



CITY COUNCIL COMMUNITY DEVELOPMENT AGENCY SPECIAL AND REGULAR MEETING MINUTES

Tuesday, July 20, 2010 at 5:30 p.m.
701 Laurel Street, Menlo Park, CA 94025
City Council Chambers

Mayor Cline called the meeting to order at 7:00 p.m. with all members present.

Pledge of allegiance was led by Mayor Cline.

ANNOUNCEMENTS

- The Council had a special meeting on July 13th and after the Closed Session, the City Attorney reported that the City Council by unanimous vote directed the City Attorney to file an opposition to the Petition for Writ of Mandate and Complaint for Declaratory Relief and Injunctive Relief filed by the Plaintiffs/Petitioners, Katy Rose, AFSCME Local 829 and SEIU Local 521, and to request that the Court deny the Petition and allow the Pension Reform Initiative to remain on the November 2010 ballot.

A. COMMISSION/COMMITTEE VACANCIES, APPOINTMENTS AND REPORTS

- Appointments to the Transportation Commission ([Staff report #10-103](#))

Staff presentation by Margaret Roberts, City Clerk

The Council took the following vote:

	Nominated By	Fergusson	Robinson	Cline	Boyle	Cohen	Total
2 Vacancies - Terms expire April 30, 2014							
Don Brawner	Cohen					X	1
Raymond Mueller	Robinson	X	X	X	X		4
Katherine Strehl	Fergusson	X	X	X	X		4
Bianca Walser	Boyle						
Peipei Carol Uy	Cline						

Action: By the above vote the Council appointed Mueller and Strehl to serve on the Transportation Commission with their terms expiring April 30, 2014.

B. PRESENTATIONS AND PROCLAMATIONS – None

C. PUBLIC COMMENT #1

- G. Vakil spoke regarding mistreatment from the police Department

D. CONSENT CALENDAR

- Adoption of **Resolution No. 5948** to authorize ratifying the execution of a contract with the State of California Department of Education to reimburse the City up to

\$742,162 for Child Care Services at the Belle Haven Child Development Center for fiscal year 2010-11 ([Staff report #10-097](#))

2. Adoption of **Resolution No. 5949**: a) Calling and giving notice of holding a General Municipal Election for three seats on the Menlo Park City Council; b) Requesting that the City Council consolidate the election with the Gubernatorial General Election to be held on November 2, 2010; and, c) Contracting with the San Mateo County Chief Elections Officer for election services ([Staff report #10-096](#))
3. Adoption of **Resolution No. 5950** authorizing the installation of a No Stopping Zone on the eastside of Alma Street between Ravenswood Avenue and the driveway to Burgess Park parking lot at the Basketball Court and on the west side of Alma Street between Ravenswood Avenue and Burgess Drive ([Staff report #10-100](#))
4. Consider approval of the Settlement Agreement and Release of Claims with respect to Concerned Citizens of Menlo Park v. City of Menlo Park, et al., San Mateo County Case No. CIV – 489417, regarding the property commonly known as 1300 El Camino Real, Menlo Park, CA ([Staff report #10-102](#))

D4 pulled by K. Fergusson for discussion

Jeff Warmouth, representing the developer of the project spoke to the settlement and the Council asked many questions to the developer and the City Attorney.

Action: Motion and second (Fergusson/Robinson) to approve Consent Calendar item D4 as submitted passes unanimously.

5. Acceptance of Council minutes for the meeting of June 22, and July 13, 2010 ([Attachment](#))

Action: Motion and second (Boyle/Robinson) to approve Consent Calendar items D1, D2, D3 and D5 as submitted passes unanimously.

E. PUBLIC HEARINGS

1. Consideration of a Resolution to approve the final report of the City Manager regarding unpaid garbage collection fees for the service period July 1, 2010 through December 31, 2010 and approving the placement of unpaid single-family garbage service fees on the FY 2010-11 property tax roll ([Staff report #10-098](#))

Staff presentation by John McGirr, Revenue & Claims Manager

The Public Hearing was opened, but no speakers were present.

Action: Motion and second (Fergusson/Robinson) to close the public hearing at 7:40 p.m. passes unanimously.

Action: Motion and second (Boyle/Fergusson) to approve **Resolution No. 5951** approving the final report of the City Manager regarding unpaid garbage collection fees for the service period July 1, 2010 through December 31, 2010 and approving the placement of unpaid single-family garbage service fees on the FY 2010-11 property tax roll passes unanimously.

F. REGULAR BUSINESS

1. Authorize staff to negotiate with the Menlo Park City School District for a cost sharing agreement for the installation of a traffic signal at the intersection of Santa Cruz Avenue and Elder Avenue including the removal of the existing pedestrian traffic signal in front of Hillview Middle School and the installation of an in-pavement lighted

crosswalk at the intersection of Santa Cruz Avenue and Olive Street (continued from 5/18/10); ([Staff report #10-070](#))

Staff presentation by Chip Taylor, Transportation Manager and Rene Baile, Transportation Engineer

Public Comments:

- Rich Winkler – Traffic will get backed up and the people on Atkinson Lane would be trapped in an emergency
- Mike Armstrong – Opposed to the traffic signal at the location being proposed
- Kimberly Gehant – Opposed to the traffic signal at the location being proposed and to encourage walking and biking to school
- Alex Delly – Opposed to the traffic signal and the possibility to not get off Atkinson Lane
- Daniel Gehant – Addressed the underplayed impacts of the increased traffic also stated that if the school strategically placed concrete on their property it would force vehicles to turn right out of the school driveway
- Charlie Bourne – Concerned that the Traffic Commissions recommendations to add a turning lane from Elder to Santa Cruz were not forwarded to the City Council.

Action: Motion and second (Boyle/Robinson) to authorize staff to negotiate with the Menlo Park City School District for a cost sharing agreement for the installation of a traffic signal at the intersection of Santa Cruz Avenue and Elder Avenue including the removal of the existing pedestrian traffic signal in front of Hillview Middle School and the installation of an in-pavement lighted crosswalk at the intersection of Santa Cruz Avenue and Olive Street; to return with options for turns from Elder to Santa Cruz and Santa Cruz to Elder; the support of the Council for these improvements is contingent on the School District sharing the cost; to provide special consideration regarding Atkinson Lane, including residents are able to exit their street even during peak hours passes 4-1 (Cohen dissenting).

2. Approval of a letter to the City of Palo Alto providing comments on the Draft Environmental Impact Report for the Stanford University Medical Center Facilities Renewal and Replacement Project ([Staff report #10-099](#))

Note: Councilmember Fergusson is recused from this item and left the Council chambers at 9:04 p.m.

Staff presentation by Kent Steffens, Deputy City Manager/Director of Public Works and Rene Baile, Transportation Engineer

Public Comments:

- Kathy Stormbiru – Stanford Nurse; requesting Council to assist the nurses in their contract dispute with Stanford Hospital
- Nancy Uschersohn – Stanford Nurse; encourage Stanford to go back to the negotiations table
- Barbara Newton – Stanford Hills neighborhood; important to have the hospital built and as soon as possible; it is and will continue to be the only Level 1 Trauma Center between San Francisco and San Jose
- Charlie Bourne – Does not believe that Menlo Park's housing and Below Market Rate (BMR) housing should be included in the letter
- Reg Rice (time donated by Penelope Huang) – Stanford needs to update their facility and meet the new seismic requirements
- Penelope Huang (time donated from Don Brawner) – Important for traffic impacts to be considered

Action: Motion and second (Robinson/Boyle) to authorize staff to work with the Mayor to incorporate Council comments into the letter passes unanimously.

Note: Councilmember Fergusson returned to the Council meeting at 10:19 p.m.

3. Consideration of the Introduction of an Ordinance to amend Menlo Park Municipal Code Section 3.16.030 to increase the Transit Occupancy Tax (TOT) rate from 10% to 12% ([Staff report #10-104](#))

Staff presentation by Bill McClure, City Attorney

Mr. Casey spoke on behalf of the Rosewood Hotel and encouraged the Council to consider keeping the TOT at the current level.

Action: Motion and second (Fergusson/Robinson) to introduce an Ordinance to amend Menlo Park Municipal Code Section 3.16.030 to increase the Transit Occupancy Tax (TOT) rate from 10% to 12% to be effective January 1, 2012 passes 4-1 (Cohen dissenting).

4. Report on Pension Reform Initiative and consideration of authorizing member(s) of the City Council to write a ballot argument for or against the Initiative ([Staff report #10-101](#))

Staff presentation by Glen Kramer, Personnel and Information Service Director

Public Comments:

- Chuck Bernstein – Applaud staff for the memo and commented regarding an article in the Menlo Focus
- Jim Long – Critical issue facing the entire United States; there is overwhelming support for the Initiative and trying to rein in employee costs
- Henry Riggs – Spoke in support of the Pension Reform Initiative

Action: Motion and second (Boyle/Cohen) to authorize the Council to write an argument in favor of the Initiative.

Action: Amended motion and second (Boyle/Cohen) to issue a statement of position supporting the Initiative failed 2-2-1 (Ayes: Boyle, Cohen / Noes: Cline, Robinson / Abstain: Fergusson).

5. Appointment of Council representative and alternate to the League of California Cities ([Attachment](#))

Staff presentation by Margaret Roberts, City Clerk

Action: By consensus, John Boyle will be the voting delegate and Kelly Fergusson will serve as the alternate.

6. 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. CITY MANAGER'S REPORT – None

H. WRITTEN COMMUNICATION

1. Request from Council Members Robinson and Fergusson to consider putting on a future Council agenda garbage rates and the potential for rate increases due to recent collective bargaining between the South Bay Waste Management Authority (SBWMA) and Teamsters ([Attachment](#))

Council Member Robinson explained that potential problems upon Recology of San Mateo taking over the garbage services in light of the recent Memorandum of Understanding with Teamsters Local 350.

Action: By consensus, staff is to bring back the information on actions that have transpired since the adoption of the South Bay Waste Management Authority (SBWMA) contract.

I. INFORMATIONAL ITEMS – None

J. COUNCILMEMBER REPORTS

1. Report from the City Council Subcommittee on High Speed Rail

Note: Councilmember Cohen and City Attorney McClure are recused from this item and left the Council chambers at 12:12 a.m.

K. PUBLIC COMMENT #2

- Wynn Greill – Spoke to the Safe Water Act and the toxins in the drinking water

L. ADJOURNMENT – 12:19 a.m.

Margaret S. Roberts, MMC

City Clerk

These minutes were accepted at the Council meeting of August 24, 2010