



CITY COUNCIL SPECIAL AND REGULAR MEETING MINUTES

Tuesday, April 17, 2012
5:00 p.m.
701 Laurel Street, Menlo Park, CA 94025
City Council Chambers

Mayor Keith called the meeting to order at 5:10 p.m.
Council Member Fergusson arrived at 5:18 p.m.

There were no members of the public to speak on the item and the Council adjourned into Closed Session.

CL1. Conference with legal counsel pursuant to Government Code Section 54956.9 (c) regarding potential litigation: 1 case

Mayor Keith called the Regular Session to order at 7:07 p.m. with all members present.

The pledge of allegiance was led by Mayor Keith.

REPORT FROM CLOSED SESSION

ACTION: There was no reportable action from Closed Session.

ANNOUNCEMENTS: None

A. PRESENTATIONS AND PROCLAMATIONS

A1. Proclamation: National Volunteer Week ([Attachment](#))
Mayor Keith read the Proclamation

B. COMMISSION/COMMITTEE VACANCIES, APPOINTMENTS AND REPORTS

B1. Bicycle Commission quarterly report on the status of their 2-Year Work Plan
Presentation given by Commission Chair Gregory Klingsporn

B2. Consider approval of a revision to the 2-Year Work Plan for the Housing Commission
([Staff report #12-064](#))
Presentation given by Housing Commission Chair Yvonne Murray

C. PUBLIC COMMENT #1

- Darryl Warren spoke regarding racial profiling.
- Kristi Breisch invited the Council to the Annual Compassion Weekend hosted by the Presbyterian Church on April 28 and 29.
- Omar Chatty spoke regarding accidents on Caltrain and bringing BART to the area.
- Barbara Hunter spoke regarding the ratio of city employees to residents. ([Letter](#))
- Chief Harold Schapelhouman spoke regarding Consent Calendar Item D-2, the Grand Jury Report response, and addressed the bidding for other agency's fire services.

D. CONSENT CALENDAR

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

D1. Approve an extension of the agreement between the County of San Mateo and the City of Menlo Park to toll statutes of the limitations for claims regarding property tax administration fees ([Staff report #12-057](#))

D2. Approve the City of Menlo Park's response to the San Mateo County Civil Grand Jury report, 'The County, San Carlos and Cal Fire, a Missed Opportunity?' ([Staff report #12-062](#))

Item pulled by K. Keith for discussion

ACTION: Motion and second (Cline/Fergusson) to approve the letter with amendments made by the Mayor.

ACTION: Friendly Amendment by Fergusson to allow the Fire Chief to provide input into the letter and to give the Mayor the discretion to approve the final letter was accepted by Cline.

ACTION: Motion and second (Cline/Fergusson) to approve the letter with amendments made by the Mayor and to allow the Fire Chief to provide input into the letter and to give the Mayor the discretion to approve the final letter passes unanimously.

D3. Accept Council minutes for the meeting of March 27, 2012 and April 9, 2012 ([Attachment](#))

E. PUBLIC HEARING

E1. Adopt a resolution approving the sale of certain real property located behind properties fronting on the north side of Terminal Avenue, consisting of the Beechwood School property and vacant land between the school and Menlo Park Fire Protection District Station No. 77 and south of the Joint Powers Authority owned railroad right of way, and 297 Terminal Avenue to the California Family Foundation for \$1,255,000 and authorize the City Manager to execute all necessary documents to complete the sale ([Staff report #12-060](#))

Staff presentation by Bill McClure, City Attorney

The Public Hearing was opened at 7:46 p.m.

Public Comments

- David Laurance, Principal of Beechwood School, spoke in favor of the item and urged the Council to finalize the purchase.

ACTION: Motion and second (Cline/Fergusson) to close the Public Hearing at 7:47 p.m. passes unanimously.

ACTION: Motion and second (Fergusson/Ohtaki) to adopt **Resolution No. 6060** approving the sale of certain real property located behind properties fronting on the north side of Terminal Avenue, consisting of the Beechwood School property and vacant land between the school and Menlo Park Fire Protection District Station No. 77 and south of the Joint Powers Authority owned railroad right of way, and 297 Terminal Avenue to the California Family Foundation for

\$1,255,000 and authorize the City Manager to execute all necessary documents to complete the sale passes unanimously.

F. REGULAR BUSINESS

F1. Approve a comment letter on Metropolitan Transportation Commission Memorandum of Understanding on High Speed Rail Early Investment Strategy for a Blended System on the Peninsula Corridor to be sent to Caltrain and SMCTA ([Staff report #12-061](#)) (PowerPoint)

NOTE: Council Member Cohen and City Attorney Bill McClure announced their recusal on this item due to the proximity of property and left the meeting at 7:50 p.m.

Staff presentation by Atul Patel, Senior Transportation Engineer
SamTrans/Caltrain/San Mateo County Transportation Authority presentation by Seamus Murphy ([PowerPoint](#))

Public Comments

- Omar Chatty spoke regarding the MOU, the blended system and the enforceability of the MOU.
- Adina Levin, Friends of Caltrain, spoke regarding concerns she has with the letter.
- Mark Leach, Electrical Workers, is pleased to see transportation issues moving forward and urged approval of the MOU.

ACTION: The Council gave general direction to Council Member Fergusson and Mayor Keith to collaborate on changes to the letter, and then submit to the Joint Powers Authority.

Council Member Cohen and City Attorney McClure returned to the meeting at 8:55 p.m.

F2. Consider the Term Sheet for the Development Agreement for the Facebook East Campus located at 1601 Willow Road ([Staff report #12-63](#)) ([PowerPoint](#))

NOTE: Starla Jerome-Robinson, Assistant City Manager announced her recusal from the item due to her husband's employment and left the meeting at 8:55.

Staff presentation by Chip Taylor, Public Works Director

The Council took a recess at 9:11 and reconvened at 9:18 p.m.

Mr. Ebersman representing Facebook addressed the process for the Development Agreement Term Sheet and the process. Highlights of the term sheet and what they are already providing was provided. He urged the Council to support the hard work of the negotiating team.

Public Comments

- Maggie Creighton, Exploratory Experiences, thanked the Council and Facebook for the cooperation of the parties.
- Louise DeDera spoke regarding the jobs that are being brought to Menlo Park and encouraged the employees of Facebook to spend their Facebooks in the Allied Arts area. She urged the Council to approve the Term sheet.
- Spence Leslie strongly urged the Council to approve the Term Sheet and commented on how Facebook is contributing to the community. Facebook and Tyco added timers to the crossing signals at Bayfront and Willow Roads.

- Opha Wray, Dr. H.L.B. Education Center – CPNDEC, stated that Facebook has already demonstrated friendliness by providing funds, mentoring after school and laptops for the students. She encouraged the Council to approve the Term Sheet.
- Bishop T.L. Bostic Sr., Mt. Olive O.A.H. Church of God, stated he supports the expansion of Facebook and pleaded with the Council to approve the Term Sheet.
- William Webster, EPACT Education Fund, stated he is happy to see indications of concerns for the impacts to East Palo Alto.
- David Ibarra, Job Train, stated that the help from Facebook by being in the community is of great help as well as inspiring. He urged the Council to approve the Term Sheet, which is generous.
- David Tuipulotu asked if Belle Haven residents have been given the opportunity to provide input and if so, who and how. He also asked if there was still an opportunity for the residents to provide additional input. He stated his support for public improvements such as adding speed bumps around the Belle Haven Schools and suggested the Term Sheet not be approved.
- Eileen McLaughlin, Citizens Committee to Complete the Refuge, stated she is pleased with the progress with Facebook on the sensitivity of the shoreline.
- Raymond Mueller stated his opinion that this agreement is so generous and asked the Council to consider the indirect benefits that will also come with Facebook being in Menlo Park. He urged the Council to approve the Term Sheet.
- Shirley Roybal, Menlo Park Chamber of Commerce Chair urged the Council to approve the Term Sheet and highlighted the benefits that Facebook has and will bring to the community. ([Letter](#))
- Bronwyn Alexander stated that since Facebook has moved onto the campus they have been providing benefits to the neighborhood. They have donated eight laptops to the eighth grade at the Belle Haven School and have volunteered time at the school.
- Bill Nack, San Mateo County Building Trades Council, urged the Council to approve the Term Sheet as it is generous and good for Menlo Park.
- Joseph Scott, Laborer’s Local 389 San Mateo, urged the Council to approve the Term Sheet.
- Mark Leach, Electrical Workers, stated that Facebook has already provided many benefits and urged the Council to approve the Term Sheet.
- Chris Collins, UA Local 467, Plumbers, Pipefitters and AC Techs, urged the Council to approve the Term Sheet. The current and on-going work on the campus is a benefit for members of the union.
- Harry Bims urged the Council to approve the Term Sheet.
- Adina Levin spoke in support of the Term Sheet and the bicycle and pedestrian improvements will be beneficial to community members and Facebook employees.
- Andrew Boone spoke in support of the bicycle and pedestrian improvements included in the Term Sheet.
- Jim Bigelow stated that the Term Sheet is a great proposal, commented on the reduction of vehicle trips and urged the Council to approve the Term Sheet.

Council Members thanked Facebook for their generosity and expressed their appreciation for their work in the agreement to the Term Sheet.

ACTION: Motion and second (Ohtaki/Fergusson) to approve the Term Sheet for the Facebook East Campus Development Agreement and proceed expeditiously with the project review process according to the previously established schedule passes unanimously.

- F3.** Consider state and federal legislative items, including decisions to support or oppose any such legislation, and items listed under Written Communication or Information Item:
(a) Consider placing AB 1455 for Council action on a City Council agenda
([Staff report #12-065](#))

NOTE: Council Member Cohen and City Attorney Bill McClure announced their recusal on this item due to the proximity of property and left the meeting at 10:26 p.m.

Staff presentation by Alex McIntyre, City Manager

Public Comments

- Adina Levin stated she is not in favor of the Council taking a position opposing the Assembly Bill 1455 and the new Business Plan should be scrutinized.

The Council asked that the lobbyist prepare an analysis on the item to be provided to the Council at a future meeting.

Council Member Cohen and City Attorney McClure returned to the meeting at 10:30 p.m.

G. CITY MANAGER'S REPORT: None

H. WRITTEN COMMUNICATION: None

I. INFORMATIONAL ITEMS

I1. Recology collection of garbage and recycling day changes ([Staff report #12-059](#))

I2. Review timeline regarding a November 2012 ballot measure to increase the Transient Occupancy Tax rate for the City of Menlo Park ([Staff report #12-058](#))

J. COUNCILMEMBER REPORTS: None

K. PUBLIC COMMENT #2: None

L. ADJOURNMENT

The meeting was adjourned at 10:33 p.m.

/s/

Margaret S. Roberts, MMC
City Clerk

Minutes accepted at the Council meeting of May 8, 2012