



REGULAR MEETING MINUTES

Date: 3/13/2018
Time: 6:00 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

6:00 p.m. Closed Session (City Hall - “Downtown” Conference Room, 1st Floor)

Mayor Ohtaki called the closed session to order at 6:11 p.m. No public comments were received.

Councilmembers Cline, Mueller and Ohtaki were present. Councilmember Keith participated by phone from Marriott Washington Wardman Park, Cleveland 1 Conference Room, 2660 Woodley Road, NW, Washington, DC 20008

- CL1.** Closed session conference with real property negotiators pursuant to Government Code §54956.8 regarding terms and conditions of lease for Burgess Pool facilities at 501 Laurel St. and Belle Haven Pool facilities at 100 Terminal Ave., with Tim Sheeper of Team Sheeper, Inc.

Attendees: City Manager Alex McIntyre, City Attorney Bill McClure, Community Services Director Derek Schweigart, Public Works Director Justin Murphy, Administrative Services Director Nick Pegueros

- CL2.** Closed session conference with legal counsel on anticipated litigation pursuant to Government Code §54956.9(d)(2) – one case

Attendees: City Manager Alex McIntyre, City Attorney Bill McClure

7:00 p.m. Regular Session (City Council Chambers)

A. Call to Order

Mayor Ohtaki called the meeting to order at 7:19 p.m.

B. Roll Call

Present: Cline, Ohtaki, Mueller
Councilmember Carlton participated by phone from 1209 W 8th St., Austin, TX 78703
Councilmember Keith participated by phone from the Marriott Washington Wardman Park, Cleveland 1 Conference Room, 2660 Woodley Road NW, Washington, DC 20008

Absent: None

Staff: City Manager Alex McIntyre, City Attorney Bill McClure, Deputy City Clerk Jelena Harada

C. Pledge of Allegiance

Mayor Ohtaki led the Pledge of Allegiance.

D. Report from Closed Session

There was no report from Closed Session.

E. Presentations and Proclamations

In recognition of California Arbor Day, Mayor Ohtaki acknowledged the planting of a tree at the Laurel School Upper Campus and presented a proclamation.

E1. Proclamation welcoming Mayor of Galway, Ireland

Mayor Ohtaki presented a proclamation to Mayor Pearce Flannery of Galway City, Ireland.

F. Study Session

F1. Consider and provide direction regarding (1) updating the City's Below Market Rate Housing Ordinance and Below Market Rate Program Guidelines and (2) updating the community amenities required for bonus level development in the Residential Mixed-Use zoning district (Staff Report #18-052-CC)

Housing and Economic Development Manager Jim Cogan introduced the item. Assistant City Attorney Leigh Prince made a presentation.

- Angela Evans, San Mateo County Housing Leadership Council, spoke about creating and preserving affordable housing.
- Ronald Snow spoke about evenly distributing affordable housing throughout the city.
- Richard Truempier, Sobrato Organization, spoke about a proposed mixed-use development containing 122 affordable rental units.
- Andrew Morcos, Greystar Menlo Park, spoke about the completed Haven Avenue development and future investments in Menlo Park.
- Karen Grove spoke about prioritizing affordable housing unit development.
- Adina Levin spoke about the need to work with area housing experts to avoid discouraging housing developments.
- Fran Dehn, Menlo Park Chamber of Commerce, spoke about the expectations set through the ConnectMenlo process regarding housing capacity.
- Cecilia Taylor spoke about the effects of new proposed housing on residents in the RM-U district.
- Sateez Kadivar spoke about the housing development constraints and the effect on smaller property owners.

The City Council provided staff general direction regarding proposed amendments to the Below Market Rate Ordinance and Guidelines. This included the calculation of BMR in lieu fees based on actual unit costs and to encourage affordable housing unit development rather than collection of fees. Regarding the amendments to the RMU Zoning District, the City Council gave general direction to keep the inclusionary requirement at 15 percent and work to ensure that small projects are not overly burdened. In addition, the City Council directed staff to clarify that the required community amenity value could be used for additional affordable housing or other community amenities.

G. Public Comment

- Jeffrey Gordon spoke about addressing resident relocations from the Sharon Green Apartments on a future City Council agenda.

H. Commission Report

- H1. Consider applicants and make appointments to fill one public vacancy on the Belle Haven Neighborhood Library Advisory Committee (Staff Report #18-054-CC)

By acclamation, Pushpinder Lubana was appointed.

I. Consent Calendar

Councilmember Mueller pulled item I1. Mayor Ohtaki pulled item I2 to receive public comment. Councilmember Carlton pulled item I3.

- I4. Authorize the City Manager to enter into an agreement with Teri Black & Co., LLC to perform recruitment services; and approve a bid waiver and expenditure for the recruitment services agreement with Teri Black & Co., LLC not to exceed \$227,200 (Staff Report #18-046-CC) **ACTION:** Motion and second (Cline/Mueller) to approve item I4 passed unanimously.

- I1. Approve the City Council meeting minutes of January 13, January 23, January 29, February 6 and February 13, 2018

ACTION: Motion and second (Ohtaki/Cline) to approve the City Council meeting minutes of January 13, January 23, January 29 and February 6, 2018, and direct staff to review and bring back the February 13 meeting minutes. The motion passed unanimously.

- I2. Authorize the Mayor to sign letters of support or opposition on behalf of the City Council regarding pending State legislation in accordance with City policy and the League of California Cities official position and specific authorization for the Mayor to sign letters opposing SB 827 and supporting Propositions 68 and 69 (Staff Report #18-047-CC)

- Adina Levin spoke about deferring action on SB 827.
- Karen Grove spoke in support of SB 827.

ACTION: Motion and second (Keith/Cline) to approve letters opposing SB 827 unless amended, and supporting Proposition 69, passed unanimously. By acclamation, the City Council directed staff to review and bring back an item specific to Proposition 68 at the next City Council meeting.

- I3. Appropriate a matching gift of \$43,000 to the Menlo Park Historical Association and an additional \$30,000 for City incurred costs for the Menlo Gates Project (Staff Report #18-053-CC)

ACTION: Motion and second (Mueller/Keith) to appropriate \$43,000 to the Menlo Park Historical Association and \$30,000 for City incurred costs for the Menlo Gates Project, and to form an ad hoc subcommittee of Mayor Ohtaki and Councilmember Carlton to work with the Menlo Park Historical Association to identify a location for the project and report back within 60 days. The motion passed

4-0-1 (Carlton abstained).

J. Public Hearing

- J1. Consider the Planning Commission's recommendation and approve the conditional development permit and development agreement amendments to the Facebook East Campus, located at 1 Hacker Way (1601 Willow Road) (Staff Report #18-049-CC)

Councilmember Carlton announced that she would recuse herself due to a conflict of interest related to her consulting relationship with a company that does business with Facebook.

Councilmember Carlton left the meeting at 10:25 p.m.

Assistant Community Development Director Mark Muenzer introduced the item.

Mayor Ohtaki opened the public hearing at 10:32 p.m. There were no public comments received.

ACTION: Motion and second (Cline/Mueller) to close the public hearing at 10:33 p.m. passed by acclamation.

ACTION: Motion and second (Cline/Keith) to adopt a resolution approving the amended Conditional Development Permit for the Facebook East Campus; introduce an ordinance approving the amended Development Agreement for the Facebook East Campus; and certify that the requested amendments are consistent with the certified EIR for the East Campus and Facebook Campus Expansion Projects. The motion passed 4-0-1 (Carlton absent).

K. Regular Business

- K1. Approve the introduction of an ordinance that will regulate newsracks within Menlo Park (Staff Report #18-045-CC)

Housing and Economic Development Manager Jim Cogan introduced the item.

ACTION: Motion and second (Keith/Cline) to introduce an ordinance regulating newsracks in Menlo Park and amending Menlo Park Municipal Code section 13.28.030 relating to private property, adding a section specifying that newsracks on private property do not require newsrack permit but do require design review and approval by the City. The motion passed 3-1-1 (Mueller dissented, Carlton absent).

Councilmember Keith left the meeting at 11:25 p.m.

- K2. Adopt a resolution to amend the City Council adopted salary schedule (Staff Report #18-051-CC)

Human Resources Manager Lenka Diaz made a presentation.

- Cecilia Taylor spoke in support of a local minimum wage ordinance, a local-hire ordinance and ensuring all non-managerial city positions earn at least the minimum wage.

ACTION: Motion and second (Cline/Ohtaki) to adopt a resolution amending the City Council adopted salary schedule. The motion passed 2-1-2 (Mueller dissented, Carlton and Keith absent).

L. Informational Items

L1. Update on draft charter process and timeline (Staff Report #18-055-CC)

- Pamela Jones spoke to read a letter from Steve Chessin to the City Council regarding an enabling charter (Attachment).

L2. Update on the Transportation Master Plan Status (Staff Report #18-048-CC)

L3. Update on the Menlo Gateway Development Agreement requirements to construct 1) off-site landscape improvements near the project site and 2) capital improvements in Belle Haven and Bedwell Bayfront Park (Staff Report #18-050-CC)

M. City Manager's Report

There was no City Manager's Report.

N. Councilmember Reports

There were no Councilmember Reports.

O. Adjournment

Mayor Ohtaki adjourned the meeting at 11:50 p.m.

Jelena Harada, Deputy City Clerk

These minutes were approved at the City Council meeting of March 27, 2018.

To Mayor Ohtaki and Council Members Keith, Mueller, Carlton, and Cline
Cc: City Attorney McClure

At your meeting of 13 February 2018 you directed the City Attorney to "proceed with placing an enabling charter on November 2018 ballot and set specific guidelines for instances when the City Council is considering legislation that would vary from existing State statutes".

I am concerned that you may submit to the voters a charter that gives you broad but vague powers that the voters will reject. The example of the City of Davis, a general law city similar to Menlo Park, is instructive.

Two years after students at UC Davis voted in 2002 to change the way they elect their student government to use the single transferable vote (STV) form of ranked choice voting (RCV), the City of Davis appointed a committee to examine if they should use a similar system to elect the City Council. They recommended "yes", and an advisory question was put on the November 2004 ballot, asking "Should the City of Davis consider adopting choice voting, also known as instant runoff or preference voting, as the system to elect City Council members?" [STV was called "choice voting" back then.]

Measure L passed 54.7% to 45.3%. Since a general law city cannot use STV, the City Council appointed a subcommittee to draft a charter so that they could. But instead of a two-article charter that effectively said "The City Council will be elected using choice voting, everything else is covered by the general laws of the State of California", they wrote an "enabling charter" (although they didn't call it that) that didn't even mention how the City Council should be elected. (See attached for what I believe was the final report of the subcommittee.) The charter was "broad and allows for maximum flexibility" (page 11-16; PDF page 16). It was placed on the November 4, 2008, ballot.

Needless to say, the voters rejected it. The citizens of Davis weren't willing to buy a pig in a poke. My conversations with various citizens of Menlo Park have led me to believe that there is an undercurrent of mistrust with the City Council, that there is a suspicion that the Council will give itself the authority to dictate Menlo Park's electoral system without requiring a vote of the people, as well as other powers that the citizens may not approve of. If you do that, I predict that there will be vigorous opposition to such a charter and it will lose at the ballot box. To avoid that fiasco, I recommend the following: At a future meeting you will be deciding whether to adopt

a plan of five districts or a plan of six districts plus a separately-elected mayor. Whatever plan you adopt should also become the first article of your charter. The second article would specify that everything else would be covered by general law. An example of such a charter is attached.

Such a simple charter would be adopted easily by the City's voters, as it would be completely transparent. All the City would be doing is codifying whatever districting plan you adopt. Once adopted, at future elections you could propose subsequent amendments to address other issues, after appropriate public input. This could include changing the electoral system, or giving the City Council additional powers, but even if those changes are rejected by the voters, you would still be a charter city.

I hope you find this useful.

Sincerely, Steve Chessin
President, Californians for Electoral Reform

City of Menlo Park

DRAFT CHARTER

PREAMBLE

We, the citizens of the City of Menlo Park, with a desire for self-determination in selecting our elected officials and to initiate the process to govern our City by charter government, do hereby adopt this charter.

ARTICLE I. - CITY COUNCIL

101. - Governing Body.

The governing body of the City is a Council of /five (5) members/six (6) members plus a separately elected Mayor/ elected as specified in this Charter.

102. - Terms of Office.

The term of the office of Council Member is four (4) years.

103. - Method of election.

Notwithstanding any other provision of law, the Council shall be elected by district, with /two/three/ members elected at the same time as the statewide general election in 2020 and every four years thereafter, and three members /plus the Mayor/ elected at the same time as the statewide general election in 2022 and every four years thereafter.

ARTICLE II. - GENERAL

201. - Initiative and Referenda.

This charter does not abridge or modify the rights of citizens to propose initiatives and referenda (including amendments to this charter) as provided for in the general laws of the State of California.

202. - General Law Governs.

Except as expressly set forth in this charter, the general law set forth in the Constitution of the State of California and the laws of the State of California shall govern the operations of the City of Menlo Park.

203. - City Ordinances Enacted by the Voters Remain in Effect.

Ordinances of the City of Menlo Park adopted by the voters prior to the enactment of this charter shall remain in full force and effect and may only be modified or repealed by a vote of the people.

