



CITY COUNCIL COMMUNITY DEVELOPMENT AGENCY MINUTES

Tuesday, February 28, 2006

7:00 p.m.

701 Laurel Street, Menlo Park, CA 94025

Menlo Park City Council Chambers

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

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

STAFF PRESENT – David Boesch, City Manager; William McClure, City Attorney and Silvia Vonderlinden, City Clerk. Other City staff were also present.

PLEDGE OF ALLEGIANCE

A. COMMISSION VACANCIES AND REPORTS (*items addressed out of sequence*)

2. One vacancy on the Las Pulgas Committee to fill an un-expired business member seat that expires March 2009. The deadline for receipt of applications is March 15, 2006 at 5:30 p.m.
3. One vacancy on the Transportation Commission to fill an un-expired term that expires September 2007. The deadline for receipt of applications is March 16, 2006 at 5:30 p.m.
4. Recognition of outgoing Las Pulgas Committee member and outgoing Transportation Commissioner.

Mayor Jellins recognized outgoing Commissioners Mary Gilles and Ron Mallia. Vice Mayor Fergusson thanked Mr. Mallia for his contributions to the business community.

1. Council direction on current Planning Commission vacancy which may include appointment, scheduling of an interview or extension of application deadline.

Mayor Pro Tem Fergusson asked City Clerk Vonderlinden if applicants on file were contacted and Ms. Vonderlinden explained that the applications on file had expired given the call back period of one year. Mayor Pro Tem Fergusson opined that over the course of the last two years Council had fired two Planning Commissioners. Council Member Duboc said that the Council didn't reappoint two Commissioners, which in her opinion is different from firing them. Mayor Jellins suggested extending the period of receipt of applications for two more weeks. Council Member Cohen disagreed with this approach. Council Members Duboc and Winkler agreed with Mr. Jellins' suggestion. One Council Member suggested that the City Clerk send letters to those whose applications are on file. Council direction was to extend the application period for two weeks.

5. Commission Reports.

Steve Luder, Parks and Recreation Commissioner, reported that this Commission passed a motion stating its disappointment with not being included on the decision regarding the Burgess Pool operations.

B. PRESENTATIONS AND PROCLAMATIONS -None

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

Shirley Chiu thanked outgoing Transportation Commissioner Gilles for her work and for being what she believes to be an exemplary member of this community.

Mary Jo Borak addressed Council on these items: Measure T, Bayfront Park, the budget process, gift of public funds, and public process. She believes the budget shortfall is being used to privatize public facilities. She supports a Request for Proposals for the Burgess Pool.

Roxanne Rorapaugh referred a letter from Ms. Dore-Perez and from Mr. Edgar Perez. She believes the City needs new management. Ms. Rorapaugh does not think Belle Haven residents are as helpless as some might think, and she also stated that West Menlo residents are not as selfish either.

Vic Lovell commented on what he believes is lack of civility in the Council. Mr. Lovell spoke about the circumstances mentioned by the previous speaker. Mr. Lovell asked if there were undercover police officers at the budget workshops.

Hank Lawrence spoke about the Stanford hotel and he supports it because of the tax benefits. Mr. Lawrence believes that if the City doesn't move quickly enough the investment could go to Redwood City. He believes the City should be proactive by not increasing taxes but revitalizing businesses.

Steve Schmidt referred to an article in the Mercury News about Bayfront Park. He mentioned that Council Member Duboc was quoted as doing her homework and he would like to see it. He hopes the City contacts other permitting agencies before going down what he believes is the wrong path.

Dick Poe reiterated the comments made by Ms. Chiu about former Transportation Commission Chair Ms. Gilles. He thanked Council for its work and recognized it has a tough job.

Elias Blawie, talked about his lack of involvement in the budget process because he believes it was highly structured and he was unclear about the opportunity to provide public input. He stated that the process did not include looking at every position especially those that are assistants.

D. CONSENT CALENDAR

1. Adoption of Resolution No. 5658 to authorize the installation of a 40-foot "No Parking" zone on El Camino Real, south of Stone Pine Lane.
2. Award of contract for street sweeping to Universal Sweeping Services in the amount of \$455,543 and authorization of the City Manager to extend the contract up to an additional four years.
3. Approval of the resubmitted minutes for the City Council Meetings of November 1, 2005 and January 10, 2006.

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

E. PUBLIC HEARING - None

F. REGULAR BUSINESS

1. Approval of a lease for the operation and maintenance of the Burgess Aquatics Center swimming pools and a user fee and use policy for the Burgess Sports Center locker rooms.

Michael Taylor, Acting Community Services Director, provided an overview of why this item is before Council and how the City has been negotiating with Mr. Sheeper. Mr. Taylor explained some of the expenses listed in the staff report and staff's assumptions. He acknowledged an error in the report listing the administrative overhead costs at \$497,000 that should have been \$197,000. Mr. Taylor added that the resulting impact of this recommendation is a general fund savings of \$415,000.

Mayor Jellins asked Mr. Sheeper to address Council.

Public Comment

Tim Sheeper said that his original intent was to rent water space but he subsequently looked at the budget and came up with a proposal to operate the pool at no cost to the City. He spoke about the value of water and his motivation to come back to Menlo Park to serve this community. Mr. Sheeper shared some of his values and his mission for the Burgess Aquatic facility, which is to make it family and performance oriented. He wants this facility to draw people, and he enumerated some of the programs he might implement. He added that there will be lap swimming for about 30 hours per week and 22 hours of master swimmers per week (which are swimmers over the age of 18). He spoke about cost and his aim is to make it a vital and healthy place with competitive pricing.

Council Member Cohen asked about Mr. Sheeper's operations in Redwood City. Mr. Sheeper responded that he plans to bring the swimmers from Redwood City to Menlo Park. Mr. Cohen inquired about parking demand and its possible impact in the neighborhood. Mr. Sheeper said some of the biggest workouts will include about 50 swimmers; and, since he is aware of parking concerns, he will prompt swimmers to park away from residential areas. Council Member Cohen asked if Mr. Sheeper was aware of the reasons why the pool did not get enlarged: it is Mr. Cohen's opinion that it was for fear of triggering an Environmental Impact Report.

Council Member Duboc asked if the amount listed on page 5 of the staff report was correct and Mr. Taylor said the number was incorrect because the \$589,965 did not reflect potential revenues and it should be \$415,000. Ms. Duboc inquired about SOLO swimmers and Mr. McClure said that there is a provision for that group to be included. City Attorney McClure added that one other item included is a credit for some

landscaping costs to partially offset a portion of that cost. Council Member Duboc said that after reading the staff report twice she supports this approach. She asked Mr. Sheeper why he is doing this and he responded that he believes this is an opportunity for his team and the community in general. Council Member Duboc opined that the 50-meter pool was not built due to cost.

Mayor Pro Tem Fergusson asked questions about lap swimmers and how lanes will be used. Mr. Sheeper said that all swimmers are members of the public and he hopes to have simultaneous activities. She asked if this is a shift from previous uses and Mr. Taylor said that it isn't. Ms. Fergusson said that for casual swimming five to ten people per lane is a lot for a non-trained group. Mr. Sheeper said that for master swimmers that is doable. Ms. Fergusson asked about revenue projections and Mr. Taylor said that Team Sheeper is a membership organization with flexibility in charging membership fees. Ms. Fergusson proposed renting out lanes for more than what is being suggested.

Council Member Winkler asked about the 30 hours for lap swimmers and Mr. Sheeper said that this is what can be done at the inception of the program. She asked if Mr. Sheeper would consider scuba classes and he confirmed. Ms. Winkler is satisfied with the lease as it stands. Council Member Cohen asked if there will be a heated pool for therapeutic purposes and Mr. Sheeper confirmed. Council Member Cohen asked how much does the City get for having Mr. Sheeper run this facility and make a profit. Mr. Sheeper said that for the first five years the City receives no revenue. Mr. Cohen asked if Mr. Sheeper is planning to grow his team and Mr. Sheeper said it is hard to predict. Council Member Winkler commented on the revenue question, saying that she sees the City not paying the \$415,000 per year, and that is the annual savings.

Public Comment

Jeff Dybdal, with time donated by Martha Oliva and Yuka Arai, said he is the Menlo Park Aquatics Program Assistant and has worked in Aquatics for 17 years. He stated that he is a fiscally prudent manager and respects the contracting out option. Mr. Dybdal commented on the following items: the financial perspective of the staff report, his concerns with the contract and hidden costs. He challenged the numbers listed in the staff report namely the direct cost and indirect cost of personnel. Based on his analysis, about \$148,000 of the personnel budget is for Community Services managerial overhead that would remain a cost to the city because it will be reallocated. In addition, he said that revenues were not taken into consideration in the staff report, although staff has addressed this. He believes that adding revenues and subtracting the indirect personnel costs for the Community Services Department managerial overhead, leads to an annual savings of about \$287,000 instead of \$415,000. Mr. Dybdal shared his concerns with the athletic model versus the community pool approach. He is concerned with possible lack of community access and hidden costs; in particular he fears that safety may be compromised. He asks Council to delay action until further community outreach and due diligence are completed.

Keith McLeod has been a city employee for 22 ½ years and is the President of SEIU Local 715. Mr. McLeod opposes the privatization of the pool because it sets a precedent and the public will no longer interface with city staff. He added that while it is true that with more volunteers and with outsourcing the City could run more cost effectively, but there are no guarantees that services won't deteriorate. Mr. McLeod asked Council to keep public services public.

Bill Kirsch is a lap swimmer and believes this is a unique opportunity for the City to support this effort and bring in a professional person. He opined that Mr. Sheeper knows how to build community and how to run an efficient program. He supports the proposal as is.

Marjory Lucey Bowen asked Council to get the pool open as soon as possible. Ms. Bowen said that it is difficult to believe that someone is exactly who they say they are but her belief is that Mr. Sheeper delivers good value for the money out of his love for people and the sport.

Joan Caldwell said that she remembered the first day she met Tim Sheeper and she supports this proposal because he is a man of inclusion and integrity. She believes he is honest and truthful and wants the pool to serve families and the community.

Deanna Lin supports Mr. Sheeper's proposal. She listed many of the benefits that swimming has provided to her ranging from health benefits to making friends. She believes this approach would be beneficial to Menlo Park.

Vic Lovell said that he has spent a lot of time on pools and opposes this proposal because he does not want his tax money to help place someone in business. He supports speakers one and two and Mr. Lovell said that staff could run this operation.

Elias Blawie questioned the lease agreement; in particular, the termination clause. Mr. Blawie said that there was about \$6,834,000 spent on the pool and he opposes giving this away to a private investor. He referred to the Bayfront Park issue and he is skeptical of private operations of publicly funded facilities without more study and process.

Jeff Hewitt said he believes this is a cost effective solution. Mr. Hewitt stated that Mr. Sheeper is interested in bringing more people to Menlo Park and he supports having the pool fully used. He thinks Mr. Sheeper undercharges and he sees him as someone who is trying to build community.

Sam Sinnott opined that there has been privatization over the last decade in terms of renting space. He believes this is a unique private merger and he doesn't think it will start a trend. He said that an Environmental Impact Report is not needed because the water surface area has not changed.

Lorie Sinnott said she has been a resident for 51 years, and sees this as an opportunity to merge the pool with a qualified coach. She believes Mr. Sheeper is taking a considerable risk to manage the pool and serve the community. She commented that Mr. Sheeper leads a variety of swimmers.

Anne Long said she is a swimmer and enjoys the workouts' variety. Ms. Long has become an avid swimmer and has been swimming with Mr. Sheeper for six years. She shared how much swimming means to her, and she supports Mr. Sheeper and his staff.

Elsbeth Farmer, a resident of Palo Alto, said that even though there is a pool close to her home she would rather swim with Mr. Sheeper. Ms. Farmer believes Team Sheeper's option is also for the community. She opined that if Mr. Sheeper's proposal doesn't move forward the City will have a \$6 million pool with few hours for the public to use it.

Knute Ream is a Menlo Masters swimmer who opined that residents voted to upgrade the pool but he is concerned that the contract isn't descriptive enough. He shared concerns about community access to the pool and he would like this guaranteed in the lease.

Patti Fry opined that this is not about Tim Sheeper but about assuring a level of community access that is expected by residents. Ms. Fry said that specifications about expectations have been bypassed. She disagrees with the process so far because in her opinion it excludes community volunteers and the Planning Commission. It is Ms. Fry's belief that this approach makes the community budget process a sham since the workshop results are still unavailable.

Chris Hinshaw, president of the Board for SOLO Aquatics, shared his excitement about the possibility of Team Sheeper taking over the contract. He is appreciative of the inclusion of section 28 in the agreement (exhibit B) and he thanked Mr. McClure, Mr. Boesch, Mr. Taylor and Council Member Duboc for remembering the reciprocal arrangement. He believes the pool needs to be reasonably available and he asked about true cost for user groups. Mr. Hinshaw said that the Council owes SOLO members an explanation of how to arrive at true cost.

Linda Gregory, AFSCME Local 829, opined that the staff report doesn't clarify why the decision to privatize must be made so precipitously. She is surprised by the process since it does not include a dialogue with the community or the Parks and Recreation Commission. Ms. Gregory believes that by making these decisions quickly others that may be interested in the process may be unaware. She does not believe the report provides detail on cost savings, and it is hard to surmise if cost savings will be realized. She questioned the positions that are being attributed to being cost savings. In terms of operating costs and overhead costs she stated that unless the categories are all laid out and juxtaposed with the total operation cost, there is no way to critically examine if cost savings are likely to be realized. Ms. Gregory said that the Redwood City pool is not a comparable operation because it is a city run and city subsidized operation.

Vincent Bressler said he is impressed with Mr. Sheeper but he is not sure this is a good deal for the City. He believes it is possible that people will be unhappy and if things aren't spelled out in the lease it might be a problem. Mr. Bressler shared concerns with the agreement because in his opinion it lacks detail and this decision is being made too quickly.

Cynthia Dutro concurred with comments made by the previous speaker.

Jeff Staudinger commented that Council should not open the pool until there is a plan for 100% cost recovery. He believes the Mayor said it best when he said this is a budget issue and not a Parks and Recreation issue. He questioned the position of one Council Member on not wanting to cut Belle Haven and then letting this go. He believes a pool is a luxury item and he believes the net cost to taxpayers is \$800,000. He said that gymnastics not only breaks even but brings in money and he stated that if Mr. Sheepier's proposal is similar he supports it.

Hank Lawrence believes the pool is a sunk cost and he said that the government-owned, contractor-operated system is not a novelty and in his opinion it brings in savings. Mr. Lawrence said this is an operational issue and maybe Mr. Sheepier can do a better and cheaper job. He believes that a termination for convenience clause should be included as well as a termination liability clause. Mr. Lawrence believes that the employee should be allowed to remain.

Sharon MacDonnell is a swimmer and a lover of water. She supports Tim Sheepier because he is passionate about his work. She believes this will have a positive outcome.

Carl Mortensen, resident of unincorporated Menlo Park, spoke about the volunteers from the past and he is one of them. He said that there has been a following and Tim is an attraction to this pool. He believes in the original vision for this pool and he hopes the pool is used via Tim's proposal.

Susan Kerns, Menlo Park resident, shared her disappointment at the pool being closed for 2 years. She is surprised about the nervousness around giving a resident an opportunity to make this happen. She asks Council not to delay this decision and let residents use the pool.

Rachel Ream observed that there is a lot of emotion around this topic and she is glad to hear that Mr. Sheepier is her neighbor. She said that there are questions that need to be answered, and she supports delaying the decision to get some answers.

Council Member Winkler believes this is a moment that will never come again and she wants to take advantage of this opportunity to run a pool at no cost to the city. Ms. Winkler asked Mr. Steffens to comment on the option of delaying the opening. Mr. Steffens, Public Works Director, said that there is a transition period when the contractor trains staff and runs the operations and if this is postponed staff might miss that warranty time. Ms. Winkler turned to Mr. McClure and asked him to elaborate on why the lease is loose. Mr. McClure said that during the discussions it became clear that Mr. Sheepier will have to invest a lot of money. Mr. McClure added that in negotiations with Mr. Sheepier, the latter felt that writing the hours of lap swimming into the actual agreement would be too constraining; but, if the Council feels it needs to be more specific, the lease can be altered. Mr. McClure added that Mr. Sheepier gave a personal guarantee committing personal assets to this transaction.

Mr. McClure explained that the City is maintaining responsibility for the chemicals and maintenance of the equipment because this is a large investment. However, Mr. Sheepier has to pay the cost (a direct cost reimbursement), and if this is too high then there is a mechanism to arbitrate the issue. The City Attorney said that there were minor changes to the document and those were:

- 1) in the original design three office rooms were designated for Team Sheepier, but he should have gotten four offices, for the use of the program but the City reserves the right to take two back.
- 2) there was a clarification that if Mr. Sheepier's insurance is cancelled and a claim was filed during this period Mr. Sheepier would be responsible for paying our self-insured retention or deductible.

Council Member Winkler asked about reallocating overhead to other programs and Mr. Taylor said that some of the reallocations may be eliminations or reallocations to other services and this is about \$90,000 in staff costs which are currently charged to the Aquatics area. Council Member Cohen said he doesn't want to see Jeff Dybdal end up without a job. He wants to see Tim Sheepier in Menlo Park using our facilities. Mr. Cohen complimented Mr. Dybdal on his presentation. Council Member Duboc said that she cannot avoid the budget imbalance. She agrees with some of the speakers when they say the pool is a luxury item and she thinks these savings from the pool could hire more police officers. She agrees with Council Member Winkler on how hard it is to lay off long time city employees and she believes this is a gift because with this approach Council would only possibly lay

off one person. She thanked Mr. McClure for the clarifications on the lease and believes the Parks and Recreation Commission should have an oversight role.

Mayor Pro Tem Fergusson stated that about one year ago the City Council, through some very professional work done by staff, agreed to spend \$2 million for maintenance of public assets. Mayor Pro Tem Fergusson acknowledged that many of the Council Members have worked hard over the past three years cutting down the excesses, but what really changed was that staff helped Council realize that it was under spending in the maintenance of infrastructure. Ms. Fergusson said that Council made that commitment and simultaneously committed to going through this structured budget process and created a budget advisory committee (BAC). Ms. Fergusson said that the workshops provided a different picture than the survey and she sat at every table during the workshops and her observation was that people were unwilling to cut the Aquatics program. She believes this decision is precipitous and she would rather run the pool for one year and see how efficient staff can be and verify revenue and cost assumptions. She believes Council needs to proceed in a deliberate, rational and structured manner that is on course with the budget deliberations. She supports opening the pool for one year and then getting data and maybe hiring temps for the summer.

Council Member Duboc read a letter from a resident who opposes taxing and instead believes elected officials should make hard decisions. She disagrees with Council going out to residents and asking for more taxes if the City can't handle its budget prudently. She mentioned that she has been part of the BAC and there is a deep concern from that group, as well as from the comments on the survey, about long term employee costs (pensions and long term health benefits). She opined this is an efficient way to address those concerns prior to going to taxing residents.

Mayor Jellins offered that he has been a swimmer all his life and through that experience he has remained committed to Menlo Park swimming programs. His goal is to maintain the best possible program for the highest number of people. Mr. Jellins made a distinction between private and public pools and he believes that community programs have much merit. He does not want to delay opening the pool. He believes this is a budget decision and he wants the Parks and Recreation Commission to get involved at a programmatic level. Mr. Jellins stated that full cost recovery does not seem feasible for cities our size, and so he believes this is an opportunity to provide the most opportunity to the largest number of members at the lowest cost. He supports the contract with the caveat that programming decisions be presented to the Parks and Recreation Commission for its feedback.

M/S Jellins/Duboc to approve the revised contract with Team Sheeper taking it to the Parks and Recreation for feedback on programmatic issues and return to Council for final approval.

Mr. McClure asked if the motion included the following changes:

- 1) **Definition of premises on page 1 - the two offices (area labeled as admin on the plan) designated for city use may be used by tenant at no cost until such time the city may require the use of such offices for city programs in connection with the renovated gymnasium and a 90-day notice requirement prior to the City's use.**
- 2) **Page 6 of the lease below paragraph 21D to include that Team Sheeper is responsible for the financial obligations during the term of the lease, which include payment of insurance, paying for the city's deductible, rent, etc.**
- 3) **Mr. McClure added that staff could submit Mr. Sheeper's proposed schedule to the Parks and Recreation Commission to receive input from that body.**

The maker of the motion agreed with including the above-mentioned items and reiterated the motion: Motion to approve the lease agreement as submitted and attached to the staff report with the three changes listed above, with instruction to the Department of Community Services to include the Parks and Recreation Commission in the consultation review of lap swimming, community public access and use of the facility.

Council discussed the motion. Council Member Cohen will not support it. Council Member Duboc spoke about the late Tom Harrison and she believes this is the correct approach. Mayor Pro Tem Fergusson said that this is not just a budget issue but a policy and process issue. She referred to the January 10, 2006 meeting and in her opinion Council is changing its approach as far as having a rational and structured process. Ms. Fergusson said there are consistent results showing that

residents would agree with taxing themselves between \$1.1 and \$1.6 million. She said that until we hear from all the voters she is not sure this is right, and she has concerns that this decision is being based on figures that are at best guesses. Ms. Fergusson would prefer to use the current budget to operate the pool and then wait and see what information we get.

Motion carries 3-2 with Cohen and Fergusson opposing.

2. Discussion of and possible direction concerning the timing of certain Fiscal Year 2006-07 Budget strategies requiring voter approval.

Mayor Jellins said that this was placed on the agenda at the request of Ms. Fergusson. Mr. Boesch offered timelines associated with the Your City/Your Decision schedule.

Mayor Pro Tem Fergusson said that in the preliminary results it looks like people would be willing to be taxed and so she wanted to pose the question to Council. Council Member Duboc asked about placing a Utility Users' Tax on the November '06 ballot. Mr. McClure said that only a general tax can be placed on an election with Council seats, while special taxes can be placed on any election and require a 2/3 to pass. Ms. Duboc said that her recommendation is to wait until November '06 because it is her opinion that getting 2/3 voter approval is not easy. Council Member Cohen said that he supports the Utility Users' Tax and he believes Council should do it now. He said that it is clear to him that taxes are an anathema to many people but he believes a tax is an appropriate solution.

Mayor Jellins clarified that if it a tax goes on a June ballot and it is a Utility Tax it requires 2/3 vote to pass. If it goes on the November ballot only a 50% vote is required unless it is dedicated to a special purpose. Mr. Cohen reiterated his position. Ms. Winkler believes it would be unwise to put the matter to the voters in June. She said that as soon as the Council decides to move forward staff cannot assist with anything and the City cannot commit resources to support or oppose a measure. Mr. McClure said that the City can't get involved in creating certain documents, but it can prepare neutral information. Ms. Winkler believes it would be unwise to put the vote on the June ballot and she does not think there is either enough time or money.

Mayor Pro Tem Fergusson said that she wanted this to be a discussion and she recognizes that the June election is too soon. She believes that there is a different mix of voters at different elections and Council is not organized enough for the June ballot. Ms. Fergusson asked if Council was clear on its position and Ms. Duboc said that she has not formulated an opinion. She added that when it comes to budgeting it is hard to count on tax increases because there is little certainty. Council Member Duboc added that it is hard to predict what else will be on the ballot, and she would like more time to formulate a position. Ms. Winkler would like to find out what kind of taxes residents would support.

Public Comment

Elias Blawie agrees with Ms. Duboc because he supports following a process and taking one step at a time. In his opinion, the answers are not clear yet and he believes Council needs to be careful, deliberate and identify the issues that will receive community support.

John Slater said that he would support a temporary tax and it should be presented to the community as such. He asked Council to focus its attention on business development along 101 and El Camino Real.

Hank Lawrence predicted that people in the community will support a bond for schools and then will have little tolerance for a Utility User's Tax. He supports revitalizing the downtown and adding staff to the Business Development area.

Ora Chaiken asked Council about the budget process. Mayor Jellins referred Ms. Chaiken to Mr. Boesch for an updated on the budget process.

3. 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.

G. WRITTEN COMMUNICATION *(items addressed out of sequence)*

2. Letter to Mayor Nicholas Jellins from Peninsula Policy Partnership dated January 30, 2006 requesting appointment of a Council Member to serve on the Grand Boulevard Task Force.

Council Member Cohen supported Mayor Pro Tem Fergusson. Council Member Duboc suggested that Ms. Winkler be the representative and Ms. Fergusson the alternate. Mayor Jellins agreed with this approach.

1. Request of Mayor Pro Tem Fergusson to place on the agenda an email received from Ora Chaiken regarding "Menlo Park Winter/Spring celebrations".

Council Member Duboc believes the Parks and Recreation could study the topic and she supports an equitable way to plan City events. She added that the Commission could also look at finding funding.

Public Comment

Ora Chaiken, Menlo Park resident for 11 years, said that she was prompted to communicate with Council after various events organized by the city had a religious connotation. She suggested either being more inclusive (multiple religions represented) or having events exclude religious connotations.

Mayor Jellins concurs with Council Member Duboc's approach. Mayor Pro Tem Fergusson believes there is a policy piece to this and she would like it to be clear that the City serves a multicultural community. She said that there are programs in place today where schools and parents come together and celebrate various heritages. She would like the city to develop materials supporting various approaches and be open to parents to do that as well. Ms. Duboc agrees with those suggestions and she thinks the Parks and Recreation can handle this. Mr. Cohen commented that he supports the separation of church and state. Ms. Winkler supports forwarding this to the Parks and Recreation Commission.

H. INFORMATION ITEMS

1. Update on a lease for the operation and maintenance of the Belle Haven Swimming Pool.

Mr. Taylor reported that staff has not heard from the East Palo Alto YMCA.

City Attorney McClure said that Council does not need to go into Closed Session and so he suggested Council cancel it. Mayor Jellins said that contrary to what was published in a local newspaper there will not be a Council Meeting next week.

I. COUNCIL MEMBER REPORTS

Council Member Duboc shared concerns with flooding around the City and Mr. Steffens provided an update saying that staff watches the rainfall carefully and the peak flow on the San Francisco Creek. He outlined the preparations staff took in advance of a big storm.

Ms. Fergusson took the opportunity to thank Public Works staff and Recreation staff for their work last night when a piece of the Belle Haven gym roof fell. Mr. Steffens said about 15% of the roof flew off. Staff is working on its repair in order to reopen the gym.

Mayor Pro Tem Fergusson attended a meeting of the downtown merchants association. The two themes were: taking a comprehensive look at parking policies and working with landlords.


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

K. ADJOURNMENT TO A CLOSED SESSION – the Closed Session was cancelled. The meeting adjourned at 11:08 p.m.

L. CLOSED SESSION (First Floor Conference Room – Administration Building) - Cancelled

1. Closed Session pursuant to Government Code Section 54956.9(c) regarding possible initiation of litigation for code enforcement matter. Parties present: William McClure, City Attorney and David Boesch, City Manager.

Respectfully submitted,


Silvia M. Vonderlinden, Certified Municipal Clerk

Approved at the City Council Meeting of June 13, 2006.