



# CITY COUNCIL SPECIAL MEETING MINUTES

Tuesday, September 6, 2005  
6:00 p.m.  
701 Laurel Street, Menlo Park, CA 94025  
Menlo Park City Council Chambers

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## **6:00 p.m. SPECIAL MEETING** (Menlo Park City Council Chambers)

**ROLL CALL** – Winkler, Jellins, Cohen, Duboc, Fergusson

**STAFF PRESENT** - David Boesch, City Manager; William McClure, City Attorney; Audrey Seymour, Assistant City Manager; and Silvia M. Vonderlinden, City Clerk. Various department heads and other City staff were also present.

Mayor Winkler dedicated this meeting to the Menlo Park Fire Protection District's two teams who went to perform rescue operations in the areas affected by hurricane Katrina. Ms. Winkler said the City is grateful for their work in protecting our City and the United States of America.

Mayor Winkler moved the Public Comment section on the Agenda to the end of the meeting so the Kepler's topic could be addressed first.

## **B. COMMUNITY FORUM**

1. Consideration of factors leading to the announced closure of Kepler's Books and possible direction to City staff.

Mayor Winkler thanked staff for organizing this meeting on such short notice and she informed those present that this meeting is being televised live, recorded and web cast. Mayor Winkler outlined the goals for the evening which include placing various solutions on the table. She added that forms would be passed around for the public to get involved in areas of interest.

### **Public Comment**

Clark Kepler thanked Council for its efforts and the community support. Mr. Kepler said that he had a meeting with his landlord and hopes to be able to provide news in the near future. He thanked Council and those present for showing support.

Council Member Fergusson thanked the Council for getting behind this effort and she thanked the community for getting involved. Ms. Fergusson spoke about an "Investors Group" and its goal to reopen Kepler's. She emphasized the opportunities for volunteers such as a possible membership program, doing outreach to schools, and professional services. Mayor Winkler recognized efforts of Business Development Manager Dave Johnson and Fran Dehn, Menlo Park Chamber of Commerce Executive Director. Council Member Duboc asked if money had been pledged from investors, and Ms. Fergusson said that this appears to be the case.

Hank Lawrence thanked the Mayor and the Business Development Manager for their efforts. He also recognized the role the Chamber of Commerce has played in joining forces with various people.

Chuck Bernstein opined that retail in general needs to be addressed. He questioned why this meeting is taking place when there are other businesses that have been suffering for a long time. Mr. Bernstein believes that real estate interests are the focus of certain City staff, as well as the Chamber of Commerce.

Mr. Boesch commented that this Council made it a priority to streamline the development review process for all types of commercial projects.

David Eller believes this is a prime bookstore, and it should be supported directly by the community. Mr. Eller believes the key is to use community resources such as Stanford University. He advocates for a business plan that will set the path for success.

Gail Slocum is pleased to see everybody engaged in a solution. Ms. Slocum believes that having a discussion about what the needs are is a good idea. She thinks the membership campaign requires a well thought out plan.

Mayor Winkler mentioned that she had asked Fran Dehn to act as a clearing house and be the repository of all information. Council Member Fergusson mentioned the [www.savekepler.com](http://www.savekepler.com) as a tool for people to stay connected.

Jeanne Watson is a local writer and believes Kepler's has been a place to learn how to think and how to write. Ms. Watson is hoping that the goal will be to lessen greed and further the intellectual health of this community.

Jillian Manus Salzman is a publisher and a literary agent and she said that pressure should be applied to the landlord to cooperate. Ms. Salzman said that Kepler's needs to be more competitive. She is part of the partnership and proposes two ideas: 1) quick assembly of task forces and 2) creation of a non-profit organization.

Richard Li talked about the investor's goals and questioned statements about them not making a profit. He is troubled that the City Council is involved in this type of project because he does not believe it is the Council's role to lead investors. He believes the community should get organized and take initiative.

Jan Altman representing DRIVAD, Inc. an advertising company offered to do an advertising campaign for Kepler's.

Stu Soffer, with time donated by Gabrielle Conway, spoke about a similar situation that occurred in Palo Alto. He made reference to the Park Theater, and he believes Amazon.com should be part of the solution.

Rachel Bolten believes there is so much joy and magic that comes from small independent bookstores. She said many people were devastated with Kepler's closing its doors. She offered to work for free with other Castilleja students to help the store reopen.

Lynn Bent has worked at Kepler's for two years and she mentioned other successful independent bookstores whose approaches could be copied. She spoke about Book Sense and she does not think the City Council should be leading this effort but instead a member of the business community with a solid business plan.

Jeremy Erman spoke about the multiple benefits of Kepler's such as magazines and books that are not found elsewhere. Mr. Erman said that Kepler's also donated to local groups.

Richard Cline thanked Ms. Fergusson for her efforts and said that he is sad about the loss. He was surprised that nobody knew about this in advance. He believes this is a bigger issue than just a book store. Mr. Cline offered his marketing firm to help out.

Kathy McGann said that Kepler's was the reason why she bought her house here. She compared Menlo Park to other cities asking Council to come together and make downtown more vibrant. She asks Council to bring small businesses to the city.

Marina LaPalma has worked for years at Kepler's and believes that if the business is going to come back the reality should change for employees. She opined that Kepler's staff has subsidized the business because of the low wages that were paid to them.

Patrick Reed is a member of the Student Council at Hillview School. He is 11 years old, and he will ask the Student Council to have a fundraiser for Kepler's.

Phil Jensen explained his views on what the current market environment is like. Mr. Jensen said that the market economy is being challenged on many fronts.

Deirdre Saoirse Moen worked at Kepler's and said it was an interesting place to work. Ms. Moen said that the employees were trained well and were helpful to the public.

Scott Workinger said Kepler's is one of his favorite stores and he asks if Mr. Kepler is ready to go outside his comfort zone to find a solution.

Ron Snow believes Menlo Park is neither consumer nor retail friendly and if the rent is the problem then maybe there can be an appeal to the landlord. He believes Caltrain should be used to channel consumers into Menlo Park. He believes the police are over zealous in giving tickets.

Gabrielle Conway, with time donated by Elizabeth Lasensky, said that gift certificates are one way to get funds. Ms. Conway believes Kepler's is an anchor store and the neighbors and the City should help it.

Susan Huch loves Menlo Park and offered to help Kepler's go public if that ever happens. She spoke about Pegassus and Cody's as examples of other successful independent book stores.

Jan Altman added that part of the marketing campaign would include car stickers promoting shopping at Kepler's.

Kenneth Kaye is the attorney for Mr. Kepler and he thanked the Mayor and the Council for organizing this meeting. Mr. Kaye appreciates the volunteers who offered services, and he confirmed that Mr. Kepler is able to think outside the box.

### **Council Discussion**

Council Member Duboc explained that she has seen the community come together before and create an education foundation. She believes a business plan is needed. Mayor Pro Tem Jellins thanked the Mayor for organizing this meeting. He asked City Attorney McClure to explain the limitations imposed on the City in addressing this issue. Mr. McClure explained that there are constitutional limitations such as expenditure of public funds having to be reasonably related to a public purpose. He also mentioned limitations on the City's role on private parties' negotiations especially between parties that have a lease contract. Council Member Fergusson thanked the community for its outpour of support and she believes it is up to the friends of Keplers and the community to follow up. Mayor Winkler met with a few cyclists and they would be willing to offer free book delivery. She thanked everyone for their ideas.

Fran Dehn, explained that the Chamber of Commerce serves all businesses and not just real estate firms. Ms. Dehn collected the sign up sheets that had been circulated and she will be the repository of this information. She provided her contact information and she will be glad to work with Mr. Kepler to facilitate a solution.

### **A. PUBLIC COMMENT**

Hank Lawrence referred to the needs of the Menlo Park Library i.e. more books and more space. He thanked the firefighters for their work in the gulf and he believes the City should recognize them.

Richard Li asked about the membership program he is unclear about its parameters.

Mayor Winkler suggested that a community forum take place in November to review options, and draw from existing studies, in considering the future of El Camino Real. Council agreed with this suggestion.

### **C. ADJOURNMENT – the meeting adjourned at 7:50 p.m.**

Respectfully submitted for your approval

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Silvia M. Vonderlinden, Certified Municipal Clerk

Approved at the Council Meeting of October 18, 2005.