



CITY COUNCIL and COMMUNITY DEVELOPMENT AGENCY MINUTES

Tuesday, July 20, 2004

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 – Duboc, Winkler, Collacchi, Jellins, Kinney

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

PLEDGE OF ALLEGIANCE

A. COMMISSION APPOINTMENTS, VACANCIES AND REPORTS

1. Recognition of various outgoing Commissioners.

Mayor Duboc presented Certificates of Recognition to Bill Halleck, former Chair of the Planning Commission, Wendy McPherson, former Chair of the Housing Commission, and Stuart Zussman, former Chair of the Parks Commission.

2. Appointments to the Housing and Library Commissions and the Las Pulgas Committee.

Appointments to the Housing Commission

Mayor Duboc opened the floor for nominations.

Council consensus was to appoint Elza Keet and Anne G. Moser to fill two seats that will expire in July 2008.

Appointments to the Las Pulgas Committee

Assistant City Manager Seymour explained that both applicants are from the same organization and they clearly meet the rental seat position but not the business owner position. Mayor Duboc stated that since the applicants are both qualified, staff is to call them and find out which one would like to apply. Council directed staff to continue announcing the vacancies.

Appointment to the Library Commission

Mayor Pro Tem Winkler nominated Anne Wellner de Veer. Ms. de Veer was appointed by a unanimous vote.

3. One vacancy on the Bicycle Commission to fill an un-expired term ending August 2005. The deadline for applications is August 23, 2004 at 5:30 p.m.
4. Two vacancies on the Environmental Quality Commission to fill two expiring terms. The vacancies are for terms that will end in August 2008. The deadline for receipt of applications is August 9, 2004 at 5:30 p.m.
5. Four vacancies on the Planning Commission. One vacancy is for an un-expired term that ends April 2006, and three of the vacancies are for terms that will end in August 2008. The deadline for receipt of applications is August 9, 2004 at 5:30 p.m.
6. Commission Reports - None

B. PRESENTATIONS AND PROCLAMATIONS - None

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

Nitza Derfner made claims about mal-treatment, alleging that fraud resulted in her losing about \$ 2 million dollars in expenses. She claimed that in 1998 certain staff increased its salaries without Council approval.

The Mayor announced that Police cars have a new look and they were being shown outside the Council Chambers.

D. CONSENT CALENDAR

1. Approval of the installation of stop signs on Laurel Avenue at the intersection of Durham Street.
2. Approval of safety measures for the intersection of Middle Avenue and Olive Street.
3. Approval of the Minutes of the City Council Meeting of May 11, 2004.

Item pulled

4. Adoption of a revised City of Menlo Park Mission Statement.
5. Adoption of a Resolution 5544 of Intention to grant a designated period for two years additional service credit pursuant to Government Code 20903 to improve retirement benefits for one eligible employee at an estimated cost of \$28,700.
6. Adoption of a Resolution 5545 approving the revised Investment Policy for the City and the Community Development Agency of Menlo Park, to be effective immediately.

M/S Winkler/Kinney to pass Consent Calendar items D1, D2, D3, D5 and D6. Motion carries unanimously.

Discussion on Consent Calendar item D4

Council Member Kinney mentioned that he would like to review the mission statement because the current bullet form looks like a recipe. Council Member Kinney is not pleased with the final product and he prefers the mission statement submitted by him. Mayor Duboc explained that many people provided input to get to the proposed version.

M/S Duboc/Winkler to adopt the City of Menlo Park Mission Statement. Motion passes on a 4-1 vote with Council Member Kinney opposing.

Mayor Duboc thanked all the people who provided input and helped create this Mission Statement.

E. PUBLIC HEARING

1. Adoption of a Resolution 5546 approving the final report of the City Manager regarding unpaid Garbage Collection fees for fiscal year 2003-04 and approving the placement of unpaid compulsory, single-family garbage service fees on the 2004-05 property tax roll.

Uma Chokkalingam, Finance Director, presented the staff report explaining that the fees are due annually and outstanding unpaid accounts are placed on the property tax roll for 2004-05. Ms. Chokkalingam explained that the amount due is \$4,822 and staff recommends that these unpaid fees be collected via the 04-05 property tax roll.

Council Member Kinney asked if this was standard, and Ms. Chokkalingam confirmed that it is.

Mayor Duboc offered an opportunity for public comment. There was none.

M/S Jellins/Winkler to close the public hearing. Motion carries unanimously.

M/S Jellins/Winkler to approve the staff recommendation. Motion carries unanimously.

F. REGULAR BUSINESS

1. 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.

City Manager Boesch stated that the Senate Appropriation's Committee passed AC 9, which is a bill that many Cities have been opposing because it is defective in certain areas. Mr. Boesch stated that other bills are being tracked but there is no report at this time.

G. WRITTEN COMMUNICATION - None

H. INFORMATION ITEM

1. Information regarding Constituent Response through Menlo Park Direct Connect.

Council Member Collacchi thanked staff for this tool and he stated this is particularly important when staff has less resources. Mr. Collacchi admires the 10-day response level standard, but he understands how this might be hard to meet when there are limited resources.

Ms. Vonderlinden, City Clerk, demonstrated to Council how the application works from a residents' standpoint. She also illustrated how requests are routed and responded to. Mayor Pro Tem Winkler stated that she tested the system and it was responsive. Ms. Seymour, Assistant City Manager, clarified that in the future staff hopes to work with Council Members so it can directly log residents' concerns.

Mayor Duboc appreciates how staff is so responsive to emails received via the Council email account. Ms. Seymour explained that staff has the ability to parse emails directly to the staff person who can address and resolve them.

I. COUNCIL MEMBER REPORTS

Council Member Kinney asked about the EIR (Environmental Impact Report) for the bullet train, and when community input will be received. City Manager Boesch stated that this item would come to Council on August 17, 2004. Mr. Boesch explained that this would give staff an opportunity to include public feedback. Certain Council Members asked if the EIR is available. Public Works Director Steffens informed Council that there is a full copy of the EIR online, and one copy at the Palo Alto Library. Council also asked about the second EIR on electrification, and Mr. Steffens explained the status of this EIR. Council asked questions about encroachment on private right of way, and Mr. Steffens stated that it is almost inevitable that grade separations require land acquisitions. Mayor Pro Tem Winkler complimented Mr. Steffens on a letter sent to Caltrain and how this letter should be on our web page. Council thanked Mr. Steffens for his commitment to this issue.

Mayor Duboc informed the public that the next City Council Meeting would not be at the Senior Center, since the meeting at this location has been changed to August 24, 2004.

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

At 7:45 p.m. Mayor Duboc adjourned the regular Council Meeting to convene in Closed Session.

K. ADJOURN TO CLOSED SESSIONS (Administration Building, First Floor Conference Room)

1. Closed Session pursuant to Government Code Section 54956.9 the City Attorney, the City Manager and the Public Works Director to discuss existing litigation, Derman v. Menlo Park, San Mateo County Superior Case No. CIV 439361.
2. Closed Session with the City Attorney, the City Manager, the Police Chief and/or Commander to discuss anticipated litigation where there is significant exposure to litigation in one matter pursuant to Government Code Section 54956.9 (b)

RECONVENE IN OPEN SESSION AT THE ADMINISTRATION BUILDING AND REPORT ON AFOREMENTIONED CLOSED SESSION – Nothing to report.

L. ADJOURNMENT – 8:40 p.m.

Respectfully submitted

Silvia M. Vonderlinden, CMC

Approved at the Council Meeting of October 12, 2004.