



**CITY COUNCIL  
COMMUNITY DEVELOPMENT AGENCY  
MINUTES**

**Tuesday, December 12, 2006  
7:00 p.m.**

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

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1. Closed session conference with legal counsel-anticipated litigation significant exposure to litigation pursuant to subdivision (b) of Government Code Section §54956.9 four (4) cases: the Derry Lane Project and Referendums, 75 Willow Road, 321 Middlefield Road and the agreement with General Motors. Parties present: David Boesch, City Manager, Dan Siegel, Acting City Attorney, and Arlinda Heineck, Community Development Director.

2. Closed session pursuant to Government Code Section §54957.6 to conference with labor negotiators regarding labor negotiations with Local 715 Service Employees International Union (SEIU) and the American Federation of State, County, and Municipal Employees Local 829 (AFSCME). Parties present: David Boesch, City Manager, Dan Siegel, Acting City Attorney, Labor Attorney Emily Prescott and Glen Kramer, Personnel and Information Services Director.

**ROLL CALL - Fergusson, Cohen, Boyle, Cline and Robinson**

Staff present: City Manager Boesch, Acting City Attorney Siegel, City Clerk Vonderlinden, Executive Secretary Carson. Other staff were present in the audience.

**PLEDGE OF ALLEGIANCE**

**A. COMMISSION VACANCIES, AND REPORTS**

1. Council direction on the San Mateo County Mosquito Abatement District seat. (Memorandum)

**M/S Cohen reappoint Ms. Cogoni to a four year seat. Motion carries 5-0-0.**

2. There is one vacancy on the Housing Commission to fill an un-expired term that ends July 2009. The deadline for applications is Monday, January 8, 2007.

3. There are two vacancies on the Parks and Recreation Commission to fill two un-expired terms. The terms expire September 2008 and September 2009. The deadline for applications is Monday, January 8, 2007.

4. There are two vacancies on the Transportation Commission to fill two un-expired terms. The terms expire September 2007 and July 2009. The deadline for applications is Monday, January 8, 2007.

5. Commission members and Chamber of Commerce reports.

Terry Kent, representing the Board of Directors for the Chamber of Commerce, appreciates the ability to report on Chamber activities. Mr. Kent talked about the Connoisseur's Market Place and the cooperation that takes place to make this event happen. Mr. Kent requested that the Council not fill the Chamber Liaison position at this time.

## **B. PRESENTATIONS AND PROCLAMATIONS - None**

## **C. PUBLIC COMMENT #1 (Limited to 60\* minutes)**

Schel Reyes addressed the Council on the Off-Leash Dog Park.

The City Manager answered some questions that were raised about the dog park areas and stated the matter could be referred to the Parks and Recreation Commission.

Ray Wilson expressed disappointment about the traffic on his street. He stated it is difficult to cross Oak Grove.

The Mayor asked the City Manager David Boesch if he could comment on the traffic control policy. The City Manager responded that he would follow up with the Police Chief.

Betty Meisner talked about her appreciation for the Community Forum held on Saturday, December 9, 2006.

Elizabeth Lasensky spoke regarding the need for affordable housing. She also stated that training for emergency preparedness is highly recommended.

Alice Bradshaw talked about Project READ, and the benefits to the students.

Chuck Kinney spoke as a member of the Steering Committee for Trees for Menlo Park.

Elias Blawie addressed the Council about the need for priorities and ethics.

Gail Slocum made a presentation to the Council regarding Climate Change, and the need to lower operating costs.

## **D. CONSENT CALENDAR**

1. Local appointments list (commonly referred to as the Maddy Act). (Staff Report #06-221)
2. Council review and approval of the City Council Calendar for 2007. (Staff Report #06-222)

**M/S Boyle/Cline to approve the Consent Calendar items D1 and D3. Motion carries 5-0-0.**

Discussion on item D2

Questions were raised about the Consent Calendar items.

The City Manager was asked why some of the City Council meetings are cancelled and he some meetings are dropped around holidays.

The City Manager commented on the Council Calendar and that the Council may want to look at meeting schedule and make changes if they want to meet less.

Council Member Robinson commented on the schedule, and Mayor Pro Tem suggested that another Town Hall meeting take place in January in Belle Haven.

Council Member Cline questioned the location for meetings and if dates for meetings in Belle Haven were included.

Council Member Robinson asked about broadcasting and video streaming for meetings held at the Menlo Park Senior Center.

The City Clerk responded that the meetings at the Senior Center can be recorded but are not broadcast live. Mayor Fergusson expressed a desire to meet on August 14, 2007, but not on July 24, 2007. Council Member Boyle would like to take a 2 weeks recess in August. The City Manager suggested dropping July 24, 2007 and leave the rest of the calendar as is and possibly make changes later.

3. Approval of the minutes for the City Council meeting of August 29, 2006. (attachment)

**M/S Fergusson/Cline to approve the Consent Calendar. Motion carries 5-0-0.**

**E. PUBLIC HEARING - None**

**F. REGULAR BUSINESS**

1. Appointments of Council representatives and alternates to various outside agencies and appointment of Council liaisons to advisory bodies. (Staff Report #06-220)

The City Clerk gave a brief description of what is being asked of the Council.

The Mayor asked the Council to review the materials before them and express an interest in the 15 agencies listed.

Council discussed the various appointments and assignments were made.

An appointment to the Chamber of Commerce will be made at a later date. The agreed upon lists of Council representatives to outside agencies and Council Liaisons are attached.

List of Appointments

List of Council Liaisons

**G. WRITTEN COMMUNICATION**

1. Request by Council Member Cohen to discuss previous Council actions taken relative to 75 Willow Road, 321 Middlefield Road, the Derry Lane Project referendum petitions, and the Agreement with General Motors. (This attachment is from the meeting of December 5, 2006)

Break at 9:10 p.m.

Discussion resumes.

Mayor Fergusson asked Mayor Pro Tem Cohen to introduce this item. Mayor Pro Tem Cohen stated that he has a problem with the way the items were decided, and a problem with the length of the City Council Meeting of November 28, 2006. The meeting ran until 2:00 a.m., he said, without a vote to extend the meeting. Mayor Pro Tem Cohen also stated that he has no immediate objection to the GM contract but it along with the other three items is flawed because

of the procedure and because of the former Council's motion. Mayor Pro Tem Cohen made a motion to reverse the direction previously given to the City Attorney to proceed with the declaratory relief. He further finds that the direction to the City Attorney previously given to prepare a court action seeking a declaratory relief is ill advised.

### **Public Comment**

Morris Brown addressed the Council regarding the Derry Project Referendum.

Patricia Boyle urged the Council to find some middle ground. There are families that want and need BMR units. Some have been on the list for more than 10 years.

Jim Pollack submitted a letter, and thinks the filing of a declaratory relief is a neutral and good way to handle the situation. The law does require that the City take action. He understands by his notes, if the City did nothing O'Brien could walk in and make requirements. They are still meeting with Mr. Morris and his group and they are attempting to work it out.

Elizabeth Lasensky asked that the Council consider that the Peninsula Habitat Project on Hamilton will not move forward without the assistance from the 75 Willow Road Project or with City funding, and to consider the potential for below market rate housing provided by the 75 Willow Road Project.

Vincent Bressler speaking about 75 Willow Rd said he lives in the neighborhood and is aware of the history. There were meetings a couple of years ago and there has been public opposition to the project.

Elias Blawie feels his rights are being violated. He thinks involving the City in this process is not what should happen.

Elaine Breeze talked about the project as well as the process. She believes Summerhill has held an open process and she highlighted the benefits of the project.

Frank Carney congratulated the new Council. He believes that the elected new Council is a clear statement about what the public wants. It seemed like the last agendas were crammed by the previous Council to approve what they want. Everybody is worried about traffic.

Andrew Faber talked about the rezoning ordinance.

Chuck Bernstein stated that people care about traffic, quality of life and issues like development at 321 Middlefield, 75 Willow Road, and the Derry Project.

David Speer agrees that Council must do what it thinks is right. He disagrees with some of the comments made that this is not democracy. He feels Council has a moral requirement to listen to the 2,500 people who signed the appeal.

Jeff Pollock spoke about 321 Middlefield Road. He asked that Council look at the project separate from the others. He believes that is a good project.

Pat McGaraghan, representing the Pollocks, said it was unfortunate that 321 Middlefield was being lumped with this discussion. He believes the projects are very different.

Don Brawner addressed the Council on projects in the Linfield neighborhood. He questioned the date of the project. He made reference to a letter sent to the City today. Mr. Brawner made reference to other projects developed by Summerhill and stated the residents are not happy. In his opinion projects are having problems because they are too congested, and there is too much traffic.

Mayor Fergusson asked for more discussion, to clarify some of the questions that have been raised. One item brought up by speakers is that the process was flawed. Was there a flawed process? She asked for comment from the City Attorney on two of the projects: 321 Middlefield Road, and 75 Willow Road. The Acting City Attorney Dan Siegel responded that proper notice was given on the projects. The applicant then explained why he submitted an appeal. A follow-up question by the Mayor was asked, if we don't like the appeal process what can we do? The Acting City Attorney Dan Siegel responded that the Council can direct staff to review the appeal process.

Council Member Boyle wants to understand what really happened. He stated there have been allegations of a flawed process. He wants to understand the history before moving forward. Mayor Pro Tem Cohen thinks the substantive issues like changing the General Plan have not been reasonable. City Manager Boesch suggested that the discussion could be continued to next week to address lingering concerns.

**M/S Cohen/Cline to approve continuing 75 Willow Road and 321 Middlefield Road to the City Council next week, not as a Written Communication, but as a regular item. Motion carries 5-0-0.**

#### **H. INFORMATION ITEM**

1. Federal Safe Routes to School (SRTS) Grant Applications. (Staff Report #06-223)

#### **I. COUNCIL MEMBER REPORTS - None**

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

#### **K. ADJOURNMENT - the meeting adjourned at 11:32 p.m.**

Respectfully submitted,

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Pat Carson, Executive Secretary

Approved at the Council Meeting of March 6, 2007.