



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

**Tuesday, May 25, 2010 at 7:00 p.m.
701 Laurel Street, Menlo Park, CA 94025
City Council Chambers**

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

A. COMMISSION/COMMITTEE VACANCIES, APPOINTMENTS AND REPORTS

1. Library Commission report
Alaina Sloo, Library Commissioner made a report on the Commission's activities

B. PRESENTATIONS AND PROCLAMATIONS

1. Proclamation honoring Police Chief Bruce Goitia
Mayor Cline presented a Proclamation to Police Chief Goitia

Chief Goitia presented a plaque to Tom Littlewood in recognition of his outstanding commitment to the Menlo Park Police Department since 1977.

C. PUBLIC COMMENT #1

- Kristin Duriseti spoke on Agenda Item E1 and the environmental impacts

D. CONSENT CALENDAR – None

E. PUBLIC HEARINGS

1. Consideration of a request for a General Plan Amendment, Zoning Ordinance Amendment, Rezoning, Development Agreement, Conditional Development Permit, Tentative Parcel Maps, Below Market Rate Housing Agreement, Heritage Tree Removal Permits, and Environmental Review to construct an office, Research and Development (R&D), hotel, and health club development on nine properties addressed 100 to 190 Independence Drive and 101 to 155 Constitution Drive ([Staff report #10-076](#))

Staff presentation by Justin Murphy, Development Services Manager

Mr. Bohannon, applicant of the project introduced Tom Gilman of DES Architects; Andrea Traber of KEMA (sustainability issues) prior to presenting the benefits of his project for the city.

The public hearing was opened

- Steve Schmidt – Spoke in favor of the project
- William Nack – (San Mateo County Builders Trade Council) Spoke in favor of the project
- Buff Giurlani – Spoke in favor of the project
- Anne Moser – Urged the Council to make the decision and not place it on the ballot
- Allan Bedwell (Friends of Bedwell Bayfront Park) – Spoke in favor of the project and requested at least \$350,000 of the capital improvement fees be dedicated to the park
- Glen Lynch – Spoke in favor of the project

- Harold Schapelhouman (Menlo Park Fire Protection District) – Spoke to the Fire District's concerns with the projects and the need for a ladder truck
- Chuck Kinney – Spoke in favor of the project and discouraged the Council from taking a share of the profits from the project
- Waibun Lee – Spoke in favor of the project
- Patricia Boyle – Spoke in favor of the project
- Sharon Williams – Spoke in favor of the project
- Raphael Krakowski – Spoke in favor of the project
- Katie Ferrick – Spoke in favor of the project
- Charlie Bourne – Spoke in opposition to the project
- Vincent Bressler – Spoke about the negotiating process and the need for the City be willing to walk away
- Mitch Slomiak – Spoke in favor of the project
- Chuck Bernstein – Spoke in support of the hotel and health spa; urged the Council to place the issue on the ballot
- Gail Slocum – Spoke in favor of the project
- Victoria Tregoning – Spoke about the traffic reductions needed for the project
- Patti Fry – Spoke in opposition to the project
- Matt Henry – Spoke in favor of the project

Action: Motion and second (Boyle/Fergusson) to close the public hearing at 9:34 p.m. passes unanimously.

Action: A majority of the Council provided the following direction to staff to prepare additional information or modifications for the June 15, 2010 meeting:

1. Make another attempt at exploring options for potential revenue sharing.
2. Prepare necessary documentation to consider a ballot proposition option, including information regarding whether the applicant could voluntarily agree to place the project on the November 2010 ballot if Council approves the project and a referendum petition is submitted with the necessary number of signatures but prior to certification by the City Clerk;
3. Allocate the use of the additional one percent transient occupancy tax (TOT) with the proceeds used for vehicle trip reduction and transportation demand management (TDM) and/or greenhouse gas reduction measures Citywide except that in any fiscal year the proceeds may be used for other purposes with a four-fifths vote of the City Council;
4. Provide the City Manager with discretion regarding how the \$100,000 contribution to the Menlo Park Fire Protection District is used in order to potentially fund a portion of the master plan and nexus study for a fire impact fee;
5. Dedicate approximately \$350,000 of the total \$1,250,000 public benefit capital improvements funding to Bedwell Bayfront Park.
6. Confirm that wet lab uses are restricted to no more than 10 percent of the office buildings in the Conditional Development Permit (CDP). (Note: As presented in the draft findings, the adoption of a statement of overriding consideration associated with the significant and unavoidable water supply impact for 100 percent wet lab use would allow the Council to make future revisions to the CDP to increase the cap without the need for further environmental review).
7. Incorporate a report and consultation component in the Development Agreement in order for the City Manager to inform the City Council and seek input whenever he/she exercises discretion outlined in the Development Agreement.
8. Ensure that the language in the Development Agree does not preclude any potential scenarios for initiating the school district boundary change.

9. Reevaluate the proposed plantings on the landscape plans to ensure that an appropriate mix of native plantings are included to complement the nearby Don Edwards San Francisco Bay National Wildlife Refuge.

Action: Motion and second (Fergusson/Cohen) that the City Council not approve a Development Agreement without a provision requiring the developer/owner to share revenue/windfall profits with the City, which provision shall include a subordination clause subordinating the revenue/windfall profits sharing provision to lender financing. The motion fails with the following votes:

Ayes: Cohen, Fergusson
Noes: Boyle, Cline
Abstain: Robinson

F. REGULAR BUSINESS

1. 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 12:39 a.m.

K. PUBLIC COMMENT #2 – None

L. ADJOURNMENT – 12:45 a.m.

Margaret S. Roberts, MMC
City Clerk

These minutes were accepted at the Council meeting of June 22, 2010