



CITY COUNCIL SPECIAL AND REGULAR MEETING MINUTES

Tuesday, May 22, 2012 at 5:30 p.m.
701 Laurel Street, Menlo Park, CA 94025
City Council Chambers

Mayor Keith called the Special Meeting to order at 5:35 p.m. with all members present.

There were no members of the public present to speak. The Council went into Closed Session at 5:36 p.m.

CL1. Conference with legal counsel pursuant to Government Code Section 54956.9 regarding existing litigation - 1 case:
City of Menlo Park and Menlo Park City Council v. Peninsula Interfaith Action, Urban Habitat Program and Youth United for Community Action
Superior Court of California, County of San Mateo, Case No. 513882

Mayor Keith called the Regular Meeting to order 7:00 p.m. with all members present.

REPORT FROM CLOSED SESSION

ACTION: There was no reportable action from Closed Session.

ANNOUNCEMENTS: None

A. PRESENTATIONS AND PROCLAMATIONS

A1. Proclamation recognizing Frank Helfrich for his dedication in preserving the history of Menlo Park ([Proclamation](#))

Mayor Keith presented the Proclamation to Frank Helfrich

Public Comments

- Bette Meissur congratulated Mr. Helfrich on being recognized. She also thanked the Public Works department for all they do around Menlo Park.
- Jim Lewis discussed Mr. Helfrich's work on archiving the history of Menlo Park. Several certificates and proclamations were read by Mr. Lewis. ([Awards](#))

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

Len Materman, Director of SFCJPA gave a brief presentation regarding the budget for the SFCJPA.

B. COMMISSION/COMMITTEE VACANCIES, APPOINTMENTS AND REPORTS

C. PUBLIC COMMENT #1: None

D. CONSENT CALENDAR

ACTION: Motion and second (Fergusson/Ohtaki) to approve the Consent Calendar, excluding Item D2, as submitted passes unanimously.

- D1. Authorize the City Manager to enter into agreements with Casey Construction, Pacific Underground Construction, Inc. and West Valley Construction for on-call emergency water system services and authorize the City Manager to extend the agreements for up to three additional years ([Staff report #12-073](#))
- D3. Authorize the Director of Public Works to accept the work by Nor-Cal Concrete Company for the Citywide Sidewalk Repair Program ([Staff report #12-075](#))
- D4. Authorize the City Manager to execute master agreements for professional services with multiple consulting firms for engineering, surveying, inspection and testing services ([Staff report #12-076](#))
- D5. Adopt **Resolution No. 6061** to request \$204,253 of Lifeline Transportation Program funds from the Metropolitan Transportation Commission to fund 40-percent of the proposed \$516,000 three year operations budget for the City's midday shuttle service spanning fiscal years 2012-13 through 2014-15 ([Staff report #12-078](#))
- D6. Adopt **Resolution No. 6062** giving preliminary approval of the engineer's report for the Menlo Park Landscaping District for fiscal year 2012-13 which proposes no increases to the tree or sidewalk portions of the assessment; adopt **Resolution No. 6063** of intent to order the levy and collection of assessments at the current rates for the Menlo Park Landscaping District for fiscal year 2012-13; and setting the date for the public hearing for June 12 ([Staff report #12-077](#))
- D7. Accept Council minutes for the meetings of April 24 and May 8, 2012 ([Attachment](#))
- D2. Adopt **Resolution No. 6064** authorizing the application for funds under State Proposition 1B and approve the plan to utilize \$463,027 of the Proposition 1B funds for the 2011-12 Street Resurfacing Project; award a construction contract for the 2011-12 Street Resurfacing Project to C.F. Archibald Paving, Inc in the amount of \$3,167,991; and authorize a project budget in the amount of \$4,477,991 for construction, contingencies, material testing and construction administration ([Staff report #12-074](#))

Pulled by Council Member Ohtaki to pose a question to staff

ACTION: Motion and second (Ohtaki/Fergusson) to approve the Consent Calendar Item D2, as submitted passes unanimously.

E. PUBLIC HEARING

- E1. Review of the City Manager's proposed 2012-13 Budget and Capital Improvement Program for the City of Menlo Park; consideration of the revised long-term financial forecast; and discussion of the continuation of the current reduced rate of Utility Users Tax beyond September 30, 2012 ([Staff report #12-082](#))

Staff presentation given by Alex McIntyre, City Manager and Carol Augustine, Finance Director ([PowerPoint](#))

Note: The Public Hearing was opened prior to the staff presentation due to the number of young children present to speak.

The Public Hearing was opened at 7:34 p.m.

Public Comments

- Sarah Havlish stated she is opposed to merging the Belle Haven After School program (BHASP).
- Matt Henry stated that the BHASP and the Boys and Girls Club are not compatible and that the BHASP and the Belle Haven Child Development Center (BHCDC) should be left as they are now.
- David Laurance, Beechwood School Principle, spoke in opposition of eliminating the BHASP.
- Michaun Auzeene spoke in opposition of eliminating the BHASP and stated that there should have been more outreach to the community. The BHASP is open during school breaks which is beneficial to working parents.
- Isis Contreras urged the Council to keep the BHASP open. She presented a petition with signatures in favor of keeping the BHASP intact.
- Elias Blawie stated that the City needs to decrease the administrative senior staff, to look critically at the business development function, eliminate the Assistant City Manager position and to do more with less.
- Valerie Brook Wilke stated she is opposed to merging the BHASP and the Boys and Girls Club.

ACTION: Motion and second (Cline/Fergusson) to close the Public Hearing at 7:53 p.m. passes unanimously.

Staff presentation was presented at this time.

ACTION: By consensus the Council suspended implementation of the cost-reduction strategy to merge the Belle Have After School program with another service provider.

F. REGULAR BUSINESS

F1. Approval of a Settlement Agreement regarding Housing Element litigation; approval of the Work Program for the Housing Element Update and Technical Update of the General Plan; approval of overall budget of \$1,150,000 and adoption of resolutions appropriating a total of \$714,000 from General Fund Reserves for FY 2011-12; authorization of the City Manager to enter into contracts in excess of \$50,000; creation of a Housing Element Steering Committee and appointment of two Council members ([Staff report #12-081](#))

Staff presentation given by Justin Murphy, Development Services Manager ([PowerPoint](#))

Public Comments

- Karen Nunez stated that she supports the Settlement Agreement and this will allow affordable housing.
- Katia Avalos stated she supports the Settlement Agreement
- Alejandro Change stated he supports the Settlement Agreement and completing the Housing Element.

- Mark Moulton, Housing Leadership Council of San Mateo County, stated that he has nothing to add on top of what the student stated. He hopes that the Council will lean on them heavily and assist with the Housing Element
- Patricia Boyle stated that she commends the Council decision to update the Housing Element. The City maintains a list of those who qualify for Below Market Rate (BMR) housing that has over 100 names of those interested.
- Vu-Bang Nguyen urged the Council to approve the Settlement Agreement.
- Chuck Bernstein stated that this Settlement Agreement is extortion and urged the Council to mount an active defense. ([Letter](#))
- Elias Blawie supports work on the Housing Element; however he firmly opposes the staff recommendation.
- Diana Reddy, Peninsula Interfaith Action and Housing Leadership Council, spoke about the benefits of having a current Housing Elements.
- Michele Beasley commends the City for having the discussion and moving forward on the Housing Element. She supports approval of the Settlement Agreement.
- William Byron Webster stated that if the City goes to court, they will lose the lawsuit.
- Edie Keating urged the Council on moving ahead of the Settlement Agreement and the Housing Element.
- Irwin Dawld stated that Palo Alto is the only city in Santa Clara County that has not submitted a Housing Element. The real question is why the City of Menlo Park has not submitted a Housing Element for 20 years.
- Cherie Zaslowsky stated the Council is on the verge of shattering the small town atmosphere. The Council should take into consideration what high density housing and gridlock have on the impact to the schools. She urged the Council to not be associated with Area of Bay Area Governments (ABAG)
- Nevada Merriman stated that San Mateo County has good leadership and when leadership guides the Housing Element process, it puts in the foundation. She supports the Council moving forward with the Settlement Agreement.
- Gail Srekanoyle supports the Housing Element and encouraged the Council to look at secondary units, which is being used in other cities. She stated that rent control must be put into place. ([Handouts](#))

ACTION: Motion and second (Ohtaki/Cline) to approve items 1-6 below, passes unanimously.

1. Approve a Settlement Agreement settling lawsuit filed by Peninsula Interfaith Action, Urban Habitat Program and Youth United for Community Action, San Mateo County Superior Court Case No. CIV 513882, and Authorize the City Manager to execute the Agreement on behalf of the City and enter into a Stipulated Judgment;
2. Adopt **Resolution No. 6065** amending the Fiscal Year 2011-12 budget appropriating \$114,000 from the General Fund Reserve for payment of Petitioner's attorney's fees as required pursuant to the terms of the Settlement Agreement;
3. Approve the work program for the Housing Element Update and Technical Update of the General Plan, which includes a community outreach process and selection criteria for housing sites;
4. Adopt **Resolution No. 6066** establishing an overall budget of \$1,150,000 for the Housing Element Update and Technical Update of the General Plan and amending the Fiscal Year

2011-12 budget appropriating \$600,000 from the General Fund Reserve for the consultant services;

5. Authorize the City Manager to enter into various contracts for consulting services in excess of \$50,000 for the Housing Element Update and Technical Update of the General Plan, provided the total amounts of the contracts are less than the Council-approved budget for the Housing Element Update; and
6. Authorize the creation of a Housing Element Steering Committee comprised of two Planning Commissioners, two Housing Commissioners, appointed by the respective chairs, and two Council Members; and appoint two Council Members to serve on the Housing Element Steering Committee.

ACTION: By consensus, A. Cohen and P. Ohtaki will be the Council Members to serve on the Housing Element Steering Committee.

- F2.** Consider a resolution approving a \$1,849,047 loan from the Below Market Rate fund to HIP Housing for the purchase of a 12-unit apartment building at 1157 and 1161 Willow Road for Low- and Very Low-Income housing opportunities, reallocating \$1 million from the Foreclosure Prevention Program and using \$990,000 from interest income and authorize the City Manager to execute any documents necessary to consummate such loan ([Staff report #12-080](#))

Staff presentation given by Doug Frederick, Housing Manager ([PowerPoint](#))

Public Comments

- Diana Reddy stated that HIP Housing is good organization and she encouraged the Council to approve the resolution.
- Anne Moser stated that she would like Menlo Park to be known for having housing with a range of housing. The Housing Commission whole-heartedly supports this item. The location is in a good location for BMR rental properties.
- William Byron Webster stated that this is a modest expression of good faith to provide housing. This is an act of integrity.
- Mark Moulton, Housing Leadership Council of San Mateo County, spoke in support of the item.

ACTION: Motion and second (Fergusson/Cline) to adopt **Resolution No. 6067** approving a \$1,849,047 loan from the Below Market Rate fund to HIP Housing for the purchase of a 12-unit apartment building at 1157 and 1161 Willow Road for Low- and Very Low-Income housing opportunities, reallocating \$1 million from the Foreclosure Prevention Program and using \$990,000 from interest income and authorize the City Manager to execute any documents necessary to consummate such loan and a goal of fifty percent (50%) occupancy of veterans and an annual report on the occupancy goal 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: None

G. CITY MANAGER'S REPORT: None

H. WRITTEN COMMUNICATION: None

I. INFORMATIONAL ITEMS

- I1.** Five-year projection of solid waste and recycling materials collection and processing costs
([Staff report #12-079](#))

The City Council received the report.

J. COUNCILMEMBER REPORTS: None

K. PUBLIC COMMENT #2: None

L. ADJOURNMENT

The meeting was adjourned at 12:27 a.m. on May 23, 2012.



Margaret S. Roberts, MMC

City Clerk

Minutes accepted at the Council meeting of July 31, 2012