



SPECIAL AND REGULAR MEETING MINUTES

Date: 2/26/2019
Time: 5:00 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

5:00 p.m. Closed Session (City Hall – “Downtown” Conference Room, 1st Floor)

CL1. Closed session conference pursuant to Government Code §54957(b)(1) regarding public employee performance evaluation of the City Attorney

5:45 p.m. Regular Session (City Council Chambers)

A. Call to Order

Mayor Mueller called the meeting to order at 5:52 p.m.

B. Roll Call

Present: Carlton, Combs, Nash, Taylor, Mueller

Absent: None

Staff: Interim City Manager Starla Jerome-Robinson, City Attorney Bill McClure, City Clerk Judi A. Herren

C. Pledge of Allegiance

Mayor Mueller led the Pledge of Allegiance.

D. Report from Closed Session

None.

Mayor Mueller announced the reordering of the agenda.

H3. Approve a two-year employment agreement with Starla Jerome-Robinson as city manager (Staff Report #19-034-CC)

- Andrew Boone spoke in support of the agreement and was enthusiastic for the selection of a Menlo Park resident.

ACTION: City Council voted to approve a two-year employment agreement with Starla Jerome-Robinson as city manager, passed unanimously.

H1. 2019 City Council policy priorities and work plan (Staff Report #19-035-CC)

Assistant City Manager Nick Pegueros made the presentation.

Mayor Mueller commented that a study session on chronic homelessness has been scheduled for March.

- Marcy Coggins spoke against the Sharon Road sidewalks project but does support the residents being a part of the process.
- Lynne Fovinci spoke in support of safety on Sharon Road and not just sidewalks.
- Ann Wahlundlatta spoke of safety concerns on Sharon Road but spoke against the sidewalk project.
- Andrew Boone spoke against the public comment two-minute requirement and is encouraged by the study session on homelessness and in support of the minimum wage ordinance.
- Christy Heaton spoke in support of Sharon Road sidewalks.
- Elyse Stein spoke in support of the library projects.
- Linda Barman spoke in support of sidewalks on Sharon Road.
- Nina Barman spoke in support of sidewalks on Sharon Road.
- Rich Ginn spoke in support of sidewalks on Sharon Road (Attachment).
- Neil Barman spoke in support of sidewalks on Sharon Road.
- Karen Reis spoke against the sidewalk project on Sharon Road.
- Ian Edwards spoke in support of the sidewalks on Sharon Road.
- Adina Levin spoke in support of the downtown parking strategies, requested grade separation as a priority and the deadlines for reach codes.
- Pamela Dakis spoke against the sidewalk project on Sharon Road but in favor of burying the power lines.
- James Tuleya spoke in support of building reach codes and stressed the importance of their timeline.
- Angela Evans spoke in support of downtown parking and housing strategies.
- Pamela Jones spoke in support of the Belle Haven library but urged City Council to reconsider the timeline. Jones also requested that Belle Haven projects be merged and completed together.
- Curt Conroy spoke about locations for homeless housing.
- Fran Dehn spoke in support of downtown parking solutions and transportation alternatives.
- Mila Zelkha spoke in support of the creation of a transportation management association.
- Jen Wolosin spoke in support of streamlining, transparency, road standards, and community communication.
- Rachel Horst spoke in support of downtown parking solutions/strategies and affordable housing.
- Bill Baron spoke in support of communication between the city and the residents and establishing a priority item for a communications monitor.
- Ethan Edwards spoke in support of sidewalks on Sharon Road.
- Hilary Stevenson spoke in support of sidewalks on Sharon Road and improved school routes in general (Attachment).
- Katie Behroozi asked to reaffirm priorities for the Middle Avenue bike lanes, access points, and safe routes to school.
- Pushpinder Lubana spoke in favor of investing in human return and human need when considering priorities.
- Karen Grove requested that City Council prioritize racial equity.
- Tom Kabat spoke in support of reach codes for new construction projects.

Mayor Mueller closed public comment.

The City Council continued this item to March 12.

E. Presentations and Proclamations

E1. Proclamation: Recognizing Rich Ginn

Mayor Mueller read and Rich Ginn accepted the proclamation.

E2. Proclamation: Recognizing Christy Heaton

Mayor Mueller read and Christy Heaton accepted the proclamation.

E3. Proclamation: Recognizing Terry Thygessen

Mayor Mueller read and Terry Thygessen accepted the proclamation.

E4. Proclamation: Recognizing Joan Lambert

Mayor Mueller read and Joan Lambert accepted the proclamation.

E5. Proclamation: Recognizing Dr. Charlie Mae Knight

Mayor Mueller read and Dr. Charlie Mae Knight accepted the proclamation.

E6. Proclamation: Recognizing Marcelino Lopez

Mayor Mueller read and Marcelino Lopez accepted the proclamation.

H2. Consideration and possible adoption of two alternative tenant relocation assistance ordinances (Staff Report #19-036-CC)

City Manager Starla Jerome-Robinson was recused and exited the City Council chambers.

Interim Housing and Economic Development Director Clay Curtin made the presentation and Assistant City Attorney Cara Silver was available for questions.

- Curt Conroy spoke in support on addressing Menlo Park housing needs.
- Andrew Boone spoke in support of the ordinance.
- Paula Macchello spoke against the tenant relocation ordinance.
- Nik Noomen spoke against the tenant relocation ordinance.
- Diane Dittmar spoke in support of alternative A and offering a natural lease end.
- Dr. Jackie Newton spoke in support of the tenant relocation ordinance.
- Ernesto Reyes spoke on a letter sent earlier in the day and in support of the tenant relocation ordinance.
- Mike Haddock spoke against the tenant relocation ordinance.
- Nicole Evans spoke in support of alternative B.
- Justin Alley spoke in support of the tenant relocation ordinance.
- Brian Ponty spoke in support of alternative A.
- Susan Lewis spoke against alternative B.
- James Purvis spoke against the tenant relocation ordinance.

- Carol Collins spoke against alternative B and in support of alternative A.
- Caitlyn Marianacci spoke in support alternative B.
- Meg McGraaw-Sherer spoke in support of alternative B as an urgency ordinance.
- Mickie Winkler spoke against alternative B.
- Mike Dunham spoke in support of alternative B.
- Rupa Narsingmia spoke in support of alternative A.
- Jeff Deng spoke against the tenant relocation ordinance.
- David Tuzman spoke in support of alternative B.
- Ine Grewe spoke in support of the tenant relocation ordinance, alternative B.
- Julissa Moreno spoke in support of alternative B.
- Kenia Nojar spoke in support of the tenant relocation ordinance, alternative B.
- Ofelia Bello spoke in support of alternative B.
- Mark Moll'neaux spoke in support of the tenant relocation ordinance.
- Karen Grove spoke in support of the tenant relocation ordinance, alternative B.
- Julian Cortella spoke support of alternative B.
- Keith Ogden spoke in support of alternative B (Attachment).
- Jonathan Erwin-Frank spoke in support of alternative B.
- Vanessa Honey spoke in support of alternative A.
- Sandra Zamora spoke in support of alternative B.
- Pamela Jones spoke in support of alternative B.
- Rachel Horst spoke in support of the tenant relocation ordinance.
- Jennifer Liu spoke against the tenant relocation ordinance.
- Tom Thompson spoke against the tenant relocation ordinance (Attachment).
- Kelsey Baner spoke in support of alternative B.
- Adina Levin spoke in support of the tenant relocation ordinance, alternative B.
- Nevada Meriman spoke in support of alternative B.
- Munir Vora spoke against the tenant relocation ordinance and asked City Council to find the root cause of the housing problem. Vora also commented that alternative A was the better option of the two.
- Jordan Grimes spoke in support of alternative B.
- Piyush Gupta spoke against the tenant relocation ordinance.
- Angie Evans spoke in support of tenant relocation ordinance, alternative B.
- Joyce Liu spoke in support of alternative A.
- Jeanne Merino spoke in support of tenant relocation ordinance, alternative B.
- Diane Bailey spoke in support of alternative B.
- Penelope Huang spoke against the tenant relocation ordinance.
- Rhory Lyn Antonio spoke in support of alternative A.
- Ryan Carrigan spoke in support of alternative A.
- Karyl Eldridge spoke in support of alternative B.
- Emily Ann Ramos spoke in support of tenant relocation ordinance, alternative B.
- Jen Wolosin spoke support of the tenant relocation ordinance.
- Keith Suddjian spoke against alternative B.
- Nani Friedman spoke in support of alternative B.
- Andrew Skeleton spoke in support of alternative B.
- Kate Ham spoke in support of alternative B.

- Hannah Williams spoke in support of alternative B.
- Marisol Zarate spoke in support of alternative B.

The City Council received clarification on the different aspects of alternatives A and B. There was discussion about means testing, parameters around nuisance fees, a community housing fund and its uses, adjusting the AMI (area median income) levels, potential litigation, and who receives assistance through each alternative.

ACTION: The City Council voted to extend the meeting past 11 p.m., passed unanimously.

ACTION: Motion and second (Combs/Carlton) to adopt alternative A as an urgency ordinance with language proposed by the City Attorney, failed (3-2, Taylor and Nash dissenting).

ACTION: Motion and second to direct staff to return alternative A for introduction at the next meeting, failed (2-3, Mueller, Combs, and Carlton dissenting).

ACTION: Motion and second (Combs/Carlton) to introduce an ordinance adding Chapter 8.56 of the Menlo Park Municipal Code Regarding Tenant Relocation Assistance, Attachment A), with an amendment to Section 8.56.130 as proposed by City Attorney, passes (3-2, Taylor and Nash dissenting).

- H4. Receive a report and hear public comment on upcoming negotiations with the Menlo Park Police Sergeants Association on a successor agreement to the current agreement expiring June 30, 2019 (Staff Report #19-026-CC)

ACTION: Motion and second (Combs/Carlton) to receive a report and hear public comment on upcoming negotiations with the Menlo Park Police Sergeants Association on a successor agreement to the current agreement expiring June 30, 2019, passed unanimously.

F. Public Comment

- Kyra Brown spoke against the Menlo Park policing of Facebook bicyclist and requested that data be provided on the number of East Palo Alto residents arrested on Facebook bikes.
- Izamar Moya echoed Kyra's comments regarding East Palo Alto residents arrested while using Facebook bikes.

G. Consent Calendar

- G1. Accept the City Council meeting minutes for February 12, 2019 (Attachment)
- G2. Introduce Ordinance No. 1055 to update inspection requirements of the stormwater management program (Staff Report #19-027-CC)
- G3. Adopt Resolution No. 6486 to approve development-related fees for the new polychlorinated biphenyls building demolition program, and amend the master fee schedule to include these fees (Staff Report #19-028-CC)

- G4. Adopt Resolution No. 6487 amending Resolution No. 6480 regarding the proposed abandonment of public right-of-way and public utility easements adjacent to 1345 Willow Road to reschedule the dates for Planning Commission review and City Council public hearing (Staff Report #19-033-CC)

ACTION: Motion and second to approve the consent calendar, passed unanimously.

I. Informational Items

- I1. Review of the City's investment portfolio as of December 31, 2018 (Staff Report #19-031-CC)
- I2. Update on the proposed San Mateo County Flood and Sea Level Rise Resiliency Agency (Staff Report #19-029-CC)

J. City Manager's Report

None.

K. Councilmember Reports

City Councilmember Carlton reported on a C/CAG (City/County Association of Governments) meeting.

Mayor Mueller reported that there would be a joint meeting between the City Councils of Menlo Park and Palo Alto.

L. Adjournment

Mayor Mueller adjourned the meeting at 12:05 a.m.

Judi A. Herren, City Clerk

These minutes were approved at the City Council meeting of March 12, 2019.

H1

Hilary Stevenson





District Office
1011 Altschul Avenue
Menlo Park, CA 94025
(650) 854-2880

Las Lomas School
299 Alameda de las Pulgas
Atherton, CA 94027
(650) 854-5900

La Entrada School
2200 Sharon Road
Menlo Park, CA 94025
(650) 854-3962

H1

February 20, 2019

City of Menlo Park
701 Laurel Street
Menlo Park, CA 94025

Dear City Council,

I am John Earnhardt, the President of the Board of Trustees of the Las Lomas Elementary School District. We have two schools in our district (Las Lomas Elementary School in Atherton and La Entrada Middle School in Menlo Park) and approximately 1200 students and 100 teachers and staff.

It is my understanding that last year the Menlo Park City Council in two separate meetings approved prioritizing a sidewalk project on Sharon Road and later the funding of that project. This is a heavily walked, biked and driven short stretch of road leading from Alameda de las Pulgas to La Entrada Middle School, so on behalf of the school board, thank you for funding this safety project. La Entrada is home to nearly 800 students from 4th to 8th grade...as well as over 60 teachers and staff members and, as you know, it is a particularly dangerous stretch of road during the rainy season when students dodge puddles on the side of the road and can veer into traffic. There is no doubt that a sidewalk can keep a pending tragedy from happening. If you have not already done so, I encourage you all to visit this small stretch of road between 7:45 and 8:10am any school day morning or 2:40pm to 3:15pm any afternoon.

This project was already prioritized by last year's city council. It looks like there have already been multiple projects benefiting Menlo Park City School District the last few years that were supported and that the City Council funded. One child is, of course, not worth more than another child and I wish all safe routes could be funded, but, to my knowledge, the Las Lomas School District has not received any city funding for safety projects. Additionally, our district provides nearly \$35,000 a year to pay for crossing guards to keep our kids safe...we receive no money from Menlo Park or from Atherton for this safety spending.

As the president of the Las Lomas School Board and the parent of a child at La Entrada Middle School, I urge you to continue to support and fund this worthy project and protect our kids on their way to school. None of us want a tragedy to happen and we thank you again for approving and allocating funding for this important safety project.

Any questions please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "John Earnhardt", with a stylized flourish at the end.

John Earnhardt
President, School Board
Las Lomas Elementary School District
jearnhardt@llesd.org

RECEIVED

FEB 25 2019

City of Menlo Park
City Manager's Office

H2
Tom Thompson
650-678-0252

February 26, 2019

RE: Menlo Park City Council
Rent Control, disguised as "Just Cause Eviction" is bad public policy

Honorable Mayor and City Council:

I want to tell about a real life example why so-called "Just Cause Eviction" is bad policy. I appreciate your listening and welcome your questions.

A boy named Jose grew up across the street from my rental duplex. He became a Nortenos street gang leader. Violent crime, brash intimidation, and drug deals became daily commonplace. I bought and installed video cameras to protect my tenants. Not cheap.

Jose committed a double attempted murder a block away. He shot a rival gang member 4 times, then emptied the gun at the fellow's girlfriend as she ran for her life. Both victims survived. My videos caught Jose coming home a few minutes later, totally blowing his alibi and proving he was there!

Jose and his lawyer tried to intimidate me and my tenants by subpoenaing my video equipment, while making it known they knew where I lived. I considered a concealed hand gun permit. I was soon on a first name basis with the gang task district attorney and detectives. Owning rental property is no picnic.

I convinced my neighboring housing provider Jose's family had to move. Very reluctantly, they moved out just in time. Both victims developed cold feet from apparent fear for themselves and their families' lives. Both attempted murder victims refused to testify. Jose was released a free man.

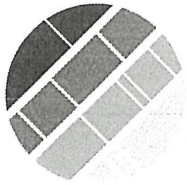
With "Just Cause Eviction" Jose's family would have never had to move. Norteno gang members would have been back across the street from my tenants every day. Violent crime, brash intimidation, and daily drug deals would have surely returned.

This is just one real life example why Rent Control and "Just Cause Eviction" are really bad ideas. Please don't take Menlo Park there.

Thank you.



Tom Thompson
Mom & Pop Housing Provider



**COMMUNITY
LEGAL SERVICES
IN EAST PALO ALTO**

Hj - Keith Ogden

February 26, 2019

Via E-mail

Menlo Park City Council

Re: City Council's Consideration of Two Alternative Tenant Relocation Assistance Ordinances - Alternative A and Alternative B

Dear Honorable Mayor Mueller, Mayor Pro Tem Taylor and members of the Menlo Park City Council:

My name is Keith Ogden and I am a housing attorney at Community Legal Services in East Palo Alto. Our region is in the midst of a severe housing crisis. Every day, we meet with hard-working families and individuals struggling to stay in their homes. We come alongside our clients as they fight to remain part of the fabric of their communities. We urge Council to pass the Tenant Relocation Assistance, Alternative B at tonight's meeting as an important step towards preventing homelessness and mitigating the most severe impacts caused by displacement.

Alternative B offers anti-poverty and displacement mitigation protections that are meaningful and reasonable. To be clear, Alternative B is not rent control. Under Alternative B, landlord-caused evictions, including unaffordable rent increases equivalent to rent gouging and no-fault evictions such as serving a 30 or 60 day notice or declining to renew a fixed-term lease, would trigger relocation assistance. And it would do so for families earning 100% AMI or less. In these limited circumstances, the landlord would simply be required to help offset the negative impacts associated with no-fault evictions or significant rent increases, including displacement and homelessness.

Receiving a modest, narrowly tailored relocation assistance payment of 3 months fair market rent would help a family cover first and last month's rent and security deposit. As such, it would increase a tenant and their family's chance to successfully transition to new housing. It would also increase the tenant's ability to remain in the area rather than move far away and face hours commuting. The ordinance simply shifts some of the burden otherwise born by lower-income tenants and the public (through moving assistance programs, for example) to the landlord. This is fair, reasonable, and the right thing to do. It is also paramount that the means testing not dip below 100% AMI both to prevent unintended income discrimination and to ensure that rent-burdened teachers and public service workers don't fall through the cracks.

By contrast, Alternative A contains significant loopholes. Essentially, a landlord can wait until the end of a fixed-term lease or impose an astronomical rent increase in order



February 26, 2019

Via email to city.council@menlopark.org and cjcurtin@menlopark.org

City Council of Menlo Park

Re: Tenant Relocation Assistance Alternatives considered on February 26th

Dear Honorable Mayor, Vice Mayor, and Council Members:

I am writing to urge you to adopt Alternative B, the ordinance recommended by the Housing Commission, which includes relocation assistance triggered by significant rent increases for single family homes and new construction. Alternative B is the relocation assistance model most tailored to have the desired effect of providing housing stability for the residents of Menlo Park and allowing those tenants who must move an opportunity to secure replacement housing within the community.

Any version of this model that excludes single-family homes will not only be a significantly compromised measure that fails to protect a large segment of the tenant community most in need of this assistance, but also ignores the racial disparity between protected and unprotected tenants. These facts are well known to the City, but bear repeating:

1. Menlo Park is notably segregated, with a huge majority of African American and Hispanic residents concentrated in the Belle Haven neighborhood.
2. A majority of the rental units in the Belle Haven neighborhood are single family homes.
3. African American and Hispanic residents have the highest rates (50-60%) of housing cost burden in San Mateo County, according to HUD data. (See San Mateo Regional Assessment of Fair Housing, September 2017, at Section II, page 5; https://housing.smcgov.org/sites/housing.smcgov.org/files/_SMC%20Regional%20AFH%20Final%20Report%2020171002.pdf).
4. Tenants who are already cost burdened by rental rates are more likely to be displaced by a rent increase.

Taken together, these facts amount to a certain and predictable outcome if single family homes are omitted from the Alternative B ordinance: **African American and Hispanic tenants will be significantly less likely to receive relocation benefits in Menlo Park than tenants of other races or ethnicities.** To make such a policy choice, knowing this outcome, is contrary to the City's obligation to affirmatively further fair housing and construct policies consistent with the Fair Housing Act.

The risk of litigation is always a factor when impactful policies are enacted. Adopting a version of Alternative B that includes the "Costa Hawkins exemption" for significant rent increase displacements puts the City at risk of defending fair housing litigation from the tenants who suffer the impact of that policy decision. There is no risk-free option before you, only the ethical and strategic choice of which type of lawsuit the City can defend in good conscience.

February 26, 2019

Dear Menlo Park City Council,

My name is Amy Tannenbaum and I am a resident of District Three in Menlo Park. I am writing to strongly urge you to support Tenant Relocation Assistance, Option B at tonight's City Council meeting. This proposal offers meaningful anti-poverty protections for tenants in our city, and it is the right thing to do.

I work as a public attorney at Community Legal Services in East Palo Alto, providing pro bono legal services to individuals facing discrimination and wage theft at work and assisting people with criminal records to get a fair second chance at jobs and other opportunities. This work is rewarding, but not lucrative. I feel lucky to be able to live in Menlo Park, in a neighborhood with racially diverse tenants that include young families, elderly folks, students, and public servants. This sort of diversity makes me proud to live in Menlo Park.

Under current law, if my apartment's management company decided to institute a large rent increase, my neighbors and I would be left out to dry. We would be financially devastated at trying to find another place to live nearby within our budgets. I see in my work every day the way that rent increases of even \$100 or \$200 are enough to push families who are already struggling to make ends meet to the edge, forcing them to live in their cars or move out of the area entirely. The constant precariousness is stressful and can wreak havoc on already vulnerable community members.

Passing the Tenant Relocation Ordinance would provide meaningful protections for me and my neighbors in the event of a large and unexpected rent increase. It might mean the difference between a family living in their car or being able to find a new apartment; the difference between children getting to stay rooted in their schools and hometown rather than being displaced; the difference between public servants being able to live near work and be more productive rather than facing exhausting and environmentally damaging commutes—or being forced to leave their public service jobs altogether.

I urge you to pass Option B because it provides modest but essential assistance payment for tenants displaced by a large rent increase or a no-fault eviction, and it protects more people. The loopholes in Option A would make many tenants ineligible for relocation assistance in the event of rent gouging, and would exclude those who rent single-family homes or duplexes. Passing Option B is the right choice to protect as many of our community members as possible and to prevent them from facing homelessness at no fault of their own in the event of a no-fault eviction or large rent increase.

Menlo Park has the opportunity here to do the right thing, to be a leader in San Mateo County in passing a bill that protects tenants and helps to prevent poverty and homelessness amongst the people who make up our city. Please vote to pass Option B of the Tenant Relocation Assistance proposal.

Thank you,

A handwritten signature in black ink, appearing to read "Amy Tannenbaum", with a long, sweeping flourish extending to the right.

Amy Tannenbaum