



**CITY COUNCIL**  
and  
**COMMUNITY DEVELOPMENT AGENCY**  
**MINUTES**

Tuesday, November 28, 2006  
7:00 p.m.

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

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**5:30 p.m. CLOSED SESSIONS** (First Floor Conference Room – Administration Building)

1. Closed Session pursuant to Government Code Section §54956.9 regarding potential litigation regarding the Derry Lane Project and Referendums. Parties present: David Boesch, City Manager, Bill McClure, City Attorney, and Arlinda Heineck, Community Development Director.

2. Closed Session pursuant to Government Code Section §54956.9 regarding San Mateo County Superior Court Case No. CIV 458899 existing litigation by Town of Atherton vs. Sequoia Union High School. Persons present: David Boesch, City Manager and Bill McClure, City Attorney.

Reconvene in Open Session and Report on Aforementioned Closed Sessions.

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

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

**PLEDGE OF ALLEGIANCE**

Staff present: City Manager Boesch, City Attorney McClure, City Clerk Vonderlinden were present. Other City staff were in attendance in the audience.

Mayor Jellins announced there was nothing to report from the Closed Sessions.

Mayor Jellins welcomed the new Community Services Director Barbara Santos-George.

**A. COMMISSION VACANCIES, APPOINTMENTS AND REPORTS**

1. Commission members and Chamber of Commerce reports.

Hank Lawrence addressed Council thanking outgoing Council Members for their civic service. Mr. Lawrence announced that he will be resigning from the Transportation Commission because of a move in residence.

Fran Dehn spoke about the "Shop Menlo" program and she gave out lapel pins. Ms. Dehn said that next Saturday will be a Shop Menlo Park day and she encouraged everyone to support local vendors.

**B. PRESENTATIONS AND PROCLAMATIONS**

Bruce Goitia, Chief of Police, introduced some of his new and current employees and spoke about the consolidation of the San Carlos and the Menlo Park dispatch centers. Mr. Goitia gave details about the transition of consolidating the San Carlos and the Menlo Park dispatch center.

Jan Lanier, Dispatch Center Supervisor, was presented a certificate of recognition by the Mayor for her dedication to this project.

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

Margaret Fruth said that all good things come to an end and the three outgoing Council Members are going forth to do other things. Ms. Fruth said that there are many ways for the Council Members to continue serving the community.

Mary Gilles believes that Council Member Duboc took courageous positions in her policy making. She believes that Council Member Duboc has shown concern for the community.

Council Member Duboc announced that she will not be present at next week's meeting.

Dick Poe said that he took great pleasure working with Council Member Duboc during the Measure T campaign. He thanked Council Member Duboc for her service to the community.

Shirley Chiu thanked the outgoing Council Members for their work and dedication to the community. Ms. Chiu spoke about the differences in ideology in Menlo Park.

Matt Henry said he attended the Dumbarton Rail meeting in the recent past and the facts were clear to him. However, he said the information presented was not pleasant and the audience was somewhat short-sighted and avoided looking at the solutions on a regional level. He thanked the outgoing Council Members for their service.

Elias Blawie spoke about Consent item D8 and Consent item D9 and he asked Council not to take action on these matters. He believes these items should be looked at by the new Council.

Vincent Bressler said that the agenda is too long and that he finds this disappointing because the public has asked for these items to be forwarded to the new Council. Mr. Bressler does not support such a long agenda.

Hank Lawrence believes city business has to continue as usual and the outgoing Council Members' terms expire next week and not tonight. He will miss being here next week.

### **D. CONSENT CALENDAR**

1. Adoption of resolution no. 5714 approving the installation at Willow Oaks Park of a three-hour parking restriction in the parking lot and red curbs on both sides of the parking lot entrance. (Staff Report #06-202)

2. Authorize the Public Works Director to accept the work performed by Republic Electric for the installation of in-pavement lighted crosswalks at Ravenswood Avenue at Alma Street, Oak Grove Avenue in front of the Menlo Park Post Office, and Santa Cruz Avenue at Johnson Street. (Staff Report #06-203)

3. Adoption of resolution no. 5715 authorizing the City Manager to submit an application and execute agreements with the California Department of Transportation (Caltrans) to receive a Fiscal Year 2007-08 Bicycle Transportation Account (BTA) Grant to expand the City of Menlo Park's existing Bikeway Network. (Staff Report #06-209)

4. Adoption of resolution no. 5716 of intention to abandon the Public Utility Easement crossing the rear six feet of lots 8, 9, 10, 11, and C and extending into the center of lot 10 of the Heritage Oaks Major Subdivision located at 966-1002 Willow Road. (Staff Report #06-212)

5. Authorize the City Manager to execute an application with the Bay Area Water Supply and Conservation Agency (BAWSCA) to participate in the Multi-Family and Commercial High-Efficiency

Toilet (HET), High-Efficiency Urinal (HEU) Replacement Program sponsored by BAWSCA with the San Jose Water Conservation Corporation in the amount of \$36,000 for the installation of the HETs/HEUs. (Staff Report #06-213)

6. Award of contract to Precision Emprise, Inc., in the amount of \$65,000 for the Fiscal Year 2006-07 Sidewalk Trip Hazard Removal Project; and authorization of a budget of \$90,000 for construction, contingencies, engineering, construction administration, and testing. (Staff Report #06-214)

7. Award of contract to Sunnyvale Ford in the amount of \$49,963.60 for the purchase of four Public Works compact pick-up trucks; and authorization of a total budget of \$54,963.60 for the purchase of vehicles and contingencies. (Staff Report #06-215)

8. Waiver of the reading and adoption of ordinance no. 955 rezoning the property located at 75 Willow Road from C-1 (Professional and Administrative District, Restrictive) to R-3-X (Apartment - Conditional Development District). (Staff Report #06-217)

9. Adoption of resolution no. 5717 to approve the final map for a nine-unit condominium conversion project located at 695 Oak Grove Avenue. (Staff Report #06-216)

10. Approval of a revision to a Conditional Development Permit to reduce the off-street parking requirement for an existing 60-unit, multiple-family residential building at 1330 University Drive. (Staff Report #06-218)

11. Approval of the minutes from the City Council meetings of July 25, 2006 (attachment); August 1, 2006 (attachment); August 22, 2006 (attachment); September 12, 2006 (attachment); September 19, 2006 (attachment), and September 26, 2006. (attachment).

The following Consent Calendar Items were pulled for discussion: D2, D3, D4, D5, D6, D7, D8, D9 and D10.

**M/S Duboc/Winkler to approve Consent Calendar items D1 and D11. Motion carries 5-0-0.**

#### **Discussion on item D2**

Council Member Cohen shared concerns about safety and Mr. Chip Taylor, Transportation Manager, explained that national studies have shown that the in-pavement lighted crosswalks provide for an additional level of safety. He also mentioned that the audible alert adds caution to pedestrians and vehicles. Council Member Cohen spoke about the Linfield Oaks neighborhood and how he believes this will impact that area of the city.

**M/S Cohen/Jellins to approve Consent Calendar item D2. Motion carries 5-0-0.**

#### **Discussion on item D3**

Council Member Cohen asked about tripping hazards and Mr. Steffens said that residents can log the complaints about Menlo Park Direct Connect or call the Engineering Department.

Council Member Cohen asked details on the application and Transportation Manager Taylor explained details about the grant. The crossing of Willow Road at Bayfront was discussed and Mr. Taylor provided details on that crossing.

**M/S Fergusson/Jellins to approve item D3. Motion carries 5-0-0.**

#### **Discussion on item D5**

Mayor Pro Tem Fergusson asked about limiting the toilet selection to those that are family friendly. Kent Steffens, Public Works Director, said he contacted BAWSCA (Bay Area Water Supply and

Conservation Agency) and it allowed the limitation but would not recommend it. Mayor Pro Tem Fergusson asked if the item could be postponed for further study.

Council Member Cohen asked about the subsidies that are being sought and Mr. Steffens explained that the program is for substitution of toilets that are in existence and not for new ones. Mayor Pro Tem Fergusson provided details on what is a family friendly toilet.

**M/S Fergusson/Jellins to approve item D5 and include a cover letter with the concerns shared by Council regarding user friendly toilets. Motion carries 5-0-0.**

**Discussion on item D4**

Council Member Cohen is aware of what this entails but he asked about density. Council Member Cohen wanted confirmation that this abandonment does not add any density or traffic. City Manager Boesch confirmed.

**M/S Cohen/Jellins to approve a resolution of intention to abandon the Public Utility Easement crossing the rear six feet of lots 8, 9, 10, 11, and C and extending into the center of lot 10 of the Heritage Oaks Major Subdivision located at 966-1002 Willow Road. Motion carries 5-0-0.**

**Discussion on item D7**

Mayor Pro Tem Fergusson said that she would like to have a greener fleet. She complimented Public works for researching the matter. She finds it unfortunate that hybrids are not available in light trucks.

**M/S Jellins/Duboc to approve consent calendar item D7. Motion carries 4-1-0 with Council Member Fergusson opposing.**

**Discussion on item D6**

Council Member Cohen wanted to know who inspects the work. Public Works Director Steffens said that staff, specialized in this type of work, reviews the projects.

**M/S Cohen/Jellins to accept staff recommendation. Motion carries 5-0-0.**

**Discussion on item D8**

Council Member Cohen asked if this matter can be brought back and Mr. McClure said there is no clear answer.

**M/S Cohen/Fergusson to table item D8. Motion fails 2-3-0 with Council Member Cohen, Duboc and Winkler opposing.**

**M/S Duboc/Winkler to approve item D8. Motion carries 3-2-0 with Council Members Fergusson and Cohen opposing.**

**Discussion on item D9**

Council Member Winkler asked about a possible parking fund and Mr. Boesch said staff could look into the matter.

**M/S Jellins/Fergusson to adopt item D9 with the proviso that the money be specifically designated for Capital Improvements. Motion carries 3-1-1 with Mayor Jellins abstaining and Council Member Cohen opposing.**

Mayor Pro Tem Fergusson said she is aware that these funds are going into the General Fund. She referred to the decision previously made by the Council and that staff would bring this Council for a policy discussion. Mr. Boesch said this could be brought forth to the Council under the project

priority list. Council Member Cohen expressed his concern with medical office and other items related to this project.

### **Discussion on item D10**

Assistant Planner Rogers explained that there was a typo in the draft development permit and staff had placed a corrected version at the dais.

Council Member Cohen expressed his views and asked questions about this project.

**M/S Duboc/Jellins to approve item D10 with the corrected attachment A. Motion carries 5-0-0.**

### **E. PUBLIC HEARINGS**

1. Authorize implementation of a Red Light Photo Enforcement Program as part of a comprehensive program of traffic safety measures, and approve an agreement with Redflex Traffic Systems. (Staff Report #06-204)

Chief Goitia presented the brief staff report. He believes the RedFlex program will enhance safety in Menlo Park. He said the four intersections that would have this equipment are high intensity traffic and the expectation is that this would be installed in mid-year 2007.

Mayor Jellins opened the floor for questions.

Council Member Cohen asked about project cost and Chief Goitia said that the citations pay for the cost of the program. Council Member Cohen referred to emails sent to the City of Menlo Park and he is looking for an answer to those comments and criticisms.

Chief Goitia said that traffic enforcement is the way to reduce traffic violations and collisions. He said that the cameras are a viable alternative especially because the city does not have a traffic unit. Chief Goitia said that a significant decline has been noticed in jurisdictions that have this program. Council Member Cohen wanted to make sure we are doing this for safety and not for financial reasons.

Council Member Cohen believes the funds should be used for bicycle safety if there are any revenues. Mr. McClure said that such proposal is not before the Council. Council Member Winkler asked about the implementation process and Mr. Goitia said that a four month permitting process with CalTrans will begin. So the plan would be live and active in mid-year of 2007. Mayor Jellins asked about the agreement and if Mr. McClure had reviewed it and the City Attorney confirmed.

Mayor Jellins opened the Public Hearing.

Chuck Bernstein said he was under the impression that these excess revenues could not go to the City.

Elias Blawie, with time donated by Morris Brown, said that he supports safety nonetheless he believes the Council should look at who has the profit. He also asks if a private operator is the correct answer to the problem. With respect to the contract he notices that the city will pay promotion costs.

Hank Lawrence agrees with Mr. Blawie in regards to the indemnification clause.

Mayor Jellins deemed the public hearing closed without objection.

Seth Fogel, with RedFlex, addressed Council and answered questions.

Council Member Cohen asked about the client base of RedFlex in the Peninsula. Mr. Fogel explained the various clients in the Peninsula. Mr. McClure answered questions regarding the standards of performance. Mayor Jellins asked about financial gains from the system. Mr. McClure said that he believes the contract is very broad. Council discussed the fee issues and how the citation revenue production could be spent.

**M/S Duboc/Cohen to approve item E1. Motion carries 5-0-0.**

Mayor Pro Tem Fergusson asked about the promotion cost and Mr. Fogel explained that it is included in the cost of the program. Council Members made various remarks about their views on this enforcement program.

2. Consideration of an appeal of a Planning Commission action to approve a Use Permit, Architectural Control and Environmental Impact Report for the conversion of an existing 48,400-square-foot building from administrative to medical office use and the associated exterior modifications to the building and site located at 321 Middlefield Road in the C-1 (Administrative and Professional District, Restrictive) Zoning District. (Staff Report #06-205)

*Council took a break at 9:17 p.m. The meeting resumed at 9:30 p.m.*

Deanna Chow, Senior Planner, presented the staff report explaining the appeal before Council.

Mayor Jellins asked if Council did not take action what would happen and Mr. McClure said that if nothing happened within 75 days then the Planning Commission decision would prevail.

Council Member Winkler asked about traffic impacts in the environmental impact report.

Chip Taylor, Transportation Manager, said that the impacts were analyzed according to existing occupancy levels, but not to a fully used building. Council Member Cohen asked if there was another appeal. Mr. McClure said that there is only one appeal and there aren't multiple because they are getting addressed together.

The applicant, Mr. Pollock presented the reasons why he believes this project should move forward. Other members of his team were also present to provide details on the project.

Mayor Jellins asked for public comment.

Margaret Fruth believes the heritage trees should be saved.

Charles Bernstein said the problem is the land use and he does not believe this project has any benefit to the city. He does not support this project because it does not provide any benefits.

David Speer supports most of Mr. Bernstein's comments and he spoke about process and traffic. He does not believe this should be rushed in this manner.

Elias Blawie, with time donated by Morris Brown, opined that Mr. Brawner did not have his rights respected. Mr. Blawie does not support this process and he said the previous appeal had a date that was prior to the Planning Commission decision. He believes there are unmitigated impacts. He asked if a new Council could review the project.

Council Member Cohen spoke about his views on the matter and how he does not support the process. It is his opinion that people's rights have been disregarded and he agreed with comments made by previous speakers. He did not agree with the item being placed on the agenda so that the current Council addresses it.

**M/S Duboc/Winkler to close the public hearing. Motion carries 4-1-0 with Council Member Cohen opposing.**

**M/S Duboc/Winkler to consider the appeal of a Planning Commission action to approve a Use Permit, Architectural Control and Environmental Impact Report for the conversion of an existing 48,400-square-foot building from administrative to medical office use and the associated exterior modifications to the building and site located at 321 Middlefield Road in the C-1 (Administrative and Professional District, Restrictive) Zoning District. Motion carries 4-1-0 with Mayor Pro Tem Fergusson opposing.**

Council Member Cohen thanked Mr. Blawie, Bernstein and Speer for their input. Council Member Cohen said the city does not have an overall plan or over-riding consideration. Council Member Cohen mentioned numerous impacts he does not believe have been adequately addressed. He said that until there is General Plan review he will vote against any project that comes before him.

Mayor Pro Tem Fergusson asked about the mortality rate of the trees that are about to get transplanted. Mr. Murphy said the magnolias and the olive trees have a good success rate.

Mr. Pollock said that they have hired a specialist in tree transplant and this should not be a problem.

Mayor Pro Tem Fergusson asked about the traffic improvements. She commented that this is a tough project because there are many positive things about the projects. She highlighted the infrastructure improvements contribution towards it and the bicycle racks. She weighs that against the basic land use and this is a nonconforming building with an intensification of the use.

Council Member Duboc said that Menlo Park residents use doctors and there is a demand for medical offices. She believes this fulfills a need that will be growing in Menlo Park. Mayor Jellins said that this project has been in the pipeline since 2001 and the Pollock Group has been through the process. Mayor Jellins agrees that the use although different from the original use is useful at this time. He supports having doctor's offices in our community.

Council Member Cohen said that beauty is skin deep and while he believes we need doctors in Menlo Park he does not think we need them on Middlefield. He opined that the Linfield Oaks area has been taxed with development. He believes the neighbors should have been brought into the process early on, and the traffic is already a problem at Middlefield. He believes people's rights have been violated.

## **F. REGULAR BUSINESS**

1. Direction regarding petitions to repeal Ordinance Nos. 953 and 954 - Derry Lane Project. (Item continued from City Council Meeting of November 14, 2006) (Staff Report #06-211) (Correspondence)

City Attorney McClure provided a brief report recapping the issues. Council Member Winkler asked about the issue of bringing this to the ballot. Mr. McClure said it would include findings that a petition would be in the proper form.

Hank Lawrence read a letter from Mary Gilles. The letter expressed Ms. Gilles views on the current and past referendums.

Elizabeth Lasensky supports the two parties remaining in negotiations.

Morris Brown and Jim Pollard said that at this point they will not release information but they are pursuing a mutually agreeable solution. Mr. Brown said that in the last two weeks the two parties

have met for many hours and they are trying very hard to reach a mutually acceptable decision. Mr. Pollard asked that City staff prepare a declaratory relief action so that certain legal issues can be addressed such as the format of the petition. He also said that his company is prepared to indemnify the city for any expenditures and city staff time related to this action. Mr. Morris thanked Council for its time.

Chuck Bernstein said that he was a signature gatherer and he respectfully disagrees with Morris Brown and asks Council to act tonight. He said that many residents were unaware of the project. He opposed the project for many reasons and he believes it is important for democracy to have a vision.

David Speer said that the signature gatherers worked hard and he agrees with Ms. Lasensky that there is a need for a plan for El Camino Real. He believes the plan should be inclusive and listen to everyone's comments.

**M/S Winkler/Jellins to file a declaratory relief action with the proviso that the O'Brien Group will reimburse and indemnify the city for the costs of such action.  
Motion carries 4-1-0 with Council Member Cohen opposing.**

Council Member Duboc said that it behooves Council to find out if there are legal problems with the petition. She would like the negotiations to be more public.

Mayor Pro Tem Fergusson asked about what would happen if Council did not file a declaratory action. Mr. McClure provided the statute of limitations. Council Member Winkler would like this to go to a ballot. She has a problem with a flyer that in her opinion was misleading. She does not support negotiations going on behind close doors. Council Member Cohen asked about the election deadlines and Mr. McClure said that Council has not acted yet because of a legal question.

Council Member Cohen said that the O'Brien Group is ordering the City Attorney to file a declaratory relief action. He does not support comments made by other Council Members. He believes no action is the best action. Mayor Pro Tem Fergusson believes that it is correct for the Council to act and she remembers being on the other side of fence. Mayor Pro Tem Fergusson will support the motion.

Mayor Jellins believes the action is simple, first determining and making the finding that the petitions are in valid form, and he cannot make that finding. And based on that inability he does not think Council should take further action.

2. Approval of a Sales Tax Revenue Sharing and Cooperation Agreement between the City of Menlo Park and General Motors Corporation related to the 22-acre Tyco property located at the southwest corner of the intersection of Bayfront Expressway (Route 84) and Willow Road. (Staff Report #06-206)

Dave Johnson, Business Development Manager, presented the staff report and shared a slide presentation.

Jim Gentry explained the negotiations path and the owner participation agreement.

Mayor Pro Tem Fergusson asked about the transferability of the agreement and Mr. McClure explained details of the agreement clauses. Mayor Pro Tem Fergusson asked about a judicial validation action clause and Mr. McClure provided details. The street name for the auto mall was discussed. Mr. Gentry said that he could incorporate the word Bay as long as the Auto Center is in there as well.

Mayor Pro Tem Fergusson said that Bayfront Auto Mall would be better for her.



Margaret Fruth believes the heritage trees need to be kept and she would like to keep the word Bayfront. She would like a job guarantee for local residents. She likes the idea of revenue sharing but she thinks the city is too generous.

Chuck Bernstein supports this project and thinks the use and location make sense. He also supports the market sharing agreement.

Mark Costa does not agree with the proposed name. He supports an auto dealership in this location but he fears other big business moving in.

Elias Blawie spoke in detail about the agreement. He asked why this is on tonight's agenda and he believes this needs some additional work.

Patti Fry supports this use in the area but she does not support the auto center name. She would not like to have retail in this area. She fears the open-endedness of the contract.

**M/S Winkler/Fergusson to support the staff recommendation and include the suggestion to have the word Bay in the name of the auto mall. Motion carries 5-0-0.**

Mayor Pro Tem Fergusson elaborated on comments made by the public.

Council Member Cohen asked if he votes for this now, does he have the power to bring it back next week. Mr. McClure said that technically if it is approved it can't be reconsidered. But if GM hears about it then they might bail out. Council Member Cohen supports commercial development however he does not understand the urgency of the issue.

Council Member Duboc asked what is the urgency and Mr. McClure said that the due diligence for the GM is January 15, 2007. He said that we've been told that if the city does not approve the agreement GM may leave. Mayor Jellins said that he has been working on this for the last three years. He thanked Dave Johnson for his work and dedication to the project.

Mayor Pro Tem Fergusson believes this is a good agreement, even though it comes with some risk. She sends a strong message of support to GM.

3. Approval of a Joint Design and Use Agreement between the City of Menlo Park and the Sequoia Union High School District for the future use of the Performing Arts Center facility at Menlo-Atherton High School. (Staff Report #06-207)

Michael Taylor, Senior Recreation Supervisor, presented the staff report.

#### **Public Comment**

Mayor Marsala of the Town of Atherton provided details on the process so far. Mr. Marsala said that the goal is to work together and have a multi-use facility that can be used by multiple entities.

**M/S Jellins/Duboc to reaffirm Menlo Park's commitment to the MA arts center and approve the general form of the agreement as presented, but direct staff to work with the other two bodies to address Atherton's concerns such as the traffic circulation issues. Direction to staff to cooperate with Atherton to set up a joint settlement meeting with two representatives of each governing board, and include City Managers and City Attorneys of the three bodies. Motion carries 5-0-0.**

4. 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**

1. Request by Mayor Pro Tem Fergusson and Council Member Cohen that their proposed Town Hall-type community forum on Saturday, December 2, 2006, be discussed. (attached)
2. Communication from Mayor Pro Tem Fergusson and Council Member Cohen regarding the date of the suggested Town Hall-type meeting. (attached)

Mayor Pro Tem Fergusson said that the two remaining Council Members are working to have a transition plan and in consultation with a representative with the Peninsula Conflict Resolution Center it seems that December 9, was a better date for the Town Hall meeting. She believes this may be the only 4 hour period in December to have a meeting outside of the regular meeting. She is asking for a Council agreement on the matter.

Mayor Jellins is supportive of a smooth transition and his opinion is to engage the new Council and see what it wants. Mayor Jellins does not think it is his call to set this up and approve or disapprove the matter.

Council Member Winkler asked about outreach and Mr. Boesch explained that staff has not tapped into the resources available and was looking for the Council imprimatur to move forward. Council Member Winkler agrees with Mayor Jellins that this is not the current Council's call and they can place it on a future agenda for discussion.

Council Member Duboc explained that her network is not going to be available on December 9 because of timing. Mayor Pro Tem Fergusson believes this can be a successful event and she believes the City Manager has the authority to move forward with this.

## **H. INFORMATION ITEM**

1. One-year review of Zoning Ordinance amendment relative to Single-Family Residential development. (Staff Report #06-208)

## **I. COUNCIL MEMBER REPORTS**

Mayor Pro Tem Fergusson invited the community to attend the Council reorganization meeting next week at the Council Chambers. She believes this is a celebration of civic service and it will be followed by a post reorganization ceremony in the Gatehouse.

Mayor Jellins expressed his appreciation to Lee Duboc for her service and dedication.

## **J. PUBLIC COMMENT #2 (Limited to 30 minutes)**

Hank Lawrence thanked the outgoing Council Members for their service and the staff present at the meeting.

## **K. ADJOURNMENT - the meeting adjourned at 1:38 A.M.**

Respectfully submitted,

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Silvia M. Vonderlinden, Certified Municipal Clerk

Approved at the Council Meeting of January 23, 2007.