



**CITY COUNCIL
COMMUNITY DEVELOPMENT AGENCY
MINUTES**

Tuesday, February 14, 2006

7:00 p.m.

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

5:30 p.m. CLOSED SESSIONS (First Floor Conference Room – Administration Building)

1. Closed Session pursuant to Government Code Section §54957.6 regarding labor negotiations for all bargaining units. Parties present: William McClure, City Attorney, David Boesch, City Manager and Glen Kramer, Personnel Manager.
2. Closed Session pursuant to Government Code Section §54956.8 regarding proposed price and terms of proposed lease with Highlands Golf for a portion of Bayfront Park. Parties present: William McClure, City Attorney, David Boesch, City Manager, Ruben Nino, Director of Engineering Services and Kent Steffens, Public Works Director.

Reconvene in Open Session and Report on Aforementioned Closed Sessions.

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

ROLL CALL – Jellins, Fergusson, Cohen, Duboc, Winkler

PLEDGE OF ALLEGIANCE

STAFF PRESENT - David Boesch, City Manager, William McClure, City Attorney, Silvia Vonderlinden, City Clerk and other City staff was present.

Mayor Jellins announced that there was nothing to report from the Closed Sessions.

A. COMMISSION VACANCIES AND REPORTS

1. One vacancy on the Planning Commission to fill an un-expired term that ends in April 2006. The City Council will consider extending the term for four years so that the term ends in April 2010. The deadline for receipt of applications is February 15, 2006 at 5:30 p.m.
3. Swearing in of new Bicycle Commissioner.

City Clerk Vonderlinden swore in Robert Steele the new Bicycle Commissioner.

3. Commission Reports.

Mayor Jellins gave details about the third budget workshop that will take place on February 15, 2006.

B. PRESENTATIONS AND PROCLAMATIONS -None

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

Robert E. King addressed Council on two oak trees that are to be transplanted to Nealon Park. He asks Council to reconsider its previous decision and leave the trees by Parking Plaza #5.

Mr. Boesch responded that staff is aware of the issue and the potential adverse effects on the trees; consequently, the trees will be moved only a few feet away from the current location. He acknowledged this was a change in plans.

Elizabeth Lasensky, representing Friends of Bayfront Park, read portions of the Master Plan for Bayfront Park and the mission statement for the Parks and Recreation Commission. Ms. Lasensky inquired about the Minutes for November 1, 2005.

Mayor Jellins referred Ms. Lasensky to City Clerk Vonderlinden on the status of those Minutes.

Lennie Roberts expressed support for Mr. King's comments and requested that the trees remain in the current location.

Matt Hansen gave details about alternative energy sources and asked if the City promotes these.

Mr. Boesch referred Mr. Hansen to Kent Steffens, Public Works Director, and to Dianne Dryer, Environmental Coordinator.

D. CONSENT CALENDAR

1. Initiation of the Menlo Park Landscaping Assessment District proceedings for Fiscal Year 2006-07 and adoption of Resolution No. 5653 describing improvements and directing preparation of the Engineer's Report.

Item pulled D2

2. Authorize the Public Works Director to accept the work by Precision Emprise, Inc., for the Fiscal Year 2005-06 Sidewalk Trip Hazard Removal Program.

Item pulled D3

3. Accept the 2005-06 Mid-year Financial Summary and adopt Resolution No. 5656 effecting recommended amendments to the 2005-06 Operating Budget.
4. Adoption of Resolution No. 5654 establishing the City of Menlo Park's overall annual goal of ten percent Disadvantaged Business Enterprise participation for federally funded Transportation Projects for federal Fiscal Year 2005-06.
5. Adoption of Resolution No. 5655 of Intention to approve an amendment to the contract between the City and the Public Employee's Retirement System to provide Government Code Section 20903, two year additional service credit, for local safety members and introducing urgency ordinance authorizing an amendment to the contract between the City and the Public Employee's Retirement System, and to grant a designated period pursuant to Government Code Section 20903 for two eligible local safety employees at an estimated cost of \$156,575.
6. Approval of the resubmitted Minutes for the City Council Meeting of December 13, 2005.

M/S Fergusson/Jellins to approve items D1, D4, D5, D6. Motion carries unanimously.

Discussion on item pulled D2

2. Authorize the Public Works Director to accept the work by Precision Emprise, Inc., for the Fiscal Year 2005-06 Sidewalk Trip Hazard Removal Program.

Mayor Jellins emphasized that this report incorporates new wording on the final acceptance to more accurately reflect the role that staff performs in doing the inspection and signing off. He is pleased with the new format and Mayor Pro Tem Fergusson appreciates finding out when projects are deemed completed.

M/S Fergusson/Jellins to approve Consent Calendar item D2. Motion carries unanimously.

Discussion on item pulled D3

3. Accept the 2005-06 Mid-year Financial Summary and adopt Resolution No. 5656 effecting recommended amendments to the 2005-06 Operating Budget.

Mayor Pro Tem Fergusson inquired about the construction impact fee and stated she would like to know how much it needs to be increased in order to recover the full nexus amount. Mr. Nino, Director of Engineering Services, answered that Council, at the time of setting the fee, reviewed various options. Mayor Pro Tem Fergusson would like to look at every potential source of revenue; and, it is her opinion that if the City is not taking advantage of the full nexus then the City may be subsidizing development. Mr. Nino added that it might be better to wait and see how much is generated by the fee after some development occurs.

M/S Fergusson/Jellins to approve Consent Calendar item D3. Motion carries unanimously.

Council Member Duboc thanked Ms. Augustine for the report.

E. PUBLIC HEARING

1. Adoption of Resolution No. 5657 approving a 6.0 percent rate increase, effective January 1, 2006, in solid waste collection rates for Menlo Park commercial and multi-family residential

customers, comprised of a 5.8 percent rate increase in garbage, recycling and plant material collection and a 0.2 percent increase in the surcharge on solid waste fees to cover the Marsh Road landfill post-closure maintenance and capital costs.

Carol Augustine, Finance Director, explained how the rates came about and how there were no increases last year. Ms. Augustine said that there was an error resulting in the City's garbage reserves becoming negative. The consultant found the lapse in the 2004 rate application and the City ran deficits in 2004 and 2005. Currently, the reserve has a negative balance of \$253,000.00. Ms. Augustine explained each of the scenarios suggested by staff to mitigate the situation. Stacey Wagner, Community Relations Manager for Allied Waste Services, shared with Council that when rate increases are retroactive it causes a lot more calls from customers. Ms. Augustine explained that the staff report misstated Menlo Park actual rates and a revised sheet was provided.

Council Member Duboc asked that this be avoided in the future. Mayor Pro Tem Fergusson inquired about whose lapse it was. Ms. Augustine responded that originally it was Allied Waste Services who drew up the rate application, but the City's consultant should have caught it. Mayor Pro Tem Fergusson asked Ms. Wagner what steps Allied Waste has taken to prevent this from happening. Ms. Wagner responded that she would need to get back with specifics to Council. Council Member Winkler would like to see some kind of written communication on the dual process used to bill customers i.e. billing commercial customers on a calendar year and residential properties on a fiscal year. Ms. Augustine clarified that this allows residential owners to place their garbage bills on their property tax bill. Council Member Winkler asked Ms. Dryer to explain the increase in composted waste. Ms. Dryer, Environmental Coordinator, said that as of 2004 the City achieved 53% reduction in the volume for landfill disposal. Council Member Winkler asked about Bayfront Park and Ms. Augustine said that the bills do not itemize the landfill allocation. Council Member Winkler shared her views on the costs associated with Bayfront Park.

Council Member Cohen asked about the City's recycling program and Ms. Dryer explained that there is an extensive recycling program and the City works closely with Allied Waste. Council Member Cohen asked if there are regular reports and Ms. Dryer said that quarterly reports are received. He inquired of Ms. Wagner if the new collection schedule is working and she said it is getting better each week. Council Member Duboc asked about the benefits of recycling. Ms. Dryer explained that the less we put into the landfill the better off we are because we have an agreement to use the landfill for the next fifteen years, but after that we might need to go further away to dispose of our waste. Council Member Duboc inquired if residents produce less garbage would their fees go down and Ms. Augustine said that would not be the case. Mayor Pro Tem Fergusson asked for clarification on the landfill costs since she believes there are two different types of costs associated with the landfill: 1) garbage fees for the landfill operations and 2) operational costs of Bayfront Park and these have nothing to do with the landfill. Finance Director Augustine explained that Bayfront Park maintenance is accounted for separately than the landfill operations and the surcharge on the garbage rates is specifically for the landfill operations.

Public Comments

Lennie Roberts, representing the Committee for Green Foothills, commended the City on reducing residential solid waste. Ms. Roberts suggests increasing the rates with the number of cans used. She proposed that some cost accounting be conducted on the Bayfront Park issue.

M/S Winkler/Duboc to adopt staff recommendation. Motion carries unanimously.

Council Member Winkler would like to see the garbage bills itemized showing Bayfront Park costs. Mayor Pro Tem Fergusson thought there were so many items that could be listed that she does not support this approach. Council Member Duboc said she would be reluctant to implement the changes proposed by Ms. Roberts because we might penalize those who could least afford it. Council Member Cohen asked if staff has any idea whether Belle Haven could be vulnerable with the suggested approach. Ms. Dryer said that the rates across the board are considered progressive, meaning the more waste you have the more you pay, but the more you recycle the less you pay. Council Member Cohen inquired if staff has reports and numbers by area. Ms. Dryer estimated that there are fewer multi-unit complexes in Belle Haven that are on can service rather than bin service.

Council Member Cohen asked if staff analyzes different services in different areas. Ms. Dryer does not believe that we need additional data but more outreach.

Motion carries unanimously.

F. REGULAR BUSINESS

1. Authorization for the City Manager to enter into a lease agreement with new Cingular Wireless PCS to pay the City \$2,500 per month for the installation and use of communication antennas on City traffic-signal poles and the installation of other associated accessories in the public right-of-way at the intersection of Sand Hill Road and Santa Cruz Avenue.

Ruben Nino, Engineering Services Director, gave a brief staff report explaining that the widening of the Sand Hill Road removed a pole where the antenna was located. Mr. Nino gave details about the term of the lease. Council discussed coverage issues related to Cingular Wireless customers. Council Member Cohen asked if other companies had made similar requests and if there was any downside to this. Mr. Nino said he was not aware of any other companies wanting to use it and he could not see a downside to this. Council Member Duboc opined that this design seems to be an improvement. Council discussed the utility cabinets at the location. Ms. Fergusson asked about co-location requirements and Mr. McClure said that at this location he does not think the City could require a co-location.

Council Member Winkler motioned to approve the staff recommendation. Mayor Jellins had some more questions and Mike Mangintini, representing Cingular Wireless, provided some history on the site. Mr. Mangintini said that the antennas will be upgraded and the public will benefit since the signal will be better. Mayor Jellins questioned the monthly fee and Mr. Mangintini said that rarely does Cingular Wireless pay this much. Council Member Cohen thanked Mr. Mangintini for his presence.

There was no public comment.

M/S Winkler/Cohen to approve agenda item F1 as submitted. Motion carries unanimously.

2. Consideration of state and federal legislative items including decisions to support or oppose any such legislation, and items listed under Written Communication or Information Items.

Mr. Boesch said that staff is monitoring various bills, and Mayor Pro Tem Fergusson inquired about monitoring infrastructure bonds. Mr. Boesch said that staff might be asking Council to take a position on the matter.

G. WRITTEN COMMUNICATION

1. Letter dated January 30, 2006 from the Menlo Park Fire Protection District requesting City support for adding the Fire District to the San Mateo County Emergency Services Council, as requested by Mayor Pro Tem Fergusson.

Mayor Pro Tem Fergusson introduced Mr. Bart Spencer, Board Member for the Menlo Park Fire District, and asked him to make a brief presentation. Mayor Pro Tem Fergusson explained that there is a County Joint Powers Authority (JPA) whose mission is emergency planning and preparedness and while cities have seats on this body the fire districts don't. Mayor Pro Tem Fergusson reiterated that the Menlo Park Fire District asked for the City's support. Mayor Jellins added that there is an Emergency Services Council and he happens to have its by-laws with him, but the task of disaster preparedness falls under the office of the San Mateo County Sheriff's.

Public Comment

Bart Spencer addressed Council stating that his agency is looking at a regional approach to dealing with emergencies. Mr. Spencer's view is that there is a big void in San Mateo County because the Fire District is not involved. He asked the Council to bring to the Emergency Services Council a recommendation that would propose inclusion of the Menlo Park Fire District.

Mayor Jellins and Mr. Spencer engaged in some discussion about their understanding of the various agencies' roles. Council Member Winkler asked if there is room for improvement and consolidating and Mr. Spencer believes that to be the case. Mr. Spencer believes the Menlo Park Fire District is a resource that is not being used by the County. Mayor Jellins suggested that City

Manager Boesch, who is the Chair of the San Mateo County City Managers Association, place this item on their agenda for discussion. Subsequently, he could report back to Council on the matter so that Council may further consider the cause raised by Mr. Spencer.

Council Member Cohen said that he has been attending quarterly meetings of the Emergency Services Council and assumed the Fire District was present. Mr. Cohen suggested a way to work in tandem is to approach the Chair of the Emergency Services Council. Mayor Pro Tem Fergusson opined that San Mateo County is unprepared for a disaster and the current structure hears the voices of cities, but for those cities that don't have a Fire Department they are at a disadvantage. Ms. Fergusson applauds the approach of staff moving forward but she believes this is more of a political imbalance issue; she would like to have this come back with a draft resolution supporting Menlo Park Fire Districts' proposal. Mayor Pro Tem Fergusson finds it important to work hand in hand with the Fire District. Council Member Duboc added that sometimes the funding is over and some boards continue to operate, and so her suggestion is that the mission of the ESC be revisited to address more contemporary issues.

Mr. Spencer commented that in order to change the mission of an Emergency Council the direction would to come from the Board of Supervisors. Ms. Winkler, as the representative for the ESC, invited Mr. Spencer to attend the next meeting of that body. Mayor Pro Tem Fergusson asked if the Fire District could pull in funding from federal sources and Mr. Spencer said if grants were available it is useful to have people who have experience with disasters.

H. INFORMATION ITEMS

1. Status update on opening the Burgess Aquatics Center and negotiations for operating the Burgess and Belle Haven Swimming Pools.

Mayor Jellins introduced the item and Mayor Pro Tem Fergusson asked for a point of order. She asked Mr. Boesch to reiterate the direction given by Council on the previous item. Mr. Boesch said that Council is interested in finding a way to respond in a timely and appropriate manner to the request posed by the Fire District. Mr. Boesch reiterated the direction as taking the question to the San Mateo County City Managers Group. He added that Council Member Winkler offered to take Mr. Spencer to the next Emergency Council Meeting to see if there is an interest in pursuing the matter. Mayor Pro Tem Fergusson asked if the Fire District could be present at the City Managers' Meeting and Mr. Boesch confirmed. Mayor Pro Tem Fergusson would like this to come back with a resolution. Mr. Boesch said that a resolution is a bit presumptuous at this point and he believes there is the need for one more step prior to that.

Mayor Pro Tem Fergusson said that the operations of the Burgess Pool and the operations of the Belle Haven Pool are being separated and there was a hope that they could be jointly addressed. Mr. Taylor, Acting Community Services Director, explained that Mr. Sheeper declined pursuing the Belle Haven pool because he wanted to focus solely on making the Burgess Pool a successful operation. Staff is pursuing conversations with East Palo Alto YMCA for the Belle Haven Pool but this would be for a short term agreement.

Public Comment

Uwe Bergmann is an avid recreation swimmer and would like certain issues to be addressed in the negotiations: 1) adequate swimming time is allocated for the public during lunch time and after work at a cost typical for public pools, 2) the contract that the City has with other groups should be honored 3) he would like to see other programs considered in those negotiations.

City Attorney McClure said that those issues are being addressed. Council Members Duboc and Winkler clarified why this is on the table, which is because of staff recommendations and results from the Phase I budget process. Council Member Cohen referred to the residents' concern and he said that he mourns the loss of public pools for lap swimmers and agrees that the resident's concerns are well founded based on a schedule he reviewed. He understands the need for economizing; nonetheless, he regrets the reduction in service and he has seen several emails on the City's web site expressing the same concerns. Mr. McClure clarified that no schedule has been set and the intention is to not reduce lap swimming but possibly even increase it and maximize the availability of the pool. Mr. McClure said that the agreement will include recourse for the community

and the intent is not to give away the pool for private use. Council Member Cohen read from a pool schedule he had seen, and Mr. Boesch said that the document was not an official city document.

Tom McRae, with SOLO organization, said that the City engaged in an agreement with that organization and the group should be given first right of refusal. Mr. McRae said that the hard numbers should be looked at carefully.

I. COUNCIL MEMBER REPORTS

Mickie Winkler asked that Council Member Duboc report to Council on the San Francisquito Creek funding situation, since federal funds that were thought to be allocated are not going to come through. She would like to have a report on the \$32,500 that Council committed and if an adjusted action plan exists. Ms. Duboc said that she will report on the matter when more information is available.

Mayor Pro Tem Fergusson reported on attending two budget workshops and she was impressed with the turn out at Belle Haven. She felt it was beneficial to sit at the tables and listen to comments from the residents. She saw some patterns emerge and she wondered if Council should have a meeting in the next two weeks to discuss the election cycle and timing for a potential strategy. She proposed reinstating the meeting next week or adding this matter to the February 28, 2006 agenda. Mayor Jellins and Council Member Duboc concurred with placing this on the agenda of February 28, 2006. Mayor Pro Tem Fergusson said her objective is to get a sense of timing and be prepared to act if need be. She would like the City Attorney to prepare a summary sheet on what kind of measures could go on which elections. Ms. Duboc asked for information on what other ballot measures are upcoming. Mr. Boesch said that there isn't much staff capacity to turn this around in one week and so he expects a brief staff report. Mayor Pro Tem Fergusson asked about the results from the workshops and the City Manager said the plan is to bring these to Council on March 28, 2006.

J. PUBLIC COMMENT #2 (Limited to 30 minutes) - None

K. ADJOURNMENT – the meeting adjourned at 9:35 p.m.

Respectfully submitted,


Silvia M. Vonderlinden, CMC

Approved at the Council Meeting of March 28, 2006.