



CITY COUNCIL COMMUNITY DEVELOPMENT AGENCY REGULAR MEETING MINUTES

Tuesday, June 15, 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 7:05 p.m. with Council Member Robinson absent.

Pledge of allegiance was led by Mayor Cline.

ANNOUNCEMENTS

A. COMMISSION/COMMITTEE VACANCIES, APPOINTMENTS AND REPORTS

- Fran Dehn, Chamber of Commerce talked about grocery bagging at Safeway as well as the upcoming Block Party

B. PRESENTATIONS AND PROCLAMATIONS

1. San Francisquitos Creek Joint Powers Authority – Len Materman, Executive Director PowerPoint presentation was provided by Len Materman ([PowerPoint Presentation](#))

C. PUBLIC COMMENT #1

- James Madison spoke regarding fiscal year 2011 budget
- Morris Brown spoke regarding the fiscal year 2011 budget
- Francois Michael spoke regarding East Palo Alto and water ([handout](#))
- Chuck Bernstein spoke regarding the fiscal year 2011 budget
- Hank Lawrence spoke regarding pension reform

D. CONSENT CALENDAR

1. Acceptance of Council minutes for the meetings of May 4 and May 11, 2010 ([Attachment](#))

Action: Motion and second (Robinson/Fergusson) to approve the consent calendar as submitted passes unanimously.

E. PUBLIC HEARINGS – None

F. REGULAR BUSINESS

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 and consideration of placing measure on the ballot for the November 2, 2010 regular municipal election ([Staff report #10-083](#))

Staff presentation by Justin Murphy Development Services Manager

[June 15, 2010 Memo from Justin Murphy to the City Council](#)

[June 15, 2010 Letter from Council Member Fergusson to the City Council](#)

Comments from the public:

Mr. Bohannon, the applicant, spoke regarding the project

- Raphael Krakowski – urged the Council to approve the project and against windfall profits
- Nick J. Schobin – deserve Council support without windfall profits
- Matt Henry – urged that the Council to discuss the item tonight in brevity and make the decision quickly
- Rose Bickerstaff – make the tough decision; supports the project
- Charlie Bourne – against the project and referenced an email sent to CCIN
- James Madison – urged a no vote on the item
- John Preyer – supports the project (as well as approximately 35 Belle Haven residents who stood up showing their support)
- Harold Schapelhouman, Menlo Park Fire District Chief – went through the issues in the letter provided regarding impact fees ([letter](#))
- Jim Calhoun – supports the project
- Vincent Bressler – discussed the private lobbying for the project
- Frank Carney – encouraged the Council to look at other large projects in neighboring cities, impacts to the city will be too great and urged if the Council does approve to place on the ballot
- Terri Epidendio – in support of the project the benefits outweigh the impacts
- Morris Brown (with donated time from Denise Brown) – urged the Council to vote no and played an audio tape from the May 25, 2010 meeting ([handout](#))
- Chuck Bernstein – supports democracy and requested the matter be placed on the ballot
- Edmund Harris – it needs to include more growth opportunities
- Fran Dehn (with donated time from Robert Carter) – the project supports adopted Council goals; supports the project ([picture](#))
- Larry Moody, Vice President for the Ravenswood School District – supports the project
- Nina Wonk – spoke in support of the project
- Johnnie Walton – spoke in support of the project
- Patricia Boyle – spoke to the housing elements of the development agreement
- Gail Slocum – suggested questions the Council should ask regarding placing the item on the ballot; supports the project
- Greg Goodwin – spoke in support of the project

The City Council took a break at 9:34 p.m. and reconvened at 9:44 p.m.

Action: Motion and second (Robinson/Cohen) to approve the project and adopt all of the listed findings and actions for approval as outlined in Attachment A of the staff report, but substituting the resolution that would require voter approval at the November 2, 2010 general municipal election which is attached to the staff report as Attachment F for the resolution attached as Attachment E in number 5 of Attachment A under the heading General Plan Amendment; amending the 3 ordinances which are Attachments G, H, and I of the staff report to include the ballot measure language appearing at the bottom of page 5 of 14 of the staff report; and incorporating all of the items as outlined in the June 15, 2010 memo from Justin Murphy to the Council into the Development Agreement and Conditional Development Permit and other documents as necessary, and renumbering sections and section references as necessary in the various documents to reflect the changes set forth in the memo.

Action: Motion to substitute (Boyle) to approve the project as is and if a referendum is turned in, the applicant is given the opportunity to pay for any expenses to expedite the process to get the item placed on the November 2010 ballot fails for lack of a second.

Action: Motion to substitute (Boyle) to approve the project as is without the item being placed on the November 2010 ballot fails for lack of a second.

Action: Vote on the initial motion to approve the project and adopt all of the listed findings and actions for approval as outlined in Attachment A of the staff report, but substituting the resolution that would require voter approval at the November 2, 2010 general municipal election which is attached to the staff report as Attachment F for the resolution attached as Attachment E in number 5 of Attachment A under the heading General Plan Amendment; amending the 3 ordinances which are Attachments G, H, and I of the staff report to include the ballot measure language appearing at the bottom of page 5 of 14 of the staff report; and incorporating all of the items as outlined in the June 15, 2010 memo from Justin Murphy to the Council into the Development Agreement and Conditional Development Permit and other documents as necessary, and renumbering sections and section references as necessary in the various documents to reflect the changes set forth in the memo passes 4-1 by the following votes:

Ayes: Cline, Cohen, Fergusson, Robinson

Noes: Boyle

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 10:51 p.m.

Public Comments:

- Morris Brown – spoke regarding the last PCC meeting and an audio visual that has been put together (he will get to staff for the Council) as well as ridership numbers

K. PUBLIC COMMENT #2 – None

L. ADJOURNMENT – 11:05 p.m.

Margaret S. Roberts, MMC
City Clerk

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