



**CITY COUNCIL  
COMMUNITY DEVELOPMENT AGENCY  
SPECIAL AND REGULAR  
MEETING MINUTES**

**Tuesday, January 25, 2011 at 5:30 p.m.  
701 Laurel Street, Menlo Park, CA 94025  
City Council Chambers**

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Mayor Cline called the meeting to order at 5:35 p.m. in the Council Conference Room with Council Members Cline, Fergusson, Keith and Ohtaki present. Council Member Cohen is recused from the item due to the proximity of his property and was not present.

**CLOSED SESSION**

1. Closed Session pursuant to Government Code section 54956.9 to conference with legal counsel regarding existing litigation. 2 cases: *Town of Atherton v. CHSRA* - Sacramento Superior Court, Case No. 2010-80000679 and *Town of Atherton, Planning and Conservation League, City of Menlo Park et al. v. California High Speed Rail Authority* - Sacramento Superior Court, Case No. 34-2008-80000022; City Council will be considering matters related to the litigation involving the High Speed Rail Authority

Mayor Cline called the regular session to order at 7:06 p.m. with all members present.

Pledge of allegiance was led by Mayor Cline.

**REPORT FROM CLOSED SESSION**

There was no reportable action from the Closed Session regarding existing litigation.

**ANNOUNCEMENTS – None**

**A. COMMISSION/COMMITTEE VACANCIES, APPOINTMENTS AND REPORTS**

1. Consider applicants for appointment to fill one vacancy for an unexpired term on the Planning Commission and one appointment on the Finance & Audit Committee  
([Staff report #11-012](#))

Staff presentation by Margaret Roberts, City Clerk

**Action:** Motion and Second (Keith/Ohtaki) to reappoint Honor Huntington to the Finance & Audit Committee and by acclamation she was appointed.

Public Comment:

Henry Riggs spoke regarding the advantages of having one or more architects on the commission and the benefits of having a commissioner with developer experience.

VOTE #1	Nominated By	Cohen	Ohtaki	Cline	Keith	Fergusson	Total
<b>Terms expire April 30, 1012</b>							
Baker, Kenneth							
Baum, Richard	Fergusson						<b>0</b>
Blackburn, Shawn							
Bourne, Charlie							
Brawner, Don							
Bryant, Kelley							
Goldberg, Joanne							
Lee, Lawrence							
Lee, Waibun	Keith						<b>0</b>
Neal, Ray	Fergusson					X	<b>1</b>
Pederson, Kathleen							
Stoner, Michael	Ohtaki		X	X			<b>2</b>
Vort, Doug	Cohen						
Yu, Peipei	Cohen	X			X		<b>2</b>

VOTE #2	Nominated By	Cohen	Ohtaki	Cline	Keith	Fergusson	Total
<b>Terms expire April 30, 1012</b>							
Stoner, Michael	Ohtaki		X	X			<b>2</b>
Yu, Peipei	Cohen	X			X	X	<b>3</b>

**Action:** By the above votes, the Council appointed Peipei Yu to serve a term expiring April 30, 2012 on the Planning Commission.

## **B. PRESENTATIONS AND PROCLAMATIONS**

1. Presentation: Community Survey Results ([Attachment](#))  
Staff presentation by Cherise Brandell, Community Services Director

**C. PUBLIC COMMENT #1**

- Richard Angus, President of the Menlo Park Historical Association – Provided Council Members Keith and Ohtaki with a history book and the most recent newsletter.
- Kristi Breisch – Spoke regarding the potential State cuts to libraries and the importance of keeping the library funding in place.
- Robin Smith – Spoke regarding the extermination of the squirrels at Bedwell Bayfront Park.
- Eileen McLaughlin representing Citizens Committee to Complete the Refuge – Spoke regarding the extermination of the squirrels at Bedwell Bayfront Park.

Kent Steffens, Deputy City Manager addressed the squirrel activity and the work done regarding the breach in the cap of the landfill and the need to reduce the squirrel population.

**D. CONSENT CALENDAR**

1. Acceptance of Commission attendance reports for 2010 ([Staff report #11-006](#))
2. Adoption of a resolution approving amendments to Shoreway Operations Agreement with South Bay Recycling (SBR) ([Staff report #11-010](#))

This item was pulled by K. Fergusson for clarifying questions.

**Action:** Motion and Second (Fergusson/Ohtaki) to approve **Resolution No. 5977** approving amendments to Shoreway Operations Agreement with South Bay Recycling (SBR) passes 4-1 (Keith dissenting).

3. Initiation of the Menlo Park Landscape Assessment District proceedings for fiscal year 2011-12 and adoption of **Resolution No. 5975** describing the improvements and directing preparation of the Engineer's Report ([Staff report #11-007](#))
4. Adopt **Resolution No. 5976** appropriating \$200,000 from the General Fund CIP Reserve for the addition of a fire sprinkler system for the Recreation Center Renovation and Addition Project, increasing the total project budget to \$2,200,000 and authorizing the City Manager to amend the current construction agreement with Vance Brown, Inc. to complete the work ([Staff report #11-008](#))
5. Acceptance of Council minutes for the meetings of January 11 and 18, 2011 ([Attachment](#))

**Action:** Motion and Second (Ferguson/Ohtaki) to approve Consent Calendar items D1, D3, D4, and D5 as presented passes unanimously.

**E. PUBLIC HEARINGS – None**

**F. REGULAR BUSINESS**

1. Adoption of a Resolution to adopt a Mitigated Negative Declaration (MND) including a mitigation monitoring and reporting program for the Highway 84 Carbon Offset Project to plant trees and shrubs at Bedwell Bayfront Park, authorize the Deputy City Manager to file a Notice of Determination with the County Clerk, and authorize staff

to hire a professional to measure soil depth during the planting design phase ([Staff report #11-011](#)) ([Exhibit B to Attachment A](#))([Attachment D](#))  
Staff presentation by Rebecca Fotu, Environmental Programs Manager

Public Comment:

- Allan Bedwell, Friends of Bedwell Bayfront Park – Criticized the process and requested that an Environmental Impact Report be prepared.
- Nancy Borgenson – Spoke regarding the most current Master Plan for the park being from 1974, and the need for updating.
- Carol Taggart – Spoke regarding her concerns with the poisons put down for the squirrels and is hopeful that in the future environmental groups and scientists are consulted.
- Robin Smith – Spoke regarding burrowing owls. ([handout](#))
- Eileen McLaughlin – Spoke regarding the impacts to the animals that utilize the park.
- Anne Moser – Stated that personal safety needs to be considered prior to making a decision.
- Kristi Breisch – Expressed concerns about the public and community process on the project.
- Steve Schmidt – Stated a more thorough environmental review is needed at the park.
- Butch Byers, speaking on behalf of the Environmental Quality Commission – discussed the offsets and that was the basis on the Commission's comments.
- Davena Gentry – Spoke regarding natural rodent control. ([handout](#))

**Action:** Motion and second (Fergusson/Cline) to approve **Resolution No. 5978** to adopt a Mitigated Negative Declaration including a mitigation monitoring and reporting program for the Highway 84 Carbon Offset Project to plant trees and shrubs at Bedwell Bayfront Park, authorize the Deputy City Manager to file a Notice of Determination with the County Clerk, authorize staff to hire a professional to measure soil depth during the planting design phase, proceed with the public outreach plan to include expertise in the community, involve the Environmental Quality Commission and the Parks and Recreation Commission and to see a draft plan come to the City Council prior to going forward with implementation passes 3-2 (Cohen and Keith dissenting).

2. Issue a determination on an appeal of the Environmental Quality Commission's denial of a heritage tree removal permit at 240 University Drive ([Staff report #11-013](#))  
Staff presentation by Justin Murphy, Development Services Manager

Public Comments:

- Kim LeMieux, applicant/appellant, addressed the Council with the following: ([handouts](#))
  - Concerns with the Peer Review report
  - Read the Heritage Tree Ordinance as it pertains to the removal of her tree
  - The Redwood tree is impacting the property by invading the sewer lines
  - The tree is in the middle of the property
  - The Redwood tree is not native nor rare
  - The tree does provides shade; however there are hundreds in the neighborhood
  - Removal of the tree would have positive impacts
  - There will be 26 trees planted to replace the removal of the tree
  - The tree is not practical for this lot
  - The tree is now a safety risk to the property
  - Requested removal of the tree be approved by the City Council
- Steve Simpson, architect for K. LeMieux addressed the Peer Review and the flaws that he sees in their findings

- Henry Riggs spoke regarding the Peer Review the alternate design and the process the Planning Commission went through prior to their recommendation.
- Roger Miller spoke regarding the Peer Review report and he believes that there are errors in the calculations on page 45 of the report and the loss of profits to K. LeMieux. R. Miller also addressed comments made on page 8 and houses being built without a basement.
- The following members of the public spoke in favor of removing the heritage tree
  - Todd Roberts
  - Doug Scott
  - Milton Borg
  - Robert Weatherill
  - Tom LeMieux
  - Louise DeDera
  - Wendy McPherson
  - Mary Gilles
  - Andrew Young
  - Richard Li
  - Lou Deizel
  - Roy Thiele-Sardina
- The following members of the public spoke against removing the heritage tree
  - Scott Marshall
  - Daniel Kocher
  - Loren Lyall
  - Christina Smolke ([handout](#))
  - Robert Lancioni
  - Chris Lancioni ([handout](#))
  - Maureen Teter
  - Jerry Jones
  - Drew Endy ([handout](#))

**Action:** Motion and second (Keith/Ohtaki) to uphold the appeal to grant a permit for removal of the heritage tree at 240 University Drive based upon the Planning Commission approval and landscape plan approved during that process passes 3-2 (Cohen and Fergusson dissenting).

3. Approval of a letter regarding the California High Speed Rail Project to Governor Brown urging the State to complete an independent ridership study and to require an updated business plan ([Staff report #11-009](#))

NOTE: Councilmember Cohen and City Attorney McClure are recused on this item and vacated the Council chambers at 11:55 p.m.

Staff presentation by Kent Steffens, Deputy City Manager

**Action:** Motion and second (Fergusson/Cline) to approve the letter regarding the California High Speed Rail Project to Governor Brown urging the state to complete an independent ridership study and to require an updated business plan passes 4-0-1 (Cohen recused).

4. Consideration of state and federal legislative items, including decisions to support or oppose any such legislation, and items listed under Written Communication or Information Item – None

- G. CITY MANAGER’S REPORT – None**
- H. WRITTEN COMMUNICATION – None**
- I. INFORMATIONAL ITEMS – None**
- J. COUNCILMEMBER REPORTS**  
AB1234 reporting was done.
- K. PUBLIC COMMENT #2**
- L. ADJOURNMENT – 11:58 p.m.**

Margaret S. Roberts, MMC  
City Clerk

Accepted at the City Council meeting of February 8, 2011