CITY COUNCIL
REGULAR MEETING AGENDA

Tuesday, January 08, 2013
7:00 P.M.
701 Laurel Street, Menlo Park, CA 94025
City Council Chambers

ROLL CALL – Carlton, Cline, Keith, Ohtaki, Mueller

PLEDGE OF ALLEGIANCE

ANNOUNCEMENTS

A. PRESENTATIONS AND PROCLAMATIONS – None

B. COMMISSION/COMMITTEE VACANCIES, APPOINTMENTS AND REPORTS – None

C. PUBLIC COMMENT #1 (Limited to 30 minutes)
Under "Public Comment #1", the public may address the Council on any subject not listed on the agenda and items listed under the Consent Calendar. Each speaker may address the Council once under Public Comment for a limit of three minutes. Please clearly state your name and address or political jurisdiction in which you live. The Council cannot act on items not listed on the agenda and, therefore, the Council cannot respond to non-agenda issues brought up under Public Comment other than to provide general information.

D. CONSENT CALENDAR

D1. Adopt a resolution approving the City Council subcommittee recommendations regarding the allocation of 2012-13 Community Funding in the amount of $110,000 (*Staff report #13-005*)

D2. Adopt a resolution authorizing the City Manager to enter into a funding agreement with the San Francisquito Creek Joint Powers Authority (SFCJPA) for $245,875, the City's portion of local match funding to conduct planning, design, and environmental documentation for the East Palo Alto and Menlo Park Tidal Flood Protection, Ecosystem Restoration, and Recreation Project (Bay Levee Project), between the SFCJPA, East Palo Alto and Menlo Park (*Staff report #13-006*)

D3. Accept minutes of the December 4 and December 11, 2012 City Council meetings (*Attachment*)

E. PUBLIC HEARINGS

E1. Introduce an ordinance adopting San Mateo County's Reusable Bag Ordinance by reference by adding Chapter 7.10 to the Menlo Park Municipal Code and making the finding that the Program Environmental Impact Report prepared by San Mateo County to be adequate for the City of Menlo Park to adopt a reusable bag ordinance (*Staff report #13-001*)

F. REGULAR BUSINESS

F1. Adopt a resolution recognizing the participation of the City of Menlo Park in the San Mateo County Sub-Region for the Regional Housing Needs Allocation process and acceptance of the assigned housing share for the City of Menlo Park for the 2014-2022 Housing Element Planning Period (*Staff report #12-003*)

F2. Appoint one Council Member to the Housing Element Steering Committee (*Staff report #13-002*)

F3. Consider 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'S REPORT – None

H. WRITTEN COMMUNICATION – None

I. INFORMATIONAL ITEMS

I1. Belle Haven Visioning Process consultant selection (*Staff report #13-004*)

J. COUNCILMEMBER REPORTS

K. PUBLIC COMMENT #2 *(Limited to 30 minutes)*

Under "Public Comment #2", the public if unable to address the Council on non-agenda items during Public Comment #1, may do so at this time. Each person is limited to three minutes. Please clearly state your name and address or jurisdiction in which you live.

L. ADJOURNMENT

Agendas are posted in accordance with Government Code Section 54954.2(a) or Section 54956. Members of the public can view electronic agendas and staff reports by accessing the City website at http://www.menlopark.org and can receive e-mail notification of agenda and staff report postings by subscribing to the "Home Delivery" service on the City's homepage. Agendas and staff reports may also be obtained by contacting the City Clerk at (650) 330-6620. Copies of the entire packet are available at the library for viewing and copying. (Posted: 01/03/13)

At every Regular Meeting of the City Council, in addition to the Public Comment period where the public shall have the right to address the City Council on the Consent Calendar and any matters of public interest not listed on the agenda, members of the public have the right to directly address the City Council on any item listed on the agenda at a time designated by the Mayor, either before or during the Council's consideration of the item.

At every Special Meeting of the City Council, members of the public have the right to directly address the City Council on any item listed on the agenda at a time designated by the Mayor, either before or during consideration of the item.

Any writing that is distributed to a majority of the City Council by any person in connection with an agenda item is a public record (subject to any exemption under the Public Records Act) and is available for inspection at the Office of the City Clerk, Menlo Park City Hall, 701 Laurel Street, Menlo Park, CA 94025 during regular business hours. Members of the public may send communications to members of the City Council via the City Council's e-mail address at city.council@menlopark.org. These communications are public records and can be viewed by any one by clicking on the following link: http://ccin.menlopark.org

City Council meetings are televised live on Government Access Television Cable TV Channel 26. Meetings are re-broadcast on Channel 26 on Thursdays and Saturdays at 11:00 a.m. A DVD of each meeting is available for check out at the Menlo Park Library. Live and archived video stream of Council meetings can be accessed at http://menlopark.granicus.com/ViewPublisher.php?view_id=2

Persons with disabilities, who require auxiliary aids or services in attending or participating in City Council meetings, may call the City Clerk's Office at (650) 330-6620.

COMMUNITY SERVICES

Council Meeting Date: January 8, 2013
Staff Report #: 13-005

Agenda Item #: D-1

CONSENT CALENDAR: Adopt a Resolution Approving the City Council Subcommittee Recommendations Regarding the Allocation of 2012-13 Community Funding in the Amount of $110,000

RECOMMENDATION

Staff recommends that the City Council approve the recommendation of the Council Community Funding Subcommittee and adopt a resolution (Attachment A) approving the proposed allocation of the 2012-13 Community Funding in the amount of $110,000.

BACKGROUND

The City of Menlo Park adopted a formal policy in 1996 (see "Community Funding Program Guidelines" Attachment B) in order to respond to community needs and leverage City funds.

The program guidelines stipulate that eligible programs must address a verified community need and have a significant Menlo Park client base. The priority service areas include emergency assistance for those who are homeless or low-income; assistance to the disabled; help for seniors to be independent; senior daycare support; youth services including recreational and summer academic support; crisis and family counseling; and substance abuse prevention. Applicants must maintain accounting records with an independent audit at least once every two years. In some cases, a certification from the Board of Directors that financial statements follow standard accounting practices will be accepted. Each fiscal year, according to the policy, no more than 1.7 percent of General Fund property tax revenue may be allocated to the Community Funding Program. This ceiling would amount to slightly over $230,000 for the 2012-13 fiscal year. However, in recognition of the City's challenges in balancing its own budget this year, the General Fund budget for 2012-13 includes $110,000 for community programs, the same as last year.

This year, the City provided notice of the grant program to agencies that received funding in prior years. Fifteen agencies responded with requests totaling $157,000. One agency that received funding in the past declined to submit an application this year. Another agency that received funding in previous years currently does not have enough Menlo Park residents to meet the criteria to submit an application. The applicant agencies provide services that include counseling, crisis intervention, employment

assistance, shelter, hospice services, community health, risk reduction education, legal aid to low income seniors, and youth and senior services.

ANALYSIS

On December 11, 2012, the City Council appointed Council Members Keith and Carlton as the Community Funding Subcommittee for fiscal year 2012-13. The Subcommittee is charged with evaluating the funding requests and making recommendations to the full Council as to the allocation of the available funds budgeted for the community funding program.

This year, Community Services staff established weighted criteria for assessing the applications against factors such as: verified program results; impact on the Menlo Park community; percentage of total budget spent on administrative overhead; receipt of City funding in previous years; community need for the program; unduplicated service or, if duplicated, evidence of collaboration; and alignment with Council goals for the program in order to create a more systematic method to support the Subcommittee's deliberations. These assessment criteria were included with this year's application and questions were modified to solicit information demonstrating that particular program aspect.

Several notable changes in the applicant pool were observed this year: Adolescent Counseling Services (ACS) has previously received funding for providing counseling services at Menlo-Atherton High School (M-A). ACS no longer provides counseling services at M-A. M-A has requested that StarVista provide these services and has received the funding previously allocated to ACS. ACS may re-apply in future years if a program meeting the City's requirements is established elsewhere. Ravenswood Family Health Clinic also did not submit an application this year and has received funding previously.

The table below outlines funding allocations in FY 2011-12, requests for fiscal year 2012-13, and the Subcommittee recommendation.

	2011-12 allocation	2012-13 request	2012-13 recommended
Adolescent Counseling Services	30,000	0	0
Boys and Girls Club of the Peninsula	15,000	20,000	13,000
Community Overcoming Relationship Abuse	3,500	5,000	4,500
Family Connections	3,000	10,000	9,000
Inn Vision Shelter Network	12,250	20,000	16,000
Legal Aid Society of San Mateo County	4,500	5,000	3,500
My New Red Shoes	2,750	5,000	1,000
Nuestra Casa	0	6,000	1,000
Ombudsman Services of San Mateo Co.	0	2,000	2,000
Pathways Hospice Foundation	10,000	10,000	5,000
Peninsula Volunteer, Inc	12,500	20,000	12,500
Project WeH.O.P.E.	0	5,000	1,000
Ravenswood Education Foundation	7,000	10,000	7,000
Ravenswood Family Health Center	1,500	0	0
Service League of San Mateo County	2,500	3,000	500
Star Vista	2,500	30,000	30,000
Youth Community Service	3,000	6,000	4,000
Total	**$110,000**	**$157,000**	**$110,000**

Additional information about each organization is available in the Finance Division.

IMPACT ON CITY RESOURCES

The FY 2012-13 adopted budget includes an appropriation of $110,000, adequate to fund the amounts recommended for the Community Funding Program.

POLICY ISSUES

The Subcommittee' recommendation is consistent with the Council's current Community Funding Program Policy.

ENVIRONMENTAL REVIEW

Environmental Review is not required.

Signature on file
Cherise Brandell
Community Services Director

PUBLIC NOTICE: Public Notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting.

ATTACHMENTS:

A. Resolution
B. Council Policy on Community Funding

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK APPROVING THE COUNCIL SUBCOMMITTEE RECOMMENDATIONS REGARDING ALLOCATION OF 2012-13 COMMUNITY FUNDING

WHEREAS, the City of Menlo Park adopted a policy in 1996 (Community Funding Program Guidelines) in order to respond to community needs and leverage City funds; and

WHEREAS, the program guidelines stipulate that eligible programs must address a verified community need and have a significant Menlo Park client base; and

WHEREAS, the 2012-13 General Fund budget includes $110,000 for community funding; and

WHEREAS, Notice was provided to agencies that received funding in prior years and fifteen agencies responded with requests totaling $157,000; and

WHEREAS, the City Council Subcommittee met to evaluate the funding requests in order to make a recommendation for the allocation of the available funds for the Community Funding Program.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Menlo Park does hereby approve the City Council Subcommittee recommendations regarding the allocation of 2012-13 community funding in total amount of $110,000, as specified below:

APPLICANT AGENCY	FUNDING AWARDED
Boys and Girls Club of the Peninsula	$13,000
Community Overcoming Relationship Abuse	4,500
Family Connections	9,000
Inn Vision Shelter Network	16,000
Legal Aid Society of San Mateo County	3,500
My New Red Shoes	1,000
Nuestra Casa	1,000
Ombudsman Services of San Mateo Co.	2,000
Pathways Hospice Foundation	5,000
Peninsula Volunteer, Inc.	12,500
Project WeH.O.P.E.	1,000
Ravenswood Education Foundation	7,000
Service League of San Mateo County	500
Star Vista	30,000
Youth Community Service	4,000
TOTAL	**$110,000**

I, Margaret Roberts, City Clerk of the City of Menlo Park, do hereby certify that the foregoing resolution was approved at a regular meeting of the City Council held on the eighth day of January, 2013, and adopted by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this eighth day of January, 2013.

_____
Margaret S. Roberts, MMC
City Clerk

City of Menlo Park	**COUNCIL POLICY**	
Department **Finance**	**Page 1 of 2**	**Effective Date: June 4, 1996**
Subject **Community Funding Program Guidelines**	**Approved by:** **City Council On June 4, 1996**	**Procedure #** **FIN-01-1996**

PURPOSE

To provide guidelines for the award of monetary support to local non-profit agencies whose programs respond to the human service needs of Menlo Park residents. This funding is not intended for use as the sole support of any agency. All recipients of financial assistance grants enter into a contractual agreement with the City detailing the specific objectives to be accomplished as a result of the grant.

POLICY

1. GOALS AND PHILOSOPHY

The City of Menlo Park recognizes that:

1.1 the availability of basic human service programs is a key determining factor in the overall quality of life of Menlo Park residents;

1.2 the most cost-effective and efficient manner to insure that these services are available to local residents is through the development of agreements with existing non-profit agencies;

1.3 contractual agreements with non-profit agencies allow the City to influence the human service programs offered to Menlo Park residents; and

1.4 financial assistance grants demonstrate the City's support of the activities of specific non-profits and make it possible for these agencies to leverage additional funds which will benefit local residents.

2. ELIGIBILITY

2.1 All applicants must be formally incorporated non-profit entities and must be tax exempt (under Section 501(c)(3) of the IRS Code, and Section 2370(d) of the California Revenue and Taxation Code).

2.2 All applicants must be agencies based in Menlo Park or agencies which provide services throughout the County of San Mateo who can demonstrate a significant Menlo Park client base.

2.3 All applications must provide a service that is not a duplication of an existing public sector program, OR if the service is duplicated, the applicant must show why it is not an unnecessary duplication of service.

2.4 All applicants shall maintain accounting records which are in accordance with generally accepted accounting practices. The agency must have an independent audit performed at least once every two years.

2.5 The agency must have bylaws which define the organization's purposes and functions, its organization and the duties, authority and responsibilities of its governing body and officers.

2.6 Governance of the agency should be vested in a responsible and active board which meets at least quarterly and establishes and enforces policies. The board should be large enough and so structured to be representative of the community it serves. It should have a specific written plan for rotation or other arrangements to provide for new members.

2.7 The agency must provide for adequate administration of the program to insure delivery of the services. The agency must provide that it has a written job description for each staff position and an organizational chart approved by the board. One individual should be designated as the full time director of the agency.

2.8 No less than 85% of City funds granted must be used for direct services as opposed to administrative costs.

2.9 City grants can represent no more that 20% of an applicant's total operating budget.

2.10 All recipients agree to actively participate in City efforts to coordinate and to improve human services within the City.

2.11 The program described must respond to a verified community need as defined by the City Council:

DISABLED emphasizes support of programs that will allow the disabled to actively participate in their community and maintain independence from institutional support.

EMERGENCY ASSISTANCE AND LOW INCOME SUPPORT emphasizes support of programs that can meet emergency needs for people in crisis such as victims of homelessness, rape, and domestic violence and the basic needs such as food, etc., for low income residents.

SENIORS emphasizes support of programs which serve predominantly low income, frail and minority seniors; and those programs which make it possible for seniors to continue to be independent and active community participants.

YOUTH emphasizes support of delinquency prevention services including recreation; crisis and family counseling; substance abuse prevention; child care and acculturation of ethnic minorities.

PROCEDURE

Any agency requesting financial assistance must complete the required application and submit it to the Finance Department. The City Council subcommittee is responsible for reviewing all proposals and submitting recommendations for funding to the City Council.

FUNDING

Grants are funded by the General Fund. Each fiscal year, no more than 1.7 % of general fund property tax will be allocated to the Community Funding Program.

PUBLIC WORKS DEPARTMENT

Council Meeting Date: January 8, 2013
Staff Report #: 13-006

Agenda Item #: D-2

CONSENT CALENDAR: Adopt a Resolution Authorizing the City Manager to Enter into a Funding Agreement with the San Francisquito Creek Joint Powers Authority (SFCJPA) for $245,875, the City's Portion of Local Match Funding to Conduct Planning, Design, and Environmental Documentation for the East Palo Alto and Menlo Park Tidal Flood Protection, Ecosystem Restoration, and Recreation Project (Bay Levee Project), Between the SFCJPA, East Palo Alto and Menlo Park

---

RECOMMENDATION

Staff recommends that the City Council adopt a resolution authorizing the City Manager to enter into a funding agreement with the San Francisquito Creek Joint Powers Authority (SFCJPA) for $245,875, the City's portion of local match funding to conduct planning, design, and environmental documentation for the East Palo Alto and Menlo Park Tidal Flood Protection, Ecosystem Restoration, and Recreation Project (Bay Levee Project), between the SFCJPA, East Palo Alto and Menlo Park.

BACKGROUND

The SFCJPA's objectives are to provide flood protection to the cities of East Palo Alto, Menlo Park, Palo Alto, and portions of unincorporated San Mateo and Santa Clara Counties, while protecting and enhancing long-term water quality, riparian, fish and wildlife values of the watershed and San Francisco Bay. The SFCJPA was established in May of 1999.

The SFCJPA is currently leading the local effort on major flood protection projects in the area. The SFCJPA is planning and designing capital projects with the goal of removing more than 5,400 properties in Menlo Park, Palo Alto and East Palo Alto from the San Francisquito Creek and San Francisco Bay FEMA floodplains. Current SFCJPA projects include improvements along the creek from San Francisco Bay to Highway 101, culvert capacity improvements under Highway 101 in partnership with Caltrans, and capacity improvements along the creek between Highway 101 and El Camino Real.

Significant portions of East Palo Alto and Menlo Park are located within the FEMA tidal floodplain of San Francisco Bay. The Bay Levee Project was conceived to eliminate risk from tidal flooding in the two cities for parcels that lie within the 100-year tidal floodplain that overlaps the fluvial floodplain of San Francisquito Creek, in order to remove residual risks to these properties and absolve them from the need to participate

in the National Flood Insurance Program and pay for flood insurance on their properties once the projects being planned along San Francisquito Creek have been implemented. The current levee system is not "Certified" by the Army Corps of Engineers, which means that the existing coastal levees in Menlo Park and East Palo Alto do not meet the Corps' design standards for protection against risk from tidal flooding. The SFCJPA has determined that it would be cost effective to include protection against 100-year tidal flood risk to the portions of East Palo Alto and Menlo Park that lie outside of the fluvial floodplain of San Francisquito Creek, and has included those areas as part of the Project, to afford those properties the same benefits.

In November 2011, the SFCJPA presented to the Council a grant opportunity for the Bay Levee Project from the California Department of Water Resources Local Levee Assistance Program (LLAP). The Council was conceptually in support of the grant application, but did not commit match funding at the time pending additional information about the grant and future construction and maintenance obligations. The project was identified on the unfunded list in the approved (Spring 2012) Capital Improvement Plan (CIP).

The SFCJPA applied for two grants in December of 2011 to the California Department of Water Resources to 1) evaluate the conditions of the existing levee system and feasible alternatives, and 2) design levee system improvements to provide the desired tidal flood protection, ecosystem restoration and recreation improvements along the Bay front within the corporate boundaries of East Palo Alto and Menlo Park.

In July of 2012, the SFCJPA secured both grants for a total award of $1,320,375, which represents 70% of the $1,886,250 anticipated cost to complete evaluation, design, specifications and construction documents, California Environmental Quality Act (CEQA) analysis, and secure permits that would allow construction to begin. Approximately 60% of the length of this levee is within the city boundary of Menlo Park, and 40% is within East Palo Alto.

East Palo Alto has committed $300,000 and the U.S. Fish & Wildlife Service has committed $20,000 towards the 30% local match requirement of $565,875 for the planning, design, CEQA and permitting phases of the project. On September 28, 2012, the SFCJPA submitted a request to the City of Menlo Park requesting financial support towards the remaining required $245,875 of local match.

On October 9, 2012, the Menlo Park City Council approved Resolution No. 6105 (Attachment B), which appropriated and authorized $300,000, including $54,125 in staff time, from the General Fund CIP Fund Balance for this purpose.

ANALYSIS

Based on Council approval of the funds for this phase of the project, the funding agreement included as Attachment D needs to be executed to fully commit the funds.

An illustration of the project limit and areas affected by tidal flooding within East Palo Alto and Menlo Park are provided in Attachment C.

Once the CEQA analysis and design are completed, the SFCJPA will be focusing on securing construction funding for the Bay Levee Project. This includes submitting a grant application for 70% of the construction funding during the 2013 grant round for statewide bond funds. Preliminary estimated cost of construction of the Bay Levee Project is $37 Million. This is a very rough estimate and may change during the evaluation and design phases. If the project moves forward, there will also be a local match requirement for the construction phase of the project. Both cities will need to discuss funding strategies to determine the appropriate participation levels and sources of funding, including the likelihood of a special assessment district to pay for anticipated capital and maintenance costs.

During the design phase as construction costs are better defined, and maintenance obligations are established, staff will develop a funding strategy to present to Council for consideration. A maintenance agreement with a funding source identified will need to be established prior to the approval of the construction phase.

IMPACT ON CITY RESOURCES

The proposed project funding request will be funded from the General Fund CIP fund balance. The current fund balance is $3.5 million. Staff resources are required to support this project during the CEQA analysis and design phase. The project should take approximately two years to complete CEQA analysis and design. The local match funding for Menlo Pak has been appropriated previously, documented by Resolution No. 6105, including initial staff funding for the project. Staff will be including this project in the CIP, and will evaluate any additional resources needed as part of the CIP budget. Staff is not requesting additional funding as part of this Council action.

Long term, Council should be aware that if the project progresses to construction, total costs could exceed $37 million. Prospective grant funding for construction can only cover a portion of anticipated construction costs. Additional local funding will need to be identified and secured to move to the construction phase of the project.

POLICY ISSUES

During this two-year process, as the construction costs are better defined and maintenance costs are estimated, staff will evaluate funding strategies for construction and the long term maintenance of constructed facilities. This project is consistent with policies established in Chapter 12.42 of the Municipal Code, Flood Damage Prevention.

ENVIRONMENTAL REVIEW

This Council action is not subject to the current California Environmental Quality Act. The SFCJPA will complete all required environmental review documents to construct the project.

Signature on file	*Signature on file*
Fernando Bravo	Charles Taylor
Engineering Services Manager	Director of Public Works

PUBLIC NOTICE: Public Notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting.

ATTACHMENTS:

A. Resolution
B. Resolution 6105
C. Figure 1 Bay Levee Project Aerial
D. SFCJPA Agreement

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK AUTHORIZING THE CITY MANAGER TO ENTER INTO A FUNDING AGREEMENT WITH THE SAN FRANCISQUITO CREEK JOINT POWERS AUTHORITY FOR $245,875, THE CITY'S PORTION OF REQUIRED NON-STATE MATCH FUNDING TO CONDUCT PLANNING, DESIGN AND ENVIRONMENTAL DOCUMENTATION FOR THE EAST PALO ALTO AND MENLO PARK TIDAL FLOOD PROTECTION, ECOSYSTEM RESTORATION, AND RECREATION PROJECT, BETWEEN THE SAN FRANCISQUITO CREEK JOINT POWERS AUTHORITY, EAST PALO ALTO AND MENLO PARK

WHEREAS, the San Francisquito Creek Joint Powers Authority (SFCJPA) project goals are to provide flood protection to the cities of Palo Alto, East Palo Alto, Menlo Park, and portions of San Mateo and Santa Clara Counties, while protecting and enhancing long-term water quality, riparian, fish, and wildlife values of the watershed and San Francisco Bay. The SFCJPA was established in May of 1999; and

WHEREAS, the SFCJPA applied for two grants in December of 2011 to the California Department of Water Resources to investigate and design a new levee system to provide tidal flood protection, ecosystem restoration and recreation improvements along the bay front within the corporate boundaries of East Palo Alto and Menlo Park; and

WHEREAS, in July of 2012, the SFCJPA secured both grants for a total of $1,320,375, which represents 70% of the total $1,886,250 anticipated project cost to complete CEQA, construction documents, and permits that would allow construction to begin. Approximately 60% of the length of this levee is within the city boundary of Menlo Park, and 40% within East Palo Alto; and

WHEREAS, the project has been estimated at a preliminary cost of $37 million for construction. The SFCJPA will be submitting a grant application for 70% of the construction funding during the 2013 grant round for statewide fund bonds for this project; and

WHEREAS, the proposed project funding will be funded from the General Fund CIP fund balance. The current fund balance is $3.5 million. Staff resources are required to support this project during the CEQA and design phase. The project should take approximately two years to complete CEQA and design; and

WHEREAS, in October 9, 2012, the Menlo Park City Council approved Resolution No. 6105, which appropriated and authorized $300,000, including $54,125 in staff time, from the General Fund CIP Fund Balance for this purpose.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Menlo Park hereby authorize the City Manager to execute a funding agreement with the San Francisquito Creek Joint Powers Authority for $245,875, the City's portion of the required non-state

match funding to conduct planning, design and environmental documentation for the East Palo Alto and Menlo Park Tidal Flooding Protection, Ecosystem Restoration, and Recreation Project, between the San Francisquito Creek Joint Powers Authority, East Palo Alto and Menlo Park .

I, Margaret S. Roberts, City Clerk of the City of Menlo Park, do hereby certify that the above and foregoing Resolution was duly and regularly passed and adopted at a meeting by said Council on the eighth day of January, 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this eighth day of January, 2013.

_____
Margaret S. Roberts, MMC
City Clerk

RESOLUTION NO. 6105

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK TO APPROPRIATE AND AUTHORIZE A BUDGET OF $300,000 FROM THE GENERAL FUND CIP FUND BALANCE FOR THE CITY'S PORTION OF LOCAL MATCH OF THE EAST PALO ALTO AND MENLO PARK TIDAL FLOODING PROTECTION, ECOSYSTEM RESTORATION, AND RECREATION PROJECT, INCLUDING STAFF SUPPORT FOR THIS PROJECT, A JOINT PROJECT BETWEEN THE SAN FRANCISQUITO CREEK JOINT POWERS AUTHORITY, EAST PALO ALTO AND MENLO PARK

WHEREAS, the San Francisquito Creek Joint Powers Authority (SFCJPA) project goals are to provide flood protection to the cities of Palo Alto, East Palo Alto, Menlo Park, and portions of San Mateo and Santa Clara Counties, while protecting and enhancing long-term water quality, riparian, fish, and wildlife values of the watershed and San Francisco Bay. The SFCJPA was established in May of 1999; and

WHEREAS, the SFCJPA applied for two grants in December of 2011 to the California Department of Water Resources to investigate and design a new levee system to provide tidal flood protection, ecosystem restoration and recreation improvements along the bay front within the corporate boundaries of East Palo Alto and Menlo Park; and

WHEREAS, in July of 2012, the SFCJPA secured both grants for a total of $1,320,375, which represents 70% of the total $1,886,250 anticipated project cost to complete CEQA, construction documents, and permits that would allow construction to begin. Approximately 60% of the length of this levee is within the city boundary of Menlo Park, and 40% within East Palo Alto; and

WHEREAS, the project has been estimated at a preliminary cost of $37 million for construction. The SFCJPA will be submitting a grant application for 70% of the construction funding during the 2013 grant round for statewide fund bonds for this project; and

WHEREAS, the proposed project funding will be funded from the General Fund CIP fund balance. The current fund balance is $3.5 million. Staff resources are required to support this project during the CEQA and design phase. The project should take approximately two years to complete CEQA and design.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the Menlo Park hereby approve the amendment to the FY 2012-13 General Fund CIP Budget and to appropriate $300,000 as the City's portion of local match of the East Palo Alto and Menlo Park Tidal Flooding Protection, Ecosystem Restoration, and Recreation Project, a joint project between the San Francisquito Creek Joint Powers Authority (SFCJPA), East Palo Alto and Menlo Park, and authorizing a Budget of $300,000 to include staff support for this project based on the following:

1. Appropriate from the General Fund CIP Fund Balance $300,000 for the East Palo Alto and Menlo Park Tidal Flooding Protection, Ecosystem Restoration, and Recreation Project and authorize a budget of $300,000 for FY 2012-13 to include staff support for this project including $245,875 for the SFCJPA contributions.

I, Margaret S. Roberts, City Clerk of the City of Menlo Park, do hereby certify that the above and foregoing Resolution was duly and regularly passed and adopted at a meeting by said Council on the ninth day of October, 2012, by the following vote:

AYES: Cline, Cohen, Fergusson, Keith, Ohtaki

NOES: None

ABSENT: None

ABSTAIN: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this ninth day of October, 2012.

Margaret S. Roberts, MMC
City Clerk

SAN FRANCISQUITO CREEK
JOINT POWERS AUTHORITY
sfcjpa.org

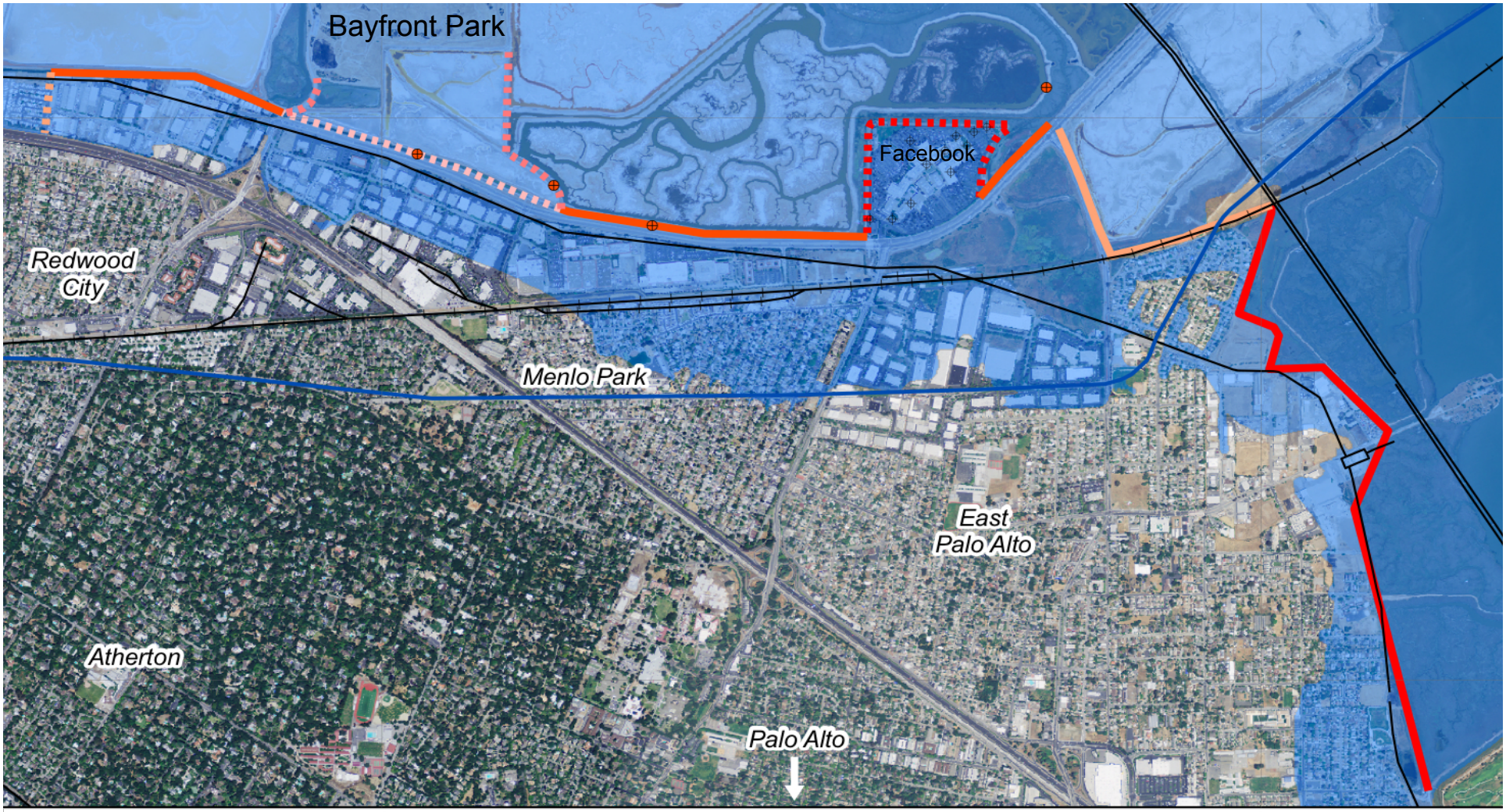

figure 1

San Mateo County Coastal Flood Levees
East Palo Alto and Menlo Park Tidal Flood Protection, Ecosystem Restoration, and Recreation Project

Agreement

Between the San Francisquito Creek Joint Powers Authority and

The City of Menlo Park

for Funding of the Local Match of the California Department of Water Resources Local Levee Assistance Program Grant Funding for Geotechnical Analysis, Feasibility, Design and Environmental Documentation of Coastal Levee Improvements

This Agreement ("Agreement") is made and entered into as of January 8, 2013, by and between the SAN FRANCISQUITO CREEK JOINT POWERS AUTHORITY (Authority), a California joint powers authority, and the CITY OF MENLO PARK (Menlo Park), collectively referred to as Parties, or individually as Party.

The purpose of this Agreement is to provide for match funding to grants awarded to the Authority by the State of California (Grant Awards) for planning and designing improvements to coastal levees in the Cities of East Palo Alto and Menlo Park (Project).

R E C I T A L S

A. San Francisquito Creek has a history of flooding the communities in and around East Palo Alto, Menlo Park and Palo Alto. The latest flooding having occurred in East Palo Alto in December of 2012, with the most damaging flood occurring in 1998.

B. Following the flood of 1998, the cities of East Palo Alto, Menlo Park and Palo Alto along with the San Mateo County Flood Control District and the Santa Clara Valley Water District formed the San Francisquito Creek Joint Powers Authority on May 18, 1999. These entities are all full members of the Authority. The Authority was authorized to represent its member agencies as the local sponsor for a U.S. Army Corps of Engineers' (Corps) San Francisquito Creek flood control project on May 23, 2002.

C. Due to the proximity of the coastal levees in East Palo Alto and Menlo Park to San Francisquito Creek, and because these coastal levees do not meet Corps standards for design and stability, nor FEMA standards for protecting properties from a 100-year tide, a significant residual risk exists where the creek and coast floodplains overlap.

D. In order to provide comprehensive protection to the community, the Authority and the Corps have included the option of improving coastal levees in the Corps project.

E. The Corps ability to complete the Study has been impacted by unanticipated delays due to federal funding constraints and Corps processes.

F. Because the Authority, East Palo Alto and Menlo Park desire to move forward with protecting the community from the risk of flooding and providing ecosystem and recreational enhancements, on December 7, 2011, the Authority submitted grant applications to the State Department of Water Resources (DWR) Local Levee Assistance program for 1) Local Levee Evaluation (LOLE) to conduct geotechnical investigations and feasibility studies on the levees, and 2) Local Levee Critical Repair (LLCR) to conduct design and environmental documentation of the Project.

G. In July 5 2012, DWR notified the Authority that it had recommended grant awards for LOLE and LLCR to the Authority totaling a combined $1,320,375, which represents 70% of the expected $1,886,250 cost of the Project.

H. DWR requires that local agencies provide 30%, or $565,875, of the total Project costs for both LOLE and LLCR grants.

I. In November 1, 2011, the City Council of the City of East Palo Alto directed the City Manager to fund an amount up to three hundred thousand dollars ($300,000) to apply to the Project as match funding to the Grant Awards. On July 17, 2012, the City Council adopted the City's Five-Year Capital Improvement Program, which included $300,000 for this effort in the 2012-13 fiscal year.

J. On October 9, 2012, the Menlo Park City Council approved Resolution No. 6105, which appropriated and authorized $300,000, including $54,125 in staff time, from the General Fund CIP Fund Balance for this purpose.

K. The Authority will administer the LOLE and LLCR grants and additional funding provided by local agencies in order to complete the Project. The process for construction of these improvements will be described in a separate agreement.

P R O V I S I O N S

1. Project Purposes

The Project's purposes are to provide evaluation, feasibility, alternatives analysis, design, and environmental documentation for coastal levee improvements that will improve flood protection, restore the ecosystem, and provide recreational opportunities within the project reach. The specific objectives of the Project include: 1) protect properties and infrastructure in the coastal floodplain within East Palo Alto and the City of Menlo Park between San Francisquito Creek and the Redwood City border resulting from a 100-year tide, including projected Sea Level Rise; 2) enhance habitat along the Project reach, particularly habitat for threatened and endangered species; 3) enhance recreational uses; and 4) minimize operational and maintenance requirements.

2. Obligations of the Parties

- Funding Amount: East Palo Alto will contribute $300,000.00 toward the required local match to grant funding awarded to conduct the Project.

- Funding Amount: Menlo Park will contribute $245,875 towards the required local match to grant funding awarded to conduct the Project.

- Project Completion: Authority will administer the grant. Authority will procure and expend additional funding in order to complete the Project.

3. Method of and Timing of Transaction

Authority will issue the request for payment to Menlo Park when full funding for the Project is assured through executed contracts or agreements by and between the Authority and any agencies contributing cash for the Project. Within thirty (30) days of receipt of the request for payment from Authority, Menlo Park will provide a check to the Authority in the amount of $245,875.00.

4. Mutual Hold Harmless

A. Authority shall defend, hold harmless and indemnify Menlo Park, its officers, directors, agents and employees from any and all claims for injuries or damages to persons and/or property which arise out of the performance of the terms and conditions of this Agreement and which result from the intentional or unintentional misconduct, negligent acts or omissions of Authority, its officers, directors and/or employees.

B. Menlo Park shall defend, hold harmless, and indemnify Authority, its officers, directors, agents and employees from any and all claims for injuries or damages to persons and/or property which arise out of the performance of the terms and conditions of this Agreement and which result from the intentional or unintentional misconduct, negligent acts or omissions of Menlo Park, its officers, directors and/or employees.

5. Retention of Records, Right to Monitor and Audit

Unless a longer period of time is required by law or federal or state grant funding agreements, Authority will maintain all records related to the transaction that is the subject of this Agreement and/or the Project for five (5) years after the Agreement is terminated. The records shall be subject to the examination and/or audit of Menlo Park and all other Member Agencies of the Authority.

6. Agreement Term

A. This Agreement shall automatically terminate one hundred and eighty (180) days after the completion of the Project. Completion of the Project is defined as an accepted and approved design and construction bid documents. This agreement does not provide for construction, ongoing maintenance and operational needs, which are subject to a separate agreement between the Parties hereto and other member agencies of the Authority.

B. If any Party fails to perform any of its material obligations under this Agreement, in addition to all other remedies provided by law, the other Party may terminate this Agreement but only after giving written notice of the failure of performance to the Party committing the failure. Such notice shall explain the alleged failure of performance and provide a reasonable opportunity for the failure to be cured which in no case will be less than 30 days. If the failure of performance is not satisfactorily cured within the cure period, the Agreement may be terminated upon the delivery of a written notice of termination to the defaulting Party.

C. The City Manager of Menlo Park and the Executive Director of Authority are empowered to terminate this Agreement on behalf of their respective agencies in accordance with the provisions of this Agreement.

D. Upon termination or expiration of this Agreement, Authority will reimburse Menlo Park for all funds paid to the Authority not used toward completion of the Project.

7. Notices

Any notice or other communication required or permitted to be given hereunder shall not be effective unless it is given in writing and shall be delivered (a) in person, (b) by certified mail, postage prepaid, return receipt requested, or (c) by a commercial overnight courier that guarantees next day delivery and provides a receipt, and addressed to the parties at the addresses stated below, or at such other address as either party may hereafter notify the other parties in writing:

Authority: San Francisquito Creek Joint Powers Authority
615-B Menlo Avenue
Menlo Park, California 94025
Attention: Executive Director

Menlo Park: City of Menlo Park
701 Laurel Street
Menlo Park, CA 94025
Attention: City Manager

Service of any such notice or other communications so made shall be deemed effective on the day of actual delivery (whether accepted or refused) as evidenced by: a) confirmed in-person delivery by the addressee or other representative of the Party authorized to accept delivery on behalf of the adressee, b) as shown by the addressee's return receipt if by certified mail, or c) as confirmed by the courier service if by courier; provided, however, that if such actual delivery occurs after 5:00 p.m. (local time where received) or on a non- business day, then such notice or demand so made shall be deemed effective on the first business day immediately following the day of actual delivery. No communications via electronic mail shall be effective to give any notice, request, direction, demand, consent, waiver, approval or other communications hereunder.

8. Severability

In the event any portion of this Agreement is declared by any court of competent jurisdiction to be invalid, illegal or unenforceable, such portion shall be severed from this Agreement and the remaining parts hereof shall remain in full force and effect as fully as though such invalid, illegal or unenforceable portion had never been part of this Agreement.

9. Governing Law and Compliance with Laws

The parties agree that California law governs this Agreement. In the performance of this Agreement each Party will comply with all applicable laws, ordinances, codes and regulations of the federal, state, and applicable local government.

10. Venue

In the event that suit shall be brought by any party to this contract, the parties agree that venue shall be exclusively vested in the state courts of either the County of San Mateo or where otherwise appropriate, exclusively in the United States District Court, Northern District of California.

11. Assignability and Subcontracting

Parties shall not assign this Agreement or any portion thereof to a third party or subcontract with a third party to provide services required under this Agreement without the prior written consent of the other parties. Notwithstanding the foregoing, Authority may contract with an accounting firm, financial institution, or escrow company to fulfill its obligations under Section 2 and 3.

12. Ownership of Materials

All reports, documents, or other materials developed or discovered by any Party or any other person engaged directly or indirectly by any Party to perform the services required hereunder shall be and remain the mutual property of Authority and Menlo Park and other member agencies without restriction or limitation upon their use.

13. Entire Agreement

This Agreement constitutes the entire Agreement between Authority and Menlo Park with respect to the subject matter hereof and supersedes all prior offers and negotiations, oral and written. This Agreement may not be amended or modified in any respect whatsoever except by an instrument in writing signed by authorized representatives of the Authority and the City of Menlo Park.

14. Further Actions

The Authority and Menlo Park agree to execute all instruments and documents, and to take all actions, as may be reasonably required to consummate the transaction contemplated by this Agreement.

15. Counterparts

This Agreement may be executed in any number of counterparts, each of which, when executed and delivered, shall be deemed to be an original, and all of which, taken together, shall be deemed to be one and the same instrument.

16. Non Waiver

A Party's waiver of any term, condition, or covenant, or breach of any term, condition or covenant will not be construed as a waiver of any other term, condition or covenant.

17. Third Parties

This Agreement is entered into only for the benefit of the Parties executing this Agreement and not for the benefit of any other individual, entity, or person.

****

IN WITNESS WHEREOF, the Authority and Menlo Park have executed this Funding Agreement as of the date and year first above written.

APPROVED AS TO FORM:

SAN FRANCISQUITO CREEK JOINT POWERS AUTHORITY, a California joint powers authority

_____
Greg Stepanicich
SFCJPA General Counsel

By:_____
Len Materman
Executive Director

Date:_____

APPROVED AS TO FORM:

CITY OF MENLO PARK

_____
William L. McClure
Menlo Park City Attorney

By: _____
Alex D. McIntyre
City Manager

Date: _____

THIS PAGE INTENTIONALLY LEFT BLANK

CITY COUNCIL
REGULAR MEETING MINUTES

Tuesday, December 4, 2012 at 7:00 p.m.
701 Laurel Street, Menlo Park, CA 94025
City Council Chambers

Mayor Keith called the meeting to order at 7:03 p.m. with all Council Members present.

Mayor Keith led the Pledge of Allegiance.

A. PRESENTATIONS AND PROCLAMATIONS
There were no presentations or proclamations.

B. COMMISSION/COMMITTEE VACANCIES, APPOINTMENTS AND REPORTS
There were no reports given.

C. PUBLIC COMMENT #1
- Steve Van Pelt spoke regarding gridlock traffic during the past two weeks.
- Kevin Sheehan spoke regarding upcoming development on El Camino Real and his concerns regarding increased traffic, egress and ingress.

D. CONSENT CALENDAR
There were no items on the consent calendar.

E. PUBLIC HEARING
There were no public hearings scheduled.

F. REGULAR BUSINESS

F1. Approve a resolution declaring the results of the November 6, 2012, General Municipal Election (*Staff report #12-183*)
Staff presentation By Margaret Roberts, City Clerk

ACTION: Motion and second (Cline/Ohtaki) to approve **Resolution No. 6114** declaring the results of the November 6, 2012 General Municipal Election passes unanimously.

F2. Recognize the outgoing Council members

Public Comment
- Maggie Creighton shared her appreciation for their service to this city.
- Patti Fry shared her appreciation for the entire Council for the service to the community and highlighted some of Council Member Cohen and Council Member Fergusson's accomplishments during their time on the Council. She congratulated the incoming Council members.
- Jeff Cardenas, representing Senator Jerry Hill's office and Margot Grant representing Assemblymember Rich Gordon's office spoke to the service provided by the outgoing Council Members and thanked Council Member Cohen and Council Member Fergusson on their dedication.

- Niall Roberts representing Congresswoman Jackie Speier's office honored Council Member Fergusson and Council Member Cohen for the time they have dedicated to serve the citizens of Menlo Park.

Mayor Keith read a proclamation for Council Member Fergusson and Council Member Cohen.

Council Members Fergusson and Cohen reflected on their eight years on the City Council.

F3. Recognize the outgoing Mayor

Public Comment

- Opha Wray representing Bishop Teman Bostic thanked Mayor Keith for her service as Mayor, reaching out to the Belle Haven neighborhood and the church.

Vice Mayor Ohtaki presented a proclamation and plaque to Mayor Keith for serving as the 2012 Mayor.

Mayor Keith reflected on her year as Mayor.

Innovation was given by Reverend VanderZwan, followed by a moment of silence for Mike Nevin, former San Mateo County Supervisor.

F4. Administer Oath of Office to new Council members
The Oath of Office was administered to new Council Members Raymond Mueller and Catherine Carlton, who then took their seats at the dais.

F5. Select Mayor and Mayor Pro Tem for 2013 (*Staff report #12-184*)
Mayor Keith nominated Peter Ohtaki for Mayor.

With no other nominations, City Clerk Roberts closed the floor for nominations.

ACTION: By acclamation, Council Member Ohtaki was named Mayor.

Mayor Pro Tem:
Mayor Ohtaki opened the floor for nominations.

Catherine Carlton nominated Ray Mueller for Mayor Pro Tem.

With no other nominations, Mayor Ohtaki closed the floor for nominations.

ACTION: By acclamation, Council Member Mueller was named Mayor Pro Tem.

Mayor Ohtaki made remarks on what he sees for the upcoming year.

G. CITY MANAGER'S REPORT
There was no City Manager's report.

H. WRITTEN COMMUNICATION
There were no written communications.

I. INFORMATIONAL ITEMS
There were no informational items.

J. COUNCILMEMBER REPORTS

K. Keith reported on attending a meeting.

K. PUBLIC COMMENT #2:

Anna Diornirova spoke regarding development on El Camino Real.

L. ADJOURNMENT

The meeting was adjourned at 8:48 p.m. in honor of Mike Nevin.

Margaret S. Roberts, MMC

City Clerk

CITY COUNCIL
SPECIAL MEETING minutes

Tuesday, December 11, 2012 at 6:00 p.m.
701 Laurel Street, Menlo Park, CA 94025
City Council Chambers

Councilmember Mueller participated by telephone from:
225 S. Olive Street, Apt. 2003
Los Angeles, CA 90012
(650) 776-8995

Mayor Ohtaki called the Study Session to order at 6:11 p.m. with Vice Mayor Mueller participating via telephone and all other members present.

SS1. Discussion of a Metropolitan Transportation Commission Complete Streets Policy (*Staff report #12-197*)
Staff presentation by Charles Taylor, Public Works Director (*PowerPoint*)

Public Comments

- Thomas Gaston spoke regarding the Sidewalks Master Plan (*PowerPoint*)
- Michelle Daher spoke about the method used by MTC for grant funding.
- Sam Sinnott read an email that he previously sent to the Council regarding the draft resolution.
- Barbara Tyler spoke regarding the policy and the sidewalks in Allied Arts. .
- Mickie Winkler spoke regarding a 2002 transportation project and asked 13 questions.
- Jamie Morgan stated that Complete Streets is an opportunity to improve street safety.
- Jonathon LeBlanc supports all statements for sidewalks in Allied Arts.
- Mike Reinhold spoke in opposition of sidewalks in Allied Arts.
- Tim Johnston spoke in opposition of sidewalks in Allied Arts.
- Cynthia Dusel-Bacon spoke regarding the canopy on Princeton Road and not supportive of sidewalks in Allied Arts.
- Charles Bacon spoke in opposition of sidewalks in Allied Arts.
- Thomas Szymanski spoke in opposition of sidewalks in Allied Arts.
- Manfred Ropiska spoke in opposition to the proposed policy.
- Henry Riggs made suggestions for changes in the proposed policy.
- Kevin Sheehan spoke in opposition of sidewalks in Allied Arts.
- Charles Irby spoke in opposition of sidewalks in Allied Arts.
- Adina Levin spoke in support of Complete Street and suggested the City adopt a resolution specific to Menlo Park. She also spoke against the metrics being used.
- Steve Schmidt spoke regarding each jurisdiction to determine if there is a project the City would do that required MTC funding, the City should use the resolution provided by MTC.
- John Kadvany stated that this is not the only policy regarding sidewalks that the other policies regarding sidewalks should be considered as soon as possible.

The Council provided individual comments regarding the proposed policy.

Mayor Ohtaki called the Regular Session to order at 7:38 p.m. with Vice Mayor Mueller participating via telephone and all other members present.

Mayor Ohtaki led the Pledge of Allegiance

A. PRESENTATIONS AND PROCLAMATIONS

A1. Proclamation honoring Code Enforcement Officer Elizabeth Fambrini
Mayor Ohtaki read and presented a proclamation to Code Enforcement Officer Elizabeth Fambrini for her years of service to the community.

A2. Proclamation honoring Commander Lacey Burt
Mayor Ohtaki read and presented a proclamation to Commander Lacey Burt for her years of service to the community.

B. COMMISSION/COMMITTEE VACANCIES, APPOINTMENTS AND REPORTS

B1. Transportation Commission 2-year Work Plan update
Commission Vice Chair Walser updated the Council on the progress made to the Commission's 2-year Work Plan.

C. PUBLIC COMMENT #1

- Kate Comfort Harr with HIP Housing provided the annual calendar and gave an update on the Willow Road property.
- Martha Hubly spoke regarding the development plans for 1825 Santa Cruz Avenue. (*Handout*)
- Carol Thomson spoke in opposition of the fees as in the staff report regarding impact fees (Consent Calendar Item D3).
- Heather spoke suggesting impact fees be waived for daycare centers (Consent Calendar Item D3)
- Amy Burnett suggested adding the designation for child care centers in relation to Consent Calendar Item D3.
- Vince Bressler spoke regarding changes to the Housing Element (Consent Calendar Item D9).
- Cheri Zaslowsky spoke regarding the changes being considered in the revision of the General Plan (Consent Calendar Item D9)

D. CONSENT CALENDAR

ACTION: Motion and second (Cline/Keith) to approve the Consent Calendar items D1, D2, D5, D6, and D8 as submitted passes unanimously by a roll call vote.

D1. Notify the City Council of the Local Appointment List (Commonly known as The Maddy Act) (*Staff report #12-185*)

D2. Adopt **Resolution No. 6115** electing to participate in the Bay Area Water Supply and Conservation Agency (BAWSCA) bond issuance to prepay capital debt owed to San Francisco (*Staff report #12-189*)

D5. Adopt **Resolution No. 6116** requesting the Board of Administration of the Public Employees' Retirement System to approve an extension of allowed employment for a retired employee pursuant to California Government Code Section 21221(h) (*Staff report #12-198*)

D6. Waive the second reading and adopt **Ordinance No. 988** rezoning the property located at 1 and 20 Kelly Court from M-2 (General Industrial) to M-2(X) (General Industrial, Conditional Development) (*Staff report #12-194*)

D8. Adopt **Resolution No. 6117** to a) Determine that Apex Engineering & Construction (Apex) has abandoned the contract for the Alpine Road Bike Improvement Project and rescind the award of contract to Apex from Resolution No. 6106; b) Reject the second lowest bid from Wickman Development and Construction as non-responsive; c) Award a Contract to the third lowest bidder, Interstate Grading & Paving, Inc., in the amount of $152,994.75 for construction of the Alpine Road Bike Improvement Project; d) Authorize a budget increase of $8,340 for a total budget of $210,000 for construction, contingencies, testing, inspection, engineering and construction administration (*Staff report #12-196*)

D3. Review of the annual report on the status of the Transportation Impact, Storm Drainage, Recreation in-lieu and Building Construction Road Impact fees collected as of June 30, 2012 according Government Code § 66000 et seq. (*Staff report #12-190*)
Item was pulled for discussion by K. Keith

ACTION: There was a consensus to add to a future agenda a discussion of impact fees.

ACTION: Motion and second (Cline/Keith) to receive the annual report on the status of the Transportation Impact, Storm Drainage, Recreation in-lieu and Building Construction Road Impact fees collected as of June 30, 2012 according Government Code § 66000 et seq. passes unanimously by a roll call vote.

D4. Approve the Annual Report on the Below Market Rate (BMR) Housing Program and the status of the BMR in-lieu fees collected as of June 30, 2012, in accordance with Government Code §66000 et seq. (*Staff report #12-193*)
Item was pulled for discussion by K. Keith

ACTION: Motion and second (Cline/Keith) to approve Annual Report on the Below Market Rate (BMR) Housing Program and the status of the BMR in-lieu fees collected as of June 30, 2012, in accordance with Government Code §66000 et seq. passes unanimously by a roll call vote.

D7. Adopt **Resolution No. 6118** authorizing the joint filing of an application with the Town of Atherton for the One Bay Area Grant (OBAG) First Funding Cycle Funds and committing the necessary matching funds and stating the assurance to complete bicycle and pedestrian improvement projects (*Staff report #12-195*)
Item pulled for discussion by C. Carlton

ACTION: Motion and second (Keith/Carlton) to approve **Resolution No. 6118** authorizing the joint filing of an application with the Town of Atherton for the One Bay Area Grant (OBAG) First Funding Cycle Funds and committing the necessary matching funds and stating the assurance to complete bicycle and pedestrian improvement projects passes unanimously by a roll call vote.

D9. Authorize the City Manager to submit Errata to the Draft Housing Element of the General Plan to the State Department of Housing and Community Development and approve an updated project schedule for the Housing Element and General Plan Consistency updates (*Staff report #12-199*)

Item was pulled for discussion by K. Keith

Public Comments

- Matt Henry stated he is concerned with the rezoning for higher density for the sites in the Belle Haven neighborhood as they are already at three times the density compared to the remainder of Menlo Park.

ACTION: Motion and second (Keith/Cline) authorize the City Manager to submit Errata to the Draft Housing Element of the General Plan to the State Department of Housing and Community Development with modification to be created by the City Attorney and staff related to the term "services" and approve an updated project schedule for the Housing Element and General Plan Consistency updates passes unanimously by a roll call vote.

E. PUBLIC HEARING

There were no public hearings scheduled.

F. REGULAR BUSINESS

F1. Provide feedback on the Commonwealth Corporate Center Project located at 151 Commonwealth Drive and 164 Jefferson Drive and authorize the City Manager to approve an augment to a contract with Atkins North America, Inc. in the amount of $194,457 (for a total contract of $236,769) and future augments as may be necessary to complete the environmental review for the project (*Staff report #12-192*)

Staff presentation by Rachel Grossman, Associate Planner

Public Comments

- Richard Truempler and John Sobrato, applicant, gave a brief overview of the project. They requested the Council to consider the community benefit fees, penalties related to trip caps and the traffic mitigation reimbursement. (*PowerPoint*)
- Sharon Williams, Job Train, spoke in favor of the project.
- Pastor Paul Bains, St. Samuel Church, spoke in support of the Sobrato family and the project.
- Luisa Buada, Ravenswood Family Health Center, spoke in support of the project.
- Christine Hitchcock, InnVision Shelter Network, spoke in support of the project.
- Maria DeLaVega, Ravenswood City School District, spoke in favor of the project.
- Peter Fortenbough, Boys & Girls Club, spoke in favor of the project.
- Fran Fehn, Chamber of Commerce, spoke in favor of the project.

ACTION: The Council provided general feedback on the Commonwealth Corporate Center Project regarding community benefits, trip caps and traffic mitigation reimbursements.

ACTION: Motion and second (Keith/Cline) to authorize the City Manager to approve an augment to a contract with Atkins North America, Inc. in the amount of $194,457 (for a total contract of $236,769) and future augments as may be necessary to complete the environmental review for the project passes unanimously by a roll call vote.

F2. Appoint City Council representatives and alternates to various regional agencies; liaisons to City advisory bodies and Council sub-committees and consider a letter of interest from Former Mayor Fergusson regarding the Bay Trail Gap Project (*Staff report #12-186*)

Staff presentation by Margaret Roberts, City Clerk

ACTION: The Council made the following appointments:

CITY COUNCIL APPOINTMENTS TO OUTSIDE AGENCIES

NAME OF REGIONAL COMMITTEE	REGULAR	ALTERNATE
Airport Community Roundtable	Rich Cline	Kirsten Keith
Association of Bay Area Governments (ABAG)	Peter Ohtaki	Ray Mueller
Caltrain Modernization Local Policy Group	Rich Cline	Kirsten Keith
City/County Association of Governments of San Mateo County (C/CAG)	Kirsten Keith	Ray Mueller
City/County Association of Governments of San Mateo County (C/CAG) Legislative Committee	Catherine Carlton	Not Needed
County of Santa Clara Community Resources Group for Stanford University	Kirsten Keith	Catherine Carlton
County of San Mateo - Regional Housing Needs Assessment (RHNA) Policy Advisory Committee (PAC)	Kirsten Keith	Not Needed
Dumbarton Rail Policy Committee	Kirsten Keith	Rich Cline
Emergency Services Council (San Mateo County JPA)	Peter Ohtaki	Catherine Carlton
Grand Boulevard Task Force	Kirsten Keith	Peter Ohtaki
League of California Cities (Peninsula Division)	Peter Ohtaki	Catherine Carlton
Menlo Park Chamber of Commerce / City Liaison Position	Ray Mueller	Kirsten Keith
Peninsula Cities Consortium (PCC)	Rich Cline	Catherine Carlton
2020 Peninsula Gateway Corridor Study Policy Committee	Catherine Carlton	Ray Mueller
San Francisquito Joint Powers Authority	Kirsten Keith	Catherine Carlton
San Mateo Council of Cities	Mayor	Votes by Vice Mayor and then by Council seniority

CITY COUNCIL LIAISONS TO THE CITY'S ADVISORY BODIES

Bicycle Commission	Kirsten Keith	Not Needed
Environmental Quality Commission	Rich Cline	Not Needed
Finance and Audit Committee	Kirsten Keith (1 YEAR)	Ray Mueller (2 YEARS)
Housing Commission	Peter Ohtaki	Not Needed
Library Commission	Kirsten Keith	Not Needed
Parks and Recreation Commission	Catherine Carlton	Not Needed
Planning Commission	Ray Mueller	Not Needed
Transportation Commission	Ray Mueller	Not Needed

COUNCIL SUB-COMMITTEES

Community Grant Funding - typically meet in October and in November if needed	Catherine Carlton	Kirsten Keith
Emergency Operations	Peter Ohtaki	Catherine Carlton
Facebook	Rich Cline	Kirsten Keith
High Speed Rail - Usually the first and third Monday of the month (1st Monday is public meeting)	Rich Cline	Catherine Carlton
Menlo Park Fire district	Peter Ohtaki	Ray Mueller
Menlo Park School Districts (Liaisons)	Peter Ohtaki	Ray Mueller

F3. City Council discussion and possible recommendation on various seats for determination at the next City Selection Committee meeting scheduled for December 14, 2012 (*Staff report #12-187*)

ACTION: The Council discussed the nominations and provided a recommendation of Alicia Aguire for Metropolitan Transportation Commission (MTC), Mary Ann Nihart for Chair of the City Selection Committee and Marie Chuang for Vice Chair of the City Selection Committee.

F4. Council review and approval of the City Council meeting schedule for 2013 (*Staff report #12-188*)
Staff presentation by Margaret Roberts, City Clerk

ACTION: Motion and second (Cline/Keith) to approve the City Council meeting schedule as amended (cancelling July 30) for 2013 passes unanimously by a roll call vote.

F5. Approve extension of an existing agreement with Capital Advocates to provide legislative and regulatory advocacy on rail related issues (*Staff report #12-200*)

Note: City Attorney Bill McClure announced he has a conflict on the item and left the meeting. Vice Mayor Mueller announced his conflict and disconnected from the meeting.

Council Member Cline provided information on the Council Sub-committee's recommendation to extend the agreement.

ACTION: Motion and second (Keith/Carlton) to discontinue the agreement with Capital Advocates passes 3-1-1 (Cline dissenting, Mueller Recused)

F6. Consider state and federal legislative items, including decisions to support or oppose any such legislation, and items listed under Written Communication or Information Item

There were no legislative items discussed.

G. CITY MANAGER'S REPORT

There was no City Manager's report.

H. WRITTEN COMMUNICATION

There were no written communications.

I. INFORMATIONAL ITEMS

There were no informational items.

J. COUNCILMEMBER REPORTS

Council members reported in compliance with AB1234 requirements.

K. PUBLIC COMMENT #2

There were no comments made.

L. ADJOURNMENT

The meeting was adjourned at 11:43 p.m.

Margaret S. Roberts, MMC

City Clerk

PUBLIC WORKS DEPARTMENT

Council Meeting Date: January 8, 2013
Staff Report #: 13-001

Agenda Item #: E-1

PUBLIC HEARING: Introduce an Ordinance Adopting San Mateo County's Reusable Bag Ordinance by Reference by Adding Chapter 7.10 to the Menlo Park Municipal Code and Making the Finding that the Program Environmental Impact Report Prepared by San Mateo County to be Adequate for the City of Menlo Park to Adopt a Reusable Bag Ordinance

---

RECOMMENDATION

Staff recommends that the City Council introduce an ordinance that would adopt San Mateo County's Reusable Bag Ordinance (Attachment B) by reference by adding Chapter 7.10 to the Menlo Park Municipal Code and making the finding that the Program Environmental Impact Report prepared by San Mateo County to be adequate for the City of Menlo Park to adopt a Reusable Bag Ordinance.

BACKGROUND

In March 2012, Council provided direction to staff to partner with San Mateo County to consider regulating disposable shopping bags at retail establishments. A Program Environmental Impact Report (EIR) is required as part of the decision making process, and San Mateo County offered to fund and develop the EIR for partnering cities. Cities were then required to commit staff time and resources to engage their community in the EIR and decision making process. To date, 24 cities in San Mateo and Santa Clara Counties have joined the region wide effort.

The Final EIR was released in August 2012. The San Mateo County Board of Supervisors certified the Final EIR and introduced the Reusable Bag Ordinance on October 23, 2012. The ordinance was unanimously adopted for unincorporated San Mateo County on November 6, 2012. Since Menlo Park was named a responsible agency in the Final EIR, the Council now has the option to use the findings made in the EIR to consider adopting San Mateo County's Reusable Bag Ordinance in Menlo Park.

ANALYSIS

Environmental Issues with Plastic and Paper Shopping Bags

Plastic shopping bags are heavily used by consumers to transport purchased goods. These bags eventually end up in landfills or as litter on roads, in trees, creeks, or the bay.
Plastic bags are not accepted in Menlo Park's curbside recycling program. The only way to recycle plastic bags in the community is by taking clean plastic bags back to designated stores, such as Safeway, or the San Carlos Shoreway Recycling Center. According to CalRecycle's 2009 report, the statewide recycling rate for plastic bags is three percent.

Plastic bag litter also presents water quality issues because it:

- Is not biodegradable
- Can entangle wildlife species
- Negatively impacts the visual quality of creeks and streams
- Can break into small pieces that can enter the food chain

In addition, clean up costs are paid for by taxpayers. Limiting the distribution of plastic bags can improve water ways, reduce litter and clean up costs, preserve wildlife, and protect human health.

Whereas negative environmental impacts are experienced at the end of a plastic bag's use, a paper bag's environmental impacts are experienced during production and delivery. Although paper bags can typically be made with 40 percent recycled paper content, a large percentage of each bag still requires cutting down trees to produce the final product. The City of San Jose reported that 14 million trees are used to produce a year's supply of paper bags for the United States. In addition, paper bags weigh more than plastic bags and take up more volume during transport, which increases fossil fuel use that results in increased greenhouse gas emissions.

Implementing San Mateo County's Reusable Bag Ordinance in Menlo Park would reduce these environmental impacts by prohibiting the distribution of plastic bags and charging a fee for paper bags; this would create an incentive for consumers to bring reusable bags for shopping. A reusable bag has the potential to replace over 600 disposable bags over its lifetime.

San Jose Case Study
On January 1, 2012, the City of San Jose's "Bring Your Own Bag" Ordinance became effective. The ordinance prohibits distribution of plastic bags at all retail establishments and requires a 10 cent charge for paper bags that would increase to 25 cents January 1, 2014.

A report on the effectiveness of the ordinance was presented to the San Jose's Transportation and Environment Committee on November 20, 2012, and found the following:

- Litter surveys showed a reduction in bag litter by 89% in storm drains, 60% in creeks and rivers, and 59% in City streets and neighborhoods when compared to data gathered pre-ordinance.

- The average number of carryout bags used per customer decreased from three bags to 0.3 bags per visit post-ordinance.

- Two of the three material recovery facilities that sort San Jose's residential recycling reported a 24 percent reduction from single family residents and a 10 to 15 percent reduction from multifamily residents in the amount of plastic film and plastic retail bags seen in the waste stream.

In a case study by ICLEI (Local Governments for Sustainability), it was reported that San Jose's ordinance would result in an estimated reduction of 500 million plastic bags annually, and an estimated annual reduction of 9,600 tons of greenhouse gas emissions with the current 10 cent paper bag fee. Once the fee increases to 25 cents on paper bags, the estimated annual greenhouse gas reduction is expected to be 15,000 tons. San Mateo County's ordinance was developed to be similar to San Jose's model ordinance.

San Mateo County Reusable Bag Ordinance

Adopting the San Mateo County Reusable Bag Ordinance (Attachment B) by reference in Menlo Park would:

- Prohibit distribution of carryout plastic bags by all retail businesses. (Excludes restaurants, take-out food establishments, or any other business that receives 90% of its revenue from the sale of prepared food to be eaten on or off premises. Also, excludes charitable re-use organizations.)

- Require retail establishments to charge customers a minimum of 10 cents for every paper bag and reusable bag provided to customers at the point of sale. A customer could avoid the charge by bringing their own bag to shop. This charge would increase to 25 cents per bag on January 1, 2015. Retailers would be required to keep a record of paper bags that are sold to customers. Also, customers receiving WIC and Cal Fresh food stamps would be exempt from paying the charge.

- Require carryout paper bags to contain at least 40 percent post-consumer recycled content (higher recycled content is problematic since fibers become too short to bind together).

- Allow "protective" plastic or paper bags without handles for meat, fresh produce, prepared food, and prescription medication. Garment bags are also exempt.

- Provide for fines for noncompliance which would consist of $100 for a first violation, $200 for a second, $500 for the third violation with each day constituting a violation.

- Take effect April 22, 2013 (Earth Day) to allow for businesses to use up their existing plastic bag inventories and continue increasing awareness among customers about the change. Typically, retailers order bags less than every three months. The City of Millbrae implemented a similar three month grace period between ordinance adoption and the effective date of the ordinance, and did not run into any issues with leftover plastic bag stock.

A benefit to working with the County and other cities is that retailers in San Mateo County would have a uniform standard to follow. This has strongly been supported by the California Grocers Association (Attachment D).

The County is also offering to perform the education, outreach, and enforcement at no cost if the City adopts the County's ordinance by reference. The benefits of a multi-agency standard ordinance include, avoidance of the cost to develop a City specific EIR process and using County funded outreach, implementation and enforcement outweigh any benefits to the City in pursuing its own ordinance.

However, adopting the ordinance by reference could subject the City to follow any amendments made to the ordinance by the County Board of Supervisors in the future. For example, the County may elect to expand the ordinance to include food establishments. If this occurs, food establishments in Menlo Park would be required to comply. This allows continued uniform enforcement for the County's inspectors and cities that have adopted the County's ordinance. Conversely, it may also impact the City if the County does not want to pursue changes to the ordinance requested by Menlo Park. In both of these instances, if the Council does not agree to amendments to the County's ordinance, the Council can rescind the ordinance, and adopt a stand alone ordinance for Menlo Park. However, it would likely require the City to amend the EIR and implement and enforce the ordinance on its own, which will require additional staff time and resources.

California and San Mateo County Regional Carryout Bag Ordinance Efforts

Over 41 cities and counties in California have already adopted a carryout bag ordinance. Table 1 shows a sample list of California cities that have been implementing a carryout bag ordinance:

Table 1: California Cities with Bag Ordinance Implemented for at Least One Year	
City or County	**Description of Bag Ordinance**
San Jose	plastic ban, 10/25 cents for paper
Marin County	plastic ban, 5 cents for paper
Santa Monica	plastic ban, 10 cents for paper
Calabasas	plastic ban, 10 cents for paper
Santa Clara County	plastic ban, 15 cents for paper
Long Beach	plastic ban, 10 cents for paper
Santa Cruz County	plastic ban, 10/25 cents for paper
Pasadena	plastic ban, 10 cents for paper
Monterey	plastic ban, 10/25 cents for paper
Sunnyvale	plastic ban, 10/25 cents for paper
Alameda Co and 14 incorporated cities	plastic ban, 10/25 cents for paper
San Francisco (expansion of 2007 ban)	plastic ban, 10 cents for paper
Millbrae	**plastic ban, 10 cents for paper**
Laguna Beach	plastic ban, 10 cents for paper
San Luis Obispo County and 7 incorporated cities	plastic ban, 10 cents for paper

For the San Mateo County regional effort, 18 out of 20 cities in San Mateo County and six cities in Santa Clara County have committed to considering adoption of the County's Reusable Bag Ordinance, and were included in the County's EIR. Table 2 shows participating cities, and which cities have already adopted the County's Reusable Bag Ordinance.

Table 2: Participating Cities in San Mateo and Santa Clara County		
San Mateo County		**Santa Clara County**
• **Belmont (A)**	• **Millbrae (A)**	• Milpitas (TBD)
• Brisbane (TBD)	• **Pacifica (A)**	• Cupertino (J)
• Burlingame (F)	• **Portola Valley (A)**	• Los Gatos (J)
• **Colma (A)**	• Redwood City (F)	• Los Altos (J)
• **Daly City (A)**	• San Bruno (J)	• Campbell (TBD)
• East Palo Alto (F)	• San Carlos (J)	• **Mountain View (A)**
• **Foster City (A)**	• San Mateo (J)	
• Half Moon Bay (J)	• **South San Francisco (A)**	
• Menlo Park (J)	• Woodside (J)	
(A)=Adopted or Introduced (J)=To be considered in January **(F)= To be considered in February (TBD)= To Be Determined**		

City of Palo Alto Bag Ordinance Status

Since 2009, Palo Alto has had a plastic bag prohibition in effect for large grocery stores with gross annual sales of two million dollars or more. This essentially applied to four stores in the community. These stores were still allowed to provide customers with free recycled paper bags.

Palo Alto was sued in 2009 by Save the Plastic Bag Coalition for adopting an ordinance banning plastic bags without preparing an Environmental Impact Report (EIR). The Coalition hoped to force Palo Alto to conduct an EIR to evaluate the impacts of paper and reusable bags. The City of Palo Alto settled with the Plastic Bag Coalition by agreeing not to ban plastic bags at any more stores without first preparing an Environmental Impact Report.

Palo Alto has been interested in expanding their bag ordinance to include all retailers and also food establishments as well as charging a fee for paper bags. The momentum of the San Mateo County regional effort has motivated Palo Alto to develop their own EIR to expand the ordinance to all retailers and begin charging a 10 cent fee (increasing to 25 cents in 2014) for paper bags.

Certification of the Final EIR along with ordinance adoption is scheduled to be voted on by the Palo Alto City Council in February 2013. The Palo Alto ordinance effective date would be July 1, 2013 or earlier for retailers and December 1, 2013 for food establishments. Staff has reviewed Palo Alto's proposed ordinance, and finds it to be consistent, if not more stringent because it incorporates food establishments, as the San Mateo County Reusable Bag Ordinance. The effective date is also in line with the San Mateo County's efforts. Thus, economic competition between Menlo Park and Palo Alto businesses will be minimal.

Community Engagement Process

In Menlo Park, a six month community engagement process was kicked off at the June 2012 Block Party (see picture on the right). The engagement approach was to inform the community with balanced and objective information to assist in understanding the problems associated with disposable bags and why the City is considering a Reusable Bag Ordinance.

Figure 1: Education and Collection of Public Comment at June 2012 Block Party

The process included communicating information about the environmental impacts of disposable carryout bags, the proposed ordinance, the Environmental Impact Report (EIR) findings and comment period, and estimated effective date. Staff also provided free reusable bags to residents to encourage residents to bring their own bag when shopping. In addition, staff solicited comments from residents and retailers about the proposed ordinance.

Public engagement tools used to communicate and solicit feedback included Recology billing inserts, letters and postcards to retailers, public comment cards, surveys, ads, press releases, hosting informational meetings, and staffing an education booth at citywide events, in front of retail stores, and the Farmer's Market. Target audiences included residents, retailers, Chamber of Commerce, and schools.

Below is a summary of the outreach conducted by Environmental Program staff between June and December 2012:

- Staffed education booth at the Summer Block Party, seven summer concert series, seven Farmer's Market days, once in front of Walgreens and the Sharon Heights Safeway. Public comment cards were made available and collected at each event.

- Hosted three evening community meetings that occurred on July 25, October 17, and December 12. Fewer than five households and businesses attended each meeting.

- Delivered reusable bags and informational flyers about the ordinance and upcoming informational meetings to the library and recreation buildings for distribution to residents.

- Advertised City and County meetings in Menlo Focus, the Almanac, Patch.com, Facebook, Twitter, letters to the Chamber of Commerce, City press releases, and posting flyers in downtown businesses.

- Sent a letter to teachers offering to come to their classrooms to discuss environmental issues regarding carryout shopping bags with students and to make reusable bags out of old t-shirts. Environmental staff has gone to two classrooms so far and have several more planned.

- Sent a survey and informational letters to all retailers in October.

- Set up an online public comment survey.

Public Comment Results

In total, 135 residents provided feedback on comment cards that were made available at events and community meetings, as well as online. The following questions were asked:

- Would you support a plastic bag ban? Of the 128 residents who responded to this question:
    - 79% said Yes
    - 6% said Not Sure
    - 15% said No

- Would you support a $0.10 fee on paper bags? Of the 120 residents who responded to this question:
    - 63% said Yes
    - 11% said Not Sure
    - 26% said No

While not scientific, public feedback showed general support for the proposed ordinance. Detailed comments from the public are included in Attachment C. Comments from residents outside the community were excluded from the analysis.

Retailer Survey Results

Of the 421 surveys mailed to retailers, 55 retailers (13%) returned the survey or filled it out online. The majority of retailers that responded to the survey had less than 3,000 square feet of space.

The results showed that most retailers were either in support or undecided about the proposed ordinance; 27% said they were not supportive. If the ordinance passed, the majority of the retailers said that they would like the City to provide toolkits to inform their customers about the new standards and would also like information on where to purchase reusable bags.

The survey results did reveal that small retail establishments had a six month supply of carryout bags. However, this data conflicts with a previous question asked in the survey that showed the average disposable bag order is 500, which is likely to be used up within three months. An order may last longer than three months for very small businesses, and could pose a problem if the effective date is three months after adoption. The County can work with these smaller businesses to determine if a longer grace period is warranted. Other cities, such as Millbrae, provided a three month grace period between ordinance adoption and effective date, and did not appear to have compliance issues with very small businesses. Detailed comments from retailers are included in Attachment D along with a letter from the California Grocer's Association that supports the County's ordinance for adoption.

Next Steps if Reusable Bag Ordinance is Adopted

If City Council adopts San Mateo County's ordinance by reference, the San Mateo County Health Department will notify retailers of the April 22, 2013 (Earth Day) effective date. In addition, the County will provide upon request free retailer kits consisting of posters and tent cards that retailers can use to inform their customers of the ordinance requirements and effective date (Attachment E). The San Mateo County Health Department will enforce the ordinance at not cost to the City starting April 23, 2013.

Environmental Program staff will store and distribute retailer kits to assist the County in providing materials to Menlo Park retailers. Environmental Program staff will also send notification postcards to retailers regarding the effective date of the ordinance, requirements, and how to obtain free retailer customer education kits. Staff will also

provide free reusable bags to retailers upon request, and provide information on where to purchase reusable bags.

Environmental Program staff will continue to inform the public about the ordinance and its effective date through citywide events, school outreach, billing inserts, website updates, and press releases. Free reusable bags will also continue to be offered to residents through July 1, 2013.

IMPACT ON CITY RESOURCES

San Mateo County will provide education to Menlo Park retailers and enforce the ordinance at no cost to the City. Any fines issued to Menlo Park retailers will be paid to San Mateo County, and retained by the County Health Department to be used for enforcement or outreach activities related to the Reusable Bag Ordinance.

The City's Environmental Program outreach efforts will also include informing retailers and residents about ordinance standards and effective date, providing free reusable bags and retailer toolkits, and responding to public inquiries. These costs are included in the Environmental Program Solid Waste budget for Fiscal Year 2012-2013. Ongoing implementation costs to the City after July 1, 2013 are expected to be minimal since San Mateo County will take the lead in implementing the ordinance.

POLICY ISSUES

Adopting a Reusable Bag Ordinance will set a new policy for the community, and requires an Environmental Impact Report (EIR) to determine environmental impacts and protect the City from litigation. The specific environmental impacts and EIR approval process are discussed in the "Environmental Review Section" of this report.

Since carryout plastic bags have been found to contribute to the litter stream and can have adverse effects on marine wildlife, a policy prohibiting the distribution of carryout plastic bags, and charging a minimum fee for paper bags could assist the City in meeting new Regional Water Board mandates to reduce litter in storm drains by 40% by 2014. If the City fails to meet Regional Water Board mandates, it can result in fines of up to $10,000 per day of noncompliance.

The Regional Water Board has not yet determined how much credit will be awarded towards the 40% litter reduction mandate if a local jurisdiction implements a Reusable Bag Ordinance. However, the City has submitted a trash reduction plan to the Regional Water Board that includes implementing a Reusable Bag Ordinance to help achieve the 40% litter reduction mandate.

In addition, the ordinance is consistent with the City's adopted Climate Action Plan strategies to reduce greenhouse gas emissions as a fee for paper bags will shift consumer behavior towards bringing reusable bags. This policy will also further State

legislation goals to divert 75% of trash from landfills by 2020 by reducing plastic bag use.

ENVIRONMENTAL REVIEW

The Reusable Bag Ordinance is subject to the California Environmental Quality Act (CEQA), and requires preparation and certification of a Program Environmental Impact Report (Program EIR).

San Mateo County acted as the lead agency and prepared and certified a Program EIR that analyzed the environmental effects of a Reusable Bag Ordinance in a study area that consisted of 24 jurisdictions, including Menlo Park, within San Mateo and Santa Clara Counties. Each of these jurisdictions are considered a responsible agency under CEQA. A "responsible agency" refers to a public agency other than the lead agency that has discretionary approval over a project. Pursuant to Section 15096 of the CEQA Guidelines, the City of Menlo Park may act as a responsible agency and rely upon the Final Program EIR prepared and certified by the County on October 23, 2012 when considering adoption of the County's Reusable Bag Ordinance in Menlo Park, as the proposed ordinance is the same ordinance included in the Final Program EIR. Should Council make changes to the proposed ordinance, such changes may trigger the need for further CEQA review that would not be funded by the County.

The Program EIR found that none of environmental impacts associated with implementing a Reusable Bag Ordinance would require mitigation because they are all either beneficial or less than significant. The San Mateo County Board of Supervisors issued a Notice of Determination pursuant to the CEQA Public Resources Code, Section 21000 et seq. and the CEQA Guidelines, California Code of Regulations, Title 14, Section 15000 et seq.

The Ordinance proposed for Council's adoption includes the findings required under CEQA Guidelines Section 15096 to adopt the ordinance (Attachment A).

EIR Engagement Process

San Mateo County conducted a series of public workshops to allow public comment and input on the scope of the EIR. The Draft EIR was issued with a 45-day public review period from June 22, 2012 to August 6, 2012. Copies were made available at the Menlo Park City Administration Building and on the City's web site. Public comments and questions regarding the Draft EIR were directed to San Mateo County for response.

Three informational meetings were held in Menlo Park on July 25 and October 17, and December 12, 2012. Less than five members of the public attended. In addition, the Draft EIR was provided to Council as an information item on July 31, 2012. No Council action was taken to provide comments, and no public comment was received on the item. Staff also informed the community about the comment period for the Draft EIR through press releases, mailings to retailers, and advertisements in local print media. Four residents and one business provided comment on the Draft EIR (Attachment F).

One resident did not support the ordinance, and the remaining comments expressed strong support.

The Final EIR was issued with a 10 day public review period from August 31, 2012 to September 10, 2012. The Final EIR incorporated the Draft EIR and responses to public comments. Copies were made available at Menlo Park's City Administration Building and on the City's web site.

Because of the large size of the EIR documents, they are available on-line through the following web site links rather than attached to this report. A hard copy of each document is available for review in the Community Development Office at the Menlo Park City Administration Building.

Draft EIR:
http://smchealth.org/sites/default/files/docs/EHS/SanMateoCountySingleUseBagBanOrdinance_DEIR%5B1%5D.pdf

Final EIR:
http://smchealth.org/sites/default/files/docs/EHS/SanmateoCountyReusableBagOrdinanceFinalProgramEIR.pdf

CEQA Findings—Environmental Impacts

The Final EIR estimates the volume of current plastic bag usage within the study area, which includes Menlo Park, at 552 million bags per year. With the proposed ordinance in effect, it is anticipated that 95 percent of that volume would be replaced by a combination of paper (30 percent) and reusable (65 percent) bags, leaving 5 percent or 27.6 million plastic bags still used each year at retail establishments exempt from the ordinance. The Final EIR identifies and analyzes the potential environmental impacts of such a shift in bag usage as follows:

Air Quality: (1) A beneficial impact associated with a reduction in emissions due to a reduction in the total number of plastic bags manufactured; and (2) a less-than-significant impact associated with an increase in emissions resulting from increased truck trips to deliver recycled paper and reusable carry-out bags to local retailers.

Biological Resources: A beneficial impact associated with a reduction in the amount of single-use plastic bags entering the coastal and bay habitat as litter.

Greenhouse Gas (GHG) Emissions: A less-than-significant impact associated with increased GHG emissions due to an increase in the manufacturing of paper bags.

Hydrology/Water Quality: (1) A beneficial impact associated with a reduction in the amount of litter and waste entering storm drains; and (2) a less-than-significant impact due to an increase in the use of chemicals associated with an increase in production of recyclable paper bags.

Utilities and Service Systems: (1) A less-than-significant impact due to increased water usage resulting from the washing of reusable bags; (2) a less-than-significant impact due to increased wastewater generation resulting from the washing of reusable bags; and (3) a less-than-significant impact due to an increase in solid waste generation resulting from increased usage of paper bags.

None of the impacts require mitigation because they are all either beneficial or less than significant.

Signature on file
Rebecca Fotu
Environmental Programs Manager

Signature on file
Charles Taylor
Public Works Director

PUBLIC NOTICE: Public Notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting.

ATTACHMENTS:

A. Reusable Bag Ordinance
B. San Mateo County Reusable Bag Ordinance Resolution
C. Written Comment Received from Menlo Park Residents
D. Written Comment Received from Menlo Park Retailers and National Grocers Association
E. Materials For Retailers to Notify Residents of Ordinance Requirements and Effective Date
F. Comments San Mateo County Received Regarding EIR from Menlo Park Residents and Businesses

ORDINANCE NO.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK ADDING SECTION 7.10 [REUSABLE BAG ORDINANCE] TO TITLE 7 [HEALTH & SANITATION] OF THE MUNICIPAL CODE

WHEREAS, single-use carryout bags constitute a high percentage of litter, which is unsightly, costly to clean up, and causes serious negative environmental impacts; and

WHEREAS, the City of Menlo Park has a substantial interest in protecting its residents and the environment from negative impacts from plastic carryout bags; and

WHEREAS, on October 23, 2012 the Board of Supervisors for the County of San Mateo ("County") approved a Program Environmental Impact Report ("Program EIR") and adopted an ordinance banning single-use carryout bags from stores, while requiring stores that provide reusable bags to charge customers ten cents ($.10) per bag; and

WHEREAS, the County's ordinance encouraged cities and towns within and neighboring the County to adopt similar ordinances and the County's Program EIR specifically analyzed the possibility of 24 cities (18 cities within San Mateo County, including the City of Menlo Park, and 6 cities in Santa Clara County) adopting the County's ordinance within their own jurisdictions; and

WHEREAS, the City intends this ordinance to fall within the scope of the County's Program EIR and has, therefore, modeled this ordinance on the County's ordinance.

NOW, THEREFORE, the City Council of the City of Menlo Park does ORDAIN as follows:

Section 1: AMENDMENT OF CODE. Menlo Park's Municipal Code is hereby amended to add Chapter 7.10 Reusable Bag Ordinance to Title 7 Health & Sanitation to read as follows:

Chapter 7.10
REUSABLE BAG ORDINANCE

Sections:

7.10.10. Adoption of the San Mateo County Code Chapter 4.114 by Reference

Chapter 4.114 “Reusable Bags” of Title 4 “Sanitation and Health” of the San Mateo County Ordinance Code, and any amendment thereto, is hereby adopted in its entirety by reference and made effective in the City. Certified copies of Chapter 4.114 of Title 4, as adopted hereby, have been deposited with the City Clerk, and shall be at all times maintained by the City Clerk for use and examination by the public.

7.10.20. Authorization of Enforcement by San Mateo County Personnel

The Environmental Health Division of the County of San Mateo is authorized to enforce, on behalf of the City of Menlo Park, Chapter 4.114 “Reusable Bags” of Title 4 “Sanitation and Health” of the San Mateo County Ordinance Code, and any amendments thereto, within the jurisdiction areas of the City. Such enforcement authority includes, but is not limited to, the authority to hold hearings and issue administrative fines.”

Section 2: SEVERABILITY. If any part of this ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance or the applicability of this ordinance to other situations.

Section 3: ENVIRONMENTAL REVIEW. On October 23, 2012, the County adopted a Program Environmental Impact Report (Program EIR) that analyzed the impacts of this reusable bag ordinance if adopted in cities throughout the County, including the City of Menlo Park, as well as neighboring jurisdictions. The Program EIR was adopted pursuant to the California Environmental Quality Act, Public Resources Code Section 21000 *et seq*. (“CEQA”) and California Code of Regulations, Title 14, Section 15000 *et seq*. (“CEQA Guidelines”). The Program EIR is incorporated by reference herein.

Pursuant to Section 15096 of the CEQA Guidelines, the City of Menlo Park acts as a responsible agency for adoption of this ordinance within the City of Menlo Park. Upon independent review of the Program EIR and all the evidence before it, the City Council makes the following findings:

1) The Final Program Environmental Impact Report is complete, correct, adequate, and prepared in accordance with CEQA, 14 California Code of Regulations section 15000 et seq., and the public comment period; and

2) On the basis of the Initial Study, Notice of Preparation, Final Program EIR, and public comment received by both the County of San Mateo and the City of Menlo Park, there is no substantial evidence that the project as proposed will have a significant effect on the environment; and

3) Adoption of this ordinance and analysis of the EIR reflects the independent judgment of the City Council of the City of Menlo Park; and

4) None of the conditions listed in CEQA Guidelines section 15162(a) are applicable to adoption of this Ordinance, and adoption of this Ordinance is an activity that is part of the program examined by the County's Final Program EIR and is within the scope of the project described in the County's Final Program EIR.

5) A Notice of Determination shall be filed pursuant to CEQA Guidelines sections 15094 and 15096.

Section 4: EFFECTIVE DATE AND PUBLISHING. This ordinance shall take effect and be in force on April 22, 2013 (Earth Day). Within fifteen (15) days of its adoption this ordinance shall be posted in three (3) public spaces within the City of Menlo Park, and the ordinance or a summary of the ordinance shall be published in a local newspaper used to publish official notices for the City of Menlo Park prior to the effective date.

INTRODUCED on the eighth day of January, 2013.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of said Council on the twenty-second day of January, 2013, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

_____
Margaret S. Roberts, MMC
City Clerk

APPROVED:

_____
Peter Ohtaki
Mayor

ORDINANCE NO. 04637
BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

* * * * * *

ORDINANCE ADDING CHAPTER 4.114 (REUSABLE BAGS) OF TITLE 4 (SANITATION AND HEALTH) OF THE SAN MATEO COUNTY ORDINANCE CODE RELATING TO REUSABLE BAGS

The Board of Supervisors of the County of San Mateo, State of California, **ORDAINS** as follows

SECTION 1. Chapter 4.114 "Reusable Bags," consisting of Sections 4.114.010 through 4.114.080, of Title 4 of the San Mateo County Ordinance Code is hereby added as follows:

4.114.010 Findings and purpose

The Board of Supervisors finds and determines that:

(a) The use of single-use carryout bags by consumers at retail establishments is detrimental to the environment, public health and welfare.

(b) The manufacture and distribution of single-use carryout bags requires utilization of natural resources and results in the generation of greenhouse gas emissions.

(c) Single-use carryout bags contribute to environmental problems, including litter in stormdrains, creeks, the bay and the ocean.

(d) Single-use carryout bags provided by retail establishments impose unseen costs on consumers, local governments, the state and taxpayers and constitute a public nuisance.

This Board does, accordingly, find and declare that it should restrict the single use carry-out bags

4.114.020 Definitions

A. "Customer" means any person obtaining goods from a retail establishment.

B. "Garment Bag" means a travel bag made of pliable, durable material with or

without a handle, designed to hang straight or fold double and used to carry suits, dresses, coats, or the like without crushing or wrinkling the same.

C. "Nonprofit charitable reuser" means a charitable organization, as defined in Section 501(c)(3) of the Internal Revenue Code of 1986, or a distinct operating unit or division of the charitable organization, that reuses and recycles donated goods or materials and receives more than fifty percent of its revenues from the handling and sale of those donated goods or materials.

D. "Person" means any natural person, firm, corporation, partnership, or other organization or group however organized.

E. "Prepared food" means foods or beverages which are prepared on the premises by cooking, chopping, slicing, mixing, freezing, or squeezing, and which require no further preparation to be consumed. “Prepared food” does not include any raw, uncooked meat product or fruits or vegetables which are chopped, squeezed, or mixed.

F. "Public eating establishment" means a restaurant, take-out food establishment, or any other business that receives ninety percent or more of its revenue from the sale of prepared food to be eaten on or off its premises.

G. "Recycled paper bag" means a paper bag provided at the check stand, cash register, point of sale, or other point of departure for the purpose of transporting food or merchandise out of the establishment that contains no old growth fiber and a minimum of forty percent post- consumer recycled content; is one hundred percent recyclable; and has printed in a highly visible manner on the outside of the bag the words "Reusable" and "Recyclable," the name and location of the manufacturer, and the percentage of post-consumer recycled content.

H. "Retail establishment" means any commercial establishment that sells perishable or nonperishable goods including, but not limited to, clothing, food, and personal items directly to the customer; and is located within or doing business within the geographical limits of the County of San Mateo. “Retail establishment” does not include public eating establishments or nonprofit charitable reusers.

I. "Reusable bag" means either a bag made of cloth or other machine washable fabric that has handles, or a durable plastic bag with handles that is at least 2.25 mil thick and is specifically designed and manufactured for multiple reuse. A garment bag may meet the above criteria regardless of whether it has handles or not.

J. "Single-use carry-out bag" means a bag other than a reusable bag provided at the check stand, cash register, point of sale or other point of departure, including departments within a store, for the purpose of transporting food or merchandise out of the establishment. “Single-use carry-out bags” do not include bags without handles provided to the customer: (1) to transport prepared food, produce, bulk food or meat from a department within a store to the point of sale; (2) to hold prescription medication dispensed from a pharmacy; or (3) to segregate food or merchandise that could damage or contaminate other food or merchandise when placed together in a reusable

bag or recycled paper bag

4.114.030 Implementation Date

This Chapter shall not be implemented until April 22, 2013.

4.114.040 Single-use carry-out bag

A. No retail establishment shall provide a single-use carry-out bag to a customer, at the check stand, cash register, point of sale or other point of departure for the purpose of transporting food or merchandise out of the establishment except as provided in this section.

B. On or before December 31, 2014 a retail establishment may only make recycled paper bags or reusable bags available to customers if the retailer charges a minimum of ten cents.

C. On or after January 1, 2015 a retail establishment may only make recycled paper bags or reusable bags available to customers if the retailer charges a minimum of twenty-five cents.

D. Notwithstanding this section, no retail establishment may make available for sale a recycled paper bag or a reusable bag unless the amount of the sale of such bag is separately itemized on the sale receipt.

E. A retail establishment may provide one or more recycled paper bags at no cost to any of the following individuals: a customer participating in the California Special Supplement Food Program for Women, Infants, and Children pursuant to Article 2 (commencing with Section 123275) of Chapter 1 of Part 2 of Division 106 of the Health and Safety Code; a customer participating in the Supplemental Food Program pursuant to Chapter 10 (commencing with Section 15500) of Part 3 of Division 9 of the California Welfare and Institutions Code; and a customer participating in Calfresh pursuant to Chapter 10 (commencing with Section 18900) of Part 6 of Division 9 of the California Welfare and Institutions Code.

4.114.050 Recordkeeping and Inspection

Every retail establishment shall keep complete and accurate record or documents of the purchase and sale of any recycled paper bag or reusable bag by the retail establishment, for a minimum period of three years from the date of purchase and sale, which record shall be available for inspection at no cost to the County during regular business hours by any County employee authorized to enforce this part. Unless an alternative location or method of review is mutually agreed upon, the records or documents shall be available at the retail establishment address. The provision of false information including incomplete records or documents to the County shall be a violation of this Chapter.

4.114.060 Administrative fine

(a) Grounds for Fine. A fine may be imposed upon findings made by the Director of the Environmental Health Division, or his or her designee, that any retail establishment has provided a single-use carry-out bag to a customer in violation of this Chapter.

(b) Amount of Fine. Upon findings made under subsection (a), the retail establishment shall be subject to an administrative fine as follows:

(1) A fine not exceeding one hundred dollars ($100.00) for a first violation;
(2) A fine not exceeding two hundred dollars ($200.00) for a second violation;
(3) A fine not exceeding five hundred dollars ($500) for the third and subsequent violations;
(4) Each day that a retail establishment has provided single-use carry-out bags to a customer constitutes a separate violation.

(c) Fine Procedures. Notice of the fine shall be served on the retail establishment. The notice shall contain an advisement of the right to request a hearing before the Director of the Environmental Health Division or his or her designee contesting the imposition of the fine. The grounds for the contest shall be that the retail establishment did not provide a single-use carry-out bag to any customer. Said hearing must be requested within ten days of the date appearing on the notice of the fine. The decision of the Director of the Environmental Health Division shall be based upon a finding that the above listed ground for a contest has been met and shall be a final administrative order, with no administrative right of appeal.

(d) Failure to Pay Fine. If said fine is not paid within 30 days from the date appearing on the notice of the fine or of the notice of determination of the Director of the Environmental Health Division or his or her designee after the hearing, the fine shall be referred to a collection agency.

4.114.070 Severability

If any provision of this Chapter or the application of such provision to any person or in any circumstances shall be held invalid, the remainder of this Chapter, or the application of such provision to person or in circumstances other than those as to which it is held invalid, shall not be affected thereby.

4.114.080 Enforcement

The Environmental Health Division is hereby directed to enforce this Chapter within an incorporated area of the County of San Mateo if the governing body of that incorporated area does each of the following:

(a) Adopts, and makes part of its municipal code:

(1) Chapter 4.114 of Title 4 in its entirety by reference; or
(2) An ordinance that contains each of the provisions of this Chapter; and

(b) Authorizes, by ordinance or resolution, the Environmental Health Division to enforce

the provision of the municipal code adopted pursuant to subsection (a) of this section, such authorization to include, without limitation, the authority to hold hearings and issue administrative fines within the affected incorporated area of the public entity.

SECTION 2. SEVERABILITY. If any provision(s) of this ordinance is declared invalid by a court of competent jurisdiction, it is the intent of the Board of Supervisors that such invalid provision(s) be severed from the remaining provisions of the ordinance and that those remaining provisions continue in effect.

SECTION 3. EFFECTIVE DATE. This Ordinance shall be effective thirty (30) days from the passage date thereof.

*** * * * * * * ***

Regularly passed and adopted this 6th day of November, 2012.

AYES and in favor of said ordinance:

Supervisors: *DAVE PINE*

CAROLE GROOM

DON HORSLEY

ROSE JACOBS GIBSON

ADRIENNE J. TISSIER

NOES and against said ordinance:

Supervisors: *NONE*

Absent Supervisors: *NONE*

President, Board of Supervisors
County of San Mateo
State of California

Certificate of Delivery

I certify that a copy of the original ordinance filed in the Office of the Clerk of the Board of Supervisors of San Mateo County has been delivered to the President of the Board of Supervisors.

Rebecca Romero, Deputy
Clerk of the Board of Supervisors

Menlo Park Residents

Response to Survey Questions

In total, **135** residents provided feedback on comment cards that were made available at tabling events and community meetings as well as online. The following questions were asked:

Would you support a plastic bag ban?

Of the 128 residents who responded to this question,

- 79% said YES
- 6% said NOT SURE
- 15% said NO

Would you support a $0.10 fee on paper bags?

Of the 120 residents who responded to this question,

- 63% said YES
- 11% said NOT SURE
- 26% said NO

(Comments are included as submitted without edits)

COMMENTS:

Resident	Comment
Chris Ziegler	I live in Menlo Park and am 100 percent in favor of bringing reusable bags when shopping - both in grocery stores as well as other stores like Target, Ross, Walgreens, etc. The sooner the better for a plastic bag ban.
Cynthia Dusel-Bacon	My husband (Charles Bacon) and I both strongly support the ban on plastic bags. Eliminating as much of their use as possible will help save the petroleum resource and will cut down on deaths to wildlife and marine animals. We also support a phased-in ban of paper bags. We have learned to carry cloth bags with us and others can too. The public just needs to be trained. We are looking to our elected officials for leadership.
Peter Deutsch	I am a long-established county resident -- I have owned my home in Menlo Park for over 40 years. I strongly favor a comprehensive county-wide ordinance controlling, and to the greatest extent possible forbidding, single-use plastic bags. These bags have large and long-lived environmental costs, and from my experience of living in Europe, I know first-hand that the use of reusable cloth or string-net bags is totally compatible with our urban lifestyle.
Steve Taffee	The county's plan calls for a cost to be levied on the use of plastic bags as

	a means of discouraging their use. While such economic forces may be useful in curtailing undesirable behavior, it sends the wrong message. Plastic bags are not a matter to be something available to consumers who are not price-sensitive. Instead, they should be removed from the shelves of retailer's altogether. So I support a ban, period. Your plan seems like it penalizes poor citizens who can't afford to pay for the "convenience" of an item that is bad for the environment. This is not a matter of convenience. It's a matter of what is right for our urban ecology.
Renata Mullen	I am writing to support the ban on plastic bags. This will significantly reduce our trash waste. Great idea!!
Jennifer Pont	I support a ban on paper and plastic shopping bags.
Chris MacIntosh	I strongly support the idea of regulating single-use bags, and requiring them to be purchased. I hope this ordinance will be implemented.
Arlen Comfort	I hope in your deliberations you will discuss how to get the shopping bags from my car to my hands before I go shopping. I forget to grab it and I know others have the same problem . . . use the store's bags or make another trip to the car to get a bag or bags. Signs in the parking lots would seem to be an appropriate reminder. Hang a few bags near in the drivers view as a reminder. I hope you're more clever than I, but a clever sign would get more attention. Save a walk back to the car . . . Bring your bags in now.
Nancy Barnby	I am 100% in favor of the plastic bag ban. I need not go into the reasons; we all realize that bags pollute our environment. But many people disbelieve that they can "do without" the free bags which come with store purchases. Nonsense. In the first place, it is easy to get into the habit of taking cloth bags into the store after parking in the supermarket/ shopping center lot. I even carried a cloth bag into Bloomingdale's recently when I was planning to buy a heavy Le Crueset cooking pot. Why get a "Brown Bag"? And do we need those plastic bags for reuse? No. Folks argue, "I use them as liners for my trash bin." Hmmm. Unbidden, we all receive many bags which can be used for such: the plastic wrapper around, say, 12 rolls of toilet paper or paper towels; tough plastic bags which contain fertilizer; I even use large bags from bulk organic kale at Costco. Imagination goes a long way.
Maryhelen Greaves	I'm definitely IN FAVOR of moving forward with this as soon as possible!
Eva Cuffy	I support the plastic bag ban! I'm a former science teacher and on the MP Red Ribbon committee for sustainability.
Suze Foster	I don't feel that Menlo Park should put an ordinance to charge customers for paper bags and outlaw plastic bags. I think in general people are bringing their own bags (I do), but on occasion I may not have enough bags for what I have bought. To think that I will be charged for additional bags seems ridiculous. We were recently in San Jose where there is a

	similar ordinance, and everywhere I went they charged me for a bag. Needless to say, I haven't been back. I recycle all the bags I get (paper and plastic), so I feel I am doing my part and should not be charged.
Peg Spak	I totally support banning plastic bags and charging for paper ones in Menlo Park. It is so easy to keep cloth bags in the car and just use them over and over again. Really excited that Menlo Park is taking this step and hope that the ordinance is supported and passes.
Tom W.	What happens to the money the stores save by not providing plastic bags and the profits they get from selling the paper bags? Does anyone have any idea what these numbers would be? If the money goes towards cleaning up the environment it would be nice but how would the stores be accountable?
Scott L.	The best marketing photo to get rid of disposable bags would be to take a picture of one of the country's largest landfills on Staten Island, NY. The trees outlining the perimeter of the landfill, basically bordering the roads, have so many of these bags hanging from them, they look like huge leaves! Unbelievable sight!
Connie	Ban paper bags too! No bags at all.
Barbara Strang	We need to change our habits.
Carmen	We can reduce pollution by banning plastic bags.
Hong-Loan Nguyen	Will there be any type of bag provided at stores?
N/A	Support a plastic bag ban wholeheartedly!
N/A	Thank you for your good work.
N/A	Very supportive of plastic bag ban and Styrofoam!
N/A	I reuse bags all the time. I recycle. But I do not like bans.
Kim Weindorf	Can't do this soon enough! Good job!
Pat Gregorian	Think of the future! Mother Earth is mother to us all!
N/A	Love the bags - Thanks
Sarah Abarbanel	I support a 5 cent fee on paper bags, but would support a co-campaign to reuse paper bags because they are durable.
Marji Fraser	Repeal of CA law requiring each household to buy monthly waste disposal service. I have almost no trash and could share with a neighbor. Unfair law - doesn't encourage recycling.
N/A	Plastic bags can be reused, don't need a complete ban
N/A	Get rid of plastic bags
Rachel Fox	Great idea!
Jim Fox	Great idea! Also could apply to take-out food containers, etc.
N/A	Imperative!
Joan Smithline	Can't we find a way to recycle plastic - to deal with problem now BUT - still go for a BAN!

N/A	I'm a single apartment dweller. Plastic bags from supermarkets are just the right size for garbage which goes into the complex's containers.
N/A	We need to do what we can to eliminate plastic.
Tricia Mulcahy	Support fee
Laura Hale	Good idea!
David Skurnick	There's plenty of landfill available.
N/A	Too tough. Will send shoppers away. Have a $0.10 fee on plastic bags.
N/A	Quit micromanaging residents, let the state and federal government handle this.
N/A	Please do it quickly!
N/A	This is a great idea. More cities should do this.
N/A	Go for it!
N/A	Choice is important.
Mary A.	All recyclable bags in MP!
Connie Clemit	Ban paper bags too. No bags at all.
E O'Donohe	Great idea - Thank you
N/A	Wonder about banning or charging for paper sacks - what would I put my sandwich or bolts from the hardware store in? - after all, they are compostable.
N/A	I think it would be a challenge for the elderly.
Uzi	No fees!
N/A	Tax rather than ban both! More revenue and less govt. overreach.
N/A	I would love to get rid of plastic use!
Irene Searles	Slow down destruction caused by humans.
N/A	Wouldn't like plastic bag ban at this time.
Brielle Johnck	It's time. Do it.
N/A	Many cities in Europe have NO bags in any shops, so the customer either brings them or juggles the purchases out the door! We lazy Americans can learn to bring bags. In Vermont, I have seen people leave unwanted but clean and worthy cloth/paper bags in a bin at the front of the store so people who 'forget' and/or cannot afford to bring a bag can take one for free. The store in which the bin is located brings it in at night but takes no 'responsibility' for it. Again, this issue is about re-learning our ways of living. We can do this in the countries we visit, so we can learn to do it at home. :)
Judy Colwell	We should adopt this asap.
N/A	We are behind the times. European cities charged an extra fee for bags when I lived there 45 years ago. It's easy to have your own bags, and it becomes a natural act to take them when one goes from car to store.
Marcy Magatelli	I have suggested to Chamber of Commerce, to no avail that they organize & purchase re-usable bags printed with "Shop Menlo Park" on them,

	which if purchased collectively, will be lower priced and then merchants can purchase from them. Perhaps the City's Business Development can spear head, since Chamber doesn't seem motivated.
Kathy Elkins	Trader Joe's and Draegers have used paper bags for years. Would they now have to charge customers for those bags?
Yvonne Murray	I fully support this proposal. Thanks for considering it!
Peggy	I am against your proposed ban of plastic bags. Consider the large elderly population that does not buy the reusable bags.
Simon Karpen	My family is likely to recycle less without a convenient, free source of paper bags.
Elizabeth	This is LONG overdue.
N/A	Ban Take Out plastic bags too.
N/A	You can't have it both ways. The stores need to supply something free of charge to carry out bought items. We pay a lot to buy food we deserve to have paper bags free of charge. The ordinance should only apply for grocery stores for now.
Hank Lawrence	Should mandate biodegradable bags. Should not charge for paper bags.
N/A	I am hoping the small corner markets will be included in this ban.
Meg Minto	The bags are a boon to disabled - many crusaders for the ban think everyone has a car to stash bags in. WATER - you ignore water used in manufacturing and in washing bags.
N/A	This is another government program that makes absolutely no sense and causes more of a burden on the public. Even if I were to use bags, to pay ten cents for a paper bag because I forgot mine, makes no sense. This is anti-customer service and moving in the direction of the Big Business stores like Costco. The only difference is when I shop Costco, the products I buy are not meant to be bagged. Leave the grocery stores and small businesses alone and keep them in business.
N/A	I think it is very important to ban these plastic bags and I'd like to see Styrofoam banned too. This is the only way we'll move away from these destructive products. Other products are available. We will acquire new and better habits.
N/A	This is a very important step for Menlo Park in joining a significant fight against pollution and in showing commitment to husbandry of our City's very wonderful natural areas, especially our Bay-side Bedwell Bayfront Park and our portion of San Francisquito Creek. I encourage City outreach to those citizens who may miss any news of the change (e.g. no internet access, do not read the Almanac, etc) and who may "cling" to their plastic bags to use for shopping, collecting pet waste, etc. The City could actively give out the reusable shopping bags with the MP logo and install stations with biodegradable poop bags in various neighborhoods.
N/A	Yet another example of overreaching government. This is a tax, pure and simple, on top of our already-insane 10% sales tax.

Ronen Vengosh	I view this proposal as a nuisance which will do nothing to help the environment. I reuse my single use plastic bags at home. Charging for these is equal to a tax that does nothing to help the community or the environment. I support environmental regulation and protection, but this is ridiculous. I will vote against any Council member that votes for this useless and expensive ban which will do nothing more than place an unnecessary burden on Menlo Park residents.
Angie Lee	This will make some people buy Glad or more durable plastic bags that really don't break down. It's better to use biodegradable plastic bags yet still encourage cloth bags. The plastic bag ban is more govt. control that is unnecessary and undemocratic.
N/A	I walk all over MP and Atherton and have never seen plastic bags in the street. This ban seems to be another intrusion of government into an area where government isn't needed.
Peri Caylor	People will still need to learn biodegradable alternatives for such uses as household garbage and pet waste. It would be great to see this as part of the public information campaign should the ordinance be imposed.
N/A	I'd make the fee $0.25 on recycled paper bags. I think everyone will be surprised about how well this will work at reducing the amount of paper bags/trees destroyed. $0.10 per bag probably will work just fine, but $0.25 per bag will definitely have the best chance of reducing the number of lazy shoppers. They will start to bring reusable bags, and that is the idea! And, absolutely get rid of plastic bags. I saw a video of all the plastic garbage that ends up in the oceans and rivers and threatens the sea animals. It is a shame.
Carol Taggart	I applaud each of you for taking the initiative in considering a ban on plastic bags in Menlo Park, as I learned from an article in today's Daily Post. This is indeed good news, and environmentally responsible. I agree with charging for paper bags. For myself, I often forget to bring my cloth bags into stores, so rely on paper. If I start having to pay for paper, I'll most certainly remember my cloth bags! Paper comes from our valuable forests, and even recycled paper costs money and resources to process.
Patti	The island and county of Maui banned plastic bags 2 years ago. This was a big change, especially with so many visitors with condos/timeshares. It works just fine. If they can do it, we can. Ideally, the city could help promote reusable bags to avoid use of paper bags, too.
Irvin Chambers	Let the people choose to use reusable bags and while they are setting a

	good example for others. Leave the rest of us the hell alone.
Tate Snyder	As a resident of Menlo Park for the past 38 years, I am writing to you to convey my support for the proposed county-wide ban on the use of plastic bags by retailers in San Mateo County and, further, the ban of plastic bags by retailers doing business in Menlo Park. The plan to allow retailers to retain the full 10-cent charge for every bag they sell to a customer seems eminently reasonable to me. I have read that bag fees mandated in other municipalities may be structured differently; however, the charge proposed for adoption by San Mateo County - and hopefully the City of Menlo Park - is completely favorable for the retailer. Action to restrain use of plastic bags is critically important to educating/re-educating all persons about rejecting our throwaway culture in the United States. Cleaning up all of our local waterways and shoreline areas and teaching about hazards of plastic bags to wildlife are efforts that Menlo Park should support: within San Mateo County as well as along the Bay and the Ocean coast. Our great Pacific Ocean will benefit too!
Hank Lawrence	The County has passed a ban on plastic bags in the unincorporated parts of San Mateo County. I respectfully request that the City not follow the County. I recognize that something must be done with the plastic bag problem. However, the most reasonable solution is to simply require that biodegradable bags be used and leave the decision whether to charge up to the grocers. I do some of my shopping at Micki's in Palo Alto. The City of Palo Alto does not require grocers to charge for paper grocery bags. This provides Palo Alto with a competitive advantage. If Menlo Park puts in a plastic bag ban along with a requirement to charge for paper bags I, like many, will do all my grocery shopping in Palo Alto. When AB 32 was signed into law, California put a carbon tax on paper bags. This is sufficient. More importantly reusable bags can often pose a health hazard. A Menlo Park bag ban or charging for bags would drive consumers to reusable bags, which have been found to contain lead and bacteria. Please consider the following: • Hundreds of millions of reusable bags are imported from China and other countries each year. While many reusable bags are safe, many have also been found to contain dangerous levels of lead.

- The lead, usually found on the inside of reusable bags, can rub off onto food, permitting families to ingest the harmful substance.

- Lead can cause irreversible damage to the nervous systems and major organs. It inhibits the body's ability to regulate vitamin D, form red blood cells properly, and can cause seizures, coma and death. Children can suffer from developmental delay, lower IQ, hyperactivity, learning disabilities, behavioral problems, impaired hearing and stunted growth.

- As a result of these findings, many, including Sen. Charles Schumer (D-NY) are calling for a federal investigation into reusable bags. For the Schumer report you can click here:

  http://www.schumer.senate.gov/new_website/record.cfm?id=328640

- A study by the University of Arizona found that half of all reusable bags contained food-borne bacteria, like salmonella. Twelve percent contained E. coli, indicating the presence of fecal matter and other pathogens.

- Harmful bacteria like E. coli, salmonella and fecal coliform thrive in reusable bags unless they are cleaned properly after each use with hot, 140-degree temperature soapy water.

- A Canadian study found bacteria build-up on reusable bags was 300 percent higher than what is considered safe.

- Storing these bags in a hot trunk - which many people do so they don't forget them at home – causes the bacteria to grow 10 times faster.

Reusable bags also contain environmental drawbacks:

- In addition to not being recyclable (as plastic bags are), a recent study by the U.K. government found that a standard reusable cotton grocery bag must be reused 131 times "to ensure that they have lower global warming potential than" a single use of a plastic bag.

I urgently implore you not to follow the pied piper of San Mateo County. These are the same people who begged for a tax increase to maintain

	essential county services then as soon as the measure passed gave an obscene pay raise to the County Manager so that he now makes $300,000/year. The San Mateo County Board of Supervisors is not exactly known for having sound judgment. They do what sounds good without performing due diligence as to the health dangers that it imposes upon the public as a result of its reckless actions.
Chris MacIntosh	I write to say that I am strongly in favor of Menlo Park's adopting San Mateo County's proposed Reusable Bag Ordinance. Adopting the county's proposed ordinance is the most sensible and least confusing for Menlo Park residents and visitors. Adopting this ordinance which will significantly reduce plastic waste and its dangers, as well as overall costs to merchants and consumers, is an idea whose time has certainly come. The city of Menlo Park runs along the San Francisco Bay edge and contains several creeks which flow to the Bay. The danger to wildlife on land, and in water, is well documented. This ordinance would also further encourage people to use reusable bags when shopping. It's easy to do, merchants can use these bags to promote their business, and by buying fewer single use bags, merchants may reduce the cost of supplies. It is high time we took this simple action to protect the environment we live in and value. Unfortunately, I cannot attend tonight's meeting, but want you to know that I am a strong supporter of the Reusable Bag Ordinance.

March 12, 2012

The Honorable Kirsten Keith
Mayor, Menlo Park
701 Laurel Street
Menlo Park, CA 94025

RE: Single-Use Carryout Bag Ordinance

Dear Mayor Keith,

On behalf of the California Grocers Association, I write to inform you of our interest to work with Menlo Park on a carryout bag ordinance if you choose to pursue an ordinance. We believe it is crucial carryout bag regulations meet their intended environmental goals, respect consumers, and minimize impacts to retailers. To date the grocery industry has helped develop and implement several dozen carryout bag ordinances throughout California that have met these goals.

The California Grocers Association is a non-profit, statewide trade association representing the food industry since 1898. CGA represents approximately 500 retail member companies operating over 6,000 food stores in California and Nevada, and approximately 300 grocery supplier companies. Retail membership includes chain and independent supermarkets, convenience stores and mass merchandisers. CGA members include a number of grocery companies operating in Menlo Park.

The model of banning single-use plastic bags and allowing recyclable paper bags for a charge has shown to encourage reusable bag use, provide consumers no-cost and low-cost carryout options, and minimize operational and financial impacts to retailers. California jurisdictions that have passed this type of ordinance include the Counties of Los Angeles and Alameda along with the cities of Long Beach, San Francisco and San Jose, with many more in progress.

If Menlo Park decides to move forward with a carryout bag regulation we encourage you to use the ordinance being developed as part of the countywide effort, which includes participation by 18 San Mateo jurisdictions. Our experience has shown the draft ordinance developed through this regional effort has proven to benefit the environment while respecting consumers and retailers.

It is critical San Mateo jurisdictions use a regional approach to regulate carryout bags in order avoid a patchwork of varying ordinances. If carryout bag regulations varied throughout San Mateo County it would likely confuse consumers, as well as create competitive disadvantages for retailers operating near neighboring jurisdictions and for retailers with multiple store locations throughout San Mateo County.

Thank you for your consideration and please consider CGA a partner as you encourage reusable bag use.

Sincerely,

TIMOTHY M. JAMES
Manager, Local Government Relations

cc: Councilmembers, City of Menlo Park
Ms. Starla Jerome-Robinson, Interim City Manager, City of Menlo Park
Ms. Margaret Roberts, City Clerk, City of Menlo Park

Starting April 22, 2013
22 de abril 2013

No more plastic bags.
No más bolsas de plástico.

Pay for a paper bag.
Pagar por un bolsa de papel.

Bring Your Own Bag.
Traiga su propio bolso.

San Mateo County Reusable Bag Ordinance
www.smchealth.org/bagban

Letter 4

From: Dean Peterson
To: Camille Leung
Subject: Fwd: Plastic Bag Ban
Attachments: IMAGE.gif

>>> "Carol Taggart" <cbtaggart@earthlink.net> 7/2/2012 1:24 PM >>>

Dear Members of the San Mateo Planning Commission,

With our oceans and waterways, our streets and highways littered with plastic bags, in addition to the harm these bags bring to innocent wild creatures mistaking the bags for jellyfish and dying horrific deaths, I encourage you to do everything possible to ban plastic bags in the county, as soon as possible. 1

Please take a few minutes to look at the slideshow of photographs and comments below by well-known and knowledgeable institutions such as the National Geographic:

http://lee.ifas.ufl.edu/FYN/FYNPubs/TheDangersofPlasticBags.pdf

Sincerely,

Carol Taggart, Menlo Park, CA

Letter 4

COMMENTER: Carol Taggart, Menlo Park resident

DATE: July 2, 2012

Response 4.1

The commenter expresses the support for the County to ban plastic bags, citing some of the environmental impacts of plastic bags.

This comment is noted and will be forwarded to County staff and decision-makers for their consideration.

Letter 6

From: Dean Peterson
To: Camille Leung
Subject: Fwd: plastic bag ban
Attachments: IMAGE.gif

>>> "Nancy Barnby" <nancy.barnby@gmail.com> 7/3/2012 7:11 PM >>>
I am 100% in favor of the plastic bag ban. I need not go into the reasons; we all realize that bags pollute our environment. But many people disbelieve that they can "do without" the free bags which come with store purchases. Nonsense. In the first place, it is easy to get into the habit of taking cloth bags into the store after parking in the supermarket/ shopping center lot. I even carried a cloth bag into Bloomingdale's recently when I was planning to buy a heavy Le Crueset cooking pot. Why get a "Brown Bag"? And do we need those plastic bags for reuse? No. Folks argue, "I use them as liners for my trash bin." Hmmm. Unbidden, we all receive many bags which can be used for such: the plastic wrapper around, say, 12 rolls of toilet paper or paper towels; tough plastic bags which contain fertilizer; I even use large bags from bulk organic kale at Costco. Imagination goes a long way.
nancy barnby, menlo park

1

Letter 6

COMMENTER: Nancy Barnby, Menlo Park resident

DATE: July 3, 2012

Response 6.1

The commenter expresses support for the Proposed Ordinance and states that switching to reusable bags is not as difficult as people perceive it to be. The commenter goes on to state that plastic bags are not necessary for reuse as bin liners because there are other options such as the plastic wrap around toilet paper or paper towels.

The comments and suggestion are noted and will be forwarded to County staff and decision-makers for their consideration.

Letter 8

From: pegspak@sonic.net
To: envhealth@smcgov.org
Subject: Support Regulating Single Use Bags
Date: Friday, July 06, 2012 11:19:00 PM

Cannot attend the meeting on July 25th will be out of town.

I totally support banning plastic bags and charging for paper ones in Menlo Park.

It is so easy to keep cloth bags in the car and just use them over and over again. 1

Really excited that Menlo Park is taking this step and hope that the ordinance is supported and passes.

Peg Spak

Margaret Spak & Associates
Health Management Consulting Services
381 Santa Margarita
Menlo Park, CA 94025
650 325-1442

Letter 8

COMMENTER: Peg Spak, Margaret Spak & Associates, Health Management Consulting Services, Menlo Park

DATE: July 6, 2012

Response 8.1

The commenter expresses support for the Proposed Ordinance and states that keeping reusable bags in the car for reuse is easy to accomplish.

The comment is noted and will be forwarded to County staff and decision-makers for their consideration.

Letter 10

From: Susie Foster
To: envhealth@smcgov.org
Subject: Plastic bags
Date: Friday, July 06, 2012 4:37:28 PM

To Whom it May Concern:

I don't feel that Menlo Park should put an ordinance to charge customers for paper bags and outlaw plastic bags. I think in general people are bringing their own bags (I do), but on occasion I may not have enough bags for what I have bought. To think that I will be charged for additional bags seems ridiculous. We were recently in San Jose where there is a similar ordinance, and everywhere I went they charged me for a bag. Needless to say, I haven't been back. I recycle all the bags I get (paper and plastic), so I feel I am doing my part and should not be charged. 1

Regards,
Susie Foster

Letter 10

COMMENTER: Susie Foster, Menlo Park

DATE: July 6, 2012

Response 10.1

The commenter states the opinion that Menlo Park should not adopt the Proposed Ordinance, stating that people generally bring their own bags to the store, but, in the instance that individuals may not have enough bags for their purchase she states that charging for additional bags is "ridiculous".

The commenter also states that a similar ordinance in San Jose has prevented the commenter from returning to shop in San Jose and states that individuals who recycle their bags (paper and plastic) should not be charged for bags.

The commenter's opinion regarding adoption in Menlo Park will be forwarded to the decision makers.

In regard to customers bringing their own bags to the store but not having enough bags, the intent of a fee on paper bags is intended to encourage the use of reusable bags and provide a disincentive to paper bag use. It is demonstrated in the Draft EIR that impacts related to air quality, greenhouse gas emissions and solid waste on a per bag basis are greater for paper bags than plastic bags.

In regard to the City of San Jose ordinance, the commenter's personal choice to not return to San Jose is not relevant to the environmental impact analysis contained in the Draft EIR.

In regard to the commenter's practice of recycling both paper and plastic bags, the practices of one member of the public does not prove such practices by the majority in the Study Area. As described in Response 7.1, approximately 5% of single-use plastic bags in California are recycled (US EPA, 2005; Green Cities California MEA, 2010; and Boustead, 2007).

Letter 22

From: Dean Peterson
To: Camille Leung
Subject: Fwd: plastic bag and polystyrene
Date: Thursday, July 26, 2012 12:52:27 PM

Sent from my iPhone

Begin forwarded message:

From: EnvHealth <EnvHealth@smcgov.org>
Date: July 26, 2012 11:45:31 AM PDT
To: "Dean Peterson" <DPeterson@smcgov.org>
Subject: Fwd: plastic bag and polystyrene

I am very much in favor of banning single use plastic bags and polystyrene containers. I personally have avoided both for years, and in fact have told restaurant owners in Menlo
Park that I won't eat at their restaurant as long as they use polystyrene take out containers. 1

I'd like to see the City work with local grocery stores, Safeway in particular, to encourage them
to stop stocking styrofoam disposable dinnerware. I know people who have gone looking there
for disposable paper hot cups and found only styrofoam. Better options are available, so it's no
longer necessary to provide styrofoam as the default disposable dinnerware option.

I actually find it more convenient to use resusable bags, as they are sturdier and have stronger handles than either plastic or paper bags. We have resusable bags in both of our
cars, and I also carry one in my purse. All are washable. Last year at the street fair I bought a very attractive
large bag that I now use when going to the mall, so I no longer need bags there either. 2

I won't attend public meetings on the subject- unless it appears that there is significant opposition to the ban and those of us in favor need to declare our position in person.

Carole Grace
100 Garland Drive
Menlo Park

Letter 22

COMMENTER: Carole Grace, Menlo Park resident

DATE: July 26, 2012

Response 22.1

The commenter expresses support for banning single-use plastic bags and polystyrene containers and goes on to state that the commenter has avoided both for years, in addition to informing restaurant owners in Menlo Park that the commenter will not eat at any restaurants as long as they continue to use polystyrene take-out containers. The commenter further expresses the desire to see the County work with local grocery stores to encourage them to stop stocking Styrofoam disposable dinnerware. The commenter further states that better alternatives to Styrofoam are available and it is no longer necessary to provide Styrofoam as the default dinnerware option.

The comment is noted and will be forwarded to County staff and decision-makers for their consideration. However, regarding concerns about the potential environmental impacts of polystyrene and Styrofoam, these comments do not pertain to the project or analysis contained in the Draft EIR (please refer to Response 7.1).

Reusable Bag Ordinance

Rebecca Fotu

Environmental Programs Manager

Background and Timeline

- March 2012- Council provides direction to staff to partner with San Mateo County in developing a regional ordinance to regulate disposable shopping bags.

- Summer 2012- County funds an Environmental Impact Report (EIR) for 24 cities, including Menlo Park.

- November 2012- County Board of Supervisors adopted Reusable Bag Ordinance and EIR findings.

- Menlo Park can now consider adopting the County's ordinance by reference using the findings made in the County's EIR.

Environmental Problems

- 552.9 million plastic bags used per year in the 24 cities considering the ordinance (500 bags per shopper per year)

- Plastic Bags:
  - Not known to biodegrade
  - Not recyclable in curbside program
  - Contributes to litter
  - Contaminates our waterways and food chain.

- Paper bags use a large amount of water and energy to produce and transport

San Mateo County Ordinance

- **Prohibit** distribution of plastic shopping bags at all retail establishments

- Allow protective plastic bags (no handles) for the following purposes:
  - Produce
  - Prepared food
  - Bulk food or meat
  - Prescriptions
  - Segregate food/merchandise in bags

San Mateo County Ordinance

- **Mandate** minimum charge of 10 cents per paper bag (increases to 25 cents in 2015)

- **Paper Bag Requirements:**
  - 40% post-consumer recycled content

- Retailers keep all revenue earned from the sale of paper bags

Ordinance Goal
Encourage Reusable Bags

Customers can bring their own to avoid paying for paper bags

Retailer Compliance and Enforcement

- Itemize sale of paper bags on customer receipts
- Maintain complete record of purchase and sale of all bags
- County will enforce ordinance at no cost to the City
- Up to $500 penalty per day for non compliance

Environmental Impact Report Findings

- Air Quality
- Biological Resources
- Greenhouse Gas Emissions
- Hydrology/Water
- Utilities and Service Systems

- A reusable bag ordinance would be beneficial

- Impacts related to increased paper bag production or reusable bag use would be less than significant

Progress in Neighboring Communities

Participating Cities in San Mateo and Santa Clara County		
San Mateo County		**Santa Clara County**
• **Belmont** • Brisbane • Burlingame • **Colma** • **Daly City** • East Palo Alto • **Foster City** • Half Moon Bay • Menlo Park	• **Millbrae** • **Pacifica** • **Portola Valley** • Redwood City • San Bruno • San Carlos • San Mateo • **South San Francisco** • Woodside	• Milpitas • Cupertino • Los Gatos • Los Altos • Campbell • **Mountain View**

Palo Alto considering expanding their Reusable Bag Ordinance in February (includes food vendors)

Menlo Park Community Engagement

- Community Meetings, Music in the Park, Farmers Markets, Grocery/Drug Stores
- Schools activities and education (making reusable bags out of used and unwanted shirts)
- Public Comment Poll (135 responses)
  - 79% supported plastic bag ban
  - 63 % supported fee on paper bags
- Survey retail businesses (55 responses)
  - 73% were supportive of the ordinance

Next Steps If Adopted

- Ordinance will become effective on Earth Day (April 22, 2013)
- County Health and Environmental Program staff will provide toolkits to retailers, and continue to provide notification to consumers
- Staff will continue to distribute free reusable bags

San Mateo County Reusable Bag Ordinance
www.smchealth.org/bagban

Policy Issues

- Assist the City in meeting new State stormwater permit requirements to reduce trash in stormdrains 40% by 2014.

- Consistent with the City's Climate Action Plan to reduce greenhouse gas emissions from landfilled waste.

Recommendation

City Council:

1. Open and close the public hearing

2. Introduce an ordinance that would adopt San Mateo County's Reusable Bag Ordinance by reference by adding Chapter 7.10 to the Menlo Park Municipal Code; and

3. Make findings that the Program Environmental Impact Report prepared by San Mateo County to be adequate for the City of Menlo Park to adopt a Reusable Bag Ordinance.

COMMUNITY DEVELOPMENT DEPARTMENT

Council Meeting Date: January 8, 2013
Staff Report #: 13-003

Agenda Item #: F-1

REGULAR BUSINESS: Adopt a Resolution Recognizing the Participation of the City of Menlo Park in the San Mateo County Sub-Region for the Regional Housing Needs Allocation Process and Acceptance of the Assigned Housing Share for the City of Menlo Park for the 2014-2022 Housing Element Planning Period

---

RECOMMENDATION

Staff recommends that the City Council approve a resolution acknowledging participation in the San Mateo County Sub-Region for the Regional Housing Needs Allocation (RHNA) process and acceptance of the assigned housing share for the City of Menlo Park for the 2014-2022 Housing Element Planning Period.

BACKGROUND

The RHNA is a State-mandated process for establishing fair-share allocation of needed housing, including affordable housing, among local jurisdictions in the state. State Housing Element law (Article 10.6 of the State Government Code) requires the California State Department of Housing and Community Development (HCD) to prepare regional housing needs determinations. The regional need determinations are then submitted to Councils of Government for allocation to local jurisdictions. The Association of Bay Area Governments (ABAG) is the Council of Government for the Bay Area and is responsible for the allocations at the various county and local government levels.

The RHNA is not only important in determining housing needs in communities, but also plays a critical role in each jurisdiction's Housing Element. Housing Elements are required to be updated within time periods identified by HCD, generally called "planning periods". Housing Elements are required to meet the jurisdiction's fair share allocation to meet the regional housing need during each planning period. The RHNA must be met in order for HCD to consider certification of a jurisdiction's Housing Element. The City of Menlo Park currently is updating its Housing Element for the past two planning periods (i.e., 1999-2006 and 2007-2014, which are respectively sometimes referred to as RHNA 3 and RHNA 4). The current RHNA (i.e., # 5) allocation would cover the planning period from 2014 to 2022.

Housing Element law was modified in 2004 to allow for a sub-regional approach to the RHNA. Cities and counties were given the option to form a sub-region, or consortium,

to develop the methodology for the allocation of the sub-region's projected housing need among its members, rather than receive its allocation directly from ABAG. The sub-region is required to fully allocate its share of the regional housing need for the planning period. If the sub-region fails, ABAG resumes responsibility for the allocation.

In 2006 and 2007, the County of San Mateo and the 20 cities of San Mateo County formed and participated in the San Mateo County Sub-Region for the purpose of administering the RHNA process on a local level for the 2007-2014 planning period. On February 15, 2011, the City Council adopted Resolution No. 5982 (Attachment C) authorizing the City of Menlo Park to become a member of the Countywide Sub-Region for the 2014-2022 planning period.

ANALYSIS

Sub-Region Process to Date

The San Mateo County Sub-Region allocation process includes participation by two review bodies. The first is the Policy Advisory Committee (PAC), a decision-making body comprised of one elected representative from each of the 21 jurisdictions. Menlo Park's representative is currently Council Member Keith and was formerly Council Member Cohen. The second body is the Technical Advisory Committee (TAC), which provides recommendations for consideration by the PAC. Menlo Park staff participates on the TAC. The City/County Association of Governments of San Mateo County (C/CAG) represents the Sub-Region and serves as staff support for the process.

A Policy Advisory Committee and a Technical Advisory Committee have been meeting since March 2011 to develop the methodology and proposed RHNA. The Final Methodology for Determining Housing Needs Shares was submitted to ABAG on July 26, 2012. In accordance with this methodology, a proposed Draft Allocation of Housing Shares for the jurisdictions in the San Mateo County Sub-Region was developed. On September 20, 2012, the Policy Advisory Committee unanimously approved the proposal with minor changes that are reflected in the version dated November 19, 2012 (Attachment B).

Menlo Park's Share of County Allocation

At this point in the allocation process, C/CAG is requesting that each participating jurisdiction adopt a resolution acknowledging participation in the Sub-Region and acceptance of the proposed Regional Housing Needs Allocation for the 2014-22 planning period that has been developed by the Countywide Sub-Region RHNA effort. The Regional Housing Needs Allocation will establish the targets for housing in the Housing Element for the 2014-2022 planning period. The following table compares the proposed allocation for Menlo Park as compared to the Draft ABAG allocation.

Proposed Menlo Park Regional Housing Needs Allocation: 2014-2022

Income Level	Proposed Sub-Regional Allocation	Draft ABAG Allocation
Very Low	233	237
Low	129	133
Moderate	143	145
Above Moderate	150	219
Total	**655**	**734**

As shown in the table above, the Menlo Park allocation in total and for each of the income categories is less than the draft ABAG allocation. The overall Countywide requirement to plan for 16,418 units is achieved because some jurisdictions were willing to accept higher allocations due to available sites within their communities.

The prior allocation for which the City is currently planning equals 1,975 units. The City of Menlo Park does not need to plan for 655 units plus the 1,975 units from the past two planning periods (i.e., #3 and #4). Rather, the City will need to plan for additional units that are not already accounted for in its available land inventory after adoption of the Housing Element for the past two planning periods. Given the work to date on the Housing Element for planning periods #3 and #4, staff anticipates that there will be remaining available land inventory that can be applied toward the next Housing Element.

Next Housing Element Update

The Housing Element for the 2014-2022 planning period is required to be adopted by December 2014. Establishment of the RHNA numbers will allow this effort to proceed. Staff is pursuing several avenues to ensure that the preparation of the 2014-2022 Housing Element is as efficient and effective as possible for the City, including:

- Complete the Housing Element on time in order to qualify for the additional incentive included in State law, specifically that a local government that adopts its Housing Element on time will not have to adopt another housing element for eight years, instead of every four years.
- Qualify for streamlined review, an option provided by the Housing and Community Development Department for updates of previously certified Housing Elements that can show compliance with the previously adopted policies and programs.
- Participate in the “21 Elements” effort coordinated by C/CAG where much of the base data is prepared by a single consultant for use in the Housing Elements in the 21 jurisdictions.

The update of the Housing Element for the 2014-2022 planning period is a project identified in the 5-Year Capital Improvement Plan to commence in the current Fiscal Year. Staff intends to return to the Council for approval of a work program in June 2013.

Next Steps in the RHNA Process

The Sub-Region has opened an appeal period, pursuant to State Government Code 65584.05(d), that runs through January 30, 2013, during which any member jurisdiction of the Sub-Region can appeal the proposed final allocation. On January 31, 2013, the Sub-Region's Policy Advisory Committee will consider adoption of the final allocation. The Sub-Region requests that the option for trades between any agencies be allowed through July 18, 2013, when ABAG formally adopts the sub-regional allocation for San Mateo County. Staff does not expect other jurisdictions would be interested in taking more of Menlo Park's share beyond the 79 unit reduction already reflected in the proposed allocation unless the City was able to offer some other incentive of significant value such as water rights, which because of limited supplies are of substantial value to other jurisdictions. Menlo Park faces its own water limitations; therefore, staff does not believe that there are additional trade opportunities that would be beneficial to the City of Menlo Park. Furthermore, the City would face challenges in attempting to offer the use of Below Market Rate (BMR) housing funds to other jurisdictions in exchange for accepting a portion of the City's allocation. First, the City cannot use funds that were to be used to provide affordable workforce housing in Menlo Park outside of the City limits without the written consent of project sponsor responsible for the fee payment. Second, assuming the City was able to achieve such consent, the development project would need to be in close proximity to Menlo Park in order to meet the purpose and objective of the City's BMR Program.

Staff recommends that the Council adopt the resolution in that this action would be consistent with the Council's previous actions to join and support the work of the Sub-Region. Additionally, staff believes that the sub-regional approach provides a very real opportunity to exert local control over the RHNA process and begin the exploration of regionally based approaches to the provision of needed housing. The City would then be able to begin the process of exerting greater influence in the legislative process related to future planning cycles.

IMPACT ON CITY RESOURCES

C/CAG provides primary staff support for work related to the sub-regional allocation process. However, Menlo Park staff time is required for participation on the TAC and other committee meetings as necessary.

POLICY ISSUES

Participation in the sub-region process requires consideration by Council of the appropriate allocation of regional fair share housing needs in San Mateo County. The final allocation of Menlo Park's share of the regional housing need will be used in the preparation of the Housing Element update for the 2014-2022 planning period.

ENVIRONMENTAL REVIEW

The requested action is not deemed a project under the California Environmental Quality Act (CEQA).

Signature on file	*Signature on file*
Justin Murphy	Arlinda Heineck
Development Services Manager	Community Development Director

PUBLIC NOTICE: Public notification was achieved by posting the agenda, at least 72 hours prior to the meeting, with this agenda item being listed. In addition, the City sent an email update to subscribers to the project page, which is available at the following address: http://www.menlopark.org/athome. This page provides up-to-date information about the project, allowing interested parties to stay informed of its progress. The page allows users to sign up for automatic email bulletins, notifying them when content is updated or meetings are scheduled.

ATTACHMENTS

A. Resolution
B. Proposed Final Allocation
C. Resolution No. 5982

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK RECOGNIZING THE PARTICIPATION OF THE CITY OF MENLO PARK IN THE SAN MATEO COUNTY SUB-REGION FOR THE REGIONAL HOUSING NEEDS ALLOCATION PROCESS AND ACCEPTANCE OF THE ALLOCATION ASSIGNED BY THE SUB-REGION FOR THE CITY OF MENLO PARK

WHEREAS, the Association of Bay Area Governments (ABAG) is required by State law to administer the Regional Housing Needs Allocation (RHNA) process in the Bay Area; and

WHEREAS, under State law ABAG may delegate administration of the process to local jurisdictions within any county that form a sub-region for the purpose of distributing housing need allocations among the members of the sub-region; and

WHEREAS, the City Council adopted Resolution No. 5982 on February 15, 2011 authorizing the City of Menlo Park to become a member of the Countywide Sub-Region; and

WHEREAS, all the cities in San Mateo County and the County of San Mateo adopted resolutions to form a Sub-Region that was approved subsequently by ABAG in March 2011; and

WHEREAS, the Sub-Region has completed the process to develop the proposed Final Allocation attached hereto.

NOW THEREFORE, BE IT RESOLVED that the City of Menlo Park acknowledges its participation in the San Mateo County Sub-Regional Housing Needs Allocation process and hereby accepts the Final Housing Allocation for the City of Menlo Park for use in its Housing Element as the planning target for housing development for the planning period running from 2014 through 2022; and hereby agrees to the submittal of the Final Housing Allocation to the Association of Bay Area Governments by the Executive Director of the City/County Association of Governments of San Mateo County, or designated agent, as administrative agent for the Sub-Region.

I, Margaret S. Roberts, City Clerk of the City of Menlo Park, do hereby certify that the above and foregoing Resolution was duly and regularly passed and adopted at a meeting by said Council on the eighth day of January, 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City, this eighth day of January, 2013.

Margaret S. Roberts, MMC
City Clerk

Revised: 19NOV12	Draft Sub-Regional Allocation	Consensus Method: Use Regional Affordability Allocations with all Variance Concentrated in Above Moderate category, with some adjustments.			
San Mateo County RHNA Subregion Recommended Proposed Final Allocation		**UNITS**			
	TOTAL	**Very Low**	**Low**	**Mod.**	**Above Mod.**
Atherton	**93**	**35**	**26**	**29**	**3**
Belmont	**468**	**116**	**63**	**67**	**222**
Brisbane	**83**	**25**	**13**	**15**	**30**
Burlingame	**863**	**276**	**144**	**155**	**288**
Colma	**59**	**20**	**8**	**9**	**22**
Daly City	**1,350**	**400**	**188**	**221**	**541**
East Palo Alto	**467**	**64**	**54**	**83**	**266**
Foster City	**430**	**148**	**87**	**76**	**119**
Half Moon Bay	**240**	**52**	**31**	**36**	**121**
Hillsborough	**91**	**32**	**17**	**21**	**21**
Menlo Park	**655**	**233**	**129**	**143**	**150**
Millbrae	**663**	**193**	**101**	**112**	**257**
Pacifica	**413**	**121**	**68**	**70**	**154**
Portola Valley	**64**	**21**	**15**	**15**	**13**
Redwood City	**2,789**	**706**	**429**	**502**	**1152**
San Bruno	**1,155**	**358**	**161**	**205**	**431**
San Carlos	**596**	**195**	**107**	**111**	**183**
San Mateo	**3,100**	**859**	**469**	**530**	**1242**
South San Francisco	**1,864**	**565**	**281**	**313**	**705**
Woodside	**62**	**23**	**13**	**15**	**11**
San Mateo Co. Uninc	**914**	**153**	**103**	**103**	**555**
Total	**16,419**	**4595**	**2507**	**2831**	**6486**
Countywide Requirement	**16,418**	**4595**	**2507**	**2830**	**6486**

RESOLUTION NO. 5982

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK AUTHORIZING THE CITY OF MENLO PARK TO BECOME A MEMBER OF A COUNTYWIDE SUB-REGION, AN ENTITY THAT WOULD LOCALLY ADMININSTER THE ASSOCIATION OF BAY AREA GOVERNMENTS'S REGIONAL HOUSING NEEDS ALLOCATION PROCESS (RHNA) AS PART OF THE REGIONAL SUSTAINABLE COMMUNITIES STRATEGY

WHEREAS, SB 375 requires the development of a Sustainable Community Strategy including consistency every eight years with the Regional Housing Needs Allocation process; and

WHEREAS, the Association of Bay Area Governments (ABAG) is required by State law to administer the Regional Housing Needs Allocation program in the Bay Area; and

WHEREAS, ABAG has begun preliminary work on developing the program with the objective of completing the program in August of 2012; and

WHEREAS, State law allows administration of the program to local jurisdictions who create sub-regions for the purposes of distributing housing need allocations among the members of the sub-region; and

WHEREAS, a sub-region is defined as two or more cities in a County or any combination of geographically contiguous local governments; and

WHEREAS, the City of Menlo Park desires to become part of a sub-region in San Mateo County; and

WHERAS, the City/County Association of Governments of San Mateo County (C/CAG) will facilitate and provide staff support; and

WHEREAS, each member of a sub-region must adopt a resolution authorizing its inclusion in the sub-region; and

WHEREAS, adopted resolutions must be sent to ABAG by March 16, 2011; and

WHEREAS, ABAG must adopt a resolution approving the sub-region.

NOW, THEREFORE, BE IT RESOLVED that the City of Menlo Park agrees to participate in the process to establish realistic housing allocations among the sub-region (cities and the County) for use in the next housing element that is due in 2012. Adoption of this resolution indicates the Council's intention to participate in the sub-region process for San Mateo County and to designate the City/County Association of

Governments of San Mateo County (C/CAG) as the official representative of the San Mateo County sub-region. This resolution is submitted to the Association of Bay Area Governments (ABAG) for inclusion in the Resolution designating the sub-region.

I, Margaret S. Roberts, City Clerk of Menlo Park, do hereby certify that the above and foregoing Council Resolution was duly and regularly passed and adopted at a meeting by said Council on the fifteenth day of February, 2011, by the following votes:

AYES:	Cline, Cohen, Fergusson, Keith, Ohtaki
NOES:	None
ABSENT:	None
ABSTAIN:	None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this sixteenth day of February, 2011.

Margaret S. Roberts, MMC
City Clerk

COMMUNITY DEVELOPMENT DEPARTMENT

Council Meeting Date: January 8, 2013
Staff Report #: 13-002

Agenda Item #: F-2

REGULARBUSINESS: Appoint One Council Member to the Housing Element Steering Committee

---

RECOMMENDATION

Staff recommends that the City Council appoint one council member to the Housing Element Steering Committee.

ANALYSIS

On May 22, 2012, the City Council authorized the creation of a Housing Element Steering Committee comprised of two Planning Commissioners, two Housing Commissioners, appointed by the respective chairs, and two Council Members. The Steering Committee's mission is as follows:

(1) Serve as liaison to their respective body.
(2) Guide the process and provide policy direction and feedback for staff.
(3) Focus on critical topic of determining potential sites for high density housing.
(4) Keep process on track to comply with the key milestones of the Settlement Agreement.

The Housing Element Steering Committee met five times and all of the material related to the Steering Committee meetings is available on the City's website.

The Steering Committee currently is comprised of the following members:

- Peter Ohtaki, City Council (co-chair)
- *vacant*, City Council (co-chair) (formerly Andy Cohen)
- Carolyn Clarke, Housing Commission
- Yvonne Murray, Housing Commission (formerly Anne Moser)
- Katie Ferrick, Planning Commission
- Jack O'Malley, Planning Commission

The Housing Element Steering Committee is scheduled to have one final meeting on January 10, 2013 consistent with the updated project schedule reviewed by the City

Council on December 11, 2012 (Attachment A). The meeting will be held in the Multi-purpose Room of the Arrillaga Family Gymnastics Center at 5:30 p.m.

IMPACT ON CITY RESOURCES

There is no impact associated with City resources associated with this action.

POLICY ISSUES

The proposed action is consistent with City policy.

ENVIRONMENTAL REVIEW

The proposed action does not require environmental review.

Signature on file	*Signature on file*
Justin Murphy	Arlinda Heineck
Development Services Manager	Community Development Director

PUBLIC NOTICE: Public notification was achieved by posting the agenda, at least 72 hours prior to the meeting, with this agenda item being listed. In addition, the City sent an email update to subscribers to the project page, which is available at the following address: http://www.menlopark.org/athome. This page provides up-to-date information about the project, allowing interested parties to stay informed of its progress. The page allows users to sign up for automatic email bulletins, notifying them when content is updated or meetings are scheduled.

ATTACHMENTS

A. Remaining Schedule of Meetings and Other Activities

@HOME IN MENLO PARK

Prepared for December 11, 2012 City Council Meeting

Remaining Schedule of Meetings and Other Activities

Revision of the City of Menlo Park Housing Element and Consistency Update to the City of Menlo Park General Plan

City Council (CC) Meeting

Housing Element Steering Committee Meeting

Other City Commission Meeting ❁

Community Outreach Activity (separate from public hearings and commission meetings)

** Meetings with Stakeholders

Review by (or Meetings with) HCD Staff or Others

❁ **Commission Meetings** The primary City commissions reviewing the Housing Element are the Planning Commission (PC) and the Housing Commission (HC). City Commissions reviewing the Consistency Update to the City's General Plan include the PC and the HC plus the Environmental Quality Commission (EQC), Transportation Commission (TC), Bicycle Commission (BC), and the Parks and Recreation Commission (PRC).

Meetings and Activities Occurring Between May 2012 and November 2012 Related to the Revision of the City of Menlo Park Housing Element and General Plan Consistency Update

Summary of Activites to Date:

May 22, 2012 City Council Meeting to approve the Settlement Agreement, GP/HE Work Program and membership of the Housing Element Steering Committee

Five (5) Housing Element Steering Committee meetings conducted between June and September 2012

Stakeholder outreach interviews and meetings and public comments received through the City's website

Two Community Workshops conducted in August 2012

Work initiated on the Environmental Assessment and Fiscal Impact Analysis

Public work sessions to review the Preliminary Draft Housing Element (HC, PC and CC)

Submittal of the Draft Housing Element to the CA Department of Housing and Community Development (HCD) on October 31, 2012

Meetings and Activities Expected to Occur from December 2012 Through May 2013

Meeting Type and Date	Commission Meetings Dec 2012	Steering Comm Meeting #6 Jan 10 2013	Community Open House Jan 29 & 30 2013	*Release of Documents* Feb 27 2012	CC Study Session Mar 5 2013	CC Direction Mar 12 2013	*Release of Documents* Mar 27 2012	HC Meeting April 3 2013	PC Public Hearing April 8 2013	CC Study Session April 16 2013	CC Public Hearing April 30 2013	CC Meeting May 7 2013
Meeting Location	Meetings at Menlo Park Civic Center	Arrillaga Family Gymnastics Center	Meetings at Arrillaga Family Recreation Center and Senior Center	*Announce the Availability of Documents*	City Council Chambers	City Council Chambers	*Announce the Availability of Documents*	Menlo Park City Hall	City Council Chambers	City Council Chambers	City Council Chambers	City Council Chambers
Meeting Purposes	❑ EQC, TC, BC, PRC, HC and PC Review of the Consistency update to the Menlo Park General Plan at Public Work Sessions ❑ Provide Feedback to Staff	❑ Review Public Comments and Provide Direction Based on HCD Review of the Draft Housing Element ❑ Provide Direction on the Approach for the Community Open House, Feedback from the Community and Noticing for Future Activities	❑ Review Comments from HCD ❑ Present Preliminary Direction on Housing Element Implementation and Bundles of Properties for Possible Rezoning to Higher Density Housing ❑ Provide General Plan Overview ❑ Provide Opportunity for Q&A and Feedback	*Documents Available for Public and Stakeholder Review:* ❑ Environmental Assessment (EA) ❑ Fiscal Impact Analysis (FIA) ❑ Draft General Plan Consistency Update (GPU) ❑ Draft Zoning Ordinance Text Amendments (ZO)	❑ Review Comments and Directions from the Community Outreach ❑ Review HCD Comments	❑ Provide Direction on the Specific Sites to be Rezoned for Higher Density Housing	*Documents Available for Public and Stakeholder Review:* ❑ Revised Draft Housing Element (changes based on HCD comments and additional discussion on Available Sites based on March 12 City Council direction) ❑ Draft Zoning Text and Map Amendments	❑ Review Input from Community Outreach, the EA and the FIA ❑ Provide Feedback on the Revised Draft Housing Element and Zoning Changes for Consideration by the Planning Commission and the City Council	❑ Review Input from Community Meetings and Outreach ❑ Consider the EA, FIA and other Material ❑ Recommend General Plan Consistency Amendments, Revised Draft Housing Element and Zoning Text and Map Amendments to the City Council	❑ Review Input from Commission Meetings and Community Outreach ❑ Review General Plan Amendments, Revised Draft Housing Element and Zoning Text and Map Amendments ❑ Recommend Findings on the EA	❑ Adopt the General Plan Consistency Amendments, Revised Draft Housing Element and Introduce Zoning Text and Map Amendments ❑ Adopt Findings Related to the EA	❑ Final Adoption of Zoning Text Amendments and Rezoning

60-Day HCD Review of Draft Housing Element
Nov and Dec 2012

Modifications to the Draft Housing Element Based on HCD Comments

→ Environmental Assessment (EA) and Fiscal Impact Analysis (FIA) →

THIS PAGE INTENTIONALLY LEFT BLANK

COMMUNITY SERVICES

Council Meeting Date: January 8, 2013
Staff Report: #13-004

Agenda Item #: I-1

INFORMATION ITEM: Belle Haven Community Visioning Process Consultant Selection

---

This is an information item and does not require Council action.

BACKGROUND

On September 18, 2012, the Menlo Park City Council approved the proposed Belle Haven Community Visioning Process and authorized the City Manager to select a consultant based on responses to an RFP and execute a contract. The work of the consultant will be focused on the initial stage of the visioning process designed to develop a strategic plan for the neighborhood and create the groundwork for future community capacity building. Capacity building will include developing resident leadership, resident organizing and advocacy, increasing the capacity of local organizations and other institutional partners, and supporting collective action around systems change. The goal is a strategic plan supporting a neighborhood where residents achieve the big goals they set for themselves.

Prior to issuing the RFP, City staff received input on the proposal from residents serving on the Belle Haven Community Foundation. The RFP was issued on October 15, 2012. Since its release, City staff has been handling consultant questions and inquiries regarding the process.

ANALYSIS

Six proposals were received by the December 10, 2012 deadline. A Review Committee was formed to review the proposals including City staff and two Belle Haven residents:

- James Cebrian, the Parks & Recreation Commission Chairperson, and
- Michelle Tate from the Belle Haven Community Foundation.

The Committee reviewed the proposals and checked references and is recommending to the City Manager that he execute a contract with MOORE IACOFANO GOLTSMAN, Inc. (MIG) whom the Review Committee felt was best qualified to implement an inclusive and dynamic community visioning and capacity building process for the Belle Haven neighborhood. In early January, City staff will meet with the consultant to finalize the scope of work and prepare a contract for the City Manager to award. Staff

anticipates a community kickoff meeting for the process the week of January 28, 2013. City staff will provide an update of the Vision Process at the City Council meeting on February 5, 2013.

Signature on file
Derek Schweigart
Social Services Manager

PUBLIC NOTICE: Public Notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting.