



**CITY COUNCIL
COMMUNITY DEVELOPMENT AGENCY
MINUTES**

**Tuesday, February 13, 2007
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 - Fergusson, Cohen, Boyle, Cline and Robinson

PLEDGE OF ALLEGIANCE

Staff Present - David Boesch, City Manager, Kent Steffens, Public Works Director, Silvia Vonderlinden, City Clerk and other City staff were in the audience.

A. COMMISSION APPOINTMENTS AND REPORTS

The Mayor invited residents to apply for two seats on the Dumbarton Rail Task Force. Citizens were encouraged to submit a resume and letter of interest to the City Clerk by Wednesday February 21, 2007 since the Council is being asked to make a decision at the Meeting of February 27, 2007.

1. Swearing in of a new Parks and Recreation Commissioner.

City Clerk Vonderlinden swore in Andrew Kirkpatrick, the new Parks and Recreation Commissioner.

2. Commission members and Chamber of Commerce reports.

Robert Steele, Chair of the Bicycle Commission, addressed the City Council referencing a letter that was sent by that body.

Dan Kocher, member of the Environmental Quality Commission, offered that commission's support to the goal of environmental stewardship. Mr. Kocher said that the Commission unanimously approved this goal and is interested in the City taking actions that benefit the community.

The newly elected Chair of the Chamber of Commerce, Ron Shephard, addressed the City Council and spoke about the ACTION committee which is formed by stakeholders of various issues. He offered to work with Council and asked Council to keep this committee informed about any issues that may impact it.

B. PRESENTATIONS AND PROCLAMATIONS

Mayor Fergusson and Council Member Robinson recused themselves from this topic due to ties to Stanford. The Mayor passed the gavel to Vice Mayor Cohen.

1. Presentation by Stanford and Simon Company regarding the Stanford Shopping Center and Medical Center expansion.

Martha Marsh, President and CEO for the Stanford Hospital & Clinics, spoke on behalf of the medical center, explaining the need for the expansion project and the process to date. Mark Tortorich, the Vice President of Planning Design and Construction, provided details on the need to comply with seismic laws, to meet an increased demand for services, to plan for disaster preparedness and to accommodate patients' and their families' need for privacy. Mr. Tortorich explained the next steps in

the process and referred the public to a web page (www.stanfordpackard.org) that welcomes input from members of the public.

Mayor Pro Tem Cohen said that he would like to have more information on this matter as it emerges. The speaker agreed with coming back when needed. The height of the proposed project was discussed in detail. John Benvenuto, Manager for the Stanford Shopping Center, provided an explanation of the expansion planned for the Stanford Shopping Center. Gene Yun, with EIS Architecture and Urban Design, is the project architect and he provided information and details on the past, present and future of the Shopping Center. He said that the goal is to have better linkage between the buildings and bring the buildings out to the face of the street. Mr. Yun provided details on the retail buildings that are going in and the pedestrian oriented features, as well as a new a central plaza that would add identity and character to the mall.

Council asked questions of Mr. Yun regarding style, parking and an Environmental Impact Report.

Council took a brief recess at 7:55 p.m.

Mayor Fergusson and Council Member Robinson re-entered the Chambers and the meeting resumed at 7:56 p.m.

2. Proclamation recognizing outgoing City Manager David Boesch.

Mayor Fergusson presented outgoing City Manager Boesch with a proclamation recognizing his seven years of service to the City of Menlo Park.

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

Matt Henry spoke about staffing changes. He said that there is frustration regarding this topic and he hoped that the Council had heard the request from the Belle Haven community. Mr. Henry made comments about the City Manager's departure.

Elias Blawie, stated that he believes that it would be better if he could address each Consent Calendar item as the matter comes up.

Council Member Boyle believes that it makes sense to have comments heard when the items are addressed, especially if the items on the Consent Calendar are pulled. Council Member Robinson asked if he and Mayor Fergusson had to leave if comments were made about the Stanford matter; the City Attorney that they did not.

Council Member Cline pulled D3, D4, and D5, Council Member Boyle pulled all items except for D2, Mayor Fergusson pulled item D6, and Council Member Boyle pulled item D7. City Attorney McClure said that the new Council rules are that all these Consent Calendar items will be addressed at the end of the Regular Business item and that public comment would occur at the end of the meeting when those items come up. Council Member Robinson believes that some flexibility may be in order so that speakers can address these items now in Public Comment. Mayor Fergusson agreed with that approach.

Public Comment

Larissa Flores, Dalila Adolfo, and Miriam Cruz asked to address Council as a group and they spoke as members of Youth United for Community Action. The speakers made comments regarding ROMIC Environmental and its alleged non compliance issues as it pertains to pollution in East Palo Alto. They have concerns for the safety of employees and they asked that Council write a letter to shut down Romic, deny the permit and begin an investigation.

Margaret Fruth spoke about the benefit of the Stanford Hospital but she is concerned that these projects will impact traffic. She hopes the City Council can negotiate some caps with Stanford and possibly outline some conditions of approval.

Elias Blawie thanked Council for the accommodation on the agenda. Mr. Blawie expressed concern with the height of the proposed hospital renovation. He believes that Menlo Park needs to ask what the benefit to Menlo Park is.

D. CONSENT CALENDAR (Consent Calendar Items D1, D3, D4, D5, D6 and D7 were pulled and moved to the end of the meeting)

1. Award of contract to Unicars Honda in the amount of \$25,658.59 for the purchase of a hybrid motor-pool car, and authorization of a total budget of \$27,000 for the purchase of the vehicle and contingency. (Staff Report #07-023)
2. Initiation of the Menlo Park Landscaping Assessment District proceedings for Fiscal Year 2007-08 and adoption of resolution no. 5723 describing improvements and directing preparation of the Engineer's Report. (Staff Report #07-024)
3. Adoption of a resolution approving a Memorandum of Understanding (MOU) between the City of Menlo Park and Service Employees' International Union (SEIU), Local 715, for the period beginning October 29, 2006 through October 24, 2009.
4. Adoption of a resolution approving a Memorandum of Understanding (MOU) between the City of Menlo Park and the American State, Federal, County and Municipal Employees (AFSCME), Local 829, for the period beginning October 29, 2006 and October 24, 2009. (Staff Report #07-028)
5. Approval of a resolution authorizing the City Manager to adjust salaries for executive management staff up to 4% effective January 7, 2007. (Staff Report #07-029)
6. Adoption of findings for granting an appeal to approve a Use Permit to operate a private school in an existing Industrial Building at 1215 O'Brien Drive in the M-2 (General Industrial) Zoning District. (Staff Report #07-031) *Taken out of sequence.*
7. Approval of the minutes for the City Council meetings of December 5, 2006 (attachment); December 12, 2006 (attachment); December 19, 2006 (attachment); January 9, 2007 (attachment); and January 23, 2007. (attachment)

Public Comment

Elias Blawie spoke about Consent Calendar item D1 stating that there isn't enough data to approve this contract. He would like to have public policy issues considered and a clearer picture of the economics around the topic.

Item D6 was addressed.

Mayor Fergusson said that there is a letter requesting continuation of the matter for two weeks. Council Member Boyle addressed item D6 and said that in speaking with several people and Planning Commissioners that the commission might have voted differently if there were mitigations and conditions appended to the project. He said that it might be good to ask the Planning Commission to outline any recommendations that it might have if this were approved.

Mayor Fergusson expressed appreciation for the comments. Vice Mayor Cohen said that at the meeting when this was discussed the parties should have been recommended to talk about this matter informally and contact the Planning Commission on the matter. City Attorney McClure said that technically the Planning Commission has no jurisdiction over the matter because this has been appealed to the Council and what the Council can do is move it to be tabled with the understanding that the 75-day limit for acting on appeals is being waived.

M/S Robinson/Cohen postpone item D6 for two weeks with the understanding that the 75 day appeal period has been waived and when the item comes back it will return as a regular business item. Motion carries unanimously.

M/S Cline/Cohen to approve Consent Calendar item D2. Motion carried unanimously.

E. PUBLIC HEARINGS - None

F. REGULAR BUSINESS

1. Accept the 2006-07 Midyear Financial Summary and adopt a resolution effecting the recommended amendments to the 2006-07 operating budget; discuss and provide direction regarding implementation of the Utility Users Tax and alternative approaches to funding retiree medical benefits. (Staff Report #07-019) (Rescheduled from the City Council Meeting of February 6, 2007.)

City Manager Boesch provided a brief introduction stating that staff tried to provide its best estimation of the midyear summary and tonight's presentation is a bridge between the current fiscal year and the upcoming fiscal year. He explained that the Finance Director does not spend 100% of her time preparing the budget; therefore if one of the goals is to get more regular updates it may need to consider additional staff resources. He added that Council is still in the goal setting phase and for example the community engagement goal has impacts for staffing. Mr. Boesch explained the various cuts that have taken place and asked that as Council looks at these goals it is important to connect these goals to the resources available and the modest operation that the City has in numerous areas.

Carol Augustine, Finance Director, introduced John McGirr Revenue and Claims Manager, who has been instrumental with the implementation of the Utility Users' Tax. Ms. Augustine shared a presentation on the General Fund situation, covered specific adjustments to the 2006-07 budget, presented a 10-year forecast and reviewed items such as the Other Post Employment Benefits (OPEB) and the UUT. Ms. Augustine focused on the Other Post Employment Benefits and explained various options to deal with this multi-million dollar liability.

Council asked questions about the UUT and Finance Director Augustine explained the process used to estimate an income of \$600,000 for the final quarter, noting that this is a conservative amount. Ms. Augustine explained the various steps taken for the projection. Council Member Cline asked if Ms. Augustine anticipates a 15% to 20% change and she said she is fairly confident of this estimate.

Council Member Boyle asked if staff calculated a range on the low or high end, or if the \$2.5 million is a best guess. Staff confirmed that it is a best guess and that staff did not calculate a range. Council Member Boyle asked about the adjusted budget and if the personnel vacancies were reflected as savings and Ms. Augustine said they are kept in the budget. She said that the only budget revision required is if a contract employee is hired and then a budget amendment is processed. In answering questions from Council Member Boyle, Ms. Augustine said that none of the vacancies are excluded from the adjusted budget.

Council Member Boyle wants to understand why competitive bidding is not part of the process for setting up the non-revocable trust for the OPEB issue. Ms. Augustine provided details on what other cities are doing, noting that most are working with CalPers. Council Member Boyle believes that CalPers may have interrelated interests in this issue and so he does not understand why the City would not go out for an RFP.

Mayor Fergusson referred to a letter received from Mark Gilles and questions posed by him regarding the budget surplus. Ms. Augustine said that the \$4.5 million was not unexpected. She added that the 05-06 budget was a roll over budget and there was no capital improvement

spending. She added that no budget adjustments were made for the various items that were implemented at midyear or the vacant positions. Mayor Fergusson read portions of the letter and staff explained the financial cycle and the reporting schedule to the City Council.

Ms. Augustine said that there was an expectation that there would be a surplus but maybe not as large as it came out to be. She pointed out that 05-06 was a roll over budget and that there was a \$672,000 budget deficit expectation, but that during the Your City/Your Decision process no budget adjustments for items such as the midyear savings, the pool outsourcing, the strategies implemented and the positions that were unfilled were included, impacting the savings. Staff said that towards the end of the year it was realized that there would be enough money to cover some of the OPEB liabilities and staff brought that to Council in October 2006.

Council Member Robinson asked about the budget surplus and if Measure K would still have been on the ballot knowing what we know now. Carol Augustine said that she would have recommended that the UUT be put forward because that action was not to address one particular year but to address a structural imbalance. Mr. Boesch was asked the same question and responded with a similar answer adding that the fact that infrastructure is not being funded continues to be a concern for staff.

Council Member Cline asked if the 07-08 budget will be different and Ms. Augustine said that staff will be able to better clarify items. City Manager Boesch said that the assumptions are before Council and staff has looked at various options. He said that if Council is concerned about the UUT, the Council may wish to review the revenues and expenditures, noting that over the last four years the budgeted expenditures have exceeded the budgeted revenues.

Mayor Fergusson invited public comment.

Henry Riggs is not comfortable with the budget. He believes the voters were misled and that the tax was based on the loss of key services. He opined that the current budget services are not clear and he believes there is an opportunity to change and make these transparent.

Elias Blawie opined that a budget advisory committee should be in the horizon and he encouraged that the RFP option be pursued for the OPEB. Mr. Blawie said contracts of \$700,000 will be added to the budget for the rest of our lives and while he does not think the UUT should be repealed, he said that financials could be look at even when unfinished.

Lee Duboc, former Mayor, asked Council to rescind the UUT and she said that she would not have voted to pass the UUT if she had known that the surplus was going to be \$3.7 million as opposed to the projected deficit of \$2.9 million. She asked Council to rectify this and place this matter on hold until the community can trust the facts and figures.

Margaret Fruth disagreed with the previous speaker because she thinks the City will need the funds to invest in infrastructure and increase services to low income programs. She is aware that good employees cost money and health care benefits cost money. She asked staff to not zero out this tax because the city needs a cushion.

Nick Naclerio, with time donated by two speakers, explained what he expected to be in a midyear review. Mr. Naclerio said that he spoke with the auditor and that person recommended a month to month report on the budget to actual figures. He believes that an audit committee should be formed and meet once a quarter with the audit firm. He supports a subcommittee of Council Members. Mr. Naclerio said that the forecast shows a \$56 million dollar reserve and an assumption that revenues and expenses grow by 4%. He said that this is not congruent with the 9% increase on property taxes which is the historical rate. Regarding the UUT he believes the assumptions of what that tax was developed on is what should be considered. He believes the assumptions are too negative and he is not sure these are correct.

Council Member Robinson asked how the retirement increase that is on the Consent Calendar will impact the ten year projection. City Manager Boesch said that the ten-year projection did not include this projection. Mayor Fergusson said that comments should be focused around: 1) accepting the midyear report and adopting a resolution; 2) UUT decision; and 3) alternative approaches to dealing with the OPEB costs.

Council Member Boyle does not think the UUT is about the 06-07 budget but about the long term scenario. He said that the variance on the budget has been routinely positive with conservative management. He stated that, according to information he got from the Finance Director, and in looking at historical data, the City has had a positive variance in every one of the last 10 fiscal years (original budget versus the actual). He read the values of the positive variances for each of the years he was referring to, which ranged between \$2.5M and \$9.5M, and he concluded that there has been a high positive variance over that period. He believes that the City will continue to be conservative in its assumptions and not overspend the budget. He continues to believe that the budget was mis-represented because the underlying assumption was that there was an ongoing \$2.9 million structural deficit. He thinks the real question is if this is needed and, if not, should the City implement it since it is not clear that we need it.

Council Member Robinson spoke about the OPEB liability and asked what is new information since the structural imbalance still exists. Council Member Boyle opined that the Budget Advisory Committee was operating on parameters that were more negative than what he believes is the reality. Mayor Fergusson thinks it behooves the Council to be conservative and she wants to respect the work of prior Councils who have saved towards the General Fund Reserve. Mayor Fergusson stated she is leaning towards the first scenario on the OPEB option.

Mayor Pro Tem Cohen said that he has been here for two years and he has seen the Council tightening the belt. He is not prepared to back off from the UUT and it is not good enough to use different assumptions. He said that Councils have been tightening the belt for the last five years and that has been a reality. Mayor Pro Tem Cohen spoke about the Budget Advisory Committee and he supports the return of this group with a new mandate with many of the things suggested tonight being addressed by this group. Mayor Pro Tem Cohen said that budget matters are uncertain and he supports the UUT because it has a mechanism for regular review and modification. He disagrees with the allocation of \$9 million for the OPEB. He does not think that this is the best option for the City. He said his position may not be popular but he wants to do what is conservative for this city and be prepared for the unplanned. He is committed to option B on the OPEB funding. Council Member Cline appreciated the comments from Mr. Naclerio. He opined that the scenarios are all inter-related and he finds this extremely difficult. He opined that if he thinks he has the tax then he likes one option for OPEB and if he doesn't have the tax then he likes another approach. Council Member Cline does not like the idea of the UUT even though he voted for it because of the flexibility and the number of restrictions built in. He also agrees with the fact that we've been over our estimates for the last ten years. He feels comfortable waiting and seeing what the tax revenues will be. He supports scenario B.

Council Member Robinson thanked the speakers and he agreed with Council Member Cline on certain items. He asked about the different scenarios. Mr. Boesch said that staff has come forth with a recommendation that is option B and he believes it is cleaner and more straight forward to fund the liability in a way to reduce the amount of principle that we need to invest. Kent Steffens, Public Works Director, said that he supports the staff recommendation and if the money is invested now it will yield some earnings.

Mayor Fergusson said that she likes the idea of a subcommittee of Council to be an Advisory Committee and the concept of getting help for the Business Development Manager. She spoke about the issues with the revenues and Ms. Augustine explained that staff can try to keep Council more up to date on the projections. Council Member Boyle is in favor of option B and he said that setting it aside makes sense. He agrees with some kind of audit or Finance committee and he said

that before making that decision there is the need to consider its cost. He does not agree with loosening the funds and he wants to have proof that we need it first and then use it. He feels betrayed as a budget advisory committee member and he spoke with the auditor and they said that the magnitude of the surplus should have been known and disclosed. While he appreciates having the tool of the UUT he asks that Council repeal the ordinance or set it at zero until we have a bad year. Council Member Boyle said that there are other options besides the tax. Council Member Robinson disagrees with this approach.

Mayor Fergusson asked for clarification on the conversations with the auditor and if he/she is suggesting that the reporting timing be different. She would like to pick up on this matter at a later time and she believes that the strategies for the Your City/Your Decision should come up at the March 6, 2007 Priority setting meeting. She supports reassessing the rate of the UUT and placing it on the table at that time. Mayor Fergusson will support option B, she believes that the midyear report should be adopted, and that implementation of the utility users tax should stay the course.

Council Member Boyle asked the City Attorney to clarify what it means to accept the report and Mr. McClure said it is an acknowledgment on the record that Council received it, but that it is not a comment on its approval. Mr. Boyle said that there were conflicting figures and he is not confident that there will be a deficit of \$350,000 in the current year.

M/S Robinson/Cohen to accept the report and adopt Resolution No. 5724 amending the 06-07 budget. Motion carries unanimously.

M/S Boyle/Robinson to provide direction regarding the implementation of the UUT at zero percent and revisit it next fiscal year. Motion fails 2-3-0 with Council Members Fergusson, Cohen, and Cline opposing.

Council Member Boyle stated that this is a conservative plan and that worse case scenario there is \$26 million in reserves and he does not see a reason to use the tax. Council Member Cline is concerned about the accuracy of the numbers. Council Member Robinson said that this is the time to decide if Council will go past midnight. Mayor Fergusson said she is not willing to go past midnight. Council Member Robinson added that from the \$3.7 million surplus he deletes the \$2 million that should have gone into the infrastructure fund and so he sees the surplus at \$1.7 million. Council Member Boyle said that realistically Council would not know until next year the results of the income from the utility users tax because it takes at least six months to find out what the amounts are. Mayor Pro Tem Cohen called the question. Council Member Cline wants the data and he is looking for clarity.

M/S Cline/Cohen setting the rate at the maximum rate that is permitted under the ordinance. Motion carries 4-1-0 with Council Member Boyle opposing.

Regarding the OPEB issue Council consensus was to proceed with scenario B and staff to come back with a recommendation at a later date.

2. Council consideration of setting a City goal for greenhouse gas emission reductions and the establishment of a Green Ribbon Advisory Task Force. (Staff Report #07-025)

Mayor Pro Tem Cohen asked to limit public comment to one minute. There was no consensus to do so. Kent Steffens, Public Works Director, presented a slide show that covered the action before Council. Council asked if the Chamber of Commerce and the Business Development Program had an opinion. Mr. Steffens was not aware of the opinion of the Chamber or the Business Development Manager.

Brian Sullivan, representing SolarCity, said he supports the City of Menlo Park joining green and environmentally sound efforts.

Elias Blawie supports these efforts however he asked if such action will create legal obligations. Mr. Blawie said that some of the items listed on attachment C may become mandatory. Regarding the task force he asked that the process be open.

Rich Mintz asked Council to adopt this goal. He shared some documents with the Council regarding green building.

Elizabeth Lasensky asked that the Bayfront Park asked that this group be kept informed.

Manfred Kopish supports these efforts and hopes the city becomes a pedestrian and bicycle friendly city. He would like to make it mandatory that City staff address this issue.

Mitch Sloviak is CFO for Kepler's and spoke about climate changes. He believes that initiatives are needed now and nationally.

Dr. Michelle Krauss supports a community based approach and she urges Menlo Park to join the others who are promoting a better environment.

Gail Slocum supports the current goal statement as a first step. She supports adding two other areas and she suggests the City adopt the U.S. Mayors' Climate Protection Agreement.

John Stoumen said that after thirty years of designing green buildings he believes this is a great initiative.

Craig Lewis supports this initiative and he has spoken with a Chamber representative and they are supportive of these efforts. He supports an informal task force and a small budget to move this forward.

Council Member Boyle believes this is a good goal but his concern is that there are costs and he said that we do not have a lot of answers yet and so he hopes Council will have more data.

Mayor Fergusson wants to schedule adoption of a resolution supporting the U.S. Mayors' Climate Protection Agreement. She believes that being a green city will create a green building business area. She would like a resolution adopted at the next meeting. She is fine with inserting wording where it is economically viable as requested by Council Member Boyle. She likes B11 and B13 as models. She wants staff to engage a company to establish the 1990 baseline and she anticipates convening an informal task force to look at the issues in a four month time frame.

Mayor Pro Tem Cohen supports this effort but he has questions regarding the U.S. Mayors' Climate Protection Agreement standard as opposed to the Silicon Valley standard. Mayor Fergusson said that more sets of goals can be adopted as the process becomes clearer but this is an important first step. Mayor Pro Tem Cohen asked questions about the appointed body and why each Member of the Council can't nominate people and why wouldn't Council take all comers. Mayor Fergusson said that if each Council Member appoints people it will be a Brown Act body and she is concerned with email circulation and other matters. City Attorney McClure confirmed that if the Council officially forms the committee then it will be a Brown Act body. Mayor Pro Tem Cohen took issue with the City Attorney on this. Council Member Robinson asked if the City can join Sustainable Silicon Valley. Mayor Fergusson said that it could be done and the cost would be \$600 annually.

Council Member Cline wants this initiative to be successful and so he wants it to be set up correctly and not include only the ones that are in our field of supporters. Mayor Fergusson said that she would take her cue from Palo Alto and be very inclusive. Council Member Boyle and Mayor Fergusson each shared their points of view on the matter. Council Member Robinson said that there is no reason why this body should not become a Brown Act body in the future. Mayor Fergusson added that she brought this forward because she wants to be unified on this issue as a Council and wanted to get her fellow Council Members opinions'.

Motion by Council Member Boyle to approve having Menlo Park strive to meet or exceed the objectives outlined in Governor Schwarzenegger's Executive Order S305 and this to the degree that they are economically viable. Motion fails for lack of a second.

Mayor Pro Tem Cohen supports the efforts in the way it was done in Palo Alto and he believes the Mayor will be inclusive. Council Member Boyle believes that there is a chance people will be excluded and he has concerns that if it is not a Brown Act body there is a chance it will not be completely transparent and fair. He believes there might be a chance people will not be included and he said that this Council was elected on the premise of openness and abidance of the law. Council Member Cline finds the concerns valid and concrete.

M/S Robinson/Cline to approve continuing the meeting past midnight. Motion carries 4-1-0 with Council Member Boyle opposing.

Mayor Fergusson reiterated her proposal which is to get together a Mayor's Advisory group. Council Member Boyle asked for a point of order because it is past midnight and he thinks these topics are important and he does not want to rush these decisions. Council Member Robinson spoke about references made by another Council Member that they got a certain number of emails, yet there is no proof. Council Member Boyle said the emails were sent to him and he summarized them and sent them to other Council Members and if they need more proof he is willing to go back to the senders and ask them for permission to forward the emails. Council Member Robinson said he is not questioning Council Member Boyle.

Mayor Fergusson said that three Council Members seem to be in agreement with her proposal and it is her intention to pull together a Mayor's Advisory Group and return with a presentation to the Council on the matter. Council Member Cline said that he needs more information and he reiterated that some of the concerns expressed by Council Member Boyle resonate with him. Council Member Robinson offered to have a special meeting to continue this matter.

The City Attorney made comments about the remaining Consent Calendar items and the process the Council may consider for addressing these items. Council Member Cline said that he got emails about three items on Consent Calendar. Council agreed on continuing the items.

M/S Fergusson/Robinson to place the approval of a resolution approving the U.S. Mayors' Climate Protection Agreement on the earliest feasible agenda. The City Attorney clarified that the resolution will include items that reflect the Council discussion such as language that includes economic feasibility.

Mayor Fergusson would like to leave Sustainable Silicon Valley off the table and bring back a proposal to establish a baseline based on the 1990 standards. Council Member Boyle said he cannot support this motion until he has more information. He believes the Council is rushing this at 12:22 a.m. and while it is important it does not have to be done now.

Motion carries 3-1-1 with Mayor Pro Tem Cohen opposing and Council Member Boyle abstaining.

M/S Robinson/Cline to continue the remaining Consent Items to the next meeting or when they can occur, with the clarification that they no longer are Consent Calendar items.

Council Member Cline offered what he called a reluctant second because the meeting of February 27, 2007 is full and he wants to discuss the issues. Council Member Robinson would like these items on the agenda early. The City Attorney said that these items will come under a new category such as old business items. *No vote was taken on the motion.*

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 Item. There were none.

G. WRITTEN COMMUNICATION - None

H. INFORMATION ITEM

1. Status update on an appeal to deny a Use Permit to construct a new two-story, single-family residence on a substandard lot with regard to lot width at 805 Evergreen Street in the R-1-S (Single-Family Suburban) Zoning District, and for excavation into a required side yard setback for light wells and egress associated with a basement. (Staff Report #07-032)

There was no discussion on this agenda item.

I. COUNCIL MEMBER REPORTS

Mayor Fergusson and Council Member Boyle reported on an informal meeting they held with concerned parents who have issues with after school care. Council Member Boyle said that it was done this way to make it more efficient and then report at Council Meetings.

Mayor Pro Tem Cohen said he has been silent waiting for something to happen regarding a staff member who now works at Belle Haven. He heard a report today that this transfer is imminent. He feels that he can't remain silent and the Council should stick by what it said and he asks that no action be taken to move the employee and this might mean placing the matter on a future agenda. He looked for some support on this issue.

Council Member Robinson announced that the San Francisquito Creek JPA is having a workshop retreat on February 24, 2007 and the public is invited.

Council Member Cline said that in response to Mayor Pro Tem Cohen he thought this issue was coming back in terms of addressing the matter. City Manager Boesch said that Council will get a written communication from him. Various Council Members asked if this should be on the agenda and City Attorney McClure provided some options on how to place it on the agenda. Council Member Boyle said that Council could wait to see what the memorandum is and then decide what to do.

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

Jesus Monroy mentioned that regarding suspension of the rules to stay after midnight the motion needs to be made at 11:30 p.m. He said the video feed was fair and he was watching it over the cable television. He spoke about the Park Theater and there may be some commercial renovation of the theater and the Menlo Park Historical Association has over 50 articles on the topic.

Elias Blawie said he is disappointed at the discussion on the Green Ribbon task force and the associated Brown Act issues. He does not think the agenda title reflects what has taken place via the discussion.

K. ADJOURNMENT - the meeting adjourned at 12:39 a.m.

Respectfully submitted,

Silvia M. Vonderlinden, Certified Municipal Clerk

Approved at the Council Meeting of March 20, 2007.