



**CITY COUNCIL  
COMMUNITY DEVELOPMENT AGENCY  
MINUTES**

**Tuesday, May 1, 2007**

7:00 p.m.

**701 Laurel Street, Menlo Park, CA 94025**

Menlo Park City Council Chambers

Teleconference

with participation by Mayor Pro Tem Cohen from  
88370 Collard Lake Road, Florence, OR 97439-8723

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

**ROLL CALL** - Fergusson, Cohen (via teleconference), Boyle, Cline and Robinson

**PLEDGE OF ALLEGIANCE**

**Staff present** - Interim City Manager Steffens, City Attorney McClure, Acting Assistant City Manager Heineck, and City Clerk Vonderlinden. Other City staff was present in the audience.

**A. COMMISSION REPORTS**

1. Recognition of outgoing Bicycle and Planning Commissioners.

The Mayor recognized outgoing Bicycle Commissioners David Roise and David Mason, and outgoing Planning Commissioner Lorie Sinnott.

2. Commission members and Chamber of Commerce reports.

**B. PRESENTATIONS AND PROCLAMATIONS**

1. Proclamation for the American Cancer Society. (attachment)

Emilie LeDeau and Katrina Whitaker received the proclamation and shared ways for people to get involved and help this cause.

2. Presentation by the Menlo Park Fire Protection District on the Fire Sprinkler Ordinance. (attachment)

Mayor Fergusson welcomed various members of the Fire District.

Ollie Brown, President of the Board of Directors for the Fire District, congratulated the outgoing commissioners for their service to the community. Mr. Brown spoke about an ordinance that would require new construction to have fire sprinklers installed. Jeffrey Aus, Fire Marshall, also addressed the safety of having indoor fire sprinklers. He added that there has never been a death in a residence that has a fire sprinkler. He further commented that regular fire alarms aren't always operational. Harold Schapelhoum, Fire Chief, spoke about the desire of the Fire District to have an ordinance update and institute a fire sprinkler ordinance within the City of Menlo Park. He said that as the Fire Chief he is looking for a partnership with the City because he believes that residential fire sprinklers will prevent loss of lives. He added that last year 37 new homes were built in Menlo Park and none included a sprinkler system. He proposed that the fire sprinkler ordinance include requirements for new construction, remodel or alterations and basements.

The City Attorney said that no direction can be given tonight but questions could be asked of the District's representatives. Council Member Robinson stated his support for having staff prepare a report and a cost analysis on this matter. Council Member Boyle suggested having a Study

Session on the topic. **Council consensus was to have staff prepare an informational report without a recommendation for consideration at a future Study Session.**

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

Dick Poe supported the idea of having a Study Session on the topic of fire sprinklers but he pointed out that there are other entities that do not recommend residential fire sprinklers. He challenged some of the statistics that the Fire District shared with the Council.

Michael Lambert said that he takes issue with the information that is being presented by the Fire District. He said he has reservations about this approach. He supports a Study Session on the topic.

Richard Li opposed the idea of pursuing this topic because he believes this is one way of getting around federal legislation that rejected imposing fire sprinklers. He referred to various quotes from insurance companies that show that a sprinkler system does not make homes safer.

**D. CONSENT CALENDAR**

1. Award of contract for the construction of the Sand Hill Road, Santa Cruz Avenue to I-280 Highway Entrance Resurfacing Project to O.C. Jones and Sons, Inc., in the amount of \$1,263,357, and authorization of a budget of \$1,575,000 for construction, contingencies, material testing, engineering, inspection, and administration. (Staff Report #07-071)
2. Award an extension of the contract for City/Agency Audit Services for fiscal years 2006-07 through 2007-08 at a total cost of \$81,800 for the two-year period to Caporicci & Larson and authorize the City Manager to execute the contract agreement. (Staff Report #07-079)
3. Waiver of the full reading and adoption of ordinance No. 956 adding Section 5.68.080 and Chapter 5.69 (Video Service Providers) to the Menlo Park Municipal Code. (Staff Report #07-080)
4. Waiver of the full reading and adoption of ordinance No. 957 adding Chapter 13.18 (Use of Public Rights-of-Way) to the Menlo Park Municipal Code. (Staff Report #07-081)
5. Introduction of an ordinance adopting description of Property Acquisition Program for the Community Development Plan for the Las Pulgas Community Development Project Area pursuant to new Health and Safety Code Section 33342.7. (Staff Report #07-084)

**M/S Robinson/Cline to approve the Consent Calendar. Motion carries 5-0-0 by roll call vote.**

**E. PUBLIC HEARINGS** - None

**F. REGULAR BUSINESS**

1. Adoption of Resolution No. 5737A appropriating \$35,000 from the General Fund Reserve for consultant and staff costs to conduct a Greenhouse Gas Emissions Inventory and authorizing the City Manager to enter into a contract for \$24,100 with ICLEI - Local Governments for Sustainability to conduct the inventory, and adoption of Resolution No. 5737 endorsing the U.S. Mayors Climate Protection Agreement, as modified. (Staff Report #07-075)

Dianne Dryer, Environmental Programs Coordinator, presented the report. She explained that staff would work with ICLEI on an inventory and prepare a report to come back to Council in September 2007. The various options were discussed and staff explained the total cost associated with this item and the options. Council Member Robinson thanked staff for its work on this matter.

Richard Mintz encouraged Council to move forward with the adoption of the resolutions. He appreciated the fact that this is on the agenda and he hopes the Council will move forward with this item.

Steve Tappee said he is a resident of Menlo Park and a representative of the Sierra Club, and it is his opinion that the City cannot afford to not take action. He applauded this initiative, especially because it would impact future generations.

Council Member Boyle asked that the issue of the Brown Act be discussed at the end of the discussion. Council Member Cline asked about the terminology in the resolution and how this will set policy for the El Camino Real plan. City Attorney McClure pointed out that the resolution includes a "may" and not a "shall". He said that the list of examples of actions to reduce global warming is not mandatory but permissive. Council Member Boyle believed the resolution places some weight on the fact that these may be viewed as goals. Council Member Robinson supported a comment by Council Member Boyle to have the items listed on the resolution addressed by the Menlo Park Green Ribbon Committee. Mayor Fergusson commented that she would like to keep the wording as written because she finds the examples helpful. The Mayor highlighted examples of energy savings that have been implemented. She did not find the 12 examples controversial. Council Member Cline found item #2 related to land use policies controversial and Council Member Robinson agreed. Council Member Boyle shared that overall he supports this resolution but he does not understand why Menlo Park should be weighing in on items that are beyond its jurisdiction.

Council Member Robinson stated that he believes that the statements urging actions by the Federal and State governments and the US Congress (items A and B) are important because whatever climate policy is set by federal standards impacts the quality of life for Menlo Park. He believed the Council should take a position. Council Member Boyle opined that in general he is not supportive of this approach without more analysis. He mentioned that there is a reference to biofuel technologies and he knows that there are problems with this and the full picture has not been provided. Mayor Fergusson stated that in general she agrees with Council's policy to not weigh in on federal items. However, in this case she is concerned that the sea levels are rising and it would be to the benefit of residents if the City takes a position.

Council Members Robinson and Boyle had concerns with the carbon trade clause and stated that they would like it taken out. Council Member Boyle suggested using the word "consider" instead of "enacting" on the various resolution items. He proposed using the word consider instead of adopt. Vice Mayor Cohen is in favor of the present language for items A and B but on item C had some concerns; however, he found the phrase "economically feasible" is a safeguard.

**M/S Boyle/Cline to approve the contract with ICLEI for consultant services, adopt the resolution appropriating funds for the greenhouse gas emissions survey, and adopt an amended resolution related to the US Mayor's Climate Protection Agreement that includes the following word changes: on item A the word "enact" becomes "consider" and on item B the word "pass" becomes "consider" and on item C2 the words "adopt and enforce" becomes consider.**

**Substitute motion by Mayor Fergusson seconded by Vice Mayor Cohen to amend the motion and adopt the resolution related to the US Mayor's Climate Protection Agreement as written.**

Council Member Boyle explained that he was uncomfortable making such a recommendation to the Federal government because of potential global ramifications and could not support the substitute motion. Council Members Robinson and Cline shared similar concerns.

**Vote on the substitute motion: Motion fails 2-3-0 with Mayor Fergusson and Vice Mayor Cohen in support and Council Members Boyle, Cline and Robinson opposing by roll call vote.**

**Vote on the original motion to approve the contract with ICLEI, adopt the resolution appropriating funds from the General Fund Reserve for consultant services, and adopt an amended resolution with three wording changes related to the US Mayor's Climate Protection Agreement; Motion carries 5-0-0 by roll call.**

Mayor Fergusson asked that this document also be transformed into a proclamation. City Attorney McClure stated that a resolution is more powerful than a proclamation. Council Member Boyle suggested that the Mayor read the resolution at the State of the City Address or send out a press release. Mayor Fergusson agreed with that approach.

Council Member Boyle commented that he is pleased that now all Council Members can attend the Green Ribbon Citizens Committee (GRCC) meetings. He said he is still concerned that in his view the Brown Act is being circumvented. He has concerns that not everybody has access to all the conversations that are taking place. He further asked for clarification on how the output of this committee will be considered and how Council will handle the recommendations and what weight these will be given. Mayor Fergusson asked City Attorney McClure to clarify. The City Attorney said that the committee was not established by the Council and so it is not a Brown Act body. Council Member Cline said that he has heard of numerous occasions when people get sensitive around the Brown Act, but he is satisfied with the way these meetings are being publicized. He too has concerns with what the Council will do with the information that comes out of this body. Council Member Boyle said that his intent was not to make accusations about the committee and the Brown Act but he believes the spirit of the law is important. Council Member Robinson reiterated that the Council is following the Brown Act and that the GRCC was envisioned as a body that would not be appointed by the Council. He said that there are 70 to 80 members of the GRCC who are active but they have not been sworn in.

Regarding the outputs of the GRCC, Council Member Robinson added that he envisioned a presentation by the GRCC to Council and subsequent staff review of the information. Mayor Fergusson announced that the next GRCC meeting is on May 9 from 4 to 6 pm in the lower level of the Library. Vice Mayor Cohen said he attended the last meeting of the GRCC and he agreed with Council Member Robinson's comments. Council Member Boyle appreciated the process outlined by Council Member Robinson regarding how this will be addressed in the future. Council Member Robinson said that the tentative timeline would be that there would be some presentation in the fall and then have staff look at the recommendations. Interim City Manager Steffens said that staff does not anticipate doing too much analysis.

## 2. Consideration of the final selection process for a new city manager. (Staff Report #07-083)

City Attorney McClure presented the report and said that to date 25 applications have been received, including a number of strong candidates. The City Attorney explained that the candidates' identity is being kept confidential and he walked the Council through the process of upcoming interviews. The dates of June 15 or June 13 were suggested as interview days. The City Attorney explained the full schedule and Council Member Robinson asked how the initial group of candidates would be pared down. Mr. McClure said that the consultant would be selecting from the total list of applications received. Council Member Robinson asked if the Council subcommittee could have input in that process. Mr. McClure said that on May 22 the full Council would have an opportunity to review all of the applications if it wished and the consultant would explain why certain candidates were being recommended to continue in the interview process.

Council Member Robinson is concerned with the size of the panels and he suggested having a spokesperson for each group. Council Member Boyle would like to have Menlo Park residents only on the panels and stated that it should be clear who will be making the final decision. He also requested some individual time with the candidates, and said he had conferred with the consultant and this request is not common. Vice Mayor Cohen said he is in agreement with Council Member Boyle on having residents only on the panels. The reference checks were discussed and various Council Members spoke about concerns of getting to know the real person behind the candidate. Council Member Robinson asked if the residents are sworn in and Mr. McClure said that the residents would not be sworn in but would have to sign a confidentiality agreement. Mayor Fergusson would like a summary of what residents have said they want in a City Manager and she suggested the date of June 15, 2007 as an opportunity for social interaction with the candidates. She would like to have a varied list of residents and so she would like to know how these are going to be appointed. City Attorney McClure explained that the suggestion was for each Council Member to submit two names to the Personnel Director Glen Kramer by May 22, 2007. The City Attorney added that these names would become public record. The Council discussed the various ways to handle this and agreed with staff's suggestion. The City Attorney reiterated that hiring a City Manager would be one of the most important decisions the Council would make. Mayor Fergusson spoke about a schedule constraint on the date of June 14, 2007. After some discussion, the Council agreed to specific dates for the interview process. Mayor Fergusson thanked the subcommittee for all its work.

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. None.

**G. WRITTEN COMMUNICATION - None**

**H. INFORMATION ITEM - None**

**I. COUNCIL MEMBER REPORTS**

Council Member Boyle reported on attending a HEART meeting last week.

Council Member Robinson reported on the San Francisquito Creek JPA and how it approved its budget with each member's contribution rising to \$98,500 per year. He also attended the Strategic Plan session on Saturday.

Council Member Robinson announced that he had sent an email to Howard Goode to request a presentation by the San Mateo County Transportation Authority on the status of the Dumbarton Rail Project. He requested that Council discuss a potential recommendation as a body.

Mayor Fergusson reported on a Council of Cities dinner that occurred at the Quadrus Conference Center. She appreciated the presentation by Professor Greg Beroza, who was accompanied by Dr. Charlie Kirchner and the Fire District's presence. She also announced the two upcoming 2008 Budget Open Houses

Council Member Boyle reported on attending a volunteer potluck for Project Read honoring its volunteers and participants.

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

**K. ADJOURNMENT - The meeting adjourned at 10:16 p.m.**

Respectfully submitted,

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Silvia M. Vonderlinden, Certified Municipal Clerk

Approved at the City Council Meeting of June 5, 2007.