



**SPECIAL MEETING
CITY COUNCIL
COMMUNITY DEVELOPMENT AGENCY
MINUTES**

**Tuesday, August 26, 2008
7:00 p.m.
701 Laurel Street, Menlo Park, CA 94025
Menlo Park City Council Chambers**

5:00 p.m. CLOSED SESSION (Administration Building – City Council Conference Room, 1st Floor)

1. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION:** CITY MANAGER pursuant to Government Code Section §54957. Attendees: City Manager Glen Rojas and City Attorney William McClure. Attendees: City Manager Glen Rojas and City Attorney William McClure.

Report on Closed Session

Action: The Council returned to open session with no reportable action.

K. Ferguson welcomed new City Clerk Margaret Roberts to the City of Menlo Park on behalf of the Council and staff.

ROLL CALL – Cohen, Robinson, Boyle, Cline, Fergusson

PLEDGE OF ALLEGIANCE

A. COMMISSION/COMMITTEE VACANCIES, APPOINTMENTS AND REPORTS

1. **Staff recommends that City Council make appointments to various commissions as outlined below.** ([Staff Report # 08-117](#))

M. Roberts reviewed the process for receiving applications for the various commissions. It was pointed out that two applications were received late, the morning after the deadline.

James Schott asked the City Council to consider his application even though it came in after the deadline. It has been his pleasure to serve on the commission since previously being appointed.

Penelope Huang strongly urged the City Council to consider Stuart Soffer and Charlie Bourne for the Planning Commission.

Elias Blawie thanked the City Council for taking input on this item and asked that they continue in the future.

Lucia Soto informed the Council that this was her second time in applying for the Library Commission and asked that she be considered for appointment. She gave the history of her volunteer work with the Library.

The following chart shows the appointment nominations and votes for the various commissions. Those appointed show in bold print. The process was clarified by B. McClure, City Attorney; in the past those receiving no votes were deleted for secondary voting in order to reach a majority.

	Nominated By	Boyle	Cline	Cohen	Fergusson	Robinson	Total
Bicycle Com (1)							
Gutelius, Megan	Boyle			1			1
Lohmann, Watson "Scott"	Boyle	1	1				2
Rowe, Jim	Fergusson				1	1	2
Bicycle Com (1) – Second Vote							
Lohmann, Watson "Scott"	Boyle	1	1				2
Rowe, Jim	Fergusson			1	1	1	3
Environmental Quality Com (2)							
Duriseti, Kristin	Cline		1	1	1	1	4
Schott, James	Boyle	1					1
Scott, Douglas	Fergusson	1	1	1	1	1	5
Housing Com (2)							
Moser, Anne	Robinson	Appointed by Acclamation					0
Steuer, Brian	Fergusson	Appointed by Acclamation					0
Library Com (1)							
Dawson, Beth							0
Soto, Lucia	Robinson	Appointed by Acclamation					0
Parks & Recreation Com (1)							
Kirkpatrick, Andrew	Robinson	Appointed by Acclamation					0
Micek, Marc							0
Price, Jane							0
Planning Com (3)							
Bourne, Charlie	Cline			1			1
Chiesa, Cristina	Fergusson						0
Deziel, Louis	Boyle	1					1
Ferrick, Katie	Cline	1	1	1	1	1	5
Kadvany, John	Cline		1		1	1	3
Keith, Kirsten	Fergusson		1		1	1	3
Lee, Lawrence	Cohen						0
Saigal, Sanjay	Boyle	1					1
Soffer, Stuart	Boyle			1			1
Temple, Todd	Boyle						0

2. **Commission Members and Chamber of Commerce reports.**

Ms. Huang gave a report from the Transportation Commission for February –August meetings of the commission. An item that came before the Commission was the redistricting of school district boundaries. This brought out a discussion on safe routes to school because it would cause many students to have to cross El Camino. In March they listened to the Oak Knoll School development project and they heard concerns regarding the placement of the driveways for the parking lot. Robert Cronin was appointed as the Transportation Commission representative on the consultant selection process committee for the for the pedestrian bicycle undercrossing project. The introduced study sessions at their meeting to have more in depth and informal discussions with the public. In April they produced a list of study sessions topics which were prioritized. The primary topic is the High Speed Rail. There is a subcommittee to facilitate the study session, which is scheduled for October 8. In May the commission determined to support staff’s recommendation on new long park and how it would be striped. They would like to see signage and striping looked into. In June the master sidewalk plan was reviewed and made some very specific recommendations, which came back in July and was sent to Council. The gateway 2020 presentation was given. The discussed 15 minute parking near the dairy project to make the change since it is no longer necessary. In August they listened to the school district regarding the bus routes. They also listened to neighbors in the Marcussen Drive area regarding the high school students and the parking problem it is causing. A recommendation will be

forthcoming for parking restrictions from 7-9 a.m.

H. Robinson asked if there has been interaction with the school district. P. Huang responded that the subcommittee has worked with schools and staff; but the school district tends to make decisions in a vacuum. The school district changed the district boundaries and there are students that will have to cross El Camino. If students do not participate in the after school programs, the parents will still have to pick up their children. A. Cohen advised that two councilmembers are attempting to build a better relationship with the school district.

Ms. Dean with the Chamber of Commerce talked about the success of the three Block Parties with over 140 participates. A new part of the Block Party was the non-profit organizations being able to participate. There was a great outpouring of information from the City of Menlo Park. Neighboring cities are looking to Menlo Park as setting the standard for public celebrations. K. Fergusson and J. Boyle gave kudos to the non-profits and the Chamber of Commerce.

Upcoming events:

- There is a Chamber of Commerce mixer tomorrow night at Quadris Conference Center.
- Chamber of Commerce is the 36th Annual Golden Acorn Awards – Thursday, September 18 from 6-9 pm
- Project Read holding second Taste For Literacy – Saturday September 6 at 7:00 at the Library

B. PRESENTATIONS AND PROCLAMATIONS

1. Cal Water's current and proposed Conservation Program

Darin Duncan, Cal Water Bear Gulch District Manager, (largest investor of water in the state, third largest in the state and they are headquartered in San Jose) gave a PowerPoint presentation on the water system.

Cal water serves approximately 2/3 of the city to primarily residential and commercial areas and is located between the City's Sharon Heights system and the City's industrial system. They contract for meter reading, billing and customer service for Menlo Park Municipal Water District. In regards to the conservation rate design, they were requested for the conservation rate design in October 2006, they received approval in February 2008, and it was implemented in July 2008. This is also known as tiered rates and increasing block rates. The conservation rate design is to be cost neutral for the average customer, lower total bills for customers who use less water, and summer incentives provided when water use is most controllable.

The local emergency water supply is in Atherton and has a 215 million gallon capacity. If we were totally cut off from San Francisco, there would be about a ten day supply of water. There are seven connections to the San Francisco Water Supply and five are active; Bay Divisions 1, 2, 3, 4 and Palo Alto and these are the feed to the supply. There are approximately 7,000 service connections. There is an area of the map that needs to be updated and the city will coordinate with Cal Water to get this updated to reflect the service coverage area correctly.

There are currently four water companies that service Menlo Park and Cal Water agreed to work and coordinate with those companies if the City adopts a water efficient landscaping ordinance.

At the water study session in January it came up that the city was interested to understand as price increases go into effect with the Hetch Hetchy delivery system upgrade project and tracking changes in water use and how they relate to the change in water rates. Cal Water is working with City staff to get the reports complete for consumption history. This data will be necessary to make decisions regarding water resources.

Cal Water advised that they like to take advantage of the programs and partner with the Bay Area Water Supply & Conservation Agency (BAWSCA), but they also have their own conservation coordinator and programs. It is cost effective for Cal Water to use the BAWSCA programs as they are a big member (20% of the membership). They would like to have larger storage facilities, but they see it as a major challenge. It was suggested that Cal Water look into a worst case scenario emergency plan for distributing water.

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

Nick Ross spoke regarding concerns with the MCC After School Recreation program.

D. CONSENT CALENDAR

Action: Moved, seconded (Boyle/Cline) and carried unanimously to adopt the Consent Calendar as noted below.

- 1. Approval of Minutes for Council meetings of: a) July 15, 2008 and b) August 5, 2008. ([Staff Report #08-122](#))**

Action: Approved the minutes as revised and submitted.

E. PUBLIC HEARINGS - None

F. REGULAR BUSINESS



1. **Review and approval of draft Request for Proposal (RFP) for consultant services for the El Camino Real/Downtown Specific Plan. ([Staff Report #08-119](#))**

Thomas Rogers Associate Planner provided information on the process to date in order to get to the Request for Proposal (RFP) for consultant services for Phase II of the El Camino Real Downtown Specific Plan. If approved the RFP would be released next week with a deadline of late September with interviews in early October and a recommendation to the Council for selection of a consulting firm in late October. A detailed schedule would be required as part of a consultant proposal.

A. Cohen asked for an indication from staff why there is not a timeline in the RFP. T. Rogers advised that due to the complexity involved, it is not possible to come up with a detailed timeline it could be possible, with the Council's feed back it might be possible to come up with a range that would be feasible. The beginning of Phase I occurred in January 2007, with the vision plan running from January 2008 to July in 2008. The process could take up to two years with the inclusion of the Environmental Impact Report (EIR) including the lead in work to the EIR process.

A. Cohen – the beginning of the process for phase I was January 2007 and the soonest we might see conclusion of this is another 2 years. The Council gave initial direction 1½ years ago, but the work actually work for Phase I began in January of this year, with the Vision Plan being adopted in July. As moving into Phase II there may be steps where there may be more clarity. To complete the process including all of the zoning requirements and General Plan in place to expedite development in accordance with that plan.

The intent of leaving the oversight committee open is to allow for best practices from the consultant; to leave it more general at this point, but the City would have the capability to direct changes to meet what the City Council feels is the role of that group.

J. Boyle – Expand on who the RFP will go out to. Through the Phase I review process, there was a two phase consultant procurement exploration; first a broad range to 30-40 consultants to see who would be interested in providing general qualifications and the second was sent to those who responded that they would be interested refining it to who had the best capability to do the work. This phase will start out with that second group with the knowledge that there is a need to review the overall list to see if somebody was missed and to look at the Dumbarton Rail RFP distribution list. There would be approximately 10-15 sent out. There are certain guidelines that can be provided in terms of budget, but there was not a large amount of analysis that has been done.

The RFP is open-ended on many things; strikes that there will be widely divergent responses and how would the city deal with that. T. Rogers advised that some of it shakes out in the informal questionnaire process for Phase I. There can be more specific information provided if the Council provides that information. If there is a consultant that has the approach and the overall background for the project but has some elements that you might change, that can be done through the negotiations process before the contract is awarded.

K. Fergusson stated that at times it is easier to see options that can be compared. Will the proposers that respond discuss options in their proposals? Thomas – yes it has scenarios included which is included under task 2.

The Council subcommittee (R. Cline and J. Boyle) advised that the preliminary discussion was how to translate continuity from Phase I to Phase II. Secondarily there was a debate that has not been resolved as to how the work groups will operate in order to make is as transparent and as least bureaucracy as it can be. The idea was to get as many options from people who have done this many times instead of trying to architect our own decision. The timeline was discussed and is ambitious but it is better to do it right once than to do it wrong six times. Staff came up with a rough draft of the RFP that was presented to the subcommittee for review which then went to the citizen oversight committee and then back to the Council subcommittee. The input from the Council and community were included in the RFP.

H. Robinson there was feedback received from the first phase but there was a lack of looking at the whole result at the end of the workshop. It was not all brought together. He will be looking for techniques on how to go beyond that step. Get to not worrying about who is voting; if there is a community meeting everybody in the room gets a vote. Up front you would identify who is in the group (residents vs. non-residents etc.). He would like to some of

that thinking – there will be a lot of decisions to be made during this phase. Those decisions should be made by MP residents or the community and not what the consultant thinks. There needs to be lots of opportunity for input.

A. Cohen concerned with the makeup of the oversight group. There has been a great deal of concern that certain participants in Phase I were included because they were stakeholders. The message she is getting/seeing is that it should be a job for the residents but that is being left undecided and part of what we expect the consultant to bring back in the RFP. Couldn't the sentiment be included? T. Rogers advised that the working group had 18 members and 15 of those members were residents and the 3 non-members did give valuable input. A. Cohen asked about having 2 working groups; resident working group and technical working group. T. Rogers advised that it is possible and there are alternate scenarios as well. There are a range of solutions with the RFP in terms of the working group. A. Cohen- asked why there is no description of the community outreach process in the RFP. T. Rogers pointed out page 4 lists options for community outreach.

Elias Blawie stated that the RFP needs to be tackled better before moving forward. Membership of the working group should be considered. People who have an economic interest in this should not be included; residents or not. The land use decisions need to be considered during this process. The Council should not be considering real estate issues. Be consistent with parking standards and urged more focus in this area.

Patti Fry stated that the city should avoid gaps and run processes concurrently. She is glad to see scenarios included and need to include enough details with impacts. She does not see a step to identify criteria by which the preferred scenarios are selected. It is important to have one scenario including financial information for build-out and not what is currently coming from the area.

Reg Rice stated that he visited every site. Consensus on opinion should be reached in a way that the consultants are not giving their own conclusions. Somehow that has to be avoided. Avoiding stakeholders in a group of 18 was helpful for providing their expertise; he did not see them pushing their agenda. Things that have to be decided should be turned over to residents to get consensus. That should be presented to the consultant and then to the City Council. The consultant should not be making the consensus.

DJ Brawner stated that the process from the beginning struck him as being backwards. Were the consultants ever provided a copy of the general plan? The consultants were told about density in downtown Menlo Park. It was very apparent that they were not aware of the transportation difficulties in town. All you need is good real estate consultants who are in the business of placing businesses in the downtown area. The consultants have their own agenda and it is not beneficial to Menlo Park. Have the consultants been paid \$ to date. You should be able to find retail brokers to bring in revenue a lot cheaper.

Fran Dehn with the Chamber of Commerce would like to see tighter definitions for phase II. She does not disagree that the majority of the working group should be residents. Business owners have valuable input as to what has worked in the past and what might not work. A technical group could include the business community. A lot of what happens in Menlo Park is due to tax dollars.

Vincent Bressler was a member of the steering committee and on the selection process for the original consultant. It was informative to see the process and his inclusion is that the staff is capable of writing their own report. The residents have the ability to write what is best for the community. With regard to the input from stakeholders, they would focus on what they could do for themselves but others were more global. Need to have people from all over the community, including Belle Haven. He hopes to be involved in the selection process for the next consultant.

R. Cline stated that there has been valuable input and concerns about the makeup of the working group. How does the city get a certain pattern for the consultant to follow; to gear the scenarios of pictures up front to get discussion going up front? T. Rogers advised that any change to the RFP would need a majority of the Council. With the level of detail of the RFP is a give and take, but you do not want to go down to such specificity that it would tie the consultant's hands.

R. Cline asked if there was going to be some type of criteria so that each consultant would be ranked using a specific set of criteria. T. Rogers stated staff could prepare guidelines to use based on the Phase I analysis, but there is value from the unique opinion of individual panel members as well as each member of the City Council.

R. Cline asked if there a way to ask if the timeline could be sped up without hindering the outreach responses? T. Rogers advised that there is an opportunity for items that are sensitive that would enact specific changes. Stay away

from piece-milling the project with items that could potentially have big impacts. There are other opportunities to display progress for the project. It could relay the message that things are progressing and making process. A. Heineck Consultants can be asked if they can do some of the background simultaneously. There are some parts, especially the data that can be done simultaneously.

R. Cline stated that there are similar but differing opinions on how things rose to the top during phase I. Have alternatives been explored to show how things rise to the top. T. Rogers advised that there are some items where direct voting can be utilized, but in the early stages it could reduce the input from the committee members. There are options and staff is looking for a consultant to provide some input in this area.

R. Cline stated there are ongoing projects and how is a two-year timeline dealt with? How are the timelines evaluated and then reconciling multiple projects? T. Rogers responded that the current ordinance is in effect until amended and stated how proposals are evaluated. There will be some cases that might miss the opportunity and also some that will seem more urgent.

K. Fergusson asked if the proposal specifies how the interaction with the Council will take place. T. Rogers advised that it does.

Fergusson stated that the point that committee members with economic interest has pros and cons. The process oversight and process committee was not to make recommendations but to make sure the process was fair. That is her view of the working group until the Council decided otherwise. The option of electronic voting as a possible tool for engagement techniques. Likes the idea of putting into the RFP the development criteria. In the studies, EIR, Financial Impacts; the idea of looking at the carbon footprint – can it be done? T. Rogers advised it is typically being included in the EIR.

J. Boyle stated that the working group composition and role needs to be defined. There has been feedback saying it should be just residents and other feedback that the stakeholders need to be more involved. We should include that CalTrain, CalTrans and other players that have a significant impact in the community. Strongly believe that the RFP as written makes great sense. The public and the City Council have ample opportunities to provide input and make comments and take issue with any of the recommendations. They should be giving us the input and nobody has ever suggested that the consultant or staff be the decision maker. The public can provide information to the City Council regarding the decisions they want made. These are complex, intertwined issues. He is in favor of the RFP as written and there are items that there is not consensus on. The default is that the role is as it was in phase I until stated otherwise. Find out from the consultants, who have done this in the past, how it has and has not worked in the past.

H. Robinson provided input on the working group; it should be discussed more when the selection process takes place. Who is on the working group and what they are to do is not up to the consultant, it is up to the Council. He does not understand the concern about non-residents being in the working group. In this round he expects that there will be voting. He believes that the city will develop criteria. He wants the working group as well as anybody in the community to weigh in on the issues. He thinks that the criteria should be a part of the RFP and seeing what the consultants come back with in terms of an accelerated timeline is important. Another important factor is scenarios and how the consultant will present them and bring them to life. He believes that city staff should have a vote.

A. Cohen stated when the process first started the decision on how to create the oversight committee was contentious. Ultimately this is a process for the residents. Every stakeholder should be invited to weigh in, but the residents should make the decision. There is a missed opportunity if we do not move forward with empowering the resident. Include the stakeholders in the process without giving them a vote. Staff is capable of putting it together.

J. Boyle commented that the committee process was something that the consultant advised the city on. Encourage the consultant for their input as to one or two committees and let them give us their advice as to best practices.

Action: Moved and seconded (Fergusson/Boyle) and carried unanimously to approve the draft Request for Proposal (RFP) for consultant services for the El Camino Real/Downtown Specific Plan as amended. (Amendments below)

- Accelerated timeline and how to do some parallel processing of the various steps
- Add as a possible consideration, forms of electronic voting and recommendations on how it can be incorporated into the community engagement process
- Add development of criteria by the community for use in evaluating the scenarios
- Reference the City's interest in the carbon footprint analyses that would be part of the EIR and explored for the various alternatives of the EIR

- To include as one of the scenarios; a full build out under the existing General Plan and Zoning
- To request that proposers describe how the scenarios would be presented to the community with specific reference to the use of visualization tools
- To request that proposers provide best practices on a working group including the potential of one or more groups with various focuses such as process oversight, policy and technology.

2. **Authorize the City Manager to execute an Amendment to the Infrastructure Engineering Corporation Scope of Work to provide a preliminary analysis of only utilizing Groundwater Wells and Pumping Systems for emergency supply of the Menlo Park Municipal Water District's Eastern Service Area.** ([Staff Report #08-118](#))

Ruben Niño provided the background information on the item and recommended that the scope of work to provide a preliminary analysis of only utilizing groundwater wells and pumping systems for emergency supply of the Menlo Park Municipal Water District's eastern service area.

K. Fergusson suggesting a set of goals for the project. R. Niño stated that staff feels the establishment of goals would be preliminary at this point but during the next phase it would be more appropriate. The technical piece of information needs to be obtained prior to being able to set goals.

H. Robinson asked if the requirements for the number of days of emergency water storage should the city have should be included. Such as the city should have a minimum of 5 days, ten days would be ideal and 30 days would be all they could ask for. R. Niño stated that the storage would be different if you choose a well system. Until the Council makes the determination to go with storage or just wells – Until the City Council makes a decision to go with wells only or storage then a criteria /requirement could be established. H. Robinson The ability to supply water will depend on the number of wells drilled. He believes that having a goal in mind as to what the city needs. If the main supply of water was lost the city would still need a minimum to provide for emergency services. They way to accomplish the need is not dependant on where the water comes from but rather what is needed for essential services. R. Niño stated that there would need to be two sets of guidelines to proceed in that manner.

R. Cline asked if every alternative is being looked into to make sure that another alternative is not being missed. R. Niño stated that there are other sources of water, but they are too far away to be cost effective. R. Cline asked if in the next 10 years if there would be a potential for that to improve. R. Niño stated that the city would need to look into all avenues for water resources.

A. Cohen stated that one issue mentioned was subsidence. That is an aspect of digging a well that should be considered. Is there any regional oversight over well water use to monitor the risk or danger for subsidence? He points out the need for looking at a variety of aspects on the issue and to start with the well and make a decision is missing some of the other aspects. R. Niño stated that if they look into wells, subsidence would be automatic.

Bill Evans speaking on behalf of Friends of Seminary Oaks Park, which formed in May, after the local community first became aware of the proposal for emergency water for Seminary Oaks Park. The group emphatically supports the need for emergency water supply and it is a proactive stance and the city needs to take whatever means is necessary to avoid a situation with a lack of water. He met with city staff to review the plan before the Council. He suggested the city take a step back and take a more linear process. His group has reservations about the absence of specific goals and plans. It is critical to determine how much water is needed and for what period of time. There needs to be emphasis on community engagement and environmental stewardship. Ultimately they recommend that the City Council – they support to adopt clear targets.

J. Boyle stated that he thinks understands staff reservation to think about trying to over-emphasize one criteria, like capacity. There have been some good points made. There needs to be a set of criteria for overall capacity, rate of delivery and the likely survivability of the backup system during a catastrophe. The environmental and neighborhood impacts should be examined. Can there be a table created with sets of criteria in order to compare different types of backup systems. With regards to the proposal on the ground water, he applauded the thoroughness, but would like to consider a check point early in the process. Can some items be flushed through earlier to avoid problems? A rough broad brush to see if it will “pass the sniff test” would be beneficial.

K. Fergusson stated she cannot envision how there is a well only system. There has to be some kind of tank to store the water in as it comes out. Is there such a system that does not have a tank? R. Nino stated there could be, but it has not been studied. A combination could be the best system; but numerous factors must be looked at. K. Fergusson stated that the result could be smaller tanks to provide emergency water in more of a feasible manner. R.

Nino stated that the study is to look at wells only. K. Fergusson stated that she sees more of a hybrid type system. K. Steffen stated that the scenario K. Fergusson is discussing is the more preferred way of doing it. It is not unfeasible to deliver the water during an emergency that can work without storage. This phase of the study will look into that method. The advantages and disadvantages would be identified and it will come back to the City Council.

H. Robinson stated R. Nino and K. Steffens both made comments that are actually criteria (insurance needs/emergency supply needs). He would like to know what staff's idea of the needs are. K. Steffens stated that they made recommendations in the past and it was a range for storage based on the industry standard. This information could be brought back at a later date or made a part of this phase. H. Robinson stated that he would want to know if it would increase the cost for this phase. K. Steffens stated that it is information that is available and embedded in consultant reports. H. Robinson stated that he would like the information. He would like the input of the Fire District to see if they believe it is adequate.

J. Boyle stated that he understands why specific locations is not being stated, but it would be helpful to know how many wells and a general location for those wells.

Action: Moved and seconded (Fergusson/Robinson) and carried unanimously to authorize the City Manager to execute an amendment to the Infrastructure Engineering Corporation scope of work to provide a preliminary analysis of only utilizing groundwater wells and pumping systems for emergency supply of the Menlo Park Municipal Water District's Eastern service area and in addition it should include as a part of this phase, to include documentation of goals, criteria, needs and supply that are the assumptions that staff is working under. Staff will continue to keep the community informed with the progress.

3. **Menlo Park Municipal Water District – Water Study Session Follow-up and potential direction to Staff.**
([Staff Report #08-121](#))

J. Ng went through the items that staff is currently working on and participating in.

K. Fergusson stated that participating in Bay Area Water Supply and Conservation Agency's (BAWSCA) water-wise landscaping program and she was hopeful that Menlo Park could host some training. J. Ng stated that they attempted to do that but the 2008 calendar was already made and they will be attempting to get on the 2009 schedule. K. Fergusson asked for changes and practices employed by the park maintenance employees implementing the training they received. J. Ng explained what they have implemented. K. Fergusson stated that the integrity of the Tuolumne River needs to be maintained. She asked about an ordinance for water conservation. She would like to adopt a resolution endorsing the principles of StopWaste.org. She would like to see the city pursue being a signatory in the Memorandum of Understanding (MOU) with CUWCC and pledging to implement all fourteen best management practices.

H. Robinson stated that when this first came to Council Menlo Park had some of the lowest rates in the county and some of the highest usage per capita in the county. He is happy to see conservation but the usage per capita is the highest. He supports considering StopWaste.org. He is meeting with BAWSCA and discussing the Hetch Hetchy upgrade project. He feels the city should not be supporting the usage of water from the Tuolumne but conservation should come first. He thinks it appropriate for the Council, when discussing well water for irrigation and emergency supply, that it be clear that Hetch Hetchy is the main supply for residential and commercial supply. Adding well water to the system is expensive and it would be appropriate to have staff come back with a resolution adding well water but only for a limited scope.

J. Boyle asked if item 6 regarding Assembly Bill 1881 which would require the Department of Water Resources (DWR) to update the model ordinance by January 1, 2009, what level of participation does Menlo Park have in effecting the outcome of that ordinance. R. Nino stated it would be to draft a response regarding the ordinance. J. Boyle stated that the city should make comments and should try to influence it at that post. It sounds like there are two projects that currently do not appear on the priority project list and what would happen? G. Rojas stated that some projects could be delayed. J. Boyle is struck by how much the city of Menlo Park does already. This is about the Menlo Park Water District which supplies approximately one-third of the city. As the price of water goes up people will stop using it. While everybody is concerned with conservation; there has to be a place to draw the line. He would rather see staff work on priority projects already established. He would agree with staff recommendations and have staff focus on the priority projects that have already been identified for the year.

R. Cline agrees with how staff has drafted the staff report. He is nervous to adding to an already over stacked priority list and is not comfortable increasing. It is a good project to look at in the upcoming year.

A. Cohen stated that he brought a resolution regarding the upper Tuolumne River and it has not come back and it was talked about, but is not satisfied with the explanation that various environmental groups have opposing views on it. He believes that it is something that should be discussed openly. He is concerned with staff spending time and money, especially on symbolic items. He has expressed to staff his interest in a community garden. He believes that a community garden would be an asset to Menlo Park. It is an opportune time to look at the history and what is done in other cities. The environmental concerns are valid regarding the upper Tuolumne River.

K. Ferguson asked if the policy or actions framework could put the amount of conservation the city has already committed to. K. Steffens advised that when the water system improvements were initially started one of the first big tasks demand was and one of the first big tasks that SFPUC took on. Future supply needs has been estimated. K. Ferguson asked if the city was meeting that demand. K. Steffens stated that we are below the projects at this time. What cannot be said is what all the influencing factors are. K. Ferguson stated that one of the best practices in CUWCC is leakage detection and what is the city doing. K. Steffens stated that the system is in good shape; there is a certain amount of water that is unaccounted for, but the numbers are relatively good. K. Ferguson stated that there is a lot riding on conservation and she thinks looking at what their peers are working at is important.

H. Robinson stated that the environmental groups regarding the upper Tuolumne River. There is a possibility to draft a resolution that may not be as strong but could show city support.

Action: Direction to staff is to proceed with the staff recommendation in the staff report.

By unanimous vote of the City Council, they will complete the items on the agenda even if it goes past midnight.

4. **Approval of the first Amendment to employment agreement for City Manager regarding the Housing Loan.** ([Staff Report #08-114](#))

W. McClure gave the history on the housing loan program which is part of the contract for the City Manager's contract. In reviewing attachment A, it was suggested that

Item 6 would increase the total amount of loan available to the City Manager which allows the city to make a ten percent bridge loan due to the housing market. He prepared a revised amendment so the last sentence that he provided to the Council.

Action: Moved and seconded (Boyle/Cline) and carried unanimously to approve the first amendment to employment agreement for the City Manager regarding the housing loan as amended.

5. **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.** – None

G. CITY MANAGER REPORTS

1. **Update on speakers for September 9, 2008 High Speed Rail (HSR) Study Session.**

C. Taylor gave an overview for the speakers and the format for the HSR study session. The meeting would start at 5:30 and there would be speakers on both sides of the issue, public comments and Council discussion.

H. Robinson stated that there are many perspectives in terms of support and non-support for HSR. There are some groups that are in support of HSR, but have joined the lawsuit.

A. Cohen recused himself left the dais and due to the proximity of his home to HSR. The City Attorney has also left the room due to a conflict.

G. Rojas stated that staff tried to keep the speakers for the study session to be more regional than local.

J. Boyle asked if McNamera would be able to speak to the lawsuit. C. Taylor advised that is the case as well as the overall project. J. Boyle stated that he believes that most of the concerns are local concerns.

K. Ferguson stated that this not be framed pro versus anti high speed rail. It is important. She is concerned that all alternatives be looked at. In terms of the layout for the study session, she does not feel that there is not enough time for the speakers.

R. Cline stated that he would like to be prepared to have documentation and not just a speech. He is hopeful that the

two speakers will come prepared.

H. Robinson asked that the speakers be asked to keep their presentations to ten minutes.

K. Fergusson asked what is the objective for the study session. R. Cline stated that the question of financing is one piece of information is necessary.

A. Cohen (speaking from the podium) stated that this is the most complicated issue that he has seen go before the Council. He feels that it will be a high pressure sale. He suggested Gary Path, Council to Planning and Conservation League. He requested that staff look into having him present at the study session. He would like to see a factual presentation on the validity of the Environmental impact Report.

M. Brown stated that both Mr. McNamera and R. Tolmac are railroad people. They dearly want HSR, but they are against this project. He thought that the study session was to determine how the City would vote on the issue during the regular session that following the study session portion of the meeting. He urged the Council not to cut off public comment.

Action: Allow two hours for the study session and begin at 5:30 p.m.

A. Cohen and W. McClure returned to the meeting.

H. WRITTEN COMMUNICATION - None

I. INFORMATION ITEM

1. **Update regarding systems and procedures for selecting and conducting Council Study Sessions.** ([Staff Report #08-120](#))

G. Rojas explained the criteria and selection process for study sessions based on feedback that he has received. The study session schedule will be brought to the Council every three months to be reevaluated and to provide input.

Action: Moved and seconded (Cline/Robinson) and carried unanimously to approve the procedures for selecting and conducting Council study sessions as submitted and approval of the study session schedule for the next three months with number 11 on the study session list to read Municipal Code Update instead of Sign Ordinance.

J. COUNCIL MEMBER REPORTS

K. Fergusson stated that she abstained from vote at the BAWSCA meeting.

K. PUBLIC COMMENT #2 - 0 Speakers

L. ADJOURNMENT – Adjourned at 12:22 a.m.

Margaret S. Roberts, MMC
City Clerk

Approved at the Council meeting of November 18, 2008