



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

Tuesday, May 11, 2010 AT 6:00 p.m.
701 Laurel Street, Menlo Park, CA 94025
City Council Chambers

6:00 P.M. CLOSED SESSION

Public Comment on the item will be taken prior to adjourning to Closed Session

1. Closed session pursuant to Government Code section 54956.9(c) to conference with legal counsel regarding potential litigation: 1 case
2. Closed session pursuant to Government Code section 54956.9 to conference with legal counsel regarding: *Concerned Citizens of Menlo Park v. City of Menlo Park, et al.*, San Mateo County Superior Court Case No. CIV 489417

Action: No reportable action from Closed Session items.

Mayor Cline called the regular session to order at 7:04 p.m. with all members present.

Pledge of allegiance was led by Mayor Cline.

ANNOUNCEMENTS – None

A. COMMISSION/COMMITTEE VACANCIES, APPOINTMENTS AND REPORTS – None

B. PRESENTATIONS AND PROCLAMATIONS – None

C. PUBLIC COMMENT #1

- Karlo Reyes and Marisha Banks spoke in support of Consent Calendar item D3
- Emily Lehr-Anning representing San Mateo County Tobacco Education Coalition and the Youth Leadership Institute spoke in support of Consent Calendar item D3 and asked that the Council honor Victor Lopez (recently deceased) for the amount of work he performed on this item
- Chuck Bernstein spoke on the need for a legislative analyst that reports to the City Council

D. CONSENT CALENDAR

1. Acceptance of minutes for the Council meeting of April 27, 2010 ([Attachment](#))
2. Award of contract to First Serve Productions, Inc. to resurface Nealon and Willow Oaks Park tennis courts; and authorization of the use of the Resurfacing Willow Oaks and Nealon Parks Tennis Courts Project budget in an amount not to exceed \$76,013 ([Staff report #10-062](#))
3. Introduction of an ordinance adding tobacco retailer permitting requirements to the City of Menlo Park Municipal Code ([Staff report #10-063](#))

Action: Motion and second (Robinson/Ferguson) to approve the Consent Calendar as submitted with the addition of introducing the ordinance for item D3 in memory of Victor Lopez passes unanimously.

E. PUBLIC HEARINGS – None

F. REGULAR BUSINESS

1. Update and possible direction on Terms of the Menlo Gateway (Bohannon Hotel & Office) Development Agreement ([Staff report #10-064](#)) ([attachment](#))
Staff presentation by Kent Steffens, Deputy City Manager; also present were Justin Murphy Development Services Manager and consultant Robby Perrino from Cushman & Wakefield.

Public comments on the item:

- Mr. Bohannon, applicant for the project, spoke about the project
- Kristen Kuntz-Durseti, Chair of the Environmental Quality Commission read the attachment that was included in the packet
- Harold Schapelhouman, Menlo Park Fire Protection District (MP FPD), spoke to issues of concern for the FPD and provided a handout
- Mitch Slomiak clarified one item in the EQC report and then spoke in favor of the project
- Gail Slocum spoke in favor of the project
- Matt Henry spoke in favor of the project
- Patti Fry spoke against the project
- Chuck Bernstein spoke against the project

Action: A majority of the Council supported the following twelve changes recommended by staff:

- Restrict Bayfront Park funding
- Explore options for collaborative solutions to underground the transmission lines
- Re-evaluate trip limit for project changes
- Begin trip monitoring sooner
- Re-evaluate \$100/trip penalty
- Collaborate with the Fire District
- Reorganize school district boundaries
- Evaluate alternatives to 11% TOT (Construction Sales Tax)
- Parking structure design
- Updated hotel architecture
- Planning Commission review of final architecture
- Help identify land for housing

Action: A majority of the Council provided direction to staff to pursue the following three items:

- Phase in the vehicle trip limits based on completion and occupancy of buildings instead of waiting for completion of the entire project
- Require compliance with LEED standards in effect at the time of each building permit submittal instead of LEED standards in effect in the Spring of 2009 (NC v2.2)
- Provide ideas and attempt to negotiate mechanisms for the City to share in the potential upside of the project above certain baseline and without burdening the base project

2. 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

1. Report from the City Council Subcommittee on High Speed Rail

Note: Councilmember Cohen and City Attorney McClure are recused from this item and left the Council chambers at 11:04 p.m.

K. PUBLIC COMMENT #2

- Chuck Bernstein spoke regarding the status of the Derry Project and Council action on Pension Reform

L. ADJOURNMENT – 11:07 p.m.

Margaret S. Roberts, MMC
City Clerk

These minutes were accepted at the Council meeting of June 15, 2010