



**CITY COUNCIL
and
COMMUNITY DEVELOPMENT AGENCY
MINUTES**

Tuesday, November 1, 2005

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 – Winkler, Jellins, Cohen, Duboc, Fergusson

PLEDGE OF ALLEGIANCE

STAFF PRESENT - David Boesch, City Manager; William McClure, City Attorney; Audrey Seymour, Assistant City Manager; and Silvia M. Vonderlinden, City Clerk. Various department heads and other City staff were also present.

Mayor Winkler announced that because of the number of speakers, the allotted time would be two minutes per speaker. Mayor Winkler moved the Consent Calendar to the end of the meeting.

A. COMMISSION VACANCIES AND REPORTS

1. Commission Reports.

B. PRESENTATIONS AND PROCLAMATIONS - None

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

Roxanne Rorapaugh spoke about Impact Sciences Inc. and comments she had made at the August 30, 2005 meeting. Ms. Rorapaugh disagreed with the response given by Council Member Duboc.

Vic Lovell commented on the budget survey and how he had pursued a second opinion on the instrument. Mr. Lovell questioned if the responses will represent Menlo Park residents.

A member of the public asked the Council to hear public comment from those with children first.

E. PUBLIC HEARING - None

F. REGULAR BUSINESS

1. Authorize the City Manager to negotiate an agreement with Highlands Golf, LLC, to prepare conceptual designs and environmental studies to further consider active recreational uses at Bayfront Park.

Public Works Director, Kent Steffens, presented the staff report giving an overview of why this matter is before Council. Mr. Steffens covered historical matters, staff's recommendation, input from the Parks and Recreation Commission, and the two proposals for active recreational uses.

Public Comment

Audrey Nassar requested that Council keep Bayfront Park as is and preserve wildlife.

Deb Barnum, with son Walker, shared their support for the Highlands Golf alternative.

Gwyn Murray and son believe that a variety of people use Bayfront Park and it should remain as is.

Gabriel Hall asked Council to maintain Bayfront Park as is and protect current ecosystems.

James Bohak spoke in favor of playfields and the need for mixed use space. He supports the proposal.

Fernando Acosta voiced his preference to keep Bayfront Park in its current condition.

Landon Baty, Peter Bouret, and Dominic Andrighetto support turf fields and more playing fields.

Todd Roberts agrees with the current proposal because it creates more sports fields.

Buck Greenwald opined that Bayfront Park should be preserved because of the migratory birds.

Alaina and Felix Sloo value the park's open space because they believe it meets a community need.

Greg Baity supports the current proposal because in his opinion this is a logical compromise.

Bill Tarr supports the staff recommendation because he believes it will increase the use of the area.

Nick Athens agrees with the staff recommendation because he has seen wild life at golf courses.

Mayor Winkler offered the floor to the developers.

Dwight Pate provided details about his proposal and outlined some of its benefits. Mr. Pate compared and contrasted his proposal with the one by Highlands Golf. Craig Price, with Highlands Golf, explained that his proposal is for an executive-length golf course. He offered that trails would co-exist with the golf course and the use of a computer controlled irrigation system would minimize watering.

Council posed questions to staff about the shortage of playing fields in Menlo Park. Curtis Brown, Community Services Director, gave details about City sport fields and the approximately 4,000 children that use them. Mr. Brown said that there is a demand for soccer fields, and Mark Nuckolls, Recreation Programs Coordinator, was present to answer questions. Mr. Brown provided statistics on the number of teams that use the fields and Mr. Nuckolls explained that staff has turned away several baseball groups for lack of fields. Council Member Fergusson asked if there was numerical data supporting the field shortage. Mr. Brown acknowledged that no recent surveys or studies were done and staff is basing its statements on yearly field allocations and scheduling information. Ms. Fergusson noted that the O'Conner School fields were not mentioned and Mr. Brown answered that while the City has Joint Use Agreements with certain schools they haven't all been explored and further developed.

Council Member Fergusson referred to the Priority Setting Session and her specific wording at that meeting in regards to direction on the matter. Ms. Fergusson is disappointed that county, state and federal funding was not pursued. City Manager Boesch responded that this project has been ongoing for a number of years and if Council lacks important information that staff can provide it. Ms. Fergusson commented that in the context of looking at all the options this would be valuable information.

Council Member Fergusson asked if Mr. Price was going to pay for the Environmental Impact Report (EIR) and he confirmed. Ms. Fergusson asked if an EIR is challenged what would happen. Mr. McClure said the developer would have to defend it. Council Member Duboc referred to comments made about \$3.7 million being set aside (from Measure T). Mr. Boesch explained that this is not accurate because Bayfront Park was relegated to the bottom of the Measure T project list. Council Member Duboc asked if wildlife and golf courses are mutually exclusive. Mr. Price said that they can co-exist. Mr. Cohen asked about the current scheduling of the sports fields. Mr. Nuckolls gave details on the use of fields. Grass fields versus artificial turf were discussed, and Mr. Steffens explained the benefits of the latter which include less maintenance costs and a more resilient surface.

Mayor Winkler asked about fees for golf players and if this is an elitist sport. Mr. Price said that municipal golf courses are commonly more affordable than private clubs. Mitigation for building golf courses in wetlands was discussed. Mayor Winkler shared her concerns about drug use in the park and she added that her questions were answered by an email that Chief Boyd sent to her. Mayor Pro Tem Jellins asked about an EIR that studied passive uses at Bayfront Park. Mr. Steffens explained that the City did an EIR in 1976 when the landfill was changed into a park. He added that any attempt to develop the park will require further analysis. Mayor Pro Tem Jellins asked if passive uses that are revenue generating were explored. Mr. Steffens mentioned that he talked to the Executive Director of the Midpeninsula Open Space District and discussed a cost sharing possibility and there was no interest on their part. Mayor Winkler asked if the Don Edwards National Wildlife Refuge could take over that land and Mr. Steffens said the short answer was negative.

Public Comment

Rob Silano supports the Highlands proposal because in his opinion it is a good opportunity.

Anne Moser believes Bayfront Park is a gem and she disagrees with altering that open space.

Jeff Kleck supports keeping Bayfront Park as is because he thinks it is a magical place to walk.

Schel Reyes supports dog use at Bayfront Park, and thanked Council for the off leash dog use at Nealon.

Julie Kennedy opined that this is a regionally enjoyed space, valued by many who support active sports.

Thomas Gaa said that as a coach he turns down players for lack of fields, consequently he supports this proposal.

Audrey Doocy uses the park frequently and she opposes the proposal. Ms. Doocy read statements from the original EIR.

Ginny Anderson shared that she organized events at the park and it is a place she enjoys.

Michael Anderson opined that learning to play together should be the lesson.

Linda Wagner believes that open space emphasizes quality of life. She opposes the current proposal.

Don Barnby opposes the proposal because in his opinion development opposes nature. He believes the uses don't mix.

Mary Beth Suhr supports the staff recommendation and hopes for a balanced approach that meets the needs of many users.

Ron Espeseth is hopeful that the community will embrace multiple uses.

Robin Winslow Smith, representing the Autobahn Society, advocates for a no development approach and she outlined her reasons, including 60 species of breeding birds that use Bayfront Park.

Michael Dalal does not believe the current proposal is fair because the risk focuses on financial matters and not on the preservation of Bayfront Park.

Jerry Hearn opined that there will be great opposition to this proposal such as the recently formed group "Friends of Bayfront Park."

Chandler Eason is hopeful that all needs can be met and a consensus is possible.

Richard Cline, Chair of the Parks and Recreation Commission, asked for more time for the Commission to address the issue. Mayor Pro Tem Jellins asked Mr. Cline if his views were representative of his Commission or of himself as an individual. Mr. Cline responded that the Commission had taken a position on the matter and he is representing both views (Commission and personal). He does not think the golf course is a bad option but he thinks more time is needed for public hearings.

Dan Hilberman would like to keep the open space as is. He asks staff to review the City's obligations under the original agreement.

Carolyn Clebsch does not support moving forward with the golf course. She supports cooperating with other agencies that are conducting restoration efforts around Bayfront Park.

Richard Ferrick visits the park at least four times a week and he believes that the Parks and Recreation Commission should look at other options. He believes in keeping it an open space.

David MacIntyre advocates keeping Bayfront Park as is and finding ways to reduce the maintenance.

Lennie Roberts, with time donated by Kristen Olsen, and speaking for the Committee for Green Foothills, referenced a letter submitted to Council that outlines its opposition to a golf course. Ms. Roberts does not believe this approach is consistent with the Master Plan for the park. She believes the plan would represent a significant loss of habitat.

Harold Farmer shared that he walks the park regularly and the users are seniors and diverse families.

Eva Blum opposes the idea of a golf course. She believes dogs and humans need to exercise and socialize. She values the connection to nature in the raw.

Eileen McLaughlin, with time donated by Polly Wingfield and one other speaker, addressed Council about the need to be Wildlife Stewards. She asked Council to look at another option which is to have interpretive panels and kiosks along the wetlands and teachers taking children to visit the park. She envisions a hotel, restaurants, and shops through strategic zoning. Eco tourists and environmentalists enjoying birding and environmental conferences taking place there.

Christian Molick opposes the proposal and opined that the current use is the best possible use.

Alison Roxby feels like we have gone back 40 years when paving wetlands was a good thing.

Sandy Venning opposes the proposal because of water uses, fertilizers and pesticides. Ms. Venning asked about the definition of active recreation and if this means recreation that costs money.

Pentti Kanerva believes that the term of the commitment is too long (55 years) and that collaborating with the current restoration project would be important.

Lynn Mortensen opined that since this area is adjacent to Greco Island, and the salt ponds she opposes any development. She understands the need for funding and maybe a joint effort for a bond measure is the answer. Ms. Mortensen suggested the golf track proposal that has the least possible impact.

Michael Closson, Executive Director of AcTerra, does not believe there is a benign golf course and he believes that there are limits to expansion. He believes Bayfront Park is a spiritual place.

Bruce Shapiro (with time donated by Joanne Goldberg) would like to see a contract that shows the mitigation measures. Mr. Shapiro shared a slide presentation and asked where the golfers were. Mr. Shapiro said that Friends of Bayfront Park is just the beginning of an organized effort. He believes that at least 600 users utilize the park daily.

Elizabeth Lasensky, with Renters of Menlo Park, stated that solitude is found at the Park and the artwork deserves a better fate than being dismantled. Ms. Lasensky wants the Council to keep the park as is.

Mary Gilles believes in the creation of an inviting and revenue generating area and she supports the Highlands Golf proposal because it will serve various user groups.

Michael Stouer believes that the all or nothing approach is extremist; he supports a mix of the two. Mr. Stouer said this space can accommodate multiple uses. He supports moving forward.

Virginia Chang Kiralry, representing KORE (Keeping Our Region Energized), believes this could be a win/win situation. In her opinion, this project is a public/private partnership that can be beneficial.

Kim Rubin, with time donated by Mark Goldstein, opined that the Council is not benefiting the residents. He agrees with improving a small area and creating an off leash dog park but in a controlled area. In his opinion Bayfront Park is special because of its wildlife, and a municipal golf course is not the answer. Mr. Rubin believes that the sports fields' problem is related to scheduling of the fields.

John Fox opined that if there is a need for playing fields, then the Parks and Recreation Commission should look at this issue separately and not in connection with the golf course.

Susan Dunlap, the artist who created the art at Bayfront Park, gave historical data on the Great Spirit Path sculpture. The project was completed in 1995 and she shared concerns about keeping the integrity of the sculpture, if it were to be moved. Another speaker gave time to Ms. Dunlap.

Mayor Winkler asked if staff has considered retaining the sculpture or not and Mr. Steffens explained that specific design issues have not been looked at.

Mark Costa opined that the cart is ahead of the horse and he supports more playing fields but process is important and he wants Council to vote against this.

Mary Jo Borak, former Menlo Park Mayor, advocates more public dialogue about Bayfront Park. Ms. Borak said that a golf course has never been a solution for this area. She believes there is an opportunity to talk to Stanford University to create more playing fields.

Steve Schmidt, with time donated by Ross Wilson, thanked Ms. Borak for the outreach on this subject. Mr. Schmidt said that his outreach was very important to add awareness. Mr. Schmidt added that the Council of 2002 dismissed this project, and he hopes this space will never be taken over by golfers.

Carol Fitzgerald thanked Council for its good thinking and she is simultaneously in favor of creating more play fields and also of keeping Bayfront Park as is.

Frank Carney, with time donated by Margaret Carney, spoke as an individual and he was surprised the matter did not go before the City's Environmental Quality Commission (EQC). He added that this is a critical manmade peninsula that sticks out at the bay and he believes that whatever action there will be repercussions for residents. Mr. Carney supports the Parks and Recreation Commission for wanting to slow down this process and asks Council to allow the EQC to review it.

Jim Madden believes this is a tough time because other regional agencies are also in a tough budget time. He believes the golf course is a viable option.

Bob Frankle is the Regional Commissioner for AYSO Region 109 and he believes there is a shortage of fields in Menlo Park. Mr. Frankle supports moving forward with this proposal because it will generate additional sports fields.

Lindsay Bower spoke about the lack of fields in Menlo Park. He does not believe there are 26 sports fields but 26 playing areas. He would like this studied but he supports the proposal.

Roy Thiele-Sardina does not want to pay to maintain the Bayfront Park, and Mr. Sardina said that while the town needs many things one of them is soccer fields. He wants more sports fields.

Bob Crowe, current President of the Menlo-Atherton Little League, is in favor of the proposal. Mr. Crowe said that field management is a challenge, and he supports this proposal because it will increase field capacity.

Chris MacIntosh thanked the Council and the community for the opportunity to speak. She is representing the Sierra Club and opposes the current proposal because it would deprive the community of this open space. She urges Council to investigate other options.

Brielle Johnck wants to know why the City is focusing on Bayfront Park. Ms. Johnck believes that for 55 years the public will lose access to land that is theirs.

Stu Soffer shared concerns about a process where the end justifies the means. Mr. Soffer said that several lots on Hamilton Avenue could be used for playing fields.

Judy Rocchio opposes the golf course and asked about the budget survey results. Ms. Rocchio believes that if this is voted on, then the survey results would be ignored.

Henry Riggs thanked staff for its work. Mr. Riggs believes the EIR will answer many of the questions posed tonight. He believes that multiple uses and fiscal responsibility can be considered jointly.

Charles Bacon opposes the golf park proposal and agrees with speaker MacIntosh. Mr. Bacon believes that the Council needs to find the political will to protect this area.

David Jevans is a referee and coach and he has found playing fields under-utilized and in disrepair. Mr. Jevans enjoys Bayfront Park and would like it to be kept as is.

Vincent Bressler believes this is not a good location for a soccer field. Mr. Bressler said that there might be legal ramifications of pursuing this plan.

Andy Belk said that the Seminary Park is not used and what he would like to see is Bayfront Park be more accessible and dog friendly.

John Posthauer thanked Mr. Steffens, Mr. Nino and Mr. Boesch for their work, the staff report and the outside the box thinking. He gave five reasons to approve this: 1) the environment adapts 2) this allows for multiple uses 3) an opportunity to provide an asset close to the Belle Haven area 4) this is an opportunity to have somebody pay for playing fields, and 5) 25 million people golf in America.

Jeff Kleck thanked Council for being fiscally responsible and he supports co-shared uses of open space. Mr. Kleck believes there is a shortage of turf fields.

Frank Tucker thanked the Council and staff for all the work that has gone into this over the years. He believes this is a community resource that should be used by all. Mr. Tucker does not understand why the EIR shouldn't be pursued.

Jack Morris referred to a letter that outlines the uses for Bayfront Park. Mr. Morris said the question is if these uses should be changed at all.

M/S Duboc/Winkler to accept the staff recommendation, move forward with the next steps, explore further options with Highlands Golf LLC, and begin the EIR process.

Council Member Duboc addressed some of the comments made by speakers such as the Recreation Master Plan and funding. Ms. Duboc explained that this is the beginning of an exploration process and there is a need for play fields. She wants to consider the needs of golfers. Council Member Duboc offered that this has been a priority since the 2001 campaign and this was common knowledge. She elaborated on land uses and how land uses change often in the City, and the previous EIR is from 1976 when there was no salt pond restoration project and the Midpeninsula Open Space District was just being formed. Ms. Duboc opined that the proposed uses are compatible and she believes it is time to start the exploration process that would include City Commissions.

Council Member Fergusson opined that the problem of the playing fields can be solved and should be separate from the issue of Bayfront Park. The latter is a matter of use compatibility. Council Member Fergusson referred to a letter from the Green Foothills organization that in her opinion is compelling. She believes this is about stewardship of the land and saving one little bit of open space that is accessible. Ms. Fergusson does not think it is a good idea to fill in wetlands and she does not need an EIR to convince her. Ms. Fergusson believes there is plenty of opportunity to gain federal, state and county funding. She referred to SB 203, legislation passed which allows San Mateo County to move forward with a ballot measure to support county parks.

Substitute motion

M/S Fergusson/Cohen to direct staff to stop working on active recreation uses for Bayfront park and instead explore federal, state, county and other funding sources for nature oriented recreation at Bayfront park.

Mayor Pro Tem Jellins asked if the proposed development would violate the original permit. City Attorney McClure explained that the City would have to go through an amendment process with BCDC (Bay Conservation and Development Commission) to amend the permit. Mr. McClure said that a number of agencies would have to ultimately approve this project. Council Member Cohen said he cannot support Ms. Duboc's motion because he is dissatisfied with staff's work and the plan is flawed. Mr. Cohen is okay with sharing space but without destroying the character of the area. He is not satisfied with the way sports fields are being used and he believes the Parks and Recreation Commission is not being allowed to do its job. Mr. Cohen would prefer a 60-day continuance so Mr. Cline can do more outreach.

Mayor Winkler commented that the salt pond restoration has its own problems because it involves the dislocation of species. Ms. Winkler said she is disturbed by a knee jerk reaction that says we can't share space. Ms. Winkler is perplexed by the lack of altruism especially because if there are hundreds of current users there could be thousands of users in the future. Council Member Fergusson believes that residents are trying to enhance the environmental uses that occur at Bayfront Park. Council Member

Duboc read an email from a resident that supports the staff recommendation. Ms. Duboc believes that everyone should be considered and not just the wildlife. Ms. Duboc is disappointed for the lack of interest in exploring options. She thanked staff and the developers for their work.

Council Member Fergusson stated she is an AYSO soccer coach and that she believes in exploring all options for better utilization of current fields and other school fields. Ms. Fergusson believes the biggest risk is the environmental permitting and she can't see that this will ever turn into a successful outcome. She believes the EIR will be challenged. Ms. Winkler asked staff to what extent has staff looked at sports fields on the wetlands and Mr. Steffens said that the EIR will be the best way to look at it. Mayor Pro Tem Jellins said that the EIR and other meetings will take place and in his opinion the Parks and Recreation Commission should be given a chance to pursue the sports field issue, while staff is simultaneously pursuing a path with one of the developers.

Vote on the substitute motion:

Motion fails 2-3 with Winkler, Jellins and Duboc opposing.

Mayor Winkler/Duboc rephrased the original motion to include:

- **adopt the staff recommendation having staff initiate negotiations with Highlands Golf LLC**
- **explore the possibility of a dog park, and**
- **have Highlands Golf LLC look at other venues besides the wetlands to develop play fields.**

Mayor Pro Tem Jellins asked to have the imprimatur from the Parks and Recreation Commission before the item gets approved.

The motion was further amended to include taking the draft agreement with Highlands Golf to the Parks and Recreation Commission before returning to the City Council.

Council Member Fergusson cannot support the motion and neither can Mr. Cohen who think that a golf course at Bayfront Park is not a good idea. Council Member Cohen said that golf is not supported by either emails or the speakers. Council Member Fergusson listed various current issues the City has to deal with, and she wants the City Manager to focus on economic development projects and not this project. Council Member Duboc said that she feels compelled to meet the needs of users that asked for sport fields and she wants to explore the possibility of providing those.

City Attorney McClure reiterated the motion:

Mayor Winkler/Duboc clarified the original motion to:

- **adopt the staff recommendation**
- **explore the possibility of a dog park**
- **have Highlands Golf LLC look at other venues besides the wetlands to develop play fields**
- **the City Manager is to pursue negotiations with Highlands Golf LLC**

The motion includes taking the matter to the Parks and Recreation Commission for a recommendation before returning to City Council with a negotiated agreement.

Motion carries 3 to 2 with Cohen and Fergusson opposing.

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.

G. WRITTEN COMMUNICATION

1. A letter from the Lorelei Homeowners Association regarding the proposed overlay ordinance is included at the Mayor's request.

Public Comment

Henry Riggs, speaking on behalf of the Lorelei Manor Association, asked Council to move forward on the overlay ordinance. Mr. Riggs requested that staff find out how much time this project would involve.

Frank Tucker supports the efforts of the Lorelei Homeowners Association.

David Boesch, City Manager, said that the next logical step is to place this matter on the Agenda of November 15, 2005 to review impacts and possibilities. Mayor Winkler would like to have a staff report on

how this can be done because this has been on the books since April. Council Member Fergusson supports this approach and she would like to have estimates of hours and drawings of what is being proposed. Mr. Boesch said that staff was envisioning an abbreviated staff report; and, while staff could find out how much it would cost to have drawings made, this might require several months. Ms. Fergusson said that the Lorelei Association might want to do those on their own. She wants staff to include how it plans to handle outreach, since she sees the city as an objective outreach coordinator.

Mayor Winkler asked Mr. Riggs what has been the outreach to date. Mr. Riggs said that it was extensive and enumerated about 12 steps.

Council Member Duboc suggested that the drawings from the Association be included with the staff report.

D. CONSENT CALENDAR (this item was moved to the end of the meeting)

1. Waiver of the reading of and adoption of ordinance no. 941 rezoning the property located at 507-555 Hamilton Avenue from R-3 (Apartment) to OSC (Open Space and Conservation) and R-3-X (Apartment, Conditional Development) in association with the development of 47 housing units and a neighborhood park.
2. Approval of the City Council Minutes for the meeting of October 18, 2005.

Mayor Winkler tabled Consent Calendar item D2.

M/S Duboc/Jellins to approve item D1. Motion passes unanimously.

H. INFORMATION ITEMS - None

I. COUNCIL MEMBER REPORTS

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

K. ADJOURNMENT- the meeting adjourned at 1:05 a.m.

Respectfully submitted,

Silvia M. Vonderliden (Certified Municipal Clerk)

Approved at the Council Meeting of February 28, 2006.