



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

Tuesday, September 14, 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)

Mayor Cline called the special meeting to order at 5:40 p.m. with Council Members Cohen and Fergusson absent.

NOTE: Councilmember Cohen is recused from the item due to the proximity of his property

NOTE: Council Member Fergusson arrived at 5:54 p.m.

1. Closed Session pursuant to Government Code section 54956.9 to conference with legal counsel regarding potential litigation against the California High Speed Rail Authority regarding the adequacy of the Final Revised Programmatic Environmental Impact Report for the Bay Area to Central Valley High Speed Train Project

At 7:03 the Council reconvened in open session, called the regular meeting to order with all members present.

Pledge of allegiance was led by Mayor Cline.

REPORT FROM CLOSED SESSION

Action: There was no reportable action from closed session

ANNOUNCEMENTS

- The League of Women Voters is having a Candidate Forum in the Council Chambers on September 29 from 7:00 – 8:30 p.m.
- The State of the City will be on September 23rd beginning at 6:00 at the Stanford Park Hotel and will be followed by the Golden Acorn Awards.

1. Introduction of new Police Chief Bryan Roberts

City Manager introduced new Police Chief Bryan Roberts, who started with the City on September 7, 2010.

Chief Roberts addressed the Council and provided an update on the City of Menlo Park's assistance to the City of San Bruno in connection with the recent gas line explosion.

- A. COMMISSION/COMMITTEE VACANCIES, APPOINTMENTS AND REPORTS –
None**

B. PRESENTATIONS AND PROCLAMATIONS

1. Proclamation declaring the Menlo Park Chamber of Commerce & San Mateo County Chamber of Commerce Alliance “Join Your Local Chamber Week – September 20-24, 2010” ([Attachment](#))

The Proclamation was accepted by Robert Carter, Chairman of the Board for the Chamber of Commerce. Mr. Carter gave the history of the Menlo Park Chamber of Commerce which incorporated the same year as the City of Menlo Park

C. PUBLIC COMMENT #1

- Steven Sidlovsky – Spoke regarding Life Peace Zones ([Handout](#))
- Halle Hewitt – Concerns with the downtown parking regulations that will go into effect in 2011 and the hopes that some cultural venues will be incorporated on El Camino Real
- Mr. Rojas – Announced that there will be some badminton lines put down on one of the basketball courts at the Arrillaga Gymnasium for at least four badminton courts
- Seth Elliot – Thanked the City for its support of badminton and the incorporation of lines in the gymnasium
- Janet Elliot – Thanked the Council and staff for the addition of badminton lines
- Susan Schultz – Stated that badminton becomes contagious and it is a family sport
- John Hargis – Spoke regarding badminton at Arrillaga Gym ([Attachment](#))

D. CONSENT CALENDAR

1. Adoption of a Resolution approving destruction of obsolete City records ([Staff report #10-124](#))

Item pulled by H. Robinson for discussion

Action: Motion and second (Robinson/Fergusson) to adopt **Resolution No. 5958** approving destruction of obsolete City records the passes unanimously.

2. Authorize the City Manager to enter Into an agreement with Significant Cleaning Services in the Amount of \$408,283 for a four year agreement to provide professional janitorial services to various City facilities; and authorize an option for extending the service contract for an additional four one-year terms ([Staff report #10-126](#))

Item pulled by K. Fergusson for discussion

Action: Motion and second (Robinson/Boyle) to authorize the City Manager to enter into an agreement with Significant Cleaning Services in the amount of \$408,283 for a four year agreement to provide professional janitorial services to various City facilities and authorize an option for extending the service contract for an additional four one-year terms passes by the following votes (Ayes: Boyle, Cline, Robinson; Noes: Fergusson; Abstain: Cohen).

3. Acceptance of Council minutes for the meetings of August 24 and 31, 2010 ([Attachment](#))

Action: Motion and second (Robinson/Cline) to accept the minutes for the meetings of August 24 and 31, 2010, passes unanimously.

4. Adoption of a Resolution authorizing the filing of an application for federal Surface Transportation Program (STP) and/or Congestion Mitigation and Air Quality Improvement (CMAQ) funding and committing the necessary non-federal match and stating the assurance to complete the project ([Staff report #10-129](#))

Item pulled by J. Boyle for discussion

Action: Motion and second (Robinson/Fergusson) to adopt **Resolution No. 5959** authorizing the filing of an application for federal Surface Transportation Program (STP) and/or Congestion Mitigation and Air Quality Improvement (CMAQ) funding and committing the necessary non-federal match and stating the assurance to complete the project the passes unanimously.

E. PUBLIC HEARINGS – None

F. REGULAR BUSINESS

1. Introduction and first reading of the ordinance amending the City's smoking regulations and prohibitions to the City of Menlo Park Municipal Code ([Staff report #10-123](#))

Staff presentation by City Attorney Bill McClure

Public Comments:

- Halle Hewitt – Spoke against the cigar smoke being allowed outdoors and stated there should be no smoking at senior facilities / homes, medical facilities; should be more limiting
- Barbara Franklin – Read a letter regarding second hand smoke and its affect on health ([Attachment](#))
- Susan LaCoste – Inquired about the enforcement of the ordinance; she is a smoker and stated that there are toxins everywhere
- Joshua Howard (representing Tri-County Division of the California Apartment Association) – Thanked the Council and City Attorney for the open and public process on this item. He requested a longer time between adoption and the effective date of the ordinance to give property owners time to notify residents and get procedures in place for their properties

Action: Original Motion and second (Boyle/Cline) to introduce the ordinance as submitted with the following changes:

Add the verbiage to Section 7.30.050: In any dispute under this chapter, the rights of the non-smoker shall be given precedence.

Extend the effective date to 60 days

Action: Motion to Amend and second (Fergusson/Cohen) to delete the word adversely from Section 7.30.030 fails with the following votes (Ayes: Cohen, Fergusson; Noes: Boyle, Robinson; Abstain: Cline).

Action: Original Motion passes unanimously.

2. Consideration of approval of purchase of 1441 Almanor in connection with the Neighborhood Stabilization Program and approval of a Resolution authorizing the City Manager to execute contract escrow documents and acceptance of deed ([Staff report #10-127](#))

Staff presentation by Doug Frederick, Housing Manager

Action: Motion and second (Robinson/Cohen) to approve the purchase of 1441 Almanor in connection with the Neighborhood Stabilization Program and **Resolution No. 5960** authorizing the City Manager to execute contract escrow documents and acceptance of deed passes 4-1 (Boyle dissenting).

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:
 - a. Adoption of a Resolution supporting Proposition 22 the Local Taxpayer, Public Safety and Transportation Protection Act of 2010 ([Staff report #10-125](#))

Staff presentation by Glen Rojas, City Manager

Action: Motion and second (Fergusson/Robinson) to adopt **Resolution No. 5961** supporting Proposition 22 the Local Taxpayer, Public Safety and Transportation Protection Act of 2010 passes unanimously.

4. Approval of a Comment Letter on the Supplemental Alternatives Analysis Report for the San Francisco to San Jose section of the California High Speed Rail Project and approval of a Comment Letter to the Federal Rail Administration on the High Speed Rail funding application ([Staff report # 10-128](#))

NOTE: Councilmember Cohen and City Attorney McClure are recused from the item due to proximity of their properties and they left the chambers at 9:29 p.m.

Staff presentation by Charles Taylor, Engineering Services Manager

Public Comments:

- Don Barnby – Read a letter urging the Council to take action now ([Attachment](#))
- Larry Dahl – Spoke in support of High Speed Rail; there has been no survey as to how the residents on the peninsula feel about HSR
- Morris Brown – Supports the letter; the California High Speed Rail Authority has to complete a segment to obtain Prop 1A funding

Council Comments:

- Consider sending the letter to additional key legislators, both state and federal.
- Consider adding the benefits of the plan to the letter.

Action: Motion and second (Fergusson/Robinson) to approve a Comment Letter on the Supplemental Alternatives Analysis Report for the San Francisco to San Jose section of the California High Speed Rail Project and giving the Mayor discretion to modify the letter taking into account the comments made passes with the following votes (Ayes: Cline, Fergusson, Robinson; Noes: Boyle; Absent Cohen).

Action: Motion and second (Fergusson/Robinson) to approve a Comment Letter to the Federal Rail Administration on the High Speed Rail funding application and giving the Mayor discretion to modify the letter taking into account the comments passes unanimously 3-1 with (Cohen absent).

G. CITY MANAGER'S REPORT – None

H. WRITTEN COMMUNICATION – None

I. INFORMATIONAL ITEMS – None

J. COUNCILMEMBER REPORTS

- Downtown Specific EIR now looks to be extended due to the need to complete the technical analysis, address newer CEQA requirements and ensure the overall quality of the EIR. The subcommittee is working with staff to expedite the Draft EIR release as much as possible.

1. Report from the City Council Subcommittee on High Speed Rail - **Item removed from the agenda**

K. PUBLIC COMMENT #2

- Barbara Franklin – Thanked the Council for their work on the Smoking Ordinance
- Steven Sidlovsky – Asked that the Council send Life Peace Zones to legal counsel and then to the Community Development Department

L. ADJOURNMENT – 10:31 p.m.

Margaret S. Roberts, MMC
City Clerk

Minutes accepted at the Council meeting of September 28, 2010