



CITY COUNCIL SPECIAL AND REGULAR MEETING MINUTES

Tuesday, March 5, 2013 at 5:30 p.m.
701 Laurel Street, Menlo Park, CA 94025
City Council Chambers

Mayor Ohtaki called the Closed Session to order at 5:30 p.m. with Council Member Keith absent. Council Member Keith arrived at 6:00 p.m.

There were no members of the public present for public comments on the Closed Session items.

CL1. Closed session conference with legal counsel pursuant to Government Code Section 54956.9(a) regarding litigation existing litigation:
Peninsula Interfaith Action, et al. v City of Menlo Park San Mateo County Superior Court Case No. CIV513882

CL2. Closed session conference with legal counsel pursuant to Government Code Section 54956.9(b)(1) regarding potential litigation against the City of Menlo Park

Mayor Ohtaki called the Regular Session to order at 7:03 p.m. with all Council Members present.

Mayor Ohtaki led the Pledge of Allegiance

REPORT FROM CLOSED SESSION

ACTION: There was no reportable action.

ANNOUNCEMENTS

Alex McIntyre, City Manager introduced Robert Jonsen the new Police Chief.

Mayor Ohtaki announced the following upcoming events:

- Meals on Wheels 35th Anniversary on March 20, 2013
- Peninsula Preparedness Awareness event is taking part on March 20, 2013

A. PRESENTATIONS AND PROCLAMATIONS

There were no presentations made.

B. COMMISSION/COMMITTEE VACANCIES, APPOINTMENTS AND REPORTS

B1. Report from Finance and Audit Committee ([Attachment](#))

Report was presented by Committee Members Honor Huntington and Jeffrey Child.

B2. Transportation Commission quarterly report on the status of their 2-Year Work Plan

Report was presented by Chair Bianca Walser.

ACTION: By consensus the Council requested that the Commission provide a preliminary report to the Council on why changes are needed on the Neighborhood Traffic Management Plan (NTMP). At the time the preliminary report is presented to the Council, they will determine if they want the Commission to move forward on changes to the NTMP.

Public Comment

- Barbara Hunter read a letter asking why the Neighborhood Transportation Management Plan is still being investigated for change. ([Letter](#))

B3. Environmental Quality Commission quarterly report on the status of their 2-Year Work Plan

Report was presented by Chair Mitch Slomiak.

C. PUBLIC COMMENT #1

- Michelle Sutton read a letter regarding her recent dismissal from the gymnastics program.
- Barbara Ortez read a letter from her son regarding the dismissal of Michelle Sutton. ([Letter](#))
- Chwinn Cosgrove showed two videos on Shen Yun 2013.
- Debbie Mukamal spoke in support of Michelle Sutton.
- Lindsey Fisher read a letter of support regarding the gymnastics teacher Michelle Sutton.
- Whitney McKiernan spoke in support of gymnastics teacher Michelle Sutton and requested an investigation into her dismissal.
- Laura Ruetters spoke in support of gymnastics teacher Michelle Sutton and asked for support to find a resolution to the issues in the gymnastics program.
- Vincent Bresler spoke regarding the El Camino Real Downtown Specific Plan and the success it had at the Planning Commission meeting last night. He further commented on the Stanford project and requested that the Council add it to a future agenda

NOTE: Vice Mayor Mueller has a conflict of interest with the Stanford Project and left the meeting at 8:18 p.m. and returned at 8:20 p.m.

- Scott Marshall spoke regarding the environmental projects in the Capital Improvement Projects and asked that the Council fund the canopy tree project that is currently unfunded.
- Cherie Zaslowsky requested a moratorium on projects over 3 stories within the El Camino Real Downtown Specific Plan area until such time as it can be further discussed and evaluated.

NOTE: Vice Mayor Mueller has a conflict of interest with the Stanford Project and left the meeting at 8:21 p.m. and returned at 8:23 p.m.

- Elias Blawie spoke regarding the minutes for the February 4, 2013 meeting, noting that there is no video for the meeting.

D. CONSENT CALENDAR

ACTION: Motion and second (Cline/Keith) to approve the consent calendar with exception to Item D4 as presented, (Mayor Ohtaki abstained for Item D1) passes unanimously.

D1. Authorize the Public Works Director to accept the work performed by Amland Corporation for the Santa Cruz Avenue/Elder Avenue Traffic Signal Installation Project
([Staff report #13-026](#))

NOTE: Mayor Ohtaki announced that he is recused from Item D1 due to his property and therefore is recused from the item.

- D2.** Authorize the Public Works Director to accept the work performed by JJR Construction, Inc. for the Woodland Avenue Sidewalk Project ([Staff report #13-027](#))
- D3.** Authorize the City Manager to enter into an agreement with Telecommunications Engineering Associates to purchase and install replacement radio equipment in an amount not to exceed \$130,000 pursuant to approved Capital Improvement Project ([Staff report #13-028](#))
- D5.** Approve a second amendment to the Purchase and Sale Agreement with Greenheart Land Company for the sale of property owned by the former Menlo Park Redevelopment Agency located at 777-821 Hamilton Avenue, reducing the sale price from \$8.0 million to \$7.650 million and to extend the time to obtain State Department of Finance approval to April 30th as required ([Staff report #13-030](#)) **NOTE:** This item is for the Successor Agency
- D6.** Authorize the City Manager to execute an agreement between the City of Menlo Park and the Cable Joint Powers Agency for storage and operation of institutional network equipment ([Staff report #13-029](#))
- D7.** Authorize the City Manager to execute an agreement with Packet Fusion and CDWG in a combined amount not to exceed \$300,000 for Voice Over Internet Protocol (VoIP) ([Staff report #13-034](#))
- D4.** Accept minutes for the Council meetings of February 4 and 12, 2013 ([Attachment](#))
Item pulled by Kirsten Keith to suggest a wording change.

Page 3, paragraph 1 of the minutes for Item E: add at the end of the paragraph “the current permit will expire.”

ACTION: Motion and second (Keith/Cline) to accept the minutes for February 12, 2013 as amended and February 4, 2013 passes unanimously.

E. PUBLIC HEARINGS

There were no public hearings scheduled.

F. REGULAR BUSINESS

- F1.** Consider appeal of staff determination to issue a revocable encroachment permit to construct a driveway on the Louise Street frontage of the property at 1825 Santa Cruz Avenue or adopt a resolution vacating and abandoning a portion of Louise Street ([Staff report #13-031](#))

NOTE: Vice Mayor Mueller announced that he has a conflict due to the proximity of his property to the project and is therefore recused from participating in the item and left the meeting at 8:33 p.m.

Staff presentation by Ruben Nino, Assistant Public Works Director ([PowerPoint](#)) ([Additional Correspondence](#))

The appellants KiranKidi Kapany, Louise Dederer and Michael Hubly made a presentation to the Council. ([PowerPoint](#))

The applicant, Sam Sinnott, made a presentation to the City Council. ([PowerPoint](#))([Letter](#))

Public Comment

- Darrel Tate, previous owner of 1825 Santa Cruz Avenue, provided the history of the property while he owned the property.
- Lauren Barbieri spoke in support of the appeal.
- Michael Schwarz spoke in support of the appeal and addressed items in the applicant's presentation.
- Dominik Beck spoke in support of the appeal.
- Lee Altschuler spoke against an encroachment permit and provided a copy of the instructions. ([Handout](#))
- Sam Perry spoke in support of the appeal.
- Mark Goldsmith spoke in support of the appeal and in support of the abandonment.
- Alexandra Schelberg-Pols reside on Santa Cruz and use the pedestrian access to the rear of 1825 Santa Cruz Avenue onto Louise Street and spoke in support of the appeal due to safety. She is supportive of pedestrian access only.
- Marta Nichols spoke in support of the appeal and commented on landscape being removed on the space.
- Brad Taylor spoke in support of the appeal and in support of the abandonment.
- John Brock spoke in support of the appeal and is opposed to the developer's plans.
- Jennifer Geballe spoke in support of the appeal and stated that if the driveway is allowed, it will cross a current driveway on Louise Street.
- William Peterson spoke in opposition of the appeal, stating that there is currently illegal parking that is blocking the access to the Santa Cruz property.
- Monica Corman spoke in opposition of the appeal and support the staff recommendation as the applicant has the legal right to rebuild the driveway.
- Scott Oesterling spoke in support of the appeal.
- Scott Morrow spoke in support of the appeal.
- Carolyn Dorsch spoke in support of the appeal and enjoys the green open space at the end of the street.
- Henry Riggs suggested separating the issues. He went by the property and there are two parking spots in the right-of-way and stated that the applicant is going through the proper procedures.
- Lorrie Sinnott spoke in opposition of the appeal and spoke to precedents regarding the property on Louise: vehicles parking in the right-of-way on a continual basis, parking enforcement not being done, and work on Louise Street being completed without permits. ([Letter](#))

The council took a brief recess from 10:02 – 10:09 p.m.

ACTION: Motion and second (Keith/Cline) to approve the appeal and deny the issuance of a revocable encroachment permit to construct a driveway on the Louise Street frontage of the property at 1825 Santa Cruz Avenue passes 3-1-1 (Noes: Carlton; Recused: Mueller).

ACTION: Motion and second (Cline/Keith) to approve **Resolution No. 6125** a resolution of intention to abandon a portion of Louise Street passes 4-0-1 (Recused: Mueller).

Vice Mayor Mueller returned to the meeting at 11:30 p.m.

F2. Adopt a resolution appropriating a total of \$400,000 from the Below Market Rate Housing Fund for FY 2012-2013; authorize the City Attorney and City Manager to take all steps necessary to resolve and settle the lawsuit filed by the City of Menlo Park against the

owners of 25 Riordan Place and the mortgage holder, and to obtain possession of the property located at 25 Riordan Place and retain the home in the City's BMR Program
([Staff report #2013-033](#))

Staff presentation by Bill McClure, City Attorney

ACTION: Motion and second (Ohtaki/Cline) to approve **Resolution No. 6126** appropriating a total of \$400,000 from the Below Market Rate Housing Fund for FY 2012-2013; authorize the City Attorney and City Manager to take all steps necessary to resolve and settle the lawsuit filed by the City of Menlo Park against the owners of 25 Riordan Place and the mortgage holder, and to obtain possession of the property located at 25 Riordan Place; bring the item back to determine keeping the house in the BMR program; and refer the information to the District Attorney for prosecution of the Salcedos passes unanimously.

F3. Consider request of Mayor Pro Tem Mueller to discuss and vote on whether to reconsider the City Council decision on March 5, 2013, regarding an appeal of the Planning Commission action regarding 1976 Menalto Avenue--action limited to vote on whether to reconsider--actual discussion of merits and whether to modify prior decision would be agendaized for a future meeting date ([Attachment](#))

Presentation by Mayor Pro Tem Ray Mueller

Public Comment

- Scott Marshall stated that there is no new information and is opposed to reconsideration of this item.
- Billy McNair stated that there is new information and he is appreciative for this reconsideration. ([PowerPoint](#))
- Manfred Kopsis spoke in opposition of reconsideration of the item.
- Jason Watson spoke in opposition of reconsideration of the item as there is no new information.
- Cathy Moran spoke in opposition of reconsideration of the item and the project as it is important to the neighbors.
- Michelle Daher spoke in opposition of reconsideration of the item and is discouraged with the process.
- Shannon Thoke stated that there was a very good discussion with the developer and there was progress; however if the item is reconsidered that progress will stop.

ACTION: Motion by Vice Mayor Mueller to reconsider the City Council decision on March 5, 2013, regarding an appeal of the Planning Commission action regarding 1976 Menalto Avenue and without a second the motion was withdrawn.

F4. Approve a comment letter on the Notice of Preparation for an Environmental Impact Report for the Peninsula Corridor Electrification Project ([Staff report #13-032](#))

NOTE: City Attorney Bill McClure announced that he has a conflict due to the proximity of his office property to the project and Vice Mayor Mueller announced he has a conflict due to the proximity of former property and are therefore recused from participating in the item and left the meeting at 12:44 a.m.

Staff presentation by Chip Taylor, Director of Public Works

ACTION: Motion and second (Cline/Keith) to approve the comment letter as amended passes 4-0-1 (Recused: Mueller).

Vice Mayor Mueller returned to the meeting at 12:54 a.m.

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
There were no legislative items discussed.

G. CITY MANAGER'S REPORT

There was no City Manager report given.

H. WRITTEN COMMUNICATION

There were no written communications.

I. INFORMATIONAL ITEMS

I1. Review of the City's Investment Portfolio as of December 31, 2012 ([Staff report #13-025](#))
There was no staff presentation or Council questions on the item.

I2. Quarterly financial review of General Fund operations as of December 31, 2012
([Staff report #13-036](#))
There was no staff presentation on the item and Finance Director Carol Augustine answered Council questions.

I3. Update on the Housing Element environmental review ([Staff report #13-035](#))
There was no staff presentation or Council questions on the item.

J. COUNCILMEMBER REPORTS

Council Members reported their participation in meetings in compliance with AB1234 requirements.

K. PUBLIC COMMENT #2

There were public comments made.

L. ADJOURNMENT

The meeting was adjourned at 1:03 a.m.



Margaret S. Roberts, MMC
City Clerk

Minutes accepted at the Council meeting of March 26, 2013