



**CITY COUNCIL  
and  
COMMUNITY DEVELOPMENT AGENCY  
MINUTES**

Tuesday, April 27, 2004  
7:00 p.m.

701 Laurel Street, Menlo Park, CA 94025  
Menlo Park City Council Chamber

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**5:30 p.m. TOUR** (Optional Council tour of the proposed Childcare Facility at the former Police Building.)

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

1. Emergency Preparedness.

Greg Rothaus, Police Commander, shared the current emergency preparedness program and options for the future. Gary Nemeth, a Council Member from Paso Robles, elaborated on his experience during the December 2003 earthquake. Council Member Nemeth shared what Paso Robles has learned from the experience.

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

Mayor Duboc announced that the City Council toured the proposed Childcare Facility at the former Police Station and thanked Mr. Nemeth for sharing tips and lessons from the last earthquake.

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

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

**PLEDGE OF ALLEGIANCE**

**A. COMMISSION VACANCIES, AND REPORTS**

1. One vacancy on the Las Pulgas Committee to fill an un-expired term ending March 2005. The vacancy is for a business member seat. The deadline for receipt of applications is 5:00 p.m. on May 7, 2004.

One vacancy on the Housing Commission to fill an un-expired term ending in July 2005. The deadline for receipt of applications is 5:00 p.m. on May 7, 2004.

Mayor Duboc announced the vacancies.

2. Commission Reports – None.

**B. PRESENTATIONS AND PROCLAMATIONS - None**

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

Laura Joukovski shared concerns about the dog park and its impact on the residences around the area. She believes the space allocated for this park does not offer enough separation from neighbors. Ms. Joukovski hopes that there will be a budget allotted to monitor sound, maintenance and any other issues that may arise.

Harry Harrison addressed the Council on the rupture of a sprinkler system at Stanford University. Mr. Harrison referred to a letter he sent to Council explaining details about this incident.

Elizabeth Houck stated that there is a strong need for a dog park. However, she feels a feasibility study should come first. She would like to see a dog park with dimensions that are reasonable to everybody involved.

#### **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 the Minutes for the City Council Meeting of April 6, 2004.
- Item D2 Pulled**
2. Adoption of Resolution No. 5511 establishing the Chief of Police as the City's designated reviewer of Alcoholic Beverage License Transfers in accordance with State Law.
3. City Council approval of a Master Professional Services Agreement with Stephen O'Connell & Associates to provide technical and professional staff services in an amount not to exceed \$175,000 on an as needed basis to augment permanent staff in the Public Works Department.
4. Adoption of Resolution No. 5509 appropriating \$36,508 from the 2003-04 Measure "A" account for Adaptive Traffic Signals in conjunction with the Sand Hill Road Projects Menlo Park Improvements, the cost of which is to be reimbursed by Stanford; authorization of the City Manager to enter into an agreement in the amount of \$36,508 with Transcore to perform this work.
5. Adoption of Resolution No. 5510 of Intention and Introduction of a City Ordinance to approve a contract amendment with the Public Employees' Retirement System, providing for Section 21362.2 (3% at 50 full formula) for local safety members.
6. Award of contract for the City/Agency Audit Service contract for Fiscal Years 2003-04 through 2005-06 at a total cost of \$112,000. for the three year period to Caporicci & Larson and authorize the City Manager to execute the contract agreement.

**M/S Jellins/Winkler to approve all Consent Calendar items with the exception of D2. Motion carries unanimously.**

#### **Item D2 Pulled**

Mayor Duboc clarified that this resolution establishes the Chief of Police as the authority to approve renewals of existing alcohol licenses. If new licenses are to be issued, the Planning Commission process still applies.

**M/S Duboc/Collacchi to approve Consent Calendar item D2. Motion carries unanimously.**

#### **E. PUBLIC HEARING**

1. Adoption of Resolution No. 5512 amending the City's Master Fee Schedule to incorporate proposed changes in fees to become effective April 27, 2004, or July 1, 2004 as required by Statute for the following departments: Administrative Services, Library, Community Services, Police, Community Development and Public Works.

John McGirr, Revenue and Claims Manager, presented the staff report stating that this is an annual process and the increases are estimated to generate revenue in the amount of \$406,000.

#### **Council Discussion**

Council asked questions about the cost of processing a check, and Finance Director Uma Chokkalingam responded that it is between \$10 and \$15 depending on how much staff time is involved. Council discussed and inquired about the Parks and Recreation tennis court fees. Mr. Boesch, City Manager, explained that this is an annual fee that covers administrative costs such as distributing the keys and re-keying them. Bob Roessler, Business Manager, explained that in 2003 the City sold 528 keys to

residents and 44 to non-residents. Council Member Jellins does not believe that increasing the non-resident fee would make a substantial difference. Mr. Jellins stated that this fee had in the past been \$75. Mr. Roessler stated that the fee last year covered everything but the cleaning of the tennis court. Curtis Brown explained that the intent is to make these fees cost recovery so that the budget impact is less.

Council ensued in discussion on other fees relating to the Community Services Department and Mr. Roessler explained that there is an interest in starting a new extended after school care program that offers an additional ½ hour per day. This will be a pilot program and if attendance is low the program will be discontinued.

Council asked questions about the cost recovery on collection items and the 125% fee which is to cover the cost to the City of hiring a collection agency. Council explored the collection of outstanding fees as a way to get the full cost recovery. City Manager Boesch explained that the proposal is to have the delinquent party pay for the full collection fee, so that the City does not lose any money. Council asked about attaching these fees to the property taxes. Mr. McClure clarified that not all the fees can be attached to the property taxes and that he would have to research the matter.

Council inquired about the notary fees for the Police Department. Commander Molakides stated that two of the records staff will attend training to provide notaries. The garage sale permit was also discussed and some Council Members did not approve of it. Commander Molakides explained that this fee is to help clean up afterwards and to retrieve after-the-fact signs. Council asked about towing companies and their fees. A new service of renting out an intoximator was discussed and Commander Molakides explained that the \$75 fee is a straight recovery fee.

Council discussed the overnight parking permits. Commander Molakides explained that these can be purchased on line or via the telephone. The Council asked if this program pays for itself, and Commander Molakides explained that at this point the Police is more focused on getting the right process in place and is not 100%. Council Member Collacchi would like to have these facts to understand the efficiency of the overnight parking permits. Mayor Pro Tem Winkler questioned the alarm registration program, and Commander Molakides explained that the program aims to obtain critical information to better address emergency situations. Mayor Pro Tem Winkler has concerns that the City gets about 800 false alarms per year. The Council discussed the alarm fees and how this program would work. Legal Counsel McClure stated that there is not an effective way of collecting fees from the alarm companies. Therefore, the goal is to bill the property owner.

Mayor Duboc explained that she has heard the business people who want a half-day parking permit instead of the full day permit. She will support his approach and suggests that it be priced at \$5.

When discussing the Community Development fees, Council asked about the new application fee and how this will be implemented. Arlinda Heineck, Community Development Director, explained that the deposits are based on an average amount of time staff spends in preparing the application. The applicant is always informed of the estimate. Council asked about the heritage tree appeal, and how this would work. Mr. Steffens, Public Works Director, explained that the appeal fee could be either a deposit or a fixed fee. Mr. Steffens explained that the \$50 proposed fee doesn't attempt to cover the cost of all staff work. Currently, there is no fee for this appeal and this is a new fee, Mr. Steffens stated.

### **Mayor Duboc Opened the Public Hearing**

Kevin McCarthy, complimented the Council on the recent decision on the heritage tree ordinance. Mr. McCarthy spoke as the chair of the Environmental Quality Commission, and he read a statement opposing the \$50 appeal fee because he believes it will deter people from coming forward. Mr. McCarthy stated that the Commission encourages people to come forward and share their concerns about heritage tree removals. Since there were only seven appeals in 2003 this increase is not reasonable. He proposes a nominal fee in the area of \$10 to \$15.

Joy Blackburn is a business owner, and property owner in Menlo Park and she would like the ½ day parking permit reinstated.

Stu Soffer, speaking as a resident, shared concerns about the increase in the appeal fee to the Planning Commission. He stated that he hopes the \$500 increase is not a way to manage behavior.

Rick Cirardella, stated that he was representing the Chamber of Commerce. Mr. Cirardella believes the ½ day parking permit is needed and people ask for it often.

**M/S Jellins/Duboc to close the Public Hearing. Motion carries unanimously.**

#### **Council Discussion**

Council discussed the appeal fee and asked the City Attorney for guidance. Council Member Jellins has serious concerns with increasing appeal fees, and in his opinion the City should subsidize these actions because they give residents democratic rights. Council Member Kinney agrees with Council Member Jellins because the increase is too much. Mr. McClure stated that different cities handle appeals differently and so there isn't one standard. Ms. Heineck stated that some cities subsidize and others don't. There is a full range of approaches.

**M/S Collacchi/Duboc to move the fees as listed in the staff report with three modifications:**

- 1) Direct to staff to return with alternatives on a shorter parking permit, and work with the Chamber of Commerce to see what may be a viable solution;**
- 2) Keep the Planning Commission appeal fee at \$110;**
- 3) Keep the tennis court key fee at the status quo;**
- 4) Exclude the garage sale fee;**
- 5) Set the appeal fee for the heritage tree at \$15;**
- 6) Direct staff to come back with information on the total costs associated with check processing and fee processing;**
- 7) Direct the City Attorney to look at other methods of collecting fees by attaching the fees to the property taxes;**

Chief Boyd explained that there has never been a ½ day permit and that there are costs associated with this approach. Also, depending on how this ½ day permit is structured, it could be extended to an all day permit based on hours of use.

#### **Council Discussion**

**Council Member Jellins made a friendly amendment to keep the tennis court fee as is. The maker and second of the motion agreed to incorporate this in the motion.**

**Council Member Kinney made a friendly amendment that included:**

- **excluding the garage sale fee**
- **investigating how collection fees could be attached to property tax**
- **making the heritage tree appeal \$15**

**The maker and second of the motion agreed with including these items in their motion.**

Mayor Pro Tem Winkler would like to find out what is the actual cost of processing a check including the check cost for each department. Ms. Winkler has concerns that the fees that are being instituted will cause more work and will cost more money to the City.

**Mayor Duboc called for the vote. Motion carried unanimously.**

*Council break - 8:45 to 8:50 p.m.*

#### **F. REGULAR BUSINESS**

1. Approval of the conceptual plan for the remodel of the former Police Facility and placement of a modular building to house the Menlo Children's Center Toddler and Preschool Programs and the Burgess After-school Programs; approval of an agreement in the amount of \$304,000 with BSA Architects, Inc. for architectural services; and authorization of a project budget in the amount of \$3,600,000 for architectural services, construction, miscellaneous fees, administration and contingency.

Art Morimoto, Supervising Engineer, presented the staff report covering costs, process and outreach up to this point. Mr. Morimoto explained the costs which include:

- 1) remodeling the existing building at a cost of \$1.07 million;
- 2) installing the new modular structure at a cost of \$364,000;
- 3) site work is estimated at \$598,000;
- 4) asbestos and lead abatement estimated at \$82,000;

The subtotal for these items is \$2.11 million. The other improvements include a new entrance and a basement entrance that is estimated to cost \$318,000. Mr. Morimoto explained that the total construction cost estimate for the project is \$2.43 million. He also clarified that the basement would be utilized by the Maintenance Division and by the Children's Center. The construction contingency is \$365,000, and the architect fees plus contingency would be \$334,000 and other costs which include staff and furniture, construction administration and miscellaneous fees of \$469,000 for a total budget of \$3.6 million. Mr. Morimoto explained the tentative schedule and some of the concerns shared by parents. The goal is to put the project out to bid in April 2005.

Ken Jaffe, Executive Director of the International Child Resource Institute, was available to answer questions. Council asked questions about the longevity of a modular and storage needs. Mr. Morimoto stated that a modular building could possibly last as long as a new building. Mr. Ruben Nino, Engineering Services Director, reported that there is a significant need for storage from the Maintenance Division.

#### **Public Comment**

Irene Searles stated that she has plenty of facts about this matter, and the remodel option is more costly and creates an inferior product. She enumerated some of the challenges with this option. In her opinion it would be wise to put the original proposed project out to bid to see how much a new building would cost. She does not think this is a sound business decision, and hopes the Council listens to the voters.

Wayne Thompson said this is an opportunity for Council to make an effort and listen to the voters who want to build a new childcare center versus temporary portables. Mr. Thompson was part of the task force, and without the costs it was impossible to make a valuable recommendation. He believes that since cost information was missing, the task force made a premature decision.

Malcolm McGinnis shared with Council that he has followed this from the start and has attended many meetings. He stated it is time to go to bid on the original project.

Amy Cheun thanked the Council for its consideration. She provided reasons why this is not an attractive approach. She does not believe that remodeling the old police station is a viable business choice and that by doing so the voice of the voters is not being heard. She believes that a new building could help build community because it would exemplify Menlo Park's values.

Mayor Duboc thanked Ms. Cheun for her work on the Transportation Commission.

Marilee Moy stated that about 70% of voters approved Measure T. She believes the police station is constrained by walls and other elements such as reduced size. Ms. Moy stated that the remodel will offer a reduced number of spots and will create additional staff needs. The remodel is not an ideal solution and she urges Council to build a new facility.

Kelly Fergusson volunteered that she voted yes on Measure T and she asks Council to go out to bid on a new building. Ms. Fergusson believes that renovations are always riskier than new construction. She said this is an opportunity to show respect for the voters who voted yes on Measure T and take the original project out to bid.

Kisa Young is a parent and a liaison to a Menlo Park and Palo Alto Parents' club. Ms. Young stated that there is a great demand for childcare and this proposal does meet the need. She does not have concerns with modular buildings but she does have concerns with access around the proposed building.

Pauline Burke has concerns with the space for each classroom and in this proposal there is less space. Also in her opinion there is some separation between the leaders and the main building. Ms. Burke urges Council to take the original project out to bid.

Doug Baer asked Council Members to focus on their pre-election positions and he hopes Council will send the original project out to bid. Mr. Baer supports the building of a new childcare center.

Don Dommer, original architect for the project, believes a children's center is difficult in such a limited area. He believes the remodeling option is hard because of the classrooms needing to be age specific spaces. Mr. Dommer stated that the two buildings represent different quality of childcare. He also stated that parents need space to engage the teachers and that with a remodel it will be difficult to find the space. He thinks the Council should reconsider.

Hayward Robinson said that many times children don't have the strongest voice. He believes the best option is to look at the original option because the other option is inadequate. Mr. Robinson hopes the Council will support building what the voters thought they were voting for.

Lara Hoyem wanted the Council to know that she voted for Measure T. She emphasized the benefits of a new building. She hopes the Council will vote to have a new building.

Ken Jaffe, Executive Director of International Child Resource Institute, stated that the goal is to always keep in mind the highest quality of childcare. Mr. Jaffe stated that the purpose of this project was to have the same number of preschool children as well as the same number of school aged children. This was best accomplished by removing walls within the facility so that more than the licensed required square footage for each room is available. This proposal also includes providing separate yards for each age group, a kitchen, an eating area, as well as playing areas that are safe and fenced around the full perimeter of the facility. Mr. Jaffe clarified that the cost estimate was impartial.

### **Council Discussion**

Council asked questions about the access and the exit. Mr. Jaffe responded that this is a good configuration for safety purposes and that the parking lot is assigned for the childcare center only. Council asked about the drop off procedures and Mr. Jaffe assured Council that it works because there is one entrance that fans out to various sections depending on the school aged care and preschool care.

Council inquired about the difference between permanent facilities and modulars. Mr. Jaffe explained that modulars can be more easily changed to meet the needs of the community. A modular will have the same appearance as a regular building because it will have a stucco exterior. Council asked about the longevity of the modular and Mr. Jaffe explained that at least 20 years, especially with the climate conditions here. Council asked about the longevity for a newly constructed building and Mr. Jaffe explained that it lasts longer probably 25 to 30 years.

Council asked about sheer walls, and the type of windows that are to be used. Mr. Morimoto stated that the plan is to have single pane window but if it does not meet Title24 then maybe money for contingencies can cover that. Council asked about the building capacity and Mr. Ruben Nino stated that the new building had capacity to serve 180 children and the remodeled facility would serve 162, which is the current program capacity.

Mayor Duboc stated that she has been involved in this matter since 1989. Mayor Duboc stated that it is known that the Police Station is a usable building and the remodel is cheaper. Ms. Duboc said that many people voted for Measure T because a lot of things were promised. However, this is a balancing act and people have spoken via a survey that there is a need for school based child care. Ms. Duboc also stated that families are growing older, and demands will change. This facility will be able to accommodate changes in demographics. Ms. Duboc stated that it is not inconsequential that the basement storage would be available for storage and staff use. Ms. Duboc stated that the savings would be \$1.5 million and she does not believe this will be a second-class building. Ms. Duboc thanked Audrey Seymour for sending Mr. Ken Jaffe our way. She has hopes that this will be a great facility.

Mayor Pro Tem Winkler stated that the quality of the childcare relies on the parents and of the staff. She believes this is a recycling of a beautiful facility and this will not be an inferior building. She believes the facility is really first rate and has no doubts on this project.

**M/S Winkler/Duboc to accept the staff report recommendation.**

Council Member Kinney stated that this has been delayed 15 months. He believes it is difficult to compare the costs. He thinks that the new design will last a lot longer and that it is worth it. He does not believe that the modular is the optimal design.

**M/S Kinney/Collacchi alternate motion to suspend current action, and go out to bid on the new construction.**

**Vote to substitute the original motion for the alternate motion.**

**Motion fails 3-2 with with Duboc, Jellins and Winkler opposing.**

Council Member Collacchi expressed his opinion that the modular is a substandard facility that does not solve the original problem, and is not nearly as high quality. Mr. Collacchi does not think this is the best design for the community and he disagrees that the modular will offer good childcare. Mr. Collacchi urged his colleagues to re-examine their choices and since the City has money this shouldn't be a question. Mr. Collacchi believes that there is enough money and that while there was early competition on the first round of Measure T projects, at this time the money has not been exhausted. He will vote against the motion and he is sorry that what was promised during the Measure T vote is not being fulfilled.

Mayor Duboc explained that she was referring to the demands of projects in 1996.

**Vote on original motion.**

**Motion passes 3-2 with Council Member Collacchi and Kinney opposing.**

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.

City Manager Boesch stated that an informational report is forthcoming.

**G. WRITTEN COMMUNICATION - None**

**H. INFORMATION ITEM**

1. Review of the City's Investment Portfolio as of March 31, 2004.
2. Extension of the Exclusive Negotiating Rights Agreement (ENRA) with Clarum Homes for 14 months with an option for an additional six-month extension.

City Manager Boesch stated that due to all the outreach this project will take a little bit more time than anticipated.

**I. COUNCIL MEMBER REPORTS**

Council Member Kinney thanked the Police Department, Public Works and other City staff who participated in the Arbor Day event. Mr. Kinney thanked the Mayor for having a proclamation ready as well as the two Laurel School teachers who prepared a book for the event and a song.

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

Irene Searles stated that some Council Members did not follow-up with their campaign promises. Ms. Searles wants the Council Members to be responsible and accountable for their voting patterns.

**K. ADJOURNMENT – 10:25 p.m.**

Respectfully submitted,

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Silvia M. Vonderlinden (CMC)  
Certified Municipal Clerk

Approved at the Council Meeting of June 15, 2004.