



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

**Tuesday, June 14, 2011 at 7:00 p.m.  
701 Laurel Street, Menlo Park, CA 94025  
City Council Chambers**

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Mayor Cline called the meeting to order at 7:01 p.m. with all members present.

The pledge of allegiance was lead by Mayor Cline.

**ANNOUNCEMENTS**

Item D2 was removed from the agenda at the request of staff.

**A. PRESENTATIONS AND PROCLAMATIONS:** None

**B. COMMISSION/COMMITTEE VACANCIES, APPOINTMENTS AND REPORTS:** None

**C. PUBLIC COMMENT #1**

- Barbara Hunter – Thanked the Council for their June 7 decision regarding the Willows Traffic Study.
- Chris MacIntosh, Friends of Bedwell Bayfront Park – Raised questions regarding the proposal for services at the Park. (Consent Calendar Item D4)
- Morris Brown – Spoke against the resolution being proposed supporting the joint legislative statement from our local legislators. (Consent Calendar Item D7)
- Sam Sinnott – Spoke against the Section 4.205 in the California Green Building Standards Code. (Consent Calendar Item D9)
- Richard Li – Requested the Council send the California Green Building Standards Code ordinance be sent to the Planning Commission. (Consent Calendar Item D9)
- Katie Ferrick – Spoke in support of the City negotiating for the acquisition of Flood Park. (Consent Calendar Item D8)
- Jeff Pollock – Spoke about concerns in the California Green Building Standards Code ordinance. (Consent Calendar Item D9)

**D. CONSENT CALENDAR**

**ACTION:** Motion and second (Keith/Fergusson) to approve Consent Calendar items D1, D3, D5, D6, D8 and D10 as submitted passes unanimously.

**D1.** Authorize the City Manager to enter Into a contract with Revolution Foods in an amount not to exceed \$91,572 for the delivery of food services at the Belle Haven Child Development Center for fiscal year 2011-12 ([Staff report #11-094](#))

**D2.** Authorize the City Manager to enter into a service agreement with Granicus, Inc. for continued streaming of live and archived digital media content and maintenance ([Staff report #11-093](#))

Note: This item was removed from the agenda at the beginning of the meeting.

- D3.** Award a Contract in the amount of \$100,000 to Precision Emprise, Inc., DBA Precision Concrete Cutting for the Sidewalk Trip Hazard Removal Project ([Staff report #11-095](#))
- D4.** Authorize the City Manager to enter into an agreement with Universal Building Services and Supply Co. for general services at Bedwell Bayfront Park in the total amount of \$121,733 for a four year contract; and authorize an option for extending the contract for an additional four years ([Staff report # 11-102](#))

Item pulled by Keith for clarification.

**ACTION:** Motion and second (Keith/Ohtaki) to authorize the City Manager to enter into an agreement with Universal Building Services and Supply Co. for general services at Bedwell Bayfront Park in the total amount of \$121,733 for a four year contract; and authorize an option for extending the contract for an additional four years passes unanimously.

- D5.** Adoption of **Resolution No. 6004** appropriating \$85,000 from the General Capital Improvement Program fund balance for the roof replacement at the Little House and authorizing the City Manager to negotiate and execute an agreement with the Peninsula Volunteers Inc., to share costs on the project ([Staff report #11-103](#))
- D6.** Authorizing staff to issue a Change Order to Fermin Sierra Construction, Inc. in the amount of \$123,480 to replace a water main on Sunset Lane from Monte Rosa Drive to Sunset Court and authorizing an increase in the water main replacement budget from \$935,310 to \$1,095,830 for construction, contingencies, testing, inspection, and construction administration ([Staff report #11-104](#))
- D7.** Adoption of a resolution supporting for the joint legislative statement from Congresswoman Eshoo, State Senator Simitian, and Assemblyman Gordon regarding “High Speed Rail Done Right” on the Peninsula ([Staff report #11-108](#))

Note: Council Member Cohen and City Attorney McClure are recused from this item due to the proximity of their property and left the Council Chambers at 7:27 p.m.

Item pulled by Fergusson for clarification.

It was noted that the City of Palo Alto has adopted a resolution similar to the resolution being proposed.

**ACTION:** Motion and second (Keith/Fergusson) to approve **Resolution No. 6005** supporting the joint legislative statement from Congresswoman Eshoo, State Senator Simitian, and Assemblyman Gordon regarding “High Speed Rail Done Right” on the Peninsula as amended and authorizing the Mayor to sign a cover letter to accompany the resolution passed 4-0-1 (Cohen recused). ([Amended Resolution](#))

Council Member Cohen and City Attorney McClure returned to the Chambers at 7:34 p.m.

- D8.** Authorizing the City Manager to enter into negotiations with San Mateo County for the possible transfer of ownership of Flood Park to the City of Menlo Park ([Staff report #11-085](#))
- D9.** Waiver of the reading and approval of an ordinance adopting local amendments to the 2010 California Green Building Standards Code to include additional sustainable building requirements ([Staff report #11-088](#))

Item pulled by Keith for clarification. ([Handout](#))

**ACTION:** Motion and second (Keith/Fergusson) directing staff to return with a modified ordinance for reintroduction incorporating alternative means and methods, to meet the requirement for a cool roof for residential homes passes unanimously.

**D10.** Authorize the City Manager to approve augments to contracts with Atkins, Environ, Keyser Marston Associates and Bay Area Economics and future augments as may be necessary to complete the Environmental Impact Report and Fiscal Impact Analysis for the Facebook Campus Project ([Staff report #11-109](#))

## **E. PUBLIC HEARINGS**

**E1.** Adoption of a Resolution overruling protests, ordering the improvements, confirming the diagram, and ordering the levy and collection of assessments at the existing fee rates for the sidewalk and tree assessments for the City of Menlo Park Landscaping Assessment District for fiscal year 2011-12 ([Staff report #11-096](#))

Staff presentation by Jennifer Ng, Senior Civil Engineer

The public hearing was opened at 8:04 p.m. There were no public comments on the item.

**ACTION:** Motion and second (Keith/Ohtaki) to close the public hearing at 8:04 p.m. passes unanimously.

**ACTION:** Motion and second (Fergusson/Cohen) to adopt **Resolution No. 6006** overruling protests, ordering the improvements, confirming the diagram, and ordering the levy and collection of assessments at the existing fee rates for the sidewalk and tree assessments for the City of Menlo Park Landscaping Assessment District for fiscal year 2011-12 passes unanimously.

**E2.** Adoption of a Resolution authorizing collection of a regulatory fee at existing rates to implement the local City of Menlo Park Storm Water Management Program for fiscal year 2011-12 ([Staff report #11-098](#))

Staff presentation by Jennifer Ng, Senior Civil Engineer

The public hearing was opened at 8:09 p.m. There were no public comments on the item.

**ACTION:** Motion and second (Cohen/Fergusson) to close the public hearing at 8:11 p.m. passes unanimously.

**ACTION:** Motion and second (Cohen/Fergusson) to adopt **Resolution No. 6007** authorizing collection of a regulatory fee at existing rates to implement the local City of Menlo Park Storm Water Management Program for fiscal year 2011-12 passes unanimously.

**E3.** Adoption of a Resolution recommending that the San Mateo County Flood Control District impose basic and additional charges for funding the fiscal year 2011-12 Countywide National Pollutant Discharge Elimination System General Program ([Staff report #11-099](#))

Staff presentation by Jennifer Ng, Senior Civil Engineer in conjunction with item E2

The public hearing was opened at 8:09 p.m.

**ACTION:** Motion and second (Cohen/Fergusson) to close the public hearing at 8:11 p.m. passes unanimously.

**ACTION:** Motion and second (Cohen/Fergusson) to adopt **Resolution No. 6008** recommending that the San Mateo County Flood Control District impose basic and additional charges for funding the fiscal year 2011-12 Countywide National Pollutant Discharge Elimination System General Program passes unanimously.

**E4.** Adoption of a Resolution approving the 2010 urban water management plan and baseline determination method for State required water conservation goals ([Staff report #11-097](#)) ([PowerPoint](#))

Staff presentation by Jennifer Ng, Senior Civil Engineer

The public hearing was opened at 8:42 p.m. There were no public comments made on the item.

**ACTION:** Motion and second (Keith/Ohtaki) to close the public hearing at 8:42 p.m. passes unanimously.

**ACTION:** Motion and second (Keith/Fergusson) to adopt **Resolution No. 6009** approving the 2010 urban water management plan and baseline determination method for State required water conservation goals passes unanimously.

## **F. REGULAR BUSINESS**

**F1.** Adoption of Resolutions: Adopting the 2011-12 Budget and Capital Improvement Program for the City of Menlo Park; establishing the appropriations limit for fiscal year 2011-12; and establishing a consecutive temporary tax percentage reduction in Utility Users Tax rates; and approving an increase in the pay range for the Commander position ([Staff report #11-106](#)) ([PowerPoint](#)) ([Handout](#))

Staff presentation by Glen Rojas, City Manager

### Public Comments:

- Edward Moritz, Citizens for Fair & Responsible Pension Reform – Spoke in opposition of the resolution for the pay increase for the commander.
- Rene Morales, SEIU 521 – Requested the Council remove the contracting out for median maintenance from the budget.
- Frank Carney – Spoke to the value of retaining high quality police staff and the compensation level needs to reflect that value.

**ACTION:** Motion and second (Keith/Ohtaki) to exclude Exhibit D for consideration fails 2-3 (Ayes: Keith, Ohtaki; Noes: Cline, Cohen, Fergusson).

**ACTION:** Motion and second (Fergusson/Ohtaki) to adopt **Resolution No. 6010** adopting the budget for fiscal year 2011-12 and adopting the Capital Improvement Program for the fiscal year passes unanimously.

**ACTION:** Motion and second (Fergusson/Ohtaki) to adopt **Resolution No. 6011** establishing appropriations limit for fiscal year 2011-12 passes unanimously.

**ACTION:** Motion and second (Fergusson/Ohtaki) to adopt **Resolution No. 6012** establishing a temporary tax percentage reduction in the Utility Users Tax pursuant to Section 3.14.130 of the City of Menlo Park Municipal Code passes unanimously.

**ACTION:** Motion and second (Fergusson/Cohen) to adopt **Resolution No. 6013** approving an increase in the pay range for the Commander position passes 3-2 (Ayes: Cline, Cohen, Fergusson; Noes: Keith, Ohtaki).

**F2.** Community Development Agency adoption of Resolutions approving the 2011-112 Agency budget; approving a loan from the City for the 2011-12 Agency budget and authorizing a repayment agreement; determining that planning and administrative expenses are necessary for the production, improvement and preservation of Low and Moderate Income Housing; and approving the use of funds for production of such housing outside the Las Pulgas Project Area

City Council adoption of Resolutions determining the project area and need for Agency funded improvements in fiscal year 2011-12; approving a loan to the Agency for the 2011-12 Agency budget and authorizing a repayment agreement; and approving the use of funds for production of Low and Moderate Income Housing outside the Las Pulgas Project Area ([Staff report #11-107](#))

Staff presentation by Carol Augustine, Finance Director

**ACTION:** Motion and second (Cohen/Fergusson) to adopt **CDA Resolution No. 316** adopting the Community Development Agency budget for fiscal year 2011-12 passes unanimously.

**ACTION:** Motion and second (Cohen/Fergusson) to adopt **CDA Resolution No. 317** approving a loan from the City of Menlo Park to the Finance Agency activities for the fiscal year 2011-12 budget and authorizing the Executive Director to execute an agreement to repay funds to the City of Menlo Park passes unanimously.

**ACTION:** Motion and second (Cohen/Fergusson) to adopt **CDA Resolution No. 318** determining that planning and administrative expenses are necessary for the production, improvement and preservation of low and moderate income housing passes unanimously.

**ACTION:** Motion and second (Cohen/Fergusson) to adopt **CDA Resolution No. 319** making findings and approvals pursuant to the California Redevelopment Law in connection with the utilization of Agency low and moderate income housing funds for planning and administrative expenses and for production of low and moderate income housing outside the Las Pulgas Project Area passes unanimously.

**ACTION:** Motion and second (Cohen/Fergusson) to adopt **Resolution No. 6014** determining the Las Pulgas Project Area benefit and financing need for Community Development Agency funded improvements in fiscal year 2011-12 passes unanimously.

**ACTION:** Motion and second (Cohen/Fergusson) to adopt **Resolution No. 6015** appropriating the \$11,101,700 to the Community Development Agency 2011-12 budget and authorizing execution of a repayment contract with the Community Development Agency of the City of Menlo Park passes unanimously.

**ACTION:** Motion and second (Cohen/Fergusson) to adopt **Resolution No. 6016** making findings and approvals pursuant to the California Redevelopment Law in connection with the utilization of Agency low and moderate income housing funds for planning and administrative expenses and for production of low and moderate income housing outside the Las Pulgas Project Area passes unanimously.

**F3.** Housing Authority adoption of Resolution approving the 2011-12 Budget of the Housing Authority of the City of Menlo Park ([Staff report #11-101](#))  
Staff presentation by Glen Rojas, City Manager and Carol Augustine, Finance Director

**ACTION:** Motion and second (Cohen/Fergusson) to adopt **HA Resolution No. 4** approving the budget of the Housing Authority for the year 2011-12 passes unanimously.

**F4.** Review of project status for the El Camino Real/Downtown Specific Plan and opportunity for general comments on upcoming Planning Commission review process ([Staff report #11-100](#))

NOTE: Bill McClure, City Attorney announced he has a conflict of interest due to the location of his business which is located in the business district and left the Council meeting at 10:04 p.m.

Staff presentation by Thomas Rogers, Associate Planner

Barbara Kautz, attorney with Goldfarb Lipman discussed the potential conflict of interests of K. Fergusson, P. Ohtaki and A. Cohen

- K. Fergusson: Husband works for Stanford and they have a large amount of property and therefore has a conflict of interest for the areas known as El Camino Real Southeast and El Camino Real Southwest Areas
- P. Ohtaki: His residence is located on Middle Avenue and will have a conflict of interest for the area known as El Camino Real Southwest
- A. Cohen: His residence is located within the 500 feet of the project however it has been determined that he does not have a conflict of interest due to no direct impact.

Public Comments:

- Charlie Bourne – Spoke regarding his concerns with the lack of input from the Transportation Commission and that the transportation staff is not being responsive to the Commission’s request for information on this subject.
- Frank Carney – Spoke regarding his participation in the process and one of the top two priorities in the process was to maintain the small town atmosphere.
- Patti Fry – Spoke regarding the lack of documents available for review in order to comment on the Draft EIR.

Council gave comments to the items that they would like the Planning Commission to consider during their upcoming review.

**F5.** Council discussion and possible recommendation on various seats that will be decided at the City Selection Committee meeting scheduled for June 24, 2011 ([Staff report #11-105](#)) ([Attachment](#))

Consensus to support Kirsten Keith for the SamTrans appointment, Jerry Deal for the JPB position and to nominate from the floor Kelly Fergusson for the ABAG Alternate position.

**F6.** 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**

Council Members reported on meetings attended in compliance with AB1234 reporting requirements.

**K. PUBLIC COMMENT #2:** None

**L. ADJOURNMENT – 11:37 p.m.**

/s/

Margaret S. Roberts, MMC  
City Clerk

Minutes accepted at the Council meeting of July 19, 2011