



**CITY COUNCIL
COMMUNITY DEVELOPMENT AGENCY
MINUTES**

Tuesday, March 14, 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, Silvia Vonderlinden, City Clerk. Other City staff was also present.

PLEDGE OF ALLEGIANCE

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 will consider extending the term for four years so that the term ends in April 2010. The extended deadline for receipt of applications is March 15, 2006 at 5:30 p.m.
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. Commission Reports. None

B. PRESENTATIONS AND PROCLAMATIONS - None

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

Steve Schmidt commented on an interview published in a local newspaper and it is his opinion that the Mayor owns the idea of the Bayfront Park development and that staff stated is quoted as saying that building soccer fields in wetlands is not feasible.

Jason Kibbey, Director of Defense of Place, shared concerns about Bayfront Park. Mr. Kibbey commented that if Council pursues development of Bayfront Park, certain groups will oppose it through the regulatory process.

Elizabeth Lasensky, speaking on behalf of the Friends of Bayfront Park, explained that the mission of this organization is to retain Bayfront Park as is. She asked Council to cease negotiations with Highlands, LLC.

Lennie Roberts requested that Council cease negotiations with Highlands, LLC opining that there are significant public policy, public trust, environmental and regulatory constraints. She does not believe Council can commit to any binding agreement because of the Park's existing Master Plan.

Robin Winslow-Smith, representing the Sequoia Audubon Society, said she opposes the use of Bayfront Park for ball fields. Ms. Winslow-Smith said the City will not be able to pursue this project because there will be a long legal battle.

John Slater referred to comments made at a previous meeting by a Council Member and he agrees with comments about not taxing residents and that a pool is a luxury. He does not agree with leasing Menlo Park's only open space.

D. CONSENT CALENDAR

Item pulled D1

1. Adoption of urgency ordinance no. 944 approving a contract amendment with the Public Employees' Retirement System, providing Government Code Section 20903, two years additional service credit, for local safety members.
2. Authorization for the City Manager to enter into a professional services agreement with Robert Aaronson, Counselor at Law, to provide specialized legal services in an amount not to exceed \$50,000.

Item pulled D3

3. Authorization of the City Manager to enter into an agreement with Bartel Associates, LLC, in an amount not to exceed \$34,000 to provide the "Other Post-Employment Benefit" (OPEB) actuarial valuations required by governmental accounting standards and consultant services in considering various strategies to fund the actuarially determined accrued liability for the City's retiree healthcare benefits.
4. Approval of an Indemnification Agreement between the City of Menlo Park, the Community Development Agency of the City of Menlo Park and Clarum Hamilton Park, L.P., allowing Clarum to commence grading and preliminary work on property owned by the Community Development Agency on Hamilton Avenue in connection with the Belle Haven Community Housing and Park Project; and approval of Resolution No. 5659 to accept grant of Storm Drain Easement from Mt. Olive Apostolic Original Holy Church of God of Menlo Park, Inc., a California non-profit corporation.

Item D5 was tabled

5. Approval of the minutes for the City Council Meeting of January 24, 2006.

M/S Winkler/Duboc to table item D5. Motion carries unanimously.

M/S Duboc/Fergusson to approve items D2 and D4. Motion carries unanimously.

Discussion on item D1

1. Adoption of urgency ordinance no. 944 approving a contract amendment with the Public Employees' Retirement System, providing Government Code Section 20903, two years additional service credit, for local safety members.

Council Member Cohen asked if this action could be avoided. Mr. McClure responded that the City is contractually obligated, under its Memorandum of Understanding with the Police Officers union, to follow through.

M/S Winkler/Jellins to approve item D1.

Council Member Cohen disagrees with this action because it conflicts with his feelings on how the City is being run, including the retirement program and employee benefits.

Motion carries 4-0-1 with Cohen abstaining.

Discussion on item D3

3. Authorization of the City Manager to enter into an agreement with Bartel Associates, LLC, in an amount not to exceed \$34,000 to provide the "Other Post-Employment Benefit" (OPEB) actuarial valuations required by governmental accounting standards and consultant services in considering various strategies to fund the actuarially determined accrued liability for the City's retiree healthcare benefits.

Council Member Duboc asked for clarification on this issue. Carol Augustine, Finance Director, explained that the goal is to comply with the Governmental Accounting Standards Board (GASB) requirement that calls for accrual accounting for other post employment benefits (OPEB). She clarified that Menlo Park offers health insurance premiums based on the amount of sick leave or general hours accrued at the time of retirement. These hours get traded-in for paid health insurance benefits. Mayor Jellins asked about the scope of work and Ms. Augustine explained that it includes two actuarial evaluations. Mr. Boesch added that staff's intent was to fully inform Council of the entire effort and have continuity with the contractor since this is a two-year project.

M/S Duboc/Fergusson to approve item D3. Motion carries unanimously.

E. PUBLIC HEARING - None

1. Consideration of an appeal of a Planning Commission action to approve a Use Permit at 219 Lexington Drive to construct a second story addition to an existing single-story, single-family

nonconforming residence on a substandard lot in regard to lot width and lot depth in the R-1-U (Single-Family Urban) Zoning District. *(This item was withdrawn by the appellant on March 9, 2006.)*

F. REGULAR BUSINESS

1. Consideration of and direction on the Linfield Drive, Middlefield Road, and Willow Road area-wide Transportation Impact Analysis.

Chip Taylor, Transportation Manager, explained the scope of the work and Mark Spencer with DKS provided additional information. Mr. Spencer presented details about the various projects developing in the area and identified potential significant impacts. He discussed trip generation calculations as well as criteria used for each site. Various alternatives and scenarios were explained. Mr. Taylor explained potential mitigation measures for various intersections.

Council asked questions about the cost of the study, and other projects that could have been considered. Council inquired about who bore the costs of the study and Mr. Taylor said that the three projects covered the study costs. Council discussed the intersections that were not included and why they weren't analyzed. One Council Member asked if this had been before the Transportation Commission and Mr. Boesch responded that this was not a project initiated by that body. Council Member Duboc thanked staff and DKS for doing what Council directed, i.e. analyze traffic counts on what exists but also what would exist at full occupancy. Council asked if grants could be pursued for the bicycle components and Mr. Taylor confirmed.

Council Member Duboc discussed a lighted crosswalk at Middlefield and Linfield. Parking on Linfield Drive was discussed and Mayor Pro Tem Fergusson echoed concerns about Middlefield and Linfield. Mayor Pro Tem Fergusson believes that what she asked at the meeting in August was to compare the hypothetical project sites in their existing zoning and at full capacity or built out. Ms. Fergusson asked why the full build-out was not covered. Justin Murphy, Development Services Manager, apologized for not interpreting the request correctly. Mayor Jellins said that his recollection was that the non-discretionary occupancy of the building is the relevant issue. Mark Spencer said that there is only a limited amount of intensification that could occur if one was to build-out to the existing zoning. Council Member Winkler reiterated that staff met her expectations.

Mr. Murphy said that the next steps would be for each project to prepare its own Environment Impact Report (EIR). Mayor Jellins said that he is interested in mitigations and Mr. McClure said that if there were some roadway segments that were not analyzed there could be direction for these areas to be included in the EIRs. Mayor Jellins believes there might be impacts at Durham and Willow as a result of cumulative impacts from projects. Mr. McClure said that Council could direct that certain intersections be looked at through the EIRs. Mr. Taylor added that in the traffic impact analysis a roadway segment of Willow was identified as a potentially significant impact.

In response to a question about development proposed on adjacent property, Jim Pollock, project proponent for 321 Middlefield Road, said that subject to the approval of the lender, the parking lot at his location could be available for overnight use.

Elaine Breeze, with Summerhill Homes and representing 75 Willow Road, commented that they are prepared to fund the benefits outlined in the staff report and the only request is that the numbers be broken down by project.

Kevin Fryer, with Mission Valley Properties and working in cooperation with the owners of 8 Homewood Place, offered that they have removed from the record the request for development of medical offices and are working on a proposal for residential development.

Mayor Jellins asked if there has been a change of ownership at 8 Homewood and Mr. Fryer said that the owners have simply accepted Council direction. Mr. Jellins asked if the 110 and 175 Linfield projects were represented and Mr. Fryer came forward. Mayor Jellins inquired if he would commit to what is on the staff report and Mr. Fryer confirmed. Mr. Pollock also came forward and confirmed his commitment to the recommendations in the staff report.

Public Comment

Laure Laprais asked about the possibility of a lighted crosswalk at Linfield. She would like to have the speed limit at Middlefield lowered to 25 mph. She spoke about the bicycle shelter suggesting a bicycle and pedestrian tunnel under the train tracks at Middle Avenue.

John Slater shared some of his driving patterns and concerns with certain intersections. He said that he uses the Library and feels that the crosswalk at Ravenswood is dangerous.

Stu Soffer, with time donated by Gail Lykens, opined that a third lane on El Camino is not popular with the merchants. He believes that the interior part of Linfield was ignored. He also said there should be a consideration for what happens if one of the projects isn't approved. He opined that the median on Linfield should have water and electricity built in.

Margaret-Catherine Riiff believes that the crosswalk on Middlefield and Linfield is a dangerous intersection and she would like a pedestrian signal light. She encouraged making the Ravenswood/Laurel intersection pedestrian and bicycle friendly.

Penelope Huang thanked Council Members Fergusson and Jellins for mentioning the impact on Willow Road because in her opinion the traffic between 101 and Middlefield should be studied. She asked that the Willows area be included in the mitigation.

Council Discussion

Council Member Duboc shared concerns with the crosswalk on Linfield and Middlefield and she would like to have a traffic light included. A pedestrian activated signal was discussed for that location and there was some support for it. Mr. Boesch said that more analysis will be needed before moving forward and a speed survey may be in order prior to lowering the speed on Middlefield. Council Member Winkler would like to add a traffic light and Mr. Taylor said that this could introduce some delay. Mayor Pro Tem Fergusson believes this is an opportunity to make the community more livable and pedestrian oriented. Mayor Pro Tem Fergusson believes Council is in the right track, but she believes more work is needed such as the Linfield streetscape and she would like to get input from other commissions. Mayor Pro Tem Fergusson believes the City should not fear solving problems because they are inter-jurisdictional. She supports the need for a light at Linfield and Middlefield. Council Member Cohen does not see a need for a traffic light at Linfield, however he is concerned with the speed limit on Middlefield and it is time for a change. He believes the situation at Alma and Ravenswood requires enforcement. Council Member Cohen would like to see the commissions provide input as soon as possible.

Council consensus included accepting the staff recommendation but directing staff to further consider installation of either a full traffic signal or a pedestrian activated signal at Middlefield and Linfield.

There was some consensus in considering reducing the speed limit on Middlefield between the creek and Ringwood. Mayor Pro Tem Fergusson asked if video detection at Coleman and Willow could be considered a mitigation and Mr. Taylor said it is being viewed as a benefit for bicycles and not a mitigation measure. Council Member Winkler asked if video detection is planned for the next year and Mr. Taylor said that no new grants were available. Mr. Spencer said that while encouraging bicycling can be done it is hard to reduce impacts on daily trips. Mayor Pro Tem Fergusson said that at the Ravenswood and Middlefield intersection the bicycle movement is awkward. She suggested a bicycle button. Council Member Winkler would like to add 321 Middlefield to the staff recommendation and make overnight parking available at that location.

City Manager Boesch summarized that staff understands the guidance provided tonight in terms of additional items to study. He added that as projects emerge the information will be used to assign their pro rata contributions; and, to the extent that they can accelerate specific projects, then reimbursement agreements will be in place. However, if some of these items become substantial projects, then staff might need to return to Council. Mayor Jellins concurred with Council Member Cohen as far as including the commissions in the process. Mr. Boesch said that staff is happy to share the staff report with the commissions and Mayor Jellins expressed an interest in inviting their comments and recommendations. Mayor Pro Tem Fergusson agreed with this approach because in her opinion even though in principle this looks good, there are other ideas that can develop as more people discuss it. Mayor Pro Tem Fergusson asked about cost allocations and Mr. McClure said that the streetscape will be paid by one of the applicants and they will be reimbursed by the other

adjacent projects. Mr. McClure added that the Council can discuss the streetscape as it comes before Council next week.

Applicant Fryer explained that Mr. McClure's comments met his expectations. Jim Pollock, developer for 321 Middlefield, agreed and is prepared to pay his fair share.

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.

H. INFORMATION ITEMS

1. Final report on the Police Department's bias-free policing program.

Commander Molakides explained the various components of the program. She added that most of the committee's recommendations were implemented.

Public Comment

Henry Organ thanked the Police Department and Ms. Molakides for their work. Mr. Organ said he took issue with the charge of the committee because he thought the role was to identify what data is collected to see if racial profiling exists or not. He opined that there was a tendency, on the part of the Department, to identify Belle Haven as part of the problem and he believes this is not relevant to the collection of data on racial profiling. He suggested that an independent party investigate the matter.

Mayor Jellins asked Mr. Organ if the results showed a difference between Belle Haven and other areas of Menlo Park. Mr. Organ said that there isn't enough data to make such an assessment.

Mr. Preyer commented that as a Belle Haven resident, he can attest to the fact that the immediate past and current Police administrations are on the right track and should keep it up.

G. WRITTEN COMMUNICATION

1. Memorandum from the City Attorney regarding Burgess Aquatic Facility.

Council Member Duboc asked Mr. McClure to provide a step-by-step account of this item. City Attorney McClure explained that in his initial review, since there was no change on the facility and the City has had other outside users in public facilities, he overlooked the issue of whether a use permit was required. He clarified that a use permit is required because in the PF zone there are restrictions on non-governmental use of the facilities. He added that traditionally use permits have not been requested of AYSO and other agencies. In the case of Team Sheeper LLC, it is being operated by a non-governmental agency and so a permit is required.

When asked when the lease will be signed, Mr. McClure said that it will be signed when the City has the insurance information. Council Member Cohen asked if Mr. McClure was involved in any negotiations prior to January 1, 2006 and Mr. McClure said that he wasn't until Mr. Sheeper came to the Council meeting with his proposal. Mr. Cohen said that it his understanding that negotiations broke down between Mr. Sheeper and the Parks and Recreation staff in 2005. Mr. Boesch said that staff was trying to figure out how much time groups wanted from the facility to anticipate revenues, but staff had never anticipated that Mr. Sheeper was going to take a different tact and make a different proposal at the Council Meeting. Mr. Cohen commented that he heard from Sam Sinnott that it was only after communications broke down that Mr. Sheeper came forward to the Council. Mr. Boesch said that this is not a correct version of what occurred, and there was no final decision that staff was refusing to discuss lane availability with Mr. Sheeper.

Council Member Duboc said that pool space has been rented for a long time. Mr. McClure confirmed that SOLO has been renting space at the pool since 1994 and Menlo Masters began renting the facility in 1998. Mr. McClure said that what is different now is that this is a private operator actually operating the facility.

Public Comment

Stu Soffer believes that use is the key issues; and, whether it is just recreation or lap swimming, he believes that people should consider the environmental impact of the private use.

Sandy Cassidy, Director of the Nativity School Summer camp, believes Ms. Fergusson was the only one that showed loyalty to the City because she wanted to study the Burgess Pool situation in more detail.

Elias Blawie believes there was a break down in the process because the City was moving forward without complying with its zoning requirements. Mr. Blawie opined that good process and meeting basic government regulations are essential. He believes the use permit process would have drawn out the various elements such as the public hours and the private hours. He said that Council will need to get to the bottom of the use permit and he believes the financial materials presented were flawed because of the matter being rushed. Mr. Blawie commented that the pool manager was the one that clarified that fixed overhead was still going to remain an expenditure because of its reallocation. Mr. Blawie believes the Budget Advisory Committee was bypassed as well as the Parks and Recreation Commission. Mr. Blawie stated that staff needs to abide by sound process and staff needs to be more careful and less rushed, otherwise mistakes are inevitable.

Council Member Cohen said that it is hard to add to Mr. Blawie's comments, but he would like to start over and take a fresh look at the lease agreement. He does not believe there is a financial emergency as was previously described. Mayor Pro Tem Fergusson believes that by doing the contract before doing the use permit the process may have been corrupted. Council Member Winkler is looking for balance between process and action. Council Member Duboc finds it ironic that, while it was budgeted to open the pool, the City is saving \$500,000. Council Member Duboc believes we have too many managers in the City. Mayor Pro Tem Fergusson said that by rushing this issue she believes there were poor revenue projections on the table. In her view and based on the report from the Budget Workshops residents like the fee for service model and cuts to aquatics are further down the list. Mayor Pro Tem Fergusson is looking for more realistic financial figures and she is open to the possibility of Team Sheeper, but she doesn't think this should be done without the facts on the table. She is hoping the Council will hold off on signing the lease.

Mayor Jellins' suggestion is to bring this back to the Council on April 11 for further consideration, after other bodies have taken a look at this. Mayor Jellins thanked Mr. Blawie for his community vigilance. Mr. Boesch explained that April 11 was a cancelled meeting because of Spring Break. Mayor Jellins said that Council will conduct another Council meeting after April 10, 2006 but the date is undetermined.

I. COUNCIL MEMBER REPORTS

Mayor Jellins announced that the Budget Advisory Committee (BAC) will meet this Thursday at 7:00 p.m. at which time the survey results will be released.

Mayor Jellins also announced that the Ravenswood Family Health Center is inaugurating a mobile health clinic services for Belle Haven residents at a brief ceremony at 1:30 p.m. on Wed., March 15th at the Belle Haven Elementary School.

Council Member Winkler said that on August 12, 2006 the San Mateo Sesquicentennial Anniversary will be celebrated in Menlo Park and the Historical Society is planning some of the events.

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

K. ADJOURNMENT – the meeting adjourned at 11:11 p.m.

Respectfully submitted,


Silvia M. Vonderlinden, CMC

Approved at the City Council Meeting of May 16, 2006.