



CITY COUNCIL REGULAR MEETING MINUTES

Tuesday, June 12, 2012 at 7:00 p.m.
701 Laurel Street, Menlo Park, CA 94025
City Council Chambers

Mayor Keith called the Regular Meeting to order 7:06 p.m. with all members present.

Mayor Keith led the pledge of allegiance.

ANNOUNCEMENTS: None

A. PRESENTATIONS AND PROCLAMATIONS: None

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

C. PUBLIC COMMENT #1

- Kathy Hamilton commented on High Speed Rail and encouraged the Council to take a stronger stance.
- Maurice Ghysels, Superintendent of the Menlo Park City School District, discussed the enrollment of students and will be involved in the update of the Housing Element Steering Committee meetings, stakeholder meetings and community meetings.
- Jim Cogan, PG&E, updated the Council on upcoming work in Menlo Park.

D. CONSENT CALENDAR

ACTION: Motion and second (Cline/Ohtaki) to approve the Consent Calendar Items D1 – D4 as submitted passes unanimously.

D1. Authorize the City Manager to enter into a contract with Revolution Foods in the amount of \$78,464 for the delivery of food services at Belle Haven Child Development Center ([Staff report #12-090](#))

D2. Adopt **Resolution No. 6079:** a) Calling and giving notice of holding a General Municipal Election for two seats on the Menlo Park City Council; b) requesting that the City Council consolidate the election with the Presidential General Election to be held on November 6, 2012; and c) contracting with the San Mateo County Chief Elections Office for election services ([Staff report #12-091](#))

D3. Adopt **Resolution No. 6080** appropriating a total of \$350,000 from the Below Market Rate Housing Fund for FY 2011-012; authorizing the City Attorney and City Manager to take all steps necessary to cure an existing loan default and purchase the property at 1403 Sage Street and retain the home in the City's BMR program ([Staff report #12-096](#))

D4. Adopt **Resolution No. 6081** accepting dedication of a public access easement and authorizing the City Manager to sign the certificate of acceptance for the 200 Middlefield Road Frontage Improvements Project ([Staff report #12-087](#))

D5. Adopt **Resolution No. 6082** supporting the Willow Road/US 101 Interchange Project and the Sand Hill Road Signal Interconnect Project and submitting an application for Measure A Highway Program Funding for the Willow Road/US 101 Interchange Project and the Sand Hill Road Signal Interconnect Project ([Staff report #12-097](#))

Item pulled by Council Member Ohtaki for questions

ACTION: Motion and second (Fergusson/Ohtaki) to adopt **Resolution No. 6082** supporting the Willow Road/US 101 Interchange Project and submitting an application for Measure A Highway Program Funding for the Willow Road/US 101 Interchange Project and authorizing the City Manager to execute the Funding Agreement and to include bicycle and pedestrian safety as goals for the project passes unanimously.

ACTION: Motion and second (Fergusson/Ohtaki) to adopt **Resolution No. 6083** supporting the Sand Hill Road Signal Interconnect Project and submitting an application for Measure A Highway Program Funding for the Sand Hill Road Signal Interconnect Project and authorizing the City Manager to execute the funding agreement passes unanimously.

D6. Waive the reading and adopt an ordinance amending Title 16 of the Menlo Park Municipal Code to incorporate the El Camino Real/Downtown Specific Plan, and ordinances rezoning properties located in the El Camino Real/Downtown Specific Plan area ([Staff report #12-098](#))

ACTION: Motion and second (Fergusson/Cline) to waive the reading of the ordinance and to adopt the following.

Ordinance No. 979: An Ordinance of the City of Menlo Park, amending Title 16 of the Menlo Park Municipal Code to incorporate the El Camino Real/Downtown Specific Plan passes unanimously.

Ordinance No. 980: An Ordinance of the City of Menlo Park, rezoning properties located in the El Camino Real/Downtown Specific Plan Area (Applicable to all Specific Plan Districts except El Camino Real South-East and South-West Districts) passes unanimously.

NOTE: Council Member Fergusson announced she is recused from the El Camino Real South-East and El Camino Real South West zoning districts due the location of her husband's place of business and left the meeting at 7:28 and returned at 7:29.

NOTE: Vice Mayor Ohtaki announced he is recused from the El Camino Real South West zoning district due to property recently sold and left the meeting at 7:28 and returned at 7:29.

ACTION: Motion and second (Cline/Cohen) to waive the reading of the ordinance and to adopt the following.

Ordinance No. 981: An Ordinance of the City of Menlo Park, rezoning properties located in the El Camino Real/Downtown Specific Plan Area (Applicable to El Camino Real South-East District) passes 3-0-0-2 (Recused: Fergusson and Ohtaki)

Ordinance No. 982: An Ordinance of the City of Menlo Park, rezoning properties located in the El Camino Real/Downtown Specific Plan Area (Applicable to El Camino Real South-West District) passes 3-0-0-2 (Recused: Fergusson and Ohtaki).

E. PUBLIC HEARING

- E1.** Adopt 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 2012-13 ([Staff report #12-088](#))

There was no staff presentation

The Public Hearing was opened at 7:30 p.m. There were no speakers during the Public Hearing.

ACTION: Motion and second (Fergusson/Cline) to close the Public Hearing at 7:31 p.m. passes unanimously.

ACTION: Motion and second (Fergusson/Cohen) to approve **Resolution 6084** 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 2012-13 passes unanimously.

- E2.** Adopt 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 2012-13 ([Staff report #12-092](#))

There was no staff presentation

The Public Hearing was opened at 7:31 p.m. There were no speakers during the Public Hearing.

ACTION: Motion and second (Cline/Fergusson) to close the Public Hearing at 7:31 p.m. passes unanimously.

ACTION: Motion and second (Cline/Ohtaki) to approve **Resolution 6085** authorizing collection of a regulatory fee at existing rates to implement the local City of Menlo Park Storm Water Management Program for Fiscal Year 2012-13 passes unanimously.

- E3.** Adopt a resolution recommending that the San Mateo County Flood Control District impose basic and additional charges for funding the fiscal year 2012-13 countywide National Pollutant Discharge Elimination System General Program ([Staff report #12-089](#))

There was no staff presentation

The Public Hearing was opened at 7:35 p.m. There were no speakers during the Public Hearing.

ACTION: Motion and second (Cline/Ohtaki) to close the Public Hearing at 7:35 p.m. passes unanimously.

ACTION: Motion and second (Cline/Fergusson) to approve **Resolution 6086** recommending that the San Mateo County Flood Control District impose basic and additional charges for funding the fiscal year 2012-13 countywide National Pollutant Discharge Elimination System General Program passes unanimously.

F. REGULAR BUSINESS

F1. Adopt resolutions: Adopting the 2012-13 Budget and Capital Improvement Program for the City of Menlo Park; establishing the appropriation limit for fiscal year 2012-13; establishing a Consecutive Temporary Tax percentage reduction in Utility Users Tax rates; and determining the continued need for imposition of the Utility Users Tax per Section 3.14.310 of the Municipal Code ([Staff report #12-093](#))

Staff presentation by Carol Augustine, Finance Director (*PowerPoint*)

ACTION: Motion and second (Fergusson/Ohtaki) to approve **Resolution No. 6087** adopting the Budget for fiscal year 2012-13 and adopting the Capital Improvement Program for the Fiscal Year passes unanimously.

ACTION: Motion and second (Fergusson/Ohtaki) to approve **Resolution No. 6088** establishing appropriations limit for Fiscal Year 2012-13 passes unanimously.

ACTION: Motion and second (Fergusson/Ohtaki) to approve **Resolution No. 6089** 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/Ohtaki) to approve **Resolution No. 6090** determining that the Utility Users Tax, pursuant to Section 3.14 of the City of Menlo Park Municipal Code, is necessary for the financial health of the City passes unanimously.

F2. Introduction of an ordinance to amend Menlo Park Municipal Code to increase the Transient Occupancy Tax (TOT) rate from 10% to 12% ([Staff report #12-095](#))

Staff presentation by Carol Augustine, Finance Director

Public Comments

- Henry Riggs stated that raising taxes on a service that supports our businesses will cause them the advantage that notes coming to Menlo Park is like coming to the one island of less expensive taxes.

ACTION: Motion and second (Cline/Cohen) to introduce an Ordinance of the City Council to amend the Menlo Park Municipal Code to increase the Transient Occupancy Tax (TOT) rate from 10% to 12% passes unanimously.

F3. Amend the Public Noticing Policy (Policy) for Development Permit applications in order to provide alternate means for noticing the public of development projects in a cost effective and efficient manner ([Staff report #12-094](#))

Staff presentation by Margaret Roberts, City Clerk

ACTION: Motion and second (Ohtaki/Fergusson) to amend the Public Noticing Policy (Policy) for Development Permit applications in order to provide alternate means for noticing the public of development projects in a cost effective and efficient manner and to add a QR Code to the postcard passes unanimously.

F4. 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. Belle Haven CDC Self Evaluation Report for the Child Development Division of the California Department of Education for fiscal year 2011-12 ([Staff report #12-086](#))

J. COUNCILMEMBER REPORTS

- Council Members Ohtaki and Cohen provided information on the Housing Element Steering Committee meetings.

NOTE: Council Member Cohen and City Attorney Bill McClure announced their recusal on High Speed Rail due to the proximity of their properties and left the meeting at 8:24 p.m.

- Kelly Fergusson spoke on High Speed Rail and the trailer bill. Staff was asked to stay on top of the legislation and to call a meeting as soon as possible thereafter for the Council to discuss.

K. PUBLIC COMMENT #2: None

L. ADJOURNMENT

The meeting was adjourned at 8:29 p.m.



Margaret S. Roberts, MMC

City Clerk

Minutes accepted at the Council meeting of July 31, 2012