



**CITY COUNCIL
SPECIAL MEETING
MINUTES**

**Thursday, June 9, 2005
7:00 p.m.
City of Menlo Park
Menlo Park City Council Chambers
701 Laurel Street
Menlo Park, CA 94025**

A. ROLL CALL - Jellins, Cohen, Duboc. City Attorney McClure explained that Mayor Winkler and Council Member Fergusson were absent because of the possibility of a conflict of interest due to the fact that they both live within 500 ft. of the La Hacienda Market.

B. PLEDGE OF ALLEGIANCE

C. PUBLIC COMMENT - None

D. PUBLIC HEARINGS

1. Adoption of urgency ordinance no. 938 regarding regulation of check cashing activities.

Bill McClure, City Attorney, explained that this meeting is a result of Council action taken on May 3, 2005 directing staff to draft an ordinance regulating check cashing activity. Mr. McClure added that the ordinance defines check cashing operations, sets limitations and excludes check cashing activities in the C3 and C4 zoning districts. The various elements of the ordinance were enumerated including: renewable one-year non-transferable permit, security plan, time release devise, etc. The City Attorney added that the Police Chief is given authority to impose conditions of permit approval. The ordinance not only prohibits transferability of the permit (in the case of a sale) but also proposes an appeal process for denied or revoked permits. The penalties associated with breaking this proposed law were explained.

Mr. McClure stated that a draft copy of the ordinance was provided to the La Hacienda Market's legal counsel but no input was received. Similarly, a few residents who requested it ahead of time were given a chance to provide feedback. The City Attorney added that some of the input was incorporated and some was not.

Mayor Pro Tem Jellins asked about the applicability of this ordinance to other markets in Menlo Park and Mr. McClure estimated that a few other markets might be impacted, but not all. The requirement for a new permit upon selling a business was discussed. Council Member Duboc thanked staff and residents for their efforts. Ms. Duboc asked if the terminology in the ordinance was overly specific in regards to its technology-related provisions. City Attorney McClure replied that some wording could be altered to include "a time release safe or an equivalent devise". Council Member Cohen asked how the number of 100 checks per month was decided upon, and Mr. McClure stated that after conversations with staff it sounded like a reasonable number. Council discussed conditional

permit approvals. Council Member Cohen asked about the applicant's permit fee and Commander Molakides responded that staff estimates it will be between \$50 and \$150.

Mayor Pro Tem Jellins noted that a 4/5 vote majority must exist in order to approve the urgency ordinance. Since only three of Council Members are present all three must vote for the ordinance in order to pass it as an urgency ordinance.

Mayor Pro Tem Jellins opens the Public Hearing

Lisa de Avila supports passing the ordinance and submitted a petition with 80 signators who support improved security.

Diane Mavica agrees with the adoption of the ordinance. She thanked the neighbors and staff for their efforts.

Marcia Bever thanks the community for addressing the issue and urges the adoption of this ordinance. She appreciates the transparency in the process.

Mark Costa hopes that issues such as fences and alley use are addressed in the future. He supports the urgency ordinance but he believes there is more work to be done.

Ross Wilson shared concerns about safety and the fact that this facility is in a residential area. Mr. Wilson does not think that security guards will add to the neighborhood look.

Diane Mavica thanks Mr. Chavez and his employees for all their work.

Rhoda Alexander hopes the neighbors continue to support the market. Ms. Alexander hopes the Police Department does not get further budget cuts that might reduce safety.

Rebecca Alexander thanks Council and everyone for collaborating. She is encouraged that residents are communicating with the La Hacienda Market.

M/S Duboc/Cohen to close the Public Hearing.

Motion carries unanimously with Winkler and Fergusson recused.

Council Member Cohen is interested in the Neighborhood Watch Program and he hopes this moves forward. He stated concerns with other markets that might be victims and he believes that gathering intelligence is important.

M/S Duboc/Cohen to adopt the urgency ordinance adding some of the wording stipulated on attachment A of the staff report.

Council Member Duboc announced that every resident would receive a budget survey to provide feedback regarding spending priorities.

Motion passes unanimously with Winkler and Fergusson recused.

2. Consideration of whether the check cashing operation at the La Hacienda Market constitutes a public nuisance.

Commander Molakides stated that the Neighborhood Watch Program is something the Police Department is diligently working on. She introduced outside counsel Lance Baer, and provided a brief review of staff's recommendation. This includes not considering the check cashing activity at La Hacienda a public nuisance. Commander Molakides outlined all the improvements done by the La Hacienda Market to be in compliance with the Police Department safety stipulations. Mr. Baer outlined the various options before Council, and answered questions related to the requirements imposed on the market.

Mayor Pro Tem Jellins opens the Public Hearing

Diane Mavica agrees with staff's assessment of the situation and recommendation.

Rhoda Alexander supports the Police Department recommendation.

Mark Costa suggests postponing the public nuisance item for the period of one year.

M/S Duboc/Jellins motion to close the Public hearing.

Mr. McClure addressed concerns from Mr. Costa in regards to recourse in case the check cashing activity becomes a problem again. Mr. McClure explained that the City could decide at any time if this operation constitutes a health, safety or general welfare concern and the permit may be revoked.

M/S Duboc/Cohen motion to terminate the abatement proceedings against the La Hacienda Market. Motion passes unanimously with Winkler and Fergusson recused.

E. ADJOURNMENT – the meeting adjourned at 7:55 p.m.

Respectfully submitted,

Silvia M. Vonderlinden, CMC

Approved at the Council Meeting of August 23, 2005.