



**CITY COUNCIL
COMMUNITY DEVELOPMENT AGENCY
MINUTES**

Tuesday, December 6, 2005
7:00 p.m.

701 Laurel Street, Menlo Park, CA 94025
Menlo Park City Council Chambers

7:00 p.m. REGULAR MEETING (Menlo Park City Council Chambers)

ROLL CALL - Winkler, Jellins, Cohen, Duboc, Fergusson

STAFF PRESENT - David Boesch, City Manager; William McClure, City Attorney; and Silvia M. Vonderlinden, City Clerk. Various department heads and other City staff were also present.

PLEDGE OF ALLEGIANCE

Mayor Winkler dedicated the meeting to Boyd Paulson Jr. a friend and a mentor who died on December 1, 2005. Ms. Winkler extended condolences to the family.

A. COMMISSION VACANCIES AND REPORTS

1. Two vacancies on the Bicycle Commission to fill un-expired terms ending in April 2007 and April 2009. The deadline for receipt of applications is December 14, 2005 and January 4, 2006 at 5:30 p.m. respectively.
2. Commission Reports.

B. PRESENTATIONS AND PROCLAMATIONS - None

C. PUBLIC COMMENT #1 (*Limited to 30 minutes*)

Laura Fanucchi, Director of HIP Housing, presented the Council with 2006 calendars. She explained that the calendars are a way to reinforce the need for affordable housing in this area.

Steve Schmidt, former Mayor of Menlo Park, showed a sign from Mr. Jellins' 1998 election, highlighting the words reasonable and balanced. He asked if Mr. Jellins is Mayor again, as it has been published in local newspapers, if this is balanced or reasonable. Mr. Schmidt referred to a policy that has been in place since 1993 and he hopes Council doesn't disregard it.

Mayor Winkler commented that this item should have been addressed under Regular Business, and not under Public Comment #1, which covers items not on the agenda.

Michael Carey talked about trust and expressed his hope that the Council does the right thing tonight.

D. CONSENT CALENDAR - None

E. PUBLIC HEARING - None

F. REGULAR BUSINESS

1. Selection of Mayor and Mayor Pro Tem.

Mayor Winkler gave a speech about the State of the City and how little happens quickly in local government. Ms. Winkler is especially proud of the efforts underway to balance the budget and the budget survey response level. She outlined other achievements including specific measures to make the city a safer place, and funds for street infrastructure. Mayor Winkler is proud of the Neighborhood Traffic Management Plan and the Bicycle Plan approved last year. Other projects in the works mentioned by Mayor Winkler included the housing and park on Hamilton Avenue and the Belle Haven Action Plan. Mayor Winkler shared her optimism about Bayfront Park and what she believes are the possibilities for broader community use being explored because of the Council's recent decision.

Mayor Winkler believes that if the City is going to keep current service levels, Menlo Park must attract the type of businesses that pay taxes. She mentioned permit streamlining and the new Business Development position, held by David Johnson, as examples of progress in that area. She also enumerated some of Mr. Johnson's achievements such as organizing a Design Charrette and bringing Ace Hardware back to downtown. Mayor Winkler is happy about the parking structure that is being explored for downtown and the remodel of the police station that will soon become a Child Care Center, scheduled to open in February '06. She complimented the Library Commission and Library Director Holmer on the newly founded Library Foundation. Mayor Winkler thanked City Manager Boesch and City Attorney McClure as well as the Budget Advisory Committee for their support and hard work.

Council Member Duboc thanked Ms. Winkler for her hard work and humor which helped endure a lot of different situations in the last year. Mayor Pro Tem Jellins thanked Ms. Winkler for her vision and humor. Mr. Jellins said he enjoyed being Ms. Winkler's Mayor Pro Tem.

Mayor Winkler asked if there were any questions about the Mayor selection procedure. Council Member Duboc referred to a chart that was provided at the dais. Ms. Duboc asked City Clerk Vonderlinden to put the chart on the projector for the public to view it. The City Clerk explained that copies of the document were also available for the public in the back of the room. Ms. Winkler noted that the Council policy was instituted in 1993 and during its first five years there were two years when the policy was not followed. Ms. Winkler also stated that in '97-98 Bernie Nevin was passed over as a candidate for Mayor even though she had seniority and had been Mayor Pro Tem. Ms. Winkler conceded this is not a technical violation of the policy but it is a violation of the spirit of the contract. She said that in '99-00 Mr. Jellins was elected Mayor but he was curtailed in what he was allowed to do; so, when he was elected Mayor in 2002 she consider this his first real term. She pointed out that the policy has not been followed and she asked City Attorney McClure what the force of the policy is. Mr. McClure responded that this is non-binding on the Council.

Public Comment

Don Barnby disagreed with the Mayor's comments on Bayfront Park because in his opinion the Council is not helping that area. Mr. Barnby asked Council Members Jellins, Winkler and Duboc to follow the policy and said that Ms. Fergusson received more votes than any other Council Member. He believes she is in touch with the will of the people and looks for a compromise. He asks that she be the next Mayor.

Elizabeth Lasensky said it is disheartening to know that the policy can be easily broken and she believes Council Member Fergusson has shown good process and leadership to be Mayor. Ms. Lasensky said that Mr. Jellins should show the community true leadership and not serve a third time. She believes that Keplers' was saved thanks to Council Member Fergusson's efforts.

Patti Fry believes in following existing policy because it provides order and security. Ms. Fry gave examples of what she believes is piecemeal zoning, and she believes there is value in changing policies; when it is time to change the policy the public should be involved. She believes the Council has an opportunity tonight to honor an established policy or explicitly change the policy.

Rich Mintz urges the Council to do the right thing and he hopes Ms. Fergusson is given a chance to be Mayor since she has shown leadership on various issues. He believes Ms. Fergusson and Mr. Cohen should be given a chance.

Judy Morley thanked Ms. Fergusson for her involvement with the Willows neighborhood, and for her leadership in saving Kepler's. She believes the policy should not be bypassed and that the reason behind this is to continue the relationship with certain developers. She disagrees with selecting a Mayor because one feels more comfortable with a certain person; her opinion is that Council should follow the policy. Ms. Morley said Ms. Duboc last year offered to vote for Ms. Fergusson as Mayor.

Council Member Duboc clarified that she said she would vote for Ms. Fergusson as Mayor Pro Tem.

Roxanne Rorapaugh said she attends many Council Meetings and she believes a fresh start is needed. She would like the Council to follow the policy and show the children that we play by the rules. Ms. Rorapaugh believes that Mr. Jellins should repay the favor and give Ms. Fergusson a chance.

Frank Carney said the policy is fair and it should be followed. He said that in 1999 not everybody favored having Mr. Jellins as Mayor. However, in 2002 when it was time for Mr. Kinney to be Mayor, Mr. Jellins instead voted for himself. Mr. Carney opined that the two eligible members tonight are Fergusson and Cohen. He hopes the Council does the right thing and leads by example.

Henry Riggs thanked the Council for three constructive years despite substantial budget cuts. Mr. Riggs believes this is an open process, and he is surprised that this policy says that after one year on the Council a Council Member is ready to serve as Mayor. He believes the person should be at least two years on Council, and suggested that this might be the time to look at the policy.

Mary Jo Borak, former Mayor of Menlo Park, said that the overhead is incorrect because in December '02-03 Mr. Kinney should be Mayor and not Mr. Jellins. Ms. Borak said that the policy was not followed that year and this is not reflected on the spreadsheet. Regarding her vote in 2000 to not support Mr. Jellins as Mayor, she said she had her reasons. She disagrees with Council talking to newspapers instead of discussing the matter openly.

Ms. Winkler said that the overhead indicated correctly that the policy was not followed when Mr. Jellins became Mayor on that year.

Jordan Headther, a resident of Mountain View who attends meetings of the Valley Transportation Authority Board with Ms. Fergusson, offered his support for her to be Mayor. He believes she is committed and diligent in looking after the interests of Menlo Park and the whole region.

Alexander Kugushen believes that Council Members should represent all residents and it is not fair to keep a certain majority.

City Clerk Vonderlinden opened the floor for nominations for Mayor of Menlo Park:

Council Member Cohen nominated Ms. Fergusson for Mayor of Menlo Park.

Council Member Duboc nominated Mr. Jellins for Mayor of Menlo Park.

Ms. Duboc said that because the speakers wanted reasons why she would nominate Mr. Jellins she was going to offer them. She believes this will be a challenging year of budget decisions and she prefers someone experienced at the helm. Ms. Duboc believes that Mr. Jellins will do a great job managing the agenda process and knows how to reach a compromise. She believes that in the end he puts aside his personal feelings to find a consensus. Ms. Duboc enumerated the various seats held by Mr. Jellins in regional agencies. Ms. Duboc addressed those who lobbied for Ms. Fergusson to be Mayor, and stated she believes this marks the beginning of the 2006 election year.

Council Member Cohen shared reasons why he believes Ms. Fergusson should be Mayor. He said that he has been here for one year and he believes tonight is a political representation of the last three years, with more errors than accuracy, and that this is just another attack on Ms. Fergusson. Mr. Cohen believes she has been taking continuous attacks like a champ. Mr. Cohen referred to a conversation with Mr. Jellins, and he was told that process not politics is important. Mr. Cohen said that all he can say is that tonight it is all about politics and not process. He believes the right thing to do is elect Council Member Fergusson for Mayor because she has earned it.

M/S Duboc/Winkler to close the nomination period. Motion carries unanimously.

Vote on the nomination of Council Member Fergusson for Mayor of Menlo Park.

Nomination fails 2-3 with Cohen and Fergusson voting in favor.

Vote on the nomination of Mayor Pro Tem Jellins for Mayor of Menlo Park.

Nomination passes 3-2 with Duboc, Jellins and Winkler voting in favor.

City Clerk Vonderlinden announced that the new Mayor of Menlo Park is Nicholas Jellins.

Mayor Jellins proceeded with opening the floor for nominations for Mayor Pro Tem:

Council Member Duboc nominated Council Member Fergusson.

Ms. Fergusson thanked Ms. Duboc but stated that she believes that the residents would be best served if Mr. Cohen was Mayor Pro Tem. Mr. Cohen declined the nomination. Ms. Fergusson commented that while she will continue to serve the people of Menlo Park, she feels that Mr. Jellins has not respected her, and she fears this would not be a productive relationship. Ms. Duboc said that she believes Ms. Fergusson will learn a lot from Mr. Jellins and she knows that Ms. Fergusson is a hard working Council Member. Mayor Jellins encouraged Ms. Fergusson to serve as Mayor Pro Tem promising to work with her, meet with her on a regular basis, and finding a good operating level. Council Member Fergusson reluctantly accepted the nomination.

M/S Winkler/Duboc to close the nomination period for Mayor Pro Tem of Menlo Park. Motion carries unanimously.

Council Member Fergusson is the new Mayor Pro Tem of Menlo Park by acclamation.

Mayor Jellins welcomed and congratulated Ms. Fergusson. Mayor Jellins thanked Ms. Winkler for all her work as Mayor and he presented her with a golden gavel.

Mayor Jellins thanked the Council for the honor of being Mayor and recognized previous Council Members for their contributions. Mr. Jellins appreciates the comments made by the public and Council, and reiterated that he is a supporter of open process. He commented that it is his view that as policy makers, Council decisions should be made at the dais. Mr. Jellins respects everyone's opinions and asks that Council work together to do the people's business. He vowed to be fair and even-handed regardless of divergent views. He thanked City staff for being present tonight and he counts on staff's best advice. Mr. Jellins also thanked the public for being present and encouraged everyone to speak out and continue coming forward. The new Mayor addressed the media asking them to portray all views and cover stories fairly. Lastly, he thanked personal friends and family members who make it possible for Council to do its job.

Mayor Pro Tem Fergusson thanked the public for the kind words. She explained that she does public service because she considers it a privilege to represent people's voices on a multitude of subjects. Ms. Fergusson said that despite its challenges, this has been a rewarding year, and she looks forward to continuing representing the interests of the people of Menlo Park.

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 Items.

G. WRITTEN COMMUNICATION - None

H. INFORMATION ITEMS - None

I. COUNCIL MEMBER REPORTS

J. PUBLIC COMMENT #2 (Limited to 30 minutes) - None

K. ADJOURNMENT – Mayor Jellins reiterated that this meeting was in memory of Boyd Paulson. Mayor Pro Tem Fergusson added that Mr. Paulson was her professor at Stanford, and she thanked the Council for dedicating this meeting to his memory. The meeting adjourned at 8:30 p.m. Light refreshments were served in the Council Chambers.

Respectfully submitted,

Silvia M. Vonderlinden, CMC

Approved at the Council Meeting of January 10, 2006.