



CITY COUNCIL SPECIAL AND REGULAR MEETING MINUTES

Tuesday, October 9, 2012 at 5:30 p.m.
Menlo Park Council Chambers
701 Laurel Street, Menlo Park, CA 94025

Mayor Keith called the Closed Session to order at 5:33 p.m. with Council Member Cohen absent.

NOTE: Council Member Cohen is recused from Closed Session item CL1 and was therefore not in attendance.

CL1. Discussion with legal counsel pursuant to Government Code Section 54956.9 regarding existing litigation – 2 cases:

(1) Town of Atherton, et al. v. California High Speed Rail Authority
Superior Court of California, County of Sacramento, Case No. 34-2008-80000022
(Atherton 1)

(2) Town of Atherton, et al. v. California High Speed Rail Authority
Superior Court of California, County of Sacramento, Case No. 34-2010-80000679
(Atherton 2)

NOTE: Council Member Cohen arrived at 6:00 p.m.

CL2. Conference with legal counsel pursuant to Government Code Section 54956.9 regarding existing litigation: *City of Menlo Park vs. Ma Theresa Sylvia R. Salcedo, et al. San Mateo County Superior Court Case No.: CIV487703*

Mayor Keith called the Regular Session to order 7:02 p.m. with all members present.

Mayor Keith led the Pledge of Allegiance.

REPORT FROM CLOSED SESSION

ACTION: There was no reportable action from Closed Session.

ANNOUNCEMENTS: None

A. PRESENTATIONS AND PROCLAMATIONS

A1. Presentation by Assemblyman Rich Gordon regarding State activities
Assemblyman Rich Gordon made a presentation regarding the State activities during the previous legislative session.

A2. Quarterly report from High Speed Rail legislative advocate
Ravi Mehta, legislative advocate gave a quarterly report on his activities regarding High Speed Rail.

NOTE: Council Member Cohen and City Attorney Bill McClure are recused on items A2 and A3 and left the meeting at 7:21 p.m.

A3. Presentation by Marian Lee regarding Caltrain Modernization Program
Presentation by Marian Lee ([PowerPoint](#))

Public Comment

- Kathy Hamilton spoke on the blended system and the Caltrain Modernization Program.
- Mike Brady spoke in opposition of the project.
- Jim Bigelow, Menlo Park Chamber of Commerce, spoke regarding funding from the Federal government for electrification of Caltrain.
- Adina Levin spoke about the decisions that need to be made with the Caltrain Modernization Program

NOTE: Council Member Cohen and City Attorney Bill McClure returned to the meeting at 8:15 p.m.

A4. Presentation by CalTrans regarding the Willow/101 Interchange Reconstruction Project update
Presentation by Ron Moriguchi, Caltrans Regional Project Manager District 4 ([PowerPoint](#))

Public Comment

- Jim Bigelow, Menlo Park Chamber of Commerce, extended an invitation to Caltrans to make a presentation to the Chamber and commented on the interchange project.
- Matt Henry spoke about the need for a separate path for bicyclists and pedestrians for the overpass.
- Adina Levin asked when additional information will be available for alternatives.

B. COMMISSION/COMMITTEE VACANCIES, APPOINTMENTS AND REPORTS

B1. Consider applicants for appointment to fill three vacancies on the Planning Commission ([Staff report #12-147](#))
Staff presentation by Margaret Roberts, City Clerk

ACTION: By a unanimous vote Katie Ferrick and John Kadvany were reappointed to the Planning Commission to serve a term through April 30, 2016.

ACTION: Council Member Fergusson nominated Raymond Neal, Council Member Ohtaki nominated John Onken and Council Member Cohen nominated Shannon Thoke.

ACTION: Council Member Fergusson voted for Raymond Neal; Council Members Cline, Keith and Ohtaki voted for John Onken and was appointed to serve a term through April 30, 2015.

B2. Report from the Environmental Quality Commission with a recommendation on consideration of potential groundwater irrigation well ([Attachment](#))
Presentation by Chris DeCardy, Environmental Quality Commissioner

B3. Bicycle Commission quarterly report on the status of their 2-year Work Plan
Report by Greg Klingsporn, Bicycle Commission Chair

B4. Housing Commission quarterly report on the status of their 2-year Work Plan
Report by Yvonne Murray, Housing Commission Chair ([Slide](#))

C. PUBLIC COMMENT #1

- Phil Scott, District Manager with West Bay Sanitary District, spoke in support of Consent Calendar item D-5.
- Roland Lebrun spoke regarding the Dumbarton Rail.

D. CONSENT CALENDAR

ACTION: Motion and second (Ohtaki/Cline) to approve the Consent Calendar items except D2 and D4 as submitted passes unanimously.

- D1.** Approve **Resolution No. 6104** amending the City's Conflict of Interest Code and biennial review ([Staff report #12-146](#))
- D3.** Authorize the Public Works Director to accept the work performed by West Valley Construction Company, Inc. for the Chrysler Pump Station Discharge Pipe Replacement Project ([Staff report #12-143](#))
- D5.** Authorize the City Manager to enter into an agreement with West Bay Sanitary District to provide equipment maintenance services ([Staff report #12-148](#))
- D6.** Award a construction contract for the 2012 Resurfacing of Federal Aid Routes Project [Federal Aid Project No. 04-5273(021)] to G. Bortolotto & Co. Inc., in the amount of \$435,169.39 and authorize a total budget of \$572,169.39 for construction contingencies, material testing, and construction administration ([Staff report #12-150](#))
- D7.** Abolish one Management Analyst position within the Police Department ([Staff report #12-149](#))
- D8.** Accept minutes for the Council meetings of August 28, September 11, and September 18, 2012 ([Attachment](#))
- D2.** Approve the response to the San Mateo County Civil Grand Jury Report, "Does San Mateo County Need 13 Separate Dispatch Centers?" ([Staff report #12-144](#))
The item was pulled by Council Member Ohtaki
- D4.** Reject the bid for the Santa Cruz Avenue Irrigation Replacement Project ([Staff report #12-145](#))
The item was pulled by Council Member Fergusson

ACTION: Motion and second (Fergusson/Ohtaki) to approve the response to the San Mateo County Civil Grand Jury Report, "Does San Mateo County Need 13 Separate Dispatch Centers?" and rejecting the bids for the Santa Cruz Avenue Irrigation Replacement Project passes unanimously.

E. PUBLIC HEARING

- E1.** Adopt an interim Ordinance establishing a temporary moratorium on the establishment of payday lenders and auto title lenders within the City of Menlo Park ([Staff report #12-153](#))
Staff presentation by Commander Dave Bertini

The Public Hearing was opened at 9:44 p.m.

Public comments

- William Young spoke against payday loans.
- Keith Ogden spoke against payday loans and stated that there are alternatives.

ACTION: Motion and second (Fergusson/Cline) to close the Public Hearing at 9:50 p.m. passes unanimously.

ACTION: Motion and second (Ohtaki/Fergusson) to adopt **Ordinance No. 986** establishing a temporary moratorium on the establishment of payday lenders and auto title lenders within the City of Menlo Park as submitted passes unanimously.

F. REGULAR BUSINESS

F1. Adopt a resolution to appropriate and authorize an increase of \$300,000 from the General Fund CIP Fund Balance for the City's portion of local match of the East Palo Alto and Menlo Park Tidal Flooding Protection, Ecosystem Restoration, and Recreation Project, including staff support for this project, a joint project between the San Francisquito Creek Joint Powers Authority (SFCFPA), East Palo Alto and Menlo Park ([Staff report #12-154](#))

Staff presentation by Fernando Bravo, Engineering Services Manger ([PowerPoint](#))
Len Matterman, SFCJPA also provided information on the item

Public Comments

- Roland Lebrun spoke on the item.

ACTION: Motion and second (Ohtaki/Cline) to adopt **Resolution No. 6105** amending to appropriate and authorize an increase of \$300,000 from the General Fund CIP Fund Balance for the City's portion of local match of the East Palo Alto and Menlo Park Tidal Flooding Protection, Ecosystem Restoration, and Recreation Project, including staff support for this project, a joint project between the San Francisquito Creek Joint Powers Authority, East Palo Alto and Menlo Park passes unanimously.

F2. Provide direction on whether to (A) continue the native tree and shrub planting project at Bedwell Bayfront Park funded by a State grant, (B) discontinue the project and try to renegotiate the grant with the State to plant trees in the Belle Haven Neighborhood, or (C) discontinue the grant ([Staff report #12-152](#))

Staff presentation by Rebecca Fotu, Environmental Programs Manager ([PowerPoint](#))

ACTION: Motion and second (Ohtaki/Fergusson) directing staff to move forward with Option B provided in the staff report and giving staff the flexibility for placement of the trees passes unanimously.

NOTE: Council Member Cohen and City Attorney Bill McClure are recused on Item F3 and left the meeting at 10:54 p.m.

F3. Approve the change from High Speed Rail Council Subcommittee to Rail Council Subcommittee and provide direction on the Rail Council Subcommittee Mission Statement and Statement of Principles, and Council's current position on Rail/High Speed Rail issues ([Staff report #12-151](#))

Staff presentation by Atul Patel, Senior Transportation Engineer ([PowerPoint](#))

Public Comment

- Adina Levin spoke on the item and provided input on the mission statement.

ACTION: Motion and second (Ohtaki/Keith) approving the change from High Speed Rail Council Subcommittee to Rail Council Subcommittee and to accept the draft amendments to the Mission Statement and Statement of Principles passes unanimously (Cohen recused).

F4. Consider 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

Council members reported in compliance with AB1234 requirements.

K. PUBLIC COMMENT #2

L. ADJOURNMENT

The meeting was adjourned at 11:12 p.m.



Margaret S. Roberts, MMC

City Clerk

Minutes accepted at the Council meeting of October 23, 2012