



**CITY COUNCIL  
COMMUNITY DEVELOPMENT AGENCY  
MINUTES**

Tuesday, January 10, 2006

7:00 p.m.

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

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

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

**STAFF PRESENT** - Audrey Seymour, Assistant City Manager, William McClure, City Attorney, Silvia Vonderlinden, City Clerk and other staff was present.

**PLEDGE OF ALLEGIANCE**

**A. COMMISSION VACANCIES AND REPORTS**

1. Appointments to the Bicycle Commission to fill two un-expired terms ending in April 2007 and April 2009.

Mayor Jellins opened the floor for nominations for the seat ending in April 2007.

Council Member Duboc nominated David Mason.

Council Member Fergusson nominated Travis Mowbray.

**David Mason was appointed to the Bicycle Commission with three votes.**

Mayor Jellins opened the floor for nominations for the seat ending in April 2009.

Council Member Winkler nominated Robert Steele.

**Robert Steele is unanimously appointed to serve the term ending in April 2009.**

2. Commission Reports.

*Council Member Cohen arrives.*

Mary Gilles, outgoing Transportation Commission Chair, presented this Commissions' priorities for 2006-07. Ms. Gilles also submitted a written report.

**B. PRESENTATIONS AND PROCLAMATIONS**

1. Presentation by Allied Waste (formerly BFI) of plans to change residential garbage collection service routes and pickup days citywide, effective February 6, 2006.

Stacey Wagner, with Allied Waste, presented an overview of the new garbage collection schedule for Menlo Park residential customers. Ms. Wagner highlighted the benefits of the change and the outreach efforts being made to inform customers. Council Member Duboc asked that some of this information be available on the City's web page.

Mayor Jellins proposed that Council take the Consent Calendar first and then the budget item.

Council agreed with hearing the budget item so the public could be heard. Mr. Cohen would like the budget item to be addressed prior to the Consent Calendar.

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

Schel Reyes provided an update on the Dog Owners Group of Menlo Atherton (DOGMA) conversations with the County of San Mateo in regards to the animal ordinance. Ms. Reyes prefers an ordinance with more protections for dog owners.

Elizabeth Lasensky spoke about the demolition of eight affordable units at Fremont Place. She opined that the City is losing a significant number of rental units and creating an imbalance in its economic diversity. She would like the Council to focus on affordable rental units.

Carter McCoy wished Council a happy new year.

## D. CONSENT CALENDAR

### Item pulled D1

1. Waiver of second reading and adoption of Ordinance No. 943 amending various provisions of Title 9 of the Municipal Code relating to Animal Control. (Item continued from the meeting of December 13, 2005)
2. Adoption of Resolution No. 5646 Authorizing an application to San Mateo County for Community Development Block Grant (CDBG) Funds in the amount of \$200,000 for Fiscal Year 2006-2007 for the Housing Rehabilitation Loan Program and authorizing the City Manager to execute related CDBG agreement for Fiscal Year 2006-07.
3. Award of contract for the Emergency Vehicle Priority Systems installation on Willow Road between Middlefield Road and Bayfront Expressway (SR-84) to Republic Electric in the amount of \$123,300; and authorization of a budget of \$155,630 for construction, contingencies, testing, engineering, inspection, and construction administration.
4. Acceptance of work for the Fiscal Year 2004-05 Sidewalk Repair Program and the Santa Cruz Avenue/Sherman Avenue Intersection Realignment Project.
5. Adoption of Resolution No. 5647 authorizing the filing of a report with the State Secretary of Resources for determination of eligibility and entitlement for state payments under the Open Space Subvention Act and designating the City Manager as the authorized representative.

### Item D6: tabled items minutes of November 1, 2005 and December 13, 2005

6. Approval of the Minutes for the City Council Meetings of November 1, 2005, November 8, 2005, November 15, 2005, Special Meeting on November 29, 2005, November 29, 2005, December 6, 2005, and December 13, 2005.

**M/S Winkler/Duboc to table the minutes of November 1, 2005 and December 13, 2005. Motion carries unanimously.**

**M/S Duboc/Winkler to approve Consent Calendar items D2, D3, D4, D5, and partially D6. Motion carries unanimously.**

Consent Calendar item D1 to be addressed later.

## F. REGULAR BUSINESS

1. Discussion and possible direction regarding potential budget-balancing strategies to be considered during the *Your City/Your Decision* community workshops in February.

Audrey Seymour, Assistant City Manager, presented the staff report covering the budget situation leading to the current approach. Ms. Seymour said that no decisions are required at this time and staff is not making any recommendations, however this meeting is a chance for Council to review the potential strategies and edit or remove any strategies that are on the list. Ms. Seymour thanked the Budget Advisory Committee (BAC) for its commitment and outreach during phase I of the process. She also thanked department heads who developed the strategies. Ms. Seymour disclosed information about the mailer, response levels and result analysis. She acknowledged the difficulty of many of the strategies because they impact people in the community and positions.

Mayor Jellins clarified this is not a decision making point; however he encourages continued participation tonight, in February, March, April and May. Council Member Cohen said that he had a discussion with the City Attorney and there might be a conflict of interest. Mr. McClure explained that he had a discussion with Mr. Cohen and one of the board members for whom Mr. Cohen works is an advocate of not closing the Belle Haven after school child care center. Consequently, Mr. Cohen should recuse himself from any consideration, deliberation or participation relating to this specific program.

Council Member Cohen announced that his employer, Marcia Dore-Perez, handed him a note saying she will resign from the Board of Directors so that he can be part of the discussion.

### **Public Comment**

Rose Bickerstaff commended the Police staff for their work. She commented that children and seniors deserve more consideration. She opined that the City wastes money on consultants and she would like to see pay cuts and salary freezes as options.

Emilia Booth asked Council to please keep the Senior Center open because it brings joy to many users. She is learning Spanish at the Center.

Donald Weber realizes it is early in the process but he wanted to share who he is, because he has been a city employee for six years, and his position is on the line. Mr. Weber said that other cities aren't as lean as Menlo Park and this will jeopardize the safety and effectiveness of city owned equipment that supports services to the public.

Matt Henry said he tries to be a good citizen but he received an email from a Council Member saying that if Belle Haven is not supported the City could balance the budget. Mr. Henry said that the same email suggested that Belle Haven was the cause of the City's financial problems. Mr. Henry believes this Council is split because they are defending their team and they forgot that the team is the City of Menlo Park. Mr. Henry resigned from the Planning Commission.

Bill Jackson lives in Belle Haven and commented that the Center enriches the community. Mr. Jackson said that Belle Haven doesn't have a lot of things but they have the Senior Center and he wants the Council to leave the Senior Center off the table.

Rocio Meskin is a volunteer counselor at the Senior Center and she said that many seniors depend on this center for their only hot daily meal, as well as classes and transportation. On behalf of the seniors, she respectfully asks the Council to take this off the table.

Lee Minnis agrees with the previous two speakers and he offered that the Senior Center is a comfortable place. Mr. Minnis said that this is a service that must be given the utmost respect and elders have been our teachers and brought us here and so now it is time to support them.

James McAdoo said that he served on the Las Pulgas Committee for many years and now he serves the residents through meals on wheels. He believes this is a valid service.

Dawn Platt said that her children attend the program at Belle Haven and it is already expensive. She wants the City to leave the kids alone and she believes they're getting the short end of the stick. Ms. Platt understands the budget cuts but she does believe this is the correct approach.

Marcia Dore-Perez, with time donated by Marcelo Perez, Danilo Perez, Vanessa Carlisle, Sharon E. Green, Ida Young and Malcolm Hoover, said that Council can make a decision tonight and remove Belle Haven programs from the chopping block. Ms. Dore-Perez believes that much too weight is being given to the survey because people lacked a lot of information about the overall budget and the wrong questions were asked. She is an East Palo resident but she pays taxes that support the school district and opined that there is a symbiotic relationship because that school district is paying for Library programs in Menlo Park. Ms. Dore-Perez said that the community served by the Belle Haven After School program is primarily African American, Hispanic, and other minorities. She spoke about two types of segregation one that is defacto and the other that is socio-economic segregation. She is angry at the suggestions because of the jobs that are to be cut. She believes that Belle Haven and Burgess should have been handled the same way. She asked Council to listen to the Belle Haven residents and she demands that there won't be separate and unequal approaches. She suggests removing the Belle Haven After School program from the list and keep things the way they are and there is still a \$900,000 cushion. Ms. Dore-Perez questioned the responses given by the Community Services Director.

George Raines does not want this budget to be based on taking away kids programs.

Diante Davenport, Annie, Donald, Tinka, Tommy, Stephanie, and Petra addressed Council making the following points: save the after school program and keep it the way it is because they really enjoy it and the teachers are good. The children said that the Belle Haven School should be saved because it treats students well, allows them to make friends, and teachers help with homework.

Monique Davenport, an East Palo Alto resident who uses the Belle Haven after school program, said the teachers and the program are professional and competent.

Robert Parra is a City of Menlo Park mechanic with concerns for his job. He hopes other options are found because soon there won't be anybody here. He said that continuous lay offs are hard to take. He thinks that in the survey residents agreed with increasing revenues and increased taxes.

Peter Fortenbaugh, president of the Boys and Girls Club of the Peninsula, said that this is a time for the Council to define its values. Mr. Fortenbaugh opined that Menlo Park can take a stance and make small revenue increases. He offered the services of the Boys and Girls Club for a possible partnership, maybe even to help with fund raising and after school programs.

Jeff Staudinger questioned if gymnastics nearly pays for itself, why isn't aquatics run like that program. He said that one suggestion is to close all pools and save the children and seniors in the Belle Haven.

Patricia Watkins asked Council to hear what the Belle Haven community is saying because they cannot afford to forego services for elders and children. Ms. Watkins asked Council to leave the Belle Haven programs alone.

Vic Lovell said that he got his flu shot at Belle Haven, and opined that the budget survey was not a worthwhile effort.

Aaron Johnson, resident of Hayward, feels for the police officers because they work hard. He believes the Belle Haven After School program is very important, and he asked the Council to listen to the people.

Priscilla Taylor asked if the workshops will be bilingual and if children will have an opportunity at the workshops to give feedback and express their needs.

James Hamilton, Principal at Belle Haven School, thanked the Council for listening to the community of Belle Haven and he believes this is a difficult process. He offered to collaborate with the City in terms of school projects.

Lois Hall, a teacher at Belle Haven who lives in Atherton, commented that she has seen inequities between the East and the West. Ms. Hall mentioned the lack of playgrounds in the East area but she complimented Council for what has been done. She hopes Council keeps the programs in that area.

Marcia Dore-Perez publicly resigned from her position as board member of Community Legal Services. She said she would fax her resignation to that organization this evening.

### **Council Discussion**

Ms. Seymour was asked to address some of the questions from the public and she said that the workshops will be translated and childcare will be provided. Mayor Jellins encouraged Ms. Taylor to communicate with Ms. Seymour about her suggestions.

Council Member Cohen offered that he came here with a suspicious nature about the process. He is here to protect Belle Haven rights and protect them from the cuts. Mr. Cohen said he is disturbed that his boss resigned, and he said he will oppose every suggestion that Ms. Dore-Perez would oppose because he does not want her resignation to go to waste. Council Member Cohen reaffirmed that his business tonight is to protect Belle Haven programs. Council Member Duboc defended staff's approach and the process because she believes this is a balanced way to come up with \$2.9 million. Ms. Duboc said that staff offered a plan that gives Council a lot of room to make choices.

Mayor Jellins believes that services in the Belle Haven area should be subsidized and kept, however he would like to explore strategies to make these programs efficient. Council Member Winkler would like to put some items on the table instead of taking items off the table, and she suggested that residents take a look at the complete list and also consider a special tax to those west of 101 to support the institutions that serve certain segments of the community. Mayor Pro Tempore Fergusson said that she would like more description on the strategies.

Mayor Jellins tried to frame the discussion by asking Council to focus on the points staff needs input on. They are: 1) Are the strategies understandable? 2) Are the strategies responsive to the feedback received through the mailer? 3) What questions should staff anticipate at the workshops? 4) Are there additional strategies Council wants staff to consider? 5) Are there strategies that Council wants to remove from the list?

Council discussed each of these points providing some guidance. On question one some Council Members thought the strategies were understandable but one Council Member would have liked more detail on the individual strategies. One Council Member did not find the strategies understandable and it was his opinion that many people did not understand how the Belle Haven After School child care program could be cut but not the Burgess Center programs. On question number two, one Council Member said that the results of the survey were understandable but merely a snapshot in time. Mayor Jellins said that the goal is to continue being an attentive listener during the next steps. Council Member Winkler is concerned about the process and how it will provide useful information. She shared her own spreadsheets suggesting how the matter should be brought forth at the community workshops. On point number three, Council Member Winkler would like staff to ask the community about the types of taxes they are willing to pay, and what specific services they want to keep and what are acceptable long term revenue strategies.

Ms. Seymour explained that staff will be meeting with the BAC to design a process and approach for the community workshops that also pulls from what was done in other cities. Council Member Winkler wants services not programs listed and this is a change from what was on the survey. Ms. Seymour said that the service by service approach is not specific enough, and there is a great need for specificity. Mayor Jellins said that there is a difference between line items and the strategies and this is important and so Mayor Jellins believes that more than line items are needed for the community workshops.

One Council Member wants staff to put a face to the cuts, and Mayor Pro Tempore Fergusson would like the workshops to be noticed in a way that all Council Members can attend. She would like to have the focus groups allow people to share their values and not just via spreadsheets, because some people might not work well with spreadsheets. Mayor Pro Tempore Fergusson said that on question two she initially was skeptical about the survey process and she was afraid that the description of the services would skew the results. After looking at the results she said that overall there was valuable feedback that was obtained from the combination of the sources. She had mixed feelings about whether the strategies are responsive to the survey because there was a conclusion in the survey report that the residents would not want to raise fees for services to those underprivileged and so the strategies went too far. Mayor Pro Tempore Fergusson believes the strategies over reached and giving 150% might not have been the best approach. Council Member Cohen said that he will vote the way his heart will tell him to, and that means that he will never vote for the cuts in Belle Haven. He believes that certain options should have been eliminated from the get go.

Mayor Pro Tempore Fergusson commented that she hears residents talk about the City being top heavy in terms of management. Ms. Fergusson said it is hard to grapple with this because in every one of the services there are slices of management time and so it is not clear how top heavy we might be. Ms. Fergusson appreciated the suggestion about the cost recovery study and she asked Ms. Seymour if this would address the management levels. Ms. Seymour said that the cost recovery study would not cover a comparative management analysis. She added that even prior to that, staff could provide information about what the city's management structure is for a given service or as the city as a whole, such as, how many employees are there at different levels of the organization and so forth. Ms. Fergusson said she would benefit from getting more information in that respect as part of these budget deliberations. Ms. Fergusson would like to know how our management compares to other cities. Ms. Fergusson believes that cost recovery numbers will be helpful for Council to make educated decisions.

On question four Mayor Pro Tempore Fergusson said that she is very appreciative of the spreadsheets developed by Ms. Winkler but she had a gut reaction about the Belle Haven tax Council Member Winkler suggested and she does not think this is a good approach because it is

repulsive and segregated. Ms. Fergusson believes we all benefit from the blend of talents that exist in our community. Ms. Winkler said that her goal is to have the whole community speak to the proposed strategies and to respond to them. Council Member Cohen wants staff to consider all segments of the community as equal in this review process. He would like this principle added to the list to be considered by staff and the BAC. Mr. Jellins asked if users of different community programs should be included and Mr. Jellins believes this should be part of the implementation approach to make a distinction between the various areas and how people feel about it.

On point five Ms. Fergusson commented that the speakers focused on services for children and seniors. Mayor Pro Tempore Fergusson shared some of her values and she asks herself about this segregation and why it exists. Ms. Duboc does not think items should be eliminated from the list. Mayor Jellins believes that presenting the full scope to the community is a fair process. Ms. Fergusson said tonight she was open to the possibility of taking some items off the table but it doesn't look like it will go that way so she will look at this as an opportunity to hear more from the Belle Haven community and everyone else, and she hopes the workshops will ratify some of the comments made tonight.

Council Member Cohen said that the after school program should not be on the list because there should be some things that leaders don't accept. Mr. Cohen said that the best option is to keep this off and if the people want this on then they can say the Council was wrong. Mr. Jellins asked if Ms. Seymour could reiterate what was discussed and agreed upon by Council. Ms. Seymour said that there was an understanding that there was a general sense that the strategies were understandable and Council consensus was to not remove any strategies at this time. Ms. Fergusson said that she would like to have a strategy that is a different option of looking at after school programs and keep serving everybody that we are serving, but saving money to the General Fund.

#### **D. CONSENT CALENDAR**

##### **Discussion on item pulled D1**

1. Waiver of second reading and adoption of Ordinance No. 943 amending various provisions of Title 9 of the Municipal Code relating to Animal Control. (Item continued from the meeting of December 13, 2005)

##### **D1**

Mr. Cohen said he had abstained before and he is inclined to do the same thing because he has concerns about relying on an administrative body to make a determination. Ms. Duboc is sure that the Police Department will be working with DOGMA and she believes that this is the only option at this time. Ms. Fergusson believes this is a tough place to be but this might be the most effective manner to handle it. She opined the ordinance is clear but draconian and hopes DOGMA continues working with the county to improve it.

**M/S Fergusson/Duboc to waive the reading and adopt the ordinance. Motion carries 4-1-0 with Cohen opposing.**

#### **E. PUBLIC HEARING**

1. Adoption of Resolution No. 5648 ordering the abandonment of a portion of the Hamilton Avenue future street line along the property located at 507 through 563 Hamilton Avenue.

Art Morimoto, Supervising Engineer, gave a brief staff report explaining that the abandonment is a condition of the sale.

Mayor Jellins opened the public hearing. There was no public comment.

Mayor Jellins closed the public hearing.

**M/S Duboc/Cohen to adopt the resolution. Motion carries unanimously.**

2. Approval of a contract with Wilbur Smith Associates in the amount of \$30,000 for a Financial Feasibility Study of the Downtown Parking Structure, and authorization of a budget in the amount of \$37,000 for contingencies and staff administration.

Art Morimoto, Supervising Engineer, presented the staff report and explained the needed expenditures and the scope of the study. Mayor Jellins asked questions about the need for such expenditures. Ms. Duboc asked to table the item until there is more information about cost sharing

and what the community meetings reveal. She is not prepared to spend this money because of the budget situation and what the community meetings might say.

**M/S Duboc/Winkler to table this until March 06. Motion carries 4-1-0 with Fergusson opposing. Mayor Jellins asked Ms. Vonderlinden to announce the votes aloud.**

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.

None.

**G. WRITTEN COMMUNICATION - None**

**H. INFORMATION ITEMS - None**

**I. COUNCIL MEMBER REPORTS**

Council Member Duboc said that there was a San Francisquito Creek Joint Powers Authority meeting last Thursday and she said that many people attended it and the media covered it. She alerted everyone to be aware of the creek.

Mayor Pro Tempore Fergusson reported that she was involved with the storm event on December 31 and she was appreciative of the hands on approach that the engineering staff, city manager and assistant city manager took on the issue.

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

**K. ADJOURNMENT – the meeting adjourned at 10:48 p.m.**

Respectfully submitted,

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Silvia M. Vonderlinden, Certified Municipal Clerk

Approved at the City Council Meeting of February 28 , 2006.