



CITY COUNCIL SPECIAL AND REGULAR MEETING MINUTES

Tuesday, July 16, 2013, at 5:15 P.M.
701 Laurel Street, Menlo Park, CA 94025
City Council Chambers

5:15 P.M. CLOSED SESSION (1st floor Council Conference Room, Administration Building)

Public Comment on these items will be taken prior to adjourning to Closed Session

CL1. Closed Session pursuant to Government Code section 54957.6 to conference with labor negotiators regarding labor negotiations with the Police Officers Association (POA) and Police Management Association (PMA)

Attendees: Alex McIntyre, City Manager, Starla Jerome-Robinson, Assistant City Manager, Bill McClure, City Attorney, Gina Donnelly, Human Resources Director, Charles Sakai, Labor Consultant

CL2. Closed session pursuant to Government Code Section 54956.9(b)(1) to conference with legal counsel regarding potential litigation: 1 case

7:00 P.M. REGULAR SESSION

ROLL CALL – Mayor Ohtaki called the meeting to order at 7:18 p.m. with all members present.

Mayor Ohtaki lead the Pledge of Allegiance.

REPORT FROM CLOSED SESSION

There is no report from the closed session items held earlier.

ANNOUNCEMENTS

The City is recruiting applicants to fill 3 vacancies on the Transportation Commission. Applications can be obtained from the Clerk's Office. The due date is July 31st.

The public may now follow the City of Menlo Park on Twitter @cityofmenlopark. Staff will be tweeting live during tonight's Council meeting.

SS. STUDY SESSION

SS1. Police Services and Technology Recommendations ([presentation](#))

A staff presentation was made by Police Chief Bob Jonsen and Acting Commander Eric Cowan.

At 8:15 p.m. City Attorney Bill McClure stated that the parties involved in Item E1, *Consider Adopting a Resolution to Abandon a Portion of Louise Street and Deny the Appeal of Staff Determination to Deny Issuance of a Revocable Encroachment Permit to Construct a Driveway from the End of Louise Street to the Rear of the Property at 1825 Santa Cruz Avenue*, have requested the Public Hearing be continued to the August 20th Council meeting in order to have further discussions regarding an agreement.

There was consensus among Council to call Item E1 out of order.

- E1.** Consider adopting a resolution to abandon a portion of Louise Street and deny the appeal of staff determination to deny issuance of a revocable encroachment permit to construct a driveway from the end of Louise Street to the rear of the property at 1825 Santa Cruz Avenue; or deny the application to abandon a portion of Louise Street and approve the appeal of staff determination to deny issuance of a revocable encroachment permit to construct a driveway from the end of Louise Street to the rear of the property at 1825 Santa Cruz Avenue and authorize issuance of the encroachment permit
([Staff report #13-123](#))

Mayor Pro Tem Mueller is recused from considering this item due to proximity of property to the subject location and exited the Council chambers at 8:18 p.m.

Mayor Ohtaki opened the Public Hearing.

Public Comment:

- Alexander Kugushev spoke in favor

ACTION: Motion/second (Cline/Keith) to continue the Public Hearing to the August 20th Council meeting passes (4-0-1; Mueller recused)

Mayor Pro Tem Mueller returned to the dias at 8:27 p.m.

A. PRESENTATIONS AND PROCLAMATIONS

A1. Proclamation: Parks and Recreation Month ([presentation](#))([attachment](#))
Recreation Program Supervisor Natalie Bonham gave a powerpoint presentation highlighting the Community Services Department's accomplishments. Councilmember Catherine Carlton presented the proclamation.

B. COMMISSION/COMMITTEE VACANCIES, APPOINTMENTS AND REPORTS - None

C. PUBLIC COMMENT #1

- Goolrukh Vakil spoke regarding police action (frisking).
- John Mooney spoke regarding management compensation and against increases.
- Betty Meisner spoke regarding the recent block party and commended staff for keeping the streets maintained before and after the event. She also announced the Connoisseurs Marketplace July 20-21 and Relay for Life August 10-11.

D. CONSENT CALENDAR

Mayor Ohtaki stated that Item D4, *Authorize the Public Works Director to Accept the Work Performed by C.F. Archibald Paving Inc. for the 2011-2012 Street Resurfacing Project*, is being tabled to the August 20th Council meeting.

Mayor Ohtaki requested to pull Item D9, *Approve the Release of a Notice of Funding Availability to Non-Profit Developers of Affordable Housing and Suspend the Purchase Assistance Loan Program and Neighborhood Stabilization Program and Commit those Funds to Non-Profit Rental Housing Development*, from the Consent Calendar for further discussion.

- D1.** Award a construction contract for the 2012-2013 Citywide Sidewalk Repair Project to Nor-Cal Concrete in the amount of \$232,844 and authorize a total construction contract budget of \$279,412 for construction and contingencies ([Staff report #13-117](#))

- D2.** Reject the Bid by Aztec Consultants for the Sharon Heights Pump Station Replacement Project; award the construction contract to Anderson Pacific Engineering Construction, Inc. in the amount of \$2,175,000; authorize a total construction contract budget of \$2,501,000 for construction contract and project contingencies; and authorize the City Manager to execute an agreement with Carollo Engineers in an amount not to exceed \$270,000 for engineering services during construction ([Staff report #13-113](#))
- D3.** Award a construction contract for the 2013-2014 Slurry Seal Project to VSS International, Inc. in the amount of \$645,325 and authorize a total construction contract budget of \$774,390 for construction and contingencies ([Staff report #13-118](#))
- D4.** Authorize the Public Works Director to accept the work performed by C.F. Archibald Paving Inc. for the 2011-2012 Street Resurfacing Project ([Staff report #13-112](#))
- D5.** Award a contract for the replacement of the Administration Building Uninterruptible Power Supply to Omega Electric in the amount of \$79,850 and authorize a total construction contract budget of \$89,850 for the equipment and contingencies ([Staff report #13-111](#))
- D6.** Authorize the Public Works Director to accept the work performed by Interstate Grading & Paving, Inc. for the Alpine Road Bike Improvement Project ([Staff report #13-119](#))
- D7.** Authorize the Public Works Director to accept the work performed by G. Bortolotto & Co. Inc. for the 2012 Street Resurfacing of Federal Aid Routes Project {Federal Aid Project No. 04-5273 021) ([Staff report #13-114](#))
- D8.** Authorize the Public Works Director to accept the work performed by Precision Emprise, Inc. for the Sidewalk Trip Hazard Removal Project ([Staff report #13-122](#))
- D9.** Approve the release of a Notice of Funding Availability to non-profit developers of affordable housing and suspend the Purchase Assistance Loan Program and Neighborhood Stabilization Program and commit those funds to non-profit rental housing development ([Staff report #13-115](#))
- D10.** Adopt **Resolution 6160** authorizing the execution of a contract with the State of California Department of Education for reimbursement to the City up to \$577,412 for child care services at the Belle Haven Child Development Center for fiscal year 2013-14 ([Staff report #13-120](#))
- D11.** As Successor Agency, adopt **Resolution 6161** approving the fourth extension of the escrow timeline for the Purchase and Sale Agreement with Greenheart Land Company for the sale of property owned by the former Menlo Park Redevelopment Agency located at 777-821 Hamilton Avenue due to delays in obtaining State Department of Finance approval for the sale ([Staff report #13-116](#))
- D12.** Accept minutes for the Council meetings of April 16th, June 4th and June 11th ([Attachment](#))
- D13.** Approve the appropriation of an additional \$20,000 of BMR Funds (for a total not to exceed \$60,000) to prepare the 25 Riordan Place unit for sale at market value ([Staff report #13-128](#))

ACTION: Motion/second (Cline/Carlton) to approve Consent Calendar items D1, D2, D3, D5-D8, D10-D13 passes unanimously.

In response to Mayor Ohtaki, Community Services Director Cherise Brandell stated that although the Purchase Assistance Loan program has been effective in the past, because of

current market conditions and the interest rate, it is not as appealing a source of funding and buyers could may be able to find better programs through HEART (Housing Endowment and Regional Trust) or commercial lenders.

ACTION: Motion/second (Ohtaki/Cline) to approve Consent Calendar item D-9 passes unanimously.

E. PUBLIC HEARINGS

E1. *This item was called out of order and considered by Council earlier in the meeting.*

Consider adopting a resolution to abandon a portion of Louise Street and deny the appeal of staff determination to deny issuance of a revocable encroachment permit to construct a driveway from the end of Louise Street to the rear of the property at 1825 Santa Cruz Avenue; or deny the application to abandon a portion of Louise Street and approve the appeal of staff determination to deny issuance of a revocable encroachment permit to construct a driveway from the end of Louise Street to the rear of the property at 1825 Santa Cruz Avenue and authorize issuance of the encroachment permit
([Staff report #13-123](#))

F. REGULAR BUSINESS

F1. Request from Mayor Pro Tem Mueller requesting the City Council consider support for "Get Active, Get Healthy Month" ([Staff report #13-127](#))

Mayor Pro Tem Mueller introduced the item. By acclamation, Mayor Pro Tem Mueller and Councilmember Carlton will form a Council subcommittee to work on this project with staff.

F2. Consider adopting a resolution approving the second amendment to the South Bayside Waste Management Authority Joint Powers Authority Agreement prepared by the City of Redwood City, or approving the alternate second amendment to the SBWMA Joint Powers Authority agreement adopted by the City of San Carlos and appointing a council member and alternate to the SBWMA board ([Staff report #13-124](#))([presentation](#))

A staff presentation was made by Public Works Director Chip Taylor.

ACTION: Motion/second (Keith/Cline) to adopt **Resolution 6162** approving the second amendment to the South Bayside Waste Management Authority Joint Powers Authority Agreement prepared by the City of Redwood City passes unanimously.

ACTION: Motion/second (Cline/Keith) to appoint Councilmember Carlton as representative and Mayor Pro Tem Mueller as alternate to the South Bayside Waste Management Authority Joint Powers Authority Board passes unanimously.

F3. Discuss appointment of a new representative to the Emergency Services Council (San Mateo County Joint Powers Authority) ([Staff report #13-125](#))

Mayor Ohtaki introduced the item and stated that he is resigning as representative to avoid any potential conflict of interest with his employer.

Councilmember Carlton nominated Mayor Pro Tem Mueller. By acclamation Mayor Pro Tem Mueller is appointed as representative to the San Mateo County Emergency Services Council.

Mayor Pro Tem Mueller stated and Councilmember Carlton concurred that in regards to the two Council subcommittees under the Emergency Services Council, the Emergency Operations subcommittee and the Fire Board District subcommittee, Councilmember Carlton will replace Mayor Pro Tem Mueller.

F4. Consider updating the Compensation Policy for Management and Confidential Classifications ([Staff report #13-121](#))([presentation](#))

A staff presentation was made by City Manager Alex McIntyre.

Councilmember Keith stated that currently there is one salary range for multiple positions. She would like to see a separate range for each position that is up to date and includes more information. She suggested partnering with other cities to share the cost for conducting a survey.

Mayor Pro Tem Mueller stated he would also like to see a survey in order to pay staff fairly and still provide the taxpayers value. He would like to see what other cities are doing.

Councilmember Carlton stated she would like to see a cap on the amount spent per year on salaries for new hires and that hiring at the top of the range or beyond is not financially viable.

Councilmember Cline stated a leader should have flexibility in giving raises and that because the Council hired the City Manager, the Council should place their trust in that person.

Mayor Ohtaki stated that the salary range “bands” are very broad. In response, City Manager McIntyre clarified that CALPERS requires councils to establish a salary resolution which employees must be within upon their retirement. He expressed he would like the authority and flexibility to set salaries and award raises anywhere within the range and that there not necessarily be fixed steps, such as the traditional five percent incremental increases.

In response to Councilmember Carlton, City Manager McIntyre briefly described his executive staff evaluation process and clarified that this system is implemented only for management staff in order determine performance and provide incentives since management staff does not receive some of the same benefits as unionized staff.

Council directed the City Manager to conduct a survey and prepare a broad market analysis on the 15 management positions and 3 confidential positions with the existing 14 comparable cities. The information will include a comparison of (1) base salary (2) PERS cost per (3) cash compensation (deferred compensation) and (4) car allowance. Staff will bring this item back to Council at a future meeting.

G. CITY MANAGER’S REPORT – None

H. WRITTEN COMMUNICATION – None

I. INFORMATIONAL ITEMS

I1. Belle Haven visioning process and community action workshop update ([Staff report #13-120](#))
Council commended staff for a good job on the process and the workshop.

I2. Update on Housing Element Work Program ([Staff report #13-126](#))
Council commended staff for their work on the Housing Element.

J. COUNCILMEMBER REPORTS

- Councilmember Keith reported on the June 13th C/CAG meeting and gave an update on the 500 El Camino Real subcommittee.
- Mayor Ohtaki stated that he prepared an Op-Ed piece for the Almanac and informed the Council of an upcoming ABAG meeting which will address One Bay Area.

K. PUBLIC COMMENT #2

There was no public comment.

L. ADJOURNMENT

This meeting was adjourned at 10:20 p.m.



Pamela Aguilar
Acting City Clerk

Minutes accepted at the Council meeting of August 20, 2013.