



**CITY COUNCIL
and
COMMUNITY DEVELOPMENT AGENCY
MINUTES**

Tuesday, October 21, 2003
7:00 p.m.
801 Laurel Street, Menlo Park, CA 94025
Menlo Park City Council Chamber

6:00 p.m. STUDY SESSION (Menlo Park Recreation Center, 700 Alma Street, Menlo Park, CA Room 112)

1. Five-Year Capital Improvement Plan for Streets Pavement, Curb, Gutter, Sidewalks and Trees.

Kent Steffens, Public Works Director provided a presentation on the five-year capital improvement plan elaborating on the conditions, funding and next steps regarding these aspects of the City's infrastructure.

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

Mayor Jellins reported that a study session had taken place 6:00 p.m.

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 City staff were present.

PLEDGE OF ALLEGIANCE

A. PRESENTATIONS AND PROCLAMATIONS - None

B. REPORTS

1. There is one vacancy on the Environmental Quality Commission to fill an un-expired term ending August 2004. The deadline for applications is Tuesday, November 4, 2003 at 5:30 pm.
2. Council Member Reports.

Council Member Kinney attended a BAWSCA (Bay Area Water Supply and Conservation Agency) meeting at which various administrative matters were addressed. Mr. Kinney shared some of that information with legal counsel and personnel director Mr. Kramer to get their input.

Mayor Pro Tem Duboc asked for clarification on a notice sent to various residents about tax filings related to home businesses. Mr. Boesch stated that about 1,600 letters were sent out and a lot of these relate to real estate agents, and the recipients of the letters are encouraged to contact the City's finance department to get additional clarification. The City Manager emphasized that such correspondence pertains to conducting business from home, and how this might require a home occupation permit, and possibly a business license.

Council Member Winkler referred to a communication from Mark Engel stressing that grade separation decisions were "engineering driven" instead of "urban planning" driven. Council Member Winkler would like to agendize discussing the Council's approach to grade separation, and possibly postpone the contract with BKF. Ms. Winkler's preference is to have an "urban planning" approach to this matter and

include this perspective in the process. Mr. Boesch clarified that the direction of the Council was to take full advantage of grant funds but staff could continue studying the matter and include an urban planner to address this concern. Council discussed the various possibilities of halting the project and studying alternative methodologies. Mr. Boesch suggested that staff prepare a detailed scope of the tasks coming up, and Kent Steffens, Public Works Director proposed coming back to Council, in a few months, with such a detailed plan. Council Member Winkler agreed with this approach but would like the urban planning component to be included in this preliminary stage. Council Member Collacchi asked for clarification on this discussion to ascertain that this was to be incorporated and not to be a change to the previous Council decision. Council agreed that the latter was true.

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

Joanne Goldberg spoke about rezoning and Ms. Goldberg believes that the long-term implications should be considered. Ms. Goldberg stated that a higher number of housing units create additional expenses for the City and she does not believe that the City should be providing land for developers.

Milton Borg asked the Council to concentrate on how much it costs a homeowner in West Menlo to tear down a house and rebuild it to add value. Mr. Borg believes that the process is lengthy and subsequently the project can be stopped at any time.

Vincent Bressler talked about the development by Olive Hill and he does agree with this kind of housing in the Menlo Park community. He has concerns that a lot of trees are going to be cut down, and that there might be an over supply of housing.

D. CONSENT CALENDAR

Consent Agenda items are considered to be routine and will be enacted by one motion. There will be no separate discussion on these items unless members of the Council, staff or public request specific items to be removed for separate action.

1. Approval of a contract with the Ravenswood City School District in an amount not to exceed \$70,000 for the delivery of food services at the Belle Haven Child Development Center and authorization of the City Manager to execute the contract.
2. Approval of a Resolution No. 5475 authorizing the City of Menlo Park to apply for grant funds from the per Capita Grant Program and the Roberti-Z'berg-Harris Urban Open Space and Recreation Program under Proposition 40 – California Clean Water, Clean Air, Safe Neighborhood Park and Coastal Protection Act of 2002.
3. Approval of a Resolution No. 5476A amending the Master Fee Schedule to increase the lane rental fee at the Burgess Pool from \$7 per hour to \$8 per hour and the lane rental fee at the Belle Haven Pool from \$5 per hour to \$6 per hour.
4. Authorization of the City Manager to execute contracts with consultants for work on the 110 and 175 Linfield Drive Project involving the demolition of two office buildings and the construction of 59 new residential units as follows: 1) amend the contract with DKS Associates for an additional \$9,700, resulting in a total contract amount of \$28,700, for the preparation of a Traffic Study; and 2) enter into a contract with Impact Sciences, Inc., for a total contract amount of \$134,175, for the preparation of an Environmental Impact Report.

M/S Kinney/Duboc to approve the Consent Calendar. Motion carries unanimously.

E. PUBLIC HEARING - None

F. REGULAR BUSINESS

1. Consideration of the recommendation of the Child Care Task Force to remodel the former Police facility to house the City's Burgess After School Program and Menlo Children's Center Toddler

and Preschool Program and approval of a contract amendment with International Child Resources, Inc. (ICRI) for an additional amount not to exceed \$35,000 to create a conceptual design for the remodeled facility.

Assistant City Manager, Audrey Seymour presented the staff report thanking the members of the subcommittee including: Mayor Pro Tem Duboc, Superintendent Ken Ranella, Nancy Travers, Joanne Goldberg who were in attendance, and others. Ms. Seymour explained the process followed by the task force to get to the recommendation going over the criteria debated, and through the remodel of the police facility as the best option on the cost and the flexibility criteria. Ms. Seymour stated that the basement of the Police building, under the proposed remodel, could be used for other activities, excluding childcare. Ms. Seymour stated that the rough cost estimate for this project is \$1.5 million and the total project cost with staff time and design cost could go up to \$2.7 million. While the subcommittee had many discussions, ultimately it agreed that this option was a reasonable compromise because it provides services quicker and the cost is more reasonable as well as freeing space at Burgess for other activities.

Mayor Jellins thanked Ms. Seymour and the taskforce for its work.

Public Comment

Irene Searles (with time donated by Nancy Travers) applauded the efforts of the task force in this difficult project, and stated that she had reviewed the tape for the meeting of 3/25/03 and while the minutes are accurate, she does not believe the former police station is the appropriate place for children because the rooms will be too small. Ms. Searles has serious concerns about the costs and the quality of the building because the former police station is inadequate due to past reports about asbestos. Ms. Searles stated that the results on file in the police station do not make a good case for the childcare use. She asked if the task force looked at cutting back on the design to avoid going through a new process that will take 33 months. Ms. Searles asked that this project be placed out to bid.

Margaret Betsock used childcare nine years ago and she has concerns with the facility but not the competence of staff. The building had structural challenges and she currently has concerns about lead, asbestos, and visibility problems in narrow site lines. Ms. Betsock believes the project should go out to bid now and she shared her frustration with the process.

Karen Zak is currently using the program and said it is very good, but she believes the timing is very poor because there are issues right now that need to be taken care of. Ms. Zak believes that three additional years is too long. Even though Ms. Zak agrees with the taskforce she believes action is needed now.

Toni Stein asks that Council not approve this recommendation because she believes: the recommendation is out of order and the taskforce has not provided evidence to counter past reports and findings that the former police station is not a viable option. Ms. Stein believes the police station remodel is based on faulty and inaccurate information on costs associated with the modular. Ms. Stein explained her three points.

Joanne Goldberg, as a member of the taskforce stood up to defend this recommendation because she believes this process included parents, members of the community, childcare professionals, consultant experts and at the end almost everybody was satisfied with a win/win situation. This solution would provide quality programs, save money and satisfy everybody. Ms. Goldberg is disappointed that parents are now coming forth with objections.

Council Discussion

Mayor Jellins noted that Superintendent Ranella was present, as well as Mr. Jaffe from ICRI.

Mr. Ken Jaffe is the Executive Director of the International Child Resource Institute, a non-profit organization, which studied the matter with the intent of looking at viable alternatives to provide the highest quality of care and environment for children. Mr. Jaffe stated that his interest was purely to the benefit of children, and at the request of City of Menlo Park he reviewed the proposed site. The most worrisome issue encountered regarding the current facilities related to security issues, and children not being accompanied when moving from one area of the building to another area of the site. He stated that all

abilities are in place to remove any hazards from the former police station site. Mr. Jaffe also stated that upon internal and external review of the site, he found this site to present some of the highest potential design qualities one could find, including mature trees, and easy ingress and egress. Mr. Jaffe concluded that upon studying these elements this site offers high quality for a developmentally appropriate program that could carry out programs for both pre-school children and school-aged children.

Council asked questions about the contrast between a new building and a refurbished building. Mr. Jaffe stated that the highest design standard is usually found in purpose built buildings where the right design features are contained, however high quality refurbished buildings can approximate the majority of the aspects of a purpose built building.

Council also asked about cost and the estimated amounts computed by staff, and Mr. Jaffe agreed that they seem accurate. Ruben Nino, Engineering Director clarified that the large contingencies were covered in the estimate but the utilities were not included, and that this was a cost estimate but the real detail will come later. Mayor Pro Tem Duboc thanked all the members of the task force who worked on this solution. Ms. Duboc asked if Mr. Ranella thinks this will be a good quality building. Mr. Ranella believes that this building approximates the highest levels of care, and if it didn't his organization would not be advocating for it. Mr. Ranella stated that the mature trees, possibilities for playground and overall area all converge to make it a good site. He also stated that this remodeled site allows for restrooms to be accessed from within the classrooms instead of having children leaving the buildings, this will add security for children.

Mr. Collacchi asked for a rough estimate on square footage costs for refurbishing the site versus the estimate for the new building. Staff was unable to provide these on the spot. Council asked about grant funds that may apply to this project, and Ms. Seymour clarified that there was an interest in the taskforce to pursue efforts to collaboratively apply for grant funding. Council also inquired about collaboration efforts to promote funding from various organizations. Mr. Ranella clarified that the School District sees this as a priority and he stated that there are great opportunities to collaborate programmatically.

M/S Duboc/Winkler to accept the staff recommendation on steps one and two.

Council Discussion

Mayor Jellins shared his concerns about the length of time it will take to complete this project with the current recommendation. Mr. Jellins would like this matter to be expedited. Mr. Steffens, Public Works Director, stated that the current schedule was staff's best estimate and that at this time staff was not ready to alter the schedule. Council also discussed that the \$35,000 amount saved will be used in other design phases. The basement use was discussed and it is possible to make it a site for the maintenance department. Mr. Steffens stated staff is studying remodeling costs but one of the concerns is the cost related with ADA requirements. Ms. Seymour clarified that the use of the basement would not meet the definition of daycare so it could not be used for that purpose.

Council Member Kinney thanked the taskforce for its work and appreciates its dedication, however he believes that improvements need to occur in a faster timeline because he does not want to wait too long for a change. Mr. Kinney believes that a new building is the best choice and he wants to invest in something that will have more longevity (possibly 50 years) versus one that will have a shorter life cycle (30 years). Mr. Kinney also stated that the \$5 million has been set aside, and it should be used for the new child care facility. Mr. Kinney would prefer to build a very good site that will serve the community.

Alternate motion by Council Member Kinney second by Council Member Collacchi:

- **thanking the task force and appreciating the collaboration with all parties involved**
- **rejecting the recommendation of the task force**
- **placing the previously designed project out to bid and building a new center**
- **upgrading security measures relating to the current recreation center**

Council Discussion

Council Member Collacchi believes there is a responsibility to serve the voters and utilize the funds that have been put aside. Mr. Collacchi stated that he would like more slots for children, and in the long run this is not the best option. Mayor Pro Tem Duboc stated that even the new center has some design flaws, and

also if this is built there won't be any chance of having school-based childcare. Ms. Duboc believes the old police station is a great building and money will be saved, possibly \$1 million dollars.

**Vote to substitute the original motion with the alternate motion.
Motion fails 2-3 with Duboc, Jellins and Winkler voting against it.**

Discussion on the original motion

Council Member Collacchi proposed an amendment to study the alternative of scrapping the existing police station. This amendment was not acceptable to the maker or second of the motion because the basement needed to be considered, and it could be usable space. Council Member Kinney stated that this approach is a holding pattern and this will not be as good quality as with new construction. Mr. Kinney does not think this is the best Council can do.

Mayor Jellins reiterated that he is confident that staff is aware of the safety concerns relating to the current structure and that he knows these will be dealt with promptly. Mr. Jellins stated that he still thought 33 months was a long time and he would like staff to continue working towards a shorter completion time for this project.

Mayor Jellins asked for a friendly amendment directing staff to look for additional timesavings even at some extra cost, and other means to expedite this project. The maker concurred with some reservation because of cost constraints.

Mr. Steffens clarified that staff will try to identify "no cost ideas" to expedite this project.

The second of the motion accepted the amendment but asked that the consultant shorten the design time from three months to less. The consultant stated that two months might be feasible.

Vote on the original motion

Motion carries 3 to 2 with Collacchi and Kinney dissenting.

Mayor Jellins thanked Dr. Ranella for his presence.

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

1. Cancellation of the Sand Hill Road Shuttle Service.

Council Member Kinney stated that due to a lack of ridership, this program is being cancelled. However, Council Member Kinney mentioned that the mid-day shuttles are working well. Mayor Pro Tem Duboc requested to see the numbers on the other shuttles.

2. Announcement of a Public Hearing regarding Comcast's compliance with the Cable Franchise agreement and customer service standard obligations.

Council Member Kinney asked about the community outreach that took place. Ms. Seymour clarified that there was outreach and the City of Palo Alto conducted a Public Hearing on the matter.

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

None

J. ADJOURNMENT – the City Council adjourned at 9:22 p.m. to a Special Meeting.

The Special Meeting adjourned at 10:20 p.m. with no reportable action.

Respectfully submitted,

Silvia M. Vonderlinden, City Clerk

Approved at the City Council Meeting of January 13, 2004.