



CITY COUNCIL and COMMUNITY DEVELOPMENT AGENCY MINUTES

Tuesday, February 24, 2004
7:00 p.m.
801 Laurel Street, Menlo Park, CA 94025
Menlo Park City Council Chambers

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

The Mayor called the meeting to order at 7:00 p.m.

ROLL CALL – Duboc, Winkler, Collacchi, Jellins, Kinney

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

PLEDGE OF ALLEGIANCE

The Mayor announced the passing of Mr. Tom Harrison who was a Parks and Recreation Commissioner and a dedicated resident of Menlo Park. Ms. Duboc asked for a moment of silence in his memory.

A. COMMISSION RECOGNITION, VACANCIES AND REPORTS

1. Recognition of the Community Mediation Service Members and a Bicycle Commissioner.

Mayor Duboc thanked the various outgoing members for their service and dedication to the City. Those present received certificates of recognition.

2. One vacancy on the Transportation Commission to fill an un-expired term ending January 2005. The deadline for applications is 5:30 p.m. on March 1, 2004.

One vacancy on the Parks and Recreation Commission to fill an un-expired term ending September 2006. The deadline for receipt of applications is 5:30 p.m. on March 15, 2004.

One vacancy on the Bicycle Commission to fill an un-expired term ending April 2007. The deadline for receipt of applications is 5:30 p.m. on March 22, 2004.

Mayor Duboc announced the vacancies encouraging the public to apply.

3. Commission reports - None

B. PRESENTATIONS

1. Status update on the San Francisquito Creek Joint Powers Authority (JPA).

Cynthia D'Agosta, Executive Director for the San Francisquito Creek Joint Powers Authority, presented a series of slides demonstrating the various projects this body is engaged in. Ms. D'Agosta gave information on projects such as the CAP 14, CAP 205 and G.I. Projects. She explained what the JPA objectives are, and the various funding sources that make projects a reality. Some of the objectives include creek maintenance and prevention, monitoring as well as coordinating emergency preparedness with various entities.

Mayor Pro Tem Winkler asked questions about the Emergency Preparedness programs that will help

avoid serious exposure to problems in case of flooding. Ms. D'Agosta said she met with Mr. Kent Steffens, Public Works Director and with Commander Rothaus to plan better responses in case of flooding. She stated that improvements are in place to address the risk of flooding and to protect the residents. Other tools already in place are recognition of early storm water warnings, and sandbagging. Mr. David Boesch, City Manager stated that there was a meeting of three Mayors (Palo Alto, East Palo Alto and Menlo Park) to address the next steps on what these cities can do to collectively avoid flooding. Ms. D'Agosta clarified that these next steps will be brought to the JPA Board for review and approval.

Ms. D'Agosta presented a map demonstrating that the majority of sediment originates in areas that are still not members of the JPA, and the Mayor shared an interest in contacting these entities to join the JPA. Mayor Duboc stated that a good forum to bring this up might be the Council of Cities meeting. Council Member Kinney stated that recently he made a presentation to the Town of Portola Valley trying to get entities upstream to contribute.

The Council thanked Ms. D'Agosta for the concise and thorough presentation.

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

None

D. CONSENT CALENDAR

Consent Agenda items are considered to be routine and will be enacted by one motion. There will be no separate discussion on these items unless members of the Council, staff or public request specific items to be removed for separate action.

D1 item pulled

1. Award of contract for the Nealon Park Improvement Project to Misan Construction, Inc. in the amount of \$1,097,000; and authorization of a budget of \$1,330,000 for construction, contingencies, testing, engineering, inspection and administration.
2. Adoption of a Resolution No. 5494 of Intention to abandon Saga Lane.
3. Adoption of a Resolution No. 5495 appropriating \$42,500 from the Library Bond Fund and authorizing an expenditure of \$42,500 for the purchase of two self-check circulation units.

D4 item pulled

4. Approval for an amendment to the employment agreement between the City of Menlo Park and David Boesch, City Manager – Resolution No. 5496.

D5 item pulled

5. Adoption of a Resolution No. 5497 appropriating \$1,400,000 from the General Fund Reserve that includes \$500,000 that was set aside as reserve for excess liability and authorize payment of \$1,400,000 to plaintiffs as settlement of Santa Clara County Superior Court Case Number CV 782487 – Hanna, et al v. City of Menlo Park, et al. – arising from the flooding of San Francisquito Creek on February 3, 1998.

D6 item pulled

6. Approval of a Resolution No. 5498 in support of a Statewide Ballot Initiative to require voter approval before state government may take local tax funds.

D7 item pulled

7. Adoption of a Resolution No. 5499 to appropriate \$120,000 from the General Fund Reserve to provide for continued contract plan review for Building Permits in Fiscal Year 2003-04.

D8 item pulled

8. Acceptance of the Peninsula Quality Fund Grant for facility improvements to the Belle Haven Youth Center and authorization for the City Manager to execute all agreements.
9. Approval of the Minutes for the City Council Study Session of January 20, 2004.

M/S Kinney/Collacchi to approve consent calendar items 2, 3 and 9. Motion passes unanimously.

Discussion on item D1

Mayor Duboc inquired if the lights on Nealon Court could be turned on and off by players instead of just having them on all the time. Mr. Ruben Nino, Director of Engineering Services, confirmed the lights could be turned on and off.

M/S Jellins/Duboc to approve consent calendar item D1. Motion carries unanimously.

Discussion on item D4

Council Member Collacchi stated that he supports this item because he believes the City Manager does a fine job, however he wanted to create a record for the public that another component will come to Council, via the City Attorney, and it waives approximately \$7,000 on interest.

M/S Collacchi/Winkler to approve consent calendar item D4. Motion carries unanimously.

Discussion on item D5

Mayor Duboc clarified that a lawsuit is being settled for \$1,400,000 and this amount will come from the general fund reserve. While \$500,000 had been set aside, \$900,000 is being pulled from the reserves to address this matter. Mr. Collacchi asked questions of legal counsel McClure.

M/S Collacchi/Kinney to approve consent calendar item D5. Motion carries unanimously.

Discussion on item D6

Mayor Pro Tem Winkler wanted to emphasize that this is an important matter because it aims to support a resolution for a statewide ballot initiative requiring voter approval prior to the State taking local funds. Ms. Winkler also mentioned Measure 2 and how it will support transportation in this region.

M/S Jellins/ Kinney to approve consent calendar item D6. Motion carries unanimously.

Discussion on item D7

Mayor Duboc wanted to reiterate that another \$120,000 is being taken out of the general fund reserve for this item.

M/S Kinney/Duboc to approve consent calendar item D7. Motion carries unanimously.

Discussion on item D8

Mayor Duboc clarified that this item was pulled in error.

M/S Collacchi/Duboc to approve consent calendar item D8. Motion carries unanimously.

E. PUBLIC HEARING - None

F. REGULAR BUSINESS

1. Approval of the Fiscal Year 2002-03 audited Comprehensive Annual Financial Report by the City Council.

Uma Chokkalingam, Finance Director, presented the staff report explaining that the auditors found no mistakes or anything material worth reporting. Ms. Chokkalingam clarified this was the first year the GASB 34 was implemented. Council was asked to approve the Comprehensive Annual Financial Report.

Mayor Duboc thanked Ms. Chokkalingam for her professionalism and trustworthiness.

M/S Collacchi/Jellins to approve the staff recommendation. Motion passes unanimously.

Council Discussion

Mayor Pro Tem Winkler stated that she is interested in developing a fee recovery system or policy because revenues keep decreasing. Ms. Winkler would also like the Council to establish a possible fee policy and discuss what kind of services the City should provide. Ms. Winkler stated that in dealing with fees, and when conflicting ordinances exist, it would be her preference that Council rectifies the matter.

Mr. Collacchi asked if full cost recovery is obtained in any areas, and Mr. Boesch said that in some areas the city comes close to full cost recovery but in other areas that does not occur. City Manager Mr. Boesch said it would be important to deepen the discussion to cover the kind of fees

Council is referring to e.g. fees for services, fees for facilities, etc.

2. Consideration of state and federal legislative items or items referred to in Written Communications or Information Items, including decisions to support or oppose any such legislative.

None

G. WRITTEN COMMUNICATION - None

H. INFORMATION ITEMS

1. Proposal by the Menlo Park Fire Protection District for modifying the Fire Protection Code related to the installation of fire sprinklers in single-family residences.

Council Member Jellins stated that he concurs with the direction mentioned in the Memo.

I. COUNCIL MEMBER REPORTS

Council Member Kinney stated that he attended a BAWSCA (Bay Area Water Supply and Conservation Agency) meeting last Thursday and the concerns he had he shared with legal counsel McClure who clarified them.

Mayor Duboc stated that the San Mateo County Grand Jury is looking for members, and if anybody is interested in applying they should contact Mayor Duboc or Mayor Pro Tem Winkler.

Council Member Jellins announced that as the Vice-Chair of the Housing Endowment and Trust Fund of San Mateo County he was pleased to announce an award of \$2,000,000 from a grant deriving from Proposition 46. Mr. Jellins appreciates the funds previously appropriated by the Board of Supervisors of the County of San Mateo to initiate this Housing Endowment Trust Fund.

J. PUBLIC COMMENT #2 (Limited to 30 minutes)

None

K. ADJOURNMENT TO A CLOSED SESSION – at 7:55 p.m.

L. CLOSED SESSION

1. Closed Session pursuant to Government Code Section §54957 regarding an annual performance evaluation for the City Attorney.

RECONVENED IN OPEN SESSION and REPORT ON AFOREMENTIONED CLOSED SESSION

M. ADJOURNMENT – the meeting adjourned at 8:32 p.m. with no action to report.

Respectfully submitted

Silvia M. Vonderlinden, CMC

Approved at the City Council of March 16, 2004.