



CITY COUNCIL SPECIAL AND REGULAR MEETING MINUTES

Tuesday, June 11, 2013
5:30 P.M.

701 Laurel Street, Menlo Park, CA 94025
City Council Chambers

5:30 P.M. CLOSED SESSION (1st floor Council Conference Room, Administration Building)

Public Comment on these items will be taken prior to adjourning to Closed Session

CL1. Closed Session pursuant to Government Code section 54957.6 to conference with labor negotiators regarding labor negotiations with the Police Officers Association (POA) and Police Management Association (PMA)

Attendees: Alex McIntyre, City Manager, Starla Jerome-Robinson, Assistant City Manager, Bill McClure, City Attorney, Gina Donnelly, Human Resources Director

CL2. Closed Session with legal counsel pursuant to Government Code Section 54956.9(b)(1) regarding potential litigation: 1 case

7:00 P.M. REGULAR SESSION

ROLL CALL – Mayor Ohtaki called the meeting to order at 7:08 p.m. with all members present.

Mayor Ohtaki led the pledge of allegiance.

REPORT FROM CLOSED SESSION

There is no report from the closed session items held earlier.

ANNOUNCEMENTS

There were no announcements.

A. PRESENTATIONS AND PROCLAMATIONS - None

B. COMMISSION/COMMITTEE VACANCIES, APPOINTMENTS AND REPORTS

B1. Environmental Quality Commission report on the status of their 2-year Work Plan
Commissioner Chris DeCardy presented the status report

B2. Consider applicants for appointment to fill one vacancy on the Bicycle Commission and one vacancy on the Environmental Quality Commission ([Staff report #2013-106](#)). Acting City Clerk Aguilar informed the Council that one candidate for the Environmental Quality Commission, Elizabeth Houck, requested her application be withdrawn from consideration.

ACTION: Councilmember Keith nominated Fred Berghout. Mayor Pro Tem Mueller nominated David Axelrod.

ACTION: Receiving a majority of votes (Cline, Carlton, Keith), Fred Berghout is appointed to the Bicycle Commission for a term to expire April 2016.

ACTION: By acclamation, Deborah Martin is appointed to the Environmental Quality Commission for a term to expire April 2017.

Public Comment:

- Deborah Martin thanked the Council and stated that she looks forward to working with the Commission.

C. PUBLIC COMMENT #1 (Limited to 30 minutes)

Public Comment:

- Fran Dehn announced the opening of Refuge restaurant, the Tip a Cop event at Stacks on June 13th and the downtown block party on June 19th.
- Kristen Gracia spoke regarding the Safe Routes to Oak Knoll School Plan ([handout](#))
- Tom Jackson spoke regarding Secondary Dwellings.
- Ed Davila spoke regarding the Safe Routes to Oak Knoll School Plan.
- Gwen Campbell spoke in support of the Safe Routes to Oak Knoll School Plan.

CONSENT CALENDAR

- D1.** Authorize the City Manager to enter into a contract with Kidango Foods in an amount not to exceed \$78,464 for the delivery of food services at the Belle Haven Child Development Center for FY 2013-14 ([Staff report #13-093](#))
- D2.** Award a construction contract for traffic signal modification at the intersection of Sand Hill Road and Branner Drive to W. Bradley Electric, Inc. in the amount of \$61,000.00 and authorize a total budget of \$71,700.00 for construction, contingencies, material testing, inspection and construction administration ([Staff report #13-094](#))
- D3.** Authorize the City Manager to enter into a cost-sharing agreement with West Bay Sanitary District for an amount not to exceed \$300,000 for the resurfacing of various streets including Oakhurst Place, Hedge Road, Del Norte Avenue, Flood Park, Dunsmuir Way, Greenwood Place, Greenwood Drive, and a portion of Bay Road, including minor drainage improvements ([Staff report #13-095](#))
- D4.** Approve and implement the Oak Knoll School Safe Routes to School Plan ([Staff report #13-096](#))([presentation](#))
- D5.** Approve the draft public outreach and development agreement negotiation process and authorize the City Manager to approve a contract with ICF International in the amount of \$471,406 and future augments as may be necessary to complete the Environmental Impact Report and Fiscal Impact Analysis for the SRI Campus Modernization Project ([Staff report #13-097](#))
- D6.** Waive the reading and adopt an ordinance to amend Chapter 16.79 (Secondary Dwelling Units of Title 16 (Zoning) of the Menlo Park Municipal Code ([Staff report #13-098](#))
- D7.** Authorize the City Manager to execute a sixty-day extension to the existing agreement between the City of Menlo Park and Redflex Traffic Systems, Inc. for its Photo Red Light Enforcement Program ([Staff report #13-108](#))
- D8.** Accept minutes from the Council meeting of April 16, 2013 ([Attachment](#))

Mayor Ohtaki requested agenda item D4, and Councilmember Carlton requested agenda items D4, D6, D7 and D8 be pulled from the Consent Calendar for further discussion.

ACTION: Motion/second (Cline/Keith) to approve Consent Calendar items D1, D2, D3 and D5 passes unanimously.

Public Works Director Chip Taylor and Mark Spencer of W. Trans responded to Council questions regarding D4, Approve and Implement the Safe Routes to Oak Knoll School Plan.

ACTION: Motion/second (Keith/Cline/Ohtaki) to approve Consent Calendar item D4, Approve and Implement the Safe Routes to Oak Knoll School Plan, with a friendly amendment that the plan be reviewed after one year passes unanimously.

ACTION: Motion/second (Carlton/Ohtaki) to reintroduce agenda item D6, an Ordinance to amend Chapter 16.79 [Secondary Dwelling Units of Title 16 (Zoning)] of the Menlo Park Municipal Code, with a modification allowing an additional 100 square feet for ADA compliance fails (2-3; Cline, Keith and Mueller dissent)

ACTION: Motion/second (Cline/Keith) to adopt an **Ordinance 1000** amending Chapter 16.79 (Secondary Dwelling Units of Title 16 (Zoning) of the Menlo Park Municipal Code as presented passes unanimously.

City Attorney McClure responded to Council questions regarding Consent Calendar item D7, Authorize the City Manager to execute a sixty-day extension to the existing agreement between the City of Menlo Park and Redflex Traffic Systems, Inc. for its Photo Red Light Enforcement Program.

ACTION: Motion/second (Cline/Keith) to authorize the City Manager to execute a sixty-day extension to the existing agreement between the City of Menlo Park and Redflex Traffic Systems, Inc. for its Photo Red Light Enforcement Program passes unanimously

In response to Councilmember Carlton regarding item D7, Accept minutes from the the April 16th Council meeting, Acting City Clerk Aguilar stated she recalled speaker Hugh MacDonald but could not discern his position. (Clerk Aguilar was not present at the April 16th meeting)

At the request of Councilmember Carlton, the April 16th minutes are continued to the next Council meeting for approval.

D. PUBLIC HEARINGS

E1. Adopt a resolution recommending that the San Mateo County Flood Control District impose basic and additional charges for funding the fiscal year 2013-14 countywide National Pollutant Discharge Elimination System general program ([Staff report #13-099](#))
Staff presentation by Assistant Public Works Director Ruben Nino

Mayor Ohtaki opened the public hearing. There was no public comment.

ACTION: Motion/second (Cline/Keith) to close public hearing passes unanimously.

ACTION: Motion/second (Keith/Carlton) to adopt **Resolution 6154** recommending that the San Mateo County Flood Control District impose basic and additional charges for funding the fiscal year 2013-14 countywide National Pollutant Discharge Elimination System general program 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 2013-14 ([Staff report #13-100](#))

Staff presentation by Assistant Public Works Director Ruben Nino

Mayor Ohtaki opened the public hearing. There was no public comment.

ACTION: Motion/second (Cline/Keith) to close the public hearing passes unanimously.

ACTION: Motion/second (Cline/Keith) to adopt **Resolution 6155** authorizing collection of a regulatory fee at existing rates to implement the local City of Menlo Park Storm Water Management Program for Fiscal Year 2013-14 passes unanimously

E3. 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 Sidewalk and Tree Assessments for the City of Menlo Park Landscaping Assessment District for Fiscal Year 2013-14 ([Staff report #13-101](#))

Staff presentation by Assistant Public Works Director Ruben Nino

Mayor Ohtaki opened the public hearing. There was no public comment.

ACTION: Motion/second (Cline/Keith) to close the public hearing passes unanimously.

ACTION: Motion/second (Carlton/Cline) to adopt **Resolution 6156** overruling protests, ordering the improvements, confirming the diagram and ordering the Levy and Collection of Assessments at the existing fee rates for Sidewalk and Tree Assessments for the City of Menlo Park Landscaping Assessment District for Fiscal Year 2013-14 passes unanimously.

F. REGULAR BUSINESS

F1. Adoption of Resolutions: Adopting the 2013-14 Budget and Capital Improvement Program for the City of Menlo Park; Establishing the appropriations limit for Fiscal Year 2013-14; Establishing a consecutive temporary tax percentage reduction in Utility Users Tax Rates; and amending the Management and Confidential Compensation System ([Staff report #13-102](#))([presentation](#))

Staff presentation by City Manager Alex McIntyre

ACTION: Motion/second (Carlton/Keith) to adopt **Resolution 6157** approving the fiscal year 2013-14 Budget and Capital Improvement Program for the City of Menlo Park, **Resolution 6158** establishing the appropriation limit for fiscal year 2013-14 and **Resolution 6159** establishing a Consecutive Temporary Tax reduction in Utility Users Tax rates, and for staff to bring back a resolution regarding amending the Management and Confidential Compensation System at a later date for further consideration passes unanimously.

F2. Approval of the following Items related to the Housing Element: 1) Work Program for Implementation of Housing Programs for Zoning Amendments to address emergency shelters, transitional and supportive housing, and reasonable accommodations and the Housing Element Update for the 2014-2022 planning period; 2) Authorization for the City Manager to enter into consulting services in an amount not to exceed \$70,000 to complete the Work Program; and 3) Re-establishment of a Housing Element Steering Committee and appointment of two Council Members ([Staff report #13-103](#))

Staff presentation by Community Development Manager Justin Murphy and Senior Planner Deanna Chow

ACTION: Motion/second (Cline/Keith) to approve the following items related to the Housing Element: 1) Work Program for Implementation of Housing Programs for Zoning Amendments to address emergency shelters, transitional and supportive housing, and reasonable accommodations and the Housing Element Update for the 2014-2022 planning period; 2) Authorization for the City Manager to enter into consulting services in an amount not to exceed \$70,000 to complete the Work Program; and 3) Re-establishment of a Housing Element Steering Committee and appointing Mayor Ohtaki and Councilmember Cline passes unanimously.

F3. Approve the retention of 25 Riordan Place in the Below Market Rate (BMR) Program and support appropriation of BMR Funds as needed to prepare the unit for sale or provide direction to sell the property for fair market value ([Staff report #13-104](#))([presentation](#))
Staff presentation by Community Services Director Cherise Brandell

ACTION: Motion/second (Keith/Ohtaki) to approve an appropriation of \$40,000 in BMR Funds to prepare the unit at 25 Riordan Place to sell at full fair market value with the amendment to authorize the City Manager to execute all documents associated with listing the property, conveying the property, retaining a real estate broker, entering into a commission agreement, performing work and accepting highest offer passes 4-1 (Cline dissents).

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:
(1) Request from Council Member Keith requesting the City Council take a position on AB188 (Ammiano) Property Taxation: Change in Ownership ([Staff report #13-110](#))
Staff presentation by City Manager Alex McIntyre

Councilmember Keith requested this item be continued to the July 16th Council meeting in order to gather more information, and specifically to respond to Mayor Ohtaki's questions regarding spouse living trust.

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 2012-13 ([Staff report #13-105](#))

The report was accepted with no Council discussion.

I2. Status report regarding labor negotiations ([Staff report #13-109](#))
The report was accepted with no Council discussion.

J. COUNCILMEMBER REPORTS

J1. 500 El Camino Real Subcommittee report ([Staff report #13-107](#))
Economic Development Manager Jim Cogan provided a brief update and Transportation Manager Jesse Quirion responded to Council questions.

Public Comment:

Stefan Petry thanked the subcommittee for holding a meeting with residents regarding traffic study information.

K. PUBLIC COMMENT #2

- Wynn Grcich spoke regarding fracking ([handout](#)).

L. ADJOURNMENT

The meeting was adjourned at 10:18 p.m.



Pamela Aguilar
Acting City Clerk

Minutes accepted at the Council meeting of July 16, 2013.