



**CITY COUNCIL
and
COMMUNITY DEVELOPMENT AGENCY
MINUTES**

Tuesday, June 21, 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; Dan Siegel, Acting 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. The Housing Commission has three vacancies to fill three expired terms. The vacancies are for terms that will end in July 2009. There is one additional vacancy to fill an unexpired term ending September 2007. The deadline for receipt of applications is July 20, 2005 at 5:30 p.m.
2. The Library Commission has one vacancy to fill one expired term. The vacancy is for a term that will end July 2009. The deadline for receipt of applications is July 20, 2005 at 5:30 p.m.
3. The Transportation Commission has two vacancies to fill two expired terms. The vacancies are for terms that will end July 2009. The deadline for receipt of applications is July 20, 2005 at 5:30 p.m.
4. Commission Reports.

Mayor Winkler announced the Burgess Parks reopening and the events associated with it.

B. PRESENTATIONS AND PROCLAMATIONS

1. Presentation of the Environmental Quality Awards.

Mary Kenney, Chair of the Environmental Quality Awards committee, presented seven awards to individuals, businesses and organizations that contribute to the environmental quality of life in Menlo Park. The winners were: Sharon Heights Country Club for recycling and waste reduction, Diageo Global Supply for recycling and waste reduction, Menlo Park Fire Protection District for historic preservation, Catherine McMillan for organizing recycling at Oak Knoll School, Belle Haven School for preservation of a heritage weeping willow tree, Willis-Eijk Family for preservation of a heritage redwood tree, and Park Forest III Homeowners Association for preservation of a heritage redwood grove.

Mayor Winkler announced that originally there was a public hearing scheduled for tonight on the construction impact and street fee, however the item was rescheduled. The Mayor invited anyone present to talk on the subject, and to contact the City Clerk and leave their information with her.

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

Matt Henry, Planning Commissioner, disagrees with recent comments about the Planning Commission being a rubber stamp body.

D. CONSENT CALENDAR

1. Adoption of Resolution No. 5608 establishing the City of Menlo Park Disadvantaged Business Enterprise (DBE) Program for federally funded projects for Fiscal Year 2004-05.

Item pulled D2

2. Acceptance of work by Petrotek, Inc., for the Underground Fuel Tank Improvement Project.
3. Approval of the Minutes for the City Council Meeting of March 15, 2005.

M/S Jellins/Winkler to approve Consent Calendar items D1 and D3. Motion carries unanimously.

Discussion on item D2

2. Acceptance of work by Petrotek, Inc., for the Underground Fuel Tank Improvement Project.

Mayor Pro Tem Jellins believes this is a perfunctory action, and hopes this can be delegated to staff. Mr. Boesch responded that staff is working with the City Attorney on abbreviating the process.

M/S Jellins/Winkler to approve Consent Calendar item D2. Motion carries unanimously.

E. PUBLIC HEARING - None

F. REGULAR BUSINESS

1. Adoption of Resolution No. 5609 authorizing the City Manager to submit an application and execute agreements with the California Department of Transportation (Caltrans) to receive a Safe Routes to School (SR2S) grant for the improvement of pedestrian and bicycle safety at Hillview Middle School.

Rene Baile, Transportation Engineer, presented the staff report. Mayor Pro Tem Jellins asked about the timeline since he is interested in adding community outreach. Mr. Baile responded that the deadline for grant application submittal is June 30, 2005. Mr. Steffens, Public Works Director, added that letters of support could be submitted after the deadline, and some have already been submitted. Mr. Baile commented that the Transportation Commission chair offered to sign a letter of support. Council Member Fergusson referred to an email commenting on the lack of safety and lighting at the San Mateo and Santa Cruz intersection. Mr. Baile explained that staff is aware of the concern and could possibly include a potential realignment of the project design. Mr. Steffens said that the Transportation Commission would be a good venue to review designs and provide comments.

Council Member Duboc asked about signage and the need for a specific sign on the crosswalk by the school. Council discussed lighted crosswalks and the technology used. Mr. Baile gave details on the suggested crosswalks and the benefits of being more visible. Mr. Steffens explained this is separate from the lighted crosswalks study approved via the priority setting session but if the grant is appropriated the projects could be combined. Council Member Cohen asked if Coleman Avenue could be included, and Mr. Steffens explained that it not eligible because it is in a different area. Council Member Fergusson would like to review conditions at all Menlo Park schools. Mr. Steffens explained that there is the possibility of a joint application for a Safe Routes to School grant, however the challenge is coordinating various agencies with short deadlines.

Mayor Winkler invited public comment. There was none.

M/S Jellins/Winkler to submit the application, approve the resolution and execute the agreements. This item is to be placed on a future Transportation Commission agenda to get input on some of the issues addressed during Council discussion. The items are:

- 1) preparing joint applications with various agencies
- 2) loading at all schools in our jurisdiction and schools outside of Menlo Park.

Mayor Pro Tem Jellins would like the Transportation Commission to be consulted in regards to the San Mateo Drive and Santa Cruz Avenue intersection issue. The maker of the motion agreed with this inclusion and added notifying and asking for comments from those affected in surrounding areas.

Council Member Duboc would like staff to inform the Transportation Commission about what has been discussed and suggest that possibly a liaison from Menlo Park's Transportation Commission engage Atherton's Transportation Commission.

Motion carries unanimously.

2. Approval of the charge of the Budget Advisory Committee (BAC).

Audrey Seymour, Assistant City Manager, presented the staff report explaining the steps leading up to the current report. Ms. Seymour added that staff worked with the consultant to define a work plan and the question came up about the BAC's role. Ms. Seymour explained that staff had received a letter from a BAC member advocating for a process independent of staff, with the committee selecting its own work plan. At the same meeting staff asked the committee as a whole to express its views and it seemed that the majority wanted to work with staff and proceed with the work plan. Ms. Seymour believes the current work plan engages the committee and its talents.

Public Comment

Hank Lawrence believes the BAC charter should be to get the survey out. He asks that Council pass a resolution that Council Members who come to the BAC meetings only come as residents.

Patti Fry thanked Council for the opportunity to serve and she sees a long term goal for the BAC. She shared the difficulty in defining the role of the committee, and commented they are a talented group.

Council Discussion

Mayor Winkler asked if the goal is to achieve a long term solution and Ms. Seymour confirmed the goal is to fix a structural imbalance. Ms. Seymour added that staff's expectation is that the community will vocalize its priorities. Mayor Winkler said that she is excited about this process and supports the consultant chosen because of its experience. Ms. Winkler said that the end point is to find out from the community what it wants, and she is looking forward to that. She is comfortable with the proposed charter for the committee. Council Member Cohen does not agree with Mayor Winkler because in his opinion the committee has been mis-characterized. He does not agree with staff and the consultant determining the questions. Council Member Cohen believes the committee has much talent as well as a strong role in the democratic process, and he does not want it to be relegated to a secondary role. He believes this proposal differs from what he originally envisioned. He opposes the restrictions being placed on the committee.

Council Member Duboc welcomes the proposed work plan because it will offer a structure. Ms. Duboc agrees with the work plan and thinks the consultant is qualified. Council Member Fergusson is concerned with the independence of the BAC, and she would like to see a Chair run the meetings. Ms. Fergusson said that in her experience the revenue side is as or more important than the expense side and this does not seem to be covered. Ms. Fergusson would like to have a sub-group focus on a particular need. She is uncomfortable with staff and the consultant taking the lead. Mayor Winkler explained that the business roundtable reports are being considered and planning staff is coming back with streamlining and other revenue generating ideas. She agrees with the charter spelled out in the application, and there shouldn't be any surprises.

Council Member Duboc believes that there might be a need for a business commission. Mayor Pro Tem Jellins believes the issues raised are important however he would encourage staying the course rather than changing it. He believes the original idea from Mr. Cohen has been massaged by Council and this is the outcome. He supports staying the course but in the future taking a fresh look at some of the issues that have been brought forth. Council Member Fergusson believes there is a disconnect between the BAC role and the charge in the work plan. City Manager Boesch added that the role of the BAC includes reviewing community feedback as well as finalizing a list of budget balance measures and actions.

Council Member Cohen reiterated that he had the idea to create the committee and his goal was to avoid divisiveness. Mr. Cohen read the application and he does not believe that if the committee had a different approach staff and the consultant would still not be undermined. He supports giving the

committee latitude and autonomy. Council Member Cohen asked for it to be on the record that more than two Council Members attended the first budget advisory meeting and there was no potential Brown Act violation according to a Memo from the City Attorney. He would like the record to reflect that according to Government Code §54952.2 C4 the Brown Act does not preclude such attendance and so a majority of the Council can attend and participate. Council Member Duboc does not think the comments were about a Brown Act violation but about Council Members' presence changing the dynamics of the meeting. Council Member Fergusson said this clarification is important because she was asked to not speak at the meeting.

M/S Fergusson/Cohen to charge the committee with selecting a chair and vice chair of citizens to run its meetings.

Mayor Pro Tem Jellins does not agree with imposing this kind of rule on the committee. Council Member Cohen is disappointed because the committee will not vote and this was not how he envisioned it. Mayor Winkler explained that the genesis of this committee and process was a conversation with previous Council Member Collacchi and he too advocated finding out what the residents want. Mayor Winkler believes the BAC needs to work through the residents and it is a "think tank" but not a voting committee. She supports the creation of another committee that reviews revenue generation. Council discussed the role of staff and how it interfaces with Council and other Commissions. Mayor Pro Tem Jellins said that it appears to him that the Council has various ideas and these are evolving ideas for the BAC.

Mayor Winkler asked for the vote:

Motion fails with Duboc, Winkler and Jellins opposing.

M/S Jellins/Duboc to approve the charge of the Budget Advisory Committee as proposed by staff.

Council Member Fergusson will not support the motion because she is concerned with the lack of independence and the structure of the BAC. She believes there is an inherent conflict of interest for staff and she believes there are built in biases. Mayor Winkler said that the Council is fully involved in this process. Mr. Cohen will vote against this motion because he will continue to support the committee having a different role. He plans to bring the issue back in two months.

Motion passes with Cohen and Fergusson opposed.

Council discussed the role of the two Council liaisons to the BAC and Mayor Winkler hopes the liaisons are just a connection between Council and the committee and not inhibit discussion. Council Member Fergusson asked for clarification on the role of the liaisons and she would like the label of liaison just as a label. She would like to see all Council Members have the same status at the BAC. Mayor Pro Tem Jellins opined that if the other Council Members attend the meeting they can act as members of the public. Ms. Fergusson does not believe liaison carries a special status. Mr. Jellins clarified that if he were to attend he would have an opportunity for public comment but not to participate in the deliberations and discussion. Council Member Cohen said he never anticipated participating in discussions, and so he would like the liaisons to be defined merely as observers and report back to Council.

Council discussed when the public and the Council should talk. Ms. Duboc does not have a problem with additional Council Members coming to the meeting and she doesn't oppose them being part of the discussion. Mayor Winkler clarified that traditionally Council Members participate via the public comment but she would not want to restrict other Council Members' role. Ms. Fergusson was troubled because a special status was given to the Council liaisons to the BAC. Council Member Fergusson asked to be considered a liaison, and Ms. Duboc had no opposition to this but Mr. Cohen said this could be taken up in two months when the item comes back.

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.

G. WRITTEN COMMUNICATION

1. Request by Council Member Fergusson for Council to discuss and establish protocol for materials provided by speakers at City Council Meetings.

Council Member Fergusson referred to a resident who provided documents at the May 10, 2005 meeting. She opined that she was unable to give the resident her full attention. Ms. Fergusson would like to formalize a process for handling handouts when speakers have them. Mayor Winkler supports speakers submitting items ahead of time so Council can review them carefully. Mayor Pro Tem Jellins would rather not review the handouts while speakers are addressing Council. His practice has been to not review materials while speakers are talking. He believes that the procedures proposed can cause a delay. Mayor Winkler would like this incorporated into a city policy and Council Member Duboc agreed that having documents in advance is helpful.

Council consensus was to have staff bring this matter back to Council.

2. Letter from Michael Meyer, Transportation Commissioner, regarding his residency.

Mayor Winkler suggested that if by the end of August he is not a resident then he should be given a leave of absence. Council Member Duboc wants to be alerted if he is not a resident by the next meeting. Ms. Fergusson wants to grant him a leave of absence if he does not reside in Menlo Park by the next commission meeting.

H. INFORMATION ITEMS - None

I. COUNCIL MEMBER REPORTS

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

Katie Ferrick appreciates that the structure is being set now for the BAC and she agrees with the City Manager that there will be plenty of time for the committee members to contribute. She would not like a lot of controversy and negativity around the committee because it might deter enthusiasm.

K. ADJOURNMENT – the meeting adjourned at 9:55 p.m.

Respectfully submitted,

Silvia M. Vonderlinden, CMC

Approved at the Council Meeting of September 13, 2005.