



**CITY COUNCIL
COMMUNITY DEVELOPMENT AGENCY
REGULAR MEETING & SPECIAL MEETING
OF THE HOUSING AUTHORITY
MINUTES**

Tuesday, March 1, 2011 at 7:00 p.m.
701 Laurel Street, Menlo Park, CA 94025
City Council Chambers

Mayor Cline called the meeting to order at 7:02 p.m. with all members present.

Pledge of allegiance was led by Mayor Cline.

ANNOUNCEMENTS

Bill McClure City Attorney asked the Agency Board to consider adding an urgency item to the agenda. The item would be to renew the letter of credit with State Street Bank and Trust for certain outstanding Agency bonds. To add the item takes a 4/5 vote of the Board. ([Letter](#))

Action: Motion and second (Fergusson/Keith) to add consideration of a Resolution of the Community Development Agency authorizing the substitution of the credit support instrument for its Series 2006 bonds; authorizing the negotiation, execution and delivery of an amended and restated reimbursement agreement and related agreements in connection therewith and authorizing related actions to the agenda under regular business passes unanimously.

The item will be heard as the last regular item on the agenda.

A. COMMISSION/COMMITTEE VACANCIES, APPOINTMENTS AND REPORTS

Commissions with terms beginning May 1, 2011 – Applications Due: April 1, 2011:

Bicycle Commission – 3 vacancies

Library Commission – 2 vacancies

Planning Commission – 1 vacancy

(Applicants recently interview for the Planning Commission vacancy will be considered)

B. PRESENTATIONS AND PROCLAMATIONS

1. Proclamation: Red Cross Month ([Attachment](#))

Mayor Cline presented the proclamation to Cindy Holzman representing the Red Cross.

C. PUBLIC COMMENT #1

- Stacy Fredericksen – Spoke regarding a parking ticket she received at her home.
- Halle Hewitt – Spoke regarding the proposed signal at Alameda de las Pulgas and Santa Cruz. She also urged the Council to support CalTrain.
- Grace Kay, Silicon Leadership Council – Invited the Council on two advocacy leadership trips, one to Washington DC and one to Sacramento.

D. CONSENT CALENDAR

1. Acceptance of Council minutes for the meeting of February 15, 2011 ([Attachment](#))
2. Adopting **Housing Authority Resolution No. 2** approving the proposed Bylaws of the Housing Authority of the City of Menlo Park ([Staff report # 11-027](#))
3. Authorization for the Deputy City Manager to accept the work by Vance Brown, Inc. for the Arrillaga Family Gymnasium Project ([Staff report # 11-030](#))

Action: Motion and second (Keith/Cohen) to approve the consent calendar as presented passes unanimously.

E. PUBLIC HEARINGS

1. Adoption of Resolutions of the City Council, Community Development Agency and Housing Authority approving the Conveyance Agreement between the Agency and the Housing Authority for the conveyance of properties located at 777, 785, 787, 791, 801, 811 and 821 Hamilton Avenue from the Community Development Agency to the City's new Housing Authority and authorizing the Executive Director of the Agency and Executive Director of the Housing Authority to execute the Conveyance Agreement on behalf of their respective bodies and authorizing the Executive Director of the Authority to execute the Promissory Note on behalf of the Housing Authority ([Staff report # 11-026](#))

Staff presentation by Bill McClure, City Attorney

The public hearing was opened at 7:32 p.m. There were no comments during the public hearing.

Action: Motion and second (Fergusson/Keith) to close the public hearing at 7:32 p.m. passes unanimously.

Action: Motion and second (Keith/Cohen) and passes unanimously the approval of the following resolutions as amended:

Amendments: All 3 resolutions are to add "market rate" in the following location. In the City Council and Community Development Agency resolutions "market rate" would be added in the fifth WHEREAS, and in the Housing Authority it would be added in the sixth WHEREAS third line from the bottom to read, "...Property potentially consisting of home-ownership units, including market rate units affordable to low and moderate-income households..."

Resolution No. 5985 of the City Council of the City of Menlo Park approving execution by the Community Development Agency of the City of Menlo Park of a property conveyance agreement with the Housing Authority of the City of Menlo Park and making findings and approvals pursuant to the California Community Redevelopment Law in connection with the conveyance of the Hamilton East site in the Las Pulgas Community Development Project Area.

CDA Resolution No. 311 of the Community Development Agency of the City of Menlo Park authorizing execution of a property conveyance agreement with the Housing Authority of the City of Menlo Park, and making findings and approvals pursuant to the California Community

Redevelopment Law in connection with the conveyance of the Hamilton East site in the Las Pulgas Community Development Project Area.

HA Resolution 3 of the Housing Authority of the City of Menlo Park approving a property conveyance agreement with the Community Development Agency of the City of Menlo Park.

F. REGULAR BUSINESS

1. Approval of a contract with Team Sheeper LLC dba Menlo Swim and Sport for operation of the Burgess and Belle Haven pools beginning May 20, 2011 through May 20, 2016 ([Staff report # 11-029](#))

Staff presentation by Cherise Brandell, Community Services Director and Katrina Whiteaker, Recreation Services Manager ([PowerPoint Presentation](#))

Public Comments:

- Kelly Blyth, Parks and Recreation Commission – Spoke regarding the Commission’s comments (Comments)
- Tim Sheeper, Menlo Swim and Sport – Spoke regarding the past use of the pool and how his vision has materialized since 2006 and how much further he would like to take the vision.
- Dieter Giessler – Spoke regarding oversight of the contract.
- Doug Vort – Spoke about the RFP process and that SOLO should negotiate directly with the provider who won the contract for pool operations.
- Holly Chen – Spoke in favor of Coach Tom.
- Mizrahi – Spoke in favor of Team Sheeper and not to minimize lanes available for lap swim.
- Etienne Grossman – Suggested opening the Belle Haven pool for more hours.
- Robin Stewart – Read a letter from Patti Fry against the contract as presented.
- Alfred Luke – Spoke in support of the SOLO swim program.
- Elizabeth Shelton – Spoke in favor of the SOLO swim program.
- Adam Kerr – Spoke in support of cooperation between the provider and SOLO.
- Lynne Craig – Spoke in favor of the contract with Team Sheeper.
- Carole Hayworth – Spoke regarding the financials of Team Sheeper.
- Margaret Winters – Spoke in favor of the SOLO swim program.
- The following members of the public spoke in support of Solo Swim and suggested 2 amendments for the Council to consider as outlined on slide one of their PowerPoint presentation ([PowerPoint](#))
 - Erin Glainville
 - Ruth Housenbold
 - Steve Zanolli
 - Greg Fuji
 - Carol Cleary

Action: Motion and second (Fergusson/Cohen) to approve the contract with Team Sheeper, LLC dba Menlo Swim and Sport for operation of the Burgess and Belle Havel pools beginning May 20, 2011 through May 20, 2016 with the following changes:

- Page B-2; Add the word “equipment” in section c on the page after the word solar
- Page B-5; first new paragraph line 4 – replace “if” with “which shall be” convened by the City

- Page B-8; Change \$25,000 to an amount not to exceed \$15,000 that is determined by staff through negotiations
- Page B-11; Add to 17(d): The City will designate a member of the Finance & Audit Committee and a member of the Parks & Recreation Commission to review with staff the financial information as required by this section, subject to execution of a confidential and non-disclosure agreement
- Page B-12; Add the word “independent” in the first paragraph prior to “auditor to be selected by the City.”
- Page B-23; Exhibit C – remove item c
- Page B-23; Exhibit C – City Attorney to clarify the language in f
- Page B-14; Change Shasta County to San Mateo County

General direction given as follows:

- Staff is to explore an increase to the non-resident fee which would be passed through to the City to offset City capital improvement costs
- Staff is to work with other agencies to gain their cooperation for additional lane space and to consider opening the Belle Haven pool year-around

The motion passes unanimously.

2. Consideration of a Council Policy formalizing presentation of information regarding employee compensation, receipt of public comment relating to employee compensation and publication of proposed action regarding labor contracts ([Staff report # 11-028](#))

Staff presentation by Glen Kramer, Personnel and Information Service Director

Public Comments:

- Henry Riggs – Spoke in support of more public input and recommended changes to the policy.
- Mickie Winkler – Spoke in support of more public input and that the public be given full employee information and the specific items being negotiated.
- Spence Leslie, Chamber of Commerce – Spoke in support of more public input and participation and recommended additional changes to the policy. ([Letter](#))

Action: Motion and second (Cline/Keith) to approve Council Policy 11-0001 formalizing the presentation of information regarding employee compensation, receipt of public comment relating to employee compensation and publication of proposed action regarding labor contracts with the following amendments:

- Changing the staff report release from ten to fifteen calendar days prior to the Council meeting date
- Add a status check-in regarding the negotiations that is public
- Add that a concerted effort for extended publicity be done upfront prior to the release of the initial staff report
- Add that, as much is legally possible, have a record of the negotiations, a vote count from negotiations and a characterization of the vote
- Add that the item will be a Regular Business item when it goes before the Council for approval

The motion passes unanimously.

3. Adoption of a Resolution approving the Tier 2 Drought Implementation Plan pursuant to Section 3.11.C of the Water Supply Agreement with the San Francisco Public Utilities Commission ([Staff report # 11-025](#))

Staff presentation by Kent Steffens, Deputy City Manager ([PowerPoint Presentation](#))

Action: Motion and second (Fergusson/Ohtaki) to approve **Resolution No. 5986** approving the Tier 2 Drought Implementation Plan pursuant to Section 3.11.C of the Water Supply Agreement with the San Francisco Public Utilities Commission passes unanimously.

4. 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**

Added Urgency Agenda Item:

5. Consideration of a Resolution of the Community Development Agency authorizing the substitution of the credit support instrument for its Series 2006 bonds; authorizing the negotiation, execution and delivery of an amended and restated reimbursement agreement and related agreements in connection therewith and authorizing related actions

Action: Motion and second (Ohtaki/Fergusson) to approve **CDA Resolution No. 312** authorizing the substitution of the credit support instrument for its Series 2006 bonds; authorizing the negotiation, execution and delivery of an amended and restated reimbursement agreement and related agreements in connection therewith and authorizing related actions passes unanimously.

G. CITY MANAGER’S REPORT – None

H. WRITTEN COMMUNICATION – None

I. INFORMATIONAL ITEMS – None

J. COUNCILMEMBER REPORTS

- Fergusson advised that she has plans to travel to Washington DC (March 8-10) with the City’s legislative advocate, Ravi Mehta to educate members of Congress regarding High Speed Rail.
- P. Ohtaki reported that he would like to attend the Joint Venture Silicon Network.
- R. Cline and P. Ohtaki attended the Chamber of Commerce meeting.

K. PUBLIC COMMENT #2 - None

L. ADJOURNMENT – 1:00 a.m. March 2, 2011

Margaret S. Roberts, MMC
City Clerk

Accepted at the City Council meeting of March 15, 2011