



# CITY COUNCIL - COMMUNITY DEVELOPMENT AGENCY MINUTES

Tuesday, September 2, 2003  
7:00 p.m.  
801 Laurel Street, Menlo Park, CA 94025

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**7:00 p.m. REGULAR MEETING** (Menlo Park City Council Chamber)

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

## **PLEDGE OF ALLEGIANCE**

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

## **A. PRESENTATIONS AND PROCLAMATIONS - None**

## **B. COMMISSION APPOINTMENTS, ANNOUNCEMENTS AND REPORTS**

### 1. Swearing in of new commission members.

Mayor Jellins stated that appointments were made at the meeting of August 26, 2003 and now was the time to swear in the newly appointed commissioners. City Clerk Silvia Ponte administered the oath.

Mayor Jellins invited all new commissioners to attend the Council Meetings and provide periodic reports. Mr. Jellins stated that the Council is always eager to hear from its commissions.

### 2. Council Member Reports.

Council Member Winkler asked that Council continue the public hearing on the Zoning Ordinance from September 9, 2003 to a later time (in 2 to 4 weeks) due to the complexity of the issues at hand. The Planning Commission has been meeting continuously to distill the information, however the process is not finished.

Mayor Jellins requested that Council Member Winkler and Council Member Kinney, since they are members of the subcommittee, to meet and review the information so that when it comes to Council, it can have an effective discussion and deliberative process. Mr. McClure informed the Council that staff would need to post a notice of cancellation of the matter, and announce that the Public Hearing has been moved to a later time. The Public Hearing will have to be noticed again. Ms. Winkler and Mr. Kinney will work with staff on this matter.

Mayor Pro Tem Duboc met with representatives of the Fire Station and the Historical Association to find the right place for the old fire station. Fundraising efforts are under way to make it possible to restore this important landmark. Ms. Duboc read a memo from the San Mateo County Department of Health and Human Services informing residents that they are conducting a survey. Ms. Duboc encouraged Menlo Park residents, if contacted, to respond.

Council Member Kinney stated that on September 25, 2003 the JPA San Francisquito Creek is celebrating its four years of existence.

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

Nancy Chillag speaking as a resident and not as the Chair of the Arts Commission, responded to the recent complaints about the Percent for Art ordinance. Ms. Chillag stated that this ordinance included a three-year study process as well as much comparison with other communities such as Mountain View and Emeryville. Ms. Chillag read quotes of supporters of this ordinance.

Susan Borg addressed the matter of Percent for Art, and Ms. Borg believes it is too soon to review this matter because the real benefits have not come through yet. Ms. Borg urges the City Council to continue supporting this program because the benefits will be visible in the future.

Linda Go supports the Percent for Art program and believes that the financial aspects of this program are also important. Ms. Go believes that residential and commercial neighborhoods can co-exist. She believes this is a good investment, and hopes the Council will keep the ordinance on the books.

Elizabeth Houch said she is a neighborhood activist who has worked for three years to make this program move forward (Percent for Art). Ms. Houch supports this ordinance and has worked with Safeway to enhance its architecture and include art that is intrinsic to the businesses and neighborhood. Ms. Houch believes this will enhance the neighborhood and the community.

**D. CONSENT CALENDAR - None**

**E. PUBLIC HEARING - None**

**F. REGULAR BUSINESS**

1. Council direction on the 50-meter pool alternative; and, potential action to certify the revised Mitigated Negative Declaration and approve architectural control for the Burgess Pool and Locker Room Project and the Burgess Park restrooms, concession and storage facility.

Mr. Kent Steffens, Public Works Director provided the staff report and he began by reviewing the motion adopted by Council at the Meeting of July 29, 2003. Mr. Steffens shared a slide presentation, which included a site plan comparing and contrasting the two sizes of pools (25-meter and 50-meter). Mr. Steffens then explained the criteria used in the traffic analysis, and he stated that based on staff's traffic impact analysis an Environmental Impact Report is needed because of the current standards. The methodology used for the traffic computation was explained.

Mr. Steffens also stated that staff met with Menlo Masters on August 7, 2003 to try and find mitigating measures. Subsequently, a letter was received from Menlo Masters making three particular points:

- is the 50-meter pool exempt from CEQA?
- correctness in the traffic methodology used?
- Was the list of proposed mitigated measures addressed?

Mr. Steffens addressed these three issues in detail, explaining to Council the City's response to these points.

Options were presented to Council and the costs associated with each one were explained. Council asked questions of staff regarding the policy that Council has adopted in the past for the trip generation computations. Council asked, that Mr. McClure explain the difference between a Negative Declaration, Mitigated Negative Declaration and an Environmental Impact Report. Council ensued in discussion regarding the need for a CEQA analysis and the need to alter the current policy used in preparing traffic studies. Mr. McClure also elaborated on the impact of possible changes to the guidelines to other current projects, such as the Habitat for Humanity on Terminal Avenue, Redevelopment Project on the corner of Ivy and Willow Road, the Police Annex project, and the Olive

Hill project.

### **Public Comment**

Janet Davis said that she has concerns about the 50-meter pool because occasionally when Menlo Masters and SOLO use the pool they monopolized the facility. Ms. Davis said there isn't enough staff to run the current pool, so she has questions about how a 50-meter pool would be run.

Whitney Glockner, with time donated by Martin Michael, requests that Council honor its previous motion and asks that Council leave a legacy for future generations. Ms. Glockner mentioned her passion for swimming and how it is such a great goal to create a pool that will benefit all different swimmers. Ms. Glockner respectfully requests that Council not certify the revised negative mitigated declaration and instead work with Menlo Masters' qualified people.

Tasha Capen is the project manager for Menlo Masters, and reported on the progress that has been made with staff as well as the fact that pledges for this project are coming in and the funds will be there. Ms. Capen shared some possible approaches to deal with this situation, and some insights from other communities who have gone through a similar process, such as the City of Sunnyvale.

Patrick McGaughey reported positively on the negotiations with staff, however the goal of Menlo Masters is to build a 50-meter pool through a negative mitigated declaration. Mr. McGaughey explained that Menlo Masters is trying to provide mitigation measures, and Menlo Masters will have a traffic engineer to address possible solutions. The goal is to build a municipal pool.

Mathew Francois, representing Menlo Masters, disagrees with the City's legal counsel and hopes that the Council will allow a traffic consultant to come on board and study the matter. Mr. Francois believes that a CEQA exemption is a legal option in this case. Mr. Francois requests that the Council consider the 50-meter pool alternative. He believes the focus should be on the pool and that the Council can change its policies when it deems necessary.

Sam Sinnott (with time donated by Lorie Sinnott) addressed the matter of cost and how Menlo Masters now has to present \$800,000 instead of the \$500,000, which was the initial amount, discussed in July. Mr. Sinnott believes that if the City builds the smaller pool, Menlo Masters will probably go elsewhere. Menlo Masters is ready to form an entity that can negotiate with the City, and make this a successful project that benefits all segments of the population. Mr. Sinnott suggests that instead of the City borrowing money to build the project it would be better to partner with Menlo Masters. Mr. Sinnott explained the benefits of proceeding with the 50-meter pool alternative.

Sonya Steck said she swims and supports the 50-meter pool because it is the ideal size for anybody who likes to swim. Ms. Steck believes that traffic will not be a problem because people will be able to cycle. Ms. Steck and other swimmers will cycle instead of driving to the site. She will be looking for a pool to swim in when she comes back from college.

Kevin Burns explained how he got involved in swimming, and how he progressively got better. Mr. Burns believes that swimming is a great exercise and very low impact. Mr. Burns shared his swimming experiences at different places and sites, and he is willing to ride his bike to diminish traffic impacts.

Steve Spinner is very excited about this project because this is a great group of people who create community. Mr. Spinner believes that a 50-meter pool provides more opportunity for adults and children. He does not want this project to end up in an EIR (environmental impact report) and he respectfully requests that Council not certify the document. He shared a quote from previous mayor Burgess.

Kim Freitas has been a Menlo Masters member for six years and she believes that this organization is committed to supporting this project financially. Ms. Freitas believes that a larger pool is a better option for families. Ms. Freitas believes that the arbitrary number triggering the EIR is not appropriate.

Anne Long and her family are long time users of what Burgess Park has to offer. Ms. Long believes that this park belongs to the people of Menlo Park and this will be a benefit for the community. Ms. Long believes that she got a PhD because of swimming, since it allowed her time to think about reading.

M. Lucey Bowen spoke about Council's show of democratic process and how the questions asked showed a lot of insight. Ms. Bowen reiterated the fact that Menlo Masters is a community based organization and not a regional organization. Ms. Bowen believes swimmers that live nearby would cycle or walk to the pool.

Shoreh Parandoosh has swum for seven years and the benefit is very visible in the decrease of her chronic pain. Ms. Parandoosh is very grateful for all the help provided by the Menlo Masters and in particular by the coach who is very motivating. Ms. Parandoosh requests that Council build a 50-meter pool.

Sandy Dutro believes that Menlo Masters is a great benefit to all those who recognize the benefit of this exercise especially for those who are going into middle age. Ms. Dutro does not believe that the traffic is going to be an issue. She believes that high school girls are getting more involved in swimming.

John Collin has lived in Portola Valley for 27 years and he says that a 25-meter pool is too small. He mentioned how the YMCA regrets that it couldn't increase the size of its pool because of lack of space. Mr. Collin would like the Council to consider a 50-meter pool for people to enjoy its benefits.

Julie Martinez represents SOLO swim club and sees that Council has three possible approaches to this issue. Ms. Martinez encourages the Council to move forward with this project and SOLO asks that Council certify the revised negative mitigated declaration. She hopes Council will move forward with the project so residents can enjoy the new pools the soonest possible.

Gail Sredanovic believes that the regular senior citizen is not fairly represented in the Menlo Masters. Ms. Sredanovic believes that certain swimmers can be careless and hurt other swimmers. She does not believe that this club is sufficiently stable for the City to engage in a big project, and she does not believe a 50-meter pool is a necessity.

Stu Soffer believes that the process has been positive and Council should continue with the current Burgess Plan. Mr. Soffer believes that based on his expertise he can state that adding items to the plan delays deadlines. Mr. Soffer believes the current plan is a valid one.

Bob McIntire agrees with the 50-meter pool and he asked staff to answer particular questions about the calculations. Mr. McIntire believes a different approach should have been used in regards to the land area used. He is helping the City of Morgan Hill build an aquatic center, which includes a 50-meter pool.

Frank Carney is not a swimmer, but he has faith in City staff, and the City's legal counsel. Consequently he believes the recommendation should be followed, and he does not believe it would be wise to go against the staff that has studied the matter. Mr. Carney has concerns about traffic impacts of this change in plans.

Don Brawner believes that this item shouldn't even be on the table, because the Planning Commission hasn't been informed of these changes. Mr. Brawner believes that it is not right for the City of Menlo Park to accommodate residents from Woodside, Atherton and Portola Valley, and take the traffic problems that come with it.

John Roschlang believes the current project has had due process and it has been studied for a long time, and now because of Menlo Masters this project might be on hold. Mr. Roschlang believes that the duty of the Council is to serve all residents and not just Menlo Masters. He believes that if Council wants to move forward with this project it needs an EIR.

Morris Brown believes that some elements of Menlo Masters' proposal are not fair to the whole community. He requests that the City Council approve the current project as is, and have some faith in its staff. Mr. Brown believes that Menlo Masters will not be able to raise all the money that is needed, and so Council should approve the 25-meter pool.

Roy Sardina spoke about the issue of the 50-meter pool, and he believes that Menlo Masters is a non-competitive group that welcomes all kinds of people. Mr. Sardina stated that three and four years ago, he had asked Council to build a 50-meter pool. Mr. Sardina believes a better facility is needed for the younger and older residents of Menlo Park.

*Council break at 9:45 p.m.*

*Council reconvened at 9:50 p.m.*

#### **Council discussion**

Mayor Jellins asked if Mr. Steffens could respond to the question posed by a resident. Mr. Steffens clarified that there isn't a deduction for the area that is displaced by the larger pool. Mr. McClure was asked to explain why under with CEQA, the Council could not "piece meal" this project. Mr. McClure stated this project represents an increase in the whole facility, and it can't be broken up for CEQA purposes. Mayor Jellins asked about the TIA (Traffic Impact Analysis) guidelines, and when it was going to be addressed. Mr. Boesch gave an update of the upcoming schedule, and offered to schedule this item for September 30, 2003. Mayor Jellins polled the Council in regards to their position.

#### **M/S Winkler/Duboc motion (with much regret) to certify the negative declaration and approve option two of the staff recommendation.**

Council Member Winkler expressed that she had thought a mitigated negative declaration would suffice (without an EIR). Now she knows that an EIR is needed. Her second problem with this matter is that Menlo Masters developed the need for a 50-meter pool recently, and consequently it got involved in the discussions too late in the game. Ms. Winkler empathizes with the disappointment this will cause the proponents of the 50-meter pool. Both maker and second of the motion believe Menlo Masters should have gotten involved a lot earlier, and not just after all this process has taken place. Mayor Pro Tem Duboc believes elected officials have to meet the needs of all segments of the residents.

#### **Council discussion**

Council Member Collacchi agrees with the motion, and he believes that the best thing is to stop this process now. Mr. Collacchi commends Menlo Masters for all their efforts. Council Member Kinney believes the TIA guidelines should be analyzed, and the policy revisited. Mayor Jellins concurs with the option of reviewing the TIA guidelines.

Ms. Winkler believes that addressing the TIA guidelines because of this matter might open up the City to legal problems. Mr. McClure stated that a legal challenge is always a possibility. Council asked if the financial issues had been discussed with Menlo Masters, and Mr. McClure stated that the financial commitments had not been crystallized or discussed.

**M/S Kinney/Jellins substitute motion to direct staff to come back to Council on September 23, 2003 with a revision of the TIA guidelines and include the financial component of this proposal.**

**Council discussion**

Mr. Collacchi stated that he would vote against it because rushing to accommodate a project is not fair to all residents. Ms. Duboc will not support the motion because she has faith in the whole process that brought the Council and community to this point. Council Winkler will not support the motion but believes the TIA guidelines need to be revisited, with great care and research.

**Vote to substitute the first motion by the second motion.**

**Motion fails 2-3 with Council Member Collacchi, Duboc and Winkler dissenting.**

**Vote on the initial motion to adopt staff recommendation number two. Motion passes 3-2 with Mayor Jellins and Council Member Kinney dissenting.**

2. 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 - None**

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

None

**J. ADJOURNMENT – 10:33 p.m.**

Respectfully submitted,

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**Silvia M. Ponte, City Clerk**

Approved at the City Council Meeting of September 30, 2003.