



**CITY COUNCIL  
COMMUNITY DEVELOPMENT AGENCY  
SPECIAL AND REGULAR  
MEETING MINUTES**

**Tuesday, May 3, 2011 at 6:00 p.m.  
701 Laurel Street, Menlo Park, CA 94025  
City Council Chambers**

---

Mayor Cline called the special meeting to order at 6:02 p.m. with all members present.

There were no members of the public present for public comment on the closed session item.

1. Closed Session pursuant to Government Code section 54957.6 to conference with labor negotiators regarding labor negotiations with the Police Officers Association (POA) and the Police Management Association (PMA). Attendees: Glen Rojas, City Manager, Starla Jerome-Robinson, Assistant City Manager, Bill McClure, City Attorney, Glen Kramer, Interim Personnel and Information Services Director, Bryan Roberts, Police Chief and Charles Sakai, Labor Negotiator

Mayor Cline called the regular meeting to order at 7:11 p.m. with all members present.

The pledge of allegiance was lead by Mayor Cline.

**REPORT FROM CLOSED SESSION**

The Council will consider an agreement with the Police Sergeants' Association on May 24, 2011 that contains the following general terms:

- A two year agreement, beginning July 1, 2011 through June 30, 2013.
- No salary increase during the term, nor does it contain any escalator that is tied to other agencies.
- No increase in the City's cafeteria benefits contribution during the term of the agreement and removal of an automatic escalator clause.
- A second tier retirement formula, (3%@55) that is based on the highest 3 year average.
- A 3% contribution to the employer rate paid by the City, resulting in a 12% contribution by the employee and a 21.1% contribution by the City.
- There will be shift schedule proposal with a cost savings of 2.8%.

A staff report recommending approval of this agreement will be published no later than May 5, 2011 to allow 20 days review prior to it being agendized as a regular business item for the May 24, 2011 Council meeting. The public is invited to make public comments on May 10, 2011 should they desire to do so, and additional public comment will be taken when this matter is considered by the Council on May 24, 2011.

**ANNOUNCEMENTS**

The Draft Environmental Impact Report (EIR) for the Draft Specific Plan is now available. Comments on the Draft EIR may be made verbally at a June 6, 2011 meeting of the Planning Commission or submitted in writing to staff through Monday, June 20, 2011. Please see the

project page for details at [www.menlopark.org/specificplan](http://www.menlopark.org/specificplan) This summer and fall, the Planning Commission and City Council will hold public meetings to review and provide direction on the Draft Specific Plan itself (meeting dates to be determined).

The City of Menlo Park is leading those communities participating in the Drive Less Challenge with 12,869 green miles logged (6,733.3 lb co2 saved) with Sunnyvale in second with 8,006 miles logged in (4,135.5 lb co2 saved).

## **A. PRESENTATIONS AND PROCLAMATIONS**

**A1.** Proclamation declaring Bike-to-Work Day on May 12, 2011 ([Attachment](#))  
The proclamation was received by Gregory Klingsporn, Chair of the Bicycle Commission.

**A2.** Proclamation recognizing May 15-21, 2011 as Public Works Week ([Attachment](#))  
The proclamation was received by K. Steffens, Deputy City Manager. A PowerPoint presentation on the Public Works Department and their accomplishments over the past year was given by K. Steffens. ([PowerPoint](#))

## **C. PUBLIC COMMENT #1**

- Myra Cardenas and students from Belle Haven School – Spoke regarding an upcoming trip to Washington D.C. and the need for financial assistance.
- Edward Moritz – Spoke regarding the hiring methodology for a new City Manager and asked the Council to revisit the item from the April 26 meeting and consider hiring an Interim city Manager.
- Henry Riggs – Spoke regarding the hiring methodology for a new City Manager and asked the Council to revisit the item from the April 26 meeting and consider hiring an Interim City Manager.
- Chuck Bernstein – Requested the City Council reconsider the process for hiring a new City Manager including having the Personnel Division do the recruiting or by using an existing qualified staff member.

**A3.** Presentation by the American Institute of Architects – San Mateo County Chapter regarding the results of Design Charrette for the Belle Haven/Willow Business Area Design Charrette held on March 5, 2011 ([Staff report #11-064](#)) ([Charrette document](#))

Staff presentation by David Johnson, Business Development Manager and Glen Rojas, City Manager

Members of the San Mateo Chapter of the American Institute of Architects presented the results of the design charrette. ([PowerPoint](#))

## **B. COMMISSION/COMMITTEE VACANCIES, APPOINTMENTS AND REPORTS – None**

## **D. CONSENT CALENDAR**

**D1.** Authorize the City Manager to execute two separate agreements between the City of Menlo Park and the Peninsula Corridor Joint Powers Board and the City and County Association of Governments for the operation of the Marsh Road, Willow Road and Midday shuttle bus services for fiscal year 2011-12 ([Staff report #11-060](#))

**D2.** Adoption of **Resolution No. 5995** accepting a right-of-way dedication of a portion of land along the property frontage on Fremont Street for the 1071-1079 Fremont Street Project and authorizing the City Manager to sign the Certificate of Acceptance ([Staff report #11-061](#))

**D3.** Acceptance of Council minutes for the meeting of April 26, 2011 ([Attachment](#))

**ACTION:** Motion and second (Ohtaki/Cohen) to approve the Consent Calendar as submitted passes unanimously.

**E. PUBLIC HEARINGS – None**

**F. REGULAR BUSINESS**

**F1.** Appeal of Transportation Impact Fee levied on 401 Burgess Drive ([Staff report #11-062](#))  
Staff presentation by Atul Patel, Senior Transportation Engineer and Charles Taylor, Engineering Services Manager

Dr. Phelan presented the reasons for his appeal which are outlined in the handout. He urged the Council to look at the evidence he provided and modify the fee based on his evidence. ([Handout](#))

**ACTION:** Motion and second (Fergusson/Keith) to take the Traffic Impact Fee (TIF) calculated by staff (\$9,663.07) subtract the TIF proposed by the appellant (\$611.71) and divide by two to determine the fee (\$4,525.68).

**ACTION:** Keith requested withdrawal of her second and with Cline, Ohtaki and Keith allowing, the second was withdrawn.

**ACTION:** Cohen seconded the motion and requested a friendly amendment to reduce the fee to \$2,500. The friendly amendment was not accepted by the maker of the motion.

**ACTION:** Friendly amendment by Ohtaki to reduce the amount to \$611.71 was not accepted by the maker of the motion.

**ACTION:** The motion (Fergusson/Cohen) restated: Take the Traffic Impact Fee (TIF) calculated by staff (\$9,663.07) subtract the TIF proposed by the appellant (\$611.71) and divide by two to determine the fee (\$4,525.68), failed 2-3 (AYES: Cohen, Fergusson; NOES: Cline, Keith, Ohtaki).

**ACTION:** Motion and second (Keith/Ohtaki) to assess a Traffic Impact Fee of \$611.71 passes unanimously.

**F2.** Review of the Initial Visioning Scenario from the Sustainable Communities Strategy (SCS) Process, managed by the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) and approval of a Comment Letter ([Staff report #11-063](#))

Staff presentation by Thomas Rogers, Assistant Planner

Public Comment:

- Chuck Bernstein – Stated that the comments in the letter should be stronger as the plan is not sustainable.

**ACTION:** Motion and second (Fergusson/Keith) to approve a comment letter on the Initial Visioning Scenario from the Sustainable Communities Strategy (SCS) Process based on Council comments to make the tone stronger and to be signed by the Mayor passes unanimously.

**F3.** Authorizing the execution and delivery of a supplemental indenture relating to the Las Pulgas Community Development Project Tax Allocation Refunding Bonds, Series 2006 and a supplement to remarketing memorandum or updated remarketing memorandum in connection therewith; and authorizing related actions ([Staff report #11-066](#))  
Staff presentation by Carol Augustine, Finance Director

**ACTION:** Motion and second (Ohtaki/Fergusson) to approve **CDA Resolution No. 315** authorizing the execution and delivery of a Supplemental Indenture relating its Series 2006 Bonds and a supplement to remarketing memorandum or updated remarketing memorandum in connection therewith, and authorizing related action passes unanimously.

**F4.** Consideration of possible policy changes needed for implementation of Governmental Accounting Standards Board (GASB) Statement No. 54 regarding reporting requirements of government fund balances ([Staff report #11-065](#)) ([PowerPoint](#))  
Staff presentation by Carol Augustine, Finance Director

Council requested staff propose multiple options for the changes needed when staff returns with a resolution for adoption for compliance with GASB 54.

**F5.** 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 – None**

**I. INFORMATIONAL ITEMS – None**

**J. COUNCILMEMBER REPORTS**

Council Members reported on meetings attended meeting the AB1234 reporting requirements.

**K. PUBLIC COMMENT #2**

**L. ADJOURNMENT – 12:05 a.m. on Wednesday, May 4, 2011**

Margaret S. Roberts, MMC  
City Clerk

Minutes accepted at the Council meeting of May 24, 2011