



SPECIAL AND REGULAR MEETING AGENDA

Date: 2/9/2016
Time: 7:00 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

6:30 p.m. Closed Session (City Hall Administration Building, 1st Floor Conference Room)

Public Comment on these items will be taken prior to adjourning to Closed Session

CL1. Closed session pursuant to Government Code Section 54956.8 regarding real property negotiations (1 matter):

Property: Property owned by the City of Menlo Park located at the northeast side of 101/Willow Road Overpass, Menlo Park
City Negotiators: City Attorney Bill McClure, City Manager Alex McIntyre, Assistant City Manager Chip Taylor, Public Works Director Justin Murphy, Assistant Public Works Director Ruben Nino
Negotiating Parties: City of Menlo Park (Owner) and CalTrans, California Department of Transportation (Buyer)
Negotiation: Potential sale of real property owned by the City of Menlo Park at the northeast side of 101/Willow Overpass from Menlo Park to CalTrans, including but not limited to instructions regarding sales price and other terms of sale

7:00 p.m. Regular Session (as soon as the closed session is concluded)

- A. Call To Order**
- B. Roll Call**
- C. Pledge of Allegiance**
- D. Report from Closed Session**
- E. Study Session**
- E1. Provide direction on the latest design and design criteria for the Santa Cruz Avenue Sidewalk Project (Staff Report# 16-031-CC)
- F. Presentations and Proclamations**
- F1. Presentation by West Bay Sanitary District regarding Recycled Water Project at Sharon Heights
- G. Public Comment**

Under "Public Comment," the public may address the City Council on any subject not listed on the agenda. Each speaker may address the City 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 City Council cannot act on items not listed on the agenda and, therefore, the City Council cannot respond to non-agenda issues brought up under Public Comment other than to provide general information.

H. Consent Calendar

- H1. Quarterly review of data captured by Automated License Plate Reader (ALPR) for the period beginning November 1, 2015 through February 1, 2016 and request to move to yearly reports (Staff Report# 16-024-CC)
- H2. Quarterly review of Taser Program for the period beginning October 1, 2015 and ending January 1, 2016 and request to move to annual reports (Staff Report# 16-027-CC)
- H3. Authorize the Public Works Director to accept the work performed by Syserco Inc. for the Energy Monitoring System of the Administration and Library buildings (Staff Report# 16-023-CC)
- H4. Approve minutes for the regular City Council meeting of January 26, 2016; and the minutes for the Joint Special Meeting of the City Council, Bicycle Commission and Transportation Commission of January 26, 2016 (Attachment)

I. Regular Business

- I1. Authorize the City Manager to prepare an additional funding request to the San Mateo County Transportation Authority (SMCTA) for the US 101/Willow Road Interchange Project to appoint a City Council member or subcommittee to advocate for Caltrans support (Staff Report# 16-032-CC)
- I2. Authorize reservation of funds and mid-year budget adjustments in the Solid Waste Fund and authorize the City Manager to execute a professional services agreement for a solid waste services rate study in an amount not to exceed \$250,000 (Staff Report# 16-026-CC)
- I3. Deny the appeal of the Transportation Impact Fee (TIF) levied on 687 Bay Road (Staff Report# 16-021-CC)
- I4. Receive a report and hear public comment on upcoming negotiations with the Menlo Park Police Sergeants Association (PSA) on a successor agreement to the agreement expiring June 30, 2016 (Staff Report# 16-020-CC)
- I5. Introduce an ordinance amending Menlo Park Municipal Code Section 2.04.120 regarding Mayor Selection (Staff Report# 16-025-CC)
- I6. Approval of the 2016 City Council Work Plan, Budget Principles and City Council Procedures Manual (Staff Report# 16-029-CC)
- I7. Provide direction on ConnectMenlo (General Plan and M-2 Area Zoning update) schedule (Staff Report# 16-030-CC)

J. Informational Items

- J1. Overview of the Water Supply Assessment for the Facebook Campus Expansion Project and the Water Supply Evaluation for the ConnectMenlo General Plan Update and M-2 Area Zoning Update

(Staff Report# 16-022-CC)

- J2. Letter of support to the San Francisco Bay Conservation and Development Commission for the San Francisquito Creek Joint Powers Authority's San Francisquito Creek Flood Reduction, Restoration and Recreation San Francisco Bay to Highway 101 Project (Staff Report# 16-028-CC)

K. Councilmember Reports

L. City Manager's Report

M. 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 www.menlopark.org and can receive e-mail notification of agenda and staff report postings by subscribing to the "Notify Me" service at menlopark.org/notifyme. Agendas and staff reports may also be obtained by contacting City Clerk at 650-330-6620. (Posted: 2/4/2016)

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 any matters of public interest not listed on the agenda, members of the public have the right to directly address the Commission on any item listed on the agenda at a time designated by the Chair, either before or during the City 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 Chair, 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 City Clerk's Office, 701 Laurel St., Menlo Park, CA 94025 during regular business hours.

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.

THIS PAGE INTENTIONALLY LEFT BLANK



STAFF REPORT

City Council

Meeting Date:

2/9/2016

Staff Report Number:

16-031-CC

Study Session:

Provide direction on the latest design and design criteria for the Santa Cruz Avenue Sidewalk Project

Recommendation

Staff recommends that the City Council provide direction on the latest design and design criteria for the Santa Cruz Avenue Sidewalk Project.

Policy Issues

The City Council requested to review the project at a study session if design or budget implications warranted further consideration by Council prior to completing construction drawings and going out to bid on the project.

Background

The Santa Cruz Avenue Sidewalk Project (project) has been identified in the City's Capital Improvement Plan since fiscal year 2007-08. On March 10, 2015, the Council approved a modified version of the preferred alternative for the project for further design and implementation. Attachment A includes the meeting minutes. The Council agreed on specific project elements, established design criteria, and requested additional study of other elements as follows:

Roadway and Parking

- Maintain existing travel lanes and center turn-lane
- Eliminate on-street parking, but consider the feasibility of retaining parking on the south side of Santa Cruz Avenue between Fremont Park and Fremont Street or potentially Arbor Road

Sidewalks

- Install 6-foot wide sidewalk on both sides of the street as long as the sidewalk does not impact heritage trees, large hedges or fences or other permanent improvements
- Reduce sidewalk width to 5 feet wide, but not less than 4 feet, to reduce impacts to heritage trees
- Improve existing sidewalks to meet accessibility (Americans with Disabilities Act [ADA]) requirements where possible

Bike Lanes and Bike Lane Buffers

- Enhance the existing 5-foot wide bicycle lanes by adding a 2-foot wide painted buffer, where feasible
- Favor the bike buffer over the sidewalk width around heritage trees
- Prioritize heritage trees over the bike buffer as long as a 4-foot wide sidewalk is maintained

Undergrounding of Utilities

- Explore undergrounding of utilities with PG&E on the south side

The City's road right-of-way width within the project limits is 66 feet. The width of the project elements described above is 58 feet, leaving approximately 4 feet of the City road right-of-way on each side of the street that would not be used for the improvements. As a means of comparison, the current dimension from the back of the valley gutter on one side of the street to the back of the valley gutter on the other side of the street for the blocks between Olive Street and Arbor Road is approximately 57 feet.

Analysis

This staff report focuses on two issues that have substantial implications for budget and project schedule.

Utility Coordination and Undergrounding

In April 2015, staff met with PG&E representatives to discuss the potential undergrounding of the pole-mounted electrical distribution system within the Project limits. PG&E confirmed that the Project was eligible for Rule 20A funding. Undergrounding of the electrical system within the Project limits would cost approximately \$5 million, and it would take PG&E approximately 5 years to complete (design and construction). Rule 20A funds or credit are allocated by PG&E for undergrounding of utilities in which each City or County is credited certain amounts annually. The Rule 20A funds are accumulated through the payment of electric rates and apply only to the electrical portion of an undergrounding project. Currently, the City has approximately \$6 million of Rule 20A credits. It has taken the City over 25 years to accumulate these credits. The cost of undergrounding varies depending on the number of properties affected, the linear footage of undergrounding, number of poles, and utility boxes affected. On average, each residential property conversion is approximately \$2,000-\$3,000 and a business conversion approximately \$5,000. Cities can elect to use Rule 20A credits to pay for each property conversion thereby eliminating the conversion cost to the property owners unless electrical system upgrades on the customer side of the electrical meter are required.

Due to the expense and potential delay, staff does not intend to incorporate the undergrounding as part of the project at this time. The design for the project would not preclude undergrounding in the future. Although staff does not intend to pursue undergrounding as part of this project, there are instances where existing utility poles may need to be relocated to improve the pedestrian experience on the existing sidewalk on the south side of Santa Cruz Avenue between Arbor Road and Johnson Street. As part of the project, staff would continue to work with PG&E to explore various options for improving the pedestrian experience.

Project Design Considerations

Subsequent to the March 10, 2015 Council meeting, the staff eliminated on-street parking from north side of Santa Cruz Avenue between Arbor Road and Johnson Street and both sides from Olive Street to Arbor Road. In addition, staff placed bike buffer markings and striped the edge of the bike lanes closest to the private properties on Santa Cruz Avenue from Olive Street to Johnston Street.

Also following the City Council's approval of a preferred alternative, staff retained the consulting firm of BKF to commence preliminary design of the project. This work included field surveys to collect information about the existing conditions and features within the right-of-way and on private property. During this phase of work, several design issues and project considerations became evident, especially an evaluation of existing drainage patterns along the length of the project and from private properties and existing roadway cross

slopes (slope from center of roadway toward the outside edge of roadway). The drainage considerations have a major impact on project cost and could impact the overall project viability.

To meet standard drainage requirements with the Council-established design criteria for the other features in the right-of-way, the roadway would need to be reconstructed to eliminate the high crown in the center of the roadway by reducing the height of the roadway between 6 and 18 inches. After extracting a series of cores to determine the composition of the roadbed, BKF was able to provide an estimate of approximately \$10 million to reconstruct the road and meet all of the criteria. Staff recognized that this greatly exceeded the budget for the project, and proceeded to explore other options as follows:

- One option would forego the construction of the elevated concrete sidewalk in favor of a 6-inch high asphalt curb between the bike lane and the adjacent properties with openings at driveways that would enable existing drainage patterns to remain. This option would be much less expensive, estimated at \$50,000, but would not meet the overall Council objective of sidewalks on both sides of the street.
- Another option to avoid reconstruction of the roadway would be to move the proposed sidewalk closer to the property lines in order for the new sidewalk gutter to generally match the location of the existing valley gutter and maintain drainage patterns. Again, staff did not pursue this option because it would not meet the objective of maintaining the character and greenery along the edges of Santa Cruz Avenue.

Staff and BKF continued to pursue other options and have now arrived at an option that staff believes meets the Council objectives, requires extensive property-by-property design work and coordination with property owners to address drainage issues, but is more feasible in terms of project cost (preliminary estimates are in the range of \$3-5 million. Attachment B provides a typical cross section of what the design would entail consistent with previous Council direction. Attachment C provides an overview map of potential grading issues on a property-by-property basis. Attachment D shows three scenarios of sidewalk placement reflective of acceptable, moderate and more severe grade issues.

At the Council study session, staff will present the design considerations to the City Council and public in more detail, but in general, the primary challenge is creating a compatible elevation (or height) of the new sidewalk in relation to the adjacent grade. In some instances, the sidewalk will be higher than the adjacent grade, which creates a drainage challenge. Several potential solutions to reduce the drainage concerns exist. One option would be to re-grade properties to a point where there would not be a noticeable offset. However, this would result in a need to remove fences and landscaping; even in some cases the offset is so great that the grading would need to go beyond the front of existing houses. Therefore, staff is considering the installation of a special drainage system to take storm water that collects between the sidewalk and the property line out toward the City storm drainage system. The system would have an increased maintenance component, but it helps achieve the overall Council objectives without reconstructing the roadway.

New vertical curb would be installed on both sides of Santa Cruz Avenue from Olive Street to Arbor Road and on the north side of Santa Cruz Avenue between Arbor Road and Johnson Street creating a uniform curb line. New curb is not being installed the south side of Santa Cruz Avenue between Arbor Road and Johnson Street in order to retain on-street parking for the adjacent apartment buildings. The face of the new vertical curb would be placed at the edge of the current bike lane stripe. The new sidewalk would then extend six feet towards the private properties and end approximately at one of the following:

- the face of the existing vertical curb for the blocks between Saint Raymond's Church and Johnson Street on the north side of Santa Cruz Avenue, or

- the back of the valley gutter between Olive Street and Saint Raymond's Church on both sides of the street.

If the Council agrees with the approach for the special drainage system, then staff would proceed with the following steps.

- Meet with affected property owners and residents to discuss property specific design and construction details that minimize impacts while achieving overall objectives.
- Complete the construction drawings and cost estimate.
- Return to the City Council to appropriate any necessary funds.
- Bid the project.
- Return to the City Council to award the contract.
- Commence construction.

The goal would be to start construction in the summer of 2016.

Impact on City Resources

This project has a remaining balance of approximately \$1.1 million. Depending on Council direction, staff will bring back funding options after completing the design, but prior to going to bid.

Environmental Review

As a study session item, environmental review is not necessary under the California Environmental Quality Act. Staff will return to the City Council for environmental clearance of the project as part of the award of the construction contract.

Public Notice

Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

- A. City Council meeting minutes from March 10, 2015
- B. Typical cross section for latest design option
- C. Overview map showing potential grading issues
- D. Cross sections showing grading issues

Report prepared by:
Justin Murphy, Public Works Director

EXCERPT FROM THE CITY COUNCIL MEETING MINUTES OF MARCH 10, 2015

7:00 P.M. REGULAR SESSION

Mayor Carlton called the meeting to order at 7:57 p.m. Councilmember Mueller was absent due to a family illness.

Staff present: City Manager Alex McIntyre, Assistant City Manager Starla Jerome-Robinson, City Attorney Bill McClure and City Clerk Pamela Aguilar

F. REGULAR BUSINESS

F1. Approve the preferred alternative for the Santa Cruz Avenue Sidewalk Project between Olive Street and Johnson Street ([Staff Report #15-044](#))([Presentation](#))

At 8:20 p.m., Assistant City Manager Starla Jerome-Robinson recused herself due to a conflict of interest that her residence is located within 500 feet of the project area.

Director of Public Works Jesse Quirion gave a presentation.

Public Comment:

- Arnold Wilson spoke regarding safety issues and supports sidewalks on both sides of the street
- Bill Frimel spoke regarding safety issues and the need for parking and bike lanes
- Ingo Lange complimented staff on its outreach efforts and supports the preferred alternative, but suggested it be implemented on a block-by-block
- Whitney McKiernan stated that the Bike Commission recommends Alternate 3 and reflects the input from the community; she expressed that human safety takes priority over landscaping
- Adina Levin supports sidewalks on both sides and buffered bike lanes, but that safety takes priority; she also spoke regarding the turn lane at Johnson and undergrounding
- Michael Doran asked Council to postpone taking action until Councilmember Mueller can participate and spoke regarding property rights and stated that landscaping in the right-of-way enhances the character of the community, but that he supports sidewalks and bike lanes
- Greg Klingsporn urged Council to take action with consideration for users of the sidewalks and bike lanes, and stated that the preferred alternative considers all aspects
- Cindy Welton spoke regarding safety and taking action that encourages walking and biking
- Mickie Winkler stated that five foot sidewalks are not wide enough to support pedestrians and strollers, and that sidewalks should be at least seven feet wide
- Greg Baker supports the preferred alternative
- Horace Nash spoke ([Handout](#)) slowing down traffic, updating existing sidewalks, and landscaping
- Sally Cole supports the preferred alternative with the exception of not using all the right-of-way and eliminating the middle turn lane at Olive
- Dail Koehler expressed concern regarding the elimination of street parking
- Jeff Kleck supports the preferred alternative
- George Otte complimented staff's efforts and supports the preferred alternative and would like to maintain or add parking

- Greg Druehl prefers six foot sidewalks and stated that parents of children attending Hillview School are stakeholders in this issue
- Bill Kirsch complimented the efforts of staff and Council and suggested eliminating the center turn lane in order to slow down traffic
- Pat Finlay supports the preferred alternative but asked to consider the cost to those who would have to modify their landscaping
- Sarah Kernasovsky supports the preferred alternative and asked that the sidewalk between Arbor and downtown be repaired
- Sasha Agamin expressed concern regarding the safety of bicyclists
- Maggie Betsock supports sidewalks and spoke regarding trees
- Russ Petersen supports sidewalks on both sides, removing the center turn lane, adding parking pockets and slowing down traffic
- Eleanor Rac supports sidewalks and bike lanes for the safety of the community
- Lisa McPherson supports sidewalks and maintaining the center turn lane
- Vasile Oros supports maintaining the center turn lane
- Fred Berghout stated that the sidewalk project must proceed, recommends six foot sidewalks and safety should be a priority
- Michelle Otte supports sidewalks at either five or six feet but not wider and maintaining the center turn lane and encourages measures to slow down traffic
- Brett Degner spoke regarding safety issues for bicyclists and possibly breaking up the center turn lane

J. Quirion read the statement of Councilmember Mueller supporting the preferred alternative. ([Letter](#))

ACTION: Motion and second (Ohtaki/Cline) to approve the preferred alternative for the Santa Cruz Avenue Sidewalk Project between Olive Street and Johnson Street passes 4-0-1 (Mueller absent) with the following revisions/directions:

Designed with six foot wide sidewalks so long as they do not impact heritage trees, large hedges or fences or other permanent improvements, and where there is an impact the design would decrease to five feet or not less than four feet around a heritage tree if necessary; explore leaving parking on the south side between Fremont Park and Fremont Street or potentially Arbor and if the existing sidewalk can be improved that it be made ADA compliant; explore future undergrounding with PG&E on the south side and that this be done at the same time; prioritizing human safety, i.e. favor bike buffer over sidewalk width around heritage trees but that heritage trees take priority over the bike buffer so long as a four foot sidewalk is maintained.

J. Quirion stated to Council that staff will proceed with the design of six foot sidewalks taking into consideration the impacts that have been identified. If there are areas that need further consideration by Council, they will be brought back in a future study session.

CERTIFICATION OF OFFICIAL RECORD

State of California)
County of San Mateo)

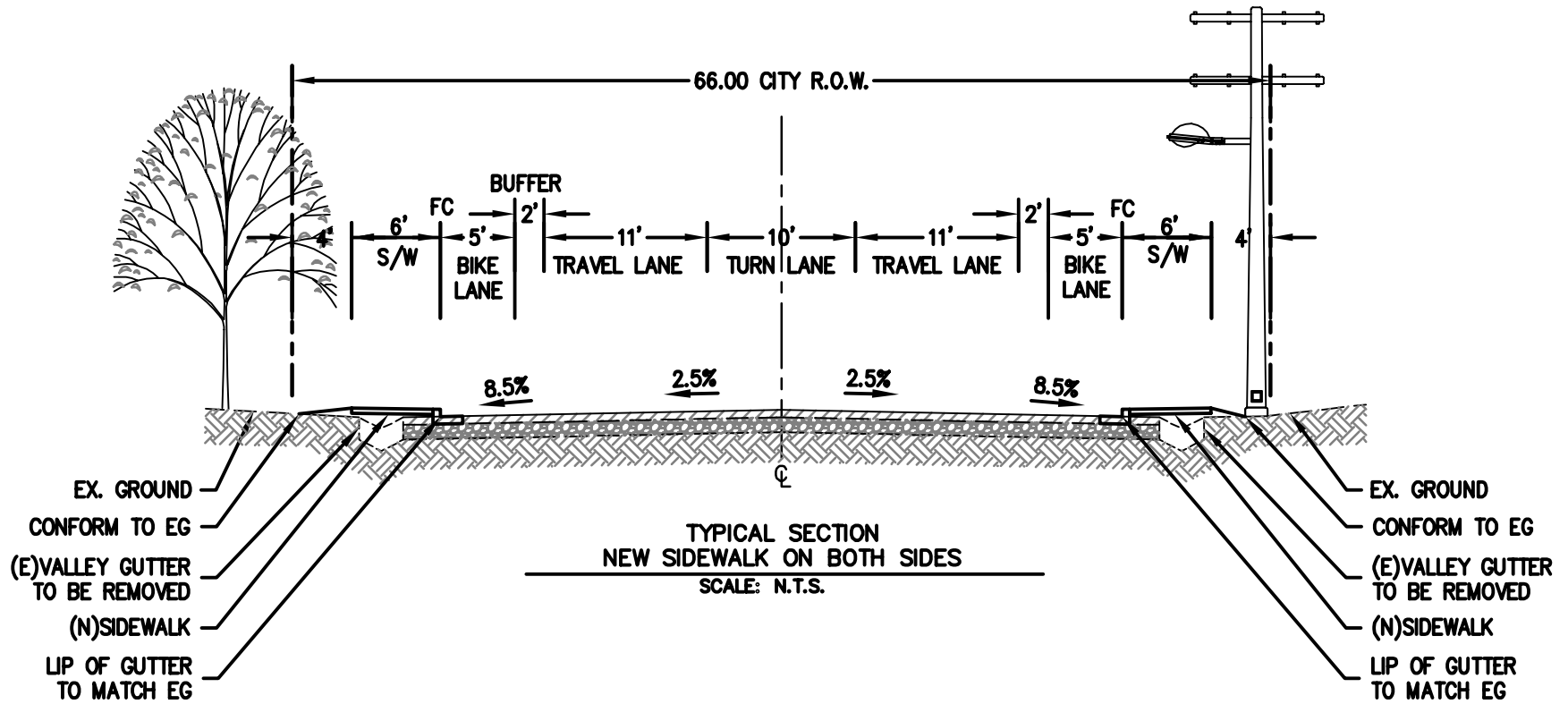
I, Pamela Aguilar, City Clerk for the City of Menlo Park, California, hereby certify under penalty of perjury that the foregoing is an accurate excerpt of the City Council minutes for the meeting of March 10, 2015. Said minutes were adopted by the City Council for the City of Menlo Park by a 5-0 vote, at a meeting thereof held on the twenty-fourth day of March 2015. The City Council voted as noted below:

Given under my hand and the seal of this City on February 4, 2016.



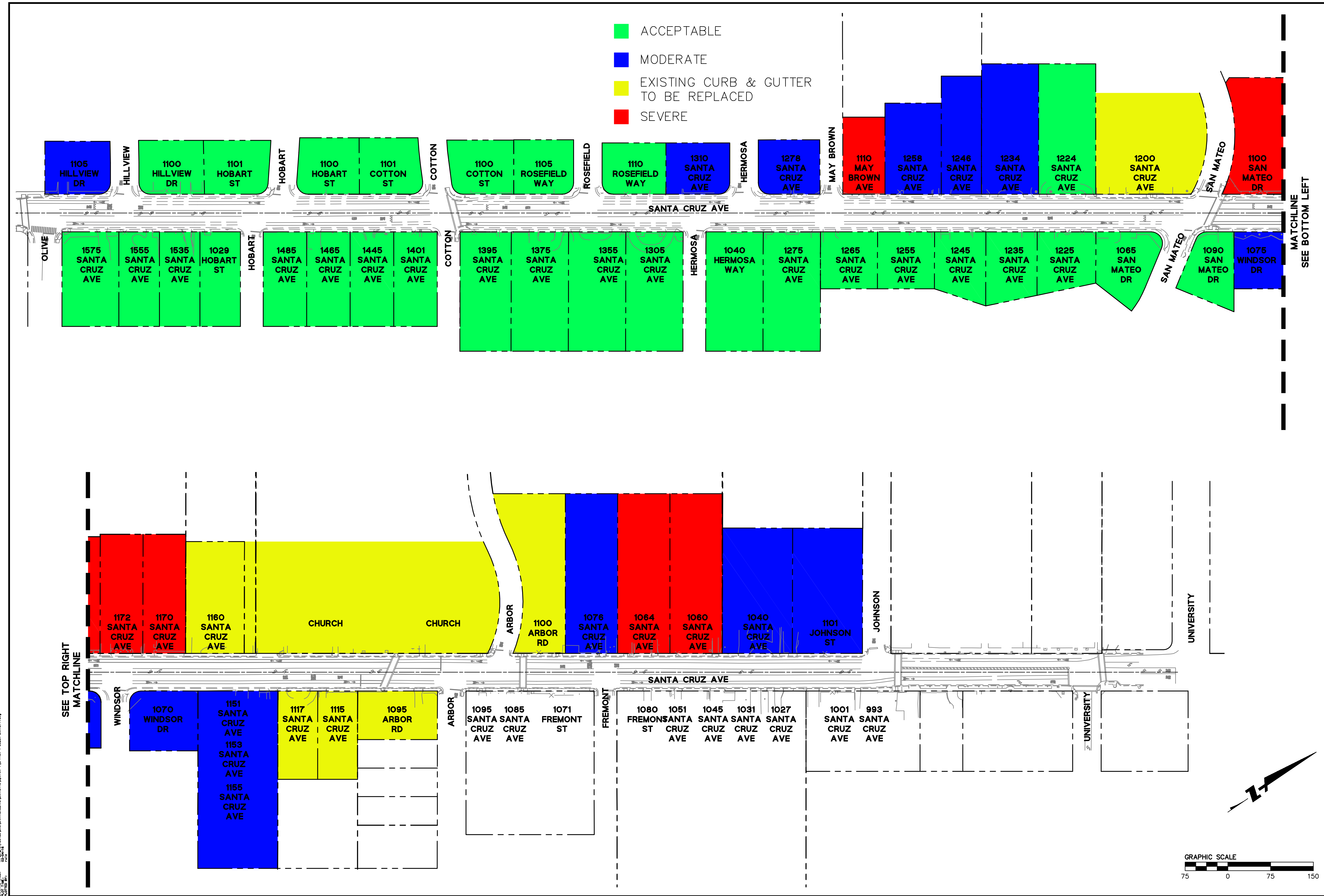
Pamela Aguilar, City Clerk
City of Menlo Park

THIS PAGE INTENTIONALLY LEFT BLANK

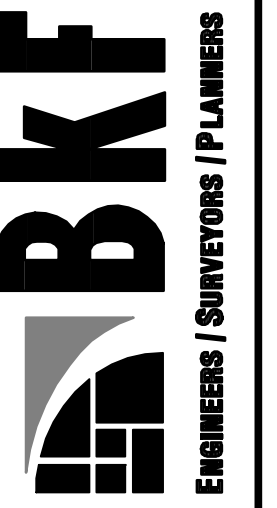


NOTE: CROSS SLOPES SHOWN REPRESENT GENERALIZATION OF SLOPES WITHIN PROJECT AREA

THIS PAGE INTENTIONALLY LEFT BLANK



255 SHORELINE DR
SUITE 200
REDWOOD CITY, CA 94065
650-482-6300
650-482-6399 (FAX)



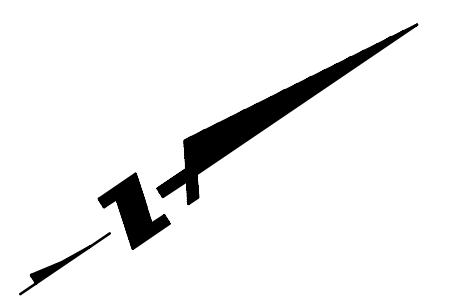
SANTA CRUZ AVE. SIDEWALK STUDY
SIDEWALK IMPROVEMENTS
PLAN ANALYSIS EXHIBIT

CALIFORNIA
SAN MATEO COUNTY
MENLO PARK

Revisions	
No.	

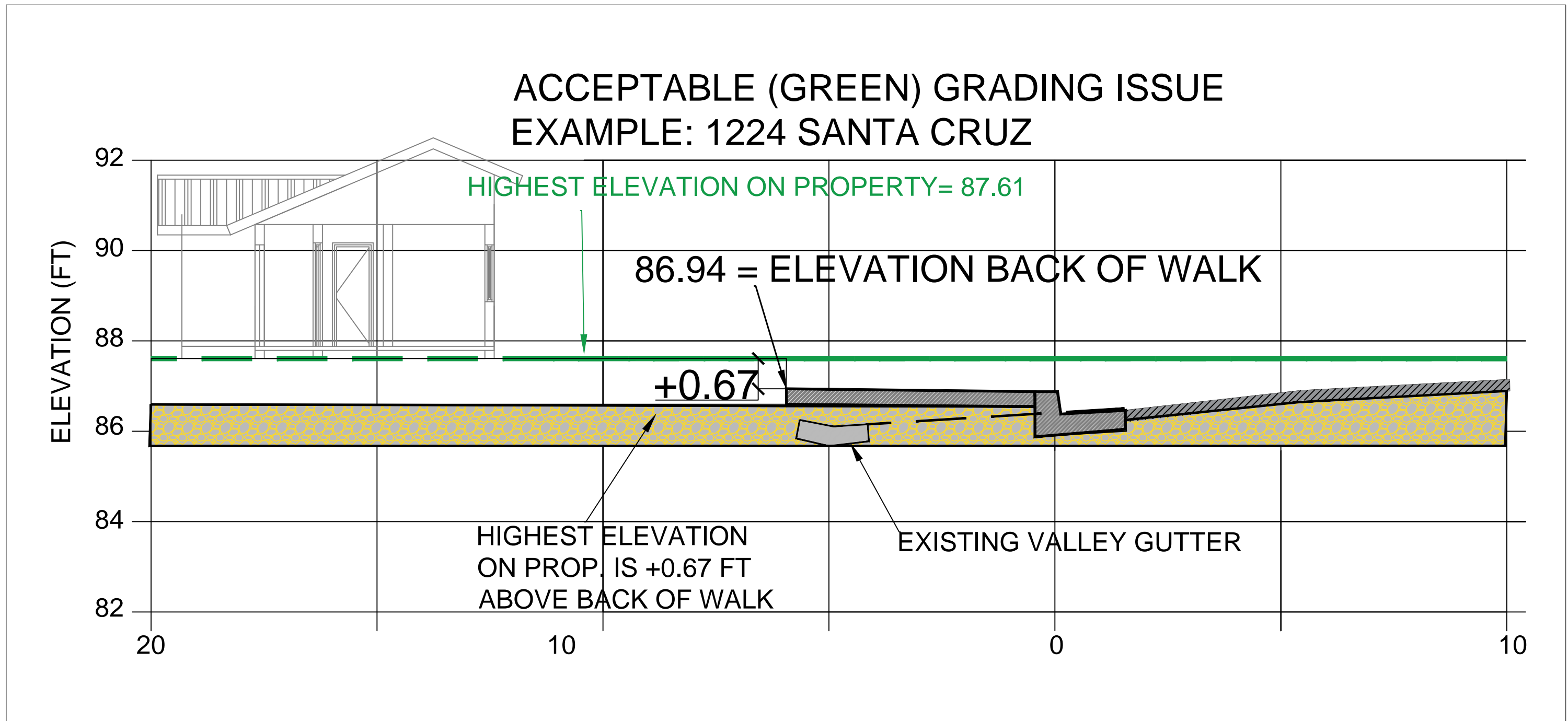
Date: 01/14/16
Scale: AS SHOWN
Design: BL
Drawn: CR
Approved: JM
Job No: 20120123

Drawing Number: **01** OF **01**



THIS PAGE INTENTIONALLY LEFT BLANK

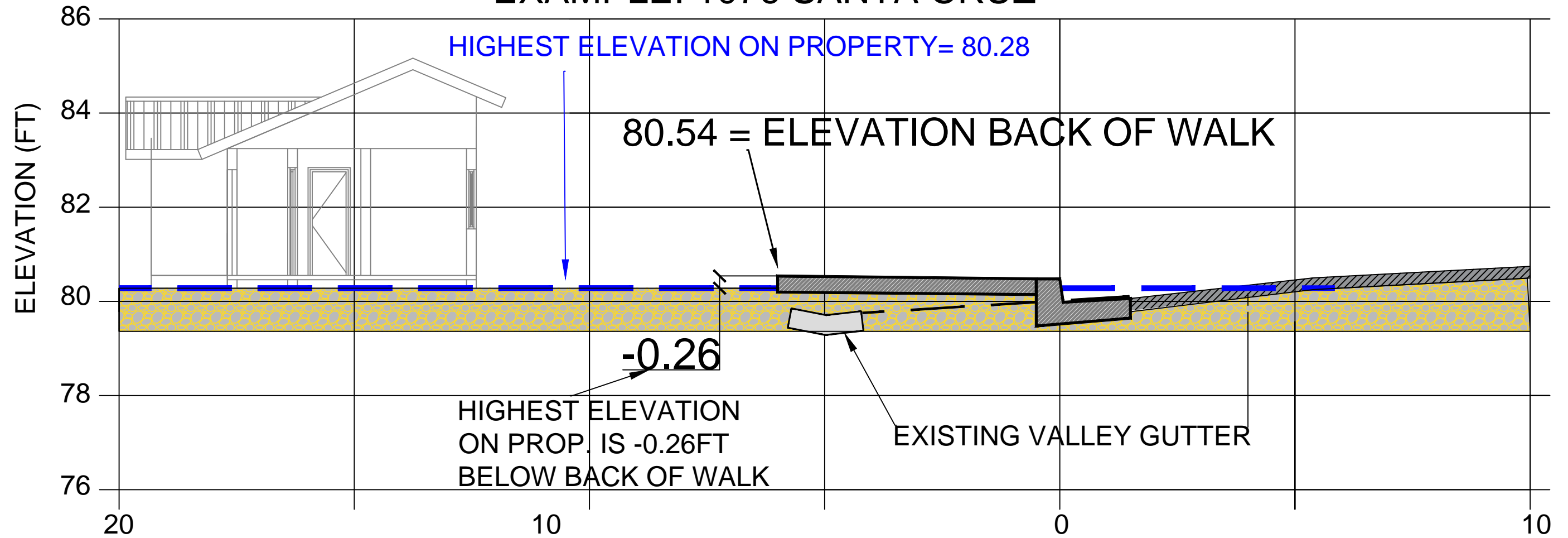
Y:\Current CIP Projects\Traffic & Transportation\Santa Cruz Sidewalk Project



MENLO PARK- SANTA CRUZ SIDEWALK PROJECT GRADING ISSUE

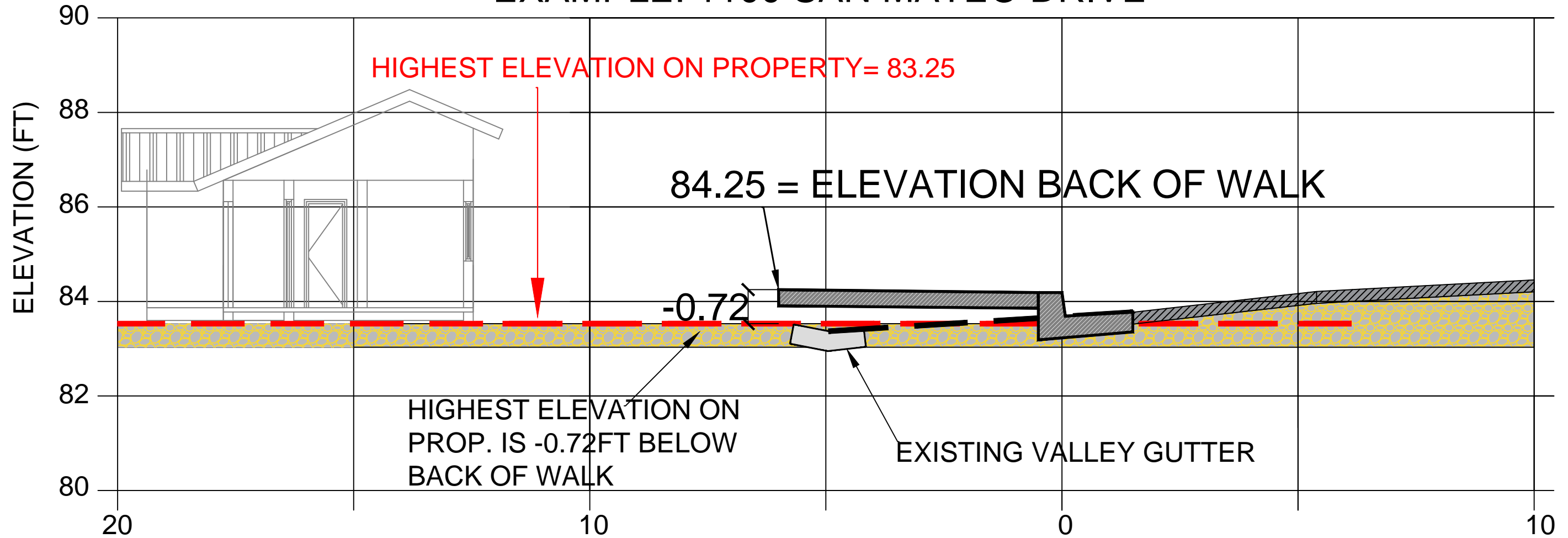
IT 2/2/16

MODERATE (BLUE) GRADING ISSUE EXAMPLE: 1076 SANTA CRUZ



MENLO PARK- SANTA CRUZ SIDEWALK PROJECT GRADING ISSUE

SEVERE (RED) GRADING ISSUE EXAMPLE: 1100 SAN MATEO DRIVE



MENLO PARK- SANTA CRUZ SIDEWALK PROJECT GRADING ISSUE

THIS PAGE INTENTIONALLY LEFT BLANK



STAFF REPORT

City Council

Meeting Date: 2/9/2016
Staff Report Number: 16-024-CC

Consent Calendar: Quarterly review of data captured by Automated License Plate Readers (ALPR) for the period beginning November 1, 2015 through February 1, 2016 and request to move to yearly reports

Recommendation

Pursuant to Menlo Park Municipal Code, staff is required to present a quarterly review of the data captured from the Police Department's automated license plate readers. Staff also recommends that reporting moves to yearly from quarterly.

Policy Issues

This report is presented pursuant to Menlo Park Ordinance 1007.

Background

On September 24, 2013, the City Council approved the purchase and installation of mobile Automated License Plate Readers (ALPRs) mounted on three police vehicles.

At the May 13, 2014 City Council meeting, the Council approved Ordinance 1007 regarding the use of automated license plate readers.

It states, "Northern California Regional Information Center (NCRIC) will give a quarterly report to the Police Department which shall indicate the number of license plates captured by the ALPR in the City of Menlo Park, how many of those license plates were "hits" (on an active wanted list), the number of inquiries made by Menlo Park personnel along with the justifications for those inquiries, and information on any data retained beyond six months and the reasons for such retention."

Analysis

From November 1, 2015 through February 1, 2016, the ALPR's captured 138,883 license plates. This is a decrease from prior quarters due to one of the ALPR equipped cars being out of service due to mechanical problems.

The data captured resulted in 255 "hits" that a captured license plate was currently on an active wanted list. The vast majority of the hits were subsequently deemed to be a "false read" after further review by the ALPR operator. A "false read" is when a photograph of the license plate and the computer's interpretation

of the number / letter combination from the photo do not match. For example, a photograph of a license plate with the number 8 could be digitally interpreted as a B.

During the listed time period, Menlo Park Police personnel made nine license plate inquiries into the database during the investigation of crimes occurring in Menlo Park or where a Menlo Park resident was known to have had an active warrant for their arrest or was wanted as a named suspect in connection to criminal activity.

There was no captured license plate data retained beyond the six month limitation set forth in the municipal code.

The quarterly reporting of this data has been ongoing for over one year and there has been no public comment and little City Council comment on this information. Based on this history, staff recommends that reporting on these statistics be on a yearly basis; although the Police Department will continue to collect the statistics presented on a quarterly basis.

Public Notice

Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Report prepared by:
Dave Bertini, Police Commander



STAFF REPORT

City Council

Meeting Date: 2/9/2016
Staff Report Number: 16-027-CC

Consent Calendar: Quarterly review of Taser Program for the period beginning October 1, 2015 and ending January 1, 2016 and request to move to annual reports

Recommendation

Pursuant to City Council request, staff is required to present quarterly data on the Police Department use of the Taser device. Staff also recommends that reporting moves from quarterly to annually.

Policy Issues

This informational report is being presented to comply with City Council's direction requesting a quarterly assessment of the Police Department's Taser Program.

Background

On October 7, 2014, staff presented the one-year results of the Police Department Taser assessment. Following that review, City Council approved the purchase and deployment of the Taser device department-wide and to continue a quarterly assessment of the Taser Program.

Analysis

The Police Department has trained and issued the Taser device to 100% of the Department's officers, detectives and sergeants.

As of October 1, 2015, the Police Department has had one active Taser use. In this case, suspect on probation refused lawful orders and began to actively fight officers attempting to take him into custody. The Taser device was used in "drive stun" mode and was effective in assisting officers in controlling the suspect and affecting the arrest. The suspect was booked on several felony and misdemeanor charges.

During the same time period a Taser was utilized on two occasions in a "display only" manner. In both of these situations, officers displayed their Taser device in an effort to control suspects who were disobeying lawful orders. In both cases, the suspects immediately complied when confronted by the Taser device.

The quarterly reporting of this data has been ongoing for over one year and there has been little public or City Council comment on this information. Based on this history, staff recommends that reporting on these statistics be on a yearly basis; although the Police Department will continue to collect the statistics presented on a quarterly basis.

Impact on City Resources

There is no impact on City resources.

Environmental Review

Environmental review is not required for this item.

Public Notice

Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Report prepared by:

Dave Bertini, Police Commander

**STAFF REPORT****City Council**

Meeting Date: 2/9/2016
Staff Report Number: 16-023-CC

Consent Calendar: **Authorize the Public Works Director to accept the work performed by Syserco Inc. for the Energy Monitoring System of the Administration and Library Buildings**

Recommendation

Authorize the Public Works Director to accept the work performed by Syserco Inc. for the Energy Monitoring System of the Administration and Library Buildings.

Policy Issues

Acceptance of the work starts the one year warranty period.

Background

On April 14, 2015, the City Council awarded a contract to Syserco Inc. for a new Energy Monitoring System (EMS). This project consisted of removing old actuators, thermostats, communication cable and controls throughout the Administration and Library Buildings. A new Alerton EMS System was installed with new controls, wiring, and actuators along with CO2 occupancy sensor in various conference rooms. This system controls all the HVAC equipment of both buildings. It is programmed to reflect and react to occupancy levels, monitoring heating and air conditioning needs controlling humidity while protecting the building's contents and providing comfort heat and cooling. Also, the system automatically makes any changes necessary to the building's air system. The System also controls the Administration Building and Library's newly installed and highly efficient chillers and variable frequency drives.

Analysis

The work for the installation and commissioning of the new Alerton EMS has been completed in accordance with the plans and specifications. A notice of completion will be filed accordingly. The project was completed within the approved project budget.

Contractor: Syserco Inc.
 44244 Fremont Blvd
 Fremont CA, 94538

Impact on City Resources

Construction Contract Budget	
	Amount
Construction contract	\$304,885
Contingency	\$35,000
Total construction budget	\$339,885

Construction Expenditures	
	Amount
Construction contract	\$304,885
Change orders	\$18,804
Total project cost	\$323,689

Environmental Review

The project is categorically exempt under Class 1 of the current State of California Environmental Quality Act guidelines.

Public Notice

Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Report prepared by:

Carl Thomas, Facilities Supervisor

Ruben Niño , Assistant Public Works Director



REGULAR MEETING MINUTES - DRAFT

Date: 1/26/2016
Time: 7:00 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

7:00 P.M. Regular Session

A. Call To Order

Mayor Cline called the Regular Session to order at 7:13 p.m.

B. Roll Call

Present: Carlton, Cline, Keith, Mueller, Ohtaki
Absent: None
Staff: City Manager Alex McIntyre, Assistant City Attorney Leigh Prince, City Clerk Pamela Aguilar

C. Pledge of Allegiance

Mayor Cline led the pledge of allegiance.

D. Presentations and Proclamations

D1. Presentation of the Helen Putnam Award to the Police Department

Chief Bob Jonsen introduced a video of the police department's projects and accomplishments. Regional Public Affairs Manager Seth Miller of the League of California Cities presented the award.

E. Public Comment

- Scott Marshall spoke in support of Consent Calendar item F2, the Water Efficient Landscape Ordinance
- Greg Druehl spoke regarding Santa Cruz Avenue sidewalks and safety issues
- Adina Levin spoke regarding Information Item H2 and including a study session regarding housing affordability as a Council goal

F. Consent Calendar

Items F2, F3, F7 and F9 were pulled from the Consent Calendar for further comment and discussion.

F1. Waive reading and adopt **Ordinance 1014 authorizing the implementation of a Community Choice Aggregation Program ([Staff Report #16-015-CC](#))**

- F2. Waive reading and adopt an ordinance replacing in its entirety Chapter 12.44 [Water Efficient Landscaping] of Title 12 [Buildings and Construction] of the Menlo Park Municipal Code ([Staff Report #16-010-CC](#))
- F3. Receive and file the Comprehensive Annual Financial Report for the fiscal year ended June 30, 2015 and allocate 2014-15 General Fund surplus ([Staff Report #16-011-CC](#))
- F4. Adopt **Resolution 6304** accepting dedication of an Emergency Vehicle Access Easement from Bohannon Development Company at 100-190 Independence Drive and authorize the City Manager to sign agreements required by conditions of approval of the project ([Staff Report #16-017-CC](#))
- F5. Authorize the City Manager to execute amended agreements with the Peninsula Corridor Joint Powers Board for the City Shuttle Program for fiscal year 2015-2016 ([Staff Report #16-009-CC](#))
- F6. Initiate the Menlo Park Landscape Assessment District proceedings for Fiscal Year 2016-17 and adopt **Resolution 6305** describing the improvements and direct preparation of the Engineer's Report ([Staff Report #16-008-CC](#))
- F7. Adopt a resolution to install no parking along the north and south sides of Constitution Drive, north and south sides of Independence Drive and the west side of Chrysler Drive between Independence Drive and Commonwealth Drive ([Staff Report #16-014-CC](#))
- F8. Adopt **Resolution 6306** to authorize application to the San Mateo County FY 2016-17 Community Development Block Grant Program for eligible projects in the Belle Haven Neighborhood of Menlo Park ([Staff Report #16-013-CC](#))
- F9. Approve minutes for the City Council meeting of January 12, 2016 ([Attachment](#))

ACTION: Motion and second (Keith/Mueller) to approve all items on the Consent Calendar, except items F2, F3, F7 and F9, passes unanimously.

Councilmember Ohtaki commented on item F3, the Comprehensive Annual Financial Report (CAFR), thanking staff for its work on the report and stated that GASB 68 is included in the balance sheet. Councilmember Carlton commented on the 125k one-time employer procurement and retention funds as a placeholder that can be discussed by the Council during their goal setting session.

In response to Councilmember Mueller, City Manager McIntyre stated that the strategic pension contingency will flow into the reserve fund with Council's action at tonight's meeting.

ACTION: Motion and second (Ohtaki/Carlton) receive and file the Comprehensive Annual Financial Report for the fiscal year ended June 30, 2015 and allocate 2014-15 General Fund surplus passes unanimously.

In response to Councilmember Ohtaki, Environmental Programs Manager Heather Abrams clarified the differences between the State model and BAWSCA model regarding residential remodels, landscape design architects and certification and rehabilitative landscaping.

Councilmember Carlton stated that she requested clarification and additional information regarding replacing lawn with artificial turf in parks and schools at the January 12th Council meeting and

directed this be included in the minutes.

ACTION: Motion and second (Ohtaki/Carlton) Waive reading and adopt **Ordinance 1015** replacing in its entirety Chapter 12.44 [Water Efficient Landscaping] of Title 12 [Buildings and Construction] of the Menlo Park Municipal Code and amend item F9 regarding WELO to include Councilmember Carlton's comments, passes unanimously.

Mayor Cline referred to a letter the City Council received from businesses at 161, 165A, 180, 186 and 190 Constitution Drive requesting Council to defer action on item F7, the installation of no parking, in order to provide more notice to tenants. ([Attachment](#))

Senior Engineer Kristiann Choy responded with a brief overview of the project.

ACTION: Motion and second (Keith/Mueller) adopt **Resolution 6307** to install no parking along the north and south sides of Constitution Drive, north and south sides of Independence Drive and the west side of Chrysler Drive between Independence Drive and Commonwealth Drive, passes unanimously.

ACTION: Motion and second (Mueller/Carlton) to reconsider the previous motion regarding item F9 passes unanimously.

ACTION: Motion and second (Ohtaki/Carlton) to approve item F9 with the inclusion of Councilmember Carlton's comments regarding landscaping and artificial turf and Councilmember Mueller's clarification that the City's PCE representative will report on items to be voted on by the PCE to the full Council passes unanimously.

G. Regular Business

- G1. Consider approval of the terms of an agreement between the City of Menlo Park and the Menlo Park Police Officers' Association ([Staff Report #16-007-CC](#))

Interim Human Resources Director Dave Bertini introduced the item.

ACTION: Motion and second (Keith/Ohtaki) to approve the terms of an agreement between the City of Menlo Park and the Menlo Park Police Officers' Association passes unanimously.

- G2. Appropriate \$565,000 from the General Fund 2014- 15 Surplus and \$25,000 from the Water Fund for the City Hall Renovation Project; authorize the City Manager to enter into contracts for construction and materials purchases in an amount not to exceed the City Council Approved Budget for the City Hall Renovation Project ([Staff Report #16-019-CC](#)) ([Presentation](#))

Assistant City Manager Chip Taylor and Public Work Director Justin Murphy made a presentation.

ACTION: Motion and second (Keith/Ohtaki) to appropriate \$560,000 from the General Fund for the City Hall Renovation Project and authorize the City Manager to enter into various contracts for construction and materials purchases up to \$1,890,000 passes 4-1 (Councilmember Mueller dissented)

H. Informational Items

City Manager McIntyre informed Council that items H1 and H2 are being submitted in advance and in preparation for the City Council goal setting session scheduled for January 29, 2016.

H1. City Council procedures manual update ([Staff Report #16-018-CC](#))

H2. City Council 2016 work plan ([Staff Report #16-016-CC](#))

H3. 2015 Commissions Attendance Report ([Staff Report #16-012-CC](#))

I. Councilmember Reports

J. City Manager's Report

K. Adjournment

Mayor Cline adjourned the meeting at 8:34 p.m.



**SPECIAL JOINT MEETING MINUTES OF THE CITY COUNCIL AND
THE BICYCLE AND TRANSPORTATION COMMISSIONS**

Date: 1/26/2016

Time: 6:00 p.m.

**Arrillaga Family Gymnastics Center
501 Laurel St., Menlo Park, CA 94025**

6:00 P.M. Special Meeting

A. Call To Order

Mayor Cline called the special meeting to order at 6:09 p.m.

B. Roll Call

Council Present: Carlton, Cline, Keith, Mueller, Ohtaki

Bicycle Commissioners Present: Kirsch (Chair), Welton (Vice Chair), Berghout, Lee, McKieren, Nash, Weiner

Transportation Commissioners Present: Walser (Chair), Mazarra (Vice Chair), Levin, Meyer, Shiu (Huang and Pfannenstiel absent)

Staff Present: City Manager Alex McIntyre, Assistant City Attorney Leigh Prince, City Clerk Pamela Aguilar, Assistant City Manager Chip Taylor, Public Works Director Justin Murphy, Bicycle Commission Staff Liaison Kristiann Choy

C. Public Comment

There was no public comment.

D. Regular Business

D1. Provide overview and discuss Oak Grove and University Drive bike boulevard ([Presentation](#))

Bicycle Commission Chair Bill Kirsch introduced the item. Commissioner Jonathan Weiner made a presentation.

Discussion ensued regarding the desire for a more sustainable and human-friendly road environment for the future, data collection, community engagement and buy-in, bike parking, and bike boxes

D2. Provide overview and discuss proposed E-Bike Ordinance ([Handout](#))

Transportation Commissioner Michael Meyer presented the item.

Discussion ensued regarding types of electric bikes and scooters, the maximum miles per hour of electric bikes and scooters, and the status of the anti-harassment of bicyclists ordinance and the request of the commissions that these two ordinances should go forward.

D3. Provide overview and discuss Middle Avenue bike safety

Transportation Commission Chair Bianca Walser presented the item.

Discussion ensued regarding safety concerns, the El Camino Real bicycle trail and the need for connectivity at the Middle Avenue undercrossing.

K. Adjournment at 6:52 p.m. to the Regular City Council Meeting in the Council Chambers



STAFF REPORT

City Council

Meeting Date:

2/9/2016

Staff Report Number:

16-032-CC

Regular Business:

Authorize the City Manager to prepare an additional funding request to the San Mateo County Transportation Authority (SMCTA) for the US 101/Willow Road Interchange Project and to appoint a City Council member or subcommittee to advocate for Caltrans support

Recommendation

Staff recommends the City Council authorize the City Manager to prepare an additional funding request to the San Mateo County Transportation Authority (SMCTA) for the US 101/Willow Road Interchange Project and to appoint a City Council member or subcommittee to advocate for Caltrans support.

Policy Issues

The Willow Road Interchange Project was included in the City's 2012-2013 Capital Improvement Program (CIP). Council action on this item is needed to secure funding to close a funding gap for this project in order to advance construction on the current schedule, anticipated to start in mid-2016.

Background

On November 2, 2004, the voters of San Mateo County approved the continuation of the collection and distribution by SMCTA of the Measure A half cent transaction and use tax for the additional 25 years to implement the 2004 Transportation Expenditure Plan, beginning January 1, 2009 (new Measure A).

On May 24, 2012, the TA issued a call for projects for the Highway Program and in response to the call for projects, the City of Menlo Park (City) requested the TA provide \$500,000 in Measure A funds to engage a consultant team to support the City's review of the environmental review and design documents for the US 101/Willow Road Interchange Project. This project met the intent of the 2004 Transportation Expenditure Plan and TA's 2009-2013 Strategic Plan and on October 4, 2012, SMCTA programmed and allocated up to \$500,000 from the new Measure A Supplemental Roadway Highway Program Category for the project.

On May 7, 2013, Caltrans staff presented a series of design alternatives to the City Council, and the Council voted in support of a preferred design alternative. On November 25, 2013, Caltrans certified the environmental review documents and identified the preferred design alternative for this project, consistent with the Council's recommendations.

Since that time, Caltrans has been preparing the detailed design documents for the project, and is nearly complete. City staff has been involved in reviewing engineering documents and design details that interface with or may affect City streets, utilities, or right-of-way. A consultant team led by Swinerton Engineers was hired in late 2014 to assist the City with this effort.

The SMCTA through Measure A has provided the main source of funding for the environmental and design phases of this project, supporting the design work underway by Caltrans, as well as funding for consulting support to assist the City with design review.

On June 2 and 16, 2015, the City Council authorized staff to submit an application to the SMCTA Highway Program for construction funding for this project. On October 1, 2015, the SMCTA Board approved funding of \$56 million of the \$64 million needed for the project, fully funding the capital construction cost. An additional \$8 million was needed to support construction management and oversight of the project.

Analysis

At the time the SMCTA Board took action on the project, it was anticipated that the remaining funds necessary for construction management and oversight of the project, approximately \$8 million, would come from the State Transportation Improvement Program (STIP). The STIP currently has funds for the project programmed in FY2017-2018; however, it would be necessary to advance these funds to the current fiscal year in order to stay on the current construction timeline. Based on feedback from C/CAG and MTC, the STIP is significantly oversubscribed for the current and future fiscal years due to lower than expected gas tax revenues due to lower gas prices. The proposed state budget does not currently include measures to close this funding gap, resulting in delays expected to effect construction projects around the state in the coming years. The US 101/Willow Road Interchange project could be delayed indefinitely if funds cannot be secured. Delays may also result in escalating costs and potential redesign necessary if requirements, standards or site conditions change while the necessary funds are secured.

Staff has been collaborating with C/CAG and SMCTA staff to explore all possible alternative funding sources for this project since environmental clearance was achieved in 2013. Funding sources that have been explored includes federal, state, regional and local funds including STIP, ATP, TIGER, Measure A Highway and Bicycle/Pedestrian Programs, HSIP, and pavement rehabilitation funds. No other funding sources have been successfully identified to replace the STIP funds to complete this project.

Loss of the STIP funds also may trigger preparation of an updated cost estimate for construction management funds from Caltrans. Caltrans has indicated to SMCTA staff that projects that are fully funded using local funds (no state or federal funds) are subject to an overhead markup for construction and administrative management. The application of this overhead rate would increase the funding shortfall to an estimated \$10 million. Staff recommends the City Council appoint a Councilmember or subcommittee to advocate to Caltrans to waive this overhead rate for purposes of this project given the STIP shortfall and the fact that it is fully funded using County funds.

Staff also recommends that the Council authorize a request to the SMCTA to fund the balance of the project cost, a maximum of \$10 million for construction management and oversight. The request to SMCTA is needed in order to reduce project risk and delay while the City, SMCTA, and C/CAG can continue to explore other funding sources and advocate to Caltrans on behalf of the project. Caltrans will not advance the project to construction without the full funds necessary for construction secured. A draft letter to SMCTA requesting \$10 million in funds for the shortfall is included in Attachment A.

Proposed City Contribution to the Project

Staff has explored potential use of City funds to help close the shortfall. The City's Transportation Impact Fee (TIF) does not include this project; therefore, funds from the TIF cannot be used directly for this project. A significant shortfall would remain, and no other local revenue streams have been set aside to make up this difference. Given the regional nature of the project with its significant benefit to regional infrastructure

on Highway US 101 and State Route 114 and its link to the Dumbarton Bridge, state, regional and county funds are appropriate. The City would also need to absorb the cost for utility system upgrades with the interchange construction. The project also includes the relocation of two water supply lines under US 101 at a total cost of approximately \$750,000. The City's share for upgrading the lines would be approximately \$300,000 from the water fund.

Next Steps

With Council approval, staff will transmit the request to SMCTA to fund the balance of the project cost as outlined in Attachment A. The SMCTA Board of Directors would consider this request at a later meeting. If approved, the project would stay on schedule, with construction anticipated to start later this year, in summer or fall 2016. The construction schedule is anticipated to be approximately 2 years.

If funds are not secured, the project would potentially be put on hold until the balance can be secured at a later date. Given the anticipated statewide shortfalls for transportation infrastructure, delays are anticipated to be a minimum 2 years beyond the current timeframe. Depending on the delay, additional design or re-engineering work may be needed before the project could be constructed in the future. The additional cost and schedule delay is unknown at this point in time, but staff would continue to actively monitor the project status and funding options.

Impact on City Resources

The US 101/Willow Road Interchange Project is a significant capital project and affects local and regional transportation network. While Caltrans would be responsible for project implementation, significant coordination from City staff will be required. While no additional resources are requested at this time, the urgency of the funding shortfall will absorb significant resources over the next two to three months, and if the project advances mid-year, will continue for the next two to three years during construction.

As a result of this project, the City would receive upgraded utility infrastructure (water lines) at an estimated cost savings of \$450,000 and would benefit from the significant infrastructure upgrades to Willow Road (SR 114).

Environmental Review

Environmental clearance for the project was obtained by Caltrans on November 25, 2013.

Public Notice

Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

A. Letter - US 101/Willow Road Interchange Project

Report prepared by:
Nicole H. Nagaya, PE, Transportation Manager

THIS PAGE INTENTIONALLY LEFT BLANK



February 10, 2016

San Mateo County Transportation Authority
Attn: Joseph Hurley, PE, Director
1250 San Carlos Avenue
San Carlos, California 94070

Dear Mr. Hurley,

Thank you for your continued support and collaboration to see through the timely construction of the US 101/Willow Road Interchange Project. As you know, the US 101 highway corridor between San Francisco and San Jose is the most economically productive 48 miles in California, producing one-quarter of all the tax revenue in the state. The US 101/Willow Road Interchange project is a key transportation node on this corridor and the primary gateway to the Dumbarton Bridge, which provides a critical east-west transportation link across the southern portion of the San Francisco Bay.

The City of Menlo Park, with your assistance and support from the City/County Association of Governments of San Mateo County, is working diligently to see this project through construction. The SMCTA Board in October 2015 awarded \$56M in construction capital funds. The funds for construction management, estimated to be \$8M-10M, remain to be secured. Originally, State Transportation Improvement Funds (STIP) were programmed for this purpose in FY17-18; however, it was necessary to advance these funds to the current fiscal year in order to stay on the current construction timeline.

Based on feedback from C/CAG and MTC, the STIP is significantly oversubscribed for the current and future fiscal years due to lower than expected gas tax revenues from lower gas prices. The proposed state budget does not currently include measures to close this funding gap, resulting in delays expected to affect construction projects around the state in the coming years. The US 101/Willow Road Interchange project could be delayed indefinitely if STIP funds cannot be secured. Delays may also result in escalating costs and potential redesign necessary if requirements, standards or site conditions change while the necessary funds are secured.

City staff has been collaborating with C/CAG and SMCTA staff to explore all possible alternative funding sources for this project since environmental clearance was achieved in 2013. Funding sources that have been explored, beyond Measure A

Highway Program funds, includes federal, state, regional and local funds including STIP, ATP, TIGER, HSIP, and pavement rehabilitation funds. No other funding sources have been successfully identified to replace the STIP funds to complete this project to meet the current construction timeline.

Loss of the STIP funds also may trigger preparation of an updated cost estimate for construction management funds from Caltrans. Caltrans has indicated that projects that are fully funded using local funds (no state or federal funds) are subject to an overhead markup for construction and administrative management. The application of this overhead rate would increase the funding shortfall to an estimated \$10 million. The City Council has appointed a Councilmember subcommittee to advocate to Caltrans to waive this overhead rate for purposes of this project given the STIP shortfall.

The City has explored potential use of local funds to help close the shortfall. The City's Transportation Impact Fee (TIF) does not include this project; therefore, funds from the TIF cannot be used directly for this project, and no other local revenue streams have been set aside to make up this difference. The City would also need to absorb cost for utility system upgrades with the interchange construction. In addition, the project includes the relocation of two water supply lines under US 101 at a total cost of approximately \$750,000. The City's share for upgrading the lines would be approximately \$300,000.

As such, the City is requesting that the SMCTA respectfully consider a request to advance the remaining funds for construction management. The City will continue to work with SMCTA and C/CAG to identify any other funding streams for the project.

If you have any questions, please contact Justin Murphy at 650-330-6770 or jicmurphy@menlopark.org.

Thank you for considering this request.

Sincerely,

Richard Cline
Mayor



STAFF REPORT

City Council

Meeting Date: 2/9/2016
Staff Report Number: 16-026-CC

Regular Business: **Authorize reservation of funds and mid-year budget adjustments in the Solid Waste Fund and authorize the City Manager to execute a professional services agreement for a Solid Waste Services Rate Study in an amount not-to-exceed \$250,000**

Recommendation

The recommendation is that the City Council use Solid Waste funds to:

1. Appropriate \$360,000 of unreserved fund balance to pay off the accumulated shortfall revenue required under the franchise agreement with Recology and actual revenues collected, as provided for in the Franchise Agreement between the City of Menlo Park and Recology; and
2. Reserve \$162,000 for the projected shortfall for revenue required under the franchise agreement with Recology and actual revenues collected for the 2016 calendar year; and
3. Authorize City Manager to execute a professional services agreement, in an amount not-to-exceed \$250,000, with a qualified rate study consultant to conduct a five-year rate study for solid waste services.

Policy Issues

Periodic review of rates charged for services is prudent fiscal management. The City does not actually provide solid waste collection services, however, the City's franchise agreement with Recology requires City involvement in certain aspects of the franchise operations, for example, service rates, solid waste policy management and compliance with waste minimization laws, such as State law AB939. The City has not conducted a comprehensive fee analysis since executing the agreement with Recology in 2012 and it is timely that a rate study be conducted in 2016 to ensure that the rate structure is adequate to protect solid waste customers from rate spikes and is consistent with state laws regarding cost of services.

Background

The Solid Waste Fund is a restricted fund established primarily by revenues collected from solid waste service rate payers. This fund has been used to pay for City support of the solid waste franchise agreement, including Environmental Division programs to coordinate diversion and sustainability programs, and stabilize rates by offsetting occasional shortfalls between revenue required under the franchise agreement with Recology and actual revenues collected.

Analysis

In late 2015, the South Bayside Waste Management Authority (SBWMA) suggested a 5% increase in the City's solid waste service rates. Staff reviewed the SBWMA's report and determined that given the accumulated fund balance in the Solid Waste Fund (\$1,282,670 as of June 30, 2015) staff determined that a rate increase could be offset by using accumulated fund balance. Upon further investigation, the question was raised whether the current rate structure is well suited for the mix of residential and commercial users that currently exist in Menlo Park. Further, the question arose whether the accumulation of fund balance in the solid waste fund is representative of a best practices rate model. In conclusion, the current rates charged to Menlo Park customers, in conjunction with accumulated fund balance in the Solid Waste Fund, are sufficient to allow time for the City's first in-depth solid waste rate study since entering into the franchise agreement with Recology.

It is staff's recommendation that the City Council approve three actions, all related to and funded by the Solid Waste Fund as follows:

1. **Provide a one-time payment to Recology of \$360,000** This amount, as determined by the terms of the franchise agreement between the City and Recology, provides for shortfalls between revenue collected by Recology and their compensation to provide services under the franchise agreement for the two year period beginning January 1, 2013 and ending December 31, 2014. This payment will not impact the rates charged to solid waste customers and was anticipated under the terms of the franchise agreement. It is not representative of a problem given that there are some years where revenues received by Recology exceed the compensation for service.
2. **Approve a one-time commitment of fund balance in the Solid Waste Fund equal to \$162,000** This action is necessary to accurately state the fund balance in the Solid Waste Fund for the fiscal year ending June 30, 2016. This number represents a best-estimate of the shortfall in revenue experienced by Recology in the calendar year 2016. The shortfall, if any will be finalized by Recology by mid to late summer 2017. It is important to note at this time that the City projects that Recology will collect more revenue than required to provide services based on the spike in commercial services resulting from the construction boom for the 2016 calendar year. As a result, it is unlikely at this time that a similar payment will be required in 2017.
3. **Direct staff to conduct a comprehensive rate study for solid waste services** The rate study's primary purpose is to assess the current rate structure to ensure that customers are charged in accordance with the services they receive. The City's current rate model shows steeply inverted rates for garbage service, with no separate charges for recycling and organics collection. Best practice as a result of recent case law encourages cities to thoroughly review rate models and their relationship to the cost of services provided. The study will also look at long-term financial forecasts to ensure that Environmental Division programs continue to be funded and that capital funds are available to meet the needs of the now closed landfill. It is estimated that the rate study process will require upwards of 12 months to complete. To move the rate study forward, the recommendation is that the City Council authorize the City Manager to execute a professional services agreement, in an amount not-to-exceed \$250,000, with a qualified rate study consultant to conduct a five-year rate study for solid waste services.

Impact on City Resources

The recommendation will appropriate \$612,000 from the Solid Waste Fund. \$250,000 will be appropriated to fund a rate study. \$360,000 will be appropriated to pay the outstanding amount due to Recology for 2013 and 2014. An additional \$162,000 will be assigned fund balance for the purpose of paying the projected amount due to Recology for the fiscal year 2016. In addition to the funds expended, it is anticipated that a significant amount of staff time will be devoted to the rate model development and implementation.

Environmental Review

An Environmental Review is not required for this item.

Public Notice

Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Report prepared by:

Heather Abrams, Environmental Programs Manager

Nick Pegueros, Administrative Services Director

THIS PAGE INTENTIONALLY LEFT BLANK



STAFF REPORT

City Council

Meeting Date: 2/9/2016
Staff Report Number: 16-021-CC

Regular Business: Deny the appeal of the Transportation Impact Fee (TIF) levied on 687 Bay Road

Recommendation

Staff recommends that the City Council deny the appeal of the Transportation Impact Fee (TIF) levied on 687 Bay Road and direct staff to return to Council with a recommended fee category for daycare uses.

Policy Issues

The assessment of the TIF is consistent with the TIF Ordinance (Section 13.26 of the Municipal Code) and AB 1600, which establishes a TIF for the City.

Background

The TIF Ordinance was adopted by the City Council (Ordinance No. 964) on October 6, 2009. The ordinance enabled the City to receive revenue dedicated to transportation improvements within the City from development. The resolution adopting the actual fees was also approved on October 6, 2009. The fees are subject to change each year on July 1 according to Engineering News Record Construction Price Index for the San Francisco Bay Area.

The fee is applicable to all new development in all land use categories identified in the City's Zoning Ordinance, any new construction adding additional floor area to a lot within an existing building, new single-family and multi-family dwelling units, and changes of use from one land use category to a different land use category.

The proposed project at 687 Bay Road is a change in land use from general office to daycare facility and was approved by the Planning Commission on August 17, 2015. Staff notified the applicant that the TIF would be required prior to the issuance of a building permit consistent with the ordinance. In determining the fee, a credit was applied for the existing use, as provided for in the ordinance. In consultation with the Planning Division, the Transportation Division determined that the historical use for the building was medical office which has a higher fee than general office, resulting in a larger credit for the fee and reduced fee due overall.

Analysis

The proposed Bright Angel Montessori Academy daycare expansion would have 42 students and 5 employees. The daycare has indicated that many of their current students come from the surrounding

neighborhood and many families walk and ride bikes to their school. However, their use permit doesn't limit their geographic boundaries, and they could have students come from a larger area in the future. The TIF study defined fees for ten specific land use categories. If the land use categories are not specified in the fee study, then a fee is based on the number of PM peak hour trips generated by the proposed use. A daycare facility was not identified as one of the land use categories. Therefore, the trips generated by the proposed daycare was estimated using standard trip rates published in the current edition of Institute of Transportation Engineers Trip Generation (9th Edition). Using these rates, the proposed daycare expansion would result in 24 PM peak hour trips.

The applicant, Bright Angel Montessori Academy, submitted a letter on December 3, 2015 (Attachment A) appealing the fee. The ordinance allows for developers to appeal the calculation of the fee to the City Council. In their letter, Bright Angel references the modification of their TIF for their adjacent building at 695 Bay Road. The fee for that location was modified after review of the historical uses for that building determined that it was previously a convenience store. As described above, staff used the historical use with the highest traffic generation characteristics of the 687 Bay Road building in determining the fee. The breakdown of the TIF calculation is shown in Table 1 below.

Table 1 TIF Calculation			
Land Use	Size	2015 TIF Rate	Total
Medical Office (credit)	2,345 square feet	\$10.75/sf	(\$25,208.75)
Daycare	5 employees, 24 PM peak hour trips	\$2,959.88/PM peak hour trips	\$74,588.88
Total			\$49,380.13

The TIF ordinance, as written, allows for limited flexibility in modifying the fee and without a valid reason, modification of the fee would set a precedent and inconsistent application of the fee. As written in section 13.26.090 of the TIF ordinance, “the city council shall uphold the fee and deny the appeal if it finds that there is a reasonable relationship between the development project’s impact on transportation facilities and the amount of the fee. The city council shall consider the land use category determination and the substance and nature of the evidence, including the fee calculation method, supporting technical documentation, and the appellant’s technical data. Based on the evidence, the city council may also modify the fee.”

Consideration to Modify Fee Rates for Daycare Facilities

The City Council has discretion in setting fees to incentivize certain land uses. For example, trip rates for retail and restaurant uses are typically higher than for office uses. When the TIF study was prepared in 2009, the City Council decided that the fees for retail and restaurant uses should be tied to the office use, thereby lowering the fees for retail and restaurant uses to encourage these types of developments. The loss in fees for the retail and restaurant uses was to be offset by the general fund. The City Council could choose to do the same for daycare facilities if it is desired to encourage this use. Should the Council decide to reduce the fees for a daycare facility, the rate schedule for the TIF would be modified to include a daycare land use category with a specified TIF rate. At the Council’s direction, staff would prepare a

recommendation for the TIF rate and return to Council for future action. The City has allowed applicants in the past to pay their TIF fee under protest in order to receive their building permit. The fee could be refunded later based on the Council's decision.

Impact on City Resources

Waiver of the fee would result in \$49,380.13 loss of revenue in the TIF fund.

Environmental Review

Environmental review is not required for this action under CEQA.

Public Notice

Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

A. Letter from Bright Angel Montessori Academy, dated December 3, 2015.

Report prepared by:
Kristiann Choy, Senior Transportation Engineer

Report reviewed by:
Nicole H. Nagaya, Transportation Manager

THIS PAGE INTENTIONALLY LEFT BLANK



Bright Angel
MONTESSORI ACADEMY

12/03/2015

City Council,

This letter is to appeal the TIFF for 687 Bay Road in the amount of \$49,380.13. When we opened Bright Angel in 2012 at 695 Bay Road we paid a TIFF of \$15,823.62 for a capacity of 48 students and 7 employees. When this process began the city asked for a fee in excess of \$100,000 and after careful review of the historical uses of this building the fee was reduced to \$15,823.62. This reduction did not take into account what the actual traffic impact would be since we did not have this information at that time. Now that Bright Angel has operated at 695 Bay Road for 3 years, we do know what the traffic impact is and what impact the expansion to 687 Bay Road would be. Over 70% of our families live in the Flood Park Triangle, Menlo-Oaks or Suburban Park neighborhoods. They would still have to travel on Bay Road to leave the neighborhood if their children attended other schools. By enrolling at Bright Angel they are actually reducing traffic in the area since many of our families now walk or ride bikes to school. We also have many families with two or more children enrolled at Bright Angel. Our new facility will be smaller than the original with 42 students and 5 staff which should translate into a smaller fee than the one in 2012. We have had to turn away many families in our neighborhood simply because we are full. By turning these families away they have had to find schools outside the neighborhood to enroll their children. By keeping these families in the neighborhood we will be reducing traffic in the area not increasing it. Therefore, we are requesting a waiver of the TIFF.

Thank you,

Joe Wyffels and Mei-Ling Huang

THIS PAGE INTENTIONALLY LEFT BLANK



STAFF REPORT

City Council

Meeting Date: 2/9/2016
Staff Report Number: 16-020-CC

Regular Business: Receive a report and hear public comment on upcoming negotiations with the Menlo Park Police Sergeants Association (PSA) on a successor agreement to the agreement expiring June 30, 2016

Recommendation

Receive a report from staff and hear public comment on upcoming negotiations with the Menlo Park Police Sergeants Association (PSA) on a successor agreement to the agreement expiring June 30, 2016.

Policy Issues

This report is prepared in accordance with City Council Procedure CC-11-0001, Public Input and Outreach regarding Labor Negotiations.

Background

The City and the Menlo Park Police Sergeants Association (PSA) entered into the current Memorandum of Understanding (MOU or agreement) on May 20, 2015. The agreement expires on June 30, 2016 and, pursuant to best labor-management practices, it is time to open negotiations on a successor agreement. The PSA is comprised of 8.0 full-time-equivalent (FTE) employees, all at the rank of Sergeant, who provide the primary middle management function in the Police Department.

Analysis

This report is submitted to the City Council, members of the PSA, and members of the public in order to provide relevant information on the PSA's salaries and benefits in preparation for the upcoming negotiation of a successor labor agreement or Memorandum of Understanding (MOU), between the PSA and the City. This information is provided to all interested parties 15 days in advance of the City Council's meeting on February 9, 2016 at which time the public will have an opportunity to provide comment on this matter in accordance with City Council Policy and Procedure #CC-11-0001 (Attachment A).

Guiding Principles - As in prior years, the principles that are used to determine the City's bargaining principles will assist with aligning the bargaining efforts with the service and financial priorities established by both the City Council and the community. The following principles will be considered in preparation for and throughout labor negotiations with the PSA on a successor agreement:

- *Service to the Community* – Negotiations shall strive to achieve an agreement that maintains and enhances services to the community provided by the members of the PSA in their role as middle managers in the Police Department and in concert with City Council adopted policies and goals.
- *Fiscal Sustainability* – Negotiations shall strive to achieve a successor agreement that achieves continued fiscal sustainability in accordance with the City's 10-year financial forecast for the General Fund;
- *Recruitment & Retention* – Negotiations shall strive to develop terms that are beneficial to the recruitment and retention of high quality employees.

Compensation - Total compensation for the PSA in calendar year 2015 equaled \$1,890,970, or roughly 14% of the police department's personnel budget for fiscal year 2015-16. The primary components of compensation are:

- **Salary** - Total base salary for the PSA bargaining unit was \$1,051,622 in calendar year 2015. On top of base salary, the unit incurred \$143,612 in overtime costs due to holidays, special assignments, and backfill for absences related to paid time off and time off for work related injuries. The unit also incurred \$189,599 in special compensation resulting from negotiated contract terms with the largest being Peace Officer Standards and Training (POST) intermediate/advance certificate pay, \$90,543, and longevity pay, \$48,966. As result of regulations governing salary that is eligible for pension benefits, the total salary that is subject to pension costs equaled \$1,236,320 in 2015. Therefore a 1% increase in base compensation results in a total of \$12,363.
- **Pension** – In calendar year 2015, the City's contributions to the pension system totaled \$318,959, net of employee contribution to the employer's share of the pension costs. Several years ago, the City and employees agreed to share a portion of the required employer pension costs. For the PSA, members pay an additional 3% above the mandatory employee contribution of 9%. While the City currently has three tiers for pension benefits, all eight of the current PSA members receive the "3.0% at 50" benefit formula. The cost of this benefit to the City is 27.849% less 3.0% for a net contribution of rate of 24.849% of eligible payroll or \$318,959.
- **Incentives, Allowances, and Other benefits** – The current agreement between the City and PSA provides of a number of other benefit totaling \$376,777. The single largest benefit in this grouping is the City's contribution to the Cafeteria Plan. Most employees utilize the cafeteria plan to purchase medical insurance. In 2016, the City's total contributions to this benefit is projected to be \$141,043.

PSA Contract Compensation Item	Total Annualized Cost
Salary (Sec. 2.1 & 2.4)	1,195,234
Incentives & Allowances (Sec. 2.3 - 2.15)	189,599
CalPERS Pension (Sec. 8.1)	318,959
2016 Cafeteria Plan (Sec. 6.1)	141,043
Dental (Sec. 6.3)	18,387
Vision	4,239
Other fringe benefits	23,509
TOTAL	1,890,970

Salary Survey – The City recently completed a salary survey (Attachment B) for the rank of Sergeant and the results place Menlo Park’s total compensation package at 12.85% above the median for surveyed agencies excluding Menlo Park. The City retained Public Management Group/ Renee Sloan Holtzman Sakai, LLP, to conduct a compensation survey of twelve neighboring agencies with City-operated public safety departments. Those agencies are: Atherton, Belmont, Burlingame, Campbell, East Palo Alto, Foster City, Los Altos, Los Gatos, Pacifica, Palo Alto, Redwood City, and San Bruno. In the past the City included agencies like San Carlos and Millbrae in the survey but both agencies have outsourced their law enforcement function to the San Mateo County Sheriff’s Office.

The survey factored in the most significant compensation factors that are included in the current PSA MOU. These items include: maximum salary, intermediate and advance Peace Officer Standards and Training (POST) certification incentives, longevity pay, and insurance benefits. The survey also factored in the amount of employee paid CalPERS contribution on behalf of the employer.

It is critical to consider that salary surveys are as of a point in time and generally reflect publicly available data for agencies. The survey notes several factors that could influence the outcome of the survey such as Palo Alto and Redwood City have expired contracts.

Fiscal Year 2015-16 Labor Negotiations

The City anticipates beginning negotiations over a successor agreement with the Menlo Park Police Sergeants’ Association (PSA) subsequent to the completion of this period for public input provided to the City Council regarding labor negotiations.

Impact on City Resources

There are no impacts on City resources as a result of receiving input on this issue. It is anticipated that the City Council will meet in closed session to provide direction to the City’s negotiating team, Legal Counsel

from Renee Sloan Holtzman Sakai, LLP and City staff. The negotiators will meet and confer with the PSA negotiation team and once tentative agreement is reached on a successor agreement, the fiscal impact of that tentative agreement will be released 15 days prior to the City Council's vote to ratify the successor agreement at a public meeting.

Environmental Review

No environmental review is required for this item.

Public Notice

Public Notification was achieved by posting the report 15 days prior to the City Council meeting of February 9, 2016.

Attachments

- A. Public Input and Outreach regarding Labor Negotiations
- B. Sergeant salary survey prepared by Public Management Group for the City of Menlo Park dated January 22, 2016

Report prepared by:
Nick Pegueros, Administrative Services Director

City of Menlo Park

City Council Policy

Department City Council	Page 1 of 1	Effective Date 03/02/2011
Subject Public Input and Outreach regarding Labor Negotiations	Approved by City Council 03/01/2011	Procedure # CC-11-0001

PURPOSE

To incorporate public input into the labor negotiations process.

BACKGROUND

The City Council has expressed a desire to improve public communication and outreach on labor relations to the extent reasonably possible.

POLICY

A regular business item shall be placed on a Council agenda in advance of formal labor negotiations that includes an opportunity for the public to comment. At least seven days prior to this meeting, staff shall post a report that contains relevant information on employee salaries and benefits, as well as the methodology used to determine a competitive and appropriate compensation package. As part of this process, a concerted effort shall be made to request public comment on the negotiations parameters.

As a general rule, staff shall engage the services of a labor attorney to participate in formal labor negotiations with bargaining units representing permanent employees.

During labor negotiations, public comment will be provided prior to the entry into closed session to discuss labor negotiations, in accordance with State law. At the conclusion of the closed session, the Council shall report out any action taken, including in the record the individual votes taken and the characterization of the deliberations. In addition, at some point in the negotiations process, staff shall submit a public report to Council that provides a general status of labor negotiations and that allows for public input prior to concluding negotiations.

Staff shall prepare and make public a staff report, at least fifteen calendar days prior to Council consideration of a tentative agreement or implementation resolution for any bargaining unit, that provides full details and costing associated with the recommended action, shall schedule the matter as a regular business item and shall provide an opportunity for the public to comment.

THIS PAGE INTENTIONALLY LEFT BLANK



Client => Menlo Park

Summary Sheet

1/25/2016

Menlo Park Variance from the Median			
Job Title	Top Step Base Wage	Wages + EPMC	Total Compensation
Police Sergeant	3.13%	12.42%	12.85%

Menlo Park Variance from the Average			
Job Title	Top Step Base Wage	Wages + EPMC	Total Compensation
Police Sergeant	3.75%	11.13%	12.08%

Menlo Park
Title: Police Sergeant
Analysis Date: 6/30/2016

Survey Agency	Comparable Classification	Top Step Base	POST Pay	Holiday Pay	Uniform Allowance	Longevity (20 YOS)	EPMC		Wages + EPMC	Insurance Benefits				Total Comp	Rank
							(%)	(\$)		Medical	Dental	Vision	Benefits Total		
Atherton	Police Sergeant	\$10,666	\$800	\$0	\$75	\$0	0.0%	\$0	\$11,541	\$1,863	\$147	\$27	\$2,037	\$13,577	9
Belmont	Police Sergeant	\$10,594	\$530	\$543	\$75	\$0	-4.0%	-\$470	\$11,272	\$1,941	\$192	\$19	\$2,151	\$13,424	11
Burlingame	Police Sergeant	\$10,192	\$885	\$596	\$88	\$0	-2.0%	-\$235	\$11,527	\$1,941	\$100	\$26	\$2,067	\$13,593	8
Campbell	Police Sergeant	\$11,410	\$856	\$616	\$92	\$0	0.0%	\$0	\$12,974	\$1,200	\$159	\$27	\$1,386	\$14,359	4
East Palo Alto	Police Sergeant	\$9,169	\$688	\$202	\$100	\$458	0.0%	\$0	\$10,617	\$2,292	\$79	\$0	\$2,371	\$12,988	13
Foster City	Police Sergeant	\$10,650	\$500	\$575	\$85	\$0	0.0%	\$0	\$11,810	\$1,733	\$0	\$0	\$1,733	\$13,543	10
Los Altos	Police Sergeant	\$10,290	\$1,029	\$515	\$0	\$0	0.0%	\$0	\$11,834	\$1,891	\$227	\$0	\$2,118	\$13,952	7
Los Gatos	Police Sergeant	\$11,515	\$864	\$443	\$50	\$0	0.0%	\$0	\$12,871	\$1,821	\$140	\$11	\$1,972	\$14,843	2
Pacifica	Police Sergeant	\$9,856	\$925	\$493	\$67	\$394	-4.0%	-\$469	\$11,265	\$1,890	\$119	\$48	\$2,057	\$13,322	12
Palo Alto	Police Sergeant	\$9,826	\$749	\$425	\$0	\$590	0.0%	\$0	\$11,590	\$2,378	\$211	\$16	\$2,604	\$14,194	5
Redwood City	Police Sergeant - Level 2	\$11,805	\$0	\$795	\$0	\$885	-7.0%	-\$944	\$12,541	\$1,747	\$132	\$14	\$1,892	\$14,433	3
San Bruno	Police Sergeant	\$10,734	\$912	\$468	\$79	\$0	0.0%	\$0	\$12,194	\$1,985	\$0	\$0	\$1,985	\$14,179	6
Menlo Park	Police Sergeant	\$10,954	\$1,095	\$548	\$87	\$876	-3.0%	-\$407	\$13,154	\$2,086	\$268	\$35	\$2,389	\$15,542	1
Median (Excluding Menlo Park)		\$10,622							\$11,700					\$13,772	
Variance from Median		3.13%							12.42%					12.85%	
Average (Excluding Menlo Park)		\$10,559							\$11,836					\$13,867	
Variance From Average		3.75%							11.13%					12.08%	

Notes:

Los Gatos: Police Sergeants hired after March 1, 2015, have maximum monthly base salary of \$10,966.80 (table shows salary for pre-March 1, 2015 hire).

Pacifica: Wages shown for employee hired after July 1, 2010.

Palo Alto: MOU expired 6/30/2014.

Redwood City: MOU expired August 31, 2015. The rank of *Police Sergeant - Level 1* has a top step monthly base rate of \$13,916.



STAFF REPORT

City Council

Meeting Date:

2/9/2016

Staff Report Number:

16-025-CC

Regular Business:

**Introduce an ordinance amending Menlo Park
Municipal Code section 2.04.120 regarding Mayor
Selection**

Recommendation

Introduce an ordinance amending Menlo Park Municipal Code section 2.04.120. regarding mayor selection.

Policy Issues

The ordinance regarding the selection of Mayor and Mayor Pro Tem should be amended in order to allow Council and staff the flexibility to set the date of this event.

Background

Menlo Park Municipal Code 2.04.120 (Attachment A) states, "The city council shall meet on the first Tuesday of December each year and choose one of its members as mayor and one as mayor pro tem." City Council Policy CC-93-001(Attachment B) which establishes the procedure for the annual selection of the Mayor directly cites this ordinance.

In accordance with this ordinance and policy, City staff schedules the annual City Council reorganization meeting, at which time the Mayor and Mayor Pro Tem are selected, on the first Tuesday in December every year.

Analysis

Government Code section 36801 states the following:

The city council shall meet at the meeting at which the declaration of the election results for a general municipal election is made pursuant to Sections 10262 and 10263 of the Elections Code and, following the declaration of the election results and the installation of elected officials, choose one of its number as mayor, and one of its number as mayor pro tempore.

The City of Menlo Park holds a General Municipal Election on even numbered years. During an election year, the selection of the Mayor and Mayor Pro Tem is scheduled on the same meeting day as the certification of election results and installation of newly or re-elected Council members.

This year, Election Day falls on Tuesday, November 8, 2016. Under California Elections Code 10262, the County Elections Office is provided 28 days to certify and present the results of a consolidated election to the local governing body. Senate Bill 29 (Attachment C) extends the deadline from 28 to 30 days in order to accommodate the receipt of vote by mail ballots. Given this schedule, the time frame for the County Elections Office to certify election results and present those results to the City must be on or before Thursday, December 8, 2016. In order to allow flexibility in scheduling the Council reorganization meeting, the current policy ordinance should be amended. Staff proposes that mayoral selection be held in December following receipt of the certified election results from the County, either at the next regularly scheduled meeting of the City Council or at special meeting called for this purpose. Correspondingly, if the ordinance amendment is approved, City Council Policy CC-93-001 should also be updated to reflect the amendment.

Impact on City Resources

There is no impact on City resources.

Environmental Review

This item does not require environmental review.

Public Notice

Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

- A. Menlo Park Municipal Code 2.04.120 with proposed amendment
- B. City Council Policy CC-93-001 with proposed amendment
- C. Link to: Senate Bill 29
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB29

Report prepared by:
Pamela Aguilar, City Clerk

ORDINANCE NO. 800

**AN ORDINANCE OF THE CITY OF MENLO PARK REGARDING
APPOINTMENT OF THE MAYOR**

The City Council of the City of Menlo Park does ordain as follows:

Section 1. Section 2.04.120 of the Menlo Park Municipal Code is amended to read as follows:

“The City Council shall meet ~~in on the first Tuesday of~~ December of each year and choose one of its number as mayor and one as mayor pro tempore.”

Section 2. This Ordinance shall be published once within 15 days of its adoption in the newspaper of general circulation and posted and shall take effect thirty days after its passage and adoption.

Introduced this ____ of February, 2016.

PASSED AND ADOPTED as an Ordinance of the City of Menlo Park at a regular meeting of said Council on the ____ of February, 2016 by the following vote:

Formatted: Indent: First line: 0.5"

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Rich Cline, Mayor

ATTEST:

Pamela Aguilar, City Clerk

THIS PAGE INTENTIONALLY LEFT BLANK

City of Menlo Park		City Council Policy
Department City Council Subject Selection of Mayor	Page 1 of 1	Effective Date 11-16-1993
	Approved by: Motion by Motion of CC 11/16/1993	Procedure # CC-93-001

PURPOSE:

To establish a procedure for the annual selection of the Mayor.

BACKGROUND:

Section 2.04.120 of the Menlo Park Municipal Code states, "The City Council shall meet in ~~on the first Tuesday of~~ December each year and choose one of its members as the Mayor and one as Mayor Pro Tempore.

POLICY:

Council policy shall be to rotate the mayor annually. The Council shall select as mayor an elected member of the Council who has served a minimum of one year and who has not served as mayor. If all eligible members have served as mayor, then the member with the longest elapsed time since serving as mayor shall be selected as mayor. In the event there are two or more eligible members having equal seniority, the Council may select any eligible member as mayor.

THIS PAGE INTENTIONALLY LEFT BLANK



STAFF REPORT

City Council

Meeting Date:

2/9/2016

Staff Report Number:

16-029-CC

Regular Business:

Approval of the 2016 City Council Work Plan,
Budget Principles and City Council Procedures
Manual

Recommendation

It is recommended that the City Council approve the

- a) 2016 City Council work plan,
- b) updated budget principles and
- c) revised City Council procedures manual.

Policy Issues

It has been the City Council's policy to adopt its work plan and budget principles annually. Any policy issues that may arise from the implementation of individual work plan items will be considered at that time.

Background

The City Council adopts its work plan at the beginning of the year. These items are typically not funded until the adoption of the budget later in June. At the Jan. 29, 2016, City Council special meeting, the City Council was provided with an update on the work plan items for 2015. Many of the items on the work plan for 2015 are ongoing.

Analysis

The City Council work plan for 2016 includes approximately 70 items, some of which include multiple components. Staff has also been working on a significant number of City Council-approved Capital Improvement Plan projects. Some of the CIP projects overlap with the approved work plan items. A list of work plan items, CIP projects, and other projects within the City was discussed at the Jan. 29 meeting and the list has since been updated based on City Council direction (Attachment A). The list has been grouped into themes and priority levels to help categorize the items. The themes are as follows in no specific order:

- Improving Menlo Park's multimodal transportation system to more efficiently move people and goods through Menlo Park
- Responding to the development needs of private residential and commercial property owners
- Realizing Menlo Park's vision of environmental leadership and sustainability
- Maintaining and enhancing Menlo Park's municipal infrastructure and facilities

- Attracting thoughtful and innovative private investment to Menlo Park
- Furthering efficiency in city service delivery models
- Providing high-quality resident enrichment, recreation, discovery and public safety services

Some of the work plan items were revised to reflect specific direction. Others were added to the list, such as creation of a crosswalk policy, review of bike lanes on Oak Grove Avenue as part of the downtown parking structure study, and consideration of bus shelters along Willow Road and at the Senior Center.

An item to add a Safe Routes to School project at Las Lomas was discussed; however, that item involves significant additional resources and will be evaluated as part of the CIP and budget discussions. Additionally, some projects were discussed but remained unclear as to the priority or consensus of support among the City Council. An example is the consideration of a minimum wage ordinance.

This process is building toward preparation of the fiscal year 2016-17 budget. The budget is developed based on principles approved by the City Council. The revised budget principles are included as Attachment B.

The City Council is also being asked to approve its City Council procedures manual (Attachment C) which helps guide both City Council and staff protocol.

Public Notice

Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours before the meeting.

Attachments

- A. Draft City Council work plan
- B. Draft City Council budget principles
- C. Draft City Council procedures manual

Report prepared by:

Clay J. Curtin, Assistant to the City Manager

Responding to the development needs of private residential and commercial property owners

Number	Source	Description	Lead Department
Extremely Important			
1	WP	Complete the General Plan Update	Community Development
2	WP	Process complex development projects	Community Development
Very Important			
3	WP	Implement Downtown/EI Camino Real Specific Plan biennial review	Community Development

Realizing Menlo Park’s vision of environmental leadership and sustainability

Number	Source	Description	Lead Department
Important			
4	CIP	Community Zero Waste Policy Draft	City Manager’s Office
5	CIP WP	Install EV charging stations as part of the Climate Action Plan	City Manager’s Office
6	WP	Update the Heritage Tree ordinance	City Manager’s Office

Attracting thoughtful and innovative private investment to Menlo Park

Number	Source	Description	Lead Department
Extremely Important			
7	WP	Implement Housing Element programs	City Manager’s Office Community Development
Very Important			
8	WP	Expand downtown outdoor seating program	City Manager’s Office
Important			
9	WP	Implement the Economic Development Plan	City Manager’s Office
10	CIP WP	Implement Downtown/EI Camino Real Specific Plan streetscape (paseo, parklets)	City Manager’s Office Public Works

DRAFT CITY COUNCIL WORK PLAN

Providing high-quality resident enrichment, recreation, discovery and public safety services			
Number	Source	Description	Lead Department
Extremely Important			
11	WP	Create a community disaster preparedness partnership (MenloReady) with residents, businesses and schools utilizing the existing agreement with the Menlo Park Fire Protection District	Police
12	WP	Complete the Belle Haven Pool facility analysis for year-round operations	Community Services
Very Important			
13	WP	Complete the Belle Haven Action Plan Phase III implementation	Community Services
14	WP	Enhance Community special events	Community Services
15	WP	Maintain City Council-approved cost recovery levels in all Community Services programs	Community Services
16	CIP	Undertake a community process to rank potential projects for Measure T funding	Community Services
17	WP	Develop a Bedwell Bayfront Park operations / maintenance plan to enhance use, improve access and determine a sustainable funding source for ongoing maintenance	Community Services
Important			
18	WP	Develop an implementation plan for the Sister City and Friendship program	City Manager's Office

Maintaining and enhancing Menlo Park's municipal infrastructure and facilities			
Number	Source	Description	Lead Department
Extremely Important			
19	CIP	Complete Belle Haven Youth Center playground replacement	Community Services Public Works
20	CIP WP	Install bicycle and pedestrian improvements on Chilco Street	Public Works
21	CIP	Maintain citywide sidewalk repair program	Public Works
22	CIP	Maintain citywide street resurfacing program	Public Works
23	CIP WP	Improve Haven Avenue streetscape (bike lanes, complete sidewalk gaps, new pedestrian bridge over Atherton Channel) (grant funded)	Public Works
24	CIP	Adopt Urban Water Management Plan update	Public Works
25	CIP WP	Complete sidewalks on Santa Cruz Ave	Public Works

DRAFT CITY COUNCIL WORK PLAN

26	CIP WP	Develop a water master plan	Public Works
27		a. Add an additional emergency water well	
28		b. Develop a recycled water program	
29		c. Enter into an agreement with West Bay Sanitary District for the Sharon Heights Recycled Water Project	
Very Important			
30	CIP	Repair and Upgrade the Bedwell Bayfront Park leachate collection system	Public Works
31	CIP	Install Library landscaping	Public Works
32	CIP	Replace Police radio infrastructure	Public Works
33	CIP WP	Address downtown parking garage (prioritize location, develop design concepts, consider Oak Grove bike lanes)	Public Works
34	CIP	Enter into an agreement with Redwood City and the Salt Pond Restoration Project for the Bayfront Canal Bypass Project	Public Works
35	CIP	Design Pope/Chaucer bridge improvements	Public Works
Important			
36	CIP	Construct restroom at Jack Lyle Park	Public Works
37	CIP	Replace Library interior wall fabric	Public Works
38	CIP	Replace Nealon Park sports field sod and irrigation system	Public Works
39	CIP	Address Nealon Park dog park	Public Works
40	CIP	Replace Willow Oaks dog park and install restroom	Public Works
41	CIP	Initiate Downtown utility undergrounding	Public Works
42	CIP	Complete library space needs study	Public Works

DRAFT CITY COUNCIL WORK PLAN

Furthering efficiency in city service delivery models			
Number	Source	Description	Lead Department
Extremely Important			
43	WP	Complete the classification and compensation study and work with labor units to address the study's findings	Administrative Services
44	CIP WP	Complete the Information Technology Master Plan and:	Administrative Services
45		a. Implement key best practices	
46		b. Launch a selection process for replacement of mission critical systems including an enterprise resource planning (ERP) business management system for the city including administrative and land development operations	
47		c. Identify and implement interim upgrades to existing business systems as a bridge to their replacement	
48	WP	Complete a fee study for solid waste and water utilities	Administrative Services Public Works
49	CIP WP	Complete administration building space planning	Public Works
Very Important			
50	WP	Complete an updated cost allocation plan, user fee study for non-utility operations, and cost recovery models for non-development related services	Administrative Services
	WP	Implement recommendations from the department operational reviews:	Community Services Library
51		Develop and implement strategic plans for the Library and Community Services departments	
52		Revise and update departmental policies and procedures in the Library and Community Services departments	
53		Develop and improve cooperative relationships with community stakeholders (school districts, community groups, etc.)	
Important			
54	WP	Analysis and prioritization of alternative service delivery model goals, what outcome is desired (financial, service changes, etc.) and what metrics determine success	City Manager's Office
55	WP	Assess current staffing levels in the Administrative Services department, realign existing resources, and add resources where necessary to support the organization's current and future needs for technology, financial, and human resources support	Administrative Services
56	WP	Improve community communications	City Manager's Office
57	WP	Initiate organizational study for development services utilizing industry best practices	City Manager's Office Community Development Public Works
58	WP	Initiate organizational study for Public Works maintenance services	City Manager's Office Public Works

DRAFT CITY COUNCIL WORK PLAN

Improving Menlo Park’s multimodal transportation system to move people and goods through Menlo Park more efficiently

Number	Source	Description	Lead Department
Extremely Important			
59	WP	Develop and implement transit improvements (study transit options including enhancements to existing shuttles and transportation management associations, install new shuttle stop signs and amenities)	Public Works
60	CIP WP	Study and prioritize Willow Road transportation improvement options	Public Works
61	CIP WP	Work with Caltrans and regional funding partners to design and begin construction on 101/Willow Road interchange	Public Works
62	CIP WP	Construct Citywide Bicycle and Pedestrian Visibility Project (add green colored pavement to existing high-use corridors at conflict points and downtown bike racks) (grant funded)	Public Works
63	CIP WP	Construct Menlo Park-Atherton Bike/Pedestrian Improvements Project (Valparaiso Avenue Safe Routes to School project) (grant funded)	Public Works
64	CIP WP	Construct Menlo Park-East Palo Alto Connectivity Project (add Class III bike routes and sharrows to connecting streets and fill sidewalk gaps on O'Connor Street and Menalto Avenue) (grant funded)	Public Works
65	CIP WP	Prepare Project Study Report for Ravenswood Avenue/Caltrain Grade Separation Project (grant funded)	Public Works
66	CIP WP	Explore Dumbarton Rail Corridor activation / re-use	Public Works
67		Install bus shelters at the Senior Center and on Willow Road between U.S. 101 and Bayfront Expressway	Public Works
Very Important			
68	CIP WP	Coordinate with regional agencies on High Speed Rail project, including environmental review	Public Works
69	CIP WP	Begin design and implement El Camino Real Corridor Study	Public Works
70	CIP	Design and construct Sand Hill Road signal modification project	Public Works
71		Establish a crosswalk policy	Public Works
Important			
72	CIP WP	Work with Caltrain to complete Peninsula Corridor Electrification Project design review	Public Works

THIS PAGE INTENTIONALLY LEFT BLANK

CITY OF MENLO PARK BUDGET PRINCIPLES

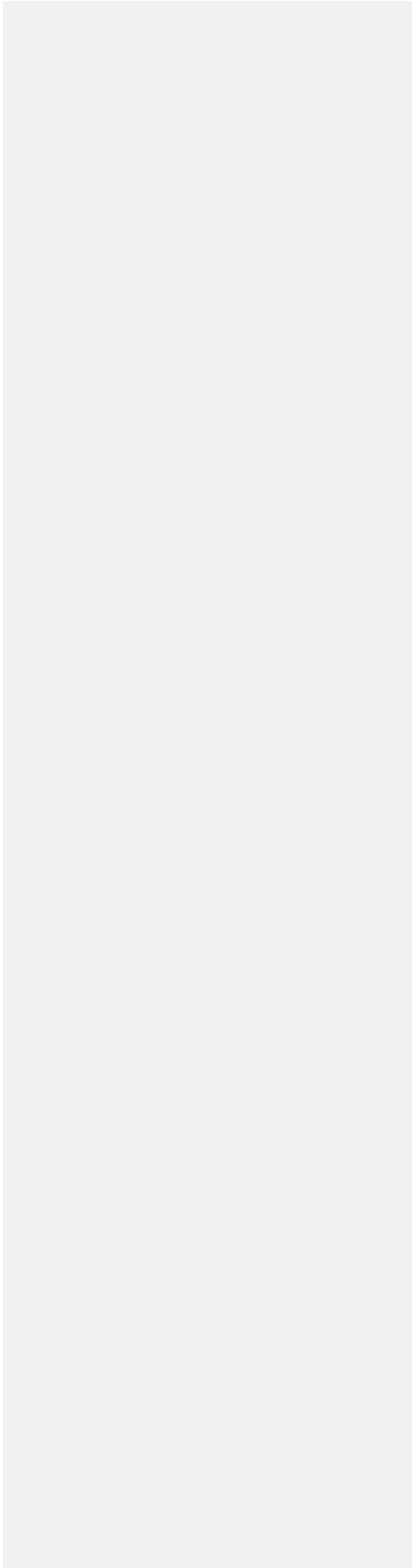
The City Council-approved budget principles guide the development of the proposed budget each year. These principles, which were first introduced for fiscal year 2013-14 and refined annual since, call for the City to:

-
- Promote the City's long-term fiscal sustainability through strategic investments in programs, services and infrastructure.
- Enhance and maintain baseline city services and infrastructure to positively affect the quality of life in Menlo Park.
- Align and adjust staff capacity to implement the City Council adopted initiatives and strategies and to meet current demands for service.
- Invest in staff development and new technologies that drive efficiency and productivity.
- Actively pursue revenue enhancement opportunities and strive to achieve full cost recovery for all fee-based services, except where the City Council sees a clear public interest in providing a subsidy.
- Continue to refine the budget document to enhance the public's access to the City's financial information while also providing for proper internal controls over the city's resources.
- Monitor and report on changes in CalPERS retirement plan liabilities and include those changes in the City's 10-year financial plan.
- Develop an employee vacancy factor assumption and discuss that assumption in the context of the long-term financial forecast.
- Evaluate one-time revenues for highest and best investment and recognize the benefit of leveraging near term investments for long-term gains in financial sustainability and/or quality of life.

Revised January 29, 2016

THIS PAGE INTENTIONALLY LEFT BLANK

Procedures Manual Menlo Park City Council



| *City Council Meeting of January 24, 2006*

CITY OF MENLO PARK
Mission Statement

It is the mission of the City government to ensure that Menlo Park is a desirable and vibrant community in which to live and do business, and to respond to the values and priorities of the residents so as to provide for the community's current and future needs.

Explicitly, the City fulfills its function by:

- Addressing the needs of the residents through the City Council, the appointed commissions, and the City staff.
- Providing easy and open access to information and encouraging dialogue, enabling residents to actively engage in civic life.
- Providing for the safety of its residents, businesses, and visitors.
- Providing timely and responsive service.
- Providing special assistance to those in need.
- Functioning effectively, efficiently and with accountability.
- Creating a positive and desirable workplace environment for City employees.
- Managing change for the betterment of the City.
- Creating and maintaining a viable revenue stream and providing for the unpredictable nature of our economy.
- Implementing and maintaining City infrastructure, facilities, and programs.
- Formulating sound environmental policies.
- Recognizing and supporting the City's diverse neighborhoods and population.
- Acting as a responsible member of the greater region.

~~Mission Statement adopted by the City Council on July 20, 2004.~~

C O N T E N T S

Chapter 1

Introduction

Purpose of Procedures Manual	5
Overview of City Documents	5
Orientation of New Council Members	6
League of California Cities Guide	6

Chapter 2

City Council: Powers and Responsibilities

City Council Generally	7
Role of Mayor & Mayor Pro Tempore	7
Appointment of City Manager, City Attorney	8
Role in Disaster	8
Appointment of Advisory Bodies	8
Council Relationship with Advisory Bodies	9
Role of Commission Liaison	9

Chapter 3

City Council Meetings

General Procedures	10
Meeting Schedule	10
Special Meetings	10
Development of Agenda	11
Placing Items on Agenda	11
Notification and Advertising.....	12
Order of Business	12
Discussion Rules	14
Voting Procedures.....	15
Other Guidelines	16
Open Meeting Laws (the “Brown Act”)	17

Chapter 4

Council Communications

Overview	19
Correspondence from Council Members	19
Speaking for “The City”	19
Local Ballot Measures	20
State Legislation, Propositions	20
Proclamations	20

Chapter 5
Interaction with City Staff
 Overview 21
 Council-Manager Form of Government 21
 Council-Manager Relationship 21
 City Manager Code of Ethics 22
 City Council-City Attorney Relationship 22
 Roles and Information Flow 22
 Dissemination of Information 23
 Magnitude of Information Request 23
 Staff Relationship with Advisory Bodies 24
 Restrictions on Political Involvement by Staff 24

Chapter 6
Support Provided to City Council
 Staff Support 25
 Office Equipment 25
 Meeting Rooms 26
 Mail, Deliveries 26

Chapter 7
Financial Matters
 Council Compensation 27
 Expenditure Allowance 27
 Expenditure Guidelines 27

Chapter 8
Conflicts & Liability
 Conflict of Interest 28
 City Attorney Advice 28
 Conflict of Interest Forms 29
 Liability 29

Chapter 9
Additional Training & Resource Materials
 League of California Cities 30
 Local Government Commission 30
 International City Management Association (ICMA) 30
 Other Reference Material on File 30

Appendix
 A. Reference Guide to Motions
 B. Legislative Policy Guide
 C. List of City Council Policies
 D. City Manager Code of Ethics

~~The City of Menlo Park acknowledges and greatly appreciates the excellent work of the City of Davis, California, and its willingness to share its “procedures manual” as a helpful example.~~

C H A P T E R 1

Introduction

The Menlo Park City Council establishes policies and priorities for the community and is responsible for the fiscal health of a public corporation. ~~In Fiscal Year 2005-06, the City has a General Fund budget of nearly \$30 million and a total budget of \$85 million. The City organization is comprised of 150 different services and has assets valued in excess of \$370 million (roads, buildings, parks, etc).~~

Comment [API1]: Update with current budget information

LFP – or you could eliminate so that this information does not need to be regularly updated.

Purpose of the Procedures Manual

City of Menlo Park staff prepared a procedures manual to assist the City Council by documenting currently accepted practices. Through agreement of the City Council and staff to be bound by these practices, the effective administration of City Council affairs is greatly enhanced. While attempting not to be overly restrictive, procedures are established so that expectations and practices can be clearly articulated to guide Council Members in their actions. It is anticipated that this Procedures Manual will be reviewed ~~by each two-year City Council and may be~~ revised from time to time.

Overview of City Documents

This procedures manual provides a summary of important aspects of City Council activities. However, it cannot incorporate all material and information necessary for undertaking the business of ~~a city council~~ the City Council. Many other laws, policies, plans and documents exist which bind the City Council to certain courses of action and practices. A summary of some of the most notable documents that establish City Council direction is provided below.

Municipal Code: The Municipal Code contains local laws and regulations adopted by ordinances. The administrative chapter of the ~~code~~ Municipal Code addresses the role of the City Council, Mayor and Mayor Pro Tempore. It also describes the organization of City Council meetings and responsibilities as well as the appointment of certain city staff positions and advisory commissions. In addition to these administrative matters, the Municipal Code contains a variety of laws. The ~~municipal code~~ Municipal Code is available ~~either~~ on the City's website ~~or from the City Clerk~~.

California Government Code: The State California Government Code contains many requirements for the operation of city government. Many of these requirements are also replicated within the ~~municipal code~~ Municipal Code to ensure there is broad awareness of such requirements. Menlo Park is a “General Law” city, which means it is organized in accordance with provisions of the State Government Code. Also described within the government code Government Code is the Council-City Manager form of government. Basically, this form of government prescribes that ~~a city council's~~ the City Council's role is to establish policies and priorities, while the role of the City Manager is to oversee the operations of the city government.

Annual Budget: The City's annual budget provides a description of city services and the resources used to provide services. The document contains both a broad overview of the budget as well as descriptions of programs and services organized for convenience by lead department. The City operates on a July 1 through June 30 fiscal year.

General Plan: ~~The General Plan is comprised of a number of elements, such as land use, transportation, open space and housing, in accordance with State requirements, and provides a policy framework for various matters that fall within these areas.~~
The General Plan is a legal document, required by state law the California Government Code, which serves as the City of Menlo Park's "constitution" for the development and the use of its land. It is a comprehensive, long-term document, detailing proposals for the physical development of the city, and of any land outside its boundaries but within its designated "sphere of influence."

Comment [API2]: Include a more elaborate description of the General Plan

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: (Default) Times New Roman, 12 pt

Orientation of New Council Members

It is important that members of the Council have an understanding of the full range of services and programs provided by the organization. As new members join the City Council, the City Clerk coordinates with department heads to provide tours of City facilities and meetings with key staff.

~~League of California Cities Guide~~

~~—A publication that provides additional useful information is the *Mayors and Council Members Resource Guide* published by the League of California Cities. The Guide contains general information on the role and responsibilities of city council members and on the specific requirements and laws that govern Council actions. The Guide is available from the City Clerk.~~

Menlo Park City Council: Powers and Responsibilities

City Council Generally

The powers of ~~a city council in California~~ the City Council to establish policy are quite broad. Essentially, ~~councils the City Council~~ may undertake any action related to city affairs other than those forbidden or preempted by state or federal law. Specifically, the Council ~~shall have~~ has the power, in the name of the city, to do and perform all acts and things appropriate to a municipal corporation and for the general welfare of its inhabitants and which are not specifically forbidden by the Constitution and laws of the State of California. ~~(California Government Code section).~~

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Comment [LFP3]: I could not find this language specifically in the Government Code. I recommend removing the reference and italics.

It is important to note that the Council acts as a body. No member has any extraordinary powers beyond those of other members. While the Mayor and Mayor Pro Tem have some additional ceremonial and administrative responsibilities as described below, in the establishment of policies, voting and in other significant areas, all members are equal. It is also important to note that policy is established by at least a majority vote of the Council. While individual members may disagree with decisions of the majority, a decision of the majority does bind the Council to a course of action. In turn, it is staff's responsibility to ensure the policy of the Council is upheld. Actions of staff to pursue the policy direction established by a majority of Council do not reflect any bias against Council members who held a minority opinion on an issue.

The City Council has occasionally debated whether it should take positions of a broader nature or limit itself to purely municipal functions. Historically, Menlo Park City Councils have chosen to not take positions on issues outside of their immediate authority to effect, such as issues of international concern. The propensity of the City Council to involve itself in such issues reflects the personalities and outlooks of the members who make up the two-year Council sessions.

~~Limitations are imposed on a Council member's ability to serve on appointed boards of the city. State law expresses that no member of the Council shall serve as a voting member of any city board, committee, or commission, whether composed of citizen volunteers, city employees, or a combination of both. This is not construed as prohibiting members of the Council from serving on committees or subcommittees of the Council itself, or of agencies representing other levels of government. In fact, A Council member may not simultaneously hold two public offices that are incompatible. Offices are incompatible, if any significant clash of duties exists between the two offices, if the dual office holdings would be improper for reasons of public policy, or if either officer exercises a supervisory, auditory or removal power over the other. Council members are encouraged to and~~ often participate and provide leadership in regional and state programs and meetings. Council members are strongly encouraged to report to the Council on matters discussed at subcommittees and other regional or state board/agency/group activities in which they have been involved.

Role of Mayor & Mayor Pro Tempore

Mayor: As reflected in the Municipal Code, the Mayor is to preside at all meetings of the City Council and perform such other duties consistent with the office as may be imposed by the Council or by vote of the people. The Mayor does not possess any power of veto. As presiding officer of the Council, the Mayor is to faithfully communicate the will of the Council majority in matters of policy. The Mayor is also recognized as the official head of the city for all ceremonial purposes.

The Mayor, unless unavailable, shall sign all ordinances, and other documents that have been adopted by the City Council and require an official signature; except when the City Manager has been authorized by Council action to sign documents. In the event the Mayor is unavailable, the Mayor Pro Tempore's signature may be used.

Traditionally, the Mayor has also been assigned by the City Council to consult and coordinate with the City Manager in the development of agendas for meetings of the City Council. The scope of such review focuses on the timing of business items and the volume of business that can be considered at any one meeting. Such review does not allow for a unilateral unlimited delay of items to be considered by the Council or the introduction of new items not otherwise part of the Council's identified priorities or staff's work plan. Should any significant disagreement arise regarding the scheduling of items, these matters are to be resolved by the full City Council. The staff maintains a "tentative" Council Calendar that programs when matters will likely be considered at future meetings.

Mayor Pro Tempore: The City Council has specified that the Mayor Pro Tempore shall perform the duties of the Mayor during the Mayor's absence ~~or disability~~. The Mayor Pro Tempore shall serve in this capacity at the pleasure of the City Council.

Appointment of City Manager, City Attorney

The City Council appoints two positions within the city organization: the City Manager and City Attorney. Both positions serve at the will of the City Council. The City Manager is an employee of the City and has an employment agreement that specifies certain terms of employment including an annual evaluation by the City Council. The City Manager is responsible for all other personnel appointments within the City. The current City Attorney is a part-time employee, and a partner in a local law firm that has served the City for many years.

Role in Disaster

The City Council has some special, extraordinary powers in the case of a disaster. Some meeting restrictions and expenditure controls are eased in such extreme situations. In critical situations the Council may be directed by the City Manager/Emergency Services Director to assemble in the City's Emergency Operations Center (EOC), located within the Police Department, to provide policy guidance and to receive information in an emergency. Should the City Council not be available during an emergency, state law specifies a hierarchy of others who may serve in place of the City Council. The most likely scenario is that the County Board of Supervisors would serve in the place of the Council. When necessary, the Incident Commander of the City EOC or Disaster Coordinator may request the activation of a MAC (Multi-Agency Coordination Center). One possible location of a MAC could be the Menlo Park Fire District's USAR Building located in Menlo Park.

The City Council also has the responsibility to declare a local emergency. Emergency proclamations are normally made when there is an actual incident or threat of disaster or extreme

Comment [API4]: Confirm info in this section is still accurate – YES, plus additional language

Comment [LFP5]: Need to add text re multi-agency response. I don't have the details, could someone else provide please?

Comment [API6]: Additional language from PD

Formatted: Indent: First line: 0.5"

peril to the safety of persons and property caused by natural or man-made situations. The local proclamation is the first step toward a State and Federal declaration which would then activate eligible State and Federal disaster relief programs to provide financial relief to both local government and the public.

Appointment of Advisory Bodies

The city has a number of standing advisory bodies. ~~Appendix C~~City Council Policy #CC-01-004, Commissions/Committees Policies and Procedures and Role, contains ~~adopted policy #CC-01-004 guidelines~~ on the appointment, roles and responsibilities of the various ~~Commissions~~commissions. These procedures apply to all appointments and reappointments to standing advisory bodies.

In addition, resident committees and task forces are occasionally appointed by the City Council to address issues of interest. A task force or other ad hoc body is a body created by Council for a specific task. Council subcommittees, when used, are to help the Council do its job. Committees ordinarily will assist the Council by preparing policy alternatives and implications for Council deliberation. Council subcommittees will normally not have direct dealings with staff operations. Council subcommittees may not speak or act for the Council. Subcommittees will be used sparingly and ordinarily in an ad hoc capacity. This policy applies to any group that is formed by Council action, whether or not it is called a subcommittee. Unless otherwise stated, a subcommittee ceases to exist as soon as its task is complete. The Council may assign, and specify the role of, one or two Council Members to the task force (if more, it becomes a defacto Council meeting). Unless otherwise specified, Council Members have all the rights, and only the rights, of ordinary citizens with respect to task forces and other ad hoc bodies.

Note that both appointed advisory bodies and ad hoc committees are usually subject to the open meetings laws commonly known as the Brown Act.

Council Relationship with Advisory Bodies

The City Council has determined that Council Members should not lobby commissioners for particular votes. However, Council Members may attend meetings as residents and request that commissioners consider certain issues during their deliberations or in unusual instances as Council Members to reflect the views of the Council as a body.

Council Members choosing to attend commission or committee meetings should be sensitive to the fact that they are not participating members of the body. Council Members have the rights, and only the rights, of ordinary citizens with respect to Commissions – including the right to write to and speak to the Commission during public comment periods.

Role of Commission Liaison

Members of the Council are assigned to serve in a liaison capacity with one or more city commissions. The purpose of the liaison assignment is to facilitate communication between the City Council and the advisory body. The liaison also helps to increase the Council's familiarity with the membership, programs and issues of the advisory body. In fulfilling their liaison assignment, members may elect to attend commission meetings periodically to observe the activities of the advisory body or simply maintain communication with the commission chair on a regular basis.

Members should be sensitive to the fact that they are not participating members of the commission, but are there rather to create a linkage between the City Council and commission. In interacting with commissions, Council Members are to reflect the views of the Council as a body. Being a Commission liaison bestows no special right with respect to Commission business.

Typically, assignments to commission liaison positions are made at the beginning of a Council term in December. The Mayor will ask Council members which liaison assignments they desire and will submit recommendations to the full Council regarding the various committees, boards, and commissions which City Council Members will represent as a liaison. In the rare instance where more than one Council Member wishes to be the appointed liaison to a particular commission, a vote of the Council will be taken to confirm appointments.

City Council Meetings

General Procedures

By resolution, the City Council has adopted a modified version of Roberts Rules of Order.

Presiding Officer: The Mayor is the presiding officer and acts as chair at Council meetings. In the absence or incapacity of the Mayor, the Mayor Pro Tempore serves as presiding officer.

Seating arrangement of the Council: The Mayor Pro Tempore is seated immediately next to the Mayor. The Mayor, with the approval of individual Council members, shall establish the seating arrangement for regular Council meetings.

Quorum: Three-fifths of the Council members constitute a quorum for the transaction of business.

Meeting Schedule

The Council approves and follows an annual calendar that reflects its priorities and coincides with the budgeting process, beginning at the start of the calendar year. ~~Project priorities~~ Capital Improvement Plan ~~are is reviewed-ranked~~ in February for the following fiscal year, in order to reflect the commitment of resources required. Other Council priorities are overlaid on the calendar as time permits.

Regular meetings are usually held in the Council Chambers, 701 Laurel Street, on Tuesdays at 7 pm, with study sessions and closed sessions generally being convened earlier, as needed, or at the end of the meeting at the conclusion of public business.

On occasion, the Council meeting will be held in alternative locations such as the Senior Center. No Council meeting will typically be held in the event that a regular meeting of the Council falls on a legal holiday or the day after a holiday. Other meetings throughout the year may be cancelled as well. Council Members should inform the City Manager's secretary as soon as possible if they intend to be out of town on a set meeting date. On occasion, arrangements may be made in order for Council Members to remotely participate in Council meetings by telephone conference call when out of town.

Special Meetings

Special meetings may be called by the Mayor or by three members of the City Council. Written notice must be given to the City Council and to the media 24 hours prior to a special meeting. No business other than that officially noticed may be discussed.

Public Comment: At all regular and special meetings, public comments must be permitted before or during consideration of any agenda item. Public comment is appropriate on any matter within the jurisdiction of the City Council.

Meeting Notices and Minutes: Notice requirements of the Brown Act are complied with for all meetings; minutes of the meeting are taken by the City Clerk or designee and made available for public inspection.

Development of Agenda

The City Council adopts a yearly meeting calendar identifying meeting dates and cancellations to aid members and staff with planning and scheduling. A medium-range “tentative” Council calendar that reflects an estimate of when various items will be scheduled over the next few weeks is available on the City’s website. A copy of the draft agenda is transmitted to the Mayor for review on the Monday one-week prior to the meeting. Staff is required to submit reports for a Tuesday Council meeting to the City Clerk by noon on the Thursday of the week preceding the meeting. All agenda materials are available ~~after 5:30pm on the~~ Thursday evening before the Tuesday Council meeting. Website posting includes a tentative Council calendar that shows Council meeting dates and planned agenda items 3-5 weeks in advance.

Given this agenda development schedule, it is usually extremely difficult when Council requests at a Tuesday meeting that a report be prepared for consideration the following meetingweek. For this reason, it will usually require at least one week for the preparation of a report requested by the City Council. Complex reports, ~~of course~~, will require more time to prepare, and an estimated time of completion can be provided to the City Council. The ability to schedule new agenda items depends on the nature of the item itself, other agenda subjects that are already scheduled and the amount of time available.

Placing Items on Agenda

City Council: A Council Member may request an item be considered on a future agenda and, upon agreement of a majority of Council, staff will prepare a staff report if formal Council action is required. Council Members may make this request verbally during a meeting or may submit written requests. Normally, the process involves two steps: initial consideration of the request by the full Council at the soonest possible regularly scheduled meeting; and, if a majority agrees, the matter is then scheduled for further consideration on an upcoming meeting agenda.

Members of the public: A member of the public may request that an item be placed on a future agenda during public comment or through other communication with Council Members. Upon approval of a majority of Council, the item will be agendized and a staff report may be prepared. The City Manager will inform the Council of the potential impact the request will have on established priorities or staff workload and seek approval by the City Council before authorizing the work or scheduling the item as appropriate.

Emergency and Non-Agendized items: Emergency and non-agendized items may be added to an agenda only in accordance with state law. Emergency items are only those matters affecting public health or safety such as work stoppages, disasters and other severe emergencies. Adding an emergency item requires a majority vote. Emergency items are very rare. More likely, after the agenda is posted an item arises that the Council would like to act on. Non-agendized items may be added to the agenda only if the Council makes findings that (1) the need to consider the item arose after the posting of the agenda, and; (2) there is a need to take immediate action at this meeting of the City Council. These findings must be approved by a

Comment [LFP7]: There was concern on the Council as to how items get on the agenda. I don't think that the suggestion of "or" instead of "and" is correct.

4/5th vote; if less than five members of Council are present, the findings require a unanimous vote of those present.

Notification and Advertising

The City attempts to well publicize matters of significant neighborhood or community public interest that appear on a City Council agenda, as well as all matters where advertising is required by law. Advertisements and notifications are intended to inform all interested individuals.

Order of Business

The City Council established the order of business for meetings through the adoption of a policy on meeting procedures. Technically, the order of the agenda is as follows: roll call; special business; proclamations; council, committee and staff reports; public comment #1; appointments to boards/commissions/committees; consent calendar; public hearings; regular business; ~~public comment #2~~; written communications; information items; adjournment. The following section describes the various types of meeting components.

- 1. Closed Sessions** (*closed to the public*): The ability of the City Council to conduct sessions not open to the public is restricted by state law to ensure open proceedings. Certain defined circumstances exist wherein a city council may meet without the public in attendance. Such circumstances include:

Real Property: The purchase, sale, exchange or lease of real property with the City's negotiator; the real property and the person(s) with whom the City may negotiate must be announced in open session prior to the closed session (*Cal Govt Code 54956.8*).

Litigation: Pending or a significant exposure to litigation or the decision to initiate litigation; the litigation title must be identified in open session prior to the closed session unless the Council states that to do so would jeopardize its ability to conclude existing settlement negotiations or effectuate service of process.

Compensation: Salaries and benefits of employees; Council meets in closed session to review its position and instruct designated representatives (*Cal Govt Code §54957.6*).

Personnel: A closed session is held to discuss the appointment, employment, evaluation of performance, or dismissal of a public employee, or to hear a complaint against the employee unless the employee requests a public hearing (*Cal Govt Code §54957.6*).

It is critical to stress that there shall be no disclosure of closed session confidential information. Members of the Council, employees of the City, or anyone else present shall not disclose to any person, including affected/opposing parties, the press, or anyone else, the content or substance of any discussion which takes place in a closed session without Council direction and concurrence. Whenever possible, written reports received for closed session items will be turned in at the end of the meeting.

Typically, closed sessions will be scheduled prior to the public portions of the meeting or at the end of the meeting after public business has been concluded. This is done so public portions of the meeting are not interrupted by closed sessions. In addition, such sessions may require the attendance of special legal counsel and consultants. In an attempt to manage the costs of these professionals, it is beneficial to conduct closed sessions at a time certain. On

occasion, during the course of a regular meeting, an issue arises that requires the Council to adjourn to a closed session on the advice of the City Attorney.

- 2. Council Member Reports:** Provides members of the Council an opportunity to introduce matters not currently before the Council, including brief announcements, to pose questions of staff and make requests for items to be placed on the agenda at a future meeting. Examples of appropriate communications would be information of general interest received from outside agencies, comments or inquiries received from the public, requests to agenda future items, or announcements of interest to the public.

State law provides that Council can take action only on such matters that have been noticed at least three days (72 hours) in advance of the regular meeting, or 24 hours in the case of a special meeting, unless special circumstances are found to exist (as mentioned above). Formal action or approval on non-agendized items is not allowed, and such items should be placed on the agenda of the next available regular meeting.

- 3. Consent Calendar:** Those items on the Council agenda that are considered to be of a routine and non-controversial nature by the City Manager are placed on the “Consent Calendar.” These items shall be approved, adopted, accepted, etc., by one motion of the Council. Typical consent calendar items include the final reading and adoption of ordinances, various resolutions approving agreements, awards of contracts, minor budgetary adjustments, meeting minutes, status reports, and reports of routine city operations.

Council Members may request that any item listed under “Consent Calendar” be removed from the Consent Calendar, and Council will then take action separately on this item. A member of the public may request that an item listed under “Consent Calendar” be removed and Council action taken separately on the item; the City Council must concur with such a request. Items that are removed (“pulled”) by members of the Council for discussion will typically be heard after other Consent Calendar items are approved unless the majority of Council chooses an earlier or later time.

Council Members are encouraged to contact the City Manager’s office prior to 12:00 noon on the day of a Council meeting day to provide notification of items to be removed from the Consent Calendar. This practice allows the City Manager to notify staff that may need to be present to respond to removed items. Equally important, it also allows the Manager to inform staff who do not need to be present at the meeting. Unless contacted in advance of the meeting with sufficient time, the presumption is that staff will not be present.

- 4. Public Comment:** ~~A block of 30 minutes time is set aside at the beginning of the meeting and again at the end to receive~~The City Council receives general public comment about issues not on the agenda. Comments on agenda items should not be heard until the appropriate item is called. Individuals desiring to speak are to address the Council from the speaker podium after giving their name and place of residence. Speaker cards may be required and should be filled out, including the speaker’s actual jurisdiction of residence, and given to the City Clerk prior to Public Comment.

Comments should focus on a specific matter within the Council’s jurisdiction. Members of the public are encouraged to present written comments, preferably in advance of the meeting, as a way to fully communicate their thoughts on agenda or non-agenda items. When written materials are presented, they should be submitted to the City Clerk for

distribution and record keeping ahead of time. Comments are typically limited to three minutes per speaker so that all have an opportunity to address the Council.

Videos, PowerPoint or similar presentations may accompany in-person testimony but are subject to the same speaking time limits. Prior notice and coordination with the City Clerk is strongly encouraged and the Mayor reserves the privilege to limit such requests as necessary for the effective conduct of the meeting. Speakers are to address their comments to the City Council from the podium.

Public comment on regular business items normally follows staff's presentation of the staff report, clarifying questions from Council Members and applicant comments as necessary and appropriate. Typically, applicants or appellants are limited to a maximum of 10 minutes. Council will then hear public comment.

5. **Public Hearing:** In the case of public hearings, once the Council has voted to close the hearing, no member of the public shall be permitted to address the Council or the staff from the audience, except at the discretion of the presiding officer (Mayor).
6. **Regular Business Items:** Regular items are shown on the agenda and are normally taken in the order listed.

7.# **Informational Items:** Informational items may contain a status update, background report or a preview of a larger item coming before the Council at a future meeting.

Formatted: Font: Bold

78. **Written Communications:** The City Council has established a practice of placing written communication between Members requesting items to be agendaized and select letters sent by agencies to Council Members on the meeting agenda so that this correspondence receives wide distribution. If letters or emails from the public are received on the day of or just before a meeting, copies will be placed at the Council Members' positions on the dais.

89. **Commission Reports:** Commission reports provide an opportunity for designated members of appointed boards to address the Council on matters of importance or to update the Council and community on studies that are underway.

109. **Study Session:** From time to time, the Council will hold study sessions. These meetings are normally scheduled before the regular Council meeting. ~~On occasion, dedicated study sessions are held instead of a regular meeting on the first Tuesday of the month.~~ The purpose of study sessions is to give the Council a less formal and more interactive forum to discuss issues in advance of any official action to be taken. Staff often presents policy alternatives and is more directly engaged in the dialogue. ~~Official minutes are not generally kept, but~~ Meetings are open to the public and are broadcast and videotaped when held in the Council Chambers and at the direction of the Council. While general direction may be given to staff or the proponent behind the topic of discussion, no formal action by the Council is taken in a study session.

Discussion Rules

To assist the City Council in the orderly discussion of items, rules are followed which represent accepted practices for the management of Council meetings.

1. **Obtaining the floor:** A member of the City Council or staff shall first address the Mayor and gain recognition. Comments and questions should be directed through the chair and

limited to the issue before the Council. Cross-exchange between Council Members and public should be avoided.

2. **Questions to staff:** A Council Member shall, after recognition by the Mayor, address questions to the City Manager, City Attorney, department head or designated staff member. If a Council Member has questions on an agenda item, that member should preferably contact staff prior to the meeting in order to allow staff time to research a response for the meeting.
3. **Interruptions:**
 - a. Once recognized, a Council Member is considered to have the floor, and another Council Member may not interrupt the speaker except to make a point of order or point of personal privilege. In such a circumstance, the Council Member holding the floor shall cease speaking until the point of order or privilege is resolved.
 - b. Upon being recognized by the Mayor, members of the staff shall hold the floor until completion of their remarks or until recognition is withdrawn by the Mayor.
4. **Discussion:** A Council Member should not speak more than once on a particular subject until every other Council Member has had the opportunity to speak. Council Members are encouraged to discuss items during the decision-making process and may ask staff to respond when appropriate. The Mayor normally allows other members to speak first, then will give his/her views and summarize.
5. **Tabling procedure:** Tabling an item immediately stops discussion and causes a vote to postpone a matter indefinitely or to a time and date certain. A motion to “continue” an agenda item has the same effect, but is generally used when a scheduling problem arises or when insufficient time is available to address the matter thoroughly.
6. **Right of protest:** A Council Member is not required to state reasons for a dissenting vote.
7. **Calling for the question:** The purpose of calling for the question is to disallow further debate and put an issue to an immediate vote. A Council Member may move to “call for the question” on an item which is being considered. The motion requires a second, is not debatable, and must pass by a four-fifths vote. If the motion carries, the item is no longer debatable and the City Council must vote on it.
8. **Conducting business at a late hour.** According to Council policy, all regular meetings of the Council are to end by midnight unless there is a three-fourths vote taken by 11:00 pm to extend the meeting. The motion to extend is to include the title of the items to be considered after 11:00 and a new ending time for the meeting.

Voting Procedures

When present, all Council Members are to vote. Failure of a seated member to orally express a vote constitutes an affirmative vote.

Comment [LFP8]: Isn't voting electronic now?

Comment [LFP9]: What about abstention?

No ordinance, resolution or motion shall be passed or become effective without an affirmative vote by the majority with a quorum present.

A conflict of interest shall be declared whenever appropriate and in compliance with state law. The affected Council Member will step down from the dais and leave the Chambers.

Council members may declare general consensus at the discretion of the presiding officer, if there are no negative votes or objections.

Upon the request of any Council Member, a roll call vote will be taken and recorded.

Comment [LFP10]: With electronic voting isn't that essentially a roll call vote each time because it can be seen how each voted. Also, new Brown Act requirements provide that the vote of each member shall be recorded.

Tie vote: A tie vote is equivalent to a motion that has failed. The presiding officer may publicly explain the effect of the tie vote for the audience or may direct a member of the staff to do so.

Motions. There are a number of types of motions, each of which must meet certain requirements before a vote can be taken. A reference guide to motions is provided in chart form in Appendix A of this manual.

Reconsideration: Reconsideration of an item shall be allowed in accordance with the following Council guideline: A Member of the prevailing majority when the previous vote was taken must make a motion for reconsideration. The City Council has determined that any motion for reconsideration should be made at the meeting immediately following that at which the action was taken. No motion for reconsideration will be entertained after this time unless the City Council determines significant new information has arisen which warrants such action.

Comment [LFP11]: In Robert's Rules of Order there is no discussion of allowing reconsideration past the limited time in the face of new information.

Other Guidelines

Other guidelines have been developed to ensure that meetings of the Council are conducted in a civil and professional manner. Council members and staff shall:

1. Work to preserve appropriate order and decorum during all meetings.
2. Discourage side conversations, disruptions, interruptions or delaying efforts.
3. Inform the Mayor before departing from a meeting.
4. Limit disruptive behavior. The Mayor will call persons demonstrating rude, boisterous, or profane behavior to order. If such conduct continues, the Mayor may call a recess, request the removal of such person(s) from the Council Chambers, adjourn the meeting, or take such other appropriate action. The Council has a policy to discourage applause, booing or other similar behaviors from the public during meetings.
5. Recognize that only the City Council, staff, advisory body chairs or designated representatives, and those authorized by the presiding officer shall be permitted to sit at the Council or staff tables.
6. Limit breaks of the City Council to 5-10 minutes. The Council has authorized the Mayor to resume the meeting if a quorum exists and other members have not returned from the break within the announced time period.
7. Impose time limits on speakers. While the City Council encourages and embraces the need for and right of public participation, it acknowledges that public comments must, at times, be limited. Therefore, the City Council authorizes the Mayor, as presiding officer, to poll the audience for an indication of the number of people wishing to speak, and to impose time limits per speaker. Typically, speakers are limited to three minutes but a

shorter time limit may be established as deemed necessary. When a member of the public is to speak on behalf of others in attendance, a maximum time limit of ~~ten-nine~~ minutes is usually imposed or as otherwise allowed in the discretion of the presiding officer. After the time limit, Council may ask questions of the speaker for clarification, if needed. Each speaker will be thanked for his or her participation.

Values of Respect: The City Council has also recognized the importance of approaching the public's business in an environment of personal respect and courtesy, which places emphasis on the consideration of policy and avoids personalization of comments. Some guidelines utilized by the City Council include:

1. Discussion should focus on policy matters
2. Personal criticism of members is inappropriate
3. Proper decorum should be displayed as other members express their views
4. Treat members of the public equally, applying rules in a fair and consistent manner
5. Members of the public are advised to treat all public speakers with due respect and to refrain from verbal expressions in support of or opposition to (such as clapping or booing) any public speakers' comments.

Enforcement of Order: The Police Chief or his designee acts as the Sergeant-At-Arms. Any Council Member may request the presiding officer to enforce the rules of protocol. Upon motion and majority vote, the presiding officer shall be required to do so.

Open Meeting Laws ("The Brown Act")

Operations and procedures of the City and City Council incorporate requirements of the state's open meeting law (commonly referred to as the Brown Act). Because this law is such an important part of local government operations, some specific requirements of the law are highlighted below.

Comment [API 12]: Confirm this section reflects the most current law - YES

Applicability and Penalties: The entire city organization conducts its business in compliance with the Ralph M. Brown Act, State Government Code Section 54950 et seq. The intent of the Act is to ensure that deliberation and actions of local public agencies are conducted in open and at public meetings.

- A. **Applicability:** The Act applies to Council and all commissions, boards and Council appointed subcommittees (except if comprised entirely of two Council Members) and task forces that advise Council. Staff cannot promote actions that would violate the Act.
- B. **Meetings:** All meetings shall be open and public. A City Council meeting takes place whenever a quorum (3 or more members) is present and information about the business of the body is received; discussions qualify as a meeting. Social functions (e.g., receptions, dinners) do not fall under the Act unless city business is discussed.

Serial meetings take place when any member of Council contacts more than one other member of the Council or any city staff member contacts more than two Council Members for the purpose of deliberating or acting upon an item pending before the City Council. This restriction does not apply to the public or media who may contact all

Council Members. Correspondence that merely takes a position on an issue is acceptable. Note that the Brown Act applies to City Council Members immediately after their election and prior to their swearing-in ceremony.

- C. Agendas: Agendas for regular meetings must be posted 72 hours in advance of the meeting and must meet various requirements.
- D. Actions: No action can be taken on any item not appearing on the posted agenda.
Exceptions: 1) An emergency situation exists (determined by a majority of the Council). 2) The need to take action arose subsequent to the agenda being posted and there is a need for immediate action (determined by 2/3 vote of the Council; or if less than 2/3 are present, by unanimous vote). 3) The item was continued to another meeting that was scheduled and posted within 5 days of the original agenda.
- E. Public Input: The public, by law, has an opportunity to address the Council on any item of interest to the public that is within the jurisdiction of the Council, at the time the matter is heard. The Mayor has the right to establish a time limit on speakers and the total time allocated for a particular issue. Three minutes per speaker has been standard, but in unusual cases either shorter or longer time periods may be established by the Mayor or the Council.
- F. Public Disruptions: A portion or all of the public may be removed if willful disruption makes conducting the meeting "unfeasible"; the press may remain unless they participate in the disruption.
- G. Correspondence: All writings distributed for discussion or consideration at a public meeting are public records.
- H. Special Meetings: Special meetings may be called by the Mayor or a majority of the Council with strict notification requirements for delivery to the media and Council 24 hours before the time of the meeting.
- I. Emergency Meetings: Emergency meetings may be called without notification due to the disruption or threatened disruption of public facilities. Only work stoppages or crippling disasters that impair the public health and/or safety qualify for emergency meetings.
- J. Other Provisions: The [Brown Act](#) provides many other restrictions and requirements; this chapter is intended merely as a Council summary and overview ~~of the Act~~, and nothing in this Chapter supersedes the provisions of the Brown Act. Please check with the City Attorney and/or the City Clerk for more information.

|

Council Communications

Overview

Perhaps the most fundamental role of a Council Member is communication—communication with the public to assess community opinions and needs—communication with staff to provide policy direction and to gain an understanding of the implications of various policy alternatives. Because the City Council performs as a body (that is, acting based on the will of the majority as opposed to individuals), it is important that general guidelines be understood when speaking as a Council Member. Equally important, when members are expressing personal views and not those of the Council, the public should be so advised.

Correspondence from Council Members

Members of the City Council may occasionally be called upon to write letters to citizens, businesses or other public agencies. Typically, the Mayor will be charged with transmitting the City’s position on policy matters to outside agencies on behalf of the City Council. Correspondence sent on behalf of the Council is placed on official City letterhead and is signed by the Mayor or City Manager. Individual members of Council may prepare letters to constituents in response to inquiries or to provide requested information. Individualized City Council Member letterhead is available for this purpose, and staff can assist in the preparation of such correspondence. Council Members are required to provide copies of any correspondence on City letterhead to every Council Member and the City Manager.

On occasion, members may wish to transmit correspondence on an issue upon which the Council has yet to take a position or about an issue for which the Council has no position. In these circumstances, members should use their personalized letterhead and clearly indicate within letters that they are not speaking for the City Council as a whole, but for themselves as one member of Council.

After the City Council has taken a position on an issue, official correspondence should reflect this position. While members who may disagree with a position are free to prepare correspondence on such issues as private citizens, City letterhead, official Council title, and staff support should not be utilized in order to avoid confusion. In addition, City letterhead and staff support cannot be utilized for personal or political purposes.

Council Members may be asked to prepare letters of recommendation for students and others seeking appointment. It is appropriate for individual Council Members to utilize City letterhead and their Council titles for such letters. No review by the full Council is required, however, copies will be kept on file.

Speaking for “the City”

Similar to written correspondence, when members are requested to speak to groups or are asked the Council’s position on an issue, the response should reflect the position of the Council as a whole. Of course, a member may clarify their vote on a matter by stating, for example, “While I voted against “X”, the City Council voted in support of it.” When representing the City

at meetings or other venues, it is important that those in attendance gain an understanding of the City Council's position rather than that of an individual member.

When dealing with members of the media, it is usually the Mayor who represents the position and interest of the City Council. When the City Manager or Department Heads are contacted, they too will refer the media first to the Mayor for comment. Similarly, when the City issues a Press Release, the Mayor is consulted in terms of any Council Member quotes or references. The City Manager decides whether staff are available to respond to media requests directly or not.

Local Ballot Measures

At times measures that affect City Council policy may be placed on the ballot. There are restrictions regarding what actions a City Council or individual Members may take on ballot measures. Guidelines as to what is permissible are available from the City Clerk or City Attorney upon request.

State Legislation, Propositions

The City has been a member of the League of California Cities for many years. In addition, the City has a representative on the City/County Association of Governments (C/CAG). Both of these groups actively track legislation at the state level. Either through the advisories received from these two organizations or as a result of City staff following key legislative bills of importance to the City, the Council is at times requested to take a position or an action on pending state legislation. Unless Council has previously acted on a similar bill in the recent past, in which the City's position is clear, the Council has a practice of requiring analysis and discussion of bills prior to taking an official position. The analysis includes a summary of the legislation's purpose and a listing of those entities both in support of and against the proposed legislation. As a framework for screening bills that are pending to determine if the City should weigh in, Appendix B serves as a Legislative Policy Guide, with the explicit understanding that the City will express itself on legislation dealing with issues that will directly effect its financial stability or effective operation, and that the City may enter into alliances with other entities to promote common goals.

Proclamations

Ceremonial proclamations are often requested of the City in recognition of an event or individual. Proclamations are not statements of policy but a manner in which the city can make special recognition of an event (e.g., Recycling Week) or individual. As part of his/her ceremonial responsibilities, the Mayor is charged with administration of proclamations. Individual Council Members do not issue proclamations. Proclamations can be sent to the requestor or presented at a City Council meeting as arranged with the requesting body and at the Mayor's discretion.

Interaction with City Staff

Overview

City Council policy is implemented on a daily basis through staff. Therefore, it is critical that the relationship between Council and staff be well understood by all parties so that policies and programs may be implemented successfully. The City of Menlo Park has a long tradition of positive relationships between members of the City Council and staff. To maintain these effective relationships it is important that roles are clearly recognized.

Council-Manager Form of Government

Like most California cities, Menlo Park has adopted a City Council-City Manager form of government. The Council appoints a City Manager to implement policy, enforce its laws, to direct the daily operations of city government, and to prepare and monitor the municipal budget. The Municipal Code specifies roles and responsibilities and requires that Council Members work through the City Manager in dealing with City staff unless simply requesting information from department heads or other staff members. The City Manager is responsible to the City Council as a body rather than to individual Council Members.

Council-Manager Relationship

The employment relationship between the City Council and City Manager reflects the fact that the City Manager is the chief executive officer of the City. The City Manager has an employment agreement with the City Council. Regular communication between the City Council and City Manager is important in maintaining effective interpersonal relations. All dealings with the City Manager, whether in public or private, should be consistent with the authority of the City Manager in administrative and personnel matters. Council Members should avoid situations that can result in City staff being directed, intentionally or unintentionally, by one or more members of the City Council. Further, Council Members should avoid involving themselves in matters regarding individual City employees or related affairs.

The City Council evaluates the City Manager's performance on a regular basis to ensure that both the City Council and City Manager are in agreement about organizational performance and priority goals that are based on mutual trust and common objectives.

As in any professional relationship, it is important that the City Manager keep the City Council informed. The City Manager respects that the final responsibility for establishing the policy direction of the City is held by the City Council. The City Manager communicates with City Council in various ways. In addition to the formal Council meetings, there are periodic briefing meetings with individual Council members and written memoranda and email. Communication must be undertaken in such a way that all Council Members are treated similarly and kept equally informed. It is also important that the Council provide ongoing feedback, information and perceptions to the City Manager including responses to written communications and surveys requesting feedback [in a timely manner](#).

City Manager Code of Ethics

The City Manager is subject to a professional code of ethics that binds the City Manager to certain practices that are designed to ensure his or her actions are in support of the City's best

interests. Violations of such standards can result in censure. Appendix D is a copy of the City Manager's Code of Ethics.

City Council-City Attorney Relationship

The City Attorney is the legal advisor for the Council, City Manager and departments. The general legal responsibilities of the City Attorney are to: 1) provide legal assistance necessary for formulation and implementation of legislative policies and projects; 2) represent the City's interest, as determined by the City Council, in litigation, administrative hearings, negotiations and similar proceedings; 3) prepare ordinances, resolutions, contracts and other legal documents to best reflect and implement the purposes for which they are prepared; and 4) keep City Council and staff apprised of court rulings and legislation affecting the legal interest of the City. It is important to note that the City Attorney does not represent individual members of Council, but the City Council as a whole.

Roles and Information Flow

Objectives: It is the intent of staff to ensure Council members have free and easy access to information from the City and to ensure that such information is communicated completely, with candor and without bias. Individual Council Members may not intervene in staff decision-making, the development of staff recommendations, scheduling of work, or executing department priorities without the prior knowledge and approval of the City Council as a whole. This is necessary to protect staff from undue influence and pressure from individual Council Members, and to allow staff to execute the priorities given by management and the Council as a whole without fear of reprisal.

Council roles: The full City Council retains power to accept, reject, amend, influence, or otherwise guide and direct staff actions, decisions, recommendations, service levels, work loads and schedules, departmental priorities, and the performance of City business. If a Council Member wishes to influence the actions, decisions, recommendations, workloads, work schedule, and priorities of staff, that member must prevail upon the Council to do so as a matter of Council policy.

Should a Council Member become dissatisfied about a department, he/she should always talk it over with the City Manager, ~~and/or the Assistant City Manager, not the department head.~~ Concerns about a department head must be taken to the City Manager only.

Access to Information: Individual Council Members as well as the Council as a whole shall receive the full cooperation and candor of staff in being provided with any requested information. The City Manager or appropriate staff will inform council when a critical or unusual event occurs about which the public would be concerned.

To assist the City Manager in his ability to monitor the flow of information, requests for information are best tracked if submitted in writing, either in memorandum form or through email. And to ensure proper responsiveness, Council Members are asked to "cc" both the department head and the City Manager on all correspondence with staff. Staff further encourages Council Members and constituents to utilize the "Menlo Park Direct Connect" web-based system that is accessed via the home page of the City's website.

Comment [API 13]: Needs update

There are limited restrictions when information cannot be provided. Draft documents (e.g., staff reports in progress, administrative draft EIRs) under review are not available for release until complete and after review by city management. In addition, there are legal restrictions on the City's ability to release certain personnel information even to members of the City Council. Certain aspects of Police Department affairs (access to restricted or confidential information related to crimes) may not be available to members of the Council.

City Council Members have a responsibility in this information flow as well. It is critical that they make use of staff reports and commission minutes. Council Members should come to meetings well prepared – having read staff reports and attachments, and requesting in advance any necessary and available information from staff. If a Council Member has questions on an agenda item, that member should preferably contact staff prior to the meeting in order to allow staff time to research a response for the meeting.

Staff roles: The Council recognizes the primary functions of staff as serving the community, executing Council policy and actions and in keeping the Council informed. Staff is obligated to take guidance and direction only from the Council as a whole or from the appropriate management supervisors [through the City Manager](#). Staff is directed to report to the City Manager any attempts by individual members of the Council to unduly direct or otherwise pressure them into making, changing or otherwise influencing recommendations.

City staff will make every effort to respond in a timely and professional manner to all requests made by individual Council Members for information or assistance; provided that, in the judgment of the City Manager, the request is not of a magnitude, either in terms of workload or policy, which would require that it would be more appropriately assigned to staff through the direction of the full City Council. If a request by an individual Council Member is determined by the City Manager to take one hour or more of staff time to complete, that request may be included on the formal Council agenda for full Council discussion.

Dissemination of Information

In cases where a staff response to an individual Council Member request involves written materials that may be of interest to other Council Members, the City Manager will provide copies of the material to all other Council Members. In making this judgment, the City Manager will consider whether the information is significant, new, otherwise not available to the Council or of interest to the Council.

Magnitude of Information Request

Any information, service-related request, or revised policy position perceived as necessary by individual Council Members, and that cannot be fulfilled based on the above guidelines, should be submitted by the individual Council Member in writing to the Council as a whole. When raised at a Council meeting, the full Council can decide whether and when to agendaize the request for further consideration. The City Manager will seek necessary clarification as to whether the Council desires staff research or a report prepared; and, if so, the relative priority that should be given to such a request in light of other priorities and potential workload impacts.

Staff Relationship with Advisory Bodies

Staff support and assistance is typically provided to commissions and task forces. However, advisory bodies do not have authority over City employees. While staff may work closely with

advisory bodies, staff members remain responsible to their immediate supervisors and ultimately the City Manager and City Council. The members of the commission/ board/committee are responsible for the functions of the advisory body, and the chairperson is responsible for committee compliance with City policies and practices as outlined in the Commission Handbook.

Staff support often includes preparation of an agenda and its posting in compliance with the Brown Act. Staff may also prepare reports providing background on the issue, alternatives, a recommendation, and appropriate backup materials, if necessary. Advisory body members should have sufficient information to reach decisions based upon a clear explanation of the issues. The assigned staff person may ~~serve as secretary,~~ taking minutes as needed. Staff members are to assist the advisory body chair to ensure appropriate compliance with state and local laws and regulations.

It is important that advisory bodies wishing to communicate recommendations to the City Council do so through approved Council agenda procedures. In addition, if a commission wishes to correspond with an outside agency, that correspondence will be prepared by staff for review by the City Manager and possible approval by the City Council. Individuals who would like staff to perform research or for the commission to review a particular issue must gain the approval for such a request from the full City Council before any work is planned or done. ~~The annual work plan for the City's commissions is determined by the City Council at its priority setting that precedes the adoption of the fiscal year budget. Each Commission establishes a 2-year work plan that is in line with the City Council's goals, which guides the commissions' activities and projects.~~

Formatted: Font: 11 pt

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: 11 pt, English (U.S.)

Restrictions on Political Involvement by Staff

Local governments are non-partisan entities. Professional staff, as reflected within the principles of the Council-Manager form of government, formulates recommendations in compliance with Council policy and for the good of the community and is not influenced by political factors. For this reason, it is very important to understand the restrictions of staff in any level of political involvement through campaigns, fund-raisers, or other means.

By working for the City, staff members do not surrender rights to be involved in local elections. Indeed, laws are in place to preserve those rights. However, there are limitations to such involvement. Different restrictions apply to management and to general employees.

General employees have no restrictions while off the job. No participation in campaigns or other activities may take place while on the job. No City resources may be used by staff in support of any campaign. Even while off the job, no employee may participate in campaign or other activities in a City uniform. For example, posing for a promotional photograph for a candidate for local office while in uniform is inappropriate. The support of the City Council in these matters is requested. A Council Member asking staff to sign petitions or similar items can similarly create an awkward situation.

For management staff, the City Manager strongly discourages any involvement in a local campaign even while on personal time. Such involvement could erode the tenet that staff is to provide an equal level of service to all members of the City Council. The City Manager specifically prohibits any political involvement in local campaigns by department heads.

Support Provided to City Council

Staff Support

General administrative support to members of the City Council is provided through the City Manager's Office. ~~Secretarial-Administrative~~ services including scheduling of appointments ~~and~~ receipt of telephone messages, ~~and word processing~~ are available as needed. ~~In addition to supporting the five City Council members, the two administrative support staff members also assist the City Manager, Assistant City Manager, City Clerk and Business Development Manager.~~ Sensitivity to the workload of support staff members in the City Manager's Office is appreciated. Should requested tasks require significant time commitments, prior consultation with the City Manager is requested.

Office Equipment/~~Technology~~

To enhance Council Members' ability to communicate with staff and the public, the City Council office is equipped with a computer and telephones with voicemail. The Council can also receive and send faxes.

Council Members may be connected from their home to the City's computer network. Information ~~Technology~~Services staff will provide initial assistance in setting up necessary software and hardware. While staff will maintain those computer applications related to City affairs, staff cannot provide assistance for personal computer applications. ~~Each Councilmember is provided the use of a tablet device.~~ When individual Council Members have completed their term of office, any ~~installed software and external modem~~technology must be returned to the City.

These technologies facilitate efficient communication by Council Members. However, their use also raises important legal issues to which Council Members must pay special attention. First, the Brown Act prohibits members from using "technological devices" to develop a concurrence by a majority regarding an action to be taken by the Council. "Technological devices" under the Brown Act include phones, faxes, computer email, public access cable TV and video. Council Members should not use e-mail, faxes or phones for communicating with other Council Members in order to develop a majority position on any particular issue that may come before the full Council. Particular caution is advised when using or responding to email received via the "CCIN" feature on the City's website and email directory. Correspondence sent using CCIN automatically goes to all five Council Members, certain staff and to the local newspapers.

Second, be aware that most emails sent by Council Members probably are public records under the Public Records Act. Even though it does not create paper, sending email is more similar to mailing a letter than placing a telephone call. The information in the email is stored on the computer network until deleted, and may continue to exist on the network's back-up systems even after being deleted. As a result, emails can become records of the City maintained in the course of business, and thus available for public disclosure under the Public Records Act.

Finally, the City's email system is intended for the conduct of official business, and not for political reasons. See CHAPTER 8 for a detailed discussion on the prohibition against using City property and funds for personal or political purposes.

Meeting Rooms

An office is available adjacent to the City Manager's Office for shared use by members of the City Council. Council Members can also reserve larger meeting space for use by contacting the City Manager's Office staff.

Mail, Deliveries

Members of the City Council receive a large volume of mail and other materials from the public, private interests and staff. The City Manager's Office staff maintains a mailbox for each member. Meeting agenda materials are available for pick up Thursday evenings at 5:30pm and are posted on the City's website. Members are encouraged to return unwanted reports and documents to staff for distribution to the public or for recycling.

Financial Matters

Council Compensation

State law and the Municipal Code provide for modest compensation to members of the City Council. State law limits an increase in City Council salaries to 5% per year, effective only following the next election after adoption. Currently, Council Members receive a stipend of \$640 per month. Council Members are also eligible for participation in group insurance benefits including retirement, medical, dental, vision, and life insurance plans available at the level provided to management employees.

Expenditure Allowance

The annual city budget includes limited funding for members to undertake official City business. Eligible expenses include travel for attendance at conferences or educational seminars, and the purchase of publications and annual subscriptions. Travel expense reimbursement for meals does not allow reimbursement for alcohol. Donations to organizations are not eligible nor are meals for individuals other than Council Members. Available funds are disbursed on a first come first served basis, with the Mayor and City Manager monitoring expenses during the year. ~~City Council Policy Appendix D includes a copy of #CC-91-0002 pertaining~~ to travel and meeting expenses.

Expenditure Guidelines

It is important to note that any expense must be related to City affairs. Public property and funds may not be used for any private or personal purpose. Courts have ruled that this prohibition includes personal political purposes. For example, reimbursement could not be allowed to pay for meals at a meeting designed to discuss political or campaign strategies. It is also inappropriate for City funds to pay for a meal or other expenses of a private citizen.

City budgetary practices and accounting controls apply to expenditures within the City Council budget. Reimbursement requests should be made through the City Manager's Office monthly with receipts. Expenditure records are public information. Questions arising as to the proper application or interpretation of the adopted policy will result in the City Manager conferring with the Mayor.

Conflicts & Liability

Conflict of Interest

State laws are in place to prevent an action by a Council Member that would or may constitute a conflict of interest. The purpose of such laws and regulations is to ensure that all actions are taken in the public interest. At any time a Member believes a potential for conflict of interest exists, he/she is encouraged to consult with the City Attorney or private legal counsel for advice. Staff may also request an opinion from the City Attorney regarding a member's potential conflict. Laws that regulate conflicts are very complicated. Violations may result in significant penalties including criminal prosecution.

There are two primary laws that govern conflicts of interest for public officials in California - the Political Reform Act and Government Code §1090. In general terms, the Political Reform Act prohibits a public official from having a financial interest in a decision before the official; §1090 prohibits a public official from having an interest in government contracts.

The Political Reform Act prohibits public officials from making, participating in, or in any way attempting to use their official position to influence a governmental decision in which they know, or have reason to know, that they have a financial interest. Therefore, if a public official has a conflict of interest, the official must disqualify himself or herself from acting on or participating in the decision before the City. Once a year Council Members and certain staff are required to file statements of economic interests.

Government Code §1090 is similar to the Political Reform Act, but applies only to City contracts in which a public official has a financial interest. The financial interests covered by §1090 are different from those in the Political Reform Act. A Member having an interest in a contract may preclude the City from entering into the contract at all. In addition, the penalties for violating §1090 are severe. If a Council Member believes that he or she may have any financial interest in a contract that will be before the Council, the Member should immediately seek advice from the City Attorney or the Member's personal attorney.

There are a number of other restrictions placed on Council actions that are highlighted in the League of California Cities' *Guide*. Such restrictions include prohibitions on secrecy and discrimination as well as assurance that all city funds are spent for public purposes. Violations of these restrictions may result in personal liability for individual Council Members.

City Attorney Advice

The City Attorney has an affirmative duty to protect the City and City Council from conflicts of interest wherever possible. It is critical to note that while the City Attorney can render advice on the interpretation of State laws and regulations on conflict matters, such advice is solely an interpretation of the law. The only authority that can provide binding interpretations on such matters is the State Fair Political Practices Commission (FPPC). Members or the full Council may also solicit opinions on such matters directly from the FPPC; however, such opinions often take time to develop and may not readily respond to urgent matters. It is important to note that

Comment [API 14]: Have Bill confirm this information/law is up to date - YES

the City Attorney does not represent individual members of Council, but the City Council as a whole.

Conflict of Interest Forms

Annual disclosure statements are required of all Council members, designated commissioners and senior staff which indicate potential conflicts of interest including sources of income, ownership of property and receipt of loans and gifts. Council Members and the City Manager often serve on the governing board of other agencies as a result of their positions. These agencies also require submittal of disclosure forms. These forms require information including income, loans, receipt of gifts, and interest in real property among other items.

Liability

The City is a large institution offering a variety of services and may occasionally find itself subject to legal actions through lawsuits. For example, those involved in automobile accidents sometimes choose to take actions against a City since the accident occurred on a City roadway. The City must always approach its responsibilities in a manner that reduces risk to all involved; however, with such a wide variety of high-profile services all risk cannot be eliminated. The City belongs to an agency with other governments to manage insurance and risk activities.

It is important to note that violations of certain laws and regulations by individual members of the City Council may result in that member's being personally liable for damages which would not be covered by the City's insurance. Examples may include discrimination, harassment or fraud.

Additional Training & Resource Materials

League of California Cities

The League is an association of virtually all cities in California. It provides many services including the production of educational conferences for local officials, publication of various newsletters and the monthly magazine *Western City*. The League has lobbyists on staff to represent the interest of cities before the state legislature and federal government and supports committees having local officials as members that are organized to address issues as they arise. The League has an Internet web site at www.cacities.org. The City of Menlo Park participates in League activities through the Peninsula Division.

Local Government Commission

The Commission is a California-based organization that focuses largely on planning and resource conservation issues. It conducts workshops, offers periodic seminars, and publishes newsletters.

International City/County Management Association (ICMA)

ICMA is a professional association of local government chief executives/city managers. The association has an extensive list of publications to assist local officials.

[The League of California Cities produces a number of publications on substantive issues in city and local government. These publications are available for purchase from the League.](#)

[Municipal Revenue Sources Handbook, 2014](#)

[Open & Public IV, Revised July 2010](#)

[Rosenberg's Rules of Order: Parliamentary Procedure for the 21st Century](#)

[The People's Business: Guide to the California Public Records Act, 2008](#)

[Countdown to Success](#)

[For publication inquiries, contact Craig Matsumoto at \(916\) 658-8217](#)

[The Institute for Local Government also produces publications. For ILG publications please go to \[www.ca-ilg.org/publications\]\(http://www.ca-ilg.org/publications\).](#)

Other Reference Material Available

— [The Brown Act – Open Meetings for Local Legislative Bodies](#)

— [Report on City Participation in Ballot Measure Campaigns](#)

— [A Guide to the Political Reform Act](#)

- ~~— Elected Officials Handbooks:
 - ~~Setting Goals for Action: An Overview of Policy Development~~~~
- ~~— Building a Policy-Making Team~~
- ~~— Setting Policies for Service Delivery~~
- ~~— Pursuing Personal Effectiveness~~
- ~~— City of Menlo Park Municipal Code~~



STAFF REPORT

City Council Meeting Date: 2/9/2016
Staff Report Number: 16-130-CC

Regular Business: Provide direction on ConnectMenlo (General Plan and M-2 Area Zoning update) schedule

Recommendation

Staff recommends that the City Council review the revised ConnectMenlo schedules, per Attachments A and B, and provide direction to staff regarding the preferred option.

Policy Issues

The General Plan and M-2 Zoning update process will consider a number of policy issues. There are no policy issues associated with this staff report.

Background

The General Plan serves as the City's comprehensive and long range guide to land use and infrastructure development in the City, and is required by State law. Since Summer 2014, the City has embarked on the General Plan update process known as ConnectMenlo, and has been targeting completion in late summer 2016. The City Council identified the completion of the General Plan and M-2 Zoning Update in two years as a City Council goal.

The General Plan Update is a multi-step process. The process began with the creation of the Guiding Principles, which were developed in a collaborative public process and are intended to guide growth and preserve the City's unique features over the next 20 years. Next, the maximum potential development map was drafted, guided by input from the General Plan Advisory Committee (GPAC), members of the public, Planning Commission and City Council. The map showed the types and locations of future land uses and associated building heights, as well as potential infrastructure improvements with the intent of creating a live/work/play environment. The maximum potential total square footage, number of housing units, hotel units, and jobs that could result from the proposed land use changes were determined, and are being used to analyze the proposed project's potential environmental impacts in the Draft Environmental Impact Report (EIR) and its fiscal implications in the Fiscal Impact Analysis (FIA). During the Summer and Fall of 2015, staff and the consultant team were focused on drafting and fine-tuning the General Plan Land Use and Circulation goals, policies and programs. Similar to previous steps in the process, the ConnectMenlo team conducted a number of meetings and community events to engage with the GPAC and community to focus on these items. The proposed General Plan land use designations and goals, policies and programs seek to both preserve the qualities of the city and to accommodate change that can benefit the community through increased revenue that supports services and direct provision of amenities that enhance the quality of life in Menlo Park.

The proposed General Plan Land Use Element contains a number of programs that will be concurrently implemented with the General Plan Update. One of the key items is the development of the Zoning Ordinance Update to create the associated M-2 Area zoning districts for consistency with the proposed

General Plan land use designations. Each General Plan land use designation is closely aligned with one or more zoning districts. In general, the General Plan land use designations have remained unchanged, with the exception of the addition of several new districts to align with the proposed land use changes for the live/work/play environment. In January 2016, staff released draft Zoning Ordinances for the Office (O), Life Science (LS) and Mixed Use Residential (R-MU) for review and comment, first by the public at a focus group meeting on January 14, and most recently by the public and GPAC at a GPAC meeting on January 28, 2016.

Analysis

Zoning governs land use. It is a way to manage the physical development of land and specify the areas in which different land uses may be located and manage the size and general look and feel of a building. The City of Menlo Park zoning regulations are located in the Zoning Ordinance (Title 16 of the Municipal Code), which includes development regulations to control features such as floor area ratio (FAR), building heights, lot coverage, and parking requirements, and in some districts, design standards.

Additional Meetings

Both the January focus group and GPAC meetings on the proposed zoning regulations created lively discussions. The ConnectMenlo team heard a number of good questions and concerns around several specific topics, including community amenities, green and sustainable building measures, the proposed development and design standards, and affordable housing. Staff and the GPAC recognize that the discussions on the proposed zoning regulations with the public needs to continue to better understand specific desired revisions and to help provide clarity where there is confusion. One of the outcomes of the GPAC meeting was to schedule a series of focused dialogues on the specific topics and a follow up GPAC meeting to provide guidance to staff. The series of in-depth discussions would focus on community amenities, green and sustainable building, and zoning and design standards. The topic of housing, in terms of the appropriate percentage of new housing that should be required to be affordable, would be part of the zoning review. Discussion on policy-related items such as rent stabilization and just-cause evictions would become part of a separate housing dialogue that is being planned with the City Council.

The series of topic meetings would not be formal GPAC meetings, but GPAC members and the members of the public are encouraged to attend to learn more about the specific topics, listen, and to provide feedback to staff. Participants can attend one or all of the sessions, depending on their interest in the topic and availability. A follow up GPAC meeting would be held following the conclusion of the topic discussions. At the GPAC meeting, staff would provide a debrief of the comments received at the topic discussions and would seek recommendations on the proposed Zoning Ordinances. The guidance would lead staff to make edits to the draft zoning ordinances to present at a Planning Commission study session.

Schedule Options

Staff has prepared two schedules, included as Attachments A and B, and is seeking guidance from the City Council on which option to pursue. Both options would achieve the additional topic discussions and GPAC meeting, but Schedule A would maintain completion in August 2016 while Schedule B would extend into early October 2016. Coordinating schedules can be challenging, and staff recognizes that there will be conflicts in schedules. To try to capture the greatest participation, staff has attempted to create schedules that avoid overlap with other City meetings and school events/breaks. Schedule A is partly able to stay on track because staff proposes to conduct back-to-back topic meetings on Saturday, February 27 and add a special Planning Commission meeting in late March. In Schedule B, staff is suggesting three separate topic meetings on three different days, which adds time to the overall schedule, but allows for more time to digest

the information between sessions. In Schedule B, the anticipated Planning Commission meeting on the EIR would be conducted at the Commission's first meeting in May. It is important to note that two of the Commissioners terms will be expiring (and they are not eligible for reappointment) at the end of April. In addition, the extended timeline of Schedule B could have implications on other projects that may rely on the proposed General Plan.

Impact on City Resources

The General Plan Update scope of services and budget was approved by the City Council on June 17, 2014. A modification in the schedule is not anticipated to impact the overall budget for the project.

A fiscal impact analysis is being prepared for each of the projects and will be part of the Planning Commission's and City Council's consideration of each project.

Environmental Review

The General Plan and M-2 Zoning update is subject to the California Environmental Quality Act (CEQA) and an EIR is being prepared as part of the process.

Public Notice

Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

- A. Schedule A (Completion Date Maintained)
- B. Schedule B (Completion Date Delayed)

Report prepared by:
Deanna Chow, Principal Planner

THIS PAGE INTENTIONALLY LEFT BLANK



ConnectMenlo Upcoming Activities and Events Schedule A

Event	Date	Time	Location
Symposium on Zoning Regulations, Design Standards, and Community Amenities	Wednesday, November 18, 2015	7-9 p.m.	Council Chambers
Focus Group Meeting on M-2 Area Zoning Requirements and Community Amenities	Thursday, January 14, 2016	7-9 p.m.	Senior Center
GPAC Meeting #9	Thursday, January 28, 2016	6-8 p.m.	Arrillaga Family Recreation Center
City Council Meeting on WSA/WSA (info item)	Tuesday, February 9, 2016	7 p.m.	Council Chambers
<p style="text-align: center;">Focused Discussion by Topic</p> <p style="text-align: center;">Design Standards: 9:00-10:30 a.m. Break: 10:30-10:45 a.m. Green Buildings: 10:45-12:15 p.m. Lunch Break: 12:15-12:45 p.m. Community Amenities: 12:45 p.m.-2:15 p.m.</p>	Saturday, February 27, 2016	9:00 a.m.-2:15 p.m.	Senior Center
GPAC #10	Thursday, March 10, 2016	6-8:30 pm..	Senior Center
Planning Commission Study Session on Proposed Zoning Ordinance Amendments	Monday, March 28, 2016 (special meeting)	7 p.m.	Council Chambers
Draft Environmental Impact Report (EIR) and Fiscal Impact Analysis (FIA) Release	Thursday, March 31, 2016		
Planning Commission Meeting on Draft EIR/FIA (during the 45-day review period) and Study Session on M-2 Area Zoning Ordinance Amendments	Monday, April 18, 2016	7 p.m.	Council Chambers
EIR Review Period (45 days)	Ends Monday, May 16, 2016		
Final EIR/FIA Release	Friday, July 15, 2016		

Event	Date	Time	Location
Final EIR Review Period (10 days)	Ends on Monday, July 25, 2016		
Planning Commission Public Hearing on Final EIR/FIA and Draft Land Use and Circulation Elements and Zoning Ordinance Amendments	Monday, July 25, 2016	7 p.m.	Council Chambers
Planning Commission Public Hearing on Final EIR/FIA and Draft Land Use and Circulation Elements and Zoning Ordinance Amendments (Meeting #2 if needed)	Monday, August 1, 2016 (special meeting, if needed)	7 p.m.	Council Chambers
City Council Public Hearing on Final EIR/FIA and Draft Land Use and Circulation Elements and Zoning Ordinance Amendments	Tuesday, August 23, 2016 (special meeting)	7 p.m.	Council Chambers
City Council Second Reading of Zoning Ordinance Updates and Rezoning	Tuesday, August 30, 2016	7 p.m.	Council Chambers

Note: For more information about the ConnectMenlo process, please visit the project webpage at www.menlopark.org/connectmenlo. Actual meeting dates, times, and locations are subject to change.

DRAFT



ConnectMenlo Upcoming Activities and Events Schedule A

Event	Date	Time	Location
Symposium on Zoning Regulations, Design Standards, and Community Amenities	Wednesday, November 18, 2015	7-9 p.m.	Council Chambers
Focus Group Meeting on M-2 Area Zoning Requirements and Community Amenities	Thursday, January 14, 2016	7-9 p.m.	Senior Center
GPAC Meeting #9	Thursday, January 28, 2016	6-8 p.m.	Arrillaga Family Recreation Center
City Council Meeting on WSA/WSA (info item)	Tuesday, February 9, 2016	7 p.m.	Council Chambers
<p style="text-align: center;">Focused Discussion by Topic</p> <p style="text-align: center;">Design Standards: 9:00-10:30 a.m. Break: 10:30-10:45 a.m. Green Buildings: 10:45-12:15 p.m. Lunch Break: 12:15-12:45 p.m. Community Amenities: 12:45 p.m.-2:15 p.m.</p>	Saturday, February 27, 2016	9:00 a.m.-2:15 p.m.	Senior Center
GPAC #10	Thursday, March 10, 2016	6-8:30 pm..	Senior Center
Planning Commission Study Session on Proposed Zoning Ordinance Amendments	Monday, March 28, 2016 (special meeting)	7 p.m.	Council Chambers
Draft Environmental Impact Report (EIR) and Fiscal Impact Analysis (FIA) Release	Thursday, March 31, 2016		
Planning Commission Meeting on Draft EIR/FIA (during the 45-day review period) and Study Session on M-2 Area Zoning Ordinance Amendments	Monday, April 18, 2016	7 p.m.	Council Chambers
EIR Review Period (45 days)	Ends Monday, May 16, 2016		
Final EIR/FIA Release	Friday, July 15, 2016		

Event	Date	Time	Location
Final EIR Review Period (10 days)	Ends on Monday, July 25, 2016		
Planning Commission Public Hearing on Final EIR/FIA and Draft Land Use and Circulation Elements and Zoning Ordinance Amendments	Monday, July 25, 2016	7 p.m.	Council Chambers
Planning Commission Public Hearing on Final EIR/FIA and Draft Land Use and Circulation Elements and Zoning Ordinance Amendments (Meeting #2 if needed)	Monday, August 1, 2016 (special meeting, if needed)	7 p.m.	Council Chambers
City Council Public Hearing on Final EIR/FIA and Draft Land Use and Circulation Elements and Zoning Ordinance Amendments	Tuesday, August 23, 2016 (special meeting)	7 p.m.	Council Chambers
City Council Second Reading of Zoning Ordinance Updates and Rezoning	Tuesday, August 30, 2016	7 p.m.	Council Chambers

Note: For more information about the ConnectMenlo process, please visit the project webpage at www.menlopark.org/connectmenlo. Actual meeting dates, times, and locations are subject to change.

DRAFT



STAFF REPORT

City Council Meeting Date: 2/9/2016
Staff Report Number: 16-033-CC

Informational Item: Overview of the Water Supply Assessment for the Facebook Campus Expansion Project and the Water Supply Evaluation for the ConnectMenlo General Plan Update and M-2 Area Zoning Update

Recommendation

This is an informational item only. No City Council action is required at this time. The information provided in the Water Supply Assessment (WSA) for the Facebook Campus Expansion Project (Facebook Project) and the Water Supply Evaluation (WSE) for the ConnectMenlo General Plan Update will help inform the environmental impact reports (EIRs) for each of the projects. Each of the EIRs will be reviewed at future City Council meetings.

Policy Issues

There are no policy issues associated with this staff report.

Background

The primary purpose of a WSA/WSE is to evaluate whether sufficient water supply is available to meet future demands associated with a proposed project, in addition to existing and planned future uses within a water supplier's service area. This evaluation is conducted for normal and dry hydrologic year scenarios over a 20-year time horizon. Water service for both the Facebook Project and the M-2 Area, which is the primary geographic focus of land use changes associated with ConnectMenlo, would primarily be provided by the Menlo Park Municipal Water District (MPMWD) - a small portion of the M-2 Area along Marsh Road between Bay Road and Highway 101 is supplied by the California Water Service Company. The portion of the M-2 Area supplied by the California Water Service Company is not expected to see increased development beyond what is allowed under current regulations; therefore, no additional analysis was conducted for this area as part of the WSE.

Per California State Water Code Section 10912 (Senate Bill 610), a WSA is typically required for larger residential, office, industrial, hotel and/or mixed use developments. One of the triggers for a WSA is a project that includes a commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space; therefore, a WSA is required for the Facebook Project, and will be incorporated into the Facebook EIR. While the General Plan Update would allow for a net increase in allowable new development in the M-2 Area, the project does not strictly meet the project definitions included in Water Code Section 10912. However, the City has voluntarily prepared a WSE that is modeled after, and in conformance with, all WSA requirements. The WSE will be used to evaluate potential impacts in the EIR for the ConnectMenlo project.

In the past, the City Council, as the governing body of the MPMWD, typically acted to approve the WSA for a project located within the MPMWD service area prior to its inclusion in a project's EIR. However,

subsequent to the review of the Commonwealth Corporate Center project WSA in 2013, staff learned of a court case (Citizens for Responsible Equitable Environmental Development v. City of San Diego (2011)) that concluded that when the water supplier and lead agency for CEQA are the same entity and the WSA is incorporated into the CEQA document, the WSA and the EIR can be approved at the same time. A City's certification of the environmental document, which includes the WSA, is equivalent to approval of the WSA. Therefore, the City has determined that a separate approval for the Facebook Project WSA and the ConnetMenlo WSE is not required, and this information is being provided for informational purposes only.

Analysis

This staff report provides an overview of the WSA prepared for the Facebook Project and the WSE prepared for the ConnectMenlo General Plan and M-2 Area Zoning Update. These documents are electronically linked as Attachments A and B, respectively. The WSA and WSE analyze the projected combined demand of the proposed projects, along with the remaining potential and planned development and future demands within the MPMWD water service area to assess potential impacts on water supply.

Facebook Campus Expansion Project

The applicant, Hibiscus Properties, LLC on behalf of Facebook, is proposing to redevelop an existing approximately 58-acre industrial site, known as the TE Connectivity (TE) Campus, with two new office buildings and a hotel. The TE site is located at 300-309 Constitution Drive, along Bayfront Expressway, between Chilco Street and the recently completed Building 20 (formerly identified as the Facebook West Campus). The TE site includes the building at 300 Constitution Drive (Building 23); however, since that building received its entitlements for the conversion of a warehouse to office uses in December 2014, it is not considered part of the Facebook Project. The Facebook Project would result in approximately 962,400 square feet of new office uses in two new buildings connected by enclosed bridges, along with a potential 200 room hotel of approximately 174,800 square feet, which would result in a net increase of approximately 121,300 square feet of gross floor area at the site. The total gross floor area of office uses at the site would be approximately 1.143 million square feet and the total proposed gross floor area would be approximately 1.318 million square feet. The Facebook Project would expand the existing Facebook Campus, which currently consists of Buildings 10–19, located north of Bayfront Expressway/State Route (SR) 84 (formerly known as the East Campus), and Building 20.

The WSA evaluates the Facebook Project's demand for water at buildout and MPMWD's available water supplies over a 20 year period, in five year increments, extending from 2020 through 2040. According to the WSA, the Facebook Project will require an additional 30 million gallons (MG) per year (or 0.08 MG per day) of water beyond what has historically been used at the property. This additional demand includes a credit for the amount of water the property is already using, less the estimated future annual usage for Building 23 (since Building 23 previously received its entitlements). As part of the WSA, the estimated future usage for Building 23 was developed utilizing the same methodology as the estimated future use for the Facebook Project.

ConnectMenlo

The City has embarked on a General Plan Update and M-2 Area Zoning Update, collectively known as ConnectMenlo. The primary area of land use changes are focused in the M-2 Area, which is the current zoning designation of the industrial and business parks, generally located between US Highway 101 and Bayfront Expressway. The proposed mix of land uses being studied reflect the idea of a "live/work/play" environment, and include a maximum potential development increase of approximately 2.3 million square feet of non-residential building, including office, life science, and other commercial uses; 400 hotel rooms; and 4,500 multi-family residential units. Project buildout is planned over a 25-year horizon through 2040.

Water demands associated with ConnectMenlo are anticipated to increase in increments between 2020 and 2040, with an estimated full buildout water demand of 343 MG per year. The WSE presents water demands for ConnectMenlo at buildout and at intermediate phases of development. It is reasonable to expect that some or all of the existing demand within the M-2 Area will be subsumed as part of redevelopment of the area, as actual buildout of ConnectMenlo will likely replace some existing land uses. However, without knowing the exact nature and location of future development, the WSE conservatively assumed that all demands associated with the land use changes anticipated as part of ConnectMenlo are additive to the existing MPMWD demands.

Impact on Water Supplies

The MPMWD purchases all of its potable water from the San Francisco Public Utilities Commission (SFPUC), and has a perpetual contractual entitlement of 1,630 MG per year from the SFPUC water system. Both the Facebook Project WSA and the ConnectMenlo WSE concluded that the MPMWD would have sufficient water to meet all of its planned future demands during normal years (non-drought conditions) through 2040 (Table 1). These findings are based on the City’s 2010 Urban Water Management Plan (UWMP) and the draft 2015 UWMP. During drought years, however, the MPMWD is expected to experience water supply shortfalls due to reductions in the SFPUC supply. As shown in Table 2, based on current assumptions regarding demand growth and water supply reliability, shortfalls are projected during single and multiple dry year conditions beginning in 2020 and extending through 2040. Table 2 identifies the supply and demand during multiple dry years in 2020 and 2040, which bracket the evaluation period. The incremental five-year data for the multiple dry years are shown in Table 13 for each study.

Table 1: Projected Water Supply and Demand During Normal Years					
	2020	2025	2030	2035	2040
SFPUC Supply (MG/Yr)	1,630	1,630	1,630	1,630	1,630
<i>MPMWD Service Area Demand (Mg/yr)</i>					
Facebook Project Demand (MG/Yr)	30	30	30	30	30
ConnectMenlo Demand (MG/Yr)	0	86	172	257	343
Existing and Planned Projects Demand (MG/Yr)	1,311	1,287	1,266	1,252	1,241
Total Potable Water Demand (MG/Yr)	1,341	1,403	1,468	1,539	1,614
Supply Shortfall (MG/Yr)	0	0	0	0	0

Table 2: Projected Water Supply and Demand During Y During Single and Multiple Drought ears						
	2020			2040		
	Year 1	Year 2	Year 3	Year 1	Year 2	Year 3
<i>MPMWD Service Area Demand (Mg/yr)</i>						
SFPUC Supply (MG/Yr)	1,281	1,108	1,108	1,281	1,108	1,108
<i>MPMWD Service Area Demand (Mg/yr)</i>						
Facebook Project Demand (MG/Yr)	30	30	30	30	30	30
ConnectMenlo Demand (MG/Yr)	0	0	0	343	343	343
Existing and Planned Projects Demand (MG/Yr)	1,311	1,311	1,311	1,241	1,241	1,241
Total Potable Water Demand (MG/Yr)	1,341	1,341	1,341	1,614	1,614	1,614
Supply Shortfall (MG/Yr)	60	233	233	333	506	506
Supply Shortfall (% of Demand)	4.5%	17%	17%	21%	31%	31%

During multiple dry years in 2020 through 2040, the MPMWD could experience shortfalls of up to 17% and 31%, respectively. In the worst-case drought scenario (31%), the WSE concludes that the additional demand associated with ConnectMenlo creates an incremental shortfall of up to 18% and the WSA estimates that the Facebook Project will create an incremental shortfall of 1%.

In anticipation of the future dry year shortfalls, the MPMWD has developed a Water Shortage Contingency Plan that systematically identifies ways in which the MPMWD can reduce water demands during dry years, up to a 50% shortfall in supply. Even without the proposed projects, the MPMWD would experience shortfalls and the City would rely on implementation of its Water Shortage Contingency Plan (e.g., as occurred during the recent historic drought).

Because the Facebook Project represents an incremental shortfall of up to 2%, the increased demand is not expected to affect the MPMWD’s operations during the drought years, as these would be addressed through the Water Shortage Contingency Plan. It is also important to note that the methodology used in the Facebook Project WSA to estimate the water demand was based on a conservative analysis. The methodology accounts for only some gains in fixture water efficiency and incorporates additional consumption related to potential water losses. Because it is planning a very water-efficient design, the actual water consumption from the Facebook Project would likely be lower than analyzed, which would minimize associated incremental shortfalls.

While the incremental shortfalls associated with ConnectMenlo are greater, the methodology used in the WSE to estimate water demand is consistent with the method used in the Facebook Project WSA and is conservative in nature (i.e., the actual development may be more water-efficient than has been estimated as part of the WSE, and may include less irrigated landscape area than has currently been assumed due to new requirements set in the State’s Model Water Landscape Ordinance. In addition, the future demand for ConnectMenlo that was estimated in the WSE was assumed to be wholly additive to exiting demand and no



credit was given for the area's current water consumption. To the extent that the development of ConnectMenlo actually replaces existing demands (e.g., as is occurring in the Facebook Project), the incremental demands associated with ConnectMenlo, and therefore, the impact to dry year shortfalls, will be significantly less.

In addition to updating its Water Shortage Contingency Plan as part of the 2015 UWMP update, the MPMWD is in the process of evaluating the feasibility of developing a recycled water program as part of the Water System Master Plan (WSMP), which is expected to be completed in 2017. The WSMP will identify potential areas that can be served with recycled water and will evaluate the cost and feasibility of acquiring recycled water from the cities of Redwood City and Palo Alto. In addition, the WSMP will evaluate on-site water recycling systems and the development of groundwater reuse in the M-2 Area. The MPMWD is also continuing to assess the option for delivering recycled water to the Sharon Heights Golf and Country Club in collaboration with the West Bay Sanitary District. Once completed, the WSMP will provide a comprehensive evaluation for the development of a recycled water program, further addressing the potential future potable water supply shortfalls.

Impact on City Resources

The General Plan Update scope of services and budget was approved by the City Council on June 17, 2014. For the Facebook Project, the applicant is required to pay planning permit fees, based on the City's Master Fee Schedule, to fully cover the cost of staff time spent on the review of the project. The applicant is also required to bear the cost of the associated environmental review and fiscal analysis. For the environmental review and fiscal analysis, the applicant deposits money with the City and the City pays the consultants. In addition, a fiscal impact analysis is being prepared for each of the projects and will be part of the Planning Commission's and City Council's consideration of each project.

Environmental Review

The preparation of the WSA and WSE does not require environmental review under CEQA. The WSA and WSE will be used to inform the EIRs that are being prepared for the Facebook Project and ConnectMenlo. The two projects will be individually evaluated for their potential environmental impacts per CEQA in their respective EIRs. The EIRs are currently being prepared and will be considered by the Planning Commission and City Council as the projects proceed through the public hearing process.

Public Notice

Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

- A. Link to: Water Supply Assessment – Facebook Campus Expansion Project
(<http://menlopark.org/DocumentCenter/View/9587>)
- B. Link to: Water Supply Evaluation Study – ConnectMenlo – General Plan and M-2 Area Zoning Update
(<http://menlopark.org/DocumentCenter/View/9584>)

Staff Report #: 16-033-CC

Report prepared by:
Deanna Chow, Principal Planner

Kyle Perata, Senior Planner

Azalea Mitch, Senior Engineer



STAFF REPORT

City Council

Meeting Date:

2/9/2016

Staff Report Number:

16-028-CC

Informational Item:

Letter of Support to the San Francisco Bay Conservation and Development Commission for the San Francisquito Creek Joint Powers Authority's San Francisquito Creek Flood Reduction, Restoration, and Recreation San Francisco Bay to Highway 101 Project

Recommendation

This is an informational item only and no City Council action is required at this time. The Letter of Support for the San Francisquito Creek Joint Powers Authority's San Francisquito Creek Flood Reduction, Restoration and Recreation San Francisco Bay to Highway 101 Project will be sent to the San Francisco Bay Conservation and Development Commission for consideration as the agency is scheduled to review the project on February 18, 2016.

Policy Issues

There are no policy issues associated with this staff report.

Background

The San Francisquito Creek Joint Powers Authority (SFCJPA) has been working on the development of projects focused on providing protection from the 100-year flood to the affected areas located in the San Francisquito Creek watershed. The San Francisquito Creek Flood Reduction, Restoration, and Recreation San Francisco Bay to Highway 101 Project is the first of such projects and involves the widening of a section of the San Francisquito Creek (Creek) along the Palo Alto Golf Course, the construction of new floodwalls and the excavation of the channel bottom in the downstream section of the Creek. Once completed, the project will alleviate flooding in sections of the cities of East Palo Alto and Palo Alto.

Since the formation of the SFCJPA in 1999, the City has supported efforts to address flood protection and has appropriated funds for staff support. Matching funds were appropriated by City Council and provided to the SFCJPA for the planning and design of the project in 2013. On June 13, 2014, City Council authorized the City Manager to execute a funding agreement among the SFCJPA and its member agencies for the construction of the project. The City executed this agreement on August 11, 2014.

An Environmental Impact Report was prepared for the project and was certified by the SFCJPA Board of Directors in 2012. Permit applications were submitted to four regulatory agencies in March of 2013. The SFCJPA received a permit from the Regional Water Quality Board and is awaiting the approval of the additional permit applications. The San Francisco Bay Conservation and Development Commission (BCDC) is scheduled to review the permit application on February 18, 2016. Construction of the project is expected to begin in 2016, pending regulatory approval.

Analysis

As noted above, the San Francisco Bay to Highway 101 Project will alleviate flooding in sections of the cities of East Palo Alto and Palo Alto. By first addressing the downstream conditions, the SFJPA will be able to continue with the design of projects that focus on improving flood protection in the upstream sections of the San Francisquito Creek watershed that affect the cities of Menlo Park, Palo Alto, and East Palo Alto. As part of the upstream improvements, the SFCJPA is currently analyzing the replacement of the Pope / Chaucer Street and Newell Road bridges, widening of the Creek, and the feasibility of upstream detention basins, bypass culverts and floodwalls. Once completed, the San Francisquito Creek Flood Reduction, Restoration, and Recreation projects will provide protection from the 100-year flood.

The construction of the San Francisco Bay to Highway 101 Project is the first critical step to improving the conditions for the communities located in the flood prone areas of the San Francisquito Creek watershed. To express full support for the project, the City will be sending a letter to the BCDC requesting approval of the project. A draft of the letter is included as Attachment A.

Public Notice

Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

- A. Letter of Support to the San Francisco Bay Conservation and Development Commission for the San Francisquito Creek Joint Powers Authority's San Francisquito Creek Flood Reduction, Restoration, and Recreation San Francisco Bay to Highway 101 Project.

Report prepared by:
Azalea Mitch, Senior Engineer

Report Reviewed by:
Justin Murphy, Public Works Director



February 10, 2016

R. Zachary Wasserman, Chair
San Francisco Bay Conservation and Development Commission
455 Golden Gate Avenue, Suite 10600
San Francisco, CA 94102-7019

RE: San Francisquito Creek Joint Powers Authority's San Francisquito Creek Flood Reduction, Restoration, and Recreation San Francisco Bay to Highway 101 Project Permit Application 2013.007.00 - Letter of Support

Dear Mr. Wasserman:

As a member agency of the San Francisquito Creek Joint Powers Authority (SFCJPA), the City of Menlo Park (City) has been working on improving flood protection to the thousands of residents who live in the flood prone areas within the San Francisquito Creek (Creek) watershed. In 2013, the SFCJPA submitted a permit application for the San Francisquito Creek Flood Reduction, Restoration, and Recreation San Francisco Bay to Highway 101 Project, which focuses on flood control improvements in the downstream section of the Creek, east of Highway 101 in the cities of East Palo Alto and Palo Alto. This project represents the first phase of improvements aimed at providing residents with protection from the 100-year flood. The project addresses the Creek conditions in the downstream sections prior to the implementation of improvements in the upper sections, an approach that minimizes the transfer of flood risk that might occur if improvements were first made to areas in the upper watershed.

Because of the importance of a targeted, phased approach to flood protection in the San Francisquito Creek watershed, the San Francisco Bay to Highway 101 Project is a critical first step towards improving overall flood protection for Menlo Park, Palo Alto, and East Palo Alto residents. Once the project is underway, the SFCJPA will continue to evaluate and implement projects required in the upstream sections of the Creek.

Our community and neighboring cities continue to experience flooding. We respectfully request the approval of the SFCJPA's San Francisco Bay to Highway 101 Project permit application. With the implementation of this project, we will be able continue our efforts in providing 100-year flood protection to our residents.

Sincerely,

Richard Cline
Mayor

Cc: Larry Goldzband, BCDC Executive Director
Len Materman, SFCJPA Executive Director

THIS PAGE INTENTIONALLY LEFT BLANK