



SPECIAL MEETING MINUTES

Date: 10/5/2021

Time: 5:00 p.m.

Location: Zoom

Regular Business

A. Call To Order

Mayor Combs called the meeting to order at 5:02 p.m.

B. Roll Call

Present: Combs, Mueller, Nash, Taylor, Wolosin

Absent: None

Staff: Assistant City Manager Nick Pegueros, Deputy City Manager Justin Murphy City Attorney Nira F. Doherty, Assistant City Attorney Nicholas Muscolino

C. Regular Business

- C1. Adopt Resolution No. 6670 to continue conducting the City's Council and advisory body meetings remotely due to health and safety concerns for the public (Staff Report #21-188-CC)

City Clerk Judi A. Herren introduced the item.

ACTION: Motion and second (Nash/ Taylor), to adopt Resolution No. 6670 to continue conducting the City's Council and advisory body meetings remotely due to health and safety concerns for the public, passed unanimously.

D. Closed Session

- D1. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION (Paragraph (1) of subdivision (d) of Section 54956.9) Case number: 21-CIV-01717

Web form public comment on item D1.

No reportable action.

E. Adjournment

Mayor Combs adjourned the meeting at 5:26 p.m.

Judi A. Herren, City Clerk

These minutes were approved at the City Council meeting of October 26, 2021.

NOVEL CORONAVIRUS, COVID-19, EMERGENCY ADVISORY NOTICE

Consistent with Government Code section 54953(e), and in light of the declared state of emergency, the meeting will not be physically open to the public and all members will be teleconferencing into the meeting via a virtual platform. To maximize public safety while still maintaining transparency and public access, members of the public can listen to the meeting and participate using the following methods.

- How to participate in the meeting
 - Submit a written comment online up to 1-hour before the meeting start time:
[menlopark.org/publiccommentOctober5*](https://menlopark.org/publiccommentOctober5)
 - Access the meeting real-time online at:
Zoom.us/join – Meeting ID 851 2535 4280
 - Access the meeting real-time via telephone at:
(669) 900-6833
Meeting ID 851 2535 4280
Press *9 to raise hand to speak

*Written public comments are accepted up to 1-hour before the meeting start time. Written messages are provided to the City Council at the appropriate time in their meeting.

- Watch meeting:
 - Cable television subscriber in Menlo Park, East Palo Alto, Atherton, and Palo Alto:
Channel 26
 - Online:
menlopark.org/streaming

Note: City Council closed sessions are not broadcast online or on television and public participation is limited to the beginning of closed session.

Subject to Change: Given the current public health emergency and the rapidly evolving federal, state, county and local orders, the format of this meeting may be altered or the meeting may be canceled. You may check on the status of the meeting by visiting the City's website www.menlopark.org. The instructions for logging on to the webinar and/or the access code is subject to change. If you have difficulty accessing the webinar, please check the latest online edition of the posted agenda for updated information (menlopark.org/agenda).

According to City Council policy, all meetings of the City Council are to end by midnight unless there is a super majority vote taken by 11:00 p.m. to extend the meeting and identify the items to be considered after 11:00 p.m.

Agenda item D1 Jennifer Johnson, resident

Dear City Council Members,

The one and only motivation for this lawsuit is property values. The "Save our Menlo Park Neighborhoods" association is not findable in a search (except as related to this action, and only following the 1/26/21 meeting) and appears to consist of a single property owner, Patrick Connolly, who owns property on Sharon Rd but doesn't reside there. No other plaintiffs are listed on this suit.

The City does not have any obligation to obtain public input prior to implementing a safety measure, especially one designed to protect our children. None of the plantings that would be removed are protected species nor is this a protected habitat. No heritage trees will be removed for this project. That claim is blatantly untrue.

At the referenced meeting, Council heard from many parents, students, and the school about how necessary it is that a sidewalk be placed on Sharon Rd. It absolutely is the responsibility of Council to ensure that Menlo Park's roads are safe for all of its residents, including children walking to school. With all of the very near misses reported by the school, students, and parents at the Jan. 26 meeting, the decision to install a sidewalk on the most traveled section of road to La Entrada makes perfect sense. The choice was not arbitrary at all. The choice was not "unstudied or "new." The ADA sidewalk was one of the options put forward by City Staff. The choice was determined following lengthy discussion about the type of sidewalk needed to keep our students safe. All students (current and future) need to be kept safe (including those with mobility challenges that need a sidewalk on which vehicles are not parked in order to avoid having to use the road). Having a minimum of 36" wide sidewalk with cut-outs and a flat/even surface is required for an ADA compliant sidewalk. Should the City install a sidewalk that is not ADA compliant and then be open to litigation for that? I would imagine that property owners on Sharon Rd. would value the lives of middle schoolers above any hypothetical decrease in his property value. As far as I know, no data has been put forth to demonstrate that a sidewalk would decrease property values. I would suspect that Sharon Rd. home owners would concede that having middle schoolers hit by cars on their way to school and having disabled middle schoolers having to use the road because there is not an accessible safe route would not improve property values either. It would also not satisfy Federal ADA requirements.

Mr. Connolly has proposed that students walk several blocks out of their way to utilize streets that do have proper sidewalks. Ask La Entrada staff, MP police, and safe streets commissioners how often students will actually walk many blocks out of their way to access sidewalks. Sure, maybe they should, but the reality is that they won't. As adults, we know that, and we know that the adults have to make the decisions to keep kids safe. In this instance it means installing an ADA sidewalk on Sharon Rd.

Cities grow and change. Requirements change over time. Just because there hasn't been an accessible sidewalk on this route (Sharon Rd) previously does not mean that one can never be placed there. As a City, we have to adapt to the ever-changing needs of our residents and to the ever changing requirements from the State and Federal government to which we must adhere.

I would caution City Council Members to consider this carefully and think about the possible ramifications on both sides. Does Council want to surrender on this issue and send the message that it will do so anytime there is dissent from a single resident? Would the City prefer an action from a student group or a disability rights group if there are no safe options for students, including those with disabilities, to get to school after one had been proposed and approved but disbanded because of pressure from one resident? Safety should be the top priority here.

Respectfully,
Dr. Jennifer Johnson