



## CITY COUNCIL SPECIAL AND REGULAR MEETING MINUTES

Tuesday, August 19, 2014 at 6:00 PM  
City Council Chambers  
701 Laurel Street, Menlo Park, CA 94025

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### 6:00 P.M. STUDY SESSION

Mayor Mueller called the meeting to order at 6:18 p.m. with all councilmembers present.

**SS1.** Discuss implementing the State Water Resources Control Board's Emergency Mandatory Regulations for Water Conservation ([Staff report #14-147](#))

Staff presentation by Interim Public Works Director Jesse Quirion ([presentation](#)).

**ACTION:** Mayor Mueller summarized the next steps for staff to come back with a public outreach effort plan that includes a quantified dollar amount.

The Study Session ended at 7:01 p.m.

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

Mayor Mueller called the meeting to order at 7:02 p.m. with all members present.

Mayor Mueller led the pledge of allegiance.

### ANNOUNCEMENTS

#### A. PRESENTATIONS AND PROCLAMATIONS

**A1.** Proclamation honoring the Menlo Park Historical Association ([attachment](#))  
Mayor Mueller presented the proclamation to Jym Clendenin on behalf of the Menlo Park Historical Association.

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

**B1.** Environmental Quality Commission quarterly report on the status of their 2 Year Work Plan

Commission Chair Scott Marshall gave the report.

**B2.** Consider applicants for appointment to fill two vacancies on the Library Commission ([Staff report #14-135](#))

**ACTION:** By acclamation the following appointments were made for the Library Commission:

- Thomas McDonough – Term ending April 30, 2018
- Lynne Bramlett – Term ending April 30, 2018

**B3.** Consider applicants for appointment to fill three at-large positions, six Commissioner positions and two City Council positions to serve on the General Plan Advisory Committee ([Staff report #14-144](#))

**ACTION:** Motion and Second (Ohtaki/Keith) to expand committee to 13 members where at-large positions are increased from three to five passes unanimously.

**ACTION:** Motion and Second (Keith/Cline) to affirm Commission nominations, appoint 5 at-large positions to: Harry Bims, David Bohannon, Heidi Butz, Roger Royce, and Vince Bressler; and affirm Mayor Mueller and Councilmember Ohtaki as members of GPAC passes unanimously.

**B4.** Appointments to the Stanford Parcel Negotiation Subcommittee relating to the Specific Plan

**ACTION:** Motion and second (Mueller/Ohtaki) to restart the Stanford Parcel Negotiation subcommittee passes unanimously.

**ACTION:** Motion and second (Ohtaki/Cline) to nominate Mueller and Keith as members to the subcommittee passes unanimously.

**B5.** Report from Mayor Mueller regarding request to rename a portion of Hamilton Avenue in recognition of Reverend Hattie Bostic.

Public Comment:

- Brenda Robinson spoke in support of renaming street after Dr. Hattie Bostic
- Johnnie Walton spoke in support of renaming street after Dr. Hattie Bostic
- Jenell Armstrong spoke in support of renaming street after Dr. Hattie Bostic
- Jeffrey Wray spoke in support of renaming street after Dr. Hattie Bostic
- Bishop Teman L. Bostic Sr. spoke regarding his mother, Dr. Hattie Bostic and in support of renaming Hamilton Avenue after Dr. Hattie Bostic

Mueller advised that he will request that staff start the process of renaming the street after Dr. Hattie Bostic.

**B6.** Report from Mayor regarding follow up to request to remove train maintenance supplies from Dumbarton Rail Spur

Letter received dated August 19, 2014 addressed to the Mayor ([attachment](#)).

At this time Public Comment for Item B3 was called out of order.

Public Comment:

- Reginald Harris, GPAC nominee, spoke in regards to the appointed members of the committee and determining if they were residents of the Belle Haven neighborhood.

Council responded that three members appointed to the GPAC are residents of the Belle Haven neighborhood.

**C. PUBLIC COMMENT #1**

**NOTE:** City Attorney Bill McClure is recused from discussion on the Specific Plan and left the Council meeting during public comment on that topic at 7:53 p.m. and returned at 8:03 p.m.

- Heyward Robinson expressed concerns regarding the recent Menlo Focus newsletter, calling it propaganda and questioned the purpose for the additional report by Lisa Wise, stating that the report was not independent.
- Patti Fry asked Council and staff to provide more complete and impartial information regarding the specific plan with regards to the Lisa Wise report, the city website and city mailer.
- Courtney McDonald, organizer with local non-profit Evolve, requested Council to consider a resolution on the agenda of the next Council meeting to reform Proposition 13.

**D. CONSENT CALENDAR**

Mayor Pro Tem Catherine Carlton requested item D4, *Adopt a resolution authorizing the installation of stop signs on Monte Rosa Drive at Eastridge Avenue*, be tabled to the next Council meeting.

- D1.** Adopt a resolution no. 6219 to authorize the Bay Area Water Supply & Conservation Agency to initiate, defend, and settle arbitration to the Water Supply Agreement between San Francisco and the Wholesale Customers ([Staff report #14-138](#))
- D2.** Award a construction contract for the 2013-14 Water Main Replacement Project to Casey Construction, Inc. in the amount of \$1,225,505 and authorize a total construction budget of \$1,409,505 for construction and contingencies ([Staff report #14-146](#))
- D3.** Accept and appropriate \$427,000 from the Metropolitan Transportation Commission Surface Transportation Program Funding for the 2014-2015 Resurfacing of Federal Aid Routes Project STPL 5273(023), award a construction contract to C.F. Archibald Paving, Inc. in the amount of \$704,525 and authorize a total construction budget of \$904,525 for construction, construction engineering

and contingencies by utilizing the approved Street Resurfacing Project Budget ([Staff report #14-126](#))

- D4. Adopt a resolution authorizing the installation of stop signs on Monte Rosa Drive at Eastridge Avenue ([Staff report #14-137](#))
- D5. Authorize the City Manager to approve expenditures of up to \$172,000 for labor and employee relations consulting services to the Law Office of Renne, Sloan, Holtzman, and Sakai ([Staff report #14-142](#))
- D6. Adoption of amended salary schedule for Fiscal Year 2014-15 ([Staff report #14-143](#))
- D7. Adopt a resolution establishing the employee share of the employer pension contribution as a pre-tax contribution ([Staff report #14-145](#))
- D8. Adopt a resolution approving the revised investment policy for the City and the former Community Development Agency of Menlo Park ([Staff report #14-133](#))
- D9. Approve an appropriation of an additional \$15,000 and authorize the City Manager to amend the agreement, not to exceed a total of \$165,000, with Lisa Wise Consulting, Inc. for additional analysis of the potential impacts related to the Ballot Initiative to amend the Menlo Park El Camino Real/Downtown Specific Plan ([Staff report #14-148](#))
- D10. Accept minutes for the Council meetings of June 3, June 17, July 15 and August 6, 2014 ([Attachment](#))

**ACTION:** Motion and Second (Carlton/Ohtaki) to table Item D4 to the September 9, 2014 City Council meeting passes 4-1 (Mueller dissents).

**ACTION:** Motion and Second (Cline/Ohtaki) to approve items D1-D3 and D5-D10 on the Consent Calendar passes unanimously.

## E. PUBLIC HEARING

- E1. Consider the land use entitlements for the Commonwealth Corporate Center Project located at 151 Commonwealth Drive and 164 Jefferson Drive, including a request for a rezoning, conditional development permit, tentative parcel map, heritage tree removal permits, tentative parcel map, heritage tree removal permits, Below Market Rate agreement, Environmental Impact Report, and authorize the City Manager to execute a funding agreement to share in the cost of replacing a water main ([Staff report #14-140](#))

Staff presentation by David Hogan, Contract planner ([presentation](#))

Applicant presentation by Rich Trumpler ([presentation](#))

Mayor Mueller opened the Public Hearing at 8:41 p.m.

Public Comment

- Renu Nanda, Ravenswood Education Foundation, spoke in support of the Sobrato Family and Organization and their support to the community
- Peter Fourtenbaugh, Boys and Girls Club of the Peninsula, spoke in support of the Sobrato Organization
- Amy Wright, InnVision Shelter Network, spoke in support of Sobrato Family and Foundation as a community partner to InnVision Community network.
- Harry Bims, Chamber of Commerce, spoke in support of the Commonwealth Project and requested allocating funds to widening bike lane to a portion of Chilco Street and hopes the project will provide job opportunities for JobTrain graduates and the Belle Haven community.
- Fran Dehn spoke in support of the Commonwealth Project and states that the project benefits the M-2 area and approval of the project will meet five of the City Council goals # 1,2,3, 12 and 13.
- Jason Wurtz, Ravenswood Family Health Center, spoke in support of Sobrato Organization
- Steve Schmidbauer, Jobtrain, spoke in support of Sobrato Organization and their deep involvement in the community

**ACTION:** Motion and Second (Cline/Ohtaki) to close Public Hearing passes unanimously.

The council took a brief recess from 9:32 p.m. – 9:38 p.m.

**ACTION:** Motion and Second (Keith/Cline) taking the following actions, including two changes made to Section 10 of the Conditional Development permit to (1) increase guaranteed minimum Sales and Use Tax per year from \$75,000 to \$100,000 for a period of 10 years and (2) add an additional \$50,000 to the Capital Improvement Plan for the widening of the bike lane on a portion of Chilco passes unanimously.

- Approved Resolution No. 6222 certifying the Final Environmental Impact Report for the Commonwealth Corporate Center;
- Approved Resolution No. 6223 adopting findings required by CEQA, Statement of Overriding Considerations, and adopting the Mitigation Monitoring and Reporting Program for the property located at 151 Commonwealth Drive and 164 Jefferson Drive;
- Introduced an ordinance rezoning properties located at 151 Commonwealth Drive and 164 Jefferson Drive;
- Approved Resolution No. 6224 approving a Conditional Development Permit for property located at 151 Commonwealth Drive and 164 Jefferson Drive;

- Approved Resolution No. 6225 approving a Tentative Parcel Map for the properties located at 151 Commonwealth Drive and 164 Jefferson Drive;
- Approved Resolution No. 6226 approving the Heritage Tree Removal Permits for the properties located at 151 Commonwealth Drive and 164 Jefferson Drive;
- Approved Resolution No. 6227 approving a Below Market Rate Housing Agreement with the Sobrato Organization for the property located at 151 Commonwealth Drive and 164 Jefferson Drive;
- Authorized the City Manager to Execute a Funding Agreement to share in the cost of replacing a water main on the project site

At this time Public Comment #1 was called out of order.

#### Public Comment

- John Mooney spoke in regards to his letter regarding the property where Beechwood School is located.

Mayor Mueller requested Mr. Mooney to speak directly with Assistant City Manager Starla Jerome-Robinson.

## **F. REGULAR BUSINESS**

- F1.** Consider and introduce an Ordinance to amend Chapter 8.04 [Nuisances] of Title 8 [Peace, Safety and Morals] of the Menlo Park Municipal Code, to include payday lenders and auto title lenders as added nuisances ([Staff report #14-130](#))

Staff presentation by Police Commander Dave Bertini.

#### Public Comment

- Donsey Nunn spoke in support of banning payday lenders
- Kenia Najar, Youth United for Community Action, spoke in support of the Ordinance to ban payday lenders ([handout](#))
- Liana Molina, California Reinvestment Coalition, commended staff and Council and asked Council to encourage federal reform on payday lending to the Federal Consumer Financial Protection Bureau during their public comment
- Alejandro Suarez, student, spoke in support of the Ordinance to ban payday lenders and auto title lenders
- Saul Gonzalez, Samaritan House in San Mateo, spoke regarding payday lenders and the importance of financial education
- Zakiya Hussein, Youth Leadership Institute, spoke regarding Daly City recently banning payday lenders and in support of Menlo Park also banning payday lenders
- Eleanor Clement Glass, Silicon Valley Community Foundation commended the Police Chief and spoke in support of the Ordinance banning payday lenders and auto title lenders

- Keith Odgen, Community Legal Services in East Palo Alto, spoke in support of the Ordinance banning payday lenders and auto title lenders ([handout](#))

**ACTION:** Motion and Second (Ohtaki/Carlton) to introduce an Ordinance to amend Chapter 8.04 [Nuisances] of Title 8 [Peace, Safety and Morals] of the Menlo Park Municipal Code, to include payday lenders and auto title lenders as added nuisances passes unanimously.

- F2.** Presentation of information regarding employee compensation and receipt of public comment relating to upcoming labor negotiations with all units ([Staff report #14-141](#))

No public comment.

**ACTION:** Motion and second (Keith/Ohtaki) to accept the report passes unanimously.

- F3.** Provide direction regarding the resolution to be voted on at the League of California Cities Annual Conference ([Staff report #14-136](#))

No public comment.

**ACTION:** Motion and second (Carlton/Cline) to support the resolution passes unanimously

**G. CITY MANAGER'S REPORT – None**

**H. WRITTEN COMMUNICATION – None**

**I. INFORMATIONAL ITEMS**

- I1.** Quarterly financial review of General Fund operations as of June 30, 2014 ([Staff report #14-139](#))

- I2.** Review of the City's investment portfolio as of June 30, 2014 ([Staff report #14-134](#))

- I3.** Pending Council-directed amendments to the El Camino Real/Downtown Specific Plan ([Staff report #14-149](#))

- I4.** Update on the San Mateo County Mosquito & Vector Control District's recent mosquito fogging in Menlo Park ([Staff report #14-150](#))

Council spoke in regards to improving noticing to residents of future fogging. Staff provided instruction on how to receive notices through the City's website and the San Mateo County Mosquito & Vector Control District's website.

**J. COUNCILMEMBER REPORTS**

**J1.** Mayor Mueller's presentation was given at 5:00 p.m. this evening on Silicon Valley delegation's trip to China

Councilmember Keith reported on an update from San Francisquito Creek Joint Powers Authority (SFCJPA) stating the regional water board permit should be issued at the end of 30 day comment period

Councilmember Ohtaki thanked Economic Development Manager Jim Cogan for his work on bringing Hello Startups to Menlo Park.

Mayor Pro Tem Carlton thanked staff and Mayor Mueller for their efforts toward the Family Fitness Extravaganza event that occurred on August 13, 2014.

**K. PUBLIC COMMENT #2 (Limited to 30 minutes)**

There was no public comment.

**L. ADJOURNMENT at 10:33 p.m.**



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Nicole Mariano  
Deputy City Clerk

These minutes were approved at the Council meeting of November 18, 2014.