



**CITY COUNCIL
COMMUNITY DEVELOPMENT AGENCY
MINUTES**

**Tuesday, January 9, 2007
7:00 p.m.**

**701 Laurel Street, Menlo Park, CA 94025
Menlo Park City Council Chambers**

**Two Closed
Sessions started
after the regular
meeting in the
Admin. Building.**

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

ROLL CALL - Fergusson, Cohen, Boyle, Cline and Robinson

Staff present: City Manager Boesch, City Attorney McClure, Assistant City Manager Seymour and City Clerk Vonderlinden.

PLEDGE OF ALLEGIANCE

A. COMMISSION REPORTS

1. Commission members and Chamber of Commerce reports.

There were no reports.

B. PRESENTATIONS AND PROCLAMATIONS - None

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

Richard Angus, with the Historical Association, spoke about the importance of historical preservation. He asked Council to appoint a Council or Staff liaison to that body and he presented the Council with a copy of the book "The History of Menlo Park."

Don Barnby spoke about traffic challenges on Spruce Avenue. He believes there is a flooding problem in that street. He submitted a petition signed by residents who are requesting that Council act on the matter.

Mayor Fergusson asked that the petition submitted by Spruce Avenue residents be reflected into the record. The City Clerk acknowledged receipt of such petition.

City Manager Boesch said this has been an ongoing issue; however it has not been identified as a priority given other storm drain issues.

Steven Fox spoke about the flooding on Spruce Avenue and he was grateful for the Council Members who visited it and witnessed the flood. He proposed various solutions to address the water puddling.

Anne Moser supports the previous two speakers who are her neighbors. She said that last year a similar situation occurred on that street.

Jesus Monroy spoke about black bears and the Native Americans who lived in this area. Mr. Monroy spoke about employers providing housing for their employees.

Kristi Breish, representing Project Read of Menlo Park, spoke about the successes of the Library Advisory Board during the last year. She said that program is looking for advocacy, funding, and visibility.

D. CONSENT CALENDAR

Mayor Fergusson mentioned that the goal in addressing the Consent Calendar is to be efficient and if an item needs to be pulled it will be discussed at the end of the regular business.

1. Authorization of the City Manager to enter into an agreement with the San Francisquito Creek Joint Powers Authority and its member agencies with respect to roles and responsibilities regarding the Army Corps of Engineers' Feasibility Cost Share Agreement.

2. Adoption of resolution no. 5719 authorizing staff to submit applications with the Metropolitan Transportation Commission for Transportation Development Act Article 3 Grants for the creation and installation of Phase I of a Citywide Bikeway Wayfinding Signage Program; the installation of Class III Bike Routes on three bikeways within the Willows neighborhood; and, for the installation of video detection systems for bicycles at the intersections of Laurel Street at Oak Grove Avenue, Willow Road at Coleman Avenue and Willow Road at Gilbert Avenue. (Staff Report #07-002)

3. Authorization of the City Manager to enter into an agreement in the amount of \$58,840 with Kimley-Horn & Associates, Inc. to develop Safe Routes to school plan for Laurel Elementary School. (Staff Report #07-003)

M/S Boyle/Cline to approve the Consent Calendar as presented. Motion carries 5-0-0.
Mayor Fergusson recused herself on item D1.

F. REGULAR BUSINESS

1. Approval of the audited Comprehensive Annual Financial Report for Fiscal Year ended June 30, 2006.

Audrey Seymour, Assistant City Manager, introduced Carol Augustine the Finance Director and provided an overview of the report. Ms. Augustine presented a slide presentation highlighting the organization and key data in the report. Ms. Augustine explained the \$3.7 million operating surplus which is different than what was anticipated and the variances in both revenues and expenses. Staff will analyze each area carefully and provide additional information at the February 6, 2007 mid-year report regarding which of these variances can be expected to continue into the future and impact the City's long-term fiscal situation.

Ms. Augustine added that the utility users tax was a strategy focused on a long-term sustainable budget. She believes the next step is a line item by line item analysis to denote variances and then project it into the 10-year forecast.

Council Member Boyle asked if the City has an audit committee and Ms. Augustine said that the City does not have one. Mr. Boesch said that some cities do have one and others don't. Council Member Cline asked if the City is required to have a balanced budget and she confirmed but the critical issue is if revenues will continue covering expenditures.

Council Member Robinson thanked Ms. Augustine for her presentation and his question was about capital funds investment. She confirmed that there was no transfer from the General fund to the Capital Fund for Capital projects. Council Member Robinson believes that Council needs more information in this area. Mayor Pro Tem Cohen referred to Bayfront Park and a letter sent to him by a resident. Ms. Augustine said that the Bayfront Park advisory measure was not mentioned but it could have been mentioned since the UUT was referred to in the CAFR document.

Mayor Pro Tem Cohen asked about when the dot.com bubble burst and whether it could be predicted. Ms. Augustine said that it happened in 2000 and it impacted subsequent years. Mayor Pro Tem Cohen said he might wish to have a Study session in the future for clarification on budgetary issues.

Mayor Fergusson asked for public comment.

Peter Colby asked about Bayfront Park revenues and he mentioned various figures from the report.

Mayor Fergusson asked Ms. Augustine to explain the fees for Bayfront Park and she said there were two funds associated with that site. She said that one of the funds shows the revenue from the sale of the gas production in the landfill. She also mentioned the other fund and its interest earnings and revenues from the solid waste surcharge to cover post-closure landfill costs.

M/S Boyle/Cline to approve item F1. Motion carries 5-0-0.

Mayor Pro Tem Cohen asked about setting time aside in the future to have a study session about the budget so that people with concerns and questions can have an opportunity to come forward.

Council Member Robinson said that this could be addressed at the February 6, 2007 meeting during the mid-year review.

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.

None.

E. PUBLIC HEARING - None

G. WRITTEN COMMUNICATION

1. Memorandum dated January 5, 2007 from City Manager regarding resignation in order to accept job offer.

Mayor Fergusson congratulated Mr. Boesch and expressed her gratitude for his many contributions to this community especially for leaving the City in such solid standing.

City Attorney McClure explained that some items should be discussed by Council during the public session and some in the Closed Session. He said that a formal vote is needed to add this item to the Closed Sessions that have been scheduled and that requires a 4/5 vote. Mr. McClure explained the regular process of hiring a City Manager from beginning to end.

Council discussed the process that was used to hire Mr. Boesch and Mr. McClure provided details. Council Member Robinson suggested getting previous Council Members and current Council to move forward with the process. Mayor Fergusson would like the public to have input on the job description and members of the public be part of the interview panels.

Various Council Members agreed to move forward efficiently and Council Member Boyle and Vice Mayor Cohen volunteered to be on a hiring committee. **Council consensus was that the subcommittee would recommend an executive search firm and come back to Council for a final decision.**

The City Attorney asked if there was any public comment and there was no comment.

A motion was made by Council Member Boyle and seconded by Council Member Cline to authorize a Council subcommittee to recommend an executive search firm and return to Council for a final decision on the firm to use.

Council Member Robinson supports the creation of a hiring committee which could be expanded to include community members. Council Member Boyle suggested informal consultation with the public.

This item will be further discussed when the subcommittee comes back with the list of the hiring firms for Council to decide on.

Mayor Pro Tem Cohen believes that having another Brown Act body may potentially delay the process.

The motion was restated as follows:

M/S Cline/Boyle to approve a Council subcommittee which will work with staff and return with a recommendation for the hiring of a recruitment firm, this to occur at the earliest date possible, and to include in that report some options for public involvement and participation in the process. The motion also includes inviting public input. Motion carries 5-0-0.

Mayor Pro Tem Cohen would like to use the web site for disseminating information about the process and request their input. Mayor Fergusson said that some appropriately timed press releases would be helpful.

M/S Cline/Robinson to add to the Closed Session a discussion of personnel matters regarding the resignation of the City Manager. Motion carries 5-0-0.

H. INFORMATION ITEM - None

I. COUNCIL MEMBER REPORTS

Mayor Fergusson spoke about the Council of Cities committees and the various seats that are up and will be voted on at the upcoming City Selection meeting of January 26, 2007. She provided an overview of those elected officials who have applied for the various vacancies and said Council could review the matter under Council Reports on January 23, 2007. Mayor Fergusson informed Council of her interest in the San Mateo County Transit Authority seat.

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

None.

The regular meeting adjourned at 9:40 and the Council went into the Closed Sessions.

CLOSED SESSIONS (First Floor Conference Room - Administration Building)

1. Closed session conference with legal counsel-anticipated litigation significant exposure to litigation pursuant to subdivision (b) of Government Code Section §54956 the Derry Lane Project and Referendums. Parties present: David Boesch, City Manager, and Bill McClure, City Attorney.
2. Closed session pursuant to Government Code Section §54957.6 to conference with labor negotiators regarding labor negotiations with Local 715 Service Employees International Union (SEIU) and the American Federation of State, County, and Municipal Employees Local 829 (AFSCME). Parties present: David Boesch, City Manager, Bill McClure, City Attorney, Labor Attorney Emily Prescott and Glen Kramer, Personnel and Information Services Director.

The Closed Sessions ended at 12:00 midnight with no reportable action.

Respectfully submitted,


Silvia M. Vonderlinden, Certified Municipal Clerk

Approved at the City Council Meeting of March 6, 2007.

RECEIVED

AUG 14 2007

CITY CLERK'S OFFICE
CITY OF MENLO PARK