



**CITY COUNCIL
and
COMMUNITY DEVELOPMENT AGENCY
MINUTES**

Tuesday, April 12, 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

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.

PLEDGE OF ALLEGIANCE

A. COMMISSION VACANCIES AND REPORTS

1. Recognition of outgoing Environmental Quality Commissioner.

Mayor Winkler recognized Kevin McCarthy for his service on this Commission.

2. Appointments to the Environmental Quality Commission and the Las Pulgas Committee.

Mayor Winkler opened the floor for the Environmental Quality Commission vacancy:

Council Member Duboc nominated Sarah Granger.

Council Member Fergusson nominated Roxanne Rorapaugh.

Council Member Cohen nominated Mike Keenly.

Mayor Winkler called for the vote:

Sarah Granger was appointed with three votes from Winkler, Jellins and Duboc.

Mayor Pro Tem Jellins thanked all the applicants and stated that applications will be kept on file for one year.

Mayor Winkler opened the floor for nominations for the Las Pulgas Committee vacancies:

Council Member Duboc nominated all three applicants.

Council voted unanimously to appointment Carolyn Clarke, Jacquie Mundley and John Preyer.

3. Four vacancies on the Bicycle Commission to fill four expired terms. The vacancies are for terms that will end in April 2009. The deadline for receipt of applications is April 20, 2005 at 5:30 p.m.
4. Council is soliciting applications for an ad hoc Budget Advisory Committee. The deadline for receipt of applications is April 13, 2005 at 5:30 p.m.
5. Commission Reports.

B. PRESENTATIONS AND PROCLAMATIONS

Mayor Winkler announced that Police Chief Boyd had an introduction to make. Mr. Boyd introduced the new Police Commander Mark Boettger.

1. Proclamation celebrating National Library Week.

Mayor Winkler read the proclamation and presented it to following recipients: Tom McDonough, Charlene Friedman, Library Commission Chair and Vice-Chair respectively, Betty Meissner (with the Library Foundation, and members of the Friends of the Library.

2. Proclamation celebrating the Week of the Young Child.

Michael Taylor, Senior Recreation Supervisor, received the proclamation and thanked the Council for acknowledging this event.

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

Lou Deziel, with time donated by Matt Henry, shared concerns about the budget process because he believes there is an opportunity for interdependence between revenues and service cost analysis. He suggests that the pain inflicted by service cuts be balanced with increased revenues. He advocates that the outreach process include an analysis of balancing the two sides of the equation (revenue generation and decrease in services). Mr. Deziel proposes that staff add to the survey items and questions that identify the public's preference for cuts.

Robin Severs spoke about the "Safe Routes to School" program because she supports extending it to Coleman Avenue. Ms. Severs is concerned for the safety of the students.

Carla Dewar asked Council to reconsider the inclusion of Coleman Avenue in the Council priorities. Ms. Dewar asked that professionals in transportation study this area and find a solution.

Bob Cronin stated that Mayor Winkler asked him to take a look at the conditions of Coleman Avenue and he wrote a report on it. Mr. Cronin suggested some improvements.

Adrienne Wong urged the Council to support the improvements at Coleman Avenue because in her opinion it is a highly used area and it can be unsafe.

D. CONSENT CALENDAR

Item pulled D1

1. Adoption of Resolution No. 5590 declaring April 25 through May 1, 2005 West Nile Virus and Mosquito and Vector Control Awareness Week.

Item pulled D2

2. Approval of Resolution No. 5589 authorizing the City Manager to amend the management classified compensation schedule to adjust salaries in accordance with a market survey and grant increases to reflect the mean market average not to exceed 15%, effective July 1, 2004, and appropriating up to \$175,000 from the General Fund Reserve to fund the increases in Fiscal Year 2004-2005.
3. Approval of the Minutes for the City Council Meeting of February 1, 2005.

Discussion on item D1

1. Adoption of Resolution No. 5590 declaring April 25 through May 1, 2005 West Nile Virus and Mosquito and Vector Control Awareness Week.

Mayor Winkler wanted to alert the public to promptly report dead birds. Ms. Winkler added that if anyone would like to serve on the Mosquito Abatement District Board they are to contact City Clerk Vonderlinden.

Discussion on item D2

2. Approval of Resolution No. 5589 authorizing the City Manager to amend the management classified compensation schedule to adjust salaries in accordance with a market survey and grant increases to reflect the mean market average not to exceed 15%, effective July 1, 2004, and appropriating up to \$175,000 from the General Fund Reserve to fund the increases in Fiscal Year 2004-2005.

Council Member Duboc asked why this should be addressed now, and Mr. Boesch explained that these adjustments are needed since it has been close to three years that any salary adjustments were made to these positions. Mr. Boesch said that the City was already lagging the market and at this point the City is substantially behind in terms of pay rate for management staff. He explained that 15 comparable cities (up and down the Peninsula) were looked at to assess Menlo Park's salary structure. The City Manager clarified that while there are 12 positions, in reality it is 14 people, and 8 of them are the lowest paid of the 15 cities, and 3 more are the second lowest paid. Mr. Boesch stated that it is clear that Menlo Park is at the bottom of the list and in order to stay competitive in the employment market, salaries need to be increased. The City Manager further stated that adjusting salaries to the mean average now, will still keep this organization behind because other cities will get raises in June and July. He reiterated the need to catch up.

Council Member Cohen asked where the money would come from, and Mr. Boesch answered it would come from the General Fund Reserve. Mr. Cohen asked about the size of the cities studied and if they are comparable to Menlo Park. Mr. Boesch responded that there was a mix of different cities but Menlo Park is comparable in size. Council asked about bonuses and how much people get, and Mr. Boesch said that in the past the maximum awarded bonus was \$4,000 to \$4,500 and last year was \$3,000 and this was reduced because of the lagging economy. Mr. Cohen asked for objective evidence proving that Menlo Park is unable to find qualified employees. Mr. Boesch explained that with the last two or three recruitments the offers had to be at the high end of the salary range in order for qualified applicants to take the jobs. Mr. Boesch explained that on average he is recommending a 10.3% increase. Mr. Boesch said this is a catch up action for not raising management salaries for three years.

Mayor Winkler asked if this was to be retroactive to January 1, 2005 if the amount would be half and Mr. Boesch confirmed. Mayor Winkler would like to see the City recruit seasoned employees who are from the private sector and not just from a municipal pool. Council Member Fergusson would like to find out what could be done to cap the percentage of the raises, and Mr. Boesch said that if this occurs the gap will remain substantial. Ms. Fergusson agrees with the long-term goal of having senior staff at the median level.

M/S Winkler/Jellins to approve the resolution making raises retroactive to January 1, 2005.

Council Member Cohen believes this should be put off for a month, and address it when the budget comes back.

Motion passes with Council Member Fergusson opposing and Council Member Cohen abstaining.

M/S Fergusson/Winkler to approve items D1, D2 and D3. Motion carries unanimously.

E. PUBLIC HEARING

1. Adoption of Resolutions No. 5591 and No. 5592 defining the service area for garbage, recycling and plant material collection and fixing fees for the service for Fiscal Year 2005-06 which are unchanged from the prior Fiscal Year, for all single family residences in Menlo Park, increasing the fee to cover Marsh Road Landfill post closure maintenance and capital costs, and increasing the franchise fee, effective January 1, 2005, paid by the service provider on all commercial and residential accounts to cover the impact of refuse vehicles on residential street maintenance costs.

Carol Augustine, Finance Director, explained the rate increase and the billing process used by the City in collecting solid waste fees for all residential customers. This year staff is not recommending a rate increase.

Council Member Duboc asked about the different fees and how the rates can be kept the same. Ms. Augustine explained that in the long run to keep fees the same, the landfill fee might need to be increased.

Public Comment

Roxanne Rorapaugh does not want to see a decrease in BFI services. In her opinion garbage trucks have an impact on city roads however she would still like to get her garbage picked up. She referred to certain numbers in the report and asked for clarification.

Mr. Boesch explained that the numbers Mr. Rorapaugh was referring to were for two garbage trucks.

Council Member Duboc asked if the City could charge more than what was ascertained as the shortfall, and staff explained that the number is based on the existing level of services. Council Member Fergusson stated that the staff report was very clear, and Mayor Winkler agreed.

Council consensus was to close the public hearing.

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

F. REGULAR BUSINESS - None

1. 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. Letter dated January 17, 2005 from Arthur Jensen, General Manager, Bay Area Water Supply and Conservation Agency (BAWSCA) regarding appointment of a Director to the Boards of Bay Area Water Supply and Conservation Agency and the Bay Area Regional Water System Financing Authority.

Council Member Duboc and Mayor Winkler endorsed the appointment of Council Member Fergusson to this position. The City Council unanimously appointed Council Member Fergusson to the BAWSCA seat.

2. Letter dated March 20, 2005 to the Mayor and City Council from Chuck Kinney regarding Bay Area Water Supply and Conservation Agency (BAWSCA) representation and appointment.
3. Letter from Council Member Fergusson dated April 7, 2005 expressing interest in serving as the Bay Area Water Supply and Conservation Agency and Bay Area Regional Water System Financing Authority representative for the City of Menlo Park.
4. Memo dated March 25, 2005 from Council Member Cohen requesting Council reconsideration of the vote to substitute Coleman Avenue for T-5 (Crosswalks) and the vote approving Project Priorities in toto.

City Attorney McClure explained that only one of the Council Members who voted in the majority could make a motion for reconsideration. Mayor Winkler reiterated that she would not like to reintroduce this item because in her opinion this is a County issue, and the City is sending a strong letter to Supervisor Rich Gordon to encourage the County to act. Council Member Cohen acknowledged the people who addressed Council on this issue, and hoped Council would reconsider the portion of the problem that the City can fix. He believes that if there is a crosswalk at Coleman and Willow it would help the situation and discourage people from crossing Coleman short of Willow. There was no interest in reconsidering the matter.

H. INFORMATION ITEMS - None

I. COUNCIL MEMBER REPORTS

Council Member Duboc reported that she is unable to serve on the Emergency Services Council due to a conflict with the San Francisquito Creek Board. Ms. Duboc asked that Council Member Cohen become the representative and she the alternate. Council agreed with this approach.

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

K. ADJOURN TO A CLOSED SESSIONS – at 8:23 p.m.

L. CLOSED SESSION (First Floor Conference Room – Administration Building)

1. Closed Session pursuant to Government Code Section §54956.9(c) regarding potential litigation against the City of Menlo Park. Persons present: David Boesch, City Manager Bill McClure, City Attorney, Chris Boyd, Police Chief and Bruce Goitia, Police Commander.
2. Closed Session regarding existing litigation Peter Singleton v. County of San Mateo, et al., Federal District Court Case No. C 04-00469 SI, pursuant to Government Code Section 54956.9(a). Persons present David Boesch, City Manager, Bill McClure, City Attorney, Chris Boyd, Police Chief and Bruce Goitia, Police Commander.

M. ADJOURNMENT – the closed session adjourned at 9:35 p.m. with nothing to report.

Respectfully submitted,

Silvia M. Vonderlinden, Certified Municipal Clerk
Approved at the City Council Meeting of August 16, 2005.