



**CITY COUNCIL
and
COMMUNITY DEVELOPMENT AGENCY
MINUTES**

Tuesday, April 25, 2006

5:30 p.m.

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

5:30 p.m. TOUR OF THE "NEW" MENLO CHILDREN'S CENTER - Various Council Members took a tour of the facility.

6:00 p.m. STUDY SESSION (Menlo Park City Council Chambers)

ROLL CALL – All Council Member present except Council Member Cohen.

PLEDGE OF ALLEGIANCE

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

PUBLIC COMMENT #1 (Limited to 30 minutes) - None

STUDY SESSION ITEM (*taken out of sequence*)

1. Red Light Photo Traffic Enforcement.

Bruce Goitia, Acting Police Commander, presented a staff report reinforcing the value of the enforcement of traffic laws. His overview included how photo enforcement works and efforts to explore the safety benefits that it may offer, which would result in a reduction in accidents and ensuing expenses.

A representative from Red Flex Traffic Systems presented facts and information about the red light photo traffic enforcement system, which is currently being utilized by 60 jurisdictions that have seen a significant reduction in violations and associated crashes. Prior to the system going live, four-directional signage is required at the approaches to intersections as well as a 30-day warning period. One component of the vertical pole-mounted system, which is mounted on a breakaway foundation, is a full-motion video providing six seconds of video prior to the violation occurring and six seconds post-violation protecting the innocent by providing objective truth in accident investigations, which is accessible to investigators at the scene. In addition to the video, there are still cameras that do not use a wet film system but newer technology to enhance picture quality. Site selection is very important, and a detailed analysis takes place prior to installation.

Though the vendor operates the system, it is law enforcement's discretion that dictates whether a violation notice is issued. In the State of California, the tickets issued have the same rights and privileges as a citation issued by a conventional officer. The Vehicle Code spells out the means by which to address the driver of the car versus the owner receiving the violation though some citations do get thrown out because of this issue. The identity of anyone else in the vehicle is blocked in the citation, and motorcycles are captured but not bicycles. Between 1% and 4% of the citations will go to appeal, but after a citation has been issued, the violator also has the opportunity to go on-line and view the video, which has dropped that number substantially. The typical fine for running a red light in California is over \$300, and more than \$150 of that comes back to the City with the remainder going to various funds in the County or State. Many cities have generated surplus revenue through this program, but it all depends upon the volume of violations. There is generally a 50% compliance rate, which plateaus three to eight months into the program.

This enforcement system costs not to the City for installation and construction, and it is guaranteed to be completely cost neutral during the life of the contract, which is typically a 60-month contract with a

termination clause. The vendor is paid on a fixed fee per system basis and not a percentage as that was deemed a possible conflict of interest. The system also operates at night and in variable weather conditions. Acting Chief Goitia believes this offers a unique opportunity to enhance traffic enforcement efforts and reduce the number of collisions and associated injuries.

M/S Duboc/Fergusson to pursue negotiations with the vendor and return via a public hearing with a possible contract. Motion carried unanimously with Council Member Cohen absent.

7:00 p.m. REGULAR MEETING

ROLL CALL – Jellins, Fergusson, Cohen, Duboc, Winkler (All Council Members present)

A. COMMISSION VACANCIES AND REPORTS

1. There is one vacancy on the Las Pulgas Committee to fill an un-expired business member seat that expires March 2009. The extended deadline for receipt of applications is Wednesday, May 3, 2006 at 5:30 p.m.
2. There are two vacancies on the Planning Commission to fill two expired terms. The seats are for terms that will end April 2010. The deadline for receipt of applications is Wednesday, April 26, 2006 at 5:30 p.m.
3. There is one vacancy on the Housing Commission to fill an un-expired term that expires September 2009. The deadline for receipt of applications is Wednesday, May 3, 2006 at 5:30 p.m.
4. Commission Reports. Mr. Cline announced an upcoming Parks and Recreation meeting.

B. PRESENTATIONS AND PROCLAMATIONS

1. Proclamation in celebration of Arbor Day.

Dan Kocher, Environmental Quality Commissioner, was present to receive the proclamation celebrating National Arbor Day, April 28th, 2006, and acknowledging the planting of an oak tree on Oak Avenue.

Council agreed to address the Consent Calendar at a later time.

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

Mary Gilles commented that SEIU is a monopoly that will bankrupt the governments if the elected officials continue to give in to their demands. She asked that the Council make decisions to lower the cost of running the City and urged them to outsource child care services for Menlo Park.

Jeff Staudinger believes there currently is a 90% recovery rate of the direct costs for child care before the proposed increase of 7.5%. In light of that he does not believe in privatizing child care.

D. CONSENT CALENDAR (*taken out of sequence*)

1. Adoption of Resolution No. 5665 and Community Agency Resolution No. 282 approving the final map for the Hamilton Park Subdivision located at 507 to 563 Hamilton Avenue; authorizing the Executive Director to execute the final map on behalf of the Community Development Agency; approving the final design of the subdivision improvements; authorizing the Executive Director to execute all documents, deeds, and other documents to complete the sale of the property; and authorizing the Executive Director to execute a subordination agreement to the disposition and development agreement for the subdivision.
2. Award of contract to Taurus Roof Services, Inc., DBA Waterproofing Associates, in the amount of \$158,480 for the Sand Hill Road Reservoir No. 1 Roof Replacement Project, and authorization of a total project budget of \$258,480 for construction, contingencies, engineering, construction administration and testing.
3. Authorization for the City Manager/Agency Executive Director to execute Master Agreements for contract Planning services for various development projects and special studies with DMH Land Use Planning and Lorraine Weiss Design and development review through June 30, 2010.
4. Approval of the City Council minutes for the meeting of February 28, 2006.

Mayor Pro Tem Fergusson asked that item D4 be continued. Council agreed with that action.

M/S Duboc/Fergusson to approve remaining items on the Consent Calendar. Motion carried unanimously.

E. PUBLIC HEARING

1. Approval to amend the City's Master Fee Schedule to incorporate proposed changes in fees to become effective April 25, 2006, or July 1, 2006, as required by statute for the following departments: Administrative Services, Community Services, Police, Community Development and Public Works. *(This item is continued to the May 9, 2006 City Council meeting.)*

F. REGULAR BUSINESS

1. Discussion and possible direction on exploring the feasibility of developing sports fields at Bayfront Park.

City Manager David Boesch presented the staff report and explained that Bayfront Park is a closed municipal landfill that primarily functions as a passive recreation area. In the City's Recreation Master Plan, Bayfront Park was considered and a number of alternatives identified for it, but none of those projects are funded at this time.

The regulatory agencies that would have some jurisdiction over Bayfront Park include the City of Menlo Park, the Bay Conservation and Development Commission, the Regional Water Quality Control Board, and the Army Corps of Engineers. An environmental review, possible permitting from one or more of those agencies, and action by the City Council would be required to change Bayfront Park's current use. There would have to be an amendment to the permit because the request is different from what was originally permitted. There are all kinds of active recreational uses on closed landfills, and the fields would not necessarily have to be built on wetlands.

Public Comment

Bob Crowe is the president of Menlo Atherton's Little League, believes there is a significant shortage of playing fields in Menlo Park. There are approximately 550 children in the league, which is roughly 60% of the players, but only 33% of its capacity to sports fields and none of the fields have batting cages. The enrollment is up 8% this year. In addition, Lacrosse and spring soccer are both increasing in popularity and vie for the same fields. The field situation is managed by limiting practices, but then the children do not experience a first rate experience. The MA Little League Board recently voted to support fields at Bayfront.

Thomas Gaa is the president of the Menlo Park Strikers, which is a local CYSA soccer club that over the last 5 years has grown from 3 teams to 30 teams, 45 children to over 450 the vast bulk of whom reside and play in Menlo Park. When they reach a certain age, they have to go to Redwood City to play games and practices. He urged the Council to focus on the timeframe as well. The prospect of having all weather fields is a critical issue because of the added capacity.

Mary Gilles thanked Council for keeping this issue alive. She is surprised at the lack of compromise of parties involved and urged the Council to move forward to pursue shared use of Bayfront Park.

Paula Maurano provided a list by acreage of the playing fields within the City of Menlo Park and the additional fields that are in use in the school sites. The National standard recommends two acres per thousands residents in a City, which for Menlo Park would be 60 to 62 acres. There is currently about 78% of that, but the problem is most of that is comprised of Bayfront Park, which is passive use. She supports focusing not only on Bayfront Park but also other alternatives within the City of Menlo Park.

Elizabeth Lasensky stressed that it is to the City's advantage to fully explore all of the financial implications to developing the sports fields along with the accompanying parking and bathrooms.

Nancy Borgeson advocated a fact-based process utilizing a ranking by criteria with comparative economics of various field locations including a review of the Parks and Recreation Commission report and public comments. The specifications should be clear and include timing, technical considerations, regulatory considerations and what additional benefits its development may offer the community, along with a rough estimate of what it would cost to build and maintain it for ten years.

John Slater said that whenever the City wants to develop they should consider including sports fields. He pointed out engineering considerations related to Bayfront Park and the contour of the land.

Dwight Pate said he is still interested in developing ball fields and a golf facility on the Bayfront Park site. The "golf track" would take up about a quarter of the site leaving room for baseball and soccer fields adjacent to it. He would pay for the entire golf track and pay land rent ranging from \$200,000 to \$300,000 per year.

John Boyle encouraged the Council to look for hard and relevant data such as the percentage of the population who are children. The schools are utilizing more property for education purposes, which means there will be less land for use as playing fields.

Richard Li said that he has lived in Menlo Park for six years, and his children have never been invited for a play date or group picnic at Bayfront Park. He did go to Bayfront Park for Kite Day, and creating playing fields would not take away any of that open space.

Richard Cline illustrated the field crisis by citing the lack of ability to practice and the necessity to go outside of Menlo Park to play games.

David Denier is the fields commissioner for Alpine West Menlo little league, and they have about 800 ball players of which 45% are from Menlo Park. He believes the fields are deteriorating because they are over-used and under-maintained and diminishing because land is being used for other purposes.

Eileen McLaughlin (representing Wildlife Stewards) said she is not opposed to playing fields. She does not believe that there is a divide between people who care about wildlife and the environment and those who care about having playing fields. They want to work with the City to look for a compatible solution. She suggested that the U.S. Fish and Wildlife Service be added to the list of agencies that will have to look at Bayfront in applying the National Wildlife Refuge Act, the Migratory Species Act and the Endangered Species Act.

Lindsay Bowen spoke as a representative of two area little league programs and reiterated the shortage of playing fields. He asked Council to consider this project and particularly address having adequate fields to accommodate players who are entering their teens.

Linda Wagner underscored the City Council's responsibility to study the feasibility of using title wetlands for playing fields as it would be in great dispute by BCDC. They also need to know the feasibility of making a playing field on a capped dump. Serious talks need to be engaged in with the various regulatory agencies involved. It is unfair to tell young players that Bayfront Park is imminently available when that is not a sure thing.

Heyward Robinson (with time donated by Stu Soffer) pointed out that it is essential to look at what choices the City might have as well as how the situation came to be. The biggest problem is big fields, and someone has to be paying attention to not cutting into those. He believes Bayfront should be on the list of considerations, but he is concerned about the financial aspect and the risk factors that may drive the cost of development much higher than anticipated.

Darla Tupper stated that she is willing to pay more in taxes to have services for the people in the community, but all options need to be considered in order for a responsible decision to be reached.

Council Discussion

Kent Steffens, Public Works Director answered questions from Council and stated that there are no compliance issues with regard to the cap, and that testing is done regularly. He said that to place the additional load on it that would be necessary to redevelop Bayfront Park, the settlement would need to be estimated as the cap was not designed with that in mind. However, if there are problems, there are also solutions, and if the City were to go that route, they would hire experts in the field to address those issues. Other communities have developed sports fields on previous landfills, he added. The pros and cons would need to be looked at in terms of how much it might cost, where the best location would be and what other impacts there might be such as maintenance of a roadway.

Mayor Pro Tem Fergusson said she was embarrassed to receive a letter from the League of Women Voters scolding the Council for a poor process with regard to the potential development at Bayfront Park. She voiced her concern regarding the Council taking a path that would subject it to criticism about a lack of openness in the process and lack of logical steps. However, the City Council had

made a conscious choice regarding the sequence of steps that would be taken to investigate the potential for active recreation use of Bayfront Park. The first step should be to develop a very detailed proposal that would then be subjected to the full rigors of an environmental review process with a heavy component of community engagement. That said, they never got to the point of knowing specifically what the project would be such that it could be defined and scoped and the environmental impact review process begun, though sufficient data has been collected to substantiate the need for fields as well as the multiple options that exist.

Mayor Pro Tem Fergusson asked if there are steps that can be taken in the immediate future without a big dollar cost to better utilize what the City has or to at least identify all of the potential sites for playing fields in an effort to then look at criteria and technical issues such as the cost of building and maintenance associated with each potential location. City Manager Boesch said that as it stands he sees the subject differently and he does not think we need more data to prove that there is an unmet need for fields. He said that the VA and St. Patrick's Seminary properties have been explored extensively with a good deal of time and effort, but they are not presently viable alternatives.

Council Member Winkler stated that there is information that the Council needs before moving forward such as the answers to Bayfront site-specific questions regarding feasibility, costs and funding mechanisms. After obtaining that information, if it is the desire of the Council to put the item on a ballot for the citizens to weigh in on, the verbiage would need to be ready by the last Council meeting in July.

M/S Fergusson/Cohen to direct staff to outline a fact-based process to identify all potential sports field sites in the City of Menlo Park and include criteria to rank the sites and evaluate all the issues and include costs.

Council Member Duboc expressed that she could not support such a motion as she believes it would not be time well spent, and City Manager Boesch's opinion was that much of the information probably already exists. However, as he can't anticipate where the gaps might be, a narrower focus may be more achievable within the restricted timeframe. Mayor Pro Tem Fergusson is not, however, looking for a summary but the identification of a process by which all voices are heard and all opinions voiced to reach the long-term goal of developing sports fields.

M/S Winkler/Duboc substitute motion to get the information as outlined by early July to see if the indications are that the ball fields at Bayfront Park are feasible in an effort to frame a ballot issue. The four issues are: technical feasibility, funding alternatives, cost estimate and potential siting, and which includes consideration of a report from the Parks and Recreation Commission. Motion to substitute carries 3-2 with Cohen and Fergusson opposing.

Council Member Cohen was concerned that this process will begin a problem that will involve more delay and complexity than the process suggested by Mayor Pro Tem Fergusson, particularly as he has heard nothing about the other agencies that will have to be involved in looking at Bayfront Park. Mayor Pro Tem Fergusson asked what is driving the timing of suggesting a ballot measure when unless additional analysis takes place the residents are not being presented a real choice. Council Member Winkler reiterated her desire to not spend additional resources on this item until knowing the will of the people.

City Attorney McClure advised that a ballot vote would simply be a means of gaining political direction. Fields will not come to fruition unless it is taken through the process of approval and the appropriate permits are obtained. Council Member Duboc pointed out that enormous resources of time and money have already been spent on everything other than questioning whether Bayfront Park is a viable option. It is crucial to get community buy-in to support the process.

Mayor Jellins outlined the process by which this could be aided by a ballot measure. If the information provided in July proves to be inadequate for the development of a ballot measure, the Council can decline to do so.

Motion carried 3-1-1 with Cohen opposing and Fergusson abstaining.

Council took a break at 9:47 p.m.

2. Discussion and clarification of the Budget Advisory Committee (BAC) charge.

Honor Huntington, reported to Council that no one on the BAC has expressed a desire to be off of the committee, and most have committed to a level of activity of attending large meetings to discuss pertinent items. However, input will not be received from BAC for the existing budget cycle. Areas of interest include business development for which committee members would like to hold a general meeting to get ideas on the table, work with Dave Johnson and possibly recommend additional resources that the City might want going forward; looking at the budget process as it relates to the overall planning process; and the need to perhaps update the General Plan and how it integrates with budget decisions that are made with regard to global issues.

Ms. Huntington said it may be helpful for the community to understand how other communities deal with certain issues particularly with regard to business development as it relates to pension and benefits. There was interest on the committee in terms of the pension issue; however, the Committee then backed off because their understanding was their goal was to try to do something in the short term, which with regards to pension was not feasible. In terms of comparing Menlo Park to other cities, there is a level of complexity in terms of getting a meaningful comparison. There is also interest in looking at the infrastructure and how that is budgeted for.

Mayor Jellins pointed out that it is difficult to structure without imposing a structure on the volunteer work of well-intentioned and well-educated individuals in the community. The group of individuals who wish to serve given their background and experience may serve in some way as a resource or sounding board for issues of concern to meet on an ad hoc basis and perhaps conduct independent research.

BAC should work to form their short and long-term goals and come back to the Council as progress is made and results or recommendations are formulated. Council Member Cohen would like to hear from BAC as to how they will move ahead. A general meeting has to take place for the BAC to develop a focused, planned approach. As that hasn't happened, the Council doesn't have guidance to offer. Mayor Jellins believes there does need to be some structure to the BAC perhaps utilizing a roundtable structure similar to what was utilized in 2002. An appropriate follow through may be to solicit responses from members of the former BAC to the series of questions that have been asked with regard to envisioning how BAC will continue to work on behalf of the City.

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.

Mr. Boesch reported that an urgent request was received from the League of California Cities to oppose Bill 2922, which will be heard in Committee and has to do with significant changes to State redevelopment laws. City Manager Boesch issued a letter that was sent in opposition to the Bill.

G. WRITTEN COMMUNICATION

1. Request by Mayor Pro Tem Fergusson that the Council discuss the request by former Mayor Kinney and former Bicycle Commissioner Kurt Servos that the City give recognition to the late Rosa Parks.

Mayor Jellins found the request a bit patronizing in light of consideration that there is a great range of national and world leaders who have made significant contributions that have not been honored in this way. Mayor Pro Tem Fergusson said there are lots of examples in the City where streets are named after concepts and people that symbolize something important to the people of Menlo Park. There is latitude in naming the streets of the City, and she thinks it is a legitimate topic of discussion.

Council Member Duboc commented that there are many great people in the nation and world who are deserving of honor, but her personal feeling is that there are great citizens in Menlo Park itself and her preference is to honor those that have given to their community in particular. Council Member Cohen expressed his lack of understanding of the reluctance to name a bike bridge after Rosa Parks. Her contribution to the history of this country was many years ago, which is what stands out to him. There is a value in identifying what is otherwise an unidentifiable structure such as a bicycle overpass with a historical figure who has made a great difference to the welfare and wellbeing of many. The idea that heft should be given to the history of Menlo Park to make citizens more mindful of what it is about resonated with Council Member Winkler, but she would like to focus on local people rather than historic/national individuals.

H. INFORMATION ITEMS

1. Investment Report for the Quarter ending March 31, 2006.

I. COUNCIL MEMBER REPORTS

Council Member Duboc reported that the first public meeting regarding the San Franciscquito Creek Feasibility Study with the Corps of Engineers would be held at the International School on Thursday at 7:00 p.m.

Mayor Pro Tem Fergusson reported that she attended the Association of Bay Area Governments annual conference, which was a joint conference of geophysicists and scientists in conjunction with recognition that it has been 100 years since the 1906 earthquake.

Council Member Winkler attended the Emergency Services JPA meeting of April 20th, 2006 and she reported that Menlo Park experienced a 26% increase, bringing the total to \$50,388, for HAZMAT Services provided by South County Fire.

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

K. ADJOURNMENT – the meeting adjourned at 10:41 p.m.

Respectfully submitted,

Silvia M. Vonderlinden, Certified Municipal Clerk

Submitted for approval at the Council Meeting of October 10, 2006.

