



## CITY COUNCIL SPECIAL MEETING MINUTES

Tuesday, July 15, 2014 at 6:00 PM  
City Council Chambers  
701 Laurel Street, Menlo Park, CA 94025

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### **6:00 P.M. CLOSED SESSION (1<sup>st</sup> floor Council Conference Room, Administration Building)**

There was no public comment.

**CL1.** Closed Session pursuant to Government Code Section §54957 to conference with labor negotiators regarding labor negotiations with the Police Officers Association (POA) and Service Employees International Union (SEIU)

Attendees: Alex McIntyre, City Manager, Starla Jerome-Robinson, Assistant City Manager, Bill McClure, City Attorney, Gina Donnelly, Human Resources Director, Drew Corbett, Finance Director, and Charles Sakai, Labor Attorney

### **6:30 P.M. SPECIAL SESSION**

Mayor Mueller called the meeting to order at 6:38 p.m. with all Councilmembers present.

Mayor Mueller led the pledge of allegiance.

### **REPORT FROM CLOSED SESSION**

There was no reportable action from the Closed Session held earlier.

### **ANNOUNCEMENTS**

**S1.** Consider approval of the Terms of an Agreement between the City of Menlo Park and the Service Employees International Union, Local 521 ([Staff report #14-121](#))  
Human Resources Director Gina Donnelly briefly introduced the item.

**ACTION:** Motion and second (Cline/Ohtaki) to approve the Terms of an Agreement between the City of Menlo Park and the Service Employees International Union, Local 521 passes unanimously.

### **Item D. CONSENT CALENDAR was called out of order.**

There was no public comment on the Consent Calendar items.

### **D. CONSENT CALENDAR**

**D1.** Adopt **Resolution 6213** authorizing the City Manager to execute a contract with the State of California Department of Education to reimburse the City up to \$630,501 for child care services at the Belle Haven Child Development Center for fiscal year 2014-15 ([Staff report #14-120](#))

**D2.** Adopt **Resolution 6214** of the City's intention to abandon public utility easements within the property at 721 - 851 Hamilton Avenue (Greenheart Apartments)  
([Staff report #14-123](#))

**D3.** Adopt **Resolution 6215** accepting the on-site and off-site improvements and authorizing the release of the bonds for The Artisan subdivision located at 389 El Camino Real  
([Staff report #14-122](#))

**ACTION:** Motion and second (Cline/Ohtaki) to approve all items on the Consent Calendar passes unanimously.

## **7:00 P.M. REGULAR SESSION**

### **A. PRESENTATIONS AND PROCLAMATIONS**

**A1.** Proclamation recognizing the 1964 Civil Rights Act ([Attachment](#))  
Library employee, Mike Flanagan, accepted the proclamation.

**A2.** Proclamation recognizing Tom Gibboney - Retiring Editor of the Almanac  
([Attachment](#))  
Tom Gibboney accepted the proclamation.

**A3.** Proclamation declaring July 2014 as Parks and Recreation Month ([Attachment](#))  
Community Services Manager Derek Schweigart introduced staff members Leno Jones and Natalya Jones. Parks and Recreation Commissioner Marianne Palefsky accepted the proclamation. ([Presentation](#))

**A4.** Proclamation declaring August 11 as National Safe-Digging Day ([Attachment](#))  
Bill Chiang of PG&E accepted the proclamation.

**At this time, Item B1 was called out of order.**

**B1.** Parks and Recreation Commission quarterly report on the status of their 2 Year Work Plan ([Attachment](#))  
Commission Chair Marianne Palefsky gave the report.

**At this time, Item I1 was called out of order.**

**I1.** Menlo Movie Series ([Staff report #14-129](#))  
Economic Development Manager Jim Cogan provided information regarding the event.

**A5.** Update on El Camino Corridor Study and Right-turn Lane at Ravenswood Avenue  
([Presentation](#))  
Interim Transportation Manager Nikki Nagaya made a presentation.

### **B. COMMISSION/COMMITTEE VACANCIES, APPOINTMENTS AND REPORTS**

**B1.** Parks and Recreation Commission quarterly report on the status of their 2 Year Work Plan ([Attachment](#))  
This item was called earlier in the meeting

**C. PUBLIC COMMENT #1**

- Elizabeth Houck spoke against using round up and establishing a well, and asked the Council to listen to the community
- Michael Francois spoke regarding police conduct and regarding the senior center in East Palo Alto
- Alisa Yaffa spoke regarding lanes and traffic on El Camino Real

**E. PUBLIC HEARING - None**

**F. REGULAR BUSINESS**

At this point, City Attorney McClure recused himself from hearing this item due to a conflict of interest that his business office is in proximity to the location that is the subject of this item. Mr. McClure exited the council chambers at 8:00 p.m.

- F1.** An Initiative Measure Proposing Amendments to the City of Menlo Park El Camino Real/Downtown Specific Plan Limiting Office Development, Modifying Open Space Requirements, and Requiring Voter Approval for New Non-Residential Projects that Exceed Specified Development Limits

City Manager McIntyre introduced Special Counsel Greg Stepanicich and Consultant Lisa Wise.

- (a) Approve a Resolution accepting the certification of the City Clerk as to the sufficiency of the initiative petition entitled “An Initiative Measure Proposing Amendments to the City of Menlo Park El Camino Real/Downtown Specific Plan Limiting Office Development, Modifying Open Space Requirements, and Requiring Voter Approval for New Non-Residential Projects that Exceed Specified Development Limits” ([Staff report #14-125](#))

City Clerk Pamela Aguilar gave a brief presentation. ([Presentation](#))

**ACTION:** Motion and second (Keith/Carlton) to approve **Resolution 6216** accepting the certification of the City Clerk as to the sufficiency of the initiative petition entitled “An Initiative Measure Proposing Amendments to the City of Menlo Park El Camino Real/Downtown Specific Plan Limiting Office Development, Modifying Open Space Requirements, and Requiring Voter Approval for New Non-Residential Projects that Exceed Specified Development Limits” passes unanimously.

- (b) Receive report from Lisa Wise Consulting, Inc. regarding the analysis of potential impacts of the initiative petition entitled “An Initiative Measure Proposing Amendments to the City of Menlo Park El Camino Real/Downtown Specific Plan Limiting Office Development, Modifying Open Space Requirements and Requiring Voter Approval for New Non-Residential Projects that Exceed Specified Development Limits” and determine if further analysis is necessary ([Staff report #14-128](#))([Presentation](#))

Consultant Lisa Wise gave a presentation.

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Brielle Johnck and Patti Fry spoke on behalf of the proponents of the petition. ([handout](#)) ([Presentation](#))

Public Comment:

- Susan Connelly spoke regarding safety issues and the need for more retail space
- Henry Riggs spoke in opposition of the initiative petition and regarding the community outreach process
- Mickie Winkler expressed concern regarding the exposure to litigation the City may face if the initiative passes
- Lee Duboc encouraged the Council to support its policy and that they have public support
- Heyward Robinson spoke in support of the initiative petition. He commented on the consultant's report and concerns regarding jobs-housing imbalance, open space and fiscal impact resulting in less revenue ([handout](#))
- Roy Thiele-Sardina spoke in opposition of the initiative petition and regarding traffic ([presentation](#))
- Andrew Boone spoke regarding the guiding principles of the Specific Plan and better bike connectivity on El Camino Real
- Shirley Chiu spoke in opposition to the initiative petition
- Clem Moloney spoke in support of the community process that produced the Specific Plan and expressed concern regarding traffic and smart growth
- Charlie Bourne spoke regarding the draft EIR, the Stanford project, and traffic impacts
- Gary Wesley stated the initiative process is good
- Steve Elliott, Stanford, spoke in opposition to the initiative and stated there is a lot of misinformation regarding the Stanford project ([letter](#))
- Ted Schlein spoke about the community process and in opposition of the initiative petition and stated the Council should oppose it
- George Fisher spoke regarding the EIR, office space and traffic, and in support of the initiative petition
- Adina Levin encourage Council to oppose the initiative and seek alternate ways to address the concerns that have been expressed about the Specific Plan
- Alisa Yaffa expressed concern regarding traffic mitigation
- Sue Kayton spoke regarding potential law suits and unintended consequences if the initiative passes ([presentation](#))
- John Boyle spoke regarding the consultant's report, potential projects and uses, and in opposition to the initiative petition
- Steve Schmidt spoke regarding past projects and politics, and in support of the initiative petition for fixing the Specific Plan
- Katie Ferrick spoke regarding unintended consequences, housing affordability, sound environmental policy, and business consequences and against the initiative petition

Ms. Wise and staff responded to Council questions and discussion ensued regarding the following areas: ADT (average daily trips), trip generation scenarios, plaza design, setbacks and parking structures, jobs-housing balance, public benefit, open space

definition, retail and hotel traffic impacts and revenues, underpass, potential plans for the proposed Stanford and Greenheart projects if the initiative passes.

**ACTION:** Motion and second (Keith/Cline) to receive the report from Lisa Wise Consulting, Inc. regarding the analysis of potential impacts of the initiative petition entitled “An Initiative Measure Proposing Amendments to the City of Menlo Park El Camino Real/Downtown Specific Plan Limiting Office Development, Modifying Open Space Requirements and Requiring Voter Approval for New Non-Residential Projects that Exceed Specified Development Limits” passes unanimously

(c) Adopt an Ordinance Approving an Initiative Measure Proposing Amendments to the City of Menlo Park El Camino Real/Downtown Specific Plan Limiting Office Development, Modifying Open Space Requirements, and Requiring Voter Approval for New Non-Residential Projects that Exceed Specified Development Limits; OR

Adopt a Resolution Calling and Giving Notice of a Municipal Election to Be Held on November 4, 2014 as Required by the Provisions of the Laws of the State of California to General Law Cities and Submitting to the Voters a Question Relating to an Initiative Measure; Directing Special Counsel to Prepare an Impartial Analysis; Directing Special Counsel and the City Clerk to Prepare the Documents Necessary to Place the Initiative on the Ballot; and Requesting the County of San Mateo to Consolidate a Municipal Election to be Held with the General Statewide Election on November 4, 2014 Pursuant to Elections Code Section 10403

[\(Staff report #14-127\)](#)

Public Comment:

- Ernst Meisner spoke regarding open space and in support of the current Specific Plan

**ACTION:** Motion and second (Keith/Ohtaki) to approve a resolution calling and giving notice of a municipal election to be held on November 4, 2014 as required by the provisions of the laws of the State of California to General Law cities and submitting to the voters a question relating to an Initiative Measure; directing Special Counsel to prepare an Impartial Analysis; directing Special Counsel and the City Clerk to prepare the documents necessary to place the Initiative on the ballot; and requesting the County of San Mateo to Consolidate a Municipal Election to be held with the General Statewide Election on November 4, 2014 pursuant to Elections Code Section 10403 passes unanimously

**ACTION:** Motion and second (Keith/Ohtaki) to appoint Mayor Mueller and Councilmember Cline to a Council subcommittee to prepare the primary argument passes unanimously.

**ACTION:** Motion and second (Keith/Cline) to rescind the previous motion to adopt the resolution calling and giving notice of a municipal election passes unanimously.

**ACTION:** Motion and second (Keith/Ohtaki) to adopt resolution calling and giving notice of a Municipal election to be held on November 4, 2014 as required by the provisions of the laws of the State of California to General Law Cities and Submitting to the Voters a

Question Relating to an Initiative Measure; Directing Special Counsel to Prepare an Impartial Analysis; Directing Special Counsel and the City Clerk to Prepare the Documents Necessary to Place the Initiative on the Ballot; and Requesting the County of San Mateo to Consolidate a Municipal Election to be Held with the General Statewide Election on November 4, 2014 Pursuant to Elections Code Section 10403, with the amendment that the impartial analysis and primary arguments in support and in opposition to the initiative are due to the City Clerk by 12 noon on August 15th and rebuttal arguments are due by 12 noon on August 25th passes unanimously.

- F2.** Approve Option B for City Hall Improvements and authorize the City Manager to execute any necessary contracts associated with the City Hall Improvements and the Carpet Replacement Project, including any contract that exceeds the City Manager's current authority - Continued from 6/17  
([Staff report #14-124](#))([Presentation](#))

Interim Public Works Director Jesse Quirion gave a presentation.

**ACTION:** Motion and second (Cline/Ohtaki) to approve Option B design for City Hall improvements and passes 4-1 (Keith dissents). Staff received direction to bring back information regarding the cost of construction during normal business hours compared to the cost of construction when the building is not open to the public.

## **G. CITY MANAGER'S REPORT**

**G1.** Update regarding the Menlo Park Fire District  
City Manager McIntyre provided an update on the Station 6 upgrade project and some concerns of the Fire District regarding delays, and the environmental impact report that is underway.

Public Comment:

- Patti Fry spoke in support of the Station 6 renovation project

## **H. WRITTEN COMMUNICATION – None**

## **I. INFORMATIONAL ITEMS**

**I1.** Menlo Movie Series ([Staff report #14-129](#))  
This item was called earlier in the meeting.

## **J. COUNCILMEMBER REPORTS**

**J1.** Confirm attendance and delegates for the LCC Annual Conference September 3-5  
([Attachment](#))

It was confirmed and approved that Mayor Pro Tem Carlton will attend the conference as the City's Voting Delegate and Councilmember Keith will attend as the Voting Alternate.

## **K. PUBLIC COMMENT #2**

- John Boyle requested information regarding the procedures for preparing the primary and rebuttal arguments for the initiative

- Patti Fry expressed concerns regarding information that was stated by the City Manager regarding public benefit and issues with the consultant report

**L. ADJOURNMENT** at 1:54 a.m. on Wednesday, July 16, 2014



Pamela Aguilar  
City Clerk

These minutes were approved at the Council meeting of August 19, 2014.