



CITY COUNCIL REGULAR MEETING AGENDA

Tuesday, December 4, 2012
7:00 p.m.
701 Laurel Street, Menlo Park, CA 94025
City Council Chambers

7:00 P.M. REGULAR SESSION

ROLL CALL – Cline, Cohen, Fergusson, Keith, Ohtaki

PLEDGE OF ALLEGIANCE

A. PRESENTATIONS AND PROCLAMATIONS

B. COMMISSION/COMMITTEE VACANCIES, APPOINTMENTS AND REPORTS

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

Under “Public Comment #1”, the public may address the Council on any subject not listed on the agenda and items listed under the Consent Calendar. Each speaker may address the Council once under Public Comment for a limit of three minutes. Please clearly state your name and address or political jurisdiction in which you live. The Council cannot act on items not listed on the agenda and, therefore, the Council cannot respond to non-agenda issues brought up under Public Comment other than to provide general information.

D. CONSENT CALENDAR – None

E. PUBLIC HEARING – None

F. REGULAR BUSINESS

F1. Approve a resolution declaring the results of the November 6, 2012, General Municipal Election ([Staff report #12-183](#))

F2. Recognize the outgoing Council members

F3. Recognize the outgoing Mayor

F4. Administer Oath of Office to new Council members

F5. Select Mayor and Mayor Pro Tem for 2013 ([Staff report #12-184](#))

G. CITY MANAGER’S REPORT – None

H. WRITTEN COMMUNICATION – None

I. INFORMATIONAL ITEMS – None

J. COUNCILMEMBER REPORTS

K. PUBLIC COMMENT #2: (Limited to 30 minutes)

Under "Public Comment #2", the public if unable to address the Council on non-agenda items during Public Comment #1, may do so at this time. Each person is limited to three minutes. Please clearly state your name and address or jurisdiction in which you live.

L. ADJOURNMENT to reception in the Cypress Room at the Arrillaga Family Recreation Center

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At every Regular Meeting of the City Council, in addition to the Public Comment period where the public shall have the right to address the City Council on the Consent Calendar and any matters of public interest not listed on the agenda, members of the public have the right to directly address the City Council on any item listed on the agenda at a time designated by the Mayor, either before or during the Council's consideration of the item.

At every Special Meeting of the City Council, members of the public have the right to directly address the City Council on any item listed on the agenda at a time designated by the Mayor, either before or during consideration of the item.

Any writing that is distributed to a majority of the City Council by any person in connection with an agenda item is a public record (subject to any exemption under the Public Records Act) and is available for inspection at the Office of the City Clerk, Menlo Park City Hall, 701 Laurel Street, Menlo Park, CA 94025 during regular business hours. Members of the public may send communications to members of the City Council via the City Council's e-mail address at city.council@menlopark.org. These communications are public records and can be viewed by anyone by clicking on the following link: <http://ccin.menlopark.org>

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ADMINISTRATIVE SERVICES DEPARTMENT

Council Meeting Date: December 4, 2012

Staff Report #: 12-183

Agenda Item #: F-1

REGULAR CALENDAR: Adopt a resolution declaring the results of the November 6, 2012, General Municipal Election

RECOMMENDATION

Adopt a resolution reciting the facts of the General Municipal Election consolidated with the Presidential General Election held on November 6, 2012 and declaring the results and such other matters as provided by law.

BACKGROUND

A General Municipal Election was held in the City on Tuesday, November 6, 2012. California Elections Code section 10263 states that upon the completion of the canvass of results by the County, prior to the installation of new officers, the City Council shall adopt a resolution reciting the facts of the election and declare elected the persons for whom the highest number of votes were cast for each office.

The County Board of Supervisors is scheduled to take action on the final canvass at their meeting of December 4, 2012. The final canvass from the County will be available at the Council meeting and a copy of said canvass will become Exhibit A to the proposed resolution. According to the semi-official results from the County of San Mateo, the names of those elected as City Council Member for a full four year term are Ray Mueller (5,841 votes), and Catherine Carlton (5,530 votes); and Measure K, Transient Occupancy Tax, passed 10,098 votes in favor and 3,496 in opposition.

IMPACT ON CITY RESOURCES

There is no impact on City resources associated with this action.

ENVIRONMENTAL REVIEW

The proposed action does not require environmental review.

Signature on File

Margaret S. Roberts, MMC
City Clerk

PUBLIC NOTICE: Public Notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting.

ATTACHMENTS:

A: Resolution without Exhibit

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
DECLARING THE RESULTS OF THE GENERAL MUNICIPAL ELECTION
HELD IN THE CITY OF MENLO PARK ON NOVEMBER 6, 2012**

WHEREAS, a General Municipal Election, consolidated with the Presidential General Election, was held and conducted in the City of Menlo Park, County of San Mateo, State of California, on Tuesday the sixth day of November, 2012, as required by law, for the purpose of electing two Members of the City Council for the full term of four (4) years each and; Transient Occupancy Tax (Measure K); and

WHEREAS, notice of said election was duly and regularly given in the time, form and manner as provided by law; voting precincts were properly established; election officers were appointed and in all cases said election was held and conducted and the votes cast were received and canvassed and the returns made and declared in the time, form and manner as required by the provisions for the Elections Code of the State of California for holding of elections in cities; and

WHEREAS, pursuant to Resolution No. 6079, the County of San Mateo Election Department canvassed the returns of said election and has certified the results, which are attached and made a part hereof as "Exhibit A".

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Menlo Park resolves as follows:

Section 1: That the whole number of ballots cast in the precincts and vote by mail ballots was _____.

Section 2: Said General Municipal election was held for the purpose of electing two (2) members of the City Council for terms expiring upon the election of the successor thereto at the general election in November 2016.

Section 3. The names and results of the persons voted for at said election for members of the City Council are:

<u>NAME</u>	<u>NUMBER OF VOTES RECEIVED</u>
Raymond Mueller	5,841
Catherine Carlton	5,530
Kelly Fergusson	5,295
Carolyn Clarke	3,475
David Bragg	2,798

Section 4: The City Council does declare and determine that:
Ray Mueller was elected as a member of the City Council for a term expiring upon the election of a successor thereto at the General Municipal election in November 2016.

Catherine Carlton was elected as a member of the City Council for a term expiring upon the election of a successor thereto at the General Municipal election in November 2016.

Section 5: The City Clerk shall deliver to each person elected a certification of election signed by her and duly authenticated; she shall also administer to the persons elected the oath of office as prescribed in the State Constitution of the State of California and shall have those persons subscribe thereto and file it in the office of the City Clerk. Each person so elected shall be inducted into the office which he or she and been elected.

Section 6: Measure K appeared on the ballot as follows:

To partially restore the annual revenue loss of \$1.2 million caused by the State's dissolution of the City's redevelopment agency, to maintain current City service levels for police, library, streets, sidewalks, storm drains, and parks and recreation facilities and programs, and to keep parity with neighboring cities' hotel tax rates, shall the City of Menlo Park adopt an ordinance to increase the transient occupancy tax on hotel guests from 10% to 12% effective January 1, 2013?

It is determined and declared Measure K received a majority of the votes cast with 10,098 votes cast in favor and 3,496 votes cast in opposition and therefore was passed by the voters of Menlo Park.

Section 7: The City Clerk shall enter on the records of the City Council a statement of the results of said election, showing (1) the whole number of votes cast in the city; (2) the names of the person voted upon; (3) the office for which each person was voted for; (4) the number of votes given at each precinct to each person; and (5) the number of votes given in the city to each person.

Section 8: The City Clerk shall certify to the passage of this resolution and enter it into the book of original resolutions.

I, Margaret S. Roberts, City Clerk of Menlo Park, do hereby certify that the above and foregoing Council Resolution was duly and regularly passed and adopted at a meeting by said Council on the fourth day of December, 2012, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this fourth day of December, 2012.

Margaret S. Roberts, MMC
City Clerk

NOTE: The official Canvas was not available at the time of the distribution of the packet, but will be attached to the final executed original resolution.



ADMINISTRATIVE SERVICES

Council Meeting: December 4, 2012

Staff Report #: 12-184

Agenda Item#: F-5

REGULAR ITEM: Select a Mayor and Mayor Pro Tempore

RECOMMENDATION

Staff recommends City Council select a Mayor and Mayor Pro Tempore.

BACKGROUND

The Menlo Park Municipal Code states that the City Council shall meet on the first Tuesday of December of each year and choose one of its members as Mayor and one as Mayor Pro Tempore.

City Council policy CC-93-001, (Attachment A) reads as follows:

Council policy shall be to rotate the mayor annually. The Council shall select as mayor an elected member of the Council who has served a minimum of one year and who has not served as mayor. If all eligible members have served as mayor, then the member with the longest elapsed time since serving as mayor shall be selected as mayor. In the event there are two or more eligible members having equal seniority, the Council may select any eligible member as mayor.

The process for the selection of the Mayor and Mayor Pro Tempore will be as follows:

1. The current Mayor will turn the meeting over to the City Clerk.
2. Nominations will be taken from the Council for Mayor.
3. The vote for the nominee(s) will be taken and the new Mayor is selected.
4. The City Clerk will turn the meeting over to the new Mayor.
5. The Mayor will take nominations for the Mayor Pro Tempore (Vice Mayor).
6. The vote for the nominee(s) will be taken and the new Vice Mayor is selected.

Signature on File

Margaret S. Roberts, MMC
City Clerk

PUBLIC NOTICE: Public Notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting.

ATTACHMENTS:

A. Council Policy CC-93-001: Selection of Mayor

City of Menlo Park

Department City Council Subject Selection of Mayor	Page 1 of 1	Effective Date 11/16/1993
	Approved by Motion of City Council on 11/16/1993	Procedure # CC-93-0001

PURPOSE

To establish a procedure for the annual selection of the Mayor.

BACKGROUND

Section 2.04.120 of the Menlo Park City Code states, “The City Council shall meet on the first Tuesday of December of each year and choose one of its members as mayor and one as mayor pro tempore.”

POLICY

Council policy shall be to rotate the mayor annually. The Council shall select as Mayor an elected member of the Council who has served a minimum of one year and who has not served as Mayor. If all eligible members have served as mayor, then the member with the longest elapsed time since serving as Mayor shall be selected as Mayor. In the event there are two or more eligible members having equal seniority, the Council may select any eligible member as Mayor.