



SPECIAL CITY COUNCIL MINUTES

Tuesday, April 3, 2007

5:45 p.m.

701 Laurel Street, Menlo Park, CA 94025

Menlo Park City Hall – First Floor Conference Room

and

REGULAR CITY COUNCIL

COMMUNITY DEVELOPMENT AGENCY

MINUTES

Tuesday, April 3, 2007

7:00 p.m.

701 Laurel Street, Menlo Park, CA 94025

Menlo Park City Council Chambers

5:45 p.m. SPECIAL MEETING (First Floor Conference Room – Administration Building)

ROLL CALL – Fergusson, Cohen, Boyle, Cline, Robinson

PUBLIC COMMENT – None.

PLANNING COMMISSION INTERVIEWS - Council conducted interviews of the Planning Commission applicants between 5:45 p.m. and 6:45 p.m. during a Special City Council Meeting at the City Hall administration building.

ADJOURNMENT TO THE REGULAR MEETING – At 6:55 p.m.

ROLL CALL - Fergusson, Cohen, Boyle, Cline, Robinson

Staff present - Kent Steffens, Interim City Manager, Bill McClure, City Attorney, Arlinda Heineck, Acting Assistant City Manager, and Silvia Vonderlinden, City Clerk. Other City staff was in attendance in the audience.

PLEDGE OF ALLEGIANCE

A. COMMISSION VACANCIES AND REPORTS

1. Appointments to the Bicycle and Planning Commissions. (Memorandum)

The Council appointed by acclamation the three applicants to the Bicycle Commission for terms that will expire April 2011. **The new appointees are: Rich Ferrick, MaryAnn Levenson, and Erika Rottenberg.**

The Mayor opened the floor for nominations to the Planning Commission seat. Vice Mayor Cohen nominated Vincent Bressler. Council Member Boyle nominated Lorie Sinnott. Council Member Robinson thanked all those who applied and he spoke highly about all applicants.

The Mayor asked for the vote on the nominations. Vice Mayor Cohen and Council Members Cline and Robinson voted for Vincent Bressler. Mayor Fergusson and Council Member Boyle voted for Lorie Sinnott. **Vincent Bressler is the new Planning Commissioner to serve a term that will expire April 2011.**

2. Commission member and Chamber of Commerce reports.

Kirsten Keith, Chair of the Planning Commission, referred to a March 26, 2007 Planning Commission Study Session attended by various Council Members at which there was a presentation on green building. She referenced handout materials that included checklists for green building and asked that the Council consider what next steps might be for helping people to build green homes. On another subject, Chair Keith stated that the Planning Commission

had recommended a project priority regarding support for a light rail alternative in the Dumbarton Rail project and that the Commission is requesting further consideration of the recommendation.

Mayor Fergusson suggested that the Council might want to consider asking the Planning Commission to do some work on green building issues, such as development of voluntary programs for the use of the checklists and training programs. At the Mayor's request, the City Attorney commented that Council could have the issue addressed by the Green Ribbon Citizens Committee or place the matter on a future agenda for discussion. **Vice Mayor Cohen commented that it would be appropriate for the Green Ribbon Citizens Committee to first deal with the matter as part of its overall scope of work. There was consensus from the other Council Members to take this approach.**

Regarding the Dumbarton Rail issue, Interim City Manager Steffens said that the Planning Commission recommendation is a policy matter and not a project within the City's control or one that requires a budget appropriation and, as such, is not appropriate to consider as part of the project priorities. He further commented that he advised the Commission that an appropriate way to raise the subject was under Commission Reports, and that the subject could be scheduled for a future agenda. Council Member Robinson stated that the next meeting of the Dumbarton Rail Policy Committee is April 24, at which the Committee would be reviewing four alternatives. He commented that he would like guidance from the Council and public before having to take a position on the alternatives. Recognizing the short amount of time available before the April 24 meeting, he stated that he would be talking with the City's Transportation Manager and project staff.

Paula Maurano, Chair of the Parks and Recreation Commissioner, provided an update on the issues discussed by that body regarding the allocation of funds for the field at Encinal School. She reported that the consensus was that this was an opportunity to enlarge the inventory of fields for kids in Menlo Park. Ms. Maurano suggested a cost sharing agreement as a better approach with Menlo Park, Atherton and the School District each paying one third of the cost. Ms. Maurano added that the vote on this matter was not unanimous because there were environmental concerns. She commented on Measure T funds and how the Commission supported proceeding with the Burgess Gym project.

James Tedrow, Library Commissioner, thanked the Council for the removal of the fee to check out CD's. Mr. Tedrow explained the mission of the Library and he commented that sales taxes have decreased since 2001 and the operations have been impacted. Mr. Tedrow added that the big aim for the coming budget is to reinstate enough funds to add hours and staff. The estimate for this is approximately \$230,000. Mayor Fergusson asked that Mr. Tedrow work with staff on a possible report about the services that were previously cut.

B. PRESENTATIONS AND PROCLAMATIONS

1. Presentation by Tyco and General Motors regarding the transfer of ownership of 22 acres at Bayfront Expressway and Willow Road.

Mayor Fergusson invited the guests to speak about the agreement reached between Tyco and General Motors. Spencer Leslie of Tyco announced the completion of the sale of 22 acres of land from Tyco to General Motors and presented Mayor Fergusson with a token of appreciation from the parties involved.

C. PUBLIC COMMENT #1 - None

D. CONSENT CALENDAR

1. Approval of the minutes for the City Council meeting of February 27, 2007 (attachment); and the minutes for the City Council meeting of March 6, 2007. (attachment)

M/S Cohen/Cline to approve the consent calendar as presented. Motion carries 5-0-0.

E. PUBLIC HEARING - None

F. REGULAR BUSINESS

1. Consideration of priorities regarding park and recreation improvement projects for the second phase of Measure T funding. (Staff Report #07-055)

Barbara Santos-George, Community Services Director, presented the report that covered the process that led to the current recommendation. Ms. Santos-George provided a break down of the Measure T funds and elaborated on some of the projects covered by the funds.

Council Member Cline asked what was meant by “prior year reversal” in the description of the funds. Finance Director Augustine explained that accrued vacation and payroll costs had been included in individual project funds but that the FY 05-06 audit determined that these non-cash expenditures should not be included. She stated that the City could have gone back through a process to remove the costs from each project budget, but because these were non-cash expenditures and had no impact on the fund balances, the removal of the costs was done as a single total and identified as “prior year reversal”. Council Member Cline referenced the work done on fields at Oak Knoll School, Encinal School and Tinker Park and the fact that these fields were then redone resulting in a short-term investment. He asked how the City might do a better job at projecting the longevity of fields. Interim City Manager Steffens explained that these projects were completed before the School District’s bond was on the ballot for consideration, so the City could not have foreseen that the fields would be re-done. He further commented that to avoid this in the future, joint use agreements include depreciation schedules and provisions for reimbursements if the field is no longer available for City use. Council Member Robinson asked if the City has more money earmarked for the Encinal site and Mr. Steffens confirmed that to be the case.

Council Member Robinson stated that he had understood that the bonds were to have been released in the summer of 2007, and asked why that had now moved to 2008 with construction in 2009. Ms. Augustine said that in order to receive a larger issuance, it is best to issue the bond just prior to when the bulk of the funds would be needed and that since construction is targeted for 2009; the decision was made to issue the bonds in 2008. Council Member Cline asked about projections for staffing levels at the gym and Ms. Santos-George said that it would be part of the programming study. Mayor Pro Tem Cohen asked about the relationship with the study of fields. Ms. Santos-George explained that the Project Priorities include \$40,000 for a citywide study of play fields. Mr. Steffens added that the full future costs cannot be determined until a specific site is chosen and designed, but that there are other sources of funds, such as the Recreation-in-Lieu Fund that can be used. Acting Public Works Director Nino stated that there is approximately \$1.5 million in the Recreation-in-Lieu Fund. Council discussed the programming and design phase and Mr. Steffens said that the funds will come from remaining money available from the first issuance of the bond, noting that there were savings from individual projects and interest income. Art Morimoto, Engineering Services Manager, said that the interest received on Measure T was approximately \$900,000 with an additional \$700,000 from State proposition funds. Council Member Cline asked questions about the programming study and Mr. Steffens said that staff would look at different options for the various programs, including how those programs would be accommodated during the construction, and would include the Parks and Recreation Commission in the discussions.

Public Comment

Brian Keating said that he was uncertain if the community was aware of what was before Council tonight. He asked about future plans for the current fields and for an increase in playing fields.

Andy Belk said that in England schools include soccer fields from the design stage.

Council Member Robinson commented that the Parks and Recreation Commission needs to be included in the process as well as the community. He would like cost recovery to be looked at for the sports fields because right now the city is not close to recovery. Council Member Boyle said that there is a big challenge on how to spend this money, and the public engagement process is important so that people are satisfied with the outcome. Mayor Pro Tem Cohen shared concerns, noting that parking may be a concern because from what he sees at Burgess now the parking is well used, and so he has concerns with increasing the parking need.

Council Member Robinson said that while the Burgess Gym is not falling apart, the gymnastics programs are in poor shape. Mayor Fergusson explained that the first phase of Measure T was about fields, and the gym was part of the promise. She suggested that the members of the public who want to know more should contact the Interim City Manager and review the history on the matter and certain forums can be set up to disseminate information.

M/S Cline/Robinson to approve item F1 and include a thorough outreach plan. Motion carries unanimously.

2. Adoption of a resolution appropriating \$600,000 from the Rec-in-lieu fund for the installation of synthetic turf at Encinal Elementary School, subject to certain conditions in a the letter dated March 28, 2007 from the Menlo Park City School District. (Staff Report #07-056)

Mayor Fergusson acknowledged the presence of Ken Ranella, School District Principal, and Jeff Childs who is a member of the School District Board. The Mayor explained why this matter was placed on the agenda. Ruben Nino, Acting Public Works Director, presented the report explaining the design for a proposed Encinal field and the financial contribution from the City. He added that the City and the District have met numerous times and he explained the terms of the agreement.

Council Member Robinson asked about the need for sports fields and Mr. Nino said that the city has not added any fields for a long time and the need has been documented. Council Member Cline asked about the Recreation-in-Lieu fee and Mr. Nino explained that the city has a fee for subdivision developers who provide the funds in lieu of providing the recreation space. Mayor Pro Tem Cohen asked about what it meant for the City to comment on the design and Mr. Nino explained that it would mean that the School District will take suggestions by staff as long as they don't impact the cost of the project.

Mayor Fergusson asked about the possible impact of artificial turf on health, environment and other areas. Mr. Nino said that staff did not have time to go through all those items and study them fully.

Judy Font, with time donated by another speaker, requested that the matter be studied further. She does not agree with the current proposal because the use on weekdays will be limited. She would support using the funds for another field in a different location.

Corby Locke spoke about the national blue bird-house program and she emphasized how the fields are a habitat for many birds and enrich the lives of children.

Ivan Odom said that he was on the Planning Commission for fourteen years and was part of the Beautification Commission. He commented that the Recreation-in-Lieu fees were part of the city funds and whatever will be needed should come out of such funds.

Stephen Walton said there is no rush to decide. He finds it irresponsible that staff did not have time to analyze the matter in detail.

Laura King explained that her concerns were covered by the previous speaker. She opined that the safety issues are being bounced between jurisdictions and she believes the current approach is a short-term solution.

Diana Beuttler opposed the proposed field because she thinks it is for the wrong use. She would support using these funds to place turf at Burgess Park. Ms. Beuttler does not find artificial turf a suitable solution for fields that are going to be used by small children.

Daphne Valentine expressed her interest in keeping the grass since she finds it more enjoyable.

Alice Valentine asked the Council not to fund this project because she believes the school field should serve the students and not other populations. She is concerned about the environmental impacts and as a member of the Green Ribbon Citizen Committee and the co-chair of the Environmental Committee at Encinal School she cannot support this approach.

Brian Keating complimented the teachers serving the School District. In his opinion, artificial turf should be used for sports such as soccer and lacrosse.

Elizabeth Blois, with time donated by another speaker, said that she represented the Felton Gables Association and artificial turf does not fit the area. Ms. Blois said that the agenda does not clearly illustrate the discussion that is taking place. She questioned using Recreation-in-Lieu fees for this end. She further commented that the site is not flat and there are heritage trees on site.

Wood Wong requested that an environmental impact report be done on this issue.

Mark Costa expressed his views about the quality of the staff report and pointed out that if certain Council Members voted for artificial turf they would lose his support.

Bill Softky said that he was born around Encinal and he believes that there was a high neighborhood response to this issue because it is important. He asked Council to delay making a decision.

Kimberly Wainscoat presented a petition that opposes the proposed change to the Encinal field. She mentioned numerous activities that children enjoy in the area and on the fields.

Aaron Wainscoat shared concerns regarding the need for an environmental impact report, finding it a necessity. He requested that it be completed first.

Andy Belk supported artificial turf but not in this area.

Anne Kolker commented that she can not support fake grass. She is a resident of Atherton and she is concerned with traffic impacts.

Grace Wainscoat expressed to the Council how much she appreciates and values real grass.

Laure Laprais highlighted the disadvantages of artificial turf and mentioned the Stanford Stadium as a site that went with natural grass.

Manfred Kopisch, with time donated by Marcia Bever, provided a presentation to Council and mentioned that he does not want his child to play on artificial turf. He provided his own financial analysis of the situation and he believes that in the end the City will be paying an additional \$160,000 every year.

David Crowder said that there is a great need for fields. He is willing to work with anybody and everybody to find more fields.

Marty Mednick said that the grass system worked well. He made various points against the use of artificial turf.

Marcia Bever handed out documents to the City Council Members.

Mayor Fergusson pointed out that she does not have enough information to move forward with this because the City does not know what action the School District will take. Council Member Boyle said that one options is to agree that the City is willing to support this endeavor if the School District will get to an agreement with the neighbors on numerous topics that are of concern. Council Member Cline is not sure that tomorrow night the School District will answer all the questions posed by members of the public. Mayor Pro Tem Cohen said he is against the proposed approach and this should not have had to require the tremendous turn out. Council Member Robinson said that this is before Council because the School District requested action from the City and he acknowledged the need for fields. Council Member Robinson stated that he cannot support artificial turf at this site. Council Member Boyle stated that the school gets to decide what to do with the fields and where to place these fields.

Mayor Fergusson said she cannot put aside the voice of the community that has spoken tonight. It does not look like the community is ready for artificial turf in this elementary school site. She would like to see a full cost analysis as well as the question of spending Recreation-in-Lieu funds addressed. **Council discussed the issue of artificial turf and Council consensus was that Menlo Park is not ready to embrace artificial turf at this site.** Mayor Pro Tem Cohen believes the School District had good intentions, but at this point the answer has to be no. Council Member Boyle said that the some of the claims regarding sod and turf are not completely unbiased since the sod and turf industries are producing some of the material that is out there.

M/S Boyle/Cline to act on the matter tonight and approve the staff and Parks and Recreation Commission recommendation with the caveat that a number of issues that have been raised tonight be addressed by the School District and then have the matter come back with a plan that will be satisfactory to Council.

Council Member Robinson said that some of the comments about the staff report were disrespectful and he did not appreciate it. He said that staff is trying to do the best it can. He commented that there is going to be a field shortage and so there may be other options for the City to consider in the future. Council Member Cline stated that a lot of information was missing from the staff report. Mayor Fergusson agreed that artificial turf could be considered in different locations.

Council Member Robinson proposed an alternate course of action which is to table this and return the matter after the School District takes a position. Mayor Pro Tem Cohen said that he wants to act decisively and he will vote against it.

The City Attorney reiterated the motion and the Mayor called for the vote.

Motion fails 2-3-0 with Council Members Fergusson, Cohen and Robinson opposing.

Council discussed the rules regarding extending the meeting and the City Attorney said that Council would need to vote by 11:00 p.m. whether to go beyond midnight.

Council took at break from 10:35 p.m. to 10:45 p.m.

This item was taken out of order:

4. Adoption of an amended Resolution No. 5732 supporting the request of the Coalition to expand Transit Service (CETS) that Caltrain retain an outside scheduling consultant to develop and evaluate alternative train schedules that may provide a better balance between local service and express train service within San Mateo County in order to meet the needs of more passengers. (Staff Report #07-057)

Chip Taylor, Transportation Manager, presented the staff report. Mr. Taylor explained the points made in the resolution. Mayor Fergusson acknowledged Mark Simon, Special Assistant to the CalTrain CEO, who was present to answer questions.

Jerry Carlson, Town Member of Atherton, spoke about the reduction in train service. He referred to a study done by that city that showed that convenience was the most important issue from the user point of view.

Andy Belk said that light rail is more environmentally friendly and it should be considered.

Terry Nagel, Mayor of Burlingame, said that train stations are an important part of the community and she believes the decision tonight is about the rights of small towns. She said it is time to take the time to study this and she believes this will allow for an independent outside consultant to study the matter with impartiality. In Ms. Nagel's opinion the Council owes it to its constituents to make the system more productive and user friendly. She highlighted the environmental benefits of a transit oriented system.

Malcolm Duddley explained in detail information that he submitted to the Council. He added that those cities at the center of the north to south route are the ones that suffer the most with the service reductions. He said that Measure A funds are used towards this end, but there is a smaller benefit to the cities in the center of the route.

James Janz, Vice Mayor of the Town of Atherton, found the study a just cause and asked Council to support it.

Mayor Pro Tem Cohen said that he will support this effort and he requested cooperation between the various jurisdictions. He informed the CalTrain representative that he is not happy with the status quo and something needs to be done. Council Member Boyle asked questions of Mr. Simon regarding the schedule change and the process leading up to it. Mr. Simon said that there were multiple public hearings about the schedule change and over 3,000 letters, emails and phone calls were considered. Council Member Cline asked why two cities do not have stops in the route. Mr. Simon said that this was a process that CalTrain went through and this was based on ridership and the distance between stops in cities.

Council Member Boyle gave an example of how the City's master fee schedule was just approved a few weeks ago, and after the fact there were complaints, when during the process nobody came forth. He believed that this is a similar situation and that a broad resolution that states that the City does not like previous CalTrain decisions is like second-guessing a process that was thorough with people having the opportunity to complain. He does not find this the way to go, i.e., spending thousands of dollars to revisit an issue that has been publicly vetted. Council Member Robinson commented that he found the above-mentioned analogy flawed because this is two years into a process and assessing its impacts in the community has some merit. He stated that the issue here is if an outside consultant should be hired to look at the situation with impartiality. He further stated that given the magnitude of the issue this might be a reasonable expense because the money may be recovered if, after the study, the ridership can be increased. He is inclined to support this resolution and he would like to get the bus system integrated since he supports a transit network. His goal is to use this as an opportunity to have more people get out of their cars and into transit.

Mayor Fergusson stated that ridership is a serious concern and residents need to be able to take the train in Menlo Park. She asked that CalTrain re-examine the schedule. Mayor Pro Tem Cohen asked for more cooperation from CalTrain and stated he would like to see more fences, better schedules, and noise control devices. He asked why these have not been addressed.

M/S Cline/Robinson to accept the staff recommendation and approve the resolution.

Council Member Boyle alerted Council that because CalTrain has to look at the schedule as a whole Menlo Park in the end might end up with a schedule that might be worse. Council Member Cline asked that the situation be fixed for Menlo Park. Mayor Pro Tem Cohen said that he is pleading for better service from CalTrain.

Motion carries 4-1-0 with Council Member Boyle opposing.

3. Discussion of the fiscal year 2007-08 Budget process; approval of recommended 2007-08 Capital and Study Projects Priorities; and direction regarding budget initiatives to be included in the City Manager's proposed 2007-08 Budget. (Staff Report #07-054)

Council discussed the time limitations in addressing this item so late into the night. Mayor Pro Tem Cohen said that he would prefer to adjourn the meeting and return on Thursday. Council discussed its availability to have a special meeting. There was a suggestion to move this item to the meeting of April 17, 2007 with a start time of 6:00 p.m. to address this matter. **Council agreed with this approach and the item is continued to the meeting of April 17, 2007 with a starting time of 6:00 p.m.**

Council made the following suggestions and comments:

- Council Member Boyle commented on the need for milestones for the projects. He further suggested combining E6 with E9 since both are related to fields and combining them could serve to streamline the timelines of the projects. He did not support T1 related to the study of a bike undercrossing, believing that the study is premature. He suggesting moving up T9 regarding El Camino Real lane configuration but also acknowledged that this could be part of the El Camino Real and Downtown study.
- Council Member Robinson stated that he would like to keep T1 as a recommended project and requested to have the parking lot of Trader Joe's resurfaced.

Interim City Manager Steffens said this would require eliminating the sidewalk master plan project and considering a downtown parking lot project instead, and that staff could bring some information back on this matter. He commented that there is a separate Santa Cruz Avenue sidewalk project that would stay on the list.

- Mayor Fergusson is supportive of the staff recommendation on E6 but she found that the two sentences on the description should be reversed to emphasize field configuration over artificial turf and lighting. She stated her support for the sidewalk related projects noting the benefits for creating a walkable community. She stated her preference for keeping T1 on the list.
- Mayor Pro Tem Cohen explained his concerns with the process of looking at these projects at such a late hour and doing it quickly. He shared concerns with T5 and T6 since the schools do not appear to be addressing the use of cars in getting kids to school.
- Council Member Cline stated his interest in the project for downtown parking, including structures. He recommended keeping T1 on the list, but noted that it should be coordinated with the El Camino Real and Downtown Study.

City Manager Steffens said that staff would assume that the projects that were not mentioned could move forward. Council Member Robinson asked for an estimate on adding the project he referred to. Mr. Steffens said staff can get an estimate. The rest of the items will be addressed on April 17, 2007 with a starting time of 6:00 p.m.

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

Interim City Manager Steffens spoke about Senate Bill 613 proposed by Joe Simitian and he is hoping for an extension of such bill because it would continue to bring revenues to San Mateo County. **Council agreed with having staff prepare a letter in support of such legislation.**

G. WRITTEN COMMUNICATION - None

H. INFORMATION ITEMS - None

I. COUNCIL MEMBER REPORTS

1. Oral report from the El Camino Real Visioning Project Subcommittee.

Council Member Cline reported that the subcommittee interviewed various facilitators and that the big take away is that the public needs to be involved from the start. Council Member Boyle said he has spoken with Peninsula Conflict Resolution Center and Candace Hathaway and on April 17, 2007 the subcommittee will come back with more information.

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

K. ADJOURNMENT - The meeting adjourned at 12:02 a.m.

Respectfully submitted,

Silvia M. Vonderlinden, Certified Municipal Clerk

Approved at the Council Meeting of April 17, 2007.