



**CITY COUNCIL
and
COMMUNITY DEVELOPMENT AGENCY
MINUTES**

Tuesday, January 31, 2006

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 – Jellins, Fergusson, Cohen, Duboc, Winkler

STAFF PRESENT – David Boesch City Manager, Bill McClure City Attorney and Silvia Vonderlinden City Clerk.

PLEDGE OF ALLEGIANCE

A. COMMISSION VACANCIES AND REPORTS

1. One vacancy on the Planning Commission to fill an un-expired term that ends in April 2006. The City Council will consider extending the term for four years so that the term ends in April 2010. The deadline for receipt of applications is February 15, 2006 at 5:30 p.m.
2. Commission Reports.

Reginald Rice, Transportation Commissioner, addressed Council presenting this Commission's priorities for the 06-07 year. Mr. Rice stated that the Commission unanimously recommends approval of Agenda item H2. He shared three suggestions to eliminate congestion on El Camino Real.

B. PRESENTATIONS AND PROCLAMATIONS -None

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

D. CONSENT CALENDAR

1. Adoption of Resolution No. 5650 approving the installation of 40 feet of red curb at the driveway to the commercial buildings at 1010 O'Brien Drive and 1020 O'Brien Drive.
2. Authorization for staff to amend an existing Traffic Signal Maintenance contract with Republic Electric in the amount of \$13,000 for a new contract total of \$108,000 in order to install a portion of the Video Detection System Project.
3. Resolution No. 5651 authorizing execution of an amendment to the Joint Powers Agreement (JPA) establishing the Criminal Justice Council of San Mateo County, terminating the Joint Powers Agreement.

M/S Duboc/Fergusson to approve the Consent Calendar. Motion carries unanimously.

E. PUBLIC HEARING

1. Adoption of Resolution No. 5652 to abandon a portion of the public utility easement crossing a part of the proposed major subdivision at 966-1002 Willow Road.

Pat Stone, Supervising Engineer, presented the staff report explaining that this is the last step in the process of completing the applicants' request. Mr. Stone said that the Planning Commission agreed with this action.

Mayor Jellins opened the Public Hearing. There was no public comment. Mayor Jellins closed the Public Hearing.

M/S Duboc/Fergusson to approve the staff recommendation. Motion carries unanimously.

F. REGULAR BUSINESS

1. The Community Development Agency Board discussion and possible direction regarding the feasibility of potentially expanding the Redevelopment Project Area.

City Manager Boesch presented the staff report explaining that Council is being asked to review a feasibility study and make a determination whether to expand the Redevelopment Project Area or not. Mr. Boesch explained that the feasibility study reviewed advantages and disadvantages of possibly expanding the Redevelopment Project Area. Mr. Boesch introduced Don Fraser and Ernie Glover the consultants who prepared the study.

Mayor Jellins asked about the study area and Mr. Boesch delineated the current boundaries of the Redevelopment Project Area. He highlighted the areas that were examined for possible inclusion which were: the Tyco Properties (90 acres of land), the Bohannon Industrial Park, and the former Landfill now known as Bayfront Park. Mayor Jellins inquired about the role of the Redevelopment Agency and City Manager Boesch provided a description of the goals of this agency and how it can be a tool for cities to improve certain designated neighborhoods. He added that in Menlo Park the Redevelopment Agency was formed to physically improve the Belle Haven community. Mr. Boesch said that this study's goal is to ascertain whether it would be feasible to include additional lands in the existing Redevelopment Area.

Don Fraser, with Fraser and Associates, said that before adopting a new area there are a number of findings that need to be made, such as the existence of blight and how it can't be eliminated without the redevelopment tool. He added that the blight needs to be predominant and irreversible on its own. Ernie Glover, said that a parcel by parcel survey was conducted and the purpose was to determine if blight exists. The primary adverse conditions found are stagnant or declining property values and significant vacancies. The sites' obsolescence was discussed but the consultants said this needs further study. Mr. Glover commented that Bayfront Park is a unique situation and that is not a typical use to be included in a redevelopment area.

Council Member Duboc referred to page three of the staff report and a reference to Bayfront Park and what kind of rights the City has. Mr. Boesch said that the City has to maintain ownership of the land and Mr. McClure added that the land needs to be retained largely for public use. Council Member Cohen asked if the consultant met with business owners in the area and the consultant replied that because of timing and budget he did not. The consultant believes it would important to meet with property owners if Council moves forward. Council Member Cohen asked about Ms. Heineck's view on the project. Mr. Boesch said that according to her staff report it doesn't look like it is worthwhile pursuing this as an addition to the Redevelopment Area because it doesn't appear that we would qualify under state law. Council Members Winkler and Fergusson agreed that the direction should be halting this process. Mayor Jellins asked about Bayfront Park being called an urbanized area and Mr. Glover explained the definition of the term as well as commercial obsolescence. Mayor Jellins questioned particular sections of the report, in particular one that was included in error. Council Member Duboc shared concerns that this may be the result of an overall downturn in the economy.

Mayor Jellins asked for public comment. No one spoke.

Mr. Fraser provided details about the financial analysis. He said that the question is to what extent the Redevelopment Agency could help this area given its conditions. Mr. Fraser said that there isn't much information about future economic progress and with Bayfront Park it is too hard to predict what will happen. Mayor Jellins referred to a recent article that said that projects could benefit from being in the redevelopment area. Mr. Fraser said according to his experience developers must prove that their investment will not work financially unless public assistance is provided.

Mayor Jellins again asked for public comment. There was none.

Mayor Jellins commented that there might be sufficient facts to justify the expenditure of additional funds and resources if not now then possibly in the future. Council Member Winkler would like the report to be corrected to take out the portion that doesn't belong in it that Mayor Jellins had pointed out.

Council consensus was to not pursue the expansion of the project area at this time.

2. Discussion and possible direction to delay the planned April 2006 re-opening of the Burgess Pool. *(There is no report associated with this item.)*

Council Member Winkler said that she learned that pool staffing was about to begin. She knows that 75% of respondents to the survey supported reductions in that area, and she believes it is easier to not start something than to terminate something after it has started, and so she suggested that Council consider delaying the opening of the pool. Mr. Boesch explained that the goal tonight was to consider the pros and cons of the City opening the Burgess Aquatic Center or just portions of it. The City Manager added either way staff will still need to check the contractor's work and make sure the mechanical system is operational.

Council Member Winkler said that she thought this would be important to address because the combined programs of the Burgess Aquatics program and the Belle Haven Pool account for 25% of the budget deficit. Mayor Jellins asked for a status of the project. Mr. Taylor, Acting Community Services Director, said that the construction will be completed in March and subsequently the pool will have to be filled and the systems tested. Mr. Taylor said that the goal was to open the pool sometime during April and through this fiscal year. Mr. Taylor said that this is a critical time for action because a number of user groups have approached the City to use the pool and asking for information about times and fees.

Council Member Duboc said that there was an assumption that the Belle Haven Pool was going to be closing but the Burgess Center pool would be open and this still a matter of discussion. She does not believe it would be equitable to close the Belle Haven Pool and open the Burgess Pool. Council Member Duboc said that her challenge to the community and to staff is to open the pool with zero cost to the city.

Public Comment

Sam Sinnott, a swimmer and a member of Menlo Masters, spoke about the Measure T money that went into the pool. He said that Menlo Masters is willing to operate the pool with zero cost to the city under the leadership of Tim Sheeper.

Tim Sheeper shared his goals for the use of the facility, which would include various user groups. Mr. Sheeper said that he has successfully run two other pools and he believes the pool should be a large magnet to attract people. Mr. Sheeper shared his vision and believes this will work because of his following.

Susan Kerns spoke about the need for a pool and that she uses the pool for therapeutic reasons. She would be heart broken if this pool would not open to the public.

Stacey Poncia said that a bond was passed to fund community facilities including a new pool and while she understands the survey results she believes the pool is an essential service. Ms. Poncia said that if the pool is budgeted it should open and the community will support keeping it open. She asks the Council to open the pool in April and support City staff by keeping it open.

Jeff Staudinger asked Council to delay the opening of the pool until there is a realistic plan in place and the pool operates at an almost zero deficit. Mr. Staudinger said there is a \$794,000 deficit on the pool and that is a big portion of the budget deficit. Mr. Staudinger commented that senior programs would be cut 15% and the library closed on Sundays. He does not understand how this could be run at a deficit and gymnastics is bringing in money.

Tom McRae, SOLO aquatics coach, said that his team has a base of 400 athletes and he spoke about the benefits of using various organizations. Mr. McRae said that he is sure the pool can be profitable.

Council Member Winkler suggested that after this discussion City Manager Boesch and City Attorney McClure speak with Team Sheeper to find out how the pool can run without a deficit to the city. Council Member Winkler said that the new facility is beautiful and it will be an asset to the community and she believes this is a win/win opportunity of providing a swim facility at zero cost to the City. Council Member Cohen asked Mr. Sheeper if his program covered the Belle Haven Pool and Mr. Sheeper responded that he could entertain the possibility of working with both pools but he would need to look at the budget for the Belle Haven Pool. Council Member Cohen asked if his plan

envisioned maintaining lap swimming at comparable cost to individuals and Mr. Sheeper confirmed. Mayor Jellins clarified that there is a strategy to consider permanently closing the Belle Haven Pool. Council Member Winkler commented that a local newspaper erroneously reported that the City wants to cut \$3.9 million and that is a misrepresentation because the City is not asking the community to cut \$3.9 million dollars. Mr. Boesch agreed that Ms. Winkler is correct and that there were many strategies on the table and the goal is to get feedback on the various options to address a \$2.9 million budget imbalance.

Council Member Duboc said Council owes it to the community to open the Burgess Pool and also to bridge a \$2.9 million budget deficit. Council Member Duboc advocates that Council direct staff to talk to different groups entering into discussions; and, as for the Belle Haven Pool, the same direction should be given. Mayor Pro Tem Fergusson said perhaps what is happening here is that another strategy is being placed on the table. She would like to have a fair process and she wonders if a Request For Proposal is the way to go. Ms. Fergusson would like to see both pools being addressed and included in the proposal. Mayor Jellins asked if staff can come up with any solutions and Mr. Boesch said the groups that have come forth may be uniquely qualified to operate either one or both of the pools. He said that there is no legal requirement to go out to competitive bid. Mr. Boesch said there is the need to make some decisions quickly and that the City Attorney and he would meet in the next few days to see if there is a proposal that interests the Council and the community and bring this back to Council in about 30 days.

Council consensus was to have staff look at the possibility of contracting with an outside operator to run the Aquatic Services.

Council Member Cohen believes the proposal is a positive one but he is not happy with the chain of events leading up to this and he would like to see as a condition of moving forward that we move ahead with the already funded opening and staffing of the pool to maximize the result we can get in negotiation with these parties. Council Member Cohen would like to keep the opening of the pool on time. Mayor Jellins said that he would not like to hire staff to then have to let go if we engage with an outside contractor. City Attorney McClure said that the goal is to dovetail the negotiations with the hiring of staff, and staff could be looking for staff but not hire anyone, and bring this back in February and either pursue the agreement or open the pool. Council Member Cohen would like this back as soon as possible so that he is aware of what is going on. City Attorney McClure said that staff can give a written status report in a couple weeks.

Mayor Pro Tem Fergusson asked how should Council handle this in the midst of the three budget workshops and how can this fairly be represented to the residents who are participating in the budget workshops. Mr. Boesch said that the materials for the workshops are being printed tomorrow, so there isn't much that can be done to change the strategies. Council Member Duboc said that the Council is thinking how to proactively keep these vital services in a strategy that makes it financially feasible. Council Member Cohen said that Menlo Park has a unique opportunity to consider the offer from Mr. Sheeper and it can be the best possible result if the two pools are considered. He emphasized the importance of keeping both pools open. Council Member Winkler said that other strategies are being pursued for Belle Haven as well and she is interested in finding out about those.

Council direction is to have the City Attorney and the City Manager meet with Mr. Sheeper and consider his offer. Subsequently at the Meeting of February 14, 2006, Council is to receive a staff report on the matter and the intent is to have concluded negotiations and a concrete proposal/strategy before Council within 30 days.

Mayor Jellins said that an overarching goal is to keep both pools open. Mayor Pro Tem Fergusson complimented Ms. Winkler on bringing this forth.

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

1. Review of the City's Investment Portfolio as of December 31, 2005.
2. Update on the Signal Timing Changes at the intersection of El Camino Real and Ravenswood Avenue/Menlo Avenue.

Council Member Duboc said that she has noticed a difference and she complimented staff for its work. Mayor Jellins complimented the Transportation Commission on its initiative.

3. Report on the traffic analysis prepared for the Haven Avenue Land Use Study.

Mayor Jellins recognized that this area is within the City's Redevelopment Area and it is his expectation to have these items come back for Council consideration. Former Mayor Winkler said that through the analysis, staff is asking about existing and near term conditions with respect to traffic and she asked if there is any information on what is currently allowable if the current zoning were built out. Mr. Boesch said that this study gives a picture of current traffic conditions, adding to that new uses that could be introduced before there are potential significant impacts. Council Member Winkler would like to understand what the maximum allowable traffic is under existing zoning and then what would be the difference. Ms. Winkler believes it is time to think about the tolerance and how we handle delays in traffic signals and she would like to see a comparison with other communities. She asked that this report come back for consideration in the future. Mr. Boesch clarified that if the interest is to revisit the City's Traffic Impact Analysis (TIA) Guidelines and specifically understand how they compare to other cities traffic impact analysis methods. Mr. McClure explained that legally we do have to go back to the existing condition and measure the difference for CEQA purposes, but if one asks for additional scenarios it will be at an additional cost.

Mr. Jellins said that the direction is to have staff come back at a reasonably near term with a report for Council to consider whether or not to modify the TIA standards guidelines. Mayor Pro Tem Fergusson believes this should be part of the priority setting session, and Council Member Cohen agreed with Ms. Fergusson. Council Member Duboc agrees that it is a project and the project list would work, but she wonders if it could be a targeted TIA. Mr. Boesch said that there might be staff capacity to do a little bit of work to bring this back for further discussion. Mr. Jellins would appreciate preliminary research to decide whether or not Council would then place it on the list of priorities.

I. COUNCIL MEMBER REPORTS -

Mayor Jellins reported that he attended the City Selection Committee meeting and Mayor Pro Tem Fergusson was present. Mayor Jellins raised concerns about the process by which that body makes appointments. Mr. Jellins said that at the next meeting in March, the Mayors will consider a discussion of the process, and there was an interest to form a subcommittee to look at procedures and protocols and how those selections take place. Mayor Jellins said that minutes will also be received by all Council Members pursuant to the By-Laws of the organization. He said that timely and accurate agendas will be received so that Council will have time to place any upcoming decisions on the agenda for Council discussion.

Former Mayor Duboc attended, as the San Francisquito Creek JPA representative, a joint meeting with the Palo Alto City Council regarding flood control response. Ms. Duboc said that Public Works Director Kent Steffens was in attendance and did a good job. Ms. Duboc said that the meeting was very cordial and the neighborhood was respectful of the process. Ms. Duboc said that tomorrow night there will be a meeting of the San Francisco Airport Roundtable and election of officers will take place.

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

K. ADJOURNMENT – the meeting adjourned at 9:31 p.m.

Respectfully submitted,

Silvia M. Vonderlinden, CMC

Approved at the Council Meeting of March 21, 2006.