



**CITY COUNCIL
and
COMMUNITY DEVELOPMENT AGENCY MINUTES**

Tuesday, July 29, 2003

7:30 p.m.

The Menlo Park Council Chambers

801 Laurel Street

Menlo Park, CA 94025

5:30 p.m. SPECIAL MEETING – This meeting did not take place for the lack of a quorum.

1. Tour of Jack Lyle Park, Kelly Park and Hoover School (in Redwood City) to review Turf Choices for Use on Sports Fields.

7:30 p.m. REGULAR MEETING (Menlo Park City Council Chamber)

Mayor Jellins announced that the Special Meeting scheduled for 5:30 p.m. did not take place.

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

PLEDGE OF ALLEGIANCE

A. PRESENTATIONS AND PROCLAMATIONS - None

B. COMMISSION VACANCIES, AND REPORTS

1. City Clerk Silvia Ponte swore in two incoming commissioners: Reginald Rice, Transportation Commission and Charlene A. Friedman, Library Commission.

2. Mayor Jellins announced the following vacancies:
The Arts Commission has two vacancies to serve four-year terms that expire September 2007. The deadline for receipt of applications is 5:00 p.m. on August 18, 2003.

The Environmental Quality Commission has two vacancies to serve four-year terms that expire September 2007. The deadline for receipt of applications is 5:00 p.m. on August 18, 2003.

The Housing Commission has two vacancies to serve four-year terms that expire September 2007. The deadline for receipt of applications is 5:00 p.m. on August 18, 2003.

The Las Pulgas Committee has one vacancy for a Rental/Owner to serve an un-expired term, ending March 2005. The deadline for receipt of applications is 5:00 p.m. on August 18, 2003.

The Parks and Recreation Commission has one vacancy to serve a four-year term expiring September 2007. The deadline for receipt of applications is 5:00 pm on August 18, 2003.

The Transportation Commission has two vacancies to serve four-year terms that expire September 2007. The deadline for receipt of applications is 5:00 p.m. on August 18, 2003.

3. Council Member Reports.

Council Member Kinney reported on attending a meeting of the Regional Finance Agency. Mr. Kinney provided an overview of the goals set forth by this agency in order to upgrade the water delivery system in the Bay Area.

Mayor Jellins stated that the State Legislature had announced approval of a budget. He explained the possible repercussions to the City which include: loss of control over sales tax revenues, reduced interest earnings, reduced Vehicle Licensing Fee revenue in the amount of \$365,000, and loss to the Redevelopment Agency in the amount of \$478,746. Police grant funding is expected to suffer a decrease as well.

Mayor Pro Tem Duboc inquired about the sales tax revenues, and City Manager David Boesch stated that it is estimated that sales tax revenue will be 6.2 million.

Mayor Jellins participated in a news conference to inaugurate the Bayfront Expressway. Mr. Jellins stated that this project was under budget and it was concluded ahead of schedule.

Mayor Jellins announced the new service "Menlo Park Home Delivery Email Service". Mr. Jellins encouraged the public to sign up for this free service, that offers Agendas and Minutes and other City information electronically.

Mayor Jellins suggested that an Agenda item dealing with GASB 34 be moved to another meeting.

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

Bob Creamer commends the Council and the staff for the implementation of the traffic signal coordination project. Mr. Creamer spoke as the Chair of the West Menlo Homeowners Association, and he hopes the Council will consider a bolder move to reconfigure El Camino Real to a three-lane thoroughfare.

Steve P. Kennedy asked the City Council to endorse him for the Menlo Park Fire District Board of Directors. Mr. Kennedy is a resident of East Palo Alto and supports a community based hiring program.

Jim Harvey addressed the Council about Consent Item D6 stating that the traffic system works during off-peak periods but it is limited during peak conditions. Mr. Harvey encourages the City to re-stripe the third lane of El Camino Real to be designated a through lane.

Mary Gilles spoke as a resident and an officer of the West Menlo Homeowners Association, who supports three lanes on El Camino Real, which she believes will alleviate traffic congestion on El Camino Real.

D. CONSENT CALENDAR

1. Community Development Agency (1) award of contract for the Hamilton Avenue Streetscape Project to Interstate Paving and Grading, Inc. in the amount of \$3,821,000; (2) authorization of an agreement with PG&E in the amount of \$440,000, (3) authorization of an agreement with SBC in the amount of \$200,000, (4) authorization of an agreement with Comcast in the amount of \$41,000, and (5) authorization of a budget of \$5,690,000 for construction, utility work, contingencies, testing, engineering, inspection and administration.
2. Authorize an additional expenditure of \$38,000, for a maximum total of \$333,000, associated with Master Professional Agreements for contract plan review and inspection services performed in Fiscal Year 2002-2003. Authorize an expenditure of \$100,000 associated with Master Professional Agreements for Contract Plan Review and Inspection Services performed in Fiscal Year 2003-2004.
3. Adoption of a Resolution No. 268 authorizing the Executive Director to amend the contract with Kelly Associates to add \$13,750 to the original contract of \$24,750 for additional real estate economic services for the Belle Haven Park and Housing Development, resulting in a total contract amount of \$38,500.
4. Community Development Agency acceptance of work for the Belle Haven Overall Street

Improvements Project.

5. Community Development Agency acceptance of work for the Belle Haven Pool House Remodel Project.

Item Pulled

6. Acceptance of work for the construction component of the El Camino Real Adaptive Signal Coordination Project.
7. Authorize the City Manager to extend the contract with True Green Landcare Inc. for one year for landscape maintenance services for City medians in the amount of \$59,909. (*Staff Report*)
8. Approval of an agreement in the amount of \$300,000 with Parsons Brinckerhoff Construction Services, Inc. for plan checking, inspection and construction administration services as part of the Sand Hill Road Widening and Stanford Golf Course Improvement Project; and authorization of a total Project Budget of \$450,000, including staff time and contingencies.
9. Community Development Agency approval of an Exclusive Negotiating Rights Agreement (ENRA) with Clarum Homes as developer of the Belle Haven Park and Housing site on Hamilton Avenue. (Continued from the City Council Meeting of July 22, 2003.)
10. Approval of the City Council Minutes for the Meeting of July 15, 2003.

M/S Duboc/Kinney to approve all items in the Consent Calendar with the exception of item D6 (removed for discussion). Motion carries unanimously.

Item Pulled D6

Discussion

Council Member Winkler asked about the acceptance of this program. Jamal Rahimi, Transportation Manager clarified that this acceptance is strictly for the hardware involved in the project. Ms. Winkler would like to agendaize the El Camino Real traffic issue. David Boesch, City Manager stated that this item would come to Council as soon as staff gets results of the signal coordination assessment. Mr. Rahimi also clarified that this item will come to Council sometime in September 2003.

M/S Winkler/Kinney to approve item D6 of the Consent Calendar. Motion carried unanimously.

E. PUBLIC HEARING

1. Certification of the Revised Mitigated Negative Declaration prepared for the Burgess Park Recreational Facility Improvements, and approval of architectural control for the Burgess Pool and Locker Room Project and the Burgess Park restroom, concession and storage facility.

Mayor Jellins informed the public that the Council had received voluminous emails relating to this matter and at this point 19 cards had been received. Mayor Jellins encouraged speakers to summarize their thoughts.

Art Morimoto, Supervising Engineer presented the brief staff report stating the project's history, and how funds for this project had been reserved via Measure T. Mr. Morimoto said that the Revised Negative Declaration included the analysis of traffic on local streets, and it also was presented to the Planning Commission. Mr. Morimoto informed Council that Public Works Director Kent Steffens would make a statement in regards to the 50-meter pool.

Brian Fletcher, with Callander & Associates Landscape Architects, covered the master plan and the following areas: parking area with a landscaped buffer, proposed parking along Alma which includes a more functional system with mature oak trees, the skate park, the restrooms, tennis court upgrades, and sports fields. Mayor Jellins asked about the possibility of a full basketball court along Alma Street. Mr. Fletcher informed the Council that this is a feasible option.

Clarence Memoyek with ELS Architecture and Urban Design of Berkeley, explained the schematic

design for Phase I which includes: the parking lot, the swimming pool, the current gym, and the pool area. The existing gym and renovation of the current area would come to Council at a later time. There will be bicycle walkways and racks linking the parking lot to the pool and gym facility. Council asked about a batting cage, and the possibility of incorporating it in the Plan.

Kent Steffens, Public Works Director addressed the issues related to the 50-meter pool by stating that in May 2002 the matter was studied and because of the higher construction cost and operating expenses staff did not pursue this option. Analyses showed that a 50-meter pool would double the cost (\$3.2 construction cost and \$204K operational cost per year) and these amounts did not fit in the budget. The Parks and Recreation Commission also supported the 25-meter pool with a 3-pool design. Mr. Steffens recommends that the Council approve the Environmental Negative Declaration as is, due to the financial impact of additional changes. Council ensued in discussion over the pool size, and its impact if the size was to be altered. Mr. Steffens clarified that this would alter the Environmental Negative Declaration and a new study may be required.

Council further discussed the skate park, the size of soccer fields, the pump station and the expansion of the parking lot adjacent to the recreation center. Council Member Collacchi stated that he is pleased with the reserved parking, and asked staff to explain how they arrived at the 26 parking spots. Mr. Morimoto explained the methodology used.

Mr. McClure clarified that a Revised Negative Mitigated Declaration might be appropriate depending on the changes proposed. He also stated that there could be mitigation measures that would be included in a Revised Negative Mitigation to eliminate certain potential impacts. Mayor Pro Tem Duboc asked about other user groups being contacted about the configuration of the Burgess Park Plan and if their input was considered. Mr. Morimoto clarified that other user groups were consulted and provided input.

Public Comment

Sam Sinnott (with time donated by Ginny Langmuir) spoke as a member of Menlo Masters saying that there are many misconceptions and rumors about this group. Mr. Sinnott apologized for coming to Council on such a late notice, but hopes he is still in time to have an impact. Menlo Masters does not feel that the pool proposed by staff is adequate for them, and it excludes water polo needs as well. Mr. Sinnott suggests a combination of a 50-meter pool and a smaller recreational pool. Mr. Sinnott presented a slide presentation illustrating his views, and providing specifics of his plan. Mr. Sinnott believes the current facility is underutilized and hopes the City will redefine its plans.

Tim Sheeper (with time donated by Derrick Hansen) believes this vision involves making this pool the hub for all swimmers in the community. He is the head coach of Menlo Masters and has been coaching in this and surrounding communities for 22 years. He envisions the various groups co-existing, and this requires a larger pool. According to Mr. Sheeper, Menlo Masters just wants to be one of the users in this pool. Mr. Sheeper provided an inventory of funds raised and charitable events the Menlo Masters have participated in. He believes Menlo Masters is an extremely committed group.

John P. Johns (with time donated by Anna Takahashi) is a certified accountant working as the Finance Director for the Town of Atherton, and a Menlo Masters swimmer. He spoke about the ability to be flexible and the responsibility of public servants to make the best use of resources. Menlo Masters offers an ongoing contribution, and he provided a financial analysis of this cooperative effort. Mr. Johns stated that Menlo Masters is willing to donate \$2 million, in exchange for a share of the facility and this includes an initial contribution of \$500,000 and then \$100,000 per year over the first 15 years.

Eric Kinney (with time donated by Julian Symonds) is also a Menlo Masters swimmer, and participated in the swim across lake Tahoe. Mr. Kinney believes the proposal is for local improvement, and a modified declaration should be sufficient. Mr. Kinney supports the 50-meter pool, because it will benefit many people in the community and not just a segment of the population. Mr. Kinney asserted

that Menlo Masters is ready to donate and raise monies for this purpose, and a 50-meter pool will bring greater public benefit.

Roy Sardina (with time donated by Greg Bow) spoke about the dedication of Menlo Masters to raise funds and make this a better facility. He stated that this is the fourth time he has made this request of Council. The Measure T funds are for this end, and the members present are invested in using these facilities. Mr. Sardina stated that 600 signatures were acquired in 10 days to support this project. Mr. Sardina believes the financial reasoning is no longer valid, because Menlo Masters is willing to commit with a lease.

Patrick McGaughey (with time donated by Brenda Beckett) does not believe this new plan will delay the project. Mr. McGaughey suggested condensing the pool into two pools, and this will still be a community pool so this will not increase the traffic in this area. Even if there are two pools this will still be a local pool and not a regional pool. Mr. McGaughey believes this project deserves consideration.

M. Lucey Bowen stated that she swims, rides a bike to work and runs. Ms. Bowen believes that swimming becomes a passion for some people. Swimming is not bound by age, and there are members of Menlo Masters who swim up to their seventies. Ms. Bowen believes that camaraderie, coaching and communities are what keep people coming back to swimming at Menlo Masters.

Lorie Sinnott, spoke about the benefits of swimming and how it evolved for her. She spoke about the Menlo Masters coach and how this 50-meter pool will benefit all of Menlo Park. Ms. Sinnott believes that the new plan will fit into the Burgess Plan and the fundraising goals are proof of the members' will to contribute towards this issue. Ms. Sinnott respectfully requested that Council delay approval of the architectural control and not certify the Revised Mitigated Negative Declaration, but instead direct staff to work with the community groups to find a solution. Ms. Sinnott would like this item to come back on September 30, 2003 and Menlo Masters will be able to show that pledges and fundraising will occur to support this effort.

Michael Moore, Chair for the Pacific Masters Swimming, drove from San Francisco to speak on this item. Mr. Moore believes this is a program that is open to all who are dedicated to improve their fitness through swimming. Most of Menlo Masters' members do not compete, but instead enjoy the activity. Mr. Moore believes that Menlo Masters provides a great program for adult fitness. Mr. Moore said that swimming is a life long commitment, and he complimented Menlo Masters' efforts.

Due to the late hour, Council consensus was to continue items F1 and F2 to a future meeting date. Mr. Boesch stated that this would be verified with the consultants availability.

Vivian Johsens is a long time resident of Menlo Park and believes that this larger pool is a benefit that requires reviewing the current plan because this is a far better plan. A 50-meter pool would be a far better benefit to seniors and the community in general. Ms. Johsens stated that Menlo Masters is a very inclusive group that is invested in helping people stay fit for life.

Tom Harrison, Chairman of the Parks and Recreation Commission, was a member of the Master Study, Measure T committee, and has been in Parks and Recreation for the last eight years. Mr. Harrison believes in the Plan as proposed by staff because the benefits will serve many. Mr. Harrison said that this facility is the best overall, and can be shared by many and used by different segments of the community. Mr. Harrison does not believe that the City should base its projects on specific programs, or just one particular group because programs and people can change and nobody can make a commitment in perpetuity.

Carrole Phillips appreciates this community and supports a 50-meter pool because it would be the only one in San Mateo County and this would be a plus for Menlo Park. Ms. Phillips is very impressed that Menlo Masters has both made a request but also brought forth a solution to the problem.

Julie Martinez representing the SOLO group read a letter on this subject stating that SOLO is

supportive of the current three-pool plan. SOLO has been involved in the process by attending meetings, and providing feedback. Ms. Martinez believes that initially SOLO wanted the 50-meter pool however with proper planning this current pool can meet everyone's needs, and SOLO has researched the matter and knows that with this plan children and adults will be served.

Gail Slocum was the co-chair of the Measure T Committee and attests to the fact that this Plan proposed by staff reflects what the Measure T proposed to the voters. Ms. Slocum understands that the \$38 million has to be split for many programs, like gymnastics and others, not only swimmers. Ms. Slocum stated that it would be irresponsible to change money allocations, and build a 50-meter pool. Ms. Slocum believes in splitting the money with different programs instead of giving this particular program an extra \$1.6 million.

Stuart Zussman, Vice-Chair of the Parks and Recreation Commission, said he has reviewed the process that the Commission has been through to arrive at this Burgess Plan. He believes the goal was to meet the needs of 90% of residents, i.e. skateboards, basketballs, soccer fields, etc. Public input was received, different user groups gave input, and the Measure T committee got involved. While Mr. Zussman is really impressed with the Menlo Masters, he believes with three pools the number of lanes will be substantially larger, and the therapeutic pool with the heated water will be very beneficial.

Pat White spoke about the Adopted State Budget and the \$8 billion deficit. Mr. White also referred to the recall election for the Governor of California. Mr. White stated that the City should consider plans that increase the City's revenue before spending more money in capital projects. Mr. White applauds the City's efforts to hire a business development person, but hopes the City can use some common sense and create revenue instead of spending additional funds.

Murray McLachlan supports a 50-meter pool because he has been swimming for 58 years and believes this is an opportunity to build a unique facility. Mr. McLachlan asked that the City Council be receptive to giving this group until September 30, 2003 for them to come up with the money.

Recess at 10:07 p.m.

Meeting resumed at 10:25 p.m.

Mayor Jellins thanked the public for their comments as well as the slide presentations, and the documents shared. Mayor Jellins also recognized receipt of dozens of emails pertaining to this matter.

M/S Collacchi/Duboc to close the public hearing. Motion carries unanimously.

Mayor Jellins reviewed the matter before Council and the request for Council action. Mr. Morimoto clarified that the time lines as far as going out to bid and award of contracts for the various portions of this plan. Mayor Jellins invited the Council to begin its discussion.

Council discussion

Council Member Kinney asked questions about the size of the three pools and the number of lanes in each pool. Mr. Kinney inquired about delaying the approval of the Mitigated Negative Declaration and how that would affect the whole plan. Mr. Steffens stated that the time line is something that can be addressed but staff needs more information and direction. Mr. McClure informed Council about the need to negotiate an agreement with Menlo Masters. Mayor Pro Tem Duboc brought forth concerns about babies going to the bathroom in the pool, and the impacts of this on the usage if only one pool exists. Mr. Steffens said that this is a real concern, and the solution is to have separate pools.

M/S Winkler/Duboc motion to direct staff to present Menlo Masters with a proposal that includes the following elements:

- **Menlo Masters to cover all the increased costs associated with redesigning and building the**

- pool, locker room, and energy sources for a 50-meter pool configuration (this includes staff time and all other expenses, because it would be imprudent to commit General Funds to it);
- Menlo Masters to cover the increased costs for maintenance and operation of a 50-meter pool versus the 25-meter pool;
- Menlo Masters to get rights of use of the pool commensurate with whatever proportion of the swim facility they pay for, for a period of 20 years (pro-rata); this use should be structured in such a way to give the public ample access to the pool; this item to be refined by staff, and the discussions to include other possible user groups from the community;
- Menlo Masters has 30 days upon receipt of the proposal, to present the entire amount of money or present a guarantee that the money is secured;
- the redesigned facility is to fit in the allotted footprint, so the rest of the Burgess Park can proceed as planned; staff to evaluate the design schematics presented by Mr. Sinnott and see if it is feasible within the current footprint;
- no regional events are to be included, and consequently so that a mitigated negative declaration will suffice to move forward with the project;
- this model, in which a private group helps build a public facility, is to be explored for replication by other City facilities, such as the gymnastics center;
- design to include separation of baby pool and instructional pool;
- if the above mentioned conditions are satisfied, a public hearing is to occur to give the community sufficient opportunity to comment;

Council Discussion

Council discussed the motion in detail, and Mayor Jellins suggested the creation of a subcommittee to work with staff, and the Menlo Masters before the issue comes back to Council sometime in late September 2003. Council agreed with this approach.

City Attorney McClure asked for clarification on portions of the motion. Council discussed an annual license use fee and how it was to be based on the increase of the cost of maintenance of a 50-meter pool versus a 25-meter pool. Or another option is to estimate the cost of the rental of a 25-meter pool versus a 50-meter pool. Mayor Pro Tem Duboc requested that this be addressed by staff and left open at this time. Mr. McClure also asked about the funds and how concrete they need to be, i.e. does all the money need to be presented in advance? The maker of the motion believes that a specific plan with concrete funds needs to be in place because Ms. Winkler does not want to delay the Burgess Plan without sufficient commitment. Mr. McClure said that staff would try to find a plan that guarantees that the funds will be there. Mr. McClure asked if the plan presented by Mr. Sinnott is considered to fall within the current footprint. Ms. Winkler clarified that any changes to the footprint of the aquatics area should not require redoing the other parts of the park Master Plan. Mr. Steffens stated that other elements to consider are the size and positioning of the solar heating system.

Mayor Jellins asked about timelines, and staff clarified that the earliest this could come back would be September 30, 2003.

Council Member Collacchi explained that he sees the need for a feasibility assessment in the following areas: financial, design, environmental, and shared use. Mr. McClure stated that to do a preliminary feasibility study on these four items would probably take until mid-September. Mr. McClure stated that the consultants would be working on design feasibility, environmental, and financial feasibility in two tracks that could move forward in parallel. Council Member Kinney believes that in the negotiations it is important to keep in mind that while Menlo Masters should be financially responsible, the City will also have benefits that will derive from this collaboration, and should not force Menlo Masters to pay for everything. However, the maker and second of the motion expressed their need to have a certain financial tightness.

Mr. Collacchi asked about the impact of this action in delaying the project, and shared his concerns about this change in plan. Mr. McClure stated that Council might want to proceed with going ahead

and work on the drawings of the project, including a two track or alternative Mitigated Negative Declaration approach that includes both the 50-meter and the existing configuration of the 25-meter pool. Mr. McClure stated that in theory a Revised Mitigated Negative Declaration could be created that includes both options, so that Council can approve either option in September and simultaneously go forward with the working drawings on the rest of the Burgess Park and keep the same time frame. By doing so in September Council may choose to approve whatever plan sounds best, and the Revised Mitigated Negative Declaration would have been circulated. Mr. Steffens mentioned that with this approach there is a two-month delay in the pool project. Mr. McClure said that the working drawings on the Burgess Park could continue, with the exclusion of Phase I for the pool aquatic area, and retaining that footprint. Mr. Steffens stated that this is a feasible option.

Mr. Collacchi expressed his admiration for the Menlo Masters group, but he is comfortable with the work done by the City for five to six years leading to the current plan. Mr. Collacchi believes there is a mission incompatibility with this new approach, and does not believe there is a good match between the community and Menlo Masters. Mr. Collacchi believes the proposed plan addresses the community's needs and consequently he will not be supporting the motion. Mayor Jellins believes in swimming as a commitment to a healthy community, and that this approach is better than what is on the drawing board. He believes that this approach will add value to Menlo Park, and future generations who will want to be in the community because of this particular pool. Ms. Duboc believes that this is a collaborative effort that may be applied to other future developments. It is her belief that this partnership with the private sector allows building public facilities quicker, such as a gymnastics facility, or a recreation facility, and protects the Measure T funds.

Mayor Jellins called for the vote. Motion carries 4-1 with Council Member Collacchi opposing.

M/S Jellins/Kinney motion to direct staff to proceed with the construction drawings on the non Burgess Park pool site items, and include proceeding with a Draft Revised Mitigated Negative Declaration that would consider both the 25-meter and the 50-meter meter alternatives so that this decision can be ready for Council in late September, and direct staff to include in that site the design of a full court basketball court, provided it doesn't require an Environmental Impact Report. Motion to include circulating the Revised Mitigated Negative Declaration and a public hearing.

Mr. Collacchi stated that while he is not inclined to have the EIR include the 50-meter pool alternative, he would support the motion because it is to move forward with the non-pool items of the Burgess Park.

Motion carries unanimously.

F. REGULAR BUSINESS

Items F1 and F2 were continued to another Council Meeting

1. Review findings and recommendations of the Grade Separation Study Report and consider further potential actions on the matter.
2. Review of the Governmental Accounting Standards Board (GASB) Statement 34 Infrastructure Valuation and approval of a five-year Capital Improvements Work Plan.
3. 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.

None

G. WRITTEN COMMUNICATIONS - None

H. INFORMATION ITEMS

1. Review of the City's Investment Portfolio as of June 30, 2003.

No comments.

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

L. David Montague, retired president of a major division of Lockheed & Martin, spoke about the grade separation report and how CalTrain came in with a pre-determined position. Mr. Montague sent a letter to Dan Smith sharing his concerns and never received an answer. Mr. Montague volunteered to participate and help in this effort and he would have liked to receive the courtesy of a reply. Mr. Montague presented a letter for the record, and while he approves grade separations one must take in consideration aesthetics, loss of privacy, and the danger of lifting the tracks.

J. ADJOURNMENT – at 11:41 p.m.

Respectfully submitted,

Silvia M. Ponte, City Clerk

Approved at the City Council Meeting of August 26, 2003.