



**CITY COUNCIL
COMMUNITY DEVELOPMENT AGENCY**

MINUTES

Tuesday, September 26, 2006

7:00 p.m.

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

6:00 p.m. CLOSED SESSION (First Floor Conference Room – Administration Building)

1. Closed Session pursuant to Government Code Section §54957.6 to conference with labor negotiators regarding labor negotiations with the Local 715 Service Employees International Union (SEIU) and the American Federation of State, County, and Municipal Employees Local 829 (AFSCME). Parties present: David Boesch, City Manager, Dan Siegel, Acting City Attorney, Labor Attorney Emily Prescott and Glen Kramer, Personnel and Information Services Director.

The Mayor announced that the Closed Session would take place after the regular meeting in the form of a Special Meeting.

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

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

STAFF PRESENT – David Boesch, City Manager; Dan Siegel, Acting City Attorney and Silvia Vonderlinden, City Clerk. Other City staff were present in the audience.

PLEDGE OF ALLEGIANCE

A. COMMISSION VACANCIES, APPOINTMENTS AND REPORTS

1. **Swearing in of new Parks and Recreation Commissioners.**

Nick Naclerio and Paula Maurano were present and sworn. Mr. Blythe arrived later.

2. **Commission members and Chamber of Commerce reports.**

B. PRESENTATIONS AND PROCLAMATIONS - None

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

D. CONSENT CALENDAR

1. Authorize the Public Works Director to accept the work performed by Republic Electric for the Emergency Vehicle Priority Systems installation on Willow Road between Middlefield Road and Bayfront Expressway (SR-84).
2. Adoption of resolution no. 5705 approving the installation of a 20-minute limited-time parking restriction on the south curb of Willow Road adjacent to 408 Willow Road.
3. Adoption of resolution no. 5706 approving the final map for the Heritage Oaks Subdivision located at 996-1002 Willow Road, and authorization of the City Manager to execute the Subdivision Improvement Agreement guaranteeing completion of the development improvements.
4. Adoption of resolution no. 5707 endorsing State Propositions 1A, 1B, 1C, 1D, 1E, and 84 on the November 2006 Ballot.

M/S Winkler/Fergusson to approve the Consent Calendar. Motion carries unanimous.

E. PUBLIC HEARINGS - None

F. REGULAR BUSINESS

1. Update on the operation and maintenance of the Burgess Aquatics Center for Summer 2006.

Aaron Johnson, Senior Recreation Supervisor, presented the report. He provided background information on the current use of the pool. He provided statistics on the number of users that attended the Burgess Pool and shared results from a survey that Team Sheeper sent out. Mr. Johnson provided information on the financial situation of the contractual relationship between the City and Team Sheeper. Mr. Johnson also provided details on two incidents that occurred at the pool.

Council Member Cohen asked if staff was aware of two other incidents when a life guard was swimming instead of on watch and there was an incident with chlorine. Staff was not aware of these two situations. Council Member Cohen asked if City staff visits the pool regularly and Mr. Johnson confirmed it. Mr. Taylor, Acting Director for the Community Services, answered questions about the fee structure and Council Member Cohen referred to an email sent by Patti Fry on the matter. Council Member Cohen addressed the issue of the fees and he would like to see comparable charges for lap swimming. Council Member Cohen said that access to the pool is being charged to those who are just there supervising children and he questions that approach. He asked that staff do a more thorough study.

Mayor Pro Tem Fergusson asked for a break down on the schedule of various types of swimming activities. Mr. Sheeper provided the information on the weekly hours available for open swimming. Mr. Sheeper said that he listened to the public and within the first 10 weeks the schedule changed 8 times to address public needs. Mayor Pro Tem Fergusson asked about the rates and Mr. Sheeper said that this is not a regular city pool because this is a hybrid model. Council Member Cohen asked about the SOLO group and Mr. Sheeper said that an agreement has been reached and so they have been using the pool since September. Council Member Cohen asked about the future and Mr. Sheeper said he has many prospects for the future. Council Member Cohen said that he has heard that the programs are better than before. Pool use was discussed and Mr. Sheeper provided information on the matter.

Council Member Winkler asked about the policy on caretakers being charged. Mr. Sheeper explained how he came up with this policy but basically he said it is hard to monitor who is going to get into the pool and who isn't. Similarly, he said that everybody pays to go to Disneyland but not everybody goes on the rides.

At 7:30 p.m. Mayor Jellins announced that the regular meeting adjourned to a special meeting. Mayor Jellins opened the special meeting of the Council to have the Closed Session. The special meeting was opened and public comment taken.

Hank Lawrence spoke about the childcare center and he supports an investigation on the union or parents to find out if there was any wrong doing. Mr. Lawrence spoke about a previous city employee who has recently been charged with child molestation.

Mayor Pro Tem Fergusson asked if that staff person had anything to do with the Menlo Children's Center. Mr. Boesch said not to staff's knowledge.

Mayor Jellins invited a motion to continue the special meeting.

M/S Fergusson/Duboc to continue the Special Meeting to the end of the Regular Session. Motion carries unanimously.

Council Member Winkler said she is happy with the pool operations and the survey results. Council Member Cohen asked for a more reasonable cost on single swim. Mr. Sheeper said that the hours

and staff would need to be cut in order to accommodate it. Mayor Pro Tem Fergusson asked if the Parks and Recreation Commission reviewed the report and Mr. Taylor said they saw the information but not the full report. She would have appreciated a report from the Parks and Recreation Commission on the matter. Mayor Jellins said that the Council had not given such direction and so in the future Council should be clearer. Mayor Pro Tem Fergusson believes it is important to recognize that there is the question of what do you optimize when you privatize, is it profit or public benefit. She concedes there are some of both but nevertheless she asks what is the benefit to the rest of the community and the budget? She still has a problem with the fact that the pool was awarded on a no bid contract process and she has a challenge with no rent being paid.

Mayor Jellins referred to the letter from Ms. Fry and he requested a response from staff. Mayor Jellins spoke about public benefit and the contract and to him it seems that things are going well. Council Member Duboc said this was a remarkable effort and she is happy with the results. She thanked staff and Mr. Sheeper for their efforts.

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.

Mayor Jellins noted that a resolution was adopted via the Consent Calendar supporting certain propositions that will be on the November ballot.

G. WRITTEN COMMUNICATION - None

H. INFORMATION ITEMS - None

I. COUNCIL MEMBER REPORTS -

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

K. ADJOURNMENT – The Council adjourned at 8:00 p.m. to a Closed Session that adjourned at 9:15 p.m. with nothing to report.

Respectfully submitted,

Silvia M. Vonderlinden, City Clerk

Approved at the Council Meeting of November 28, 2006.