



**CITY COUNCIL
and
COMMUNITY DEVELOPMENT AGENCY
MINUTES**

**Tuesday, September 13, 2005
7:00 p.m.
701 Laurel Street, Menlo Park, CA 94025
Menlo Park City Council Chambers**

5:30 p.m. CLOSED SESSION (First Floor Conference Room – Administration Building)

1. Closed Session pursuant to Government Code Section §54957 for the City Manager and City Attorney performance evaluations.

Reconvene in Open Session and Report on Aforementioned Closed Session.

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

ROLL CALL – Winkler, Jellins, Cohen, Duboc, Fergusson

PLEDGE OF ALLEGIANCE

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.

Mayor Winkler announced that there was nothing to report from the Closed Session. Ms. Winkler reported that two teams from Menlo Park are in Louisiana and are scheduled to come home soon. The Council welcomes them back. Mayor Winkler provided details about the Certified Emergency Response Team program and invited residents to join.

A. COMMISSION VACANCIES AND REPORTS

1. Swearing in of incoming commissioners.

City Clerk Vonderlinden swore in Arthur Traum and Reginald Rice.

2. The Parks and Recreation Commission will have two vacancies for seats that expire September 2005. The appointees will serve until September 2009. The deadline for receipt of applications is September 21, 2005 at 5:30 p.m. The Mayor announced the seats/
3. Commission Reports.

B. PRESENTATIONS AND PROCLAMATIONS - None

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

Michelle Harbottle referenced a letter she sent to Council on September 12, 2005 urging this body to reconsider her project at 1981 Menalto Avenue. She asked Council to revisit the item.

Mr. McClure, City Attorney, said it was not timely to reconsider this matter because a motion to reconsider could only be made at the meeting immediately following Council action. The City Attorney said this would be more akin to applying to amend the use permit, or submitting a new application. Mr. McClure added that there could not be discussion tonight but Council may decide to have this on a future Agenda.

D. CONSENT CALENDAR

1. Authorization to remove restricted parking on-street parking in front of 1942 Menalto Avenue.

Item D2 Pulled

2. Approval of Resolution No. 5623 granting the City Manager authority to negotiate a Memorandum of Understanding with City/County Association of Governments of San Mateo County for the development of a Hydrogen Fueling Station at the City's Corporation Yard.
3. Approval of the City Council Minutes for the meetings of June 21, 2005 and June 28, 2005.

M/S Jellins/Duboc to approve consent calendar items D1 and D3. Motion carries unanimously.

Discussion on Item D2

2. Approval of Resolution No. 5623 granting the City Manager authority to negotiate a Memorandum of Understanding with City/County Association of Governments (C/CAG) of San Mateo County for the development of a Hydrogen Fueling Station at the City's Corporation Yard.

Richard Napier, Executive Director of C/CAG provided the Council with information on this proposal. Mr. Napier gave details about the partners who will be cooperating on the project. He added that the traffic increase will be small because it will be mostly shuttles that already serve the City. Mr. Napier spoke to the issue of safety and visual impact. He added that hydrogen is less dangerous than gasoline. He assured the Council that there won't be any capital expenditure from the City.

Council Member Fergusson asked about the level of environmental review needed, and Mr. McClure said that findings will be made and the Council will have to do a California Environmental Quality Act (CEQA) determination. Mayor Pro Tem Jellins asked about operating costs, and Mr. Napier offered that Menlo Park staff will be trained on how to refuel, but the equipment will be maintained by the vendors. Mr. Jellins asked about insurance requirements and Mr. Napier said that it wouldn't apply. The future trends in gasoline use and other fuels were discussed. Council Member Cohen asked about the current hydrogen fueling stations as well as anticipated growth. Mr. Napier said that he does not anticipate growth beyond the basic design for the next five to seven years, and he enumerated the current sites' locations.

M/S Jellins/Fergusson to approve staff's recommendation. Motion carries unanimously.

Council Member Fergusson asked that her vote on Item D1 be recorded as an abstention, and Mayor Winkler said that she too wished to abstain on D1.

E. PUBLIC HEARING - None

F. REGULAR BUSINESS

1. Approval of a Procedures Manual for the City Council.

City Manager Boesch explained some of the reasons for this document which include having a single source document, a convenient reference guide, a tool to orient new candidates and a way to formalize business practices. Mr. Boesch covered each chapter providing an overview. He added that this would be a living document that may evolve with different Councils.

Council requested that a red-lined version come back to Council after tonight's input. The Mayor selection policy was discussed and one Council Member thought it should be included in the manual. Council discussed safety at Council Meetings and procedures in case of danger. Mr. Boesch explained the police would be called to the Council Chambers.

Mayor Winkler asked for public comment and there was none.

Council Member Fergusson supports this document especially the fact that it is meant to be a living document. Council in general was in favor of the document and its usefulness. Council Member Cohen would like it to include an index as well as a computer friendly version with a search function. Mayor Pro Tem Jellins said that it might be useful for the Mayor, the City Manager and a designee to review the document once a year to assure that it is current.

Council discussed the way in which speakers address Council and it was the Council's preference to have speaker cards clarify place of residence to differentiate if speakers live in the City or in the unincorporated area. Council discussed study sessions and the current wording in the procedures manual. Council Member Duboc would prefer less specificity when it comes to study sessions, and Ms. Fergusson disagreed. Some Council Members thought the formality of the Council Chambers isn't conducive to discussions and a certain level of familiarity. Council Member Cohen believes that Study Sessions that aren't held at the Council Chambers discourage public participation. Mayor Winkler suggested the following wording: "the current Council has agreed to have Study Sessions in the Council Chambers". Ms. Duboc suggested including the fiscal year at the beginning of the document to define the time period. She also suggested including that Council holds periodic meetings at the Menlo Park Senior Center. Ms. Fergusson asked if it would be possible to be more creative with the set up of Study Sessions at the Council Chambers. Council agreed with including the periodic meetings at the Menlo Park Senior Center in the Procedures Manual.

Council discussed interactions with Commissioners and one Council Member opined that Commissioners should refrain from being rude or personally attacking Council Members at the Council Meetings. Ms. Fergusson believes there is a higher expectation of those who have been appointed to serve. Mayor Pro Tem Jellins does not believe this should be part of this document. Council Member Duboc concurs with him. Council Member Duboc referred to "Other Guidelines" Section, more specifically, the Values of Respect and she believes the following sentence should be eliminated: "5. Individual Council Members should not actively recruit supporters to "pack the audience" for specific agenda items."

Council ensued in discussion about use of letterhead and Mayor Pro Tem Jellins believes that letters on letterhead should always be copied to the whole Council. He would like this to be reflected in the document. Council Member Duboc recommended a different letterhead for individual Council Members who just want to send a note or thank you "from the desk of". Mr. Jellins believes that as a principle anything on letterhead should be shared with the other Council Members because it is using public funds. Mayor Winkler likes the two ideas, 1) personalized letterhead and 2) share with other Council Members everything that is printed on City Council or personalized letterhead. Mayor Pro Tem Jellins mentioned that he has a standing request with the City Manager's Office staff to get a copy of every letter that goes out on letterhead. He wants to continue this practice and if a Council Member doesn't want it they can tell staff. Council concurred with sharing with the full Council items on letterhead, and creating an additional form of individual letterhead.

Council discussed the procedure for handling items on the Consent Calendar. Mayor Pro Tem Jellins suggests that Council notify staff prior to the meeting if an item will be pulled. If the item gets pulled and staff was not informed then the item should be tabled. Mr. Boesch said this might have timing implications, but it reinforces the need for Council to communicate with staff when there are questions. Council Member Cohen's schedule was discussed and he will rearrange his weekly meeting with the City Manager.

Council discussed the current policies available in a binder at the City Manager's office. Mayor Pro Tem Jellins would like to have these in the Procedures Manual. Mr. Boesch offered to provide the information requested.

M/S Jellins/Duboc to have staff revise the document according to the discussion and consensus reached tonight, bring it back including any small edits that Council Members take directly to the City Manager. Motion carries unanimously.

2. 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 - None

H. INFORMATION ITEMS - None

I. COUNCIL MEMBER REPORTS

Mayor Pro Tem Jellins commented that if a Council Member wanted to bring Ms. Harbottle's item back, they should ask that it be included as a written communication on a future Agenda.

Council Member Fergusson gave an update on Kepler's Bookstore and she said a business plan has been completed as well as a financial partnership. Ms. Fergusson thanked those who provided pro bono services to this cause. She asked if Mayor Winkler could draft a letter in support of these efforts. Mr. McClure said that this was not on the agenda and so no action could be taken at this time.

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

Hank Lawrence, speaking as a resident, shared that he has attended many Council Meetings and he believes certain Council Members are expressing views outside the normal bounds of proper behavior. He particularly disagrees with publicly criticizing City officials.

Matt Henry suggested the need for a sergeant at arms because there is danger, and when trouble happens it happens fast. He would prefer that a panic button be installed in the Council Chambers.

K. ADJOURNMENT – the meeting adjourned at 9:00 p.m.

Respectfully submitted,

Silvia M. Vonderlinden, CMC

Approved at the Council Meeting of October 18, 2005.