



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

**Tuesday, March 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, 1st floor of City Hall)

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) and Unrepresented Management. 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

7:00 P.M. REGULAR SESSION

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

Pledge of allegiance was led by Mayor Cline.

REPORT ON CLOSED SESSION - No reportable action.

ANNOUNCEMENTS

- 2010 Census is coming April 1
- A pancake breakfast fundraiser will be held to support relief to Haiti on March 14, 2010 at Cedro's restaurant

A. COMMISSION/COMMITTEE VACANCIES, APPOINTMENTS AND REPORTS

- Patricia Boyle announced the Housing Commission's upcoming presentation 'Land Use Planning and our Aging Population' on March 25, 2010 at the Menlo Atherton Performing Arts Center.

B. PRESENTATIONS AND PROCLAMATIONS

1. Proclamation: Red Cross Month ([Attachment](#))

Mayor Cline presented the proclamation to Cindy Holzman of the American Red Cross.

C. PUBLIC COMMENT #1

- Randy Craig, SEIU, spoke regarding labor negotiations
- Mary Jane Cabildo, SEIU, spoke regarding labor negotiations
- Juan Pham, SEIU, spoke regarding labor negotiations
- Julie Robinson, SEIU, spoke regarding labor negotiations
- Rene Morales, SEIU, spoke regarding labor negotiations
- Riko Mendez, SEIU, spoke regarding labor negotiations

D. CONSENT CALENDAR

1. Consideration of a Resolution adopting revised Below Market Rate Housing Program Guidelines ([Staff report #10-026](#))

Councilmember Boyle requested the item be pulled for further consideration. Housing Manager Doug Frederick responded to Councilmember Boyle's questions regarding sections 4.12, 6.4, 6.5 and 13.3.

Action: Motion and second (Cohen/Fergusson) to approve **Resolution 5915** adopting revised Below Market Rate Housing Program Guidelines with the condition that the document be reviewed by the Housing Commission to address Councilmember Boyle's questions and brought back to Council at a future meeting if needed passes 4-1 (Boyle dissents).

E. PUBLIC HEARINGS

1. Consideration of an ordinance amending the City's smoking regulations and prohibitions and an ordinance adding tobacco retailer permitting requirements to the City of Menlo Park Municipal Code ([Staff report # 10-029](#))

Staff presentation by Leigh Prince, Assistant to the City Attorney.

Mayor Cline opened the Public Hearing. The following members of the public spoke:

- Barbara Franklin spoke in favor of the ordinance
- Halle Hewitt spoke in favor of the ordinance and would like to see stronger language and clarification regarding legal remedies
- Derek Smith, San Mateo County Department of Health, offered assistance in public outreach efforts
- Bill Davis, Knickerbocker Cigars, expressed concern regarding the effect of the ordinance on his business and asked Council to consider alternatives for retailers
- Emily Lehr, Tobacco Education Coalition, spoke in support of the ordinance and offered assistance
- Jose Ceja spoke in support of the ordinance
- Joshua Howard, Tri-County Apartment Association, expressed concern regarding outreach to apartment owners and requested clarifications on several items in the ordinance and a 6-month phase in of the ordinance

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

Action: Motion and second (Fergusson/Robinson) to introduce an ordinance amending the City's smoking regulations and prohibitions and an ordinance adding tobacco retailer permitting requirements to the City of Menlo Park Municipal Code pursuant to staff's recommendation passes 4-1 (Boyle dissents) with the revisions recited into the record as follows:

- Amend section 7.30.030 regarding unenclosed areas
- Amend section 7.30.090 regarding adversely impacted parties
- Amend sections 7.30.040 and 7.30.090 regarding liability of landlords
- Delete section regarding signage

Action: Motion and second (Boyle/Fergusson) to amend the original motion fails 1-4.

F. REGULAR BUSINESS

1. Consideration of a Resolution authorizing an additional \$625,000 from the BMR fund for the Habitat for Humanity Neighborhood Revitalization Program ([Staff report # 10-025](#))

Staff presentation by Doug Frederick, Housing Manager

Public comment:

- Laura Schultz

Action: Motion and second (Robinson/Cohen) to approve **Resolution 5916** authorizing an additional \$625,000 from the BMR fund for the Habitat for Humanity Neighborhood Revitalization Program passes unanimously.

2. Council review and direction regarding the Updated Business Development Division Plan ([Staff report # 10-028](#))

Staff presentation by David Johnson, Business Development Manager.

3. 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

1. Report from the City Council Subcommittee on High Speed Rail
Councilmember Cohen and City Attorney McClure are recused from this item and left the Council Chambers at 11:30 p.m.

K. PUBLIC COMMENT #2

L. ADJOURNMENT at 11:43 p.m.

Pamela Aguilar
Deputy City Clerk

The minutes were accepted at the Council meeting of March 23, 2010