



CITY COUNCIL SPECIAL AND REGULAR MEETING MINUTES

Tuesday, March 13, 2012 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 p.m. with all members present.

There were no members of the public present to comment on the Closed Session item.

CL1. Closed Session pursuant to Government Code Section 54956.9 to conference with legal counsel regarding existing litigation, 1 case: Schuler v. City of Menlo Park
Superior Court of California, County of San Mateo, Case No. CIV500463

Mayor Keith called the Study Session to order at 6:10 p.m. with all members present.

REPORT FROM CLOSED SESSION

ACTION: There was no reportable action from Closed Session.

SS1. Consideration and guidance on the following Environmental Policies: (1) Whether to adopt a community-wide Greenhouse Gas Reduction target, and if a target is to be considered, which target should be recommended (2) Whether to prohibit distribution of single use carryout plastic bags and charge a minimum fee for single use paper bags at retail establishments, and (3) Whether to prohibit the distribution of polystyrene food ware at eating establishment ([Staff report #12-041](#))

Staff presentation by Rebecca Fotu, Environmental Programs Manager ([PowerPoint](#))

Environmental Quality Commission presentation on the Commission recommendations by Chair Mitch Slomiak

Public Comment

- Adam Montgomery on behalf of the Silicon Valley Association of Realtors regarding concerns with requiring energy and efficiency standards for transfer of title transactions resulting from the sale of real estate that is mentioned on page 9 of the staff report.
- Allison Chan on behalf of Save the Bay urged the Council to work with San Mateo County to move forward with ordinances to ban plastic bag and polystyrene food ware.
- Hank Lawrence stated that plastic bags are not just for single use and suggested an incentive to use reusable bags instead of banning them.
- Carol Taggart spoke in favor of banning plastic bags because they cause problems with marine wildlife as well as a littering problem. She supports charging for paper bags and noted that Styrofoam is a serious environmental problem.
- Elizabeth Houck stated that she supports banning plastic bags, including the plastic bags in the City Dog Park, which could be replaced with bio-bags.

Council Comment

K. Keith: Supports the goal of reaching the 27% in Greenhouse Gas reduction target by 2020, supports moving forward with San Mateo County for both the ban of plastic bags and polystyrene food ware.

P. Ohtaki: Comfortable with 17% in Greenhouse Gas reduction target due to the costs involved and supports moving forward with San Mateo County for both the ban of plastic bags and polystyrene food ware. He is opposed to including straws, lids and utensils because it is hard to implement.

K. Fergusson: Supportive of reaching 27% in Greenhouse Gas reduction target and supports moving forward with San Mateo County for both the ban of plastic bags and polystyrene food ware. She would like to keep the option to retain straws, lids and utensils open for discussion.

R. Cline: Supports the 27% in Greenhouse Gas reduction target but would like more options from staff. He supports moving forward with San Mateo County for both the ban of plastic bags and polystyrene food ware. He is supportive of pushing the County to include straws, lids and utensils in the ordinance.

K. Keith stated she has talked to various San Mateo County members of the Board of Supervisors who informed her that the ordinance on the polystyrene food ware does not include straws, utensils and lids at this time. The current version of the model polystyrene ordinance is what could proceed without contention.

A. Cohen: Supports the 27% in Greenhouse Gas reduction target but would like more information on the cost. Supports moving forward with San Mateo County for both the ban of plastic bags and polystyrene food ware.

The Council cautioned proceeding with the point of sale that was mentioned by Mr. Adam Montgomery during public comment and would like that discussed when the item returns to the Council.

Mayor Keith called the Regular Session to order at 7:12 p.m. with all members present.

The pledge of allegiance was led by Mayor Keith.

A. PRESENTATIONS AND PROCLAMATIONS

A1. Proclamation: Red Cross Month ([Attachment](#))

The proclamation was presented to Cindy Holzman with the Red Cross.

ANNOUNCEMENT

Mayor Keith announced that the City Council has reached a tentative agreement with SEIU and the staff report will be available on the website tomorrow.

A2. Presentation by Len Materman, San Francisquito Creek Joint Powers Authority ([PowerPoint](#))

A3. Presentation by Mendel Stewart and John Bourgeois, South Bay Salt Pond Restoration ([PowerPoint](#))

Public Comments

- Eileen McLaughlin spoke regarding the levees that go beyond the Salt Pond Project near the Facebook Campus.

- John Tarlton representing Menlo Business Park stated that they are pleased with the progress with the JPA and the levees in that part of town. There are discussions in East Palo Alto regarding reactivating a dormant well on Gloria Drive which raises concerns with and the potential for ground subsiding due to water distraction.

B. COMMISSION/COMMITTEE VACANCIES, APPOINTMENTS AND REPORTS

The City Clerk's office is accepting applications for the Finance & Audit Committee and the Planning Commission.

C. PUBLIC COMMENT #1

- Elizabeth Houck spoke against the proposed ground water well for Sharon Heights Golf and Country Club and requested the Council require staff to follow the recommendation from the Environmental Quality Commission to suspend work on projects that tap ground water until a comprehensive ground water management plan is adopted. She also asked that any public/private partnerships go before the Finance and Audit Committee to be vetted.

D. CONSENT CALENDAR

ACTION: Motion and second (Fergusson/Ohtaki) to approve the Consent Calendar items D1, D3, and D4 passes unanimously.

- D1.** Authorize the City Manager to enter into an agreement with Green Earth Engineering and Construction for \$75,280 to complete rehabilitation of the Hollyburne Neighborhood Stabilization Program home ([Staff report #12-039](#))
- D3.** Adopt **Resolution No. 6051** authorizing a California Energy Commission Energy Efficiency and Conservation Block Grant Phase 2 application submittal ([Staff report #12-038](#))
- D4.** Award a contract to Lee Carpeting to supply carpet for the Main Library, authorize a budget for the Main Library Carpet Replacement Project in an amount not to exceed \$114,500 for carpet, contingency and staff administration, and adopt **Resolution No. 6053** authorizing the City Manager to execute the necessary construction agreements for the Menlo Park Public Library Lobby Remodel Project in an amount not to exceed \$100,000 ([Staff report #12-046](#))
- D5.** Consider the findings and actions to uphold the Appeal for determination regarding the use of a portion of an existing accessory structure as a secondary dwelling unit on a property located at 116 O'Connor Street ([Staff report #12-043](#))

Pulled by K. Keith for discussion

Public Comment

- Michelle Daher spoke against the item and provided five letters and information that proves that this is a bed & breakfast and the information given to the Council by the applicant is not truthful. ([Attachment](#))
- Steven Curavo spoke against the item stating that it is a detriment to the neighborhood.
- Jason Watson, appellant stated that this has been before the public on several occasions and has gone through the process and requested the appeal be granted.

- Shannon Thoke stated that the appropriate permits have been pulled and the cottage is not being used as a bed and breakfast facility.

ACTION: Motion and second (Fergusson/Ohtaki) to approve the findings and actions to uphold the Appeal for determination regarding the use of a portion of an existing accessory structure as a secondary dwelling unit on a property located at 116 O'Connor Street passes 3-2 (Cline and Keith dissenting).

D2. Adopt **Resolution No. 6052** amending the Sidewalk Accessibility Project budget to appropriate \$34,271 from the General Fund CIP fund balance, approving the plans and specifications for the Woodland Avenue Sidewalk Project, awarding a contract to J.J.R. Construction, Inc. in the amount of \$233,285 and authorizing a budget of \$303,271 for construction, contingencies, testing and engineering and construction administration ([Staff report #12-036](#))

Pulled by K. Keith for public comment

- Michelle Daher spoke in favor of this item and asked for consideration for expansion of the project to give cyclists more space.

ACTION: Motion and second (Fergusson/Ohtaki) to approve **Resolution No. 6052** amending the Sidewalk Accessibility Project budget to appropriate \$34,271 from the General Fund CIP fund balance, approving the plans and specifications for the Woodland Avenue Sidewalk Project, awarding a contract to J.J.R. Construction, Inc. in the amount of \$233,285 and authorizing a budget of \$303,271 for construction, contingencies, testing and engineering and construction administration passes unanimously.

D6. Accept the minutes for Council meeting of February 14, 2012 (Amended) and February 28, 2012 ([Attachment](#))

ACTION: Motion and second (Cohen/Fergusson) to accept Consent Calendar D6 passes unanimously.

E. PUBLIC HEARINGS: None

F. REGULAR BUSINESS

F1. Approve a letter to the City of East Palo Alto providing comments on the Draft Environmental Impact Report for the Ravenswood/4 Corners Transit Oriented Development Specific Plan ([Staff report #12-040](#)) ([Amended letter](#))
Staff presentation by Atul Patel, Senior Transportation Engineer ([PowerPoint](#))

Public Comment

- Michelle Daher spoke in support of the Draft Environmental Impact Report for the City of East Palo Alto, noting that and the community needs the economic base.
- Adina Levin stated that the DEIR did a great job at addressing bike trails and road change impacts. Ms. Levin noted that the City of East Palo Alto does not currently have a source of water to support the growth in the plan.

ACTION: Motion and second (Cline/Fergusson) to approve an amended letter, adding language regarding potential fire impact fee to support a fire ladder truck and clarification of the City

boundary line, to the City of East Palo Alto providing comments on the Draft Environmental Impact Report for the Ravenswood/4 Corners Transit Oriented Development Specific Plan.

ACTION: Friendly amendment by A. Cohen adding to the Utilities and Service Systems section, comments to clarify the concern related to the need for additional water resources for the specific plan in order to support the plan was accepted by Cline and Fergusson.

ACTION: Motion and second (Cline/Fergusson) to approve an amended letter, adding language regarding potential fire impact fee to support a fire ladder truck, clarification of the City boundary line and adding to the Utilities and Service Systems section, comments to clarify the concern related to the need for additional water resources for the specific plan in order to support the plan to the City of East Palo Alto regarding the Draft Environmental Impact Report for the Ravenswood/4 Corners Transit Oriented Development Specific Plan passes unanimously. (*Final letter*)

F2. Discuss and provide direction regarding the 2012-13 budget process ([Staff report #12-045](#)) Staff presentation by Carol Augustine, Finance Director ([PowerPoint](#))

ACTION: The Council took no formal action on the item, but provided staff with general direction regarding the 2012-13 budget process.

F3. Provide general direction on a revised 5-Year Capital Improvement Plan (CIP); general direction on Capital and other projects to be included in the City Manager's Proposed 2012-13 Budget ([Staff report #12-044](#))

Staff presentation by Carol Augustine, Finance Director ([PowerPoint](#))

Public Comment

- Amy McLaughlin spoke regarding using the M2 and the update to the Housing Element as a pilot project in order to take all of the modes of transportation into consideration instead of using outdated information.
- Adina Levin spoke regarding using the M2 area as a pilot project to look at other modes of transportation and referenced the City of Mountain View General Plan work.
- Chuck Kinney representing Trees for Menlo discussed the recent Caltrans time constraints for the trees along El Camino Real and requested that the Council consider moving the project to fiscal year 2012-13.
- Dick Poe stated that the city has received a tremendous benefit from the trees on El Camino Real project and requested that the Council consider allocating funds in fiscal year 2012-13.
- Ken Arutunian requested that the Council consider allocating funds in fiscal year 2012-13.
- Andrew Boone spoke regarding comprehensive planning projects included in the CIP. He suggested that the M2 area utilize a better planning project for transportation demand management (TDM).
- Fran Dehn representing the Chamber of Commerce spoke regarding the Dumbarton Transit Station. The Chamber of Commerce urges the Council to put this project back into the CIP as an active project.

ACTION: The Council took no formal action on the item, but provided staff with general direction.

- F4.** Adopt a resolution as Successor Agency to the former Redevelopment Agency (1) adopting an Enforceable Obligation Payment Schedule, (2) approving the Recognized Obligation Payment Schedule, (3) approving the Successor Agency administrative budget, (4) making certain determinations regarding separate assets and liabilities of the Successor Agency, and (5) directing the City Manager to take all actions necessary to effectuate associated requirements of ABX1 26 ([Staff report #12-037](#))

Staff presentation by Carol Augustine, Finance Director ([PowerPoint](#))

ACTION: Motion and second (Ohtaki/Cline) to approve the **Resolution No. 6054** adopting Enforceable Obligation Payment Schedule, approving the Recognized Obligation Payment Schedule, approving the Successor Agency administrative budget, making certain determinations regarding separate assets and liabilities of the Successor Agency, and directing the City Manager to take all actions necessary to effectuate associated requirements of ABX1 26 passes unanimously.

- F5.** Consider 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

There was no formal staff report on this item.

- I1.** Biannual update of schedules for capital improvement projects ([Staff report #12-042](#))

J. COUNCILMEMBER REPORTS

By consensus a letter regarding the Mosquito Abatement will be brought for Council consideration.

K. PUBLIC COMMENT #2: None

L. ADJOURNMENT

The meeting was adjourned at 11:20 p.m.

/s/

Margaret S. Roberts, MMC
City Clerk

Minutes accepted at the Council meeting of March 27, 2012