



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

Tuesday, February 2, 2010 at 5:30 p.m.
701 Laurel Street, Menlo Park, CA 94025
City Council Chambers

5:30 P.M. CLOSED SESSION (Council Conference Room located at City Hall)

Mayor Cline called the special meeting to order at 5:30 p.m. with all members present.

1. Closed Session pursuant to Government Code section 54957.6 to conference with labor negotiators regarding labor negotiations with the Service Employees International Union Local 521 (SEIU). Attendees: Glen Rojas, City Manager, Bill McClure, City Attorney, Starla Jerome-Robinson, Assistant City Manager, Glen Kramer, Personnel and Information Services Director, and Charles Sakai, Labor Negotiator

Report on closed session – no reportable action

7:00 P.M. REGULAR SESSION

Mayor Cline called the meeting to order at 7:08 p.m. with all members present.

Pledge of allegiance was led by Cub Scout Pack 565 and Pack 222

ANNOUNCEMENTS

Applications being accepted for the Planning Commission and Transportation Commission.

A. COMMISSION/COMMITTEE VACANCIES, APPOINTMENTS AND REPORTS

B. PRESENTATIONS AND PROCLAMATIONS

1. Proclamation declaring February 2010 the Boy Scouts of America's 100th Anniversary Celebration ([Attachment](#))

C. PUBLIC COMMENT #1

- **Barbara Hunter** spoke regarding benefits and the current negotiations with SEIU.

D. CONSENT CALENDAR

1. Initiation of the Menlo Park Landscape Assessment District proceedings for fiscal year 2010-11 and adoption of **Resolution No. 5907** describing the improvements and directing preparation of the Engineer's report ([Staff report #10-014](#))
2. Introduction of an ordinance renumbering Chapter 12.48, "Woodburning Appliances", as Chapter 12.52 and correcting cross-references to that chapter in the Code ([Staff report #10-013](#))

Pulled by Fergusson to address putting Spare the Air Days on the City's website; Robinson advised that it is currently being posted on the Environmental page.

Action: Motion and second (Fergusson/Robinson) to introduce the ordinance; passes unanimously.

3. Acceptance of Council minutes for the meeting of January 26, 2010 ([Attachment](#))

Action: Motion and second (Robinson/Fergusson) to approve Consent Calendar items 1 and 3 passes unanimously.

E. PUBLIC HEARINGS

1. Consideration of an Appeal of the Planning Commission's decision to approve an administrative permit for outside seating in conjunction with food service establishments (Peet's Coffee & Tea and Rubio's Mexican Grille) and for on-site sale of beer and wine in conjunction with a restaurant use (Rubio's Mexican Grille only) at the Safeway retail services building (515 El Camino Real), zoned C-4 ECR(X) (General Commercial, applicable to El Camino Real, Conditional Development) ([Staff report #10-011](#))

Elizabeth Houck the appellant spoke regarding the item. She spoke to the CEQA process and the items that were not included in the conditions of approval. She spoke to the parking and traffic issues.

Fred Ponce the applicant addressed the concerns and the conditions of approval. Safeway is trying to enhance the quality of life in Menlo Park. The delivery truck parking is adjacent to the loading dock. The trucks are not parked during the peak parking hours.

Mayor Cline opened the Public Hearing

- **Joshua Colby** – Spoke in support of the item;
- **David Aleano** – Spoke in opposition of the item; the railing does not impede the flow of traffic, would like to see plastic or rubber coated bike racks, and carefully manage expectations.

Action: Motion and second (Boyle/Robinson) which passes unanimously to close the Public Hearing.

Action: Motion and second (Boyle/Fergusson) which passes unanimously to uphold the Planning Commission's decision to approve an administrative permit for outside seating in conjunction with food service establishments (Peet's Coffee & Tea and Rubio's Mexican Grille) and for on-site sale of beer and wine in conjunction with a restaurant use (Rubio's Mexican Grille only) at the Safeway retail services building (515 El Camino Real), zoned C-4 ECR(X) (General Commercial, applicable to El Camino Real, Conditional Development).

Council also gave some guidance to staff in terms of a request to continue staff efforts to address various community concerns.

2. Adoption of Resolutions joining the CaliforniaFIRST program; authorizing the County of Sacramento to apply for grant funds on the City's behalf; authorizing the Association of Bay Area Governments to accept a grant award on its behalf and to enter into all necessary contracts and agreements to carry out qualified projects, recognizing the County of San Mateo as the lead local implementer for all of the local governments in San Mateo County, and adopting findings under the California Environmental Quality Act; and joining the California Statewide Communities Development Authority and authorizing the City Manager to execute the joint powers agreement ([Staff report #10-017](#))

Peggy Jensen, Deputy County Manager and Douglas Alfaro, Analyst & Program Coordinator with San Mateo County presented the item.

Mayor Cline opened the Public Hearing

Action: Motion and second (Robinson/Fergusson) which passes unanimously to close the Public Hearing.

Action: Motion and second (Robinson/Fergusson) which passes unanimously to adopt the following resolutions:

Resolution No. 5908 authorizing the City of Menlo Park to join the CaliforniaFIRST Program; Authorizing the California Statewide Communities Development Authority to accept applications from property owners, conduct contractual assessment proceedings and levy contractual assessments within the territory of the City; and Authorizing related actions

Resolution No. 5909 authorizing Sacramento County to apply for and receive State Energy Program funds on behalf of the City of Menlo Park

Resolution No. 5910 authorizing the Association of Bay Area Governments to accept a grant award on behalf of the City of Menlo Park, to enter into all necessary contracts and agreements to carry out qualified projects, recognizing the County of San Mateo as the lead local implementer for all of the local governments in San Mateo County, and adopting findings under the California Environmental Quality Act for purposes of the CaliforniaFIRST Property Assessed Clean Energy Program

Resolution No. 5911 approving and directing execution of California Communities Joint Powers Agreement

F. REGULAR BUSINESS

1. Consideration of options for approaching outreach for development of an ordinance limiting smoking in multi-family residences ([Staff report # 10-018](#))

Public comments on the item:

- **Barbara Franklin** – read a statement and encouraged the Council to prohibit smoking inside multi-use units and if not then declare second-hand smoke a nuisance
- **Dennis Acha** – stressed the importance of having a way to handle smoking in a unit below yours and urged the Council to declare second-hand smoke a nuisance

Action: Motion and second (Robinson/Fergusson) which passes 4-1 (Boyle dissenting) to use outreach option 1 as outlined in the staff report.

2. 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

1. Quarterly financial review of General Fund operations as of December 31, 2009 ([Staff report #10-016](#))
2. Review of the City's investment portfolio as of December 31, 2009

[\(Staff report #10-015\)](#)

J. COUNCILMEMBER REPORTS

1. Report from the City Council Subcommittee on High Speed Rail – None

K. PUBLIC COMMENT #2 – None

L. ADJOURNMENT – 10:40 p.m.

Margaret S. Roberts, MMC
City Clerk

The minutes were accepted at the Council meeting of 02/23/2010