



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

**Tuesday, December 13, 2011 at 5:00 p.m.
701 Laurel Street, Menlo Park, CA 94025
City Council Chambers**

Mayor Keith called the Closed Session to order at 5:00 in the Council Conference Room, first floor of City Hall with all members present. There were no members of the public present for comments on the closed session item.

CL1. Closed Session pursuant to Government Code section 54957.6 to conference with labor negotiators regarding labor negotiations with the Service Employees International Union (SEIU)

City Representatives: Glen Rojas, City Manager, Starla Jerome-Robinson, Assistant City Manager, Bill McClure, City Attorney, Glen Kramer, Interim Personnel Director

Mayor Keith called the Study Session to order at 6:09 p.m. with all members present.

ACTION: There was no reportable action from Closed Session.

SS1. Discuss potential acquisition of Flood Park from San Mateo County and provide feedback on possible options for its sustainable operation ([Staff Report #11-202](#)) ([PowerPoint](#))

Staff presentation by Katrina Whiteaker, Recreation Manager and Ruben Nino, Assistant Public Works Director

Public Comments

- Katie Ferrick spoke in support of the City acquiring Flood Park.
- Kelly Blythe, on behalf of the Parks and Recreation Commission, provided information on the Commission's recommendation to continue pursuing the acceptance of Flood Park but to strongly consider funding options and take a long term view of the future potential for the park.
- Amy McGaraghan spoke in support of the City acquiring Flood Park and made suggestions for alternatives for cost recovery.
- Ellen Haffner spoke in support of the City acquiring Flood Park.
- Roger Zamora, on behalf of Summit Prep Charter High School, spoke in support of the City acquiring Flood Park and the need of athletic space for the school.
- Mike Gardner, on behalf of Menlo Atherton Little League, spoke in support of the City acquiring Flood Park and the need for sports fields.
- Rory & Ben Ferrick spoke about what they enjoy about the park; playing, biking and the baseball fields.
- Dan Burke spoke in favor of the City acquiring Flood Park.
- Henry Riggs posed questions to the Council for their consideration when considering acquiring Flood Park.
- Steve Wong read a letter from his wife in opposition of the City acquiring Flood Park at the expense of other programs
- Skip Hilton spoke regarding the need in additional sports field space and suggested looking at ways to reduce projected costs.
- Jon Hazard spoke about what a great park it is and what an asset to the neighborhood.

- Shari Conrad stated the City is being offered a gift and hopes the City takes advantage of acquiring Flood Park.
- Tim Burks spoke in favor of the City doing whatever it takes to acquire Flood Park and stated that if the park closes it will impact safety in the neighborhood.
- Sarah Cueva spoke in favor of the City acquiring Flood Park in order to give the children the opportunity to be active.
- Michael McKay spoke regarding multiple factors that need to be considered prior to making a decision on acquiring Flood Park. He stated he is in support of the City acquiring the park.
- Jim Armstrong spoke in support of the City acquiring Flood Park and addressed the need for parks in this area of town.
- Diane Dittmar spoke in favor of the City acquiring Flood Park.

Jim Porter, San Mateo County Director of Public Works, stated that the County is willing to work with the City in keeping the park open.

ACTION: Direction given to staff to continue discussions with San Mateo County regarding acquiring Flood Park.

The Regular Session was called to order at 7:32 p.m. by Mayor Keith with all members present.

The pledge of allegiance was led by Mayor Keith.

ANNOUNCEMENTS

Mayor Keith announced that this would be City Manager Glen Rojas' last meeting and he was honored with a proclamation. ([Attachment](#))

A. PRESENTATIONS AND PROCLAMATIONS: None

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

C. PUBLIC COMMENT #1

- Jim Lewis spoke regarding his ten point program and recommendations for the future. (Letter)

NOTE: The Council deferred item F-4 to the first meeting in January and moved item F-3 to be the first item heard under Regular Business.

D. CONSENT CALENDAR

ACTION: Motion and second (Cline/Ohtaki) to approve all items on the Consent Calendar except D4 as submitted passes unanimously.

- D1.** Approve the Annual Report on the Below Market Rate (BMR) Housing Program and the status of the BMR in-lieu fees collected as of June 30, 2011, in accordance with Government Code § 66000 et seq. ([Staff Report #11-206](#))
- D2.** Review of the Annual Report on the status of the Transportation Impact, Storm Drainage, Recreation in lieu and Building Construction Road Impact fees collected as of June 30, 2011 according to Government Code § 66000 et seq. ([Staff Report #11-197](#))
- D3.** Award a contract to Emissions Retrofit Group and authorize a total budget of \$81,202 for the purchase and installation of mandated emission control devices ([Staff Report #11-208](#))

D4. Authorize the Public Works Director to accept the work performed by Guerra Construction Group for the Safe Routes to Laurel School Project ([Staff Report #11-204](#))
The item was pulled by K. Fergusson to comment.

ACTION: Motion and second (Fergusson/Ohtaki) to authorize the Public Works Director to accept the work performed by Guerra Construction Group for the Safe Routes to Laurel School Project passes unanimously.

D5. Adopt **Resolution No. 6037** authorizing the installation of a Passenger Loading Zone, approximately 130 feet in length, from 7:30 a.m. - 8:30 a.m. and from 2:30 p.m. - 3:30 p.m. during School days only on the east side of Almanor Avenue in front of Belle Haven Elementary School ([Staff Report #11-205](#))

D6. Notify the City Council of the Local Appointment List (The Maddy Act) ([Staff Report #11-199](#))

D7. Accept the Minutes for November 1, 15 and December 6, 2011 ([Attachment](#))

D8. Approve the Menlo Park Community Development Agency Annual Report for fiscal year 2010-11 ([Staff Report #11-210](#))

E. PUBLIC HEARINGS

E1. Adopt a resolution accepting fiscal year 2011-2012 State Supplemental Local Law Enforcement Grant (COPS Frontline) in the amount of \$100,000; Approve a spending plan and Re-allocate \$29,783 from fiscal year 2010-2011 encumbered Supplemental Law Enforcement Special Funds ([Staff Report #11-198](#))
Staff presentation by Susan Tsai, Management Analyst

The public hearing was opened and there were no comments on the item.

ACTION: Motion and second (Cline/Cohen) to close the public hearing at 7:48 p.m. passes unanimously.

ACTION: Motion and second (Cohen/Cline) to adopt **Resolution No. 6038** accepting fiscal year 2011-2012 State Supplemental Local Law Enforcement Grant (COPS Frontline) in the amount of \$100,000 and to approve a spending plan and Re-allocate \$29,783 from fiscal year 2010-2011 encumbered Supplemental Law Enforcement Special Funds passes unanimously.

E2. Adopt a resolution approving a rate increase not to exceed 10 percent in solid waste collection base rates for all Menlo Park single family residential, commercial and multi-family residential customers and adopt a resolution approving increased fees for supplemental services not covered in the solid waste base rates effective January 1, 2012; and Consider establishing a minimum balance for the Solid Waste Fund ([Staff Report #11-203](#))
Staff presentation by John McGirr, Revenue and Claims Manager

The public hearing was opened.

Public Comment

- Tim Robertson, representing Sand Hill Circle Association, asked if there were unintentional consequences such as the push back rates and key charges. For the Association this is equal to a \$280 increase in fees for 101 feet.

- Suresh Patel spoke against the rate increase and asked if there is a choice as to who picks up the solid waste or if self-haul could be an option.

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

Mario Puccinelli, Recology General Manager stated that there are unintentional consequences when moving to a fixed cost agreement from a cost plus agreement. Recology representatives will meet with the two speakers following the public hearing to discuss options to reduce their costs.

Kevin McCarthy with SBWMA answered questions of the Council and discussed the service adjustment that is in the current contract.

ACTION: Motion and second (Cohen/Ohtaki) to adopt **Resolution No. 6039** approving a rate increase of eight percent (8%) in solid waste collection base rates for all Menlo Park single family residential, commercial and multi-family residential customers and adopt **Resolution No. 6040** approving increased fees for supplemental services not covered in the solid waste base rates effective January 1, 2012; and consider establishing a minimum balance for the Solid Waste Fund passes unanimously.

- E3.** Consider a request to modify an existing Conditional Development Permit (CDP) for the restaurant located at 3000 Sand Hill Road to: 1) Allow breakfast, lunch and dinner service for the general public, Monday through Friday and for brunch service on weekends, 2) Allow special events (dinners, board meetings, holiday events, etc.) during weeknights and weekends for tenants of the complex and residents of Sand Hill Circle, and 3) Allow an on-sale beer and wine license to be able to serve beer and wine at the restaurant
([Staff Report #11-207](#))

Staff presentation by Deanna Chow, Senior Planner

Public Comment

- Tim Robertson, representing Sand Hill Circle Association, spoke in support of the proposal and requested a stipulation that there be no signage on Sand Hill Road in the future.

ACTION: Motion and second (Fergusson/Cohen) to close the public hearing at 8:41 p.m. passes unanimously.

ACTION: Motion and second (Fergusson/Cohen) to make the following findings:

1. The project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current CEQA Guidelines.
2. The proposed conditional development permit amendment will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed planned development, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. The conditional development permit amendment provides the opportunity to serve local residents and business with a restaurant use and enhances an existing restaurant to address current trends, and better serve and retain its clientele.
4. Approval of the conditional development permit amendment with modification to condition 8e:

Restaurant service is available to both office tenants as well as the general public, and shall operate under the following guidelines. Any changes to the restaurant operations are subject to review and approval of a use permit by the Planning Commission:

- a. Hours of operation shall be limited to the following:
 - 7:30 a.m. to 7:00 p.m., Monday through Friday
 - 10:00 a.m. to 2:00 p.m., Saturday and Sunday
- b. Special events, up to a maximum of 10 per month, shall be limited to the following:
 - 7:00 a.m. to 10:00 p.m., Monday through Friday
 - 8:00 a.m. to 10:00 p.m., Saturday and Sunday
- c. On-sale of beer and wine (Type 41 license) is permitted in the restaurant.

The motion passes unanimously.

F. REGULAR BUSINESS

F3. Approve a proposal for additional services for the El Camino/Downtown Specific Plan and appropriate \$225,980 from the General Fund Reserve for consultant services ([Staff Report #11-211](#))
Staff presentation by Thomas Rogers, Associate Planner

At 8:43 p.m. Assistant City Attorney Dan Siegel announced his recusal of the item due to the proximity of the attorney's offices and left the Council Chambers.

Public Comment

- Jamie Morgan, on behalf of the Silicon Valley Bicycle Coalition, spoke regarding curb extension and three lanes on El Camino Real.
- Jo Eggers recapped an email sent to the Council earlier and asked about the construction impacts on parking.
- Patti Fry highlighted portions of a letter previously sent to the Council and voiced her concern over the process and the impact of the Floor Area Ratio (FAR).
- Richard Draeger, on behalf of Draeger's Market, spoke against the additional cost for unnecessary studies and the unintentional consequences of moving forward with the current plan.

ACTION: Motion and second (Fergusson/Ohtaki) to approve a proposal for additional services for the El Camino/Downtown Specific Plan and appropriate \$225,980 from the General Fund Reserve for consultant services and direct staff to pursue cost recovery passes unanimously.

At 10:42 p.m. Assistant City Attorney Dan Siegel returned to the Council Chambers.

F1. Adopt a resolution of intention and introduction of a City Ordinance to approve a contract amendment with the California Public Employees' Retirement System, providing for section 20475 (different level of benefits), section 21353 (2% at 60 full formula) and section 20037 (three-year final compensation), applicable to local miscellaneous plan within a non-pooled plan members entering membership for the first time in a miscellaneous classification after the effective date of this amendment to contract ([Staff Report #11-212](#))
Staff presentation by Glen Kramer, Interim Personnel Director

ACTION: Motion and second (Ohtaki/Cline) to adopt **Resolution No. 6041** a resolution of intention to approve an amendment to a contract between the Board of Administration California Public Employees' Retirement System and the City Council of the City of Menlo Park passes unanimously.

F2. Adopt a resolution approving the City Council subcommittee recommendations regarding the allocation of 2011-12 Community Funding in the amount of \$110,000
([Staff Report #11-209](#))

Staff presentation by Cherise Brandell, Community Services Director

ACTION: Motion and second (Cline/Cohen) to adopt **Resolution No. 6042** approving the City Council subcommittee recommendations regarding the allocation of 2011-12 Community Funding in the amount of \$110,000 passes unanimously.

F4. Council appointments to regional boards, commissions and committees
([Staff Report #11-201](#))

This item was deferred to the January 10, 2012, Council meeting.

F5. Council review and approval of the City Council 2012 meeting schedule
([Staff Report #11-200](#))

Staff presentation by Margaret Roberts, City Clerk

ACTION: Motion and second (Cline/Fergusson) to approve the City Council 2012 meeting scheduled as amended passes unanimously. (Approved Calendar)

F6. Authorize the City Manager to proceed with a direct placement refinancing of the Series 2002 General Obligation Bonds that result in a minimum of 7% Net Present Value (NPV) savings ([Staff Report #11-213](#))

Staff presentation by Carol Augustine, Finance Director

ACTION: Motion and second (Fergusson/Cline) to authorize the City Manager to proceed with a direct placement refinancing of the Series 2002 General Obligation Bonds that results in a minimum of 7% Net Present Value (NPV) savings passes unanimously.

G. CITY MANAGER'S REPORT: None

H. WRITTEN COMMUNICATION: None

I. INFORMATIONAL ITEMS

I1. Accept the Draft Comprehensive Annual Financial Report for the fiscal year ended June 30, 2011 ([Staff report #11-214](#)) ([PowerPoint](#))

Staff presentation by Carol Augustine Finance Director

J. COUNCILMEMBER REPORTS

K. Fergusson requested the Council schedule an optional meeting to discuss the trees along El Camino Real, what they look like now and what they could look like in the future. ([Attachment](#))

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

K. PUBLIC COMMENT #2: None

L. ADJOURNMENT

The meeting was adjourned at 11:33 p.m. in memory of Dr. Hattie Bostic.

/s/

Margaret S. Roberts, MMC
City Clerk

Minutes accepted at the Council meeting of January 10, 2012