul Montgomery acknowledges the problem in the Willows, and knows that the Council can do much, and hopes that they do. He expects a complete proposal that the residents can review.

Maria Tapia expressed how much the traffic has increased in the Willows, more specifically on Chester Street. Ms. Tapia would like safety levels to be increased, and expects a plan to utilize the funds.

Chuck Bernstein shared concerns about an area in the Willows where there is no sidewalk and kids and families walk from school. He provided various ideas on how to utilize available funds.

Eric Johnson appreciated the meeting in the Willows especially because the community had a chance to express its concerns. He asked the Council to expand its scope of work to neighboring streets.

D. CONSENT CALENDAR

1. Waiver of reading and adoption of an Ordinance No. 918 of the City of Menlo Park adding Chapter 1.32 regarding Local Government Tax Refund Claims to the City of Menlo Park Municipal Code. *(Staff Report # 03-038)*

Item D2 pulled

2. Award of contract to Consortium Consolidate Corporation for the 2002-03 Sidewalk Repair Project in the amount of \$128,855; and (2) authorization of a budget of \$248,855 for construction, contingencies, engineering, testing, and construction administration. *(Staff Report # 03-044)*
3. Approval of audited bills for periods 36 and 37 ending March 7 and 14, 2003.

M/S Collacchi/Kinney to approve Consent Calendar items D1 and D3. Motion passes unanimously.

Item D2 pulled

Council Member Kinney pulled item D2 to ask clarification on improvements and areas where they occur. Mr. Boesch provided answers to the issue raised.

M/S Kinney/Winkler to approve Consent Calendar item D2 Winkler. Motion passes unanimously.

E. PUBLIC HEARINGS

1. Adoption of a Resolution of the Menlo Park City Council to form and become a member of the Bay Area Water Supply and Conservation Agency (BAWSCA). *(Staff Report # 03-047)*

Ruben Nino, Director of Engineering Services, introduced Art Jensen, General Manager of the Bay Area Water User's Association, who presented a brief report about the formation of the new water

entity (created by AB 2058). The law is setting the formation of this agency, and a public hearing is a requirement.

Council ensued in some discussion relating to the cost to the City, creation of this agency and staffing issues. Mr. Jensen responded to the issues raised.

Mayor Jellins opened the public hearing.

No public comment.

M/S Kinney/Winkler to continue the public hearing on April 8, 2003. Motion passes unanimously.

2. Adoption of a Resolution No. 5434 amending the City's Master Fee Schedule to incorporate proposed changes in fees to become effective March 25, 2003, or May 25, 2003, or July 1, 2003 as required by statute for the following departments: Administrative Services, Library, Community Services, Police Community Development and Public Works. (*Staff Report # 03-050*)

Uma Chokkalingam, Finance Director, presented the report explaining that these increases will generate approximately \$500,000 to the general fund, which will be helpful to reconcile the budget shortfall. All departments were present to address Council questions on specific fee increases.

Council inquired about the legal noticing relating to this matter, and staff clarified that certain departments sent out additional written notifications, and in some cases there was direct contact with field users. Staff also informed ongoing users of the proposed changes.

Mayor Jellins opened the Public Hearing

Lobiss Parks expressed concerns about the increase on the fees for the Summer After School Program at Belle Haven, especially if parents have two children.

Alonzo Flores spoke about the increase of the fees for the After School Program. The program is excellent but the increase is too steep for parents.

Xiomara Nickings is concerned about the proposed increase not just for the school year but also for the Summer Program. The staff is very good, but the fee is too high for parents of two.

Dawn Platt opposes the increase in the fees because it is too much, especially for those parents who have two children. She proposes raising the fees for the Summer School to \$190 per child.

Monique Beckum shared concerns about her fees going up as a non-resident. The children enjoy the program but it will be a real burden if the Council raises the fees.

Tom McRae, director of the SOLO Swim Program, shared concerns about the rental rates that are going up for the pool lanes. He spoke about the decrease in the number of pool lanes available for rent.

Brian Fallon opposes the increase of the fees even though the staff is very competent. Some parents might not be able to afford the new prices.

Ginger Ward spoke about the parking fees that other cities are imposing, and that overnight parking passes are an inconvenience if the Council chooses to go that route.

M/S Duboc/Kinney to close the public hearing. Motion passes unanimously.

Council asked questions about the notification process for the Parks & Recreation Program, more specifically the swimming pool notification. It was clarified that the notification was delayed, however the changes are not effective until mid May for the swimming pool. Cost recovery, and program selection were discussed as well, and Council would like to revisit some of these items at budget time, before the new fiscal year begins.

Mr. Boesch stated that a delay of one to two weeks on certain decisions relating to the fee schedule will not be substantial. However, Council should attempt to move forward with its direction relating to the master fee schedule increases. Council also covered the issue of summer school fees, and reduction/discount of fees for a second child. Council consensus was to approve a multiple child discount, and replicate the current three-tiered needs-based fee structure program for the Summer School fees (just like the regular school programs).

Questions were asked about towing fee and its increase. Council wants to postpone this particular fee increase. Parking fee increases and strategies were discussed. Commander Molakides was available to address the issues at hand.

M/S Kinney/Jellins approve the staff recommendation and Resolution No. 5434 with the following items to be studied in the near future, and be brought back to Council:

- **Increases to the pool per lane charges**
- **Summer programs citywide to implement a three tiered needs-based approach, and second child discount**
- **Rotation towing companies and fees relating to these services**

No discussion on the motion. Motion passes unanimously.

Mayor Jellins thanked all those present (staff and public) who expressed their views and provided input on this issue.

F. REGULAR BUSINESS

1. Council approval of a Scope of Study and the Role and Composition of a Task Force for the review of Child Care Needs and Options (Continued from the March 18, 2003 City Council Meeting). (*Staff Report # 03-037*)

Audrey Seymour, Assistant City Manager presented the staff report. Curtis Brown, Director of Community Services, and Kent Steffens, Director of Public Works were present to answer questions.

Council asked questions about the scope of work, and the funds associated with the cost for this plan. Council considered dropping item C from the scope of study, which would drop the cost by \$17,000. Council explored issues such as the impacts to other projects of taking on this project. Council discussed the composition of the Task Force and the Superintendent representation from the School District (s).

Mayor Jellins opened the public hearing

Amy Cheun provided an overview of the history surrounding this project. Ms. Cheun stated that there has been due process.

Nancy Travers read a letter from Paulleen Burke stating that the Children's Center was part of the Master Plan and Measure T bond. Ms. Travers presented a petition with 340 signatures.

Holmes Weimers recommends that the Council send the project out to bid. The Children's Center will be a good long-term investment.

Ingo Lange believes the project should go out to bid, and hopes the Council reconsiders its decision to have a task force to study the matter.

Doug Baer spoke in favor of moving forward with the project in its current form, and to send the project out to bid. He stated that the petition shows that the community supports this move.

Lucia Tedesco believes the Council should continue with the plans to build the Children's Center, and go out to bid.

Irene Searles has met with Ms. Seymour but still believes the money would be better invested if spent building the Children's Center. Ms. Searles supports the Children's Center project as is.

Linda Lopez representing SEIU Local 715 urged the Council to remove option C as a possibility because it will not improve services. She opposes privatization of the Children's Center.

Linda Gregory representing AFSCME Local 829 recommended that the Council move forward with the bid process. She requests that Council: **1)** remove item C **2)** narrow the scope of work to eliminate types of programs **3)** and to include a labor representative (preferably from childcare staff).

Ginger Ward referred to the Measure T bond and how it passed with 70% voter approval. Ms. Ward believes that the new center has had due process, and the funds should be used.

Jay Hansen approves moving forward with the process, and building the Center because it will become a City asset.

Chuck Bernstein stated that while working for Measure T this Children's Center was never mentioned. Mr. Bernstein does not believe that this is a good investment.

Fred Hayter posed questions about the process and fiscal responsibility. He believes this issue needs to move forward and go out to bid. This project supports the children in this community.

Council expounded on issues related to the scope and budget implications of approving this project.

M/S Duboc/Winkler motion to approve scope of work A and B, eliminating option C, and to include in the composition of the task force one Menlo Park Child Care Program City employee (SEIU classification).

Council discussed allocating \$10,000 (and no more than \$12,000) of funds to be spent on this issue.

M/S Kinney/Collacchi presented a substitute motion to approve going out to bid, and building the Child Care Center.

Council engaged in discussion, asking additional questions of Ms. Seymour. The following items were discussed: Police Department facilities, space for Arts program, the feasibility of school-based programs, and reconfiguration of space.

Council voted on substituting the original motion made by Mayor Pro Tem Duboc, and accepting the second motion by Council Member Kinney. Motion fails 2-3 with Kinney and Collacchi voting in favor, and Duboc, Jellins, Winkler dissenting.

Council continued with discussion, and Mr. Nino responded to questions. Council also elaborated on a multi-use facility to include services for seniors. Kent Steffens, Public Works Director, responded to questions posed by Council.

M/S Jellins/Collacchi made a substitute motion to have simultaneous plans move forward, i.e. approve scope of work A and go out to bid on the Menlo Children Center building when the information from the Task Force is in. Motion includes scope B, but removes scope C and D. Motion to consider the feasibility of moving school-aged care to school sites, and have a Menlo Park Childcare City Employee (SEIU classification) as part of the Task Force. Motion involves surveying only the Menlo Park School District.

Motion to accept substituting the original motion by the second motion made by Mayor Jellins and seconded by Council Member Collacchi. Motion passes 4-1 with Collacchi, Duboc, Jellins and Winkler voting in favor, and Kinney dissenting. Motion passes.

M/S Jellins/Collacchi to have simultaneous plans move forward, i.e. approve scope of work A and go out to bid when the information from the Task Force is in. Motion includes scope B, but removes scope C and D. Motion to consider the feasibility of moving school-aged care to school sites, and have a Menlo Park Childcare City Employee (SEIU classification) as part of the Task Force. Motion involves surveying only the Menlo Park School District. (Discretion on when to put the item out to bid was given to staff interconnecting it with the information provided by the Task Force).

Mayor Jellins called for the vote:

Motion passes unanimously.

2. Adoption of a Resolution No. 5435 approving Below Market Rate (BMR) Housing Program In Lieu Fees for Housing Developments of five to nine units (Continued from the March 11, 2003 City Council Meeting). (*Staff Report # 03-035*)

Gretchen Hillard, Housing and Redevelopment Manager, responded to questions by Council.

Mayor Jellins asked for public input.

No public comment.

M/S Kinney/Duboc to adopt Resolution No. 5435. Motion passes unanimous.

3. Adoption of a Resolution No. 5436 authorizing a lease agreement for 1155 Merrill Street, No. 107, a Below Market Rate Unit, and authorization of the City Manager to execute the lease. (*Staff Report # 03-046*)

Gretchen Hillard, Housing and Redevelopment Manager, presented the brief report. Mayor Jellins asked for public input.

No public comment.

M/S Winkler/Kinney to adopt Resolution No. 5436. Motion passes unanimously.

4. Direction to staff on policy issues related to the proposals to demolish two office buildings located at 110 and 175 Linfield Drive and construct a total of 59 residential units on the two properties, and 2) adoption of a Resolution No. 5437 of Intention to abandon a portion of Linfield Drive and Homewood Place along the properties located at 110 and 175 Linfield Drive. *(Staff Report # 03-045)*

Justin Murphy, Principal Planner, presented a brief staff report summarizing the Council's previous study session with the applicant. Some of Council's discussion at that session included:

- BMR - there is merit in this component. The item is referred to the Housing Commission for their perusal and recommendation.
- Density - 59 units seemed acceptable to Council.
- Abandonment - the proposed plan was acceptable.
- Heritage Trees - the item was referred to the Environmental Quality Commission to complete its review and provide recommendation.
- Open Space - the proposed provision was acceptable to Council.
- Recreation - Council did not accept the inclusion of private open space as a contribution towards the recreation requirements.

Mayor Jellins acknowledged the presence of the applicant.

Mayor Jellins asked for public input.

No public comment. However, the applicant clarified that most of the adjacent properties have been contacted, and the project has been explained to them.

M/S Duboc/Kinney to have staff follow up on the parameters set by Council above (summarized by staff member Justin Murphy) and bring the item back to Council. Adoption of the Resolution no. 5437 listed as item 2. Motion carries, with four in favor and one abstention from Council Member Winkler.

5. 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.

Mr. Boesch had no report at this time.

G. WRITTEN COMMUNICATIONS

1. Memorandum from Mayor Pro Tem Duboc regarding the Emergency Services Council Joint Powers Authority Radio Microwave System Long Term Future Funding.

Council consensus was to allow the alternate (Mayor Jellins) to vote on behalf of Mayor Pro Tem Duboc, who will be out of town. Mayor Jellins will vote on option 3.

H. INFORMATION ITEMS

1. Park and Recreation Commission findings regarding the Baseball Diamond and Concession Stand at Burgess Park. *(Staff Report # 051)*

Council consensus is to follow the recommendation from the Parks & Recreation Commission.

2. City Council direction on distribution of Email received. *(Staff Report # 03-049)*

Council explored the matter discussing the possibility of cost recovery, and a web-based portal. Council Member Collacchi was appointed as the Council liaison to work on this with staff, and bring back a range of policies and potential cost issues for Council deliberation.

I. PUBLIC COMMENT #2 (Limited to 30 minutes)

None

J. ADJOURNMENT - the meeting adjourned at 12:53 a.m.

Respectfully submitted,

Silvia M. Ponte, City Clerk

Submitted to the City Council of Menlo Park on April 8, 2003 and approved on said date.