



Friends of Los Altos, Inc. (FOIA)

A non-profit, non-partisan, volunteer-run organization

The October Surprise — Local Politics At Its Worst

October used to be the month that brought us tricks or treats. In the last few years it has also brought October surprises just before elections. We have now grown to expect this at the national level, but it turns out October surprises are now being orchestrated at the local level, specifically the upcoming City Council elections.

The “Ted and Jerry Sorensen October Surprise” is here

We have previously suggested that the root cause for the judge to overturn the City’s denial of the Sorensen’s proposed building at 40 Main Street under SB35 was actions by the pro-development groups in town which resulted in the firing then City Attorney Jolie Houston because she was “too conservative” when it came to their development proposals. Ms. Houston’s replacement was a new City Attorney who was not nearly as knowledgeable nor nuanced in land use laws as was Ms. Houston. It was he who dropped the ball when it came to the City’s response to the 40 Main Street SB35 application.

The City Staff reached out to the new City Attorney for assistance, but he failed to deliver. Now, come election time, the pro-development elements in town want to place the entire blame on City Council candidate Lynette Lee Eng, since she is a pro-resident Council member up for re-election. They want to paint her as an irresponsible “no-vote” on anything resembling “progress”. This is simply not true.

The facts are that (1) the Sorensen’s SB35 application was submitted and denied by the City Staff without the application ever coming before the City Council, (2) the City Staff did reach out to the newly-installed City Attorney for guidance, but that guidance was not provided, (3) the court ruled that the City’s response was legally defective and that the permit therefore had to be granted, (4) the City appealed that ruling because the SB 35 law was new and often the way in which a law is interpreted is made clear only after an appellate court has ruled on it, (5) the City withdrew the appeal in light of the Sorensens asking for a multi-million dollar bond which had the potential to put the City in a serious financial bind, and (6) without any time pressure, the Sorensens rushed to file a motion for a new lawsuit for damages, delivering a copy of their filing papers to the *Town Crier* which then rushed to publish it by posting it as an on-line story. However, this time, the *Town Crier* was more transparent than it had been during previous iterations of this article, and disclosed that the majority owner of the paper, Dennis Young, is an investor in the Sorensens’ project, and (7) the pro-development elements in town are now using the lawsuit for political purposes as the primary reason to not re-elect Lee Eng. Not as juicy as Hillary’s emails, but an “October Surprise” nonetheless and clearly intended to sway voters.

Prior to the most recent legal activity, the Sorensens were sued by and then cross-sued a majority of their outside investors, resulting in an 11-day arbitration before a retired and respected Superior Court judge. The arbitration decision resulted in a dismissal of the lawsuits

filed by the Sorensens and the Sorensens had a substantial loss, to the tune of over \$2.7M. The court found that the Sorensens had engaged in fraud (negligent misrepresentation and deception) of their investors, mismanagement of the development efforts, and that the failure to obtain a project permit was, in fact, their own fault. All of their lawsuits were dismissed by them or by the courts as nuisance suits. Most of these had been filed for strategic (political) reasons, not in any way related to the merits of the case.

Ted and Jerry Sorensen's current request to amend their lawsuit for damages has all the earmarks of another political effort. There was no reason why this motion needed to be quickly filed during this past week, but doing so was perfect timing for a last-minute attack on the pro-resident candidates. As soon as it was filed, a copy was provided to the *Town Crier* which promptly published it as an on-line article. Pro-development bloggers have already used it for political purposes, placing 100% of the blame on Lee Eng and those who have a similar pro-resident philosophy. If you know the history of what really happened, it seems incredible that those who caused the problem are now blaming the one person who voted against the replacement of the City Attorney.

Kim Cranston, Robin Abrams, Bill Shepard, and Curtis Cole have been the driving forces behind Los Altos Community Voices (LACV). Their most recent *Town Crier* ad listed those responsible for grading the "Scorecard of Candidates"—or as many would more appropriately call it, "Smear campaign against Lee Eng, Spielman and Couture". It is a political hit piece (another "October Surprise") because the grading is littered with factual errors and misstatements which do not reflect the truth.

The miracle of modern technology (some call it "the internet") helped us to find the most recent 501c financial filing for Los Altos Community Voices. We weren't surprised to find the names of the usual suspects: Kim Cranston, Jean Mordo, Mary Prochnow, Curtis Cole, Frank Verlot, Marge Bruno, Roy Lave, King Lear, Art Carmichael, Robin Abrams and Dennis Young (yes, the *Town Crier* publisher continues to participate) . What did surprise us, however, is that Los Altos Community Investment (LACI, owned by Anne Wojcicki—you can Google her (pun intended) if you don't already know who she is) contributed \$6,000 which is almost 60% of the total raised to date. While we certainly respect Ms. Wojcicki's right to contribute to a campaign (Wojcicki through LACI does own more than an acre of commercial property in downtown Los Altos, by the way) it is more than a bit disappointing that she has chosen to associate herself with the political tricks perpetrated on the community by LACV.

The FOLA Board encourages all Los Altos residents to think carefully about each candidate for City Council when marking their ballot, especially with regards to each candidate's approach to moderating development in downtown Los Altos. If money is any indication, Los Altos Community Voice's slate of candidates is clearly on the menu as *The Developer's Special*. We would much prefer candy corn this October.

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