



CITY COUNCIL SPECIAL and REGULAR MEETING MINUTES

Tuesday, July 31, 2012 at 5:45 p.m.
701 Laurel Street, Menlo Park, CA 94025
City Council Chambers

Mayor Keith called the closed Session to order at 5:45 p.m. with Cline, Fergusson, Keith and Ohtaki present.

NOTE: Council Member Cohen is recused from the item due to the proximity of his property

There were no members of the public present to speak. The Council went into Closed Session at 6:01 p.m.

CL1. Discussion with legal counsel pursuant to Government Code Section 54956.9 regarding existing litigation – 2 cases:

(1) Town of Atherton, et al. v. California High Speed Rail Authority
Superior Court of California, County of Sacramento, Case No. 34-2008-80000022
(Atherton 1)

(2) Town of Atherton, et al. v. California High Speed Rail Authority
Superior Court of California, County of Sacramento, Case No. 34-2010-80000679
(Atherton 2)

Mayor Keith called the Study Session to order 6:38 p.m. with Cline, Fergusson, Keith and Ohtaki present.

NOTE: Council Member Cohen is recused from the item due to the proximity of his property

SS1. Update from legislative advocate regarding High Speed Rail
Ravi Mehta, provided an update regarding legislation related to High Speed Rail ([Attachment](#)).

Public Comment

- Don Barnby urged the Council to thwart anything but a two-track plan.
- Adina Levin, representing Friends of Caltrain, gave a breakdown of what is included for Caltrain through the High Speed Rail project, including electrification and suggested that the Council focus on what is happening.

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

REPORT FROM CLOSED SESSION

ACTION: There was no reportable action from Closed Session.

ANNOUNCEMENTS

City Manager McIntyre introduced the new Human Resources Director Gina Donnelly.

A. PRESENTATIONS AND PROCLAMATIONS

A1. Proclamation: July 2012 is Parks Make Life Better® Month ([Attachment](#))

Mayor Keith read a proclamation honoring the Community Services Department during Parks Make Life Better® Month.

Noreen Bickell, Recreation coordinator, gave a presentation on the accomplishments of the Community Services Department. ([PowerPoint](#))

B. COMMISSION/COMMITTEE VACANCIES, APPOINTMENTS AND REPORTS

B1. Bicycle Commission quarterly report on the status of their 2-year Work Plan Presentation made by Gregory Klingsporn, Bicycle commission Chair

C. PUBLIC COMMENT #1: None

D. CONSENT CALENDAR

ACTION: Motion and second (Cline/Ohtaki) to approve the Consent Calendar, excluding Items D-8 and D-10, passes unanimously; Item D-10 as submitted passes 4-0-1 (Recused: Fergusson)

D1. Consider approving a change in the meeting schedule for the Parks and Recreation Commission meeting ([Staff report #12-099](#))

D2. Adopt **Resolution No. 6091** designating the Community Services Manager as the applicant for the Menlo Children's Center Preschool and School-age License with authorization to act on behalf of the City of Menlo Park (Licensee) ([Staff report #12-100](#))

D3. Approve the ownership, operation and maintenance agreement between City/County Association of Governments, the County of San Mateo, and the City of Menlo Park for the San Mateo Smart Corridors Project and authorize the City Manager to execute the ownership, operation, and maintenance agreement ([Staff report #12-101](#))

D4. Adopt **Resolution No. 6092** accepting dedication of a sidewalk easement and an emergency access easement at 1460 El Camino Real, authorize the City Clerk to sign the parcel map and authorize the City Manager to sign the Subdivision Agreement ([Staff report #12-102](#))

D5. Authorize the Public Works Director to accept the work performed by Vance Brown, Inc. for the Arrillaga Family Gymnastics Center Project ([Staff report #12-104](#))

D6. Award a contract to Suarez and Munoz Construction, Inc., in the amount of \$187,326.50 for the 2011-2012 Citywide Sidewalk Repair Project and Seminary Oaks Park Pathway Replacement Project, and authorize a total budget of \$274,326.50 for contingencies, testing and inspection ([Staff report #12-105](#))

D7. Authorize the Public Works Director to accept the work performed by Golden Bay Construction, Inc. for the Parking Plaza 2 Improvement Project ([Staff report #12-106](#))

D8. Adopt a resolution authorizing the City Manager to award the contract and execute the necessary construction agreements for the Safe Routes to Hillview Middle School Project in an amount not to exceed \$70,000 ([Staff report #12-107](#))

This item was removed from the agenda due to unexpected high bid results.

- D9.** Approve the design and installation of shared lane markings on Menlo Avenue between El Camino Real and University Drive and on University Drive between Santa Cruz Avenue and Middle Avenue as part of a pilot project ([Staff report #12-108](#))
- D10.** Authorize the City Manager to amend the existing agreement for design services with Carollo Engineers for an additional \$34,983, and \$10,000 for contingency for a total of \$294,983 for the Sharon Heights Pump Station; and authorize an increase in the rental agreement for temporary pumps for an additional \$49,128, and \$41,000 for contingency for a total of \$180,128 ([Staff report #12-111](#))
- D11.** Authorize the Public Works Director to accept the work performed by E.R. Brothers Company, Inc., for the Menlo Park Public Library Lobby Remodel Project ([Staff report #12-110](#))
- D12.** Adopt **Resolution No. 6093** authorizing the Director of Public Works to accept the State Transportation Program - Local (STPL) 5273R Federal Grant in the amount of \$385,000 and execute all agreements to implement the 2012 Resurfacing of Federal Aid Routes Project for Sand Hill Road and Marsh Road ([Staff report #12-112](#))
- D13.** Adopt **Resolution No. 6094** authorizing the execution of a contract with the State of California Department of Education for reimbursement to the City of up to \$511,646 for child care services at the Belle Haven Development Center for fiscal year 2012-2013 ([Staff report #12-114](#))
- D14.** Extend the term for Housing Commissioner Anne Moser through October 2012 ([Staff report #12-113](#))
- D15.** Accept the minutes from the Council meetings of May 22, May 29, and June 12, 2012 ([Attachment](#))

E. PUBLIC HEARING

- E1.** Consider a request for a Use Permit, Architectural Control, Tentative Subdivision Map, Below Market Rate Housing Agreement, Application of State Density Bonus Law, and Environmental Impact Report to construct 26 residential units on a 1.23-acre site located at 612 Partridge Avenue, 603 - 607 College Avenue, and 321 - 389 El Camino Real (Collectively known as 389 El Camino Real)([Staff report #12-114](#))
Staff presentation by Thomas Rogers, Senior Planner

Mr. Matteson, applicant, presented a visual presentation on the project features. ([PowerPoint](#))

The Public Hearing was opened at 8:21 p.m.

Public Comments

- Preston Butcher spoke in favor of the project and stated that he hopes this is the beginning of the changes on El Camino Real.
- Howie Dallmar spoke on behalf of the project as it will fit into the neighborhood and one that the community can be proud of.

ACTION: Motion and second (Cline/Ohtaki) to close the Public Hearing at 8:25 p.m. passes unanimously.

ACTION: Motion and second (Ohtaki/Cohen) to approve the following passes unanimously:

- **Resolution No. 6095** certifying the Final Environmental Impact Report, adopting the Statement of Overriding Considerations and adopting the Mitigation Monitoring and reporting Program;
- Apply the State Density Bonus Law to allow one incentive and six development standard waivers;
- Make findings and approve a Use permit for construction of three or more units in the R-3 zoning district and new construction of residential units in the C-4 (ECR) zoning district
- Adopt findings and approve the Architectural Control for design review of the new buildings and site improvements;
- Make findings and approve the Tentative Map to merge seven (7) lots into two lots, abandon the public street easement for Alto Lane, and create 26 residential condominium units; and
- Approve the Below Market Rate (BMR) Housing Agreement to provide three (3) on-site BMR units in accordance with the City's BMR Housing program and State Density Bonus Law.

Additional requirements added to the Conditions of Approval:

1. The applicant shall include provisions in the project CC&R's that state that the project's two common open space areas (the large open space area along El Camino Real located between Buildings A1 and A2, and the smaller "pocket park" along College Avenue) shall remain publicly accessible, and that limitations to public access (i.e. permanent barrier fencing, gates, etc.) are not permitted.
2. Concurrent with the submittal for a building permit, the applicant may revise the site and landscape plans to allow for wider effective sidewalk area, through potential measures such as stepping stones and tree grates, along El Camino Real at the southern portion of the parcel. The applicant may also revise the landscape plan to utilize a greater number of native tree plantings. Any such landscape plan revisions shall be subject to review and approval of the Planning and Public Works Divisions.
3. Concurrent with the submittal for a building permit, the applicant shall submit a revised landscape plan showing retention of the two London plane street trees in front of the central "common green" (trees # 13 and #14). The applicant shall also submit a revised arborist report, detailing any necessary preservation measures for these trees. The revised landscape plan and arborist report shall be subject to review and approval of the Planning Division and City Arborist.
4. Concurrent with the submittal for a building permit, the applicant shall conduct one of the following to address the removal of three London plane street trees (trees # 10, #11 and #17), subject to review and approval of the Planning Division and City Arborist. A combination of these measures may be permitted, as long three total trees are addressed:
 - a. Conduct planting of three London plane trees elsewhere along El Camino Real, subject to all Public Works and Caltrans requirements, and provide documentation thereof; or
 - b. Make a donation to Trees for Menlo of an amount equivalent to provide for future plantings of three London plane trees along El Camino Real, and provide documentation thereof.

E2. Consider a request for a General Plan map amendment, rezoning, Tentative Subdivision Map, and Mitigated Negative Declaration for the 3.9-acre site located at 50 Terminal Avenue and 1467 Chilco Street ([Staff report #12-120](#))
Staff presentation by Thomas Rogers, Senior Planner

The Public Hearing was opened at 9:16 p.m.

ACTION: Motion and second (Fergusson/Ohtaki) to close the Public Hearing at 9:16 p.m. passes unanimously.

ACTION: Motion and second (Fergusson/Ohtaki) to approve the following passes unanimously:

- Make findings regarding the Mitigated Negative Declaration;
- Make findings and approve the Tentative Parcel Map to subdivide the existing parcel into three parcels consisting of the following:
 - Parcel 1: portion of the Onetta Harris Community Center parking lot (approximately 0.57 acre)
 - Parcel 2: school site and vacant land (approximately 2.88 acres)
 - Parcel 3: fire station site (approximately 1.03 acres)

In addition, the Tentative Parcel Map would establish new easements and abandon existing easements;

- Adopt **Resolution No. 6097** Amending the General Plan to change the Land Use designation for property located and 50 terminal Avenue and 1467 Chilco Street
 - Parcel 1: The portion of this parcel with Assessor's Parcel Number 055-321-010 will change from Low Density Residential to Public Facilities
 - Parcel 2: Change from Medium Density Residential and Public Facilities to Low Density Residential
 - Parcel 3: Change from Medium Density Residential to Public Facilities;
- Introduce an ordinance to change the site's Zoning designations as follows:
 - Parcel 1: The portion of this parcel with Assessor's Parcel Number 055-321-010 will change from R-1-U (Single Family Urban Residential) district to P-F (Public Facilities) district
 - Parcel 2: Change from U (Unclassified) and P-F (Public Facilities) districts to R-1-U (Single Family Urban Residential) district
 - Parcel 3: Change from U (Unclassified) district to P-F (Public Facilities) district.

E3. Introduce an Ordinance adopting San Mateo County's prohibition on the use of polystyrene based disposable food service ware by food vendors ordinance by adding chapter 7.14 to Title 7 of the Menlo Park Municipal Code ([Staff report #12-109](#))
Staff presentation by Rebecca Fotu, Environmental Programs Manager

The Public Hearing was opened at 9:27 p.m.

Public Comments

- Adina Levin spoke in favor of the item.

ACTION: Motion and second (Fergusson/Cline) to close the Public Hearing at 9:28 p.m. passes unanimously.

ACTION: Motion and second (Ohtaki/Cohen) to introduce an Ordinance adding Chapter 7.14 to Title 7 of the Municipal Code: Prohibition on the use of Polystyrene based Disposable Food Service Ware by Food Vendors passes unanimously.

F. REGULAR BUSINESS

- F1.** Consider second reading and adoption of an Ordinance to amend Menlo Park Municipal Code Section 3.16.030 to increase the Transient Occupancy Tax rate from 10% to 12% effective January 1, 2013, and adopt a resolution of the City Council calling and giving notice of a Municipal Election to be held November 6, 2012 for the submission to the voters of the ordinance to amend the Municipal Code to increase the Transient Occupancy Tax rate; direct the City Attorney to prepare an impartial analysis and direct the City Attorney and City Clerk to prepare necessary documents to place the measure on the ballot; set the dates for filing written arguments and authorize designated members of the City Council to submit and sign an argument in favor of the proposition; and request the Board of Supervisors to consolidate the Municipal Election to be held with the General Election on November 6, 2012
([Staff report #12-117](#))

ACTION: Motion and second (Cohen/Cline) to adopt **Ordinance No. 983** amending Section 3.16.030 [Imposition] of Chapter 3.16 [Transient Occupancy Tax] of Title 13 [Revenue and Finance] of the Menlo Park Municipal Code to Increase the Tax Rate to 12% passes unanimously.

ACTION: Motion and second (Cohen/Cline) to approve **Resolution No. 6096** calling and giving notice of a Municipal Election to be held November 6, 2012 for the submission to the voters of the ordinance to amend the Municipal Code to increase the Transient Occupancy Tax rate; direct the City Attorney to prepare an impartial analysis and direct the City Attorney and City Clerk to prepare necessary documents to place the measure on the ballot; set the dates for filing written arguments and authorize designated members of the City Council (Mayor Keith and Vice Mayor Ohtaki) to submit and sign an argument in favor of the proposition; and request the Board of Supervisors to consolidate the Municipal Election to be held with the General Election on November 6, 2012 passes unanimously.

ACTION: By consensus, the ballot question will be Alternative 1 from the staff report and incorporating a reference to the dissolution of the Redevelopment Agency and an annual loss of \$1.2 Million.

- F2.** Approve the charter and general composition of the Specific Plan Parking Management Advisory Task Force and direct that appointments to the Parking Task Force and initiation of its work be timed to coincide with the first phase of changes in the downtown area as stated in the Specific Plan ([Staff report #12-122](#))

Staff presentation by Charles Taylor, Director of Public Works; Thomas Rogers, Senior Planner and Linda Heineck Community Development Director

Public Comment

- Adina Levin discussed having a member of the Environmental Quality Commission be a part of this task force.

ACTION: By consensus staff will continue to work on the mission for the task force and return to the Council at a later date.

F3. Select the voting delegate for the Annual League of California Cities conference
([Attachment](#))

ACTION: By consensus Mayor Keith will be the voting delegate and Kelly Fergusson the alternate.

F4. Provide direction to the Voting Delegate regarding the League of California Cities resolutions to be voted on at the annual conference ([Staff report #12-118](#))

ACTION: By consensus the Council will support resolutions 3-5 and oppose resolutions 1-2.

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

The Council received the reports.

I1. Draft Environmental Impact Report for Single Use Carryout Bag Ordinance released - public comment due By August 6, 2012 ([Staff report #12-103](#))

I2. Quarterly Financial Review of General Fund Operations as of June 30, 2012
([Staff report #12-116](#))

I3. Review of the City's Investment Portfolio as of June 30, 2012 ([Staff report #12-119](#))

I4. Quarterly update on Council goals and deliverables ([Staff report #12-115](#))

J. COUNCILMEMBER REPORTS

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

Council Member Cohen discussed information on the Housing Element including upcoming meetings.

Vice Mayor Ohtaki provided a letter from the Menlo Park City School District and a second letter from himself to the Association of Bay Area Governments regarding regional allocations for the 2014-2022 Housing element planning period. ([Letters](#))

K. PUBLIC COMMENT #2: None

L. ADJOURNMENT

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

A handwritten signature in blue ink that reads "Margaret S. Roberts". The signature is written in a cursive, flowing style.

Margaret S. Roberts, MMC

City Clerk

Minutes accepted at the Council meeting of August 28, 2012