



**CITY COUNCIL AND COMMUNITY DEVELOPMENT AGENCY
MINUTES**

Tuesday, July 1, 2008

7:00 p.m.

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

Teleconference Location: 2652 O'Hare Lane, Crescent Beach, Surrey, British Columbia, Canada

ROLL CALL – Cohen, Robinson, Cline, Fergusson (*teleconference call*); Absent - Boyle
Staff present – City Manager Rojas, Assistant City Manager Steffens, City Attorney McClure, and City Clerk Kelly.

PLEDGE OF ALLEGIANCE

A. COMMISSION/COMMITTEE VACANCIES, APPOINTMENTS AND REPORTS

1. **Commission members and Chamber of Commerce reports.** - None
2. **The City is accepting applications to fill vacancies on the following advisory bodies:**
 - **Bicycle Commission (1 seat)**
 - **Environmental Quality Commission (2 seats)**
 - **Housing Commission (2 seats)**
 - **Library Commission (1 seat)**
 - **Parks and Recreation Commission (1 seat)**
 - **Planning Commission (3 seats)**

B. PRESENTATIONS AND PROCLAMATIONS - None

C. PUBLIC COMMENT #1

Jim Lewis spoke about the accomplishments of former United States Congressman Tom Lantos and former City Manager Mike Bedwell.

D. CONSENT CALENDAR

Action: Moved, seconded, carried (Robinson/Cline; Ayes – Cline, Cohen, Fergusson, Robinson; Absent – Boyle) to adopt the Consent Calendar as noted below.

1. **Adoption of a Resolution: a) Calling and giving notice of holding a General Municipal Election for two seats on the Menlo Park City Council; b) Requesting that the City Council consolidate the election with the Presidential General Election to be held on November 4, 2008; and, c) Contracting with the San Mateo County Chief Elections Officer for Election Services. ([Staff Report #08-085](#))**
Action: Adopted Resolution No. 5811 calling the November 4, 2008 General Municipal Election.
2. **Waiver of the second reading and adoption of an Ordinance approving a Contract amendment with the California Public Employees' Retirement System, providing**

for Section 21354.5 (2.7% at 55 Full Formula) for local miscellaneous members as required by the City's Collective Bargaining Agreements. ([Staff Report # 08-075](#))

Action: Adopted Ordinance No. 961 approving a Contract amendment with CalPERS for local miscellaneous members.

E. PUBLIC HEARINGS

1. Adoption of a Resolution abandoning a portion of the Willow Road Plan Line along the properties located at 337 and 345 Willow Road. ([Staff Report #08-087](#))

Lisa Ekers, Engineering Services Manager, reported that on May 20, 2008 the Council adopted a resolution of intent to abandon the plan line, and as a result on June 2, 2008 the Planning Commission approved a resolution finding the abandonment consistent with the General Plan, and recommending the Council abandon the plan line.

Members of the Council expressed a desire to have staff and the Planning Commission review the plan lines in this area and come up with a recommendation for a staff initiated process to abandon the plan lines as a whole, where appropriate, rather than put the onerous on individual property owners.

The Mayor opened the public hearing. No members of the public spoke.

Actions: Moved, seconded, carried (Robinson/Cline; Ayes – Cline, Cohen, Fergusson, Robinson; Absent – Boyle) to close the public hearing.

Moved, seconded, carried (Cline/Robinson; Ayes – Cline, Cohen, Fergusson, Robinson; Absent – Boyle) to adopt Resolution No. 5812 abandoning a portion of Willow Road Plan Line located at 337 and 345 Willow Road.

2. Adoption of a Resolution authorizing collection of a Regulatory Fee at existing rates to implement the local City of Menlo Park Storm Water Management Program for FY 2008-09. ([Staff Report #08-088](#))

Jennifer Ng, Senior Civil Engineer, reported that the City is required to implement a Storm Water Management Plan and failure to implement a plan will result in significant penalties imposed by the State Regional Water Quality Control Board. She reviewed the goals, tasks, and completion schedules of the FY 2004-2009 Plan for the program to be compliant with the NPDES Permit.

Ms. Ng reported that in 1994 the Council adopted an ordinance establishing regulatory fees to fund the Storm Water Management Program, which must be reviewed annually. She informed the Council that staff is recommending the fees be approved at the existing rate of \$5.25 per 1,000 square feet of impervious area for each property. Ms. Ng noted that under Prop 218, the City can not increase the fee without first conducting a property-owner election. She stated the projected revenues for FY 2008-09 are \$325,380; estimated expenditures are \$468,088; a fund balance carryover from FY 2007-08 is \$234,076; and as a result the projected fund balance for FY 2008-09 is \$91,368. Ms. Ng said that staff projects the fund balance will be depleted in FY 2009-10 if spending continues at the current rate and fees are not increased.

Ms. Ng stated that the Regional Water Quality Control Board is currently reviewing comments on the draft Municipal Regional Permit (MRP) for the San Francisco Bay Area

counties and implementation of the permit is estimated to double the City's cost from \$500,000 to \$1 million a year. She reminded the Council that a Storm Drainage Fee Study, scheduled to commence in August, is intended to evaluate funding options to address increased regulatory requirements and the need to fund long-term storm drainage improvements.

In response to questions raised by members of the Council, staff identified some of the additional expenditures that are being paid out of this fund that were not anticipated when the regulatory fee was established.

The Mayor opened the public hearing. No members of the public spoke.

Actions: Moved, seconded, carried (Cline/Robinson; Ayes – Cline, Cohen, Fergusson, Robinson; Absent – Boyle) to close the public hearing.

Moved, seconded, carried (Robinson/Cline; Ayes – Cline, Cohen, Fergusson, Robinson; Absent – Boyle) to adopt Resolution No. 5813 authorizing collection of a regulatory fee to implement the City's Storm Water Management Program for FY 2008-09.

3. **Adoption of a Resolution recommending that the San Mateo County Flood Control District impose basic and additional charges for funding the FY 2008-09 Countywide National Pollutant Discharge Elimination System (NPDES) General Program. ([Staff Report #08-089](#))**

Jennifer Ng, Senior Civil Engineer, reported that this item differs from the previous item in that it covers a countywide fee. She stated that San Mateo County Flood Control District collects the fee on behalf of the cities and the charges imposed pay for the costs of the General Program and activities benefiting all 21 co-permittees. Ms. Ng reviewed the major components of the FY 2004-09 Stormwater Management Plan. She stated that the proposed budget for FY 2008-09 is \$1,497,757, 2.94% more than FY 2007-08. She said that the fee collected by the County consists of basic and additional fees, and that while the basic fee does not change, the additional fees are structured to change with the Consumer Price Index. Ms. Ng informed the Council that approval of this item will authorize the County to levy these fees on Menlo Park properties and to use the revenue for countywide storm water management activities.

The Mayor opened the public hearing. No members of the public spoke.

Actions: Moved, seconded, carried (Robinson/Cline; Ayes – Cline, Cohen, Fergusson, Robinson; Absent – Boyle) to close the public hearing.

Moved, seconded, carried (Robinson/Cline; Ayes – Cline, Cohen, Fergusson, Robinson; Absent – Boyle) to adopt Resolution No. 5814 recommending that San Mateo County Flood Control District impose basic and additional fees for funding the FY 2008-09 Countywide National Pollutant Discharge Elimination System General Program.

F. REGULAR BUSINESS

1. **Consideration of state and federal legislative items, including decisions to support or oppose any such legislation, and items listed under Written Communication or Information Item.**

Action: The City Manager indicated staff would be sending a letter of support regarding AB 642 (Wolk) Design-build: counties, cities, and special districts, unless there is Council

objection.

G. WRITTEN COMMUNICATION

1. **Memorandum from Council Member Fergusson and Vice Mayor Robinson requesting information on the status of the Menlo Park Municipal Water District's current project to install a well system and emergency supply storage reservoir. ([attachment](#))**

Action: This item was considered with Item H1.

H. INFORMATION ITEM

1. **Update on the Menlo Park Municipal Water District Supplemental Emergency Water Supply Project. ([Staff Report #08-090](#))**

City Manager Rojas reported that in December 2005 the Council approved Seminary Oaks Park as a preferred site for further study of a new water storage reservoir and directed staff to proceed with the site analysis, preliminary design, public outreach, and exploration of the use of groundwater for both emergency and irrigation uses. He stated that in October 2006 the Council approved an agreement with IEC to evaluate the Seminary site. Mr. Rojas said that the first public outreach meeting was held on May 28, 2008 and as a result of concerns raised at this public meeting and questions raised by members of the Council, staff has instructed IEC to not proceed with any work specific to the Seminary site and to work only on those items relevant to the water system at large. The City Manager said that staff is proposing to evaluate additional options to provide an emergency water supply and will return with a report on August 26, 2008.

In response to questions raised by members of the Council, Acting Public Works Director Ruben Nino reported that IEC has completed approximately \$100,000 of the \$500,000 contract work. Mr. Nino informed the Council that the City has been in discussion with CalWater regarding the possibility of sharing an emergency water supply and reservoir. He stated that the Menlo Park Municipal Water District serves approximately 4,000 connections, representing 10,000 residents and commercial customers. Mr. Nino reported that the City has prepared several master plans of the water system and has implemented many of the outcomes of these studies, including completing interconnects, building a second reservoir, and replacing water mains. He said the concern at this point in time is the structural integrity of the Hetch Hetchy water system and that the City has no backup emergency water supply.

Members of the public commented as follows:

Bill Evans, speaking on behalf of the Friends of Seminary Oaks, told the Council that this group of over 100 households, was quickly formed after the May 2008 public outreach meeting, based on concerns for what might happen at Seminary Oaks Park. He said this group acknowledges a need for an emergency water supply and would like to work collaboratively with the City to find a solution that meets everyone's needs. He stated that the group would like the City to revisit the process and criteria used that resulted in the Seminary Oaks Park being considered as the preferred site.

Action: Members of the Council expressed support for staff returning on August 26, 2008 with a proposal to evaluate additional options to provide an emergency water supply and suggested that Council may want to form a Council subcommittee as this project moves forward.

I. COUNCIL MEMBER REPORTS

Vice Mayor Robinson announced that he was made aware that funding of \$700,000 for the San Francisquito Creek Project has been included in the House's budget, and he expressed appreciation to Councilmember Cline for his assistance in this endeavor.

J. PUBLIC COMMENT #2 – No speakers.

K. ADJOURNMENT – Adjourned at 8:20 p.m.

Respectfully submitted,

Sherry M. Kelly, City Clerk

Approved at the Council meeting of August 5, 2008