



SPECIAL AND REGULAR MEETING AGENDA

Date: 2/23/2016
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 this item will be taken before adjourning to Closed Session.

- CL1.** Closed Session pursuant to Government Code Section §54957.6 to confer with labor negotiators regarding current labor negotiations with the Menlo Park Police Sergeants’ Association (PSA)

Attendees: City Manager Alex McIntyre, Administrative Services Director Nick Pegueros, Finance and Budget Manager Rosendo Rodriguez, Human Resources Manager Lenka Diaz, City Attorney Bill McClure, Labor Counsel Charles Sakai

7:00 p.m. Regular Meeting

A. Call To Order

B. Roll Call

C. Pledge of Allegiance

D. Report from Closed Session

E. Presentations and Proclamations

- E1. Proclamation recognizing Eagle Scout Henry Marks for completing the renovation of Plant Identification Trail on the civic center campus

F. 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.

G. Consent Calendar

- G1. Award a construction contract for the Citywide Bicycle/Pedestrian Visibility Improvement Project to Sierra Traffic Markings, Inc., in the amount of \$108,574 and authorize a total construction contract budget of \$380,000 (Staff Report# 16-034-CC)

- G2. Adopt a resolution accepting easements and approving the abandonment of two existing Public Utility Easements (PUE) for the subdivision associated with the Commonwealth Corporate Center Project located at 162 and 164 Jefferson Drive (Staff Report# 16-035-CC)
- G3. Authorize the Public Works Director to accept the work performed by Anderson Pacific for the Sharon Heights Pump Station Replacement Project (Staff Report# 16-036-CC)
- G4. Authorize the City Manager to execute a grant deed from the City transferring property to Caltrans and approve agreements related to US 101/Willow Road Interchange Project (Staff Report# 16-040-CC)
- G5. Waive reading and adopt an ordinance amending Municipal Code section 2.04.120 regarding Mayor Selection and approve an amendment to City Council Policy CC 93-001 (Staff Report# 16-033-CC)
- G6. Appropriate BMR Funds not to exceed \$320,000 in order to purchase and retain 20 Willow Road #33 in the Below Market Rate (BMR) Program and authorize the City Manager to execute contract escrow documents and acceptance of deed (Staff Report# 16-043-CC)
- G7. Approve updates to the City Council procedures manual (Staff Report# 16-039-CC)

H. Regular Business

- H1. Accept dedication of a Public Access Easement (PAE) from Hibiscus Properties, LLC (Facebook), approve design for Chilco Street bicycle and pedestrian improvements, and authorize the City Manager to sign agreements regarding Chilco Street improvements (Staff Report# 16-037-CC)
- H2. Approve permanent installation of Alma Street/Ravenswood Avenue trial improvements (Staff Report# 16-038-CC)

I. Informational Items

- I1. Transmittal of background information on the US 101/Willow Road Interchange Project (Staff Report# 16-041-CC)
- I2. Overview of California Minimum Wage ballot measures and proposed legislation that will affect the City of Menlo Park (Staff Report# 16-042-CC)

J. Councilmember Reports

- J1. Discuss recommendation for City Selection Committee vote – HEART Board (Attachment)

K. City Manager's Report

L. Adjournment

Agendas are posted in accordance with Government Code Section 54954.2(a) or Section 54956. Members of the public can view electronic agendas and staff reports by accessing the City website at 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: 2/18/2016)

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.

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STAFF REPORT

City Council

Meeting Date: 2/23/2016
Staff Report Number: 16-034-CC

Consent Calendar: **Award a construction contract for the Citywide Bicycle/Pedestrian Visibility Improvement Project to Sierra Traffic Markings, Inc., in the amount of \$108,574 and authorize a total construction contract budget of \$380,000**

Recommendation

Staff recommends that the City Council award a construction contract to Sierra Traffic Markings, Inc., for the 2015-2016 Citywide Bicycle/Pedestrian Visibility Improvement Project in the amount of \$108,574, and authorize a total construction contract budget of \$380,000 for construction, contract administration and construction inspection, and contingencies in order to identify other potential locations for enhancements.

Policy Issues

The Citywide Bicycle/Pedestrian Visibility Improvement Project is consistent with the City's Comprehensive Bicycle Development Plan (2005) and the County of San Mateo's Comprehensive Bicycle and Pedestrian Plan (2011).

Background

On August 9, 2013, the City/County Association of Governments (C/CAG) of San Mateo County issued a call for projects for the Transportation Development Act (TDA) Article 3 Pedestrian and Bicycle Program. TDA Article 3 funds are made available through State funds and are distributed by the Metropolitan Transportation Commission (MTC) to C/CAG on a formula basis annually. In response to the call for projects, the City requested TDA Article 3 funds for the Menlo Park 2015-2016 Citywide Bicycle/Pedestrian Visibility Improvement Project. On November 14, 2013, C/CAG programmed and allocated funds from the TDA Article 3 Pedestrian and Bicycle Program for the design and construction phases of the Project. On January 14, 2014, City Council adopted a resolution to accept these grant funds.

The Project was approved and included in the City's Capital Improvement Plan (CIP) for Fiscal Year (FY) 2015-16. The Project seeks to provide intersection and facility improvements by enhancing and upgrading existing on-street bicycle infrastructure and providing new and enhanced bicycle parking locations. The project will add green-colored bicycle lane pavement striping treatments at vehicle-bicycle interaction points and refresh existing white bicycle lane striping on high-use corridors at 11 locations throughout the City as shown in Attachment A, and similar to treatments recently installed on portions of Willow Road. The project will also install bicycle racks in the Downtown area, increasing visibility of bicyclists and bicycle parking locations to provide enhanced end-of-trip amenities and improve access to local businesses.

The purpose of this project is to highlight the presence of bicyclists along these highly traveled corridors. This contract award is for the installation of the green-colored bicycle lane pavement striping treatments. The bicycle parking downtown is to be installed separately from this contract, will be adding multiple bike corrals and single bike racks throughout the downtown area, and will be installed by the end of June 2016.

Upon acceptance of the grant funding, the design was commenced and bid package prepared for advertisement. Upon design completion, the Project was advertised to solicit bids from prospective contractors, starting on January 6, 2016.

Analysis

On January 26, 2016, two bids were submitted and opened for the 2015-2016 Citywide Bicycle/Pedestrian Visibility Improvement Project. The lowest bidder for the Project, Sierra Traffic Markings, Inc., submitted a bid in the amount of \$108,574. The bid summary is shown in the table below. Staff checked the references of Sierra Traffic Markings, Inc., on three similar projects and found that these reference agencies were satisfied with Sierra Traffic Markings, Inc.’s performance on installing similar or the same products.

Bid Summary	
Bid Opening: Tuesday, January 26, 2016, at 2:00 PM	
Company	Bid
Chrisp Company	\$181,927
Sierra Traffic Markings, Inc.	\$108,574

The staff recommended bid award is \$108,574 and the construction management and inspection time is \$21,715 for a total construction cost of \$130,289. This is less than the budgeted construction total since the itemized material installation cost came back significantly below the engineering estimate. The potential reason for the lower material costs is that the installation of green bicycle lanes has increased in recent years and is now a standard item for contractors. Staff is requesting that the Council authorize a total construction contract budget to include contingency to provide the City the option to increase the number of locations of green-colored bike lane pavement striping treatments to be installed as part of this Project to expend the full grant award. Staff recommends the following potential additional locations, reflecting arterial or collector streets with existing bike lanes as identified in the current Comprehensive Bicycle Development Plan (2005) and El Camino Real/Downtown Specific Plan (2012):

- Ravenswood Avenue from El Camino Real to Middlefield Road
- Alma Street from Ravenswood Avenue to San Francisquito Creek
- Bay Road from Marsh Road to Willow Road
- Laurel Street from Encinal Avenue to Ravenswood Avenue
- Encinal Avenue from the Caltrain tracks to the eastern City limits
- Constitution Drive between Chrysler Drive and Chilco Street
- Santa Cruz Avenue from Orange Avenue to Olive Street

Staff will finalize the corridors for installation based on the remaining budget available. Since Valparaiso, Glenwood and Haven Avenues will receive green bicycle lane installations as part of separate grant-

funded projects and improvements to Chilco Street in partnership with Facebook are being considered as a separate project, modifications to these streets are not proposed as part of this contract award.

Impact on City Resources

The Project was approved and included in the City’s CIP for FY 2015-16, with a total budget in the amount of \$487,000. The City would be reimbursed up to \$347,860 for the construction phase of the Project, with a local match of \$139,140 budgeted from the Transportation Impact Fee program.

The project has two construction components; therefore the budget is divided into two phases for installation of green bike lanes and installation of bicycle parking. The portion of the project budget reserved for the installation of green-colored bicycle lane pavement striping treatments is \$452,000 for design, construction and project management. The remaining \$35,000 of the budget is reserved for the design, purchase and installation of bicycle parking downtown.

Of the \$452,000 allocated for this portion of the project, \$380,000 is reserved for the construction contract. The requested construction contract budget consists of the following:

2015-2016 Citywide Bicycle/Pedestrian Visibility Improvement Project – Bicycle Lane Enhancements	
	Total
Construction Contract Amount	\$108,574
Contingency	\$249,426
Contract Administration and Construction Inspection (20%)	\$22,000
Total Construction Contract Budget	\$380,000

Environmental Review

The project is categorically exempt under Class 1 of the current State of California Environmental Quality Act Guidelines, which allows minor alterations and replacement of existing facilities.

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

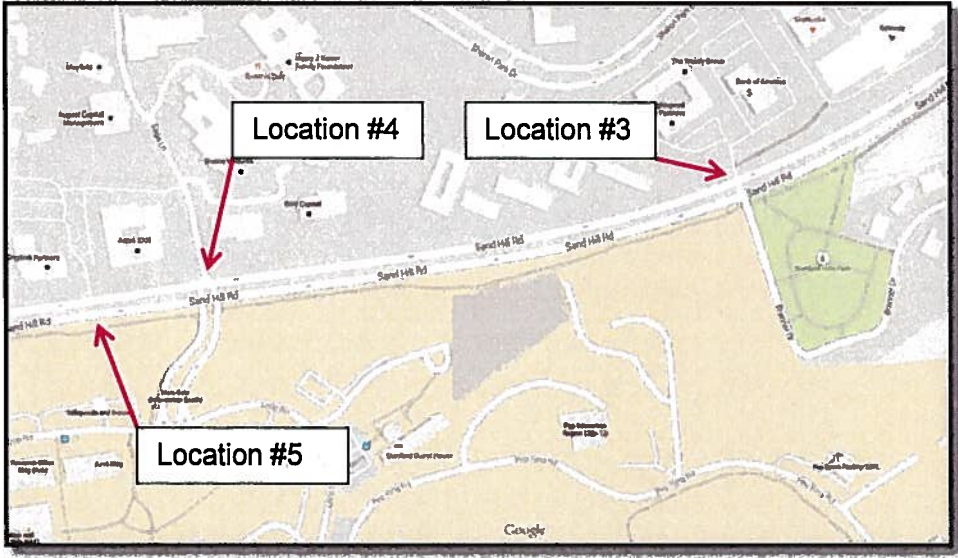
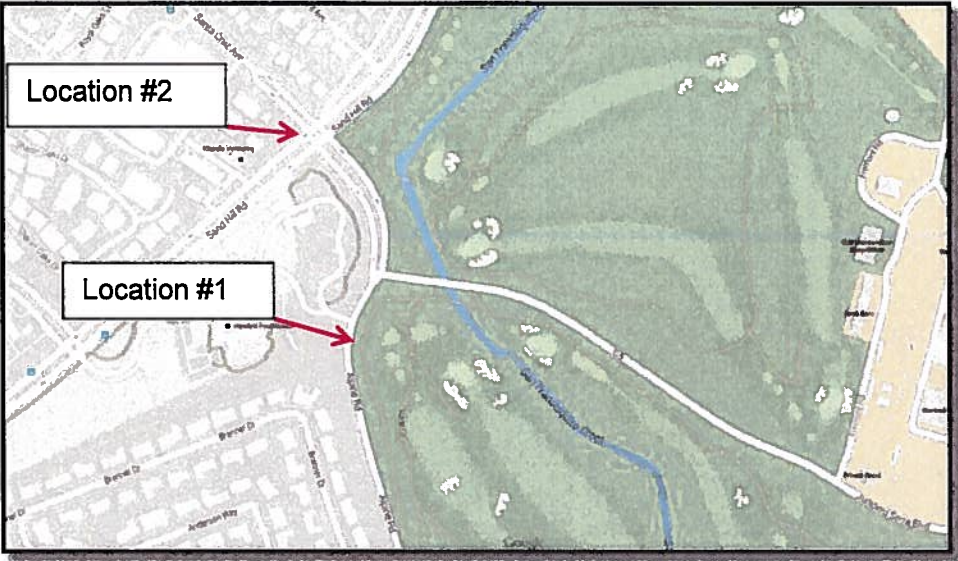
- A. Project Location Maps

Report prepared by:
Angela R. Obeso, Associate Engineer

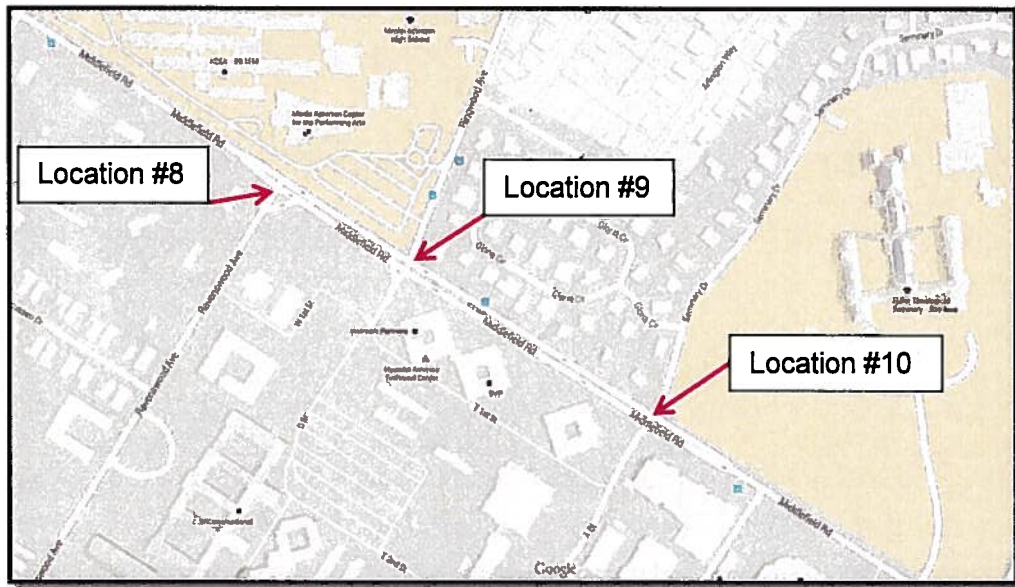
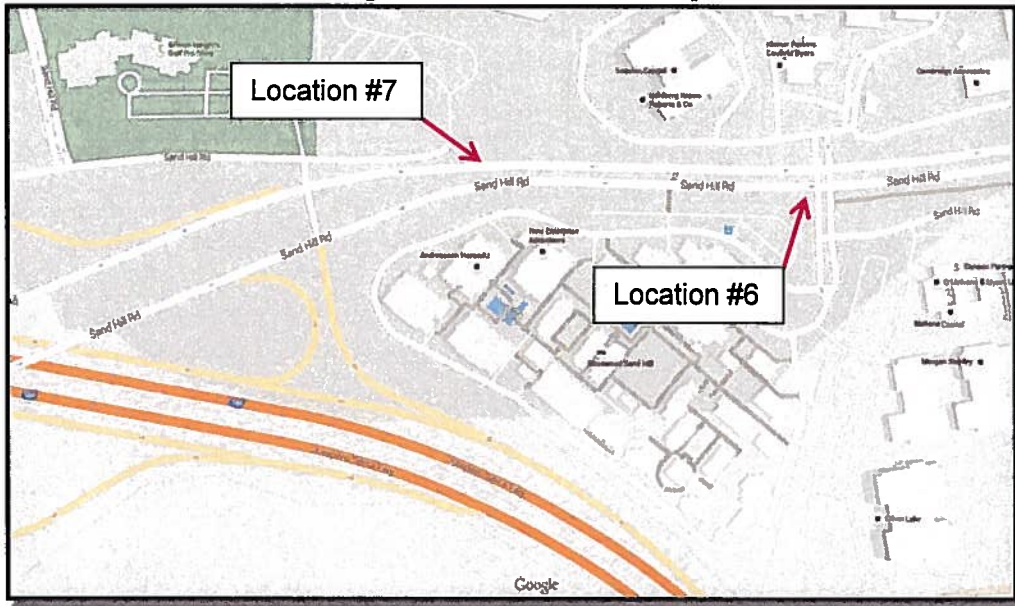
Report reviewed by:
Nikki H. Nagaya, Transportation Manager

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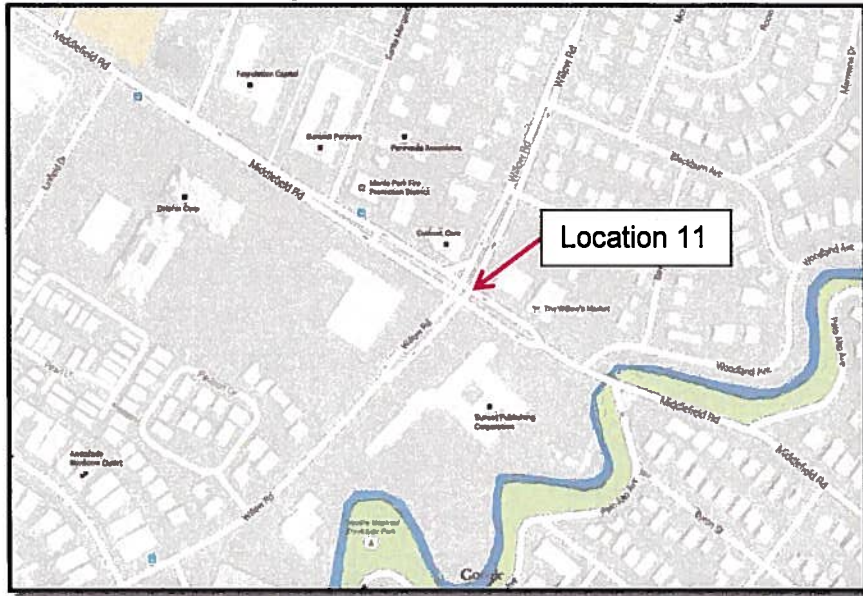
2015-2016 Citywide Bicycle/Pedestrian Visibility Improvement Project Location Maps



2015-2016 Citywide Bicycle/Pedestrian Visibility Improvement Project Location Maps



2015-2016 Citywide Bicycle/Pedestrian Visibility Improvement Project Location Maps



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STAFF REPORT

City Council
Meeting Date: 2/23/2016
Staff Report Number: 16-035-CC

Consent Calendar: **Adopt a resolution accepting Easements and approving the abandonment of two existing Public Utility Easements (PUE) for the subdivision associated with the Commonwealth Corporate Center Project located at 162 and 164 Jefferson Drive**

Recommendation

Staff recommends that the City Council adopt a resolution (Attachment A) accepting dedications of an Emergency Access Easement (EAE), a Public Access Easement (PAE) and a Water Line Easement (WLE); approving the abandonment of two existing Public Utility Easements (PUE); and authorizing the City Clerk to sign the Parcel Map for the subdivision located at 162 and 164 Jefferson Drive.

Policy Issues

In order for the two access easements and WLE to become public, the dedication of these easements must be accepted by the City Council.

Background

On August 19, 2014, the City Council approved the Tentative Parcel Map (TPM) and a Conditional Development Permit (CDP) for the Commonwealth Corporate Center Project located at 151 Commonwealth Drive and 164 Jefferson Drive. On December 19, 2014, the applicant recorded a lot merger for 151 Commonwealth Drive and 164 Jefferson Drive and changed the address to 162 and 164 Jefferson Drive. The subdivision involves three parcels, in which, parcel A and parcel B will have one new office building, respectively, and parcel C will be Common Area for parcels A and B.

Analysis

The CDP, Section 10.1.3, requires the applicant to dedicate a PAE for future public access from Commonwealth Drive to the Dumbarton Rail Corridor in anticipation of a future bicycle and pedestrian trail along the corridor. The Grantor of the PAE is responsible for maintaining and repairing the easement area and all improvements constructed in the easement area. The applicant is also required by the Menlo Park Fire Protection District to dedicate a public EAE for emergency access purposes.

In addition, the project has relocated an existing City water line across the property, therefore, a new WLE needs to be created and dedicated to the City for public use.

The site currently has four PUEs; two would remain and two would be abandoned. There is an existing storm drain line located within an existing five-foot wide PUE on the project site. Since the storm drain line

serves only private properties, the PUE is not needed and should be abandoned. In addition, there is an existing 10-foot wide PUE along the west side of the project site. All utilities located within said PUE have been relocated as part of the new development project, and therefore, the existing PUE is no longer needed and should be abandoned. The City has forwarded the proposed abandonments to various utility agencies for their comments and received no objection on said abandonments.

Impact on City Resources

The staff time associated with review and acceptance of the easement dedications and the review and approval of the abandonment of the easements are fully recoverable through fees collected from the applicant.

Environmental Review

A Final Environmental Impact Report was prepared for the project and certified by the City Council on August 19, 2014.

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. Resolution
- B. Parcel Map
- C. Existing PUEs to be abandoned

Report prepared by:
Shaun Mao, Associate Engineer

Report Reviewed by:
Ruben Niño, Assistant Public Works Director

RESOLUTION NO.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
ACCEPTING DEDICATIONS OF AN EMERGENCY ACCESS
EASEMENT, A PUBLIC ACCESS EASEMENT AND A WATER LINE
EASEMENT; APPROVING THE ABANDONMENT OF THE EXISTING
PUBLIC UTILITY EASEMENTS; AND AUTHORIZING THE CITY CLERK
TO SIGN THE PARCEL MAP FOR THE SUBDIVISION LOCATED AT 162
AND 164 JEFFERSON DRIVE**

WHEREAS, the Parcel Map for the Subdivision located at 162 and 164 Jefferson Drive shows the dedications of an Emergency Access Easement, a Public Access Easement and a Water Line Easement; and

WHEREAS, the proposed project requires the abandonment of the existing Public Utility Easements.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Menlo Park that the City Council does hereby accepts the dedications of an Emergency Access Easement, a Public Access Easement and a Water Line Easement as shown on the Parcel Map; and

BE IT FURTHER RESOLVED that said Council hereby approves the proposed abandonment of the existing Public Utility Easements; and

BE IT FURTHER RESOLVED that said Council authorizes the City Clerk to sign the Parcel Map.

I, Pamela Aguilar, City Clerk of Menlo Park, do hereby certify that the above and foregoing Council Resolution was duly and regularly passed and adopted at a meeting by said Council on this twenty-third day of February, 2016, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this twenty-third day of February, 2016.

Pamela Aguilar
City Clerk

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OWNER'S STATEMENT

I HEREBY STATE THAT WE ARE THE OWNERS OF, OR HAVE SOME RIGHT, TITLE OR INTEREST IN AND TO THE REAL PROPERTY INCLUDED WITHIN THE SUBDIVISION SHOWN UPON THIS MAP; AND WE ARE THE ONLY PERSONS WHOSE CONSENT IS NECESSARY TO PASS A CLEAR TITLE TO SAID REAL PROPERTY; AND WE HEREBY CONSENT TO THE MAKING AND FILING OF SAID MAP AND SUBDIVISION AS SHOWN WITHIN THE DISTINCTIVE BORDER LINE.

I ALSO HEREBY DEDICATE TO PUBLIC USE EASEMENTS FOR EMERGENCY ACCESS PURPOSES DESIGNATED AND DELINEATED AS "E.A.E." (EMERGENCY ACCESS EASEMENT). SAID EASEMENTS ARE TO BE KEPT OPEN AND FREE OF SURFACE STRUCTURES OF ANY KIND.

I ALSO HEREBY DEDICATE TO PUBLIC USE RIGHTS OF INGRESS AND EGRESS UPON AND OVER THOSE STRIPS OF LAND DESIGNATED AND DELINEATED AS "P.A.E." (PUBLIC ACCESS EASEMENT). SAID EASEMENTS ARE TO BE KEPT OPEN AND FREE OF SURFACE STRUCTURES OF ANY KIND. GRANTOR IS RESPONSIBLE FOR MAINTAINING AND REPAIRING THE EASEMENT AREA AND ALL IMPROVEMENTS CONSTRUCTED IN THE EASEMENT AREA, IN GOOD CONDITION, INCLUDING, WITHOUT LIMITATION, THE SIDEWALK, PEDESTRIAN WALKWAY BICYCLE PATH AND LANDSCAPING LOCATED WITHIN THE EASEMENT AREA, IN ACCORDANCE WITH CITY OF MENLO PARK MUNICIPAL CODE TITLE 13 OR TO THE EXTENT NOT SPECIFIED IN TITLE 13, CONSISTENT WITH THE MAINTENANCE OF OTHER SIDEWALKS, PEDESTRIAN WALKWAYS AND BICYCLE PATHS MAINTAINED BY THE CITY WITHIN THE CITY OF MENLO PARK.

I ALSO HEREBY DEDICATE TO PUBLIC USE EASEMENTS FOR WATER PURPOSES UNDER, UPON, OR OVER THOSE CERTAIN STRIPS OF LAND DESIGNATED AND DELINEATED AS "W.L.E." (WATER LINE EASEMENT). SAID EASEMENTS ARE TO BE KEPT OPEN AND FREE FROM BUILDINGS AND STRUCTURES OF ANY KIND EXCEPT IRRIGATION SYSTEMS AND APPURTENANCES THERETO, LAWFUL FENCES AND ALL LAWFUL UNSUPPORTED ROOF OVERHANGS.

I ALSO HEREBY RESERVE FOR THE OWNERS OF PARCELS A, B AND C SHOWN ON THE HEREIN MAP AND THEIR LICENSEES, VISITORS, AND TENANTS RECIPROCAL RIGHTS OF INGRESS AND EGRESS, PARKING, AND PRIVATE UTILITY PURPOSES UPON, OVER AND UNDER THAT PRIVATE EASEMENTS AREA DELINEATED HEREON AS "I.E.E.", "P.E." AND "U.E.". THE MAINTENANCE, REPAIR, AND/OR REPLACEMENT ON SAID PRIVATE EASEMENTS AREA SHALL BE THE SOLE RESPONSIBILITY OF THE PROPERTY OWNERS AS DETERMINED BY THE APPROPRIATE COVENANTS, CONDITIONS AND RESTRICTIONS. SAID PRIVATE EASEMENTS AREA IS NOT OFFERED, NOR IS IT ACCEPTED FOR DEDICATION BY THE CITY OF MENLO PARK.

AS OWNER:
 MURPHY ROAD APARTMENTS – SAN JOSE, a California limited partnership
 By: Sobrato Development Companies, LLC, a California limited liability company
 Its: General Partner

By: John Michael Sobrato
 Its: Manager

OWNER'S ACKNOWLEDGMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA)
 COUNTY OF _____) SS.

ON _____ BEFORE ME, _____, PERSONALLY APPEARED _____, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND.

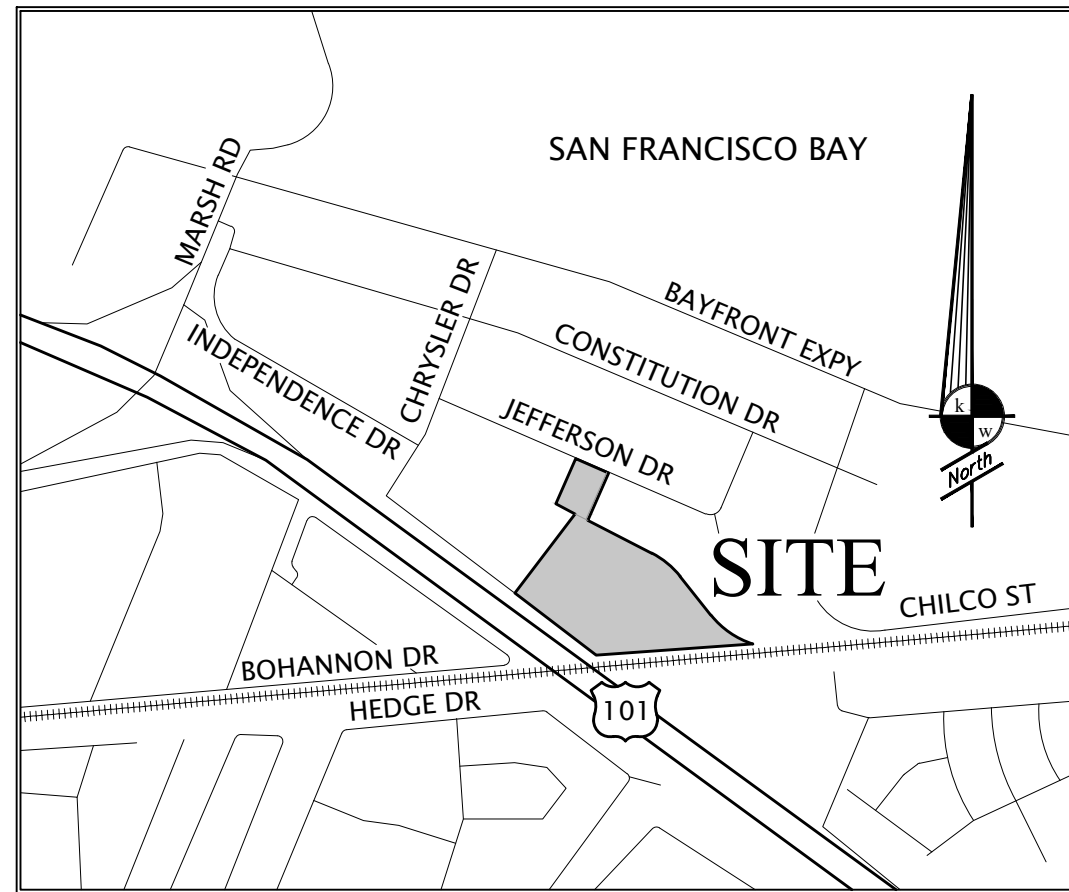
SIGNATURE _____

PRINTED NOTARY'S NAME _____

COUNTY OF NOTARY'S PRINCIPAL PLACE OF BUSINESS _____

NOTARY'S COMMISSION NO. _____

EXPIRATION DATE OF NOTARY'S COMMISSION _____



VICINITY MAP
 NOT TO SCALE

CITY CLERK'S STATEMENT

I, PAMELA AGUILAR, CITY CLERK AND EX-OFFICIO CLERK OF THE CITY COUNCIL OF MENLO PARK, STATE OF CALIFORNIA, HEREBY CERTIFY THAT SAID COUNCIL BY RESOLUTION ADOPTED AT A REGULAR MEETING ON THE _____ DAY OF _____, 20____, DID (1) ACCEPT ON BEHALF OF THE PUBLIC, ALL EASEMENTS AS OFFERED FOR DEDICATION FOR PUBLIC USE, AND (2) APPROVED THE ABANDONMENT OF THE EXISTING PUBLIC UTILITY EASEMENTS NOT SHOWN WITHIN THE DISTINCTIVE BORDER OF THIS MAP THAT WERE RECORDED ON:

- "BOHANNON INDUSTRIAL PARK UNIT NO. 5" FILED FOR RECORD ON MAY 24, 1962 IN BOOK 56 OF MAPS AT PAGE 23, SAN MATEO COUNTY RECORDS
- GRANT OF EASEMENT RECORDED AUGUST 27, 1985 AS INSTRUMENT NO. 85087586 OF OFFICIAL RECORDS, SAN MATEO COUNTY

DATE: _____
 PAMELA AGUILAR, CITY CLERK AND EX-OFFICIO CLERK OF THE CITY COUNCIL OF THE CITY OF MENLO PARK, CALIFORNIA

CITY SURVEYOR'S STATEMENT

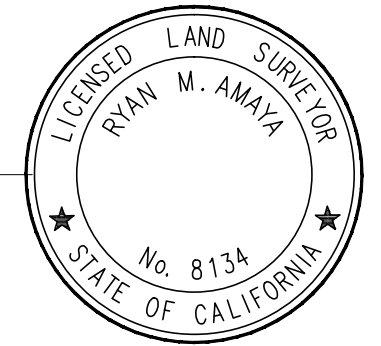
I, MICHAEL J. MIDDLETON, CITY SURVEYOR FOR THE CITY OF MENLO PARK, DO HEREBY STATE THAT I HAVE EXAMINED THIS MAP AND I AM SATISFIED THAT THE SURVEY DATA SHOWN THEREON IS TECHNICALLY CORRECT.

DATE: _____
 MICHAEL J. MIDDLETON, R.C.E. 29485
 CITY SURVEYOR
 CITY OF MENLO PARK

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF SI 46, LLC AND MURPHY ROAD APARTMENTS – SAN JOSE IN AUGUST, 2014. I HEREBY STATE THAT THIS PARCEL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP, IF ANY, AND THAT ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, AND ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

DATE: _____
 RYAN M. AMAYA P.L.S. 8134



CITY ENGINEER'S STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THIS MAP AND HAVE FOUND THAT THE SUBDIVISION SHOWN HEREON IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP AND ANY APPROVED ALTERATIONS THEREOF; THAT THE MAP CONFORMS TO CHAPTER 2 OF THE SUBDIVISION MAP ACT; AND THAT THE MAP COMPLIES WITH LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP.

DATE: _____
 RUBEN NINO, R.C.E. 40998
 ASSISTANT PUBLIC WORKS DIRECTOR
 CITY OF MENLO PARK

RECORDER'S STATEMENT

FILED THIS _____ DAY OF _____, 201____, AT _____ M. IN BOOK _____ OF PARCEL MAPS AT PAGE(S) _____, AT THE REQUEST OF FIRST AMERICAN TITLE INSURANCE COMPANY.

FILE NO. _____ FEE: \$ _____
 MARK CHURCH, SAN MATEO COUNTY RECORDER
 BY: _____ DEPUTY RECORDER

PARCEL MAP

162 & 164 JEFFERSON DRIVE

BEING A SUBDIVISION OF PARCEL A AS DESCRIBED AND DELINEATED IN THAT CERTAIN GRANT DEED RECORDED ON DECEMBER 19, 2014 AS INSTRUMENT NUMBER 2014-117609 OF OFFICIAL RECORDS, SAN MATEO COUNTY

CONSISTING OF THREE (3) SHEETS

CITY OF MENLO PARK SAN MATEO COUNTY, CALIFORNIA
 JANUARY, 2016



BASIS OF BEARINGS

THE BEARING OF NORTH 67°17' WEST TAKEN ON THE CENTERLINE OF JEFFERSON DRIVE AS SHOWN ON THAT CERTAIN MAP ENTITLED "BOHANNON INDUSTRIAL PARK, UNIT NO. 5," FILED FOR RECORD ON MAY 24, 1962 IN BOOK 56 OF MAPS AT PAGE 23, SAN MATEO COUNTY RECORDS WAS TAKEN AS THE BASIS OF ALL BEARINGS FOR THIS MAP.

NOTES

1. ALL DISTANCES ARE SHOWN IN FEET AND DECIMALS THEREOF.
2. THE AREA WITHIN THE DISTINCTIVE BORDER LINE OF THIS MAP IS 13.280 ± ACRES.
3. THE DISTINCTIVE BORDER DENOTES THE BOUNDARY OF THIS SUBDIVISION.

(FOR SHEET 2 ONLY) LINE TABLE

LINE	BEARING	DISTANCE
L1	N 53°42'10" W	61.37'
L2	S 36°17'50" W	44.50'
L3	S 05°02'30" E	37.00'
L4	S 26°12'46" W	94.91'
L5	N 26°13'00" E	62.97'
L6	S 84°57'30" W	59.13'
L7	S 66°25'57" W	48.67'
L8	S 53°42'10" E	18.00'
L9	N 36°17'50" E	31.41'

(FOR SHEET 2 ONLY) CURVE TABLE

CURVE	RADIUS	DELTA	LENGTH
C1	478.34'	33°46'07"	281.92'
C2	478.34'	24°16'57"	202.73'
C3	800.00'	10°56'26"	152.76'
C4	800.00'	6°52'27"	95.98'
C5	800.00'	2°45'16"	38.46'
C6	800.00'	1°18'44"	18.32'
C7	830.00'	2°56'35"	42.63'

PARCEL MAP

162 & 164 JEFFERSON DRIVE

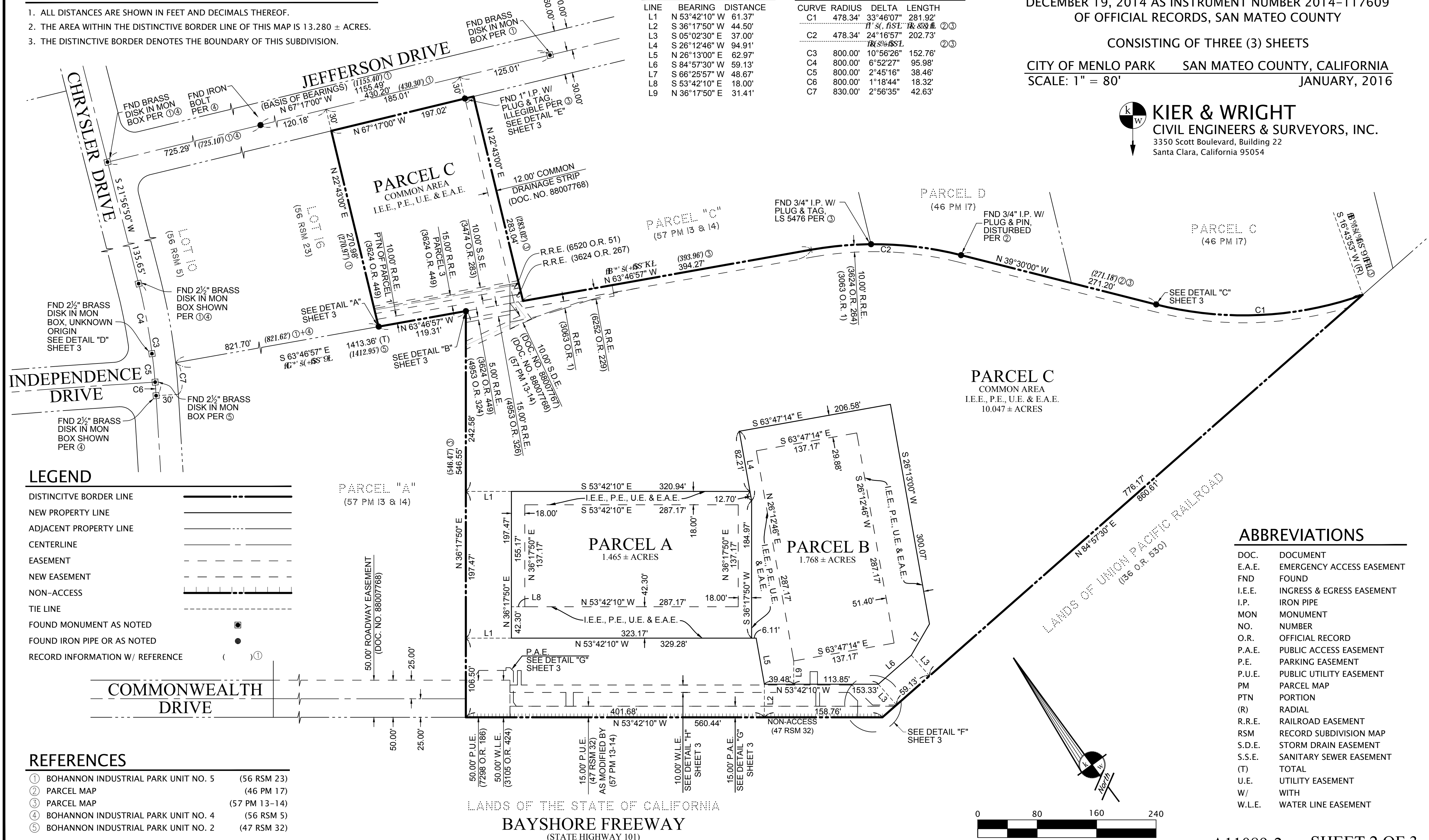
BEING A SUBDIVISION OF PARCEL A AS DESCRIBED AND DELINEATED IN THAT CERTAIN GRANT DEED RECORDED ON DECEMBER 19, 2014 AS INSTRUMENT NUMBER 2014-117609 OF OFFICIAL RECORDS, SAN MATEO COUNTY

CONSISTING OF THREE (3) SHEETS

CITY OF MENLO PARK SAN MATEO COUNTY, CALIFORNIA
SCALE: 1" = 80' JANUARY, 2016



KIER & WRIGHT
CIVIL ENGINEERS & SURVEYORS, INC.
3350 Scott Boulevard, Building 22
Santa Clara, California 95054



LEGEND

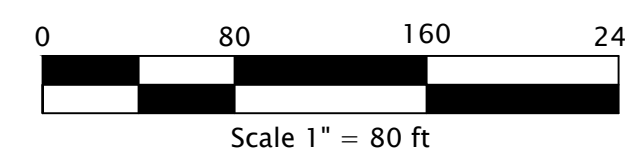
- DISTINCTIVE BORDER LINE
- NEW PROPERTY LINE
- ADJACENT PROPERTY LINE
- CENTERLINE
- EASEMENT
- NEW EASEMENT
- NON-ACCESS
- TIE LINE
- FOUND MONUMENT AS NOTED
- FOUND IRON PIPE OR AS NOTED
- RECORD INFORMATION W/ REFERENCE

REFERENCES

- ① BOHANNON INDUSTRIAL PARK UNIT NO. 5 (56 RSM 23)
- ② PARCEL MAP (46 PM 17)
- ③ PARCEL MAP (57 PM 13-14)
- ④ BOHANNON INDUSTRIAL PARK UNIT NO. 4 (56 RSM 5)
- ⑤ BOHANNON INDUSTRIAL PARK UNIT NO. 2 (47 RSM 32)

ABBREVIATIONS

- DOC. DOCUMENT
- E.A.E. EMERGENCY ACCESS EASEMENT
- FND FOUND
- I.E.E. INGRESS & EGRESS EASEMENT
- I.P. IRON PIPE
- MON MONUMENT
- NO. NUMBER
- O.R. OFFICIAL RECORD
- P.A.E. PUBLIC ACCESS EASEMENT
- P.E. PARKING EASEMENT
- P.U.E. PUBLIC UTILITY EASEMENT
- PM PARCEL MAP
- PTN PORTION
- (R) RADIAL
- R.R.E. RAILROAD EASEMENT
- RSM RECORD SUBDIVISION MAP
- S.D.E. STORM DRAIN EASEMENT
- S.S.E. SANITARY SEWER EASEMENT
- (T) TOTAL
- U.E. UTILITY EASEMENT
- W/ WITH
- W.L.E. WATER LINE EASEMENT



LANDS OF THE STATE OF CALIFORNIA
BAYSHORE FREEWAY
(STATE HIGHWAY 101)

PARCEL MAP

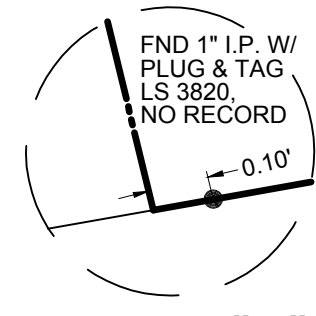
162 & 164 JEFFERSON DRIVE

BEING A SUBDIVISION OF PARCEL A AS DESCRIBED AND DELINEATED IN THAT CERTAIN GRANT DEED RECORDED ON DECEMBER 19, 2014 AS INSTRUMENT NUMBER 2014-117609 OF OFFICIAL RECORDS, SAN MATEO COUNTY

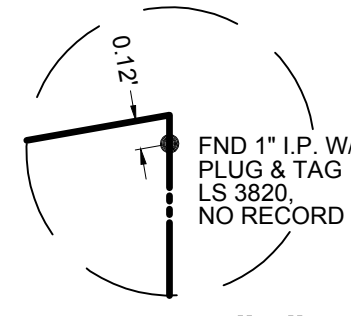
CONSISTING OF THREE (3) SHEETS

CITY OF MENLO PARK SAN MATEO COUNTY, CALIFORNIA
SCALE: 1" = 80' JANUARY, 2016

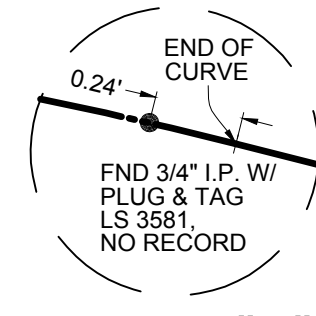
KIER & WRIGHT
CIVIL ENGINEERS & SURVEYORS, INC.
3350 Scott Boulevard, Building 22
Santa Clara, California 95054



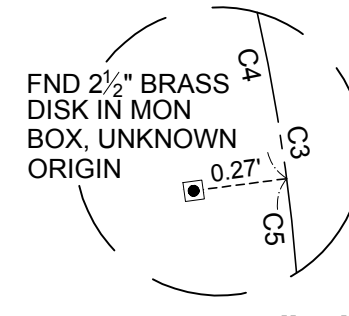
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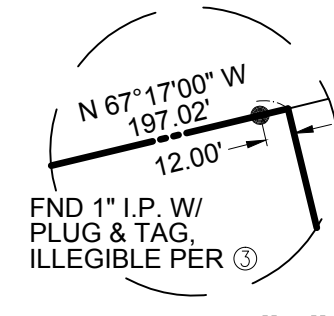
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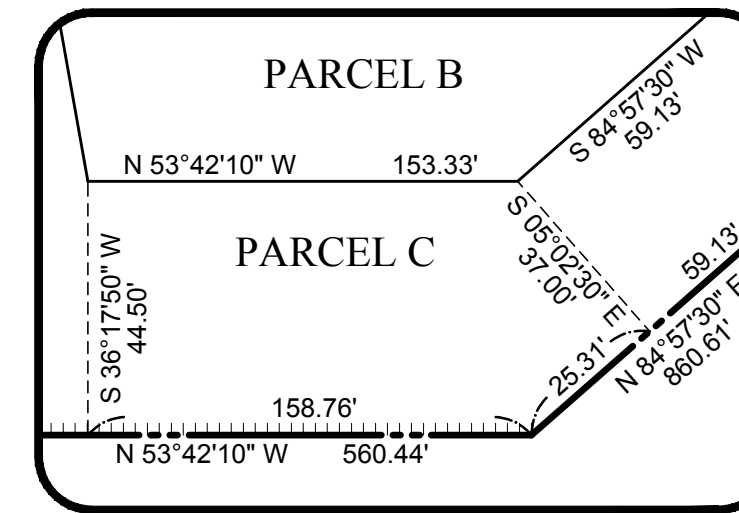
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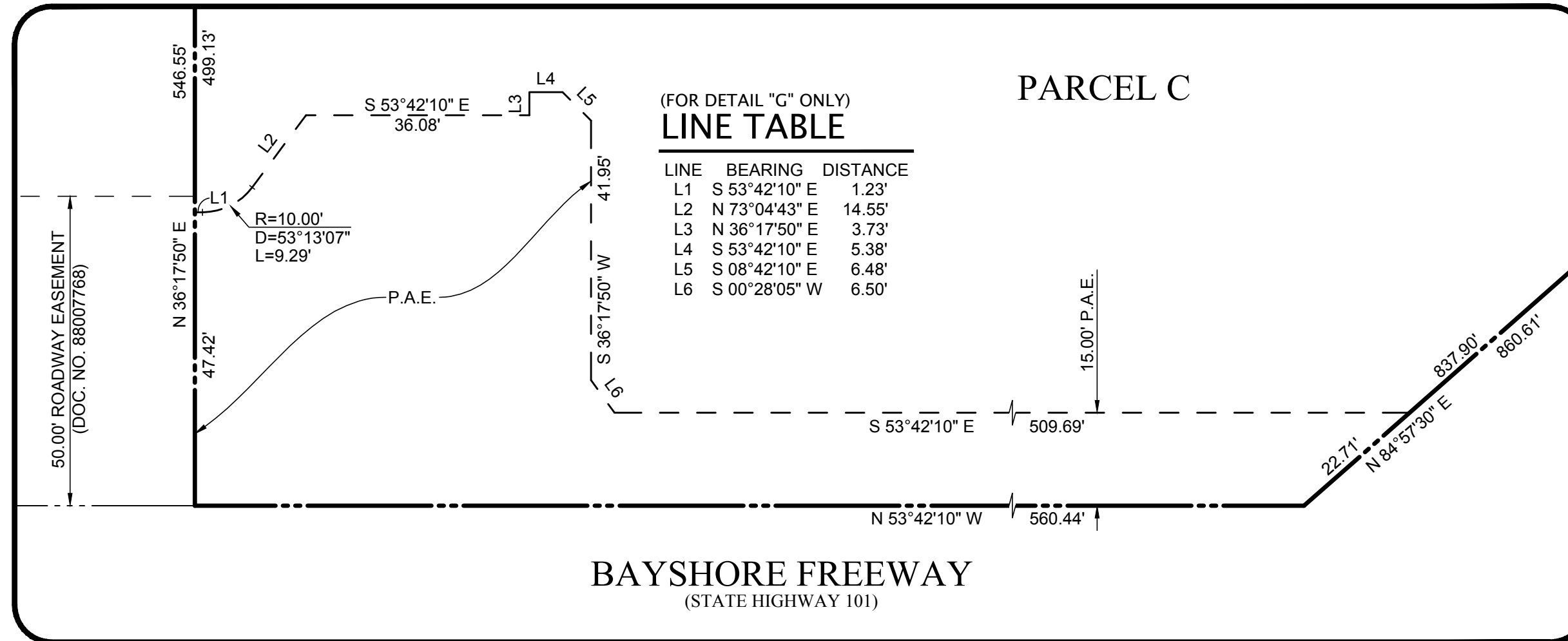
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DETAIL "E"
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DETAIL "F"
NOT TO SCALE



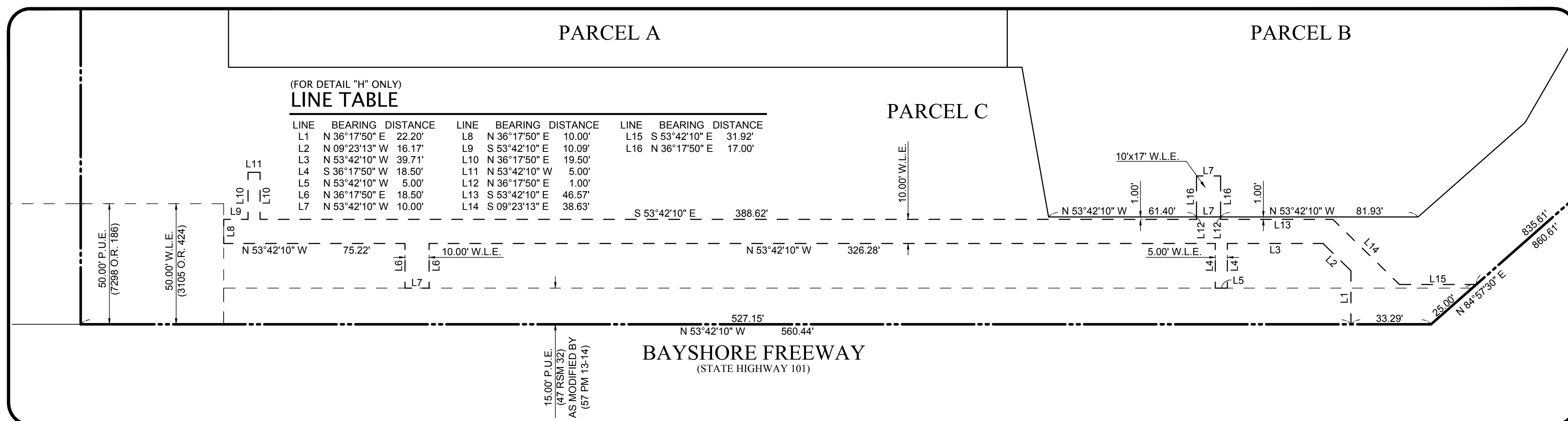
DETAIL "G" - P.A.E.
NOT TO SCALE

ABBREVIATIONS

DOC.	DOCUMENT
FND	FOUND
I.P.	IRON PIPE
MON	MONUMENT
NO.	NUMBER
P.A.E.	PUBLIC ACCESS EASEMENT
P.U.E.	PUBLIC UTILITY EASEMENT
(R)	RADIAL
W/	WITH
W.L.E.	WATERLINE EASEMENT

LEGEND

DISTINCTIVE BORDER LINE	---
NEW PROPERTY LINE	—
ADJACENT PROPERTY LINE	- - -
CENTERLINE	—+—
EASEMENT	- - - - -
NEW EASEMENT	- - - - -
NON-ACCESS	—+—+—+—
TIE LINE	- - - - -
FOUND MONUMENT AS NOTED	■
FOUND IRON PIPE OR AS NOTED	●
REFERENCE	①

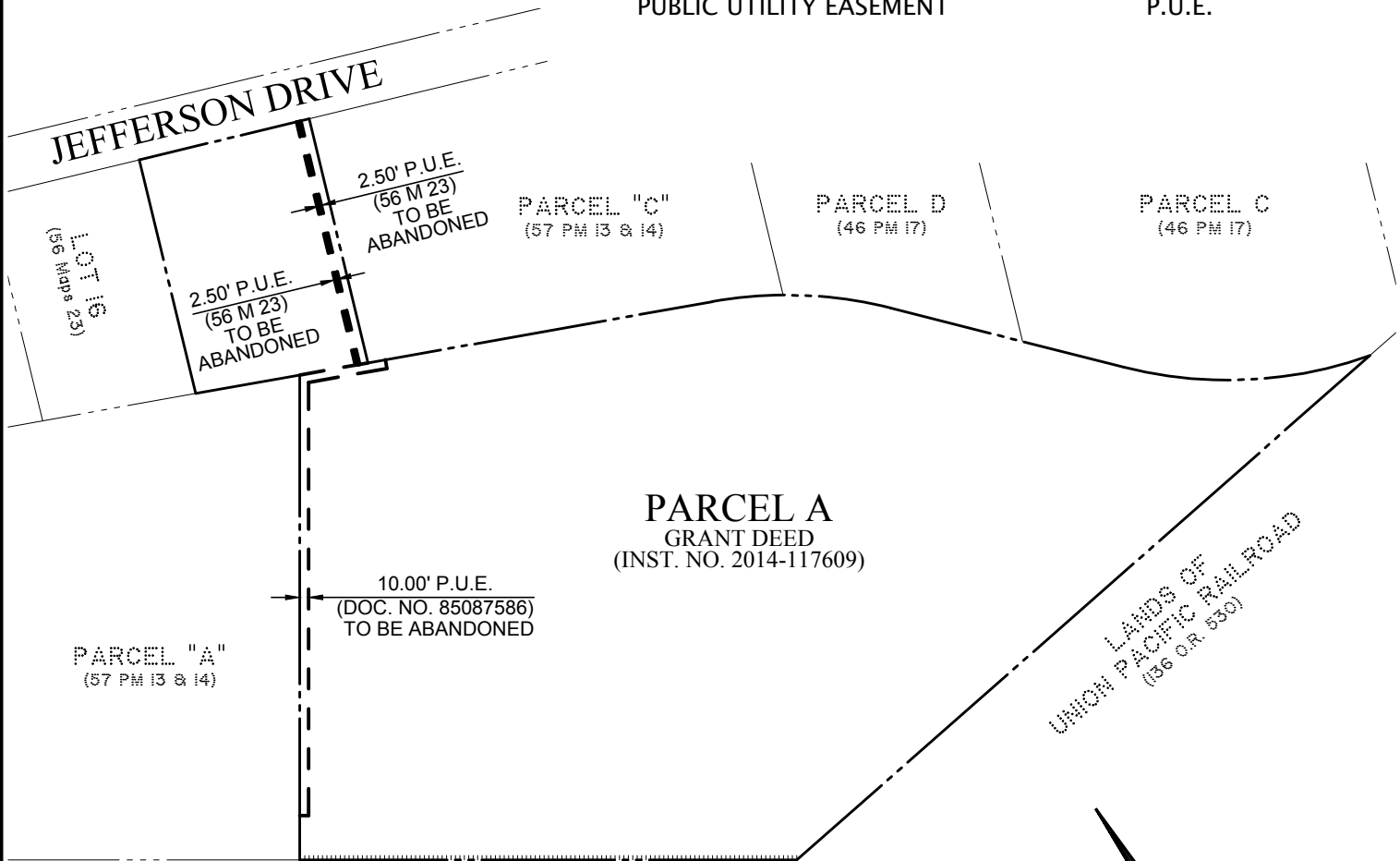


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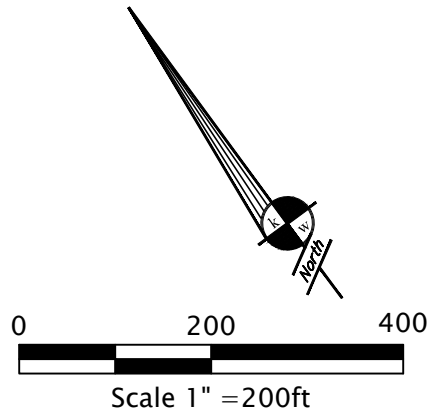
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LEGEND

PROPERTY LINE	
ADJACENT PROPERTY LINE	
EASEMENT TO BE ABANDONED	
PUBLIC UTILITY EASEMENT	P.U.E.



BAYSHORE FREEWAY
(STATE HIGHWAY 101)



**THE EXISTING PUBLIC UTILITY EASEMENTS (PUEs)
TO BE ABANDONED**

MENLO PARK

CALIFORNIA

EXHIBIT



KIER & WRIGHT
CIVIL ENGINEERS & SURVEYORS, INC.
3350 Scott Boulevard, Building 22
Santa Clara, California 95054

(408) 727 6665
fax (408) 727 5641

DATE	FEB., 2016
SCALE	1" = 200'
DR. BY	EK
JOB	A11089-3
SHEET NO.	1 OF 1

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STAFF REPORT

City Council

Meeting Date:

2/23/2016

Staff Report Number:

16-036-CC

Consent Calendar:

Authorize the Public Works Director to accept the work performed by Anderson Pacific for the Sharon Heights Pump Station Replacement Project

Recommendation

Staff recommends that the City Council authorize the Public Works Director to accept the work performed by Anderson Pacific Engineering Construction, Inc. for the Sharon Heights Pump Station Replacement Project.

Policy Issues

Acceptance of the work is required by City Council for staff to issue a notice of completion to the contractor and for the warranty period to begin.

Background

The Sharon Heights Pump Station is located in the western service area of the Menlo Park Municipal Water District. The pump station receives potable water from the San Francisco Public Utilities Commission's water system and delivers it to the Sharon Heights neighborhood, SLAC National Accelerator Laboratory, the Sharon Heights Golf and Country Club, and to the City's two reservoirs, which area located west of Interstate 280.

Originally built in 1962, the Sharon Heights Pump Station consisted of three outdoor pumps, a portable emergency generator, and electrical switchgear. The station and its equipment were beyond their useful service life and in need of replacement. On July 16, 2013, City Council approved the award of a construction contract to Anderson Pacific and authorized a total budget of \$2,501,000 for the replacement of the pump station. Anderson Pacific was issued a notice to proceed on October 31, 2013.

Analysis

Anderson Pacific demolished the existing outdoor facility and constructed an 810 square foot building that houses three new pumps and a diesel generator in accordance with the plans and specifications. The contractor has completed the required testing and training for the pump station. The new pump station is now operational. A notice of completion will be filed accordingly. The project was completed within the approved budget.

Contractor: Anderson Pacific Engineering Construction, Inc.
1390 Norman Avenue
Santa Clara, CA 95054

Impact on City Resources

Acceptance of the work has no impact on the City’s resources. The total construct cost was \$91,248 under the total construction budget.

Construction Contract Budget	
	Amount
Construction Contract	\$2,175,000.00
Contingency	\$326,000.00
Total Construction Budget	\$2,501,000.00

Construction Expenditures	
	Amount
Construction Contract	\$2,175,000.00
Charge Orders	\$234,751.90
Total Construction Costs	\$2,409,751.90

Environmental Review

This project was categorically exempt under the State of California Environmental Quality Act (CEQA) guidelines. Acceptance of the work performed under this project by City Council is not subject to an environmental review under the CEQA 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.

Attachments

None

Report prepared by:
Azalea Mitch, Senior Civil Engineer





STAFF REPORT

City Council

Meeting Date:

2/23/2016

Staff Report Number:

16- 040-CC

Consent Calendar:

Authorize the City Manager to execute a grant deed from the City transferring property to Caltrans and approve agreements related to US 101/Willow Road Interchange Project

Recommendation

Staff recommends the City Council authorize the City Manager to execute a grant deed from the City transferring property to Caltrans related to the US 101/Willow Road Interchange Project upon full funding of the Project and allow the City Manager to waive the funding condition if this affects the schedule for the Project and approve agreements related to the US 101/ Willow Road Interchange Project.

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 in order for Caltrans to certify the right-of-way before the project can go out to bid.

Background

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.

The San Mateo County Transportation Authority (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.

On February 9, 2016 the City Council authorized 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.

Analysis

The Council has agreed in concept to grant Caltrans the City property needed to construct the US 101/Willow Road Interchange Project. The approval of the granting of City property was contingent on another agency funding the remaining balance of the project. Staff is requesting the City Council to authorize the City Manager to approve any agreements and deeds to grant Caltrans the property that is necessary for the US 101/Willow Road Interchange Project.

Staff is also requesting the City Council to authorize the City Manager to waive the condition of full project funding if it will delay the project. Caltrans is ready to put the project out to bid in March 2016. Caltrans must meet three conditions in order to bid a project: certification that all right-of-way necessary for construction has been secured, final design documents, and an executed agreement with the project sponsor and funding partners. Caltrans has indicated that full funding of the project is not needed prior to bidding.

The City would also need to absorb the cost for utility system upgrades with the interchange construction. 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. Staff is also requesting authorization for the City Manager to sign agreements with Caltrans to reimburse Caltrans for relocating the water line.

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). The City will need to pay approximately \$300,000 for the water line relocation. This would be funded from the water main replacement project in which there are sufficient funds.

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

None

Report prepared by:

Ruben Niño , Assistant Public Works Director



STAFF REPORT

City Council

Meeting Date: 2/23/2016

Staff Report Number: 16-033-CC

Consent Calendar: Waive reading and adopt an ordinance amending Menlo Park Municipal Code section 2.04.120 regarding Mayor Selection, and approve an amendment to City Council Policy CC-93-001

Recommendation

Staff recommends that the City Council waive reading and adopt an ordinance amending Menlo Park Municipal Code section 2.04.120 regarding mayor selection and approve an amendment to City Council Policy CC-93-001.

Policy Issues

The ordinance regarding the selection of Mayor and Mayor Pro Tem should be amended in order to allow the City Council and staff the flexibility to set the date of this event. Correspondingly, if the ordinance amendment is approved, City Council Policy CC-93-001 should also be updated to reflect the amendment.

Background

At its regular meeting on February 9, 2016, the City Council introduced an ordinance amending Menlo Park Municipal Code section 2.04.120 regarding mayor selection. The amendment provides flexibility by eliminating language that binds the Council and staff to scheduling the selection of Mayor on the first Tuesday of December each year.

Analysis

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 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, two days after the first Tuesday in December. In order to allow flexibility in scheduling the Council reorganization meeting, at which time the Mayor and Mayor Pro Tem are selected, the current 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.

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 as amended
- B. City Council Policy CC-93-001 as amended

Report prepared by:
Pamela Aguilar, City Clerk

ORDINANCE NO. _____

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
AMENDING CHAPTER 2.04 [CITY COUNCIL] SECTION 120
[APPOINTMENT OF MAYOR] OF THE MENLO PARK MUNICIPAL CODE**

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 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 the ninth day of February, 2016.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Rich Cline, Mayor

ATTEST:

Pamela Aguilar, City Clerk

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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 City Council on 11/16/1993 Amended by City Council on 2/23/2016	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 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.

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

Meeting Date: 2/23/2016
Staff Report Number: 15-043-CC

Consent Calendar: **Appropriate BMR Funds not to exceed \$320,000 in order to purchase and retain 20 Willow Road #33 in the Below Market Rate (BMR) Program and authorize the City Manager to execute contract escrow documents and acceptance of deed**

Recommendation

Staff recommends that the City Council appropriate BMR Funds not to exceed \$320,000 in order to purchase and retain 20 Willow Road #33 in the Below Market Rate (BMR) program and authorize the City Manager to execute a real estate purchase contract for the purchase of the property, escrow instructions and other closing documents, and a certificate of acceptance to accept the deed to the property.

Policy Issues

The affordability restrictions on this unit were established as part of the condominium development on the property. The deed restrictions include a 90-day closing provision that requires the City to purchase the unit in order to maintain it in our BMR program if the City does not find a qualified buyer. Maintaining the unit in our BMR program is consistent with the City's ongoing efforts to provide affordable homeownership opportunities for low and moderate-income families living or working in Menlo Park.

Background

The City of Menlo Park contracts with Hello Housing to manage our ownership and rental BMR units. On October 21, 2015, Hello Housing received a *Notice of Intent to Sell* from the existing owner of the condominium at 20 Willow #33. Hello Housing forwarded the Notice to the City and began the process for reselling the unit to a qualified buyer in order to retain it in the BMR program. The process includes coordination with the seller on establishing a price for the unit that maintains its affordability restriction. In the case of this unit, its affordability restriction is set at 110% of the Area Median Income (AMI). Based on the number of bedrooms the minimum allowable household size for this unit is 3 members. At 110% of AMI that limits the income of a qualifying household to \$101,970 per year.

Hello Housing worked with Today Sotherby's International Realty to schedule property inspections and negotiate a price for the unit based on the results. At the same time, Hello Housing began developing marketing collateral for the unit in order to market it to the eligible families on our BMR waitlist. Once the price was established, Hello Housing began marketing the unit and scheduled an open house for interested applicants that might qualify for the unit. Hello Housing identified 4 potential families that appeared to meet the qualifications.

Unfortunately, in the process of assessing and qualifying applicants for this unit all four families were disqualified for reasons ranging from an insufficient number residents in the household to income and income-to-debt ratio. One of the other complicating factors in the resale of this unit is the 90-resale requirement. Later deed restrictions increased the resale requirement to 180 days in order to provide sufficient time to qualify families. The short timeframe was further exacerbated by the fact that this process was taking place during the holidays.

Analysis

This particular unit offers the rare opportunity of affordable homeownership of a 3-bedroom unit west of highway 101. But with that rare opportunity comes some difficulties that make this action necessary. The 110% AMI restriction requires additional time to find individuals who meet the narrow restrictions. Those who qualify under the income restriction may not have a large enough household, a high enough income to qualify for a mortgage or may have a higher than allowable income-to-debt ratio. That said, the deed restrictions provide the City with the right of first refusal to purchase the unit in order to maintain it in the BMR program. Hello Housing and Staff are working on strategies to ensure that the City will be able to resell the unit and recoup the City's investment.

With the median home price in Menlo Park approaching \$1.8 Mil, retaining this unit in our BMR program is consistent with the City's efforts to provide affordable ownership opportunities for families working or living in Menlo Park. While the City is currently planning for the development of a significant number of affordable units through ConnectMenlo, it remains difficult to develop affordable housing in other neighborhoods. This unit is a good example of providing a range of affordability within one project and within close proximity to public transit. The unit is almost equidistant from both the Menlo Park and Palo Alto Caltrain Stations.

Staff has worked with Hello Housing, Today Sotherby's International Realty and First American Title Company to develop a budget for the purchase and resale of this property (Attachment A). The total budget is \$317,102.35. Staff recommends that Council set a budget not to exceed \$320,000 to ensure that any additional fees, such as homeowner association dues be covered, in the event that it take a number of months to qualify a potential buyer.

This action also authorizes the City Manager to execute all closing documents on behalf of the City.

Impact on City Resources

\$320,000 from the City BMR program funds will be utilized for this action most, if not all of which, will be recovered through the resale of the unit.

Environmental Review

This action is not a project 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. American Land Title Association (ALTA) Settlement Statement

Report prepared by:

Jim Cogan

Housing and Economic Development Manager

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American Land Title Association

ALTA Settlement Statement – Buyer

Adopted 05-01-2015

File No.: 4101-5058398

First American Title Company

Printed: 02/04/2016, 3:07 PM

Officer/Escrow Officer: MaryAnn

Three Lagoon Drive, Suite 270 • Redwood City, CA 94065

Trujillo/mat

Phone: (650)226-2238 Fax: (866)407-7909

Settlement Location:

Estimated Settlement Statement

Three Lagoon Drive, Suite 270, Redwood
City, CA 94065

Property Address: 20 Willow Road #33, Menlo Park, CA 94025

Buyer: City of Menlo Park

Seller: Tina Melendez

Lender:

Settlement Date: 03/10/2016

Disbursement Date:

Description	Buyer	
	Debit	Credit
Financial		
Sale Price	312,510.00	
Prorations/Adjustments		
Association Dues 03/10/16 to 04/01/16 @\$420.00/mo	298.06	
County Taxes 03/10/16 to 07/01/16 @\$5125.48/yr	1,586.79	
Title Charges & Escrow / Settlement Charges		
Escrow Fee to First American Title Company	750.00	
Binder Resale-Standard Coverage to First American Title Company	1,169.00	
Government Recording and Transfer Charges		
Record Deed to San Mateo County Recorder	21.00	
Miscellaneous		
Transfer Fee*EST* to Park Lane Condominium Homeowners Assoc	250.00	
Association Dues *EST* to Park Lane Condominium Homeowners Assoc	420.00	
Document Fee to	97.50	
Subtotals		
Due From Buyer		317,102.35
Totals	317,102.35	317,102.35

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STAFF REPORT

City Council

Meeting Date: 2/23/2016
Staff Report Number: 16-039-CC

Consent Calendar: Approve updates to the City Council procedures manual

Recommendation

Staff recommends the City Council approve updates to the City Council procedures manual.

Background

The City Council procedures manual was established and approved in 2006 to assist the City Council by documenting currently accepted practices. Staff reviewed the 2006 City Council Procedures Manual and provided feedback in order to bring the guidelines up to date with current practices and terminology. These changes were presented to the City Council for review and consideration at its goal setting meeting on January 29, 2016. At this meeting the City Council also had an opportunity to discuss and offer changes to the procedures manual which were then incorporated and presented for approval on February 9, 2016

Analysis

It is the goal that the practices documented in the City Council procedures manual will contribute to the effective administration of City Council business. While attempting not to be overly restrictive, procedures are established so that expectations and practices can be clearly outlined to guide Councilmembers in their actions.

At its meeting on February 9, 2016, the City Council directed the City Manager and City Attorney to review and clarify the procedure for City Councilmembers to place items on the council meeting agenda.

Under Chapter Three (City Council Meetings) of the procedures manual, the following update is submitted for consideration and approval:

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 in writing or email to the Mayor. 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. The Mayor shall have the discretion to agendize the item directly in consultation with the City Manager.

The procedures manual, with all the submitted changes, is provided 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. City Council Procedures Manual with track changes

Report prepared by:
Pamela Aguilar, City Clerk

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

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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).~~

Commented [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."~~

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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).~~

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.

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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

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[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 reviewed and 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 ~~meeting week~~. 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 in writing or email to the Mayor. 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. The Mayor shall have the discretion to agendize the item directly in consultation with the City Manager.

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

Commented [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.

immediate action at this meeting of the City Council. These findings must be approved by a 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 agendize 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 agendized 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 agendized or non-agendized 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.

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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.

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

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

Commented [LFP9]: What about abstention?

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.

Commented [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.

Commented [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.

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.

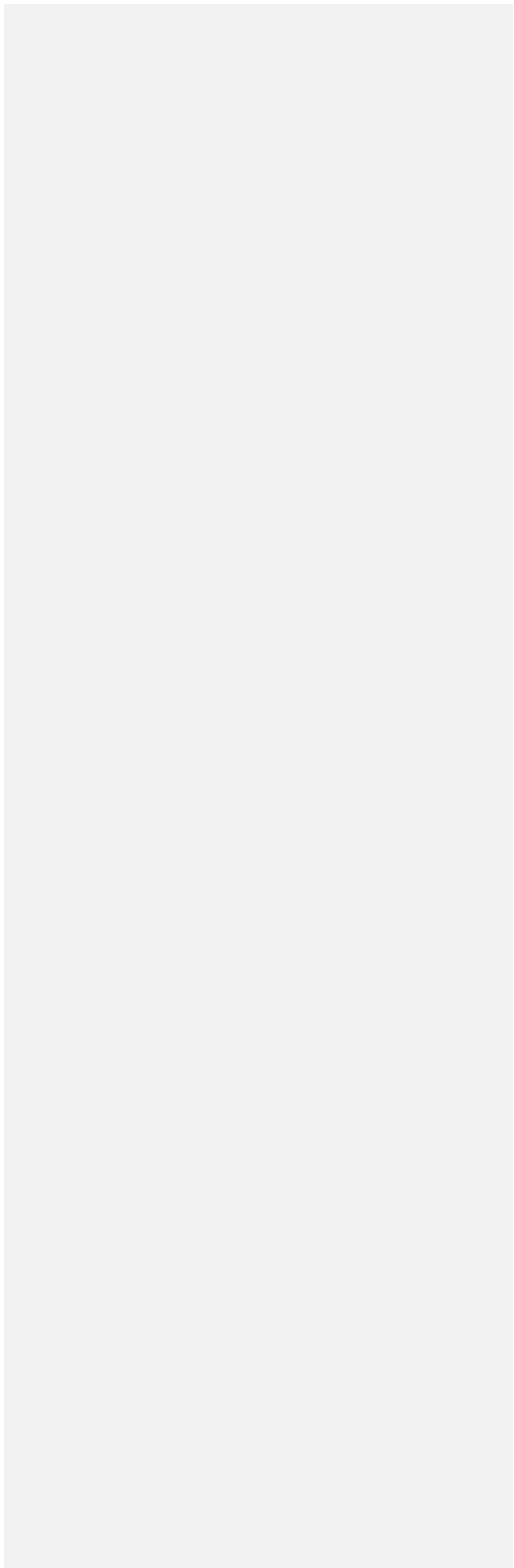
Serial meetings take place when any member of Council contacts more than one other member of the Council or any city staff member contacts more than two Council Members for the purpose of deliberating or acting upon an item pending before the City Council. This restriction does not apply to the public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

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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.

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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 laws, direct the daily operations of city government, and 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.

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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.~~

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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 ~~TechnologyServices~~ 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

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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.

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:

2/23/2016

Staff Report Number:

16-037-CC

Regular Business:

Accept dedication of a Public Access Easement (PAE) from Hibiscus Properties, LLC (Facebook), approve design for Chilco Street bicycle and pedestrian improvements, and authorize the City Manager to sign agreements regarding Chilco Street improvements

Recommendation

Staff recommends that the City Council accept the dedication for Public Access Easements (PAE) from Hibiscus Properties, LLC, approve the proposed design for Chilco Street bicycle and pedestrian improvements on Chilco Street from Terminal Avenue to Constitution Drive and authorize the City Manager to sign agreements as necessary to implement the improvements.

Policy Issues

In order for access easements to become public, they must be accepted by the City Council. City Council authorization is required to allow the City Manager to enter into the agreements.

Background

On March 31, 2015, Hibiscus Properties, LLC, a wholly owned subsidiary of Facebook Inc., submitted a preliminary application for the proposed redevelopment of the TE Connectivity campus located at 301-309 Constitution Drive. The site is located between Chilco Street and the recently completed Building 20, formerly referred to as Facebook's West Campus. The TE Connectivity 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 Campus Expansion Project. The proposal includes construction of two new office buildings totaling approximately 962,400 square feet (a net increase of approximately 126,600 square feet of offices) and a potential 200 room limited service hotel of approximately 174,800 square feet. In addition the proposed project includes publicly-accessible open space and a new pedestrian/bicycle bridge over Bayfront Expressway, providing a more direct connection from the Belle Haven neighborhood to the Bay Trail.

The site is currently accessed via Constitution Drive at the intersection with Chilco Street. Within the project site, the applicant has identified vehicle, pedestrian and bicycle circulation routes, along with emergency vehicle access routes that would link Buildings 20-23. In addition, Facebook has leased buildings (formerly leased to Intuit) across Chilco Street with frontage on Jefferson Drive and is anticipating occupying these buildings in mid-2016. As such, Facebook is looking to improve pedestrian and bicycle circulation across and along Chilco Street and is partnering with the City to expedite frontage

improvements that would typically be required as part of the project approval process.

Staff and Facebook have partnered in developing improvements for Chilco Street to improve pedestrian and bicycle safety to be implemented as quickly as possible. Conceptual designs were developed in Fall 2015, and Facebook has now prepared design documents for modifications that are expected to be completed in phases, with the first phase installed in May 2016.

Analysis

Staff and Facebook have proposed a phased approach to expedite the project. Attachment A shows the limits of each of the three (3) phases and Attachment B has the proposed cross section for Phase 1 of Chilco Street.

Phase 1 will be an interim improvement and is estimated to be in place for approximately four years until the existing lease to on-site tenants expires and more permanent site and utility work can be completed. This stretch has the proposed publicly-accessible open space across the site from Chilco Street to Bayfront Expressway and a new pedestrian/bicycle bridge over Bayfront Expressway. The Phase 1 improvements consist of maintaining the existing southeast-bound bike lane and two vehicular travel lanes, and adding a concrete curb median with bollards on top of the island, and a Class IV protected bike lane (bi-directional) and pedestrian path. In addition temporary lighting will be provided to light the bicycle and pedestrian path. The improvements will provide connectivity between the recently completed Building 20 and Building 23 and provide the first phase of improvements to better connect the Belle Haven neighborhood to the Bay Trail and Bedwell Bayfront Park. Phase 1 improvements are targeted for completion in May, to coincide with the occupancy of Building 23.

Phase 2 will be permanent and consist of a similar conceptual design with Class IV protected bike lanes separated from vehicular traffic and separate pedestrian paths. While specific design elements need to be refined before finalized, the existing landscaped island may be reduced in width to accommodate the improvements. As currently proposed, a Class IV separated bike path (bi-directional) and five foot meandering pedestrian path and landscaping would be provided on the existing eastbound side of Chilco Street to the intersection of Chilco Street and Constitution Drive. The addition of new street lighting would also be provided. A pedestrian and bicycle crossing has also been proposed to connect the Facebook campus and the Jefferson Drive leased site. Staff is working with Facebook as part of Phase 2 reviews to determine the most appropriate location and required enhancements to ensure the crossing is visible. If necessary, staff may return for future Council action on Phase 2 improvements, including the crosswalk location and design. There are two locations where the pedestrian pathway ventures into private property owned by Hibiscus Properties, LLC (Facebook), and a PAE would be required. It is estimated Phase 2 to be completed by the end of summer 2016.

Phase 3 will provide improvements on Chilco Street through the railroad right of way to the intersection of Chilco Street and Terminal Street. Staff is looking to break this phase into two phases, 3A and 3B, and complete 3A, the sidewalk on the westerly side of the railroad tracks outside the Samtrans and California Public Utilities Commission (CPUC) right-of-way, this summer. Phase 3B, which will require coordination with Samtrans and CPUC, is anticipated to be completed in approximately 6-8 months.

In the project area along Chilco Street, a tree inventory report was prepared to assess the condition of the existing trees. The report was reviewed by the City consultant arborist and City Arborist who agree with the conclusion of the report. The report identified 70 trees that were either dead or in poor health. The report identified 79 heritage trees and 34 non-heritage trees would need to be removed as part of the project. Replacement trees will be replaced at the same ratio approved for Building 20 (West Campus site); that is, 2:1 for heritage trees in good health and 1:1 for heritage trees in fair or poor health. The replacement trees will range in size from 24"-72" box trees with the majority of the new trees being 60" and 72". The landscaping plan is to create the same atmosphere installed along Building 20 at Willow Road and Bayfront Expressway. The trees were noticed for removal on February 8 and the 15 day appeal period ends on February 24.

The portion of Chilco Street between Constitution Drive and Bayfront Expressway will be improved as part of the Menlo Gateway Project. This is planned to be completed by the end of the year.

The Fire District has reviewed the conceptual plans and they are supportive of the project.

PAE

The public pathways dedicated to the City will ultimately provide continuous access for pedestrians along Chilco Street from the Belle Haven neighborhood to the Bay Trail on Bayfront Expressway and to Bedwell Bayfront Park. The site is constrained by the proximity of the existing building (future MPK 23) to Chilco Street. In the locations where existing conditions allow, the sidewalk ventures away from the curb and into private property, providing greater separation from the roadway and a more pleasant walking experience. Staff recommends that City Council accept the offers of dedication for the PAE. The final easement description will be approved by the City Attorney and Public Works Director.

Maintenance Agreement

The City will be entering into an agreement with Facebook for maintenance of improvements on Chilco Street. Staff is requesting authorization from the City Council for the City Manager to enter into the agreement.

Impact on City Resources

The staff time associated with review of the Public Access Easement, review and development of the Chilco Street improvement Plans, and review and development of the maintenance agreement is fully recoverable through fees collected from the applicant. Facebook will be paying for the majority of the work and the City will be utilizing money earmarked for the Chilco Street Improvements in the Capital Improvement Program for the City's share.

Environmental Review

The acceptance of the dedication of the Public Access Easement and the improvements are categorically exempt under Class I 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.

Attachments

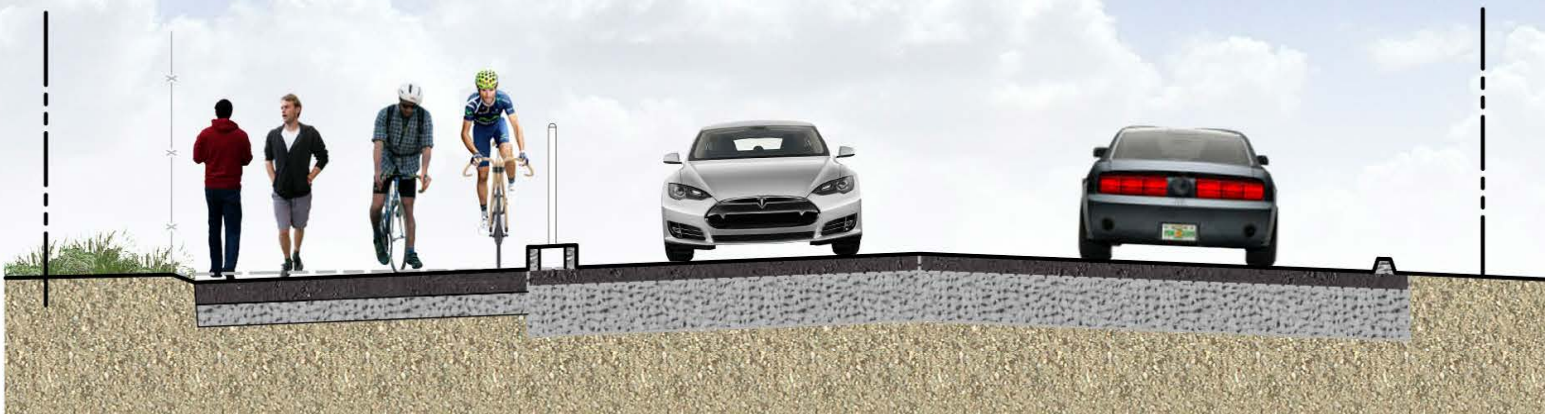
- A. Phasing Plan
- B. Cross section of Chilco Street

Report prepared by:
Theresa Avedian, P.E, *Senior Civil Engineer*

Report reviewed by:
Ruben Niño, P.E., Assistant Public Works Director



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CHILCO STREET
TYPICAL SECTION
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STAFF REPORT

City Council

Meeting Date:

2/23/2016

Staff Report Number:

16-038-CC

Regular Business:

**Approve permanent installation of Alma Street/
Ravenswood Avenue trial improvements**

Recommendation

Staff recommends that Council approve permanent installation of Alma Street/Ravenswood Avenue trial improvements.

Policy Issues

The potential to install permanent modifications to the Alma Street and Ravenswood Avenue trial installation to improve rail crossing safety are evaluated in this report per prior direction of the City Council.

Background

The Council Rail Subcommittee provided direction at a public meeting on March 18, 2015 to evaluate six potential near-term improvements at Ravenswood Avenue that may improve the existing rail crossing. These improvements included traffic signal modifications, turn restrictions, and signing and striping modifications. These improvements were identified to address the following key concerns voiced by community members during the meeting:

- a) **Motorist reaction time:** Motorists approaching from the west (from El Camino Real) do not have sufficient time to react to pedestrians in the existing crosswalks on the south leg of Alma Street or the east leg of Ravenswood Avenue, and vehicles can quickly stack onto the rail crossing when yielding to a pedestrian.
- b) **Yielding to pedestrians:** Pedestrians using the crosswalk across Ravenswood Avenue observe motorists not yielding, even when the warning lights are actuated.
- c) **Following turn restrictions:** Existing time-of-day specific turn restrictions are not consistently followed; violations lead to confusion over right-of-way, collisions or near-miss incidents and additional delay to motorists.
- d) **Spillback from El Camino Real:** Community members described occurrence where traffic stacks on westbound Ravenswood Avenue from the El Camino Real intersection, especially during the evening commute period.

Following the Rail Subcommittee's direction, on May 5, 2015, the City Council directed staff to proceed with a six-month trial installation of modifications to the Alma Street and Ravenswood Avenue intersection. The primary purpose of the trial modifications was to reduce the frequency of vehicles or pedestrians on the rail

tracks (referred to by rail agencies as “fouling” the tracks). A link to the staff report detailing the evaluation of the trial recommendations is included as Attachment A.

The trial improvements were installed in early June 2015. Since that time, several modifications were developed and implemented to respond to observed issues over the course of the trial:

- Lengthening the median barricades to reduce cut-through traffic on Noel Drive
- Signal modification to install split phasing on Laurel Street at Ravenswood Avenue and frequent monitoring of the signal timing for the intersection
- Removal of the eastbound right-turn barricades on Alma Street at Ravenswood Avenue
- Installation of “No U-Turn” signs at Laurel Street/Ravenswood Avenue intersection
- Installation of green shared-lane markings for bicyclists on Ravenswood Avenue between El Camino Real and Noel Drive
- Installation of new wayfinding signs around Civic Center/Burgess Park campus

Analysis

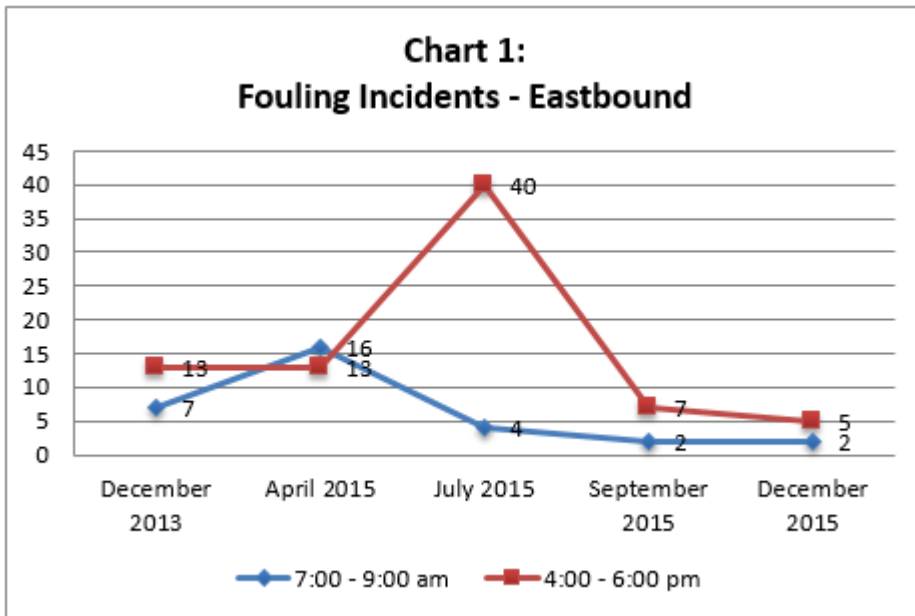
Ravenswood Avenue is a minor arterial that carries approximately 24,000 vehicles per day. It is designated as an east-west truck route, carries several Samtrans bus lines, and provides access to key destinations including Burgess Park and Civic Center, the Menlo Park Caltrain Station, Menlo-Atherton High School, and a connection to El Camino Real. The signalized intersection at El Camino Real (SR 82) is under Caltrans jurisdiction. At the rail crossing, Ravenswood Avenue is two lanes in each direction, widening to four lanes at El Camino Real to the west and narrowing to a single lane in each direction near Noel Drive to the east.

In order to assess the results of the trial, staff has reviewed the following data:

- Frequency of vehicles on the tracks (fouling) during morning and evening periods
- Changes in traffic volumes and speeds
- Collision history

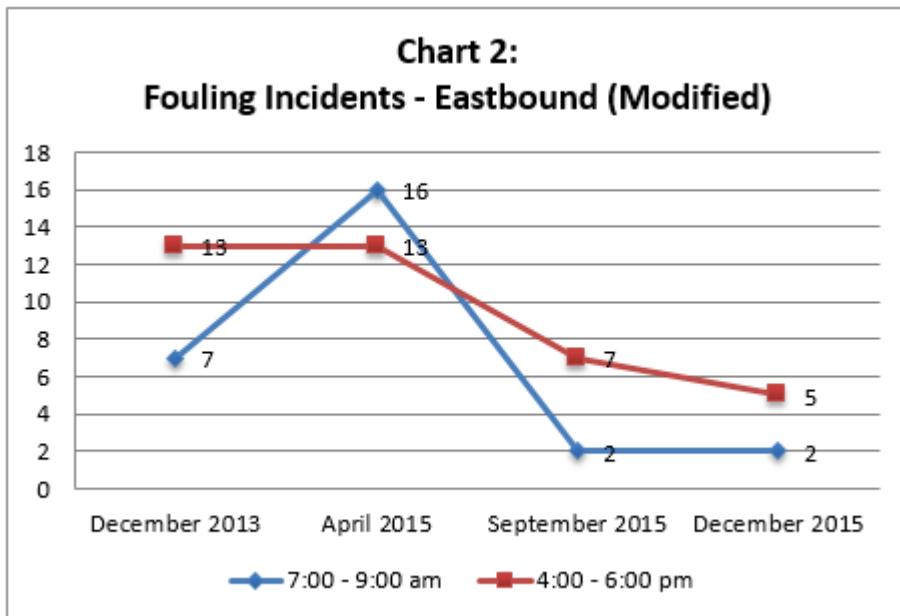
Frequency of Fouling Incidents during Peak Periods

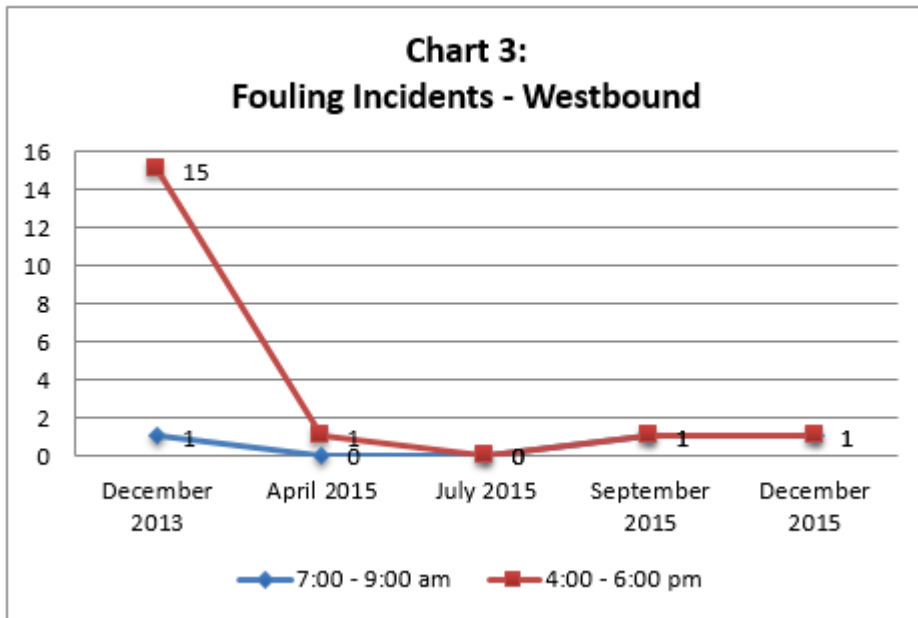
Staff reviewed before and after data demonstrating the frequency of fouling incidents. Data is summarized from pre- (December 2013 and April 2015) and post-trial installation (July, September, and December 2015). Data collected included video recording of the crossing, in which a count of “fouling” incidents was recorded, as summarized in the following charts for the eastbound and westbound directions, respectively. Each sample included a one-day count on a mid-week day with typical traffic conditions (avoiding holidays, extreme weather, etc.) within the month shown. Incidents are summarized for the 7:00-9:00am and 4:00-6:00pm periods.



As shown in the eastbound direction (Chart 1), a spike in the number of incidents observed during the evening period was observed in July 2015 following the installation of the trial modifications. Following the data collection and evaluation, staff removed the barricades preventing the right-turn from Ravenswood Avenue to Alma Street in early September 2015.

Since that time, as shown in Chart 2, the two samples collected in September and December 2015 show decreases in fouling from the pre-installation condition by at least 60 percent during each peak period. While these findings are not prepared to statistically valid standards, the trend in the frequency of fouling incidents presents a decrease over pre-installation conditions.





As shown in the westbound direction, the number of fouling incidents has remained relatively constant. The April sample showed only one incident prior to installation, and since the trial was installed in June 2015 the results have varied between zero and one. The trial installation was primarily designed to improve eastbound conditions, and the resulting trends show no significant variation across any of the sample time periods.

Changes in Traffic Volumes and Speeds

Traffic volumes before and after the trial installation were reviewed on Ravenswood Avenue and Laurel Street. Data collected as part of the City’s bi-annual traffic count program in the fall of 2014 was used as the baseline before condition. Traffic volume data at the intersection of Alma Street/Ravenswood Avenue was periodically collected during the trial installation as well, as summarized in the charts in Attachment B.

In summary, traffic volume data fluctuated minimally (less than 10 percent) in the peak morning and evening hours across all four sample periods on Ravenswood Avenue in each direction. This level of variation is typical, accounting for school patterns, seasonality and day-to-day variation. More variation was observed on Alma Street with installation of the trial modifications. In particular, the northbound approach to Alma Street experienced a significant decrease in traffic volume with the elimination of the eastbound right-turn from Ravenswood Avenue to Alma Street. Since the right-turn was reinstated, the traffic levels on this leg were observed to increase over time, and travel volumes in the latest December 2015 sample approached pre-trial conditions.

Pedestrian volumes at the crosswalk across Ravenswood Avenue were observed to increase between 30 and 50 percent after the trial improvements were made. The number of pedestrians crossing Alma Street on the south side of the intersection nearest the Menlo Park Library was observed to hold relatively constant across the sample periods, except in the evening peak hour when a 50 percent increase was observed in July and September 2015.

Additionally, based on community feedback during the trial, staff also collected traffic volume and speed data on Laurel Street, north and south of Ravenswood Avenue. Traffic volumes were observed to increase from approximately 4,500 vehicles per day to 6,700 vehicles per day between Ravenswood Avenue and



Burgess Park, as vehicles shifted from Alma Street to Laurel Street and circulate around Burgess Park. However, travel speeds were observed to decrease south of Ravenswood Avenue. The latest speed data reflects vehicles traveling at 25 miles per hour, the posted speed on this section of Laurel Street and down from 28 miles per hour in January 2013.

Collision History

A review of the collision history at the rail crossing over the past 10 years using data collected by the Federal Railroad Administration (FRA) shows that 5 incidents have occurred at the Ravenswood Avenue crossing. Of these incidents, 3 involved vehicles headed westbound during the evening commute period since April 2012; 1 resulted in a fatality and 1 resulted in injuries. Of the remaining incidents, 1 involved a pedestrian that went around a lowered gate and was fatally struck; 1 involved an eastbound vehicle that stalled on the tracks that resulted in no injuries.

Year-over-year collision history on the adjacent streets was also reviewed for the six-month period between July 1 and December 31 in 2014 and 2015 to represent pre- and post-installation conditions, respectively. Collision records were obtained from the Menlo Park Police Department for Ravenswood Avenue between Alma Street and Laurel Street.

On Ravenswood Avenue between Alma Street and approximately Noel Drive, three collisions occurred in 2014. These included two involving bicycles and one head-on vehicle collision, resulting in two minor injuries. During the same time period in 2015, seven collisions occurred; four were sideswipe vehicle collisions, one involved a bicycle, one involved a pedestrian, and one involved a vehicle hitting a fixed object. These seven collisions resulted in two minor injuries. In general, while the number of incidents has increased year-over-year, the severity of the collisions has declined, where sideswipe collisions are generally less likely to result in injuries compared to other collision types.

At the intersection of Ravenswood Avenue and Laurel Street, three collisions occurred in 2014, resulting in 3 minor injuries; one broadside vehicle collision, one involving a bicyclist and one involving a pedestrian occurred. Compared to 2015, one sideswipe vehicle collision occurred resulting in no injuries. The change in collision history at this intersection may be attributable to the modification of the signal phasing on Laurel Street to allow northbound and southbound traffic a green signal on separate phases (or "split" phasing), which has been found to reduce broadside and pedestrian collisions in certain applications.

Other Alternatives Considered

In addition to evaluating the current improvements in place, staff also further evaluated two of the proposed improvements discussed at the May 5, 2015 meeting. These included a potential traffic signal at Alma Street/Ravenswood Avenue and potential signal pre-emption at El Camino Real/Ravenswood Avenue. Traffic signal pre-emption is a signal timing technique where an approaching train would cause the traffic signal at El Camino Real/Ravenswood Avenue to give eastbound vehicle traffic a green light to clear a queue of vehicles that may extend on or across the rail crossing. Each of these are discussed further below.

Installation of a traffic signal at the Alma Street/Ravenswood Avenue intersection was evaluated. While a traffic signal could improve control of vehicle-pedestrian interactions, the proximity of the rail crossing is a concern to designing an effective signal. Vehicles traveling eastbound would need to be controlled prior to the rail crossing, as there is less than 20 feet between the proposed stop bar and clearance to the rail crossing. Broadway-Marshall Street/Arguello Street in Redwood City has a similar installation although it carries significantly less traffic on a typical weekday (200 vehicles per direction in the peak hour on Broadway, while Ravenswood carries more than 1600 vehicles per direction in the peak). At Alma Street/Ravenswood Avenue, traffic is anticipated to spill back to El Camino Real and affect operations. It is anticipated that a signal could induce more travel demand onto Alma Street, through the Linfield Oaks

neighborhood. Installation of signal interconnect and signal pre-emption would be needed to allow coordination with the rail crossing and El Camino Real.

Traffic signal pre-emption at El Camino Real/Ravenswood Avenue was also evaluated further. A call for signal pre-emption would be processed each time the rail crossing gates are activated by an approaching train – currently 96 commuter trains plus several freight trains per typical weekday. Staff’s primary concern with installation of pre-emption for a train is that it would supersede the typical signal operations at the intersection, and thus, results in a pedestrian call being truncated mid-cycle, which is a pedestrian safety concern especially for those with sight impairments or disabilities. Additionally, advance warning of 30-40 seconds would be needed to clear the westbound approach, and calls would occur with each train passing through Menlo Park, and twice for those southbound trains stopping at the Menlo Park station. Since the distance between the traffic signal at El Camino Real/Ravenswood Avenue and the rail crossing is longer than that required for pre-emption and given the anticipated effects to pedestrian safety, staff does not recommend pursuing pre-emption at this time.

Recommendations

Ultimately, grade separation provides the most improved safety conditions at rail crossings, since rail and other traffic is separated with no to little risk of interaction between vehicle traffic, pedestrians and rail traffic. The implementation of grade separation at Ravenswood Avenue is a multi-year process once a preferred alignment is identified. Staff anticipates returning to the Council with a request to award a contract for a consulting firm to prepare a Project Study Report (PSR) for grade separation at Ravenswood Avenue on March 1, 2016. The completion of the PSR is anticipated to take approximately 12 months.

As such, staff’s recommendation is to maintain the existing trial improvements on an interim basis while grade separations are evaluated given the demonstrated reduction in fouling in the eastbound direction.

Additional signs and striping modifications are also recommended to address several outstanding issues observed along Ravenswood Avenue:

- Modify the “Keep Clear” striping at Alma Street/Ravenswood Avenue per diagram shown in Attachment B
- Modify the sequencing of signal phases on Laurel Street so that southbound traffic precedes northbound traffic
- Remove wayfinding signs at Alma Street/Willow Road intersection to US 101 and El Camino Real
- Replace wayfinding signs to Civic Center/Burgess Park between El Camino Real and Alma Street
- Install “No U-Turn” signs near Noel Drive and at the rail crossing

Impact on City Resources

No additional staffing or funds are necessary to complete the staff recommendation. The minor modifications proposed as part of a permanent installation can be completed with existing resources.

Environmental Review

The recommendation is categorically exempt under Class 1 (Existing Conditions) and Class 4 (Minor Modifications) 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.

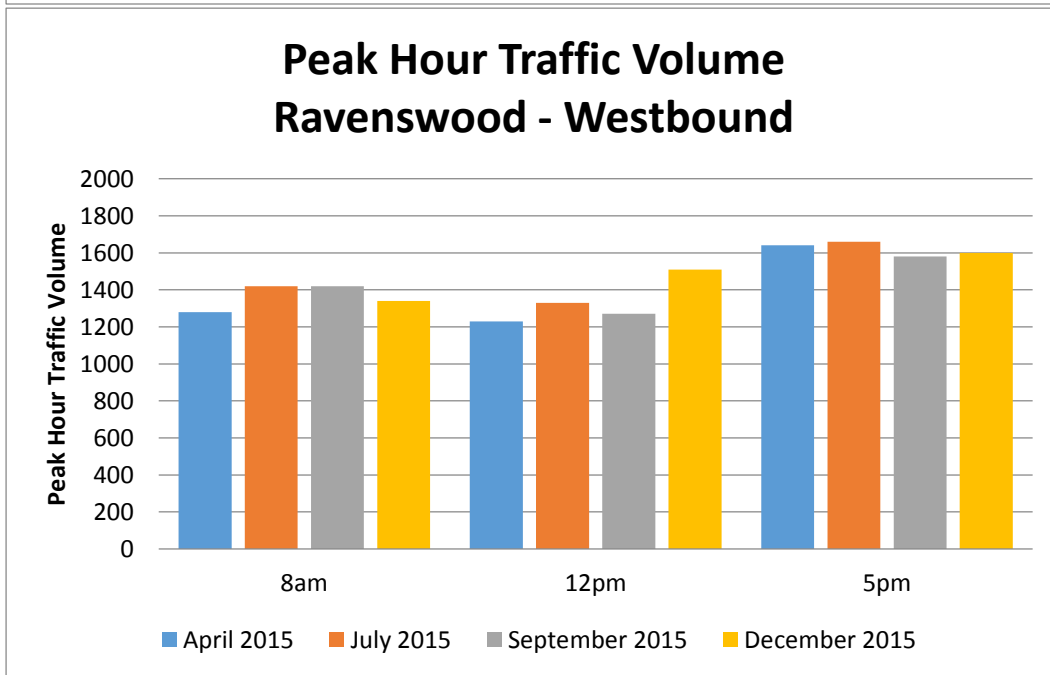
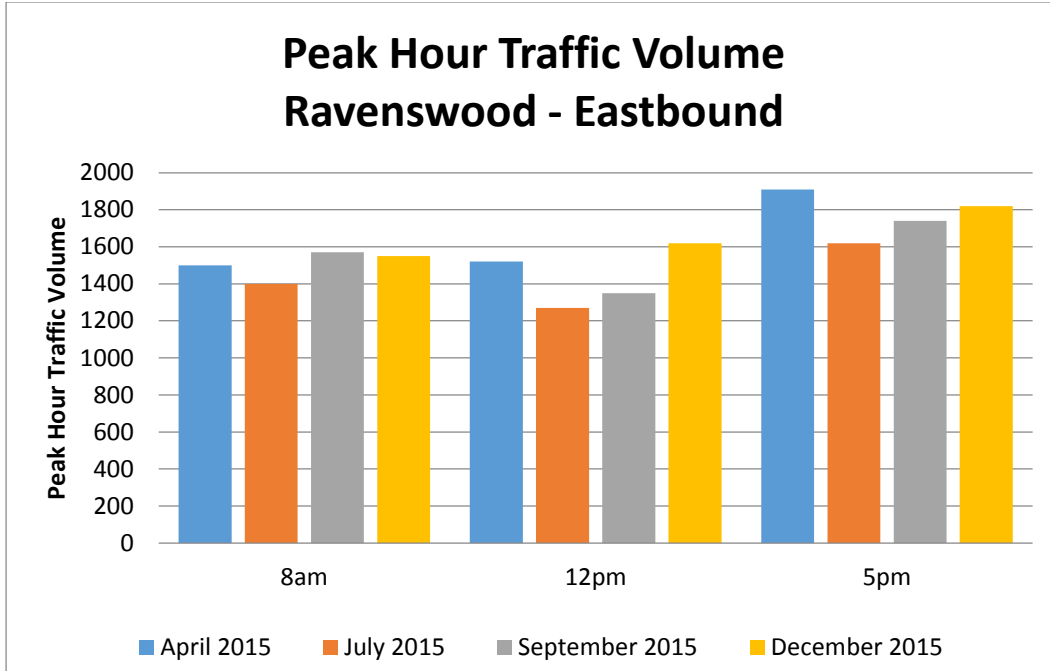
Attachments

- A. [May 5, 2015 Staff Report \(link\)](#)
- B. Travel Data Summary
- C. Alma Street/Ravenswood Avenue – Proposed Permanent Installation

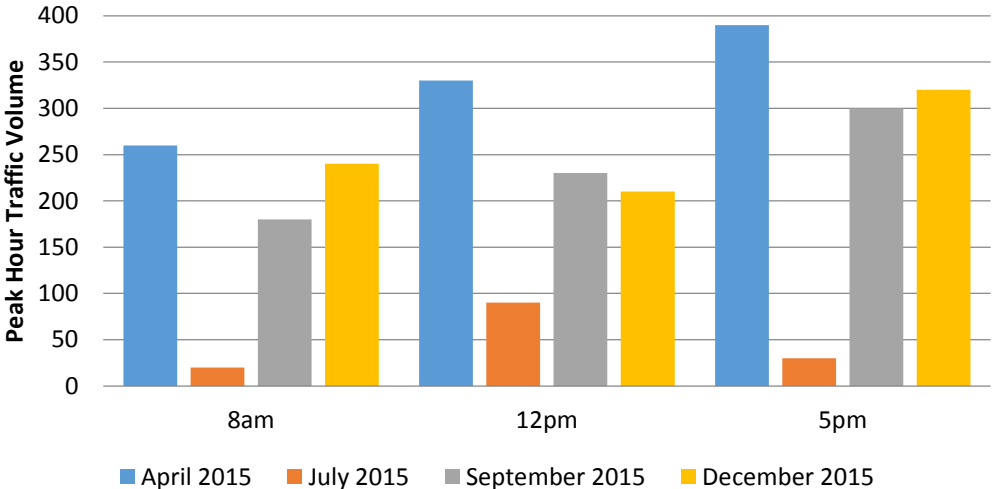
Report prepared by:

Nicole H. Nagaya, P.E., Transportation Manager

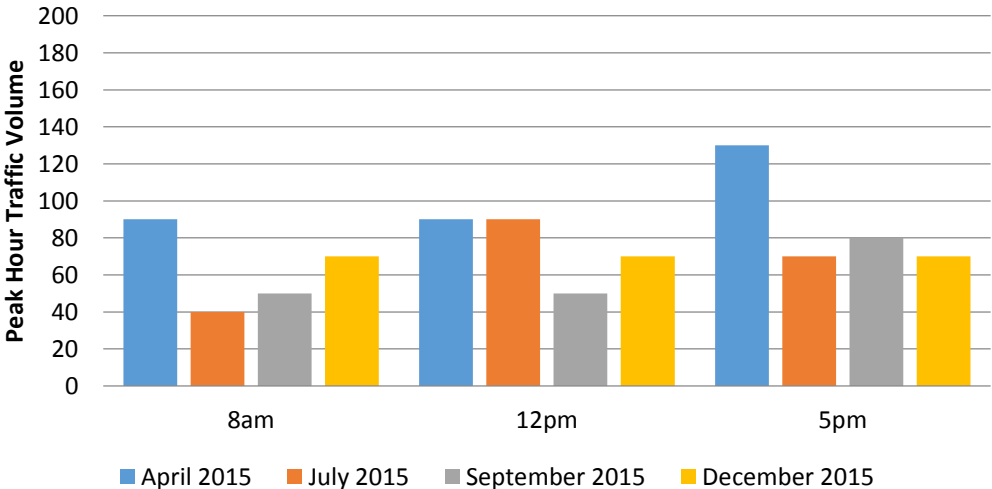
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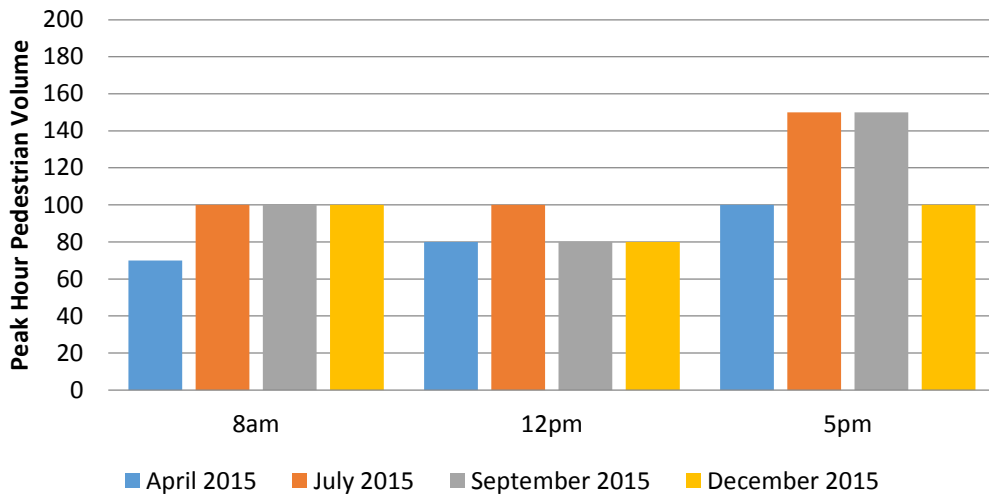
Peak Hour Traffic Volume Alma - Northbound



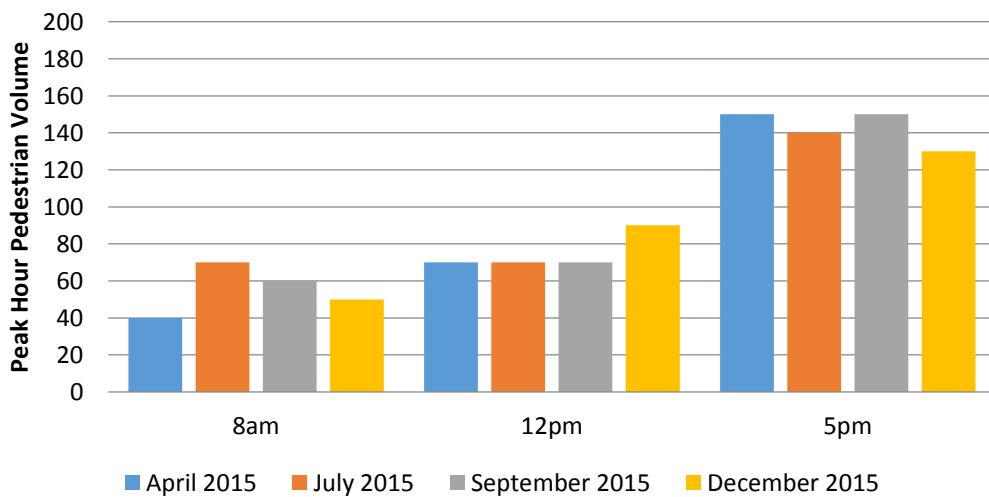
Peak Hour Traffic Volume Alma - Southbound



Peak Hour Volume Pedestrians - Ravenswood

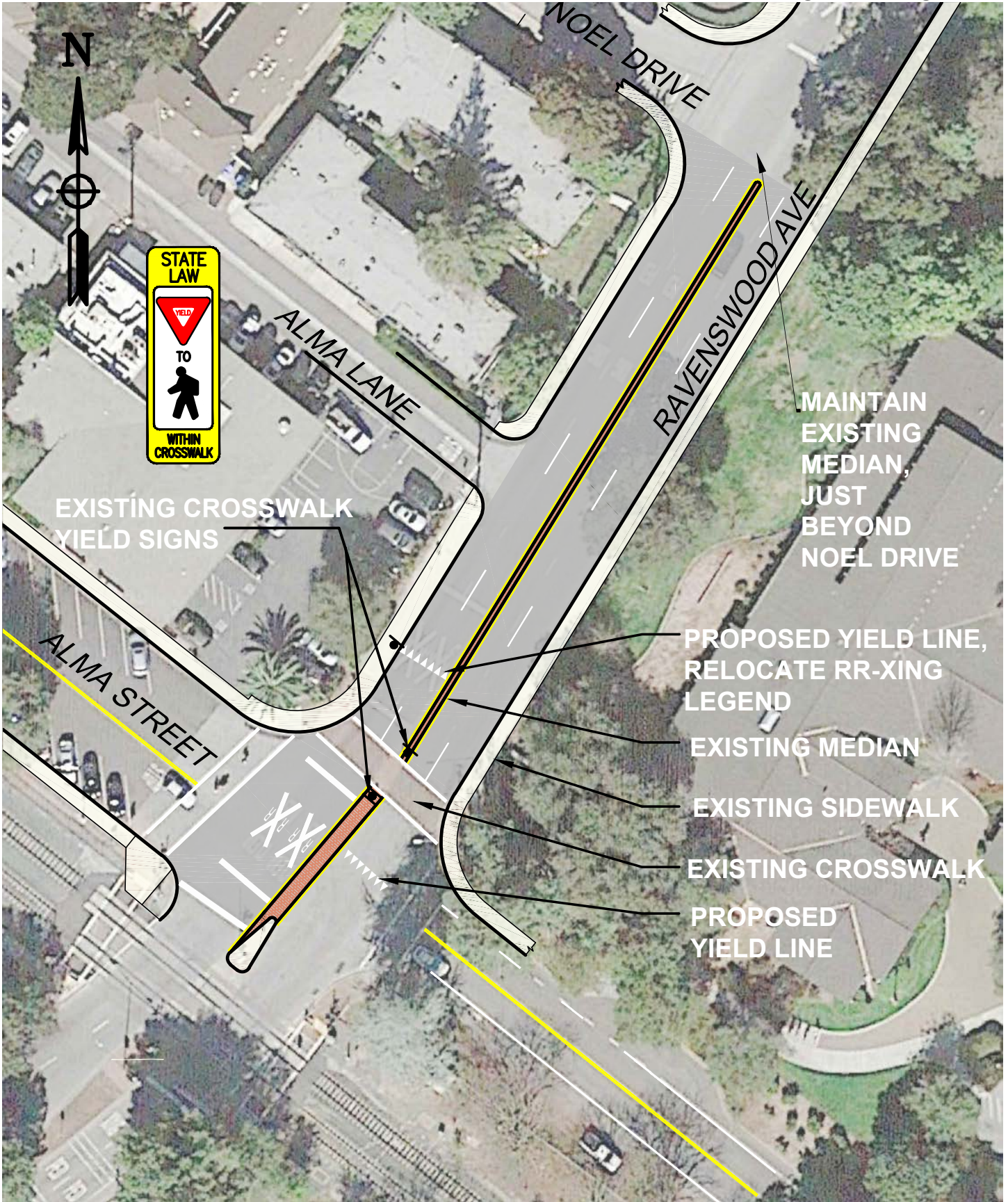


Peak Hour Volume Pedestrians - Alma



Location	Average Daily Volume (ADT)		Speed (85 th percentile)	
	10/2014	9/2015	1/2013	9/2015
Laurel Street, south of Ravenswood Avenue	4,500	6,700	28 mph	25 mph
Laurel Street, north of Ravenswood Avenue	4,400	5,500	n/a	31 mph

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475 14TH STREET
 SUITE 290
 OAKLAND, CA 94612

ALMA ST/RAVENSWOOD AVE RECOMMENDED INSTALLATION



SCALE: 1"=50'

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STAFF REPORT

City Council

Meeting Date: 2/23/2016

Staff Report Number: 16-041-CC

Informational Item: Transmittal of background information on the US 101/Willow Road Interchange Project

Recommendation

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

Policy Issues

The Willow Road Interchange Project was included in the City's 2012-2013 Capital Improvement Program (CIP). At its February 9, 2016 meeting, the Council requested that staff return with information on the final project design and traffic analysis completed for the project.

Background

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.

The San Mateo County Transportation Authority (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.

On February 9, 2016 the City Council authorized a request to the SMCTA to fund the balance of the project cost, a maximum of \$10.4 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.

Analysis

At its meeting on February 9, 2016, the City Council requested staff provide information on the approved design for the US 101/Willow Road Interchange Project and information on the traffic analysis completed for the project. The purpose of the project is to address the operational deficiencies of the interchange by eliminating traffic weaves (areas created by on- and off-ramp maneuvers occurring within a short distance) and providing adequate storage on the off-ramps. These weaves reduce speed, cause back-ups and create upstream queuing on US 101 and Willow Road. The project will eliminate the short weaving segments between the loop ramps along US 101 and on the Willow Road overcrossing, resulting in improved operations.

Additionally, the project would result in improved access and safety through the interchange for bicyclists and pedestrians. The multi-modal improvements are especially important given the recent redistricting of Sequoia Union High School District at Menlo-Atherton High School (MAHS). More students are anticipated to be walking and bicycling across the interchange in future years, as larger numbers of students from the Belle Haven neighborhood and the City of East Palo Alto are included at MAHS.

Attachment A includes two illustrations of the proposed design, including an aerial view and cross-section. A copy of the May 13, 2013 staff report prepared when the preferred alternative was selected by Council is included as Attachment B.

A traffic operations analysis report (TOAR) was completed in 2012 to inform the project development and the environmental clearance documents. The TOAR included an assessment of collision history, geometric alignment options, traffic volumes, freeway congestion and queuing analysis for seven alternatives. The chosen design was Alternative 1B – a condensed partial cloverleaf. This alternative resulted in reduced delay and increased travel speed over the No Build and all of the other alternatives considered.

Following preparation of the TOAR, Caltrans prepared environmental clearance documents for the project in the form of an Initial Study/Mitigated Negative Declaration (IS/MND). The environmental document was certified by Caltrans on November 25, 2013.

A copy the following documents were transmitted to the Council and will be posted on the City's project website next week. These documents are several hundred pages each, and are too large to attach to this report.

- Traffic Operations Analysis Report
- Environmental Review Documents (Initial Study/Mitigated Negative Declaration)

Prior staff reports and presentations on this project will also be posted on the City's website next week.

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). The City will need to pay approximately \$300,000 for the water line relocation and this will be funded from the water main replacement project in which there are sufficient funds.

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. Illustrations of Approved Design for US 101/Willow Road Interchange
- B. May 7, 2013 Staff Report – Selection of a Preferred Alternative

Report prepared by:
Nicole H. Nagaya, Transportation Manager

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US 101/WILLOW ROAD INTERCHANGE PROJECT

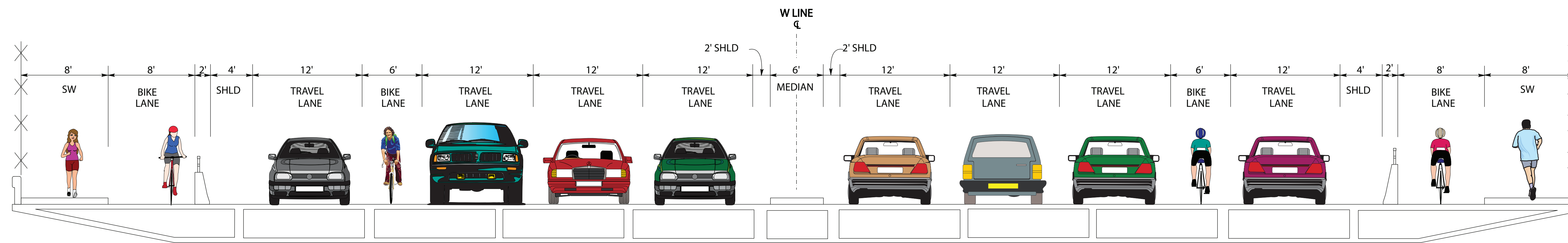
ALTERNATIVE 1B (BUILD) - CONDENSED PARTIAL CLOVERLEAF



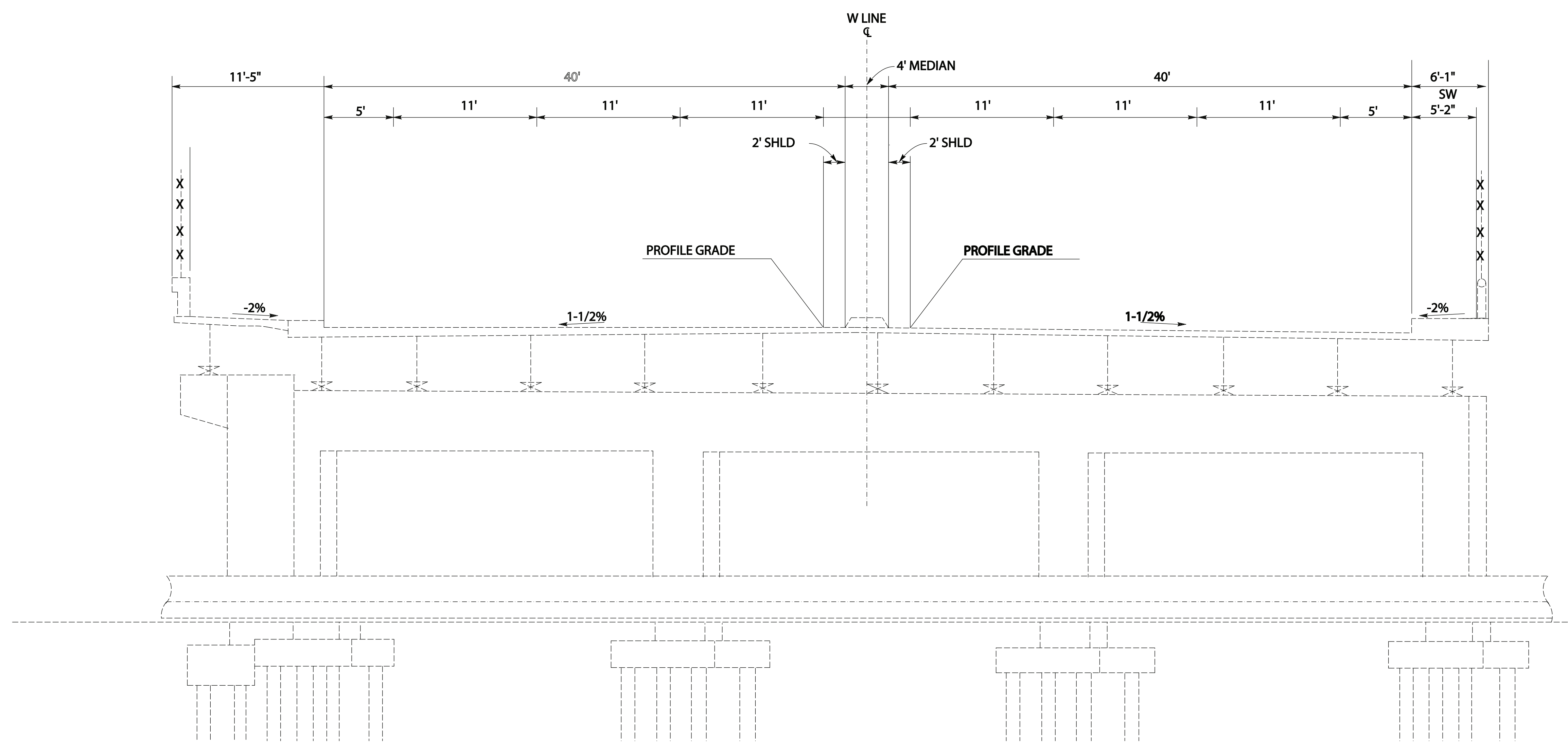


US 101/WILLOW ROAD INTERCHANGE PROJECT

ALTERNATIVE 1B MODIFIED- CONDENSED PARTIAL CLOVERLEAF



PROPOSED WILLOW ROAD OVERCROSSING



EXISTING WILLOW RD OVERCROSSING

TYPICAL CROSS SECTIONS



PUBLIC WORKS DEPARTMENT

Council Meeting Date: May 7, 2013
Staff Report #: 13-075

Agenda Item #: F-1

REGULAR BUSINESS: **Provide Direction On The State Route 101/Willow Road Interchange Project Alternatives**

RECOMMENDATION

Staff recommends that the City Council receive the SR 101/Willow Interchange Project Alternative Report and provide direction to staff to include the Project Preferred Alternative 1B Modified Partial Cloverleaf (Attachment B) as the selected interchange design concept to be evaluated in the Environmental Analysis for this project.

BACKGROUND

The original SR 101/Willow Interchange was constructed in 1955. Willow Road is classified as a major arterial east of the SR 101/Willow Road interchange and a minor arterial west of the SR 101/Willow Road interchange. Approximately 30,000 vehicles per day travel on Willow Road between Middlefield Road and Bayfront Expressway. The existing interchange configuration in Figure 1 shows a “Four Quadrant Cloverleaf (Attachment A).”

Funding for the design and construction of the SR 101/Willow Road Interchange Project (The Project) is proposed to be funded by C/CAG’s Regional Improvements Program (RIP) and by Measure A funds, and was originally approved in the original Measure A Expenditure Plan in 1988 and extended in 2004 by voters of San Mateo County. A project study report was completed in 1989 and a Project Study Report-Project Development Report was completed in 2005. The project proposes to reconstruct the existing SR 101/Willow Road (SR 114) interchange to a partial cloverleaf or diamond interchange.

The Project is being led by Caltrans in partnership with San Mateo County Transportation Authority, C/CAG, East Palo Alto and Menlo Park. The Project is currently in the conceptual stages of design and environmental analysis. Traffic modeling and traffic operational analysis were completed in 2012 for the conceptual stages under two horizon year scenarios -2020 “Opening Year” and 2040 “Design Year.” The traffic operational analysis evaluated six alternative configurations for the interchange. The configurations were designed to minimize the overall traffic impacts to both the local streets and the freeway as well as improve all modes of transportation (vehicular, bicycle and pedestrian). The following Project Alternatives were evaluated:

1. Alternative 1A – Partial Cloverleaf
2. Alternative 1B – Condensed Partial Cloverleaf
3. Alternative 2 – Partial Cloverleaf with Auxiliary Lane
4. Alternative 3 – Partial Cloverleaf with Collector Distributor Road
5. Alternative 4A – Compact Diamond
6. Alternative 4B – Condensed Compact Diamond
7. Alternative 5 – Existing Four-Quadrant Cloverleaf (No Build)

The results of the analysis for the alternatives are shown in Table 1. Some of the alternatives could involve right-of-way impacts to adjacent property owners, while some of the alternatives minimize these impacts. The project impacts will be evaluated as part of the environmental analysis.

Table 1: Comparison of Project Alternatives

	Alternative 1A		Alternative 1B		Alternative 2		Alternative 3		Alternative 4A		Alternative 4B	
Construction Capital Cost(\$)	\$ 43.0 M		\$ 41.9 M		\$ 43.6 M		\$ 44.2 M		\$ 39.0 M		\$ 37.5 M	
Right of Way Capital Cost(\$)	\$ 11.8 M		\$ 0.6 M		\$ 4.8 M		\$ 7.2 M		\$ 4.5 M		\$ 0.7 M	
Geometry	Partial Cloverleaf		Condensed Partial cloverleaf		Partial Cloverleaf w/ Aux Lane		Partial Cloverleaf w/Collector Rd		Compact Diamond		Condensed Compact Diamond	
Right of Way												
Number of Parcels Affected	25		11		20		26		21		11	
Full Take Impacts (SQFT)	93,870		0		24,167		48,000		24,264		0	
Partial Take Impacts (SQFT)	35,142		3,013		21,014		33,291		19,325		4,293	
Traffic Operation	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM
Overall Network VH Delay (Veh-hr)	15,629	16,681	15,552	16,836	15,464	17,481	16,510	21,529	16,503	16,500	16,754	16,003
N/B New Intersections LOS	D	C	E	C	D	C	E	C	E	D	E	D
S/B New Intersection LOS	C	C	C	C	C	C	D	C	F	D	F	D
Environmental Impacts	Great Surface Streets realignment & access modifications Possible Environmental Justice		Low No access modifications		Medium, some realignment & access modifications		Medium, some realignment & access modifications		Great Surface Streets realignment & access modifications Possible Environmental Justice		Low No access modifications	

On June 12, 2012, the City Council adopted Resolution 8062 in support of SR 101/Willow Road Interchange Project and secured funding in the amount of \$500,000 to assist the City during the environmental phase of the Project. Staff is currently in the process of hiring a consultant for this support. Staff will be completing a funding agreement with San Mateo County Transportation Authority for use of these funds.

The project alternatives were initially presented to the City Council at its regular meeting on October 9, 2012. At this meeting, Council gave direction to ensure all modes of travel are considered and incorporating evaluations of the feasibility of having a median bicycle lane on Willow Road though the interchange, similar to SR 101/3rd Avenue

interchange in San Mateo, and to evaluate the option of a separate bicycle/pedestrian bridge facility.

ANALYSIS

The “Project Need” is to address short weaving segments between loop ramps along SR 101 and Willow Road and to address all modes of transportation. These weaving conflicts cause safety concerns, reduce speed, cause back-ups, and create upstream queuing on 101. Additionally, there are deficient bicycle and pedestrian facilities at this interchange. The “Project Purpose” is to address the operational deficiencies of the interchange by eliminating the traffic weaves and to provide adequate storage on the off-ramps, improve operation of the interchange and as a result this will also improve the different modes of transportation and provide adequate bicycle and pedestrian facilities at the new interchange.

A scoping meeting and several community meetings have been held in both East Palo Alto and Menlo Park as follows:

- October 9, 2012 - City Council Presentation
- October 17, 2012 - Menlo Park Public Scoping Meeting
- October 24, 2012 - East Palo Alto Public Scoping Meeting
- November 29, 2012 - Presentation to Menlo Park Chamber-Transportation Committee
- March 6, 2013 - Joint East Palo Alto/Menlo Park Community Update Meeting
- March 11, 2013 & April 8, 2013 - Menlo Park Bicycle Commission
- March 13, 2013 - Transportation Commission

Comments and key points brought up during the public meetings included the following:

- Provide bicycle and pedestrian facilities
- Design for all 3 modes (Bicycle, Pedestrians, and Vehicles) of transportation
- Use alternatives 1B or 4B with the least residential housing impacts
- Use alternative 4B “Condensed Compact Diamond,” with signalized intersection for bicycle & pedestrian safety
- Use separate bicycle/pedestrian bridge next to the interchange (1 comment)
- Use alternatives 1A or 1B “Partial Cloverleaf”
- Do not use Alternative 1A (too much right-of-way impact)
- Separate Bicycle/pedestrian Bridge Facility
- Median Bicycle lane similar to SR 101/3rd Avenue Interchange in San Mateo

After receiving comments, the Caltrans project team evaluated three new possible options. The options evaluated included the following:

1. Alternative 1B Modified “Condensed Partial Cloverleaf”: This proposed new alternative is a variation between “Alternative 1B” and “Alternative 4B”, which are

shown for reference in Attachments C and D . This alternative is also consistent and in line with the need and purpose of the project by addressing the following:

- a. Improves overall operational benefits that are superior to all other Project Alternatives studied.
 - b. Minimizes overall right-of-way impacts from all other Project Alternatives.
 - c. Minimizes environmental impacts compared to from all other Project Alternatives.
 - d. Provides an improvement for the new signalized intersections in comparison to Project Alternative 4B which requires left turns for on-ramps at the signalized intersection that will increase delays on Willow Road.
 - e. Provides both Class I (off street bike path), and Class II (on street bike lanes) Bicycle/Pedestrian facilities on each side of the overcrossing design.
 - f. Provides a new configuration with squared Right Turns at Intersection crossing to reduce the bicycle/vehicle speed differential at these movements to improve safety.
2. Separate Bicycle/Pedestrian Bridge Facilities: This facility was evaluated, and is not being recommended at this time. Project Alternative 1B Modified, provides similar facilities and it accommodates this function within the project, without a significant increase in cost. A separate bicycle/pedestrian bridge would only be located on one side of the interchange, thus making it a longer travel distance for one direction or the other. Additionally, this option would create additional right-of-way impacts, privacy concerns, and is outside the project limit.
3. Median Bicycle Lane similar to 101/3rd Avenue Interchange in San Mateo: This option was studied, and is not a feasible option. The proposed recommended Alternative 1B Modified is a condensed partial cloverleaf in comparison with the 101/3rd Avenue Interchange which is a full cloverleaf interchange, which doesn't include any signalized intersections. This option would create a bicycle only intersection in the middle of the road at each off-ramp, which is non-standard and would create some safety concerns. It would also require additional right-of-way, and expansion the project limits to the intersections at Bay Road to the south, and Newbridge Street to the north, which is not within the project limits or scope.

The information above and the inclusion of the Alternative 1B modified as the main design concept were included in the presentations at a joint East Palo Alto/Menlo Park community meeting on March 6, 2013 and at the Transportation Commission, and Bicycle Commission meetings. The following is a summary of the meetings:

- The joint East Palo Alto/Menlo Park community outreach meeting was attended by about 30 participants from both East Palo Alto and Menlo Park. The meeting was an open house, and was accompanied by a project presentation, and questions and answer session. There was no opposition to the project, and appeared to be well received.

- The Transportation Commission generally supported the project and had no comments.
- The Bicycle Commission, recommended approval of a Project Alternative 1B Modified, “Condense Partial Cloverleaf” as shown in Figure 2 in Attachment A. This option was recommended in combination with a lane geometric configuration and a cross section that provides a Class I, and Class II bicycle lanes separated by medians, and a 10 feet sidewalk. This alternative is also shown in Figure 3 in Attachment A.

After the community outreach process was completed, an independent analysis of the project was performed by a team of engineers from Caltrans who have not been involved in the design of this project. The team included representatives from East Palo Alto, Menlo Park, and San Mateo County Transportation Authority. The value analysis was completed over several days from February 4th through 7th of 2013. The team assessed the elements of cost, performance, construction time, and risk as they relate to project value. Key performance attributes assessed included mainline operations, pedestrian/cyclist, operations, local operations, maintainability, construction impacts, and environmental impacts. Project Alternative 1B Modified was used as the baseline for the comparison. The value analysis team concluded that this proposed Project Alternative 1B Modified provides the best value.

This project’s environmental phase is fully funded, and the project team has a very aggressive project schedule. The overall anticipated schedule for this project is as follow:

- Environmental Analysis (PA&ED): Late 2013
- Complete Design (PS&E): Mid 2015
- Advertise, Open Bid & Award: Late 2015
- Start Construction: Early 2016
- Project Completion: Early 2018

IMPACT ON CITY RESOURCES

This project is a regional project that will be added to the Menlo Park Capital Improvement Plan, and additional resources will be required to support this project. Staff is currently in the process of hiring a consultant team to support this project.

POLICY ISSUES

The project is consistent with the City of Menlo Park General Plan, Sections II-A-12 and II-D.

ENVIRONMENTAL REVIEW

The US 101/Willow Road Interchange Project CEQA environmental review will be completed by Caltrans.

PUBLIC NOTICE

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

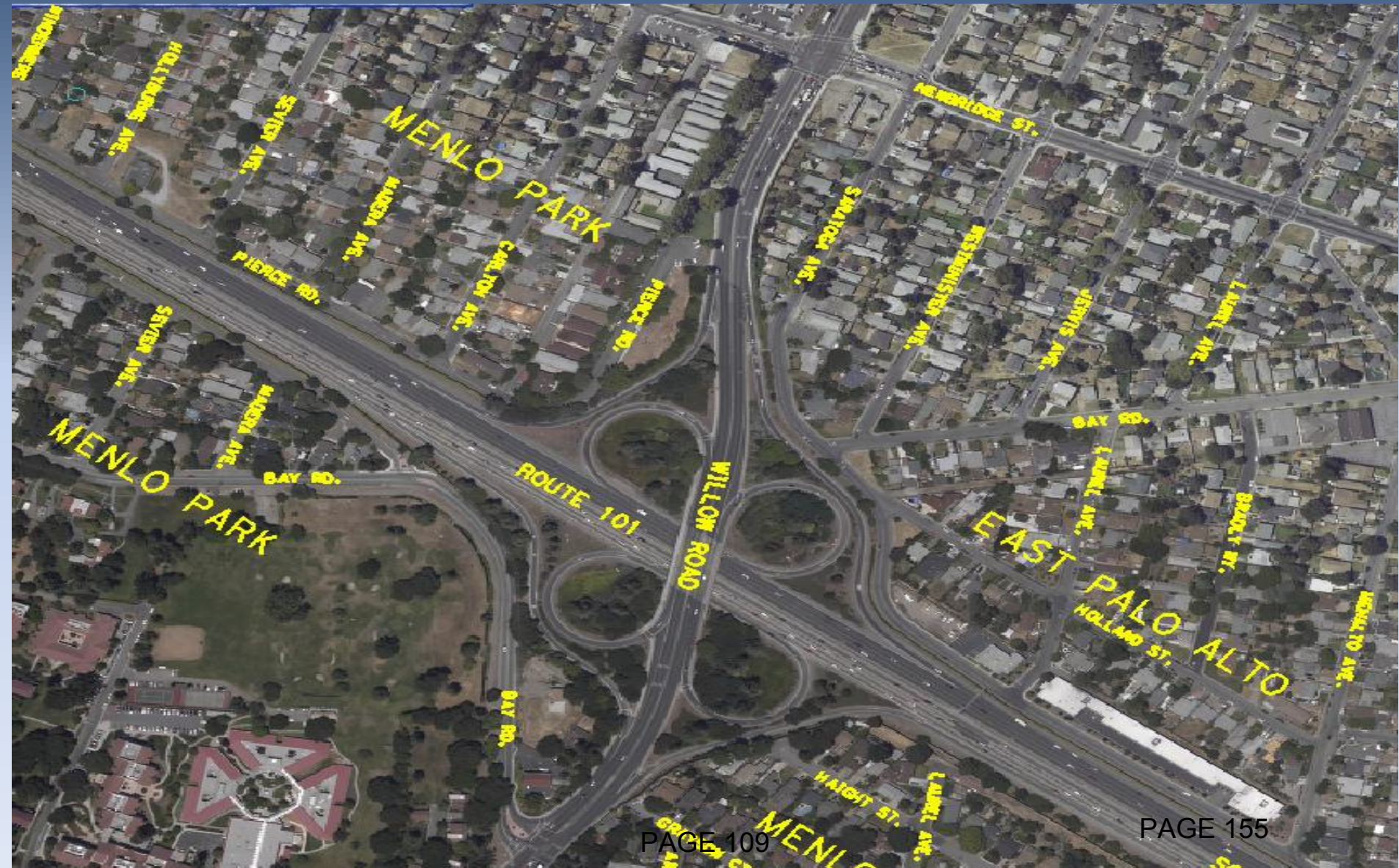
ATTACHMENTS

- A. Existing US 101/Willow Road Interchange
- B. US 101/Willow Road Alternative 1B Modified
- C. US 101/Willow Road Alternative 1B
- D. US 101/Willow Road Alternative 4B

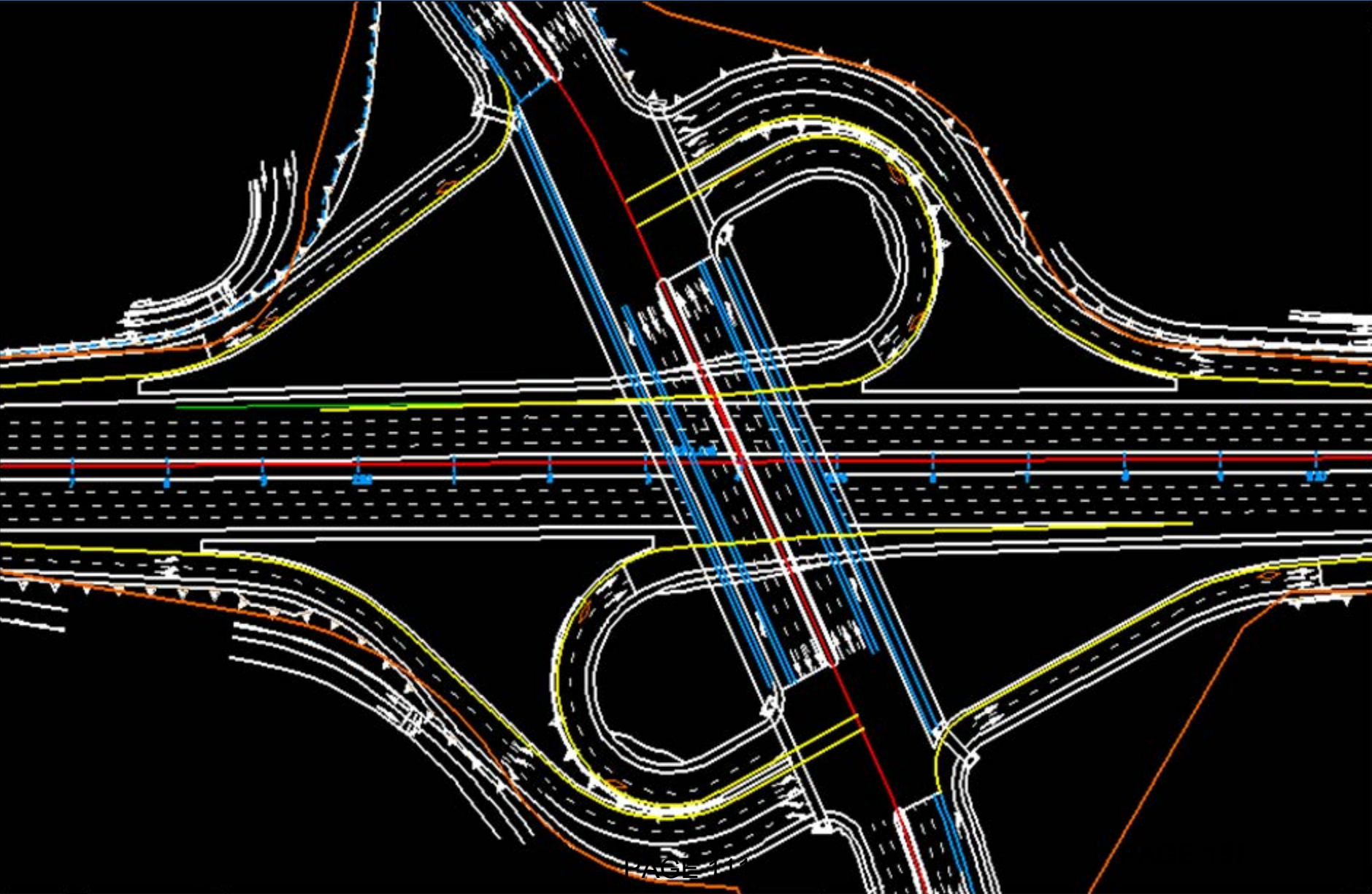
Report prepared by:
Fernando G. Bravo,
Engineering Services Manager

Charles W. Taylor,
Public Works Director

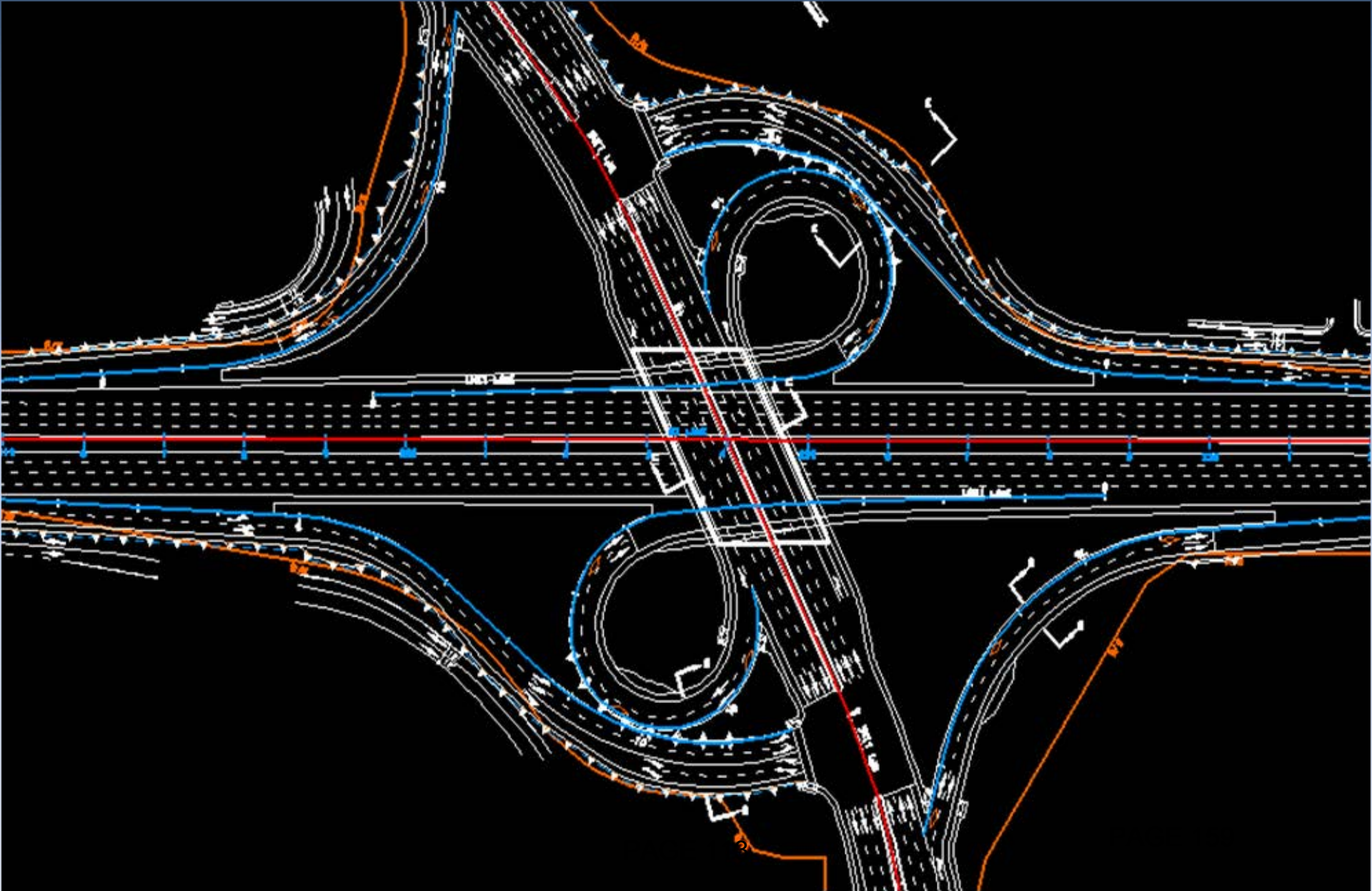
Existing US 101/Willow Road Interchange



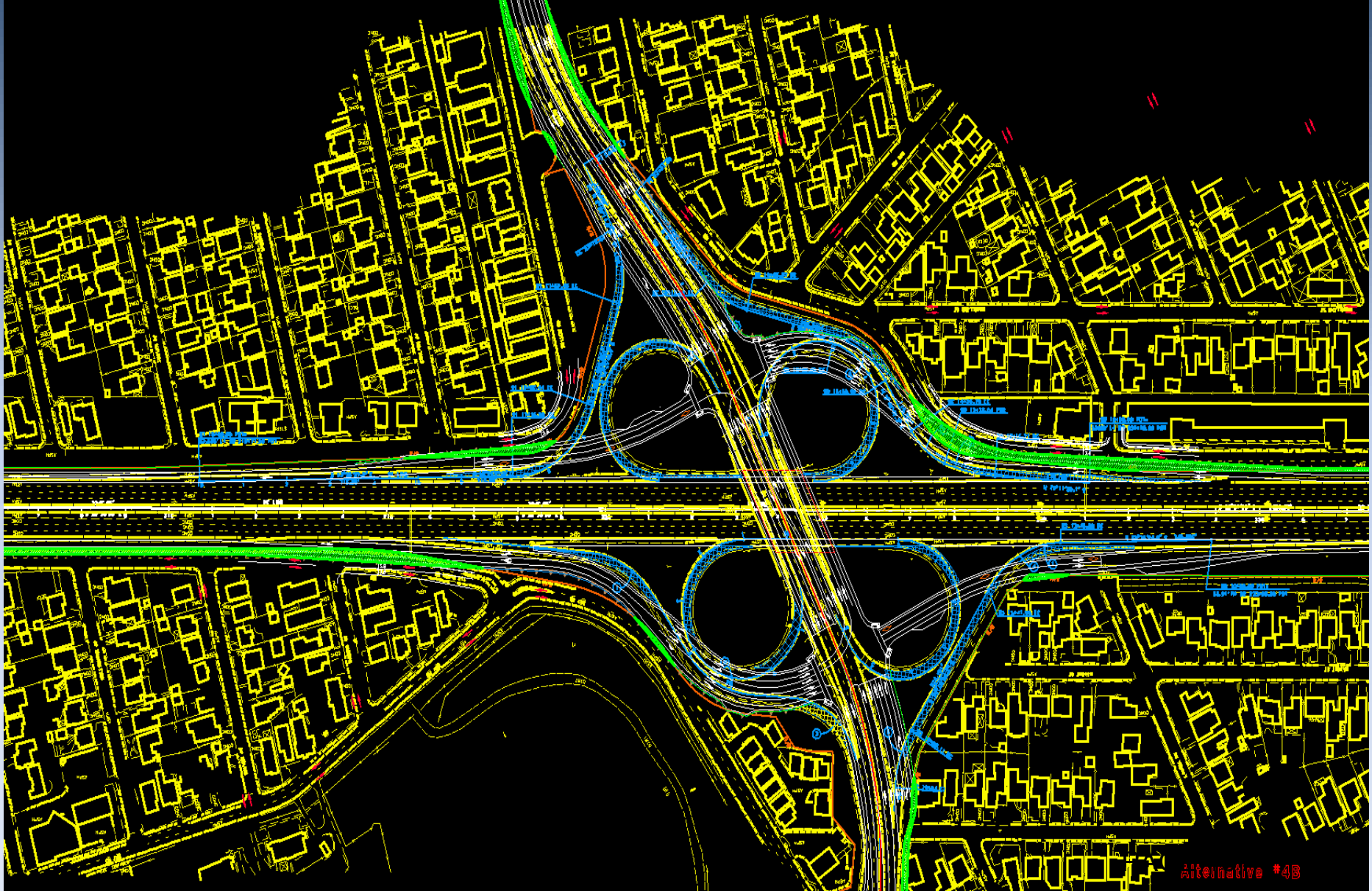
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**STAFF REPORT****City Council****Meeting Date:****2/23/2016****Staff Report Number:****15-042-CC****Informational Item:****Overview of California Minimum Wage ballot measures and proposed legislation that will affect the City of Menlo Park****Recommendation**

This is an informational item only. No City Council action is required at this time. This report was prepared in response to a request for information from the City Council.

Policy Issues

There are no policy issues associated with providing this information to the City Council.

Background

It is the practice of the City Council to hold a special meeting at the beginning of the calendar year in order to discuss the Council's priorities, goals and City work plan for the subsequent 18 months as well as inform the creation of the annual budget for the following fiscal year (FY). Council held a special meeting on the City Council's Work Plan for 2016 and priorities for FY 2016-17 on January 29th. At that meeting, Vice Mayor Kirsten Keith mentioned the idea of exploring a minimum wage ordinance in Menlo Park. A number of Silicon Valley Cities have taken on the topic in an effort to provide lower wage employees with assistance at a time when the cost of living has grown significantly higher than most wages. At that time, there was a brief discussion of draft ballot measures and proposed State legislation that might raise the minimum wage for all of California and preempt local minimum wage ordinances.

At the February 9th City Council Meeting, the City Council discussed a report on the January 29th Special Meeting and directed staff to provide an informational report to the Council on the current state draft ballot initiatives and proposed State legislation.

Analysis

This report is informational only and includes no staff recommendation. The California \$15 Minimum Wage Initiative (#15-0032) and (#15-0105) are initiated state statutes proposed for the California ballot on November 8, 2016. There are two versions of the measure that both aim to raise the minimum wage to \$15 per hour in the next few years.

Measure 15-0032, which is supported by the Service Employees International Union-United Healthcare Workers West (SEIU-UHW), would increase the minimum hourly wage to \$15 by 2021. Measure 15-0105, which is supported by Service Employees International Union California, would increase the wage to \$15

by 2020.

Measure 15-0032 “Minimum Wage. Increases and Future Adjustments. Initiative Statute”

Full text of the Measure is included as Attachment A. The ballot summary is as follows:

Under existing law, California's minimum wage will increase from \$9.00 per hour to \$10.00 per hour on January 1, 2016. This measure increases the minimum wage to \$11.00 per hour, effective January 1, 2017, and by \$1.00 each of the next four years, to \$15.00 per hour on January 1, 2021. Thereafter, adjusts the minimum wage annually based on the rate of inflation for the previous year, using the California Consumer Price Index for Urban Wage Earners and Clerical Workers.

Status

- Steve Trossman and Arianna Jimenez submitted a letter requesting a title and summary for measure 15-0032 on May 27, 2015.
- A title and summary were issued by the Attorney General of California on July 31, 2015.
- 365,880 valid signatures are required for qualification purposes.
- Supporters had until January 27, 2016, to collect the required signatures.
- Petitioners said they had collected more than 600,000 signatures by January 2016, and began submitting signatures on January 19, 2016
- As of the drafting of this memo the Secretary of State had not verified the signatures to qualify the Measure for the November 8, 2016 Ballot.

Measure 15-0105 “Minimum Wage. Increases and Future Adjustments. Paid Sick Leave. Initiative Statute”

Full text of the Measure is included as Attachment B. The ballot summary is as follows:

Annually increases minimum wage paid by employers with 26 or more employees until it reaches \$15.00 per hour on July 1, 2020. For employers with 25 or fewer employees, annually increases minimum wage until it reaches \$15.00 per hour on July 1, 2021. Thereafter, adjusts minimum wage annually based on prior year's rate of inflation, using California Consumer Price Index for Urban Wage Earners and Clerical Workers. Increases minimum amount of annual paid sick leave employees can earn and may use from three to six days. Effective January 1, 2018, applies minimum sick leave provisions to in-home supportive services providers.

Status

- Shonda Roberts and Bruce Boyer submitted a letter requesting a title and summary for measure on November 3, 2015.
- A title and summary were issued by the Attorney General of California on January 7, 2016.
- 365,880 valid signatures are required for qualification purposes.
- Supporters have until July 5, 2016, to collect the required signatures.

SB-3 Minimum wage: adjustment (Leno)

Bill Summary

Existing law provides that it is the continuing duty of the Industrial Welfare Commission to ascertain the

wages paid to all employees in this state, to ascertain the hours and conditions of labor and employment in the various occupations, trades, and industries in which employees are employed in this state, and to investigate the health, safety, and welfare of those employees. Existing law establishes the Division of Labor Standards Enforcement in the Department of Industrial Relations for the enforcement of labor laws, including minimum wage fixed by statute and the wage orders of the Industrial Welfare Commission. Existing law requires that, on and after July 1, 2014, the minimum wage for all industries be not less than \$9 per hour. Existing law further increases the minimum wage, on and after January 1, 2016, to not less than \$10 per hour.

This bill would increase the minimum wage, on and after January 1, 2016, to not less than \$11 per hour, and on and after July 1, 2017, to not less than \$13 per hour. The bill would require annual automatic adjustment of the minimum wage, commencing January 1, 2019, to maintain employee purchasing power diminished by the rate of inflation during the previous year. The adjustment would be calculated using the California Consumer Price Index. The bill would prohibit the Industrial Welfare Commission (IWC) commission from reducing the minimum wage and from adjusting the minimum wage if the average percentage of inflation for the previous year was negative. The bill would require the IWC Division of Labor Standards Enforcement to publicize the automatically adjusted minimum wage. The bill would provide that its provisions not be construed to preclude an increase in the minimum wage by the IWC commission to an amount greater than the formula would provide, or to preclude or supersede an increase of the minimum wage by any local government or tribal government that is greater than the state minimum wage.

The bill would apply to all industries, including public and private employment.

Full text of the Bill is included as Attachment C.

Status

- Passed by the Senate
- Has yet to be passed out of Assembly Appropriations

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. Measure 15-0032 "Minimum Wage. Increases and Future Adjustments. Initiative Statute"
- B. Measure 15-0105 "Minimum Wage. Increases and Future Adjustments. Paid Sick Leave. Initiative Statute"
- C. SB-3 Minimum wage: adjustment

Report prepared by:

Jim Cogan

Housing and Economic Development Manager

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Measure 15-0032 "Minimum Wage. Increases and Future Adjustments. Initiative Statute

EC. 1. Name.

This act shall be known as the Fair Wage Act of 2016.

SEC. 2. Findings and Purpose.

The People of California find and declare that:

(a) The purpose of The Fair Wage Act of 2016 ("the Act") is to ensure that workers receive wages that will financially support them and their families.

(b) To achieve this purpose, The Fair Wage Act of 2016 will increase the minimum wage by \$1 per hour each January 1 until it reaches \$15 per hour in 2021, and in each year thereafter the minimum wage will be adjusted to keep pace with the cost of living in California. (c) Many working Californians, including parents and seniors, have full-time jobs yet struggle to make ends meet. The minimum wage has not kept pace with the cost of living and is worth less today than it was 50 years ago. This loss of purchasing power means millions of Californians are unable to afford an adequate standard of living, which harms families and the State's economy and budget.

(d) Almost one-quarter of California residents live in poverty. More than half of California minimum wage earners are over 30 years old and thirty percent have children. Californians cannot support a family on the current minimum wage of \$10 per hour, or \$20,800 per year, for people working full time.

(e) Despite being employed full-time, Californians who are paid the current minimum wage often must rely on the State's social safety net to meet their basic needs.

(f) The purchasing power of the minimum wage will continue to erode if it is not adjusted yearly to reflect increases in the cost of living.

(g) Raising the minimum wage will increase the earnings of many Medi-Cal recipients, making them eligible for federal subsidies on California's health benefit exchange, saving the State millions of dollars a year in Medi-Cal costs. (h) Raising the minimum wage will boost economic activity and increase sales and income taxes.

(i) Californians working in a wide variety of jobs and industries are paid the minimum wage, and it is the goal of this Act to protect all such workers, regardless of whether they are employed by single, multiple, or joint employers. To this end, the People confirm *Guerrero v. Superior Court* (2013) 213 Cal. App. 4th 912, which recognized that the state minimum wage law protects low-wage workers with multiple or joint employers, including, for example, persons employed under the In-Home Supportive Services Act (Welf. & Inst. Code § 12300 et seq.).

(j) The Act also will ensure that the California Department of Industrial Relations publicizes changes to the minimum wage, as it has when the minimum wage has been increased in the past.

(k) The People intend that the Legislature or the Industrial Welfare Commission may narrow or eliminate current exemptions from state minimum wage requirements, but may not expand current exemptions or create new exemptions from state minimum wage requirements.

SEC 3. Section 1182.12 of the Labor Code is amended, to read:

§ 1182.12. Minimum wage

(a) Notwithstanding any other provision of this part, on and after July 1, 2014, the minimum wage for all industries shall be not less than nine dollars (\$9) per hour, and on and after January 1, 2016, the minimum wage for all industries shall be not less than ten dollars (\$10) per hour. January 1, 2017, the minimum wage for all industries shall be not less than eleven dollars (\$11) per hour, and shall be raised by one dollar (\$1) per hour each subsequent January 1 until it reaches fifteen dollars (\$15) per hour in 2021, and thereafter shall be adjusted each January 1 to keep pace with the increasing cost of living, as described in subdivision (b).

(b) (1) On and after January 1, 2022, the minimum wage for all industries shall be not less than an amount that is the result of an automatic adjustment on January 1 of each year, so the minimum wage keeps pace with the cost of living, as provided in paragraph (2).

(2) On or before October 15, 2021, and on or before each following October 15, the California Department of Industrial Relations shall calculate an adjusted minimum wage to maintain employee purchasing power by increasing the current year's minimum wage by the rate of inflation. The adjusted minimum wage shall be calculated to the nearest cent using the California Consumer Price Index for Urban Wage Earners and Clerical Workers, or a successor index, for the twelve months prior to each September 1 as calculated by the California Department of Industrial Relations. Each adjusted minimum wage increase calculated under this paragraph (2) takes effect on the following January 1.

(c) This section shall not be construed to preclude an increase of the minimum wage for any or all industries by the Industrial Welfare Commission to an amount greater than the rate required pursuant to subdivision (a) or (b). Nor shall this section be construed to permit a decrease in the minimum wage if, as calculated pursuant to subdivision (b), the rate of inflation is negative.

(d) No later than October 15 of each year, commencing October 15, 2017, the California Department of Industrial Relations shall publicize the minimum wage for all industries that will take effect the following January 1.

SEC. 4. Amendment.

Pursuant to subdivision (c) of Section 10 of Article II of the California Constitution, this Act may be amended either by a subsequent measure submitted to a vote of the people at a statewide election or by statute validly passed by the Legislature and signed by the Governor, but only to further the purposes of the Act and not to reduce the minimum wage required by this Act.

SEC 5. Severability.

It is the intent of the People that the provisions of this Act are severable and that if any provision of this Act, or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect any other provision or application of this Act that can be given effect without the invalid provision or application.

SEC 1. Name.

This measure shall be known and may be cited as the "Raise California's Wage and Paid Sick Days Act of 2016."

SEC 2. Findings and Declarations.

- (a) Income inequality is a serious economic and social problem facing the State of California. Many Californians work full-time jobs, but earn too little to provide their families with housing, groceries, medical care, and other life necessities.
- (b) The people of California need and deserve to earn fair pay for their work so they can keep up with rising costs and support their families.
- (c) Most workers including restaurant, retail, in-home support services, and others need occasional time off to care for their own health needs and those of family members.
- (d) When employees do not receive a fair wage, or guaranteed paid sick leave, the State of California and its taxpayers bear costs in the form of increased demand for emergency medical services, homeless shelters, and other necessary services.
- (e) The State of California has an interest in promoting the health, safety, and welfare of workers, and their families and communities, by ensuring a fair wage for their work and access to paid sick leave.

SEC 3. Purpose and Intent

- (a) The chief purpose and intent of this measure is to provide more economic security for California workers by increasing the minimum wage and requiring employers to provide additional guaranteed paid sick leave so that all workers, including providers of in-home supportive services, will suffer no loss of minimum compensation when it becomes necessary to take a limited amount of time off as fully paid sick leave.
- (b) This measure is intended to increase minimum wage and compensation standards for purposes of enabling California workers to support themselves and their families.
- (c) This measure will sustain the economic security of California workers over time by requiring annual increases in the minimum wage, including adjustments for inflation beginning in 2022, and requiring employers to provide no less than 48 hours or six days of paid sick leave to workers during every year of employment.
- (d) This measure ensures that providers of in-home supportive services are eligible for paid sick leave at the same rates and for the same purposes as most other California employees. This

requirement will guarantee that in-home caregivers are treated equally with other California workers by making them eligible for the same minimum wage and compensation standards.

SEC 4. Section 1182.12 of the Labor Code is amended to read:

1182.12. (a) Notwithstanding any other provision of this part, on and after July 1, 2014, the minimum wage for all industries shall not be less than nine dollars (\$9) per hour, and on and after January 1, 2016, the minimum wage for all industries shall not be less than ten dollars (\$10) per hour.

(b) Notwithstanding any other provision of this part, the minimum wage for all industries shall not be less than the rates set forth in this subdivision.

(1) Employers with twenty-six (26) or more employees shall pay employees a wage of no less than the following hourly rates:

(A) On July 1, 2017, the minimum wage shall be \$12.00 per hour

(B) On July 1, 2018, the minimum wage shall be \$13.25 per hour

(C) On July 1, 2019, the minimum wage shall be \$14.25 per hour

(D) On July 1, 2020, the minimum wage shall be \$15.00 per hour.

(2) Employers with twenty-five (25) or fewer employees shall pay employees a wage of no less than the following hourly rates:

(A) On July 1, 2017, the minimum wage shall be \$10.50 per hour

(B) On July 1, 2018, the minimum wage shall be \$12.00 per hour

(C) On July 1, 2019, the minimum wage shall be \$13.25 per hour

(D) On July 1, 2020, the minimum wage shall be \$14.25 per hour

(E) On July 1, 2021, the minimum wage shall be \$15.00 per hour.

(3) Beginning July 1, 2022, and each year thereafter on July 1, the minimum wage shall increase by an amount corresponding to the prior calendar year's increase in the California Consumer Price Index for Urban Wage Earners and Clerical Workers or, if that index ceases to exist, the most comparable successor index. Beginning January 1, 2022 and continuing each year thereafter no later than January 1, the Department of Industrial Relations or an agency designated by the Department shall determine the adjusted rates which shall take effect the following July 1. The minimum wage may be rounded off to the nearest five cents (\$0.05).

(c) The number of employees employed by an employer shall be determined by calculating all individuals performing work for the employer in California for compensation on a full-time, part-time, or temporary basis, including individuals made available to work through the services of a temporary services or staffing agency or similar entity, during the prior calendar quarter.

(d) If a local jurisdiction establishes a minimum wage that exceeds the state minimum wage established by this section, the minimum wage established by the local jurisdiction shall be the minimum wage required to be paid by employers in the local jurisdiction.

(e) This section shall not be construed to allow a reduction in the minimum wage, to preclude an increase of the minimum wage that is greater than the rates calculated in subdivision (b), or to preempt, limit or otherwise restrict any other law, regulation, requirement, policy, or standard providing for higher wages or greater protections, or the exercise of local police powers pursuant to Section 1205(b) of the Labor Code.

SEC 5. Section 246 of the Labor Code is amended to read:

246. (a) An employee who, on or after July 1, 2015, works in California for the same employer for 30 or more days within a year from the commencement of employment is entitled to paid sick days as specified in this section.

(b) (1) An employee shall accrue paid sick days at the rate of not less than one hour per every 30 hours worked, beginning at the commencement of employment or the operative date of this article, whichever is later, subject to the use and accrual limitations set forth in this section.

(2) An employee who is exempt from overtime requirements as an administrative, executive, or professional employee under a wage order of the Industrial Welfare Commission is deemed to work 40 hours per workweek for the purposes of this section, unless the employee's normal workweek is less than 40 hours, in which case the employee shall accrue paid sick days based upon that normal workweek.

(3) An employer may use a different accrual method, other than providing one hour per every 30 hours worked, provided that the accrual is on a regular basis so that an employee has no less than 24 hours of accrued sick leave or paid time off by the 120th calendar day of employment ~~or~~ and no less than 48 hours of accrued sick leave or paid time off by the 240th calendar day of employment during each calendar year, or in each 12-month period.

(4) An employer may satisfy the accrual requirements of this section by providing not less than 24 hours or three days of paid sick leave that is available to the employee to use by the completion of his or her 120th calendar day of employment and no less than 48 hours or six days of paid sick leave by the 240th calendar day of employment during each calendar year, or in each 12-month period.

(c) An employee shall be entitled to use accrued paid sick days beginning on the 90th day of employment, after which day the employee may use paid sick days as they are accrued.

(d) Accrued paid sick days shall carry over to the following year of employment. However, an employer may limit an employee's use of accrued paid sick days to ~~24 hours or three days~~ 48 hours or six days in each year of employment, calendar year, or 12-month period. This section shall be satisfied and no accrual or carry over is required if the full amount of leave is received at

the beginning of each year of employment, calendar year, or 12-month period. The term "full amount of leave" means ~~three days or 24 hours~~ 48 hours or six days.

(e) An employer is not required to provide additional paid sick days pursuant to this section if the employer has a paid leave policy or paid time off policy, the employer makes available an amount of leave applicable to employees that may be used for the same purposes and under the same conditions as specified in this section, and the policy satisfies one of the following:

(1) Satisfies the accrual, carry over, and use requirements of this section.

(2) Provided paid sick leave or paid time off to a class of employees before January 1, 2015, pursuant to a sick leave policy or paid time off policy that used an accrual method different than providing one hour per 30 hours worked, provided that the accrual is on a regular basis so that an employee, including an employee hired into that class after January 1, 2015, has no less than one day or eight hours of accrued sick leave or paid time off within three months of employment of each calendar year, or each 12-month period, and the employee was eligible to earn at least ~~three days or 24 hours~~ 48 hours or six days of sick leave or paid time off within nine months of employment. If an employer modifies the accrual method used in the policy it had in place prior to January 1, 2015, the employer shall comply with any accrual method set forth in subdivision (b) or provide the full amount of leave at the beginning of each year of employment, calendar year, or 12-month period. This section does not prohibit the employer from increasing the accrual amount or rate for a class of employees covered by this subdivision.

(3) Notwithstanding any other law, sick leave benefits provided pursuant to the provisions of Sections 19859 to 19868.3, inclusive, of the Government Code, or annual leave benefits provided pursuant to the provisions of Sections 19858.3 to 19858.7, inclusive, of the Government Code, or by provisions of a memorandum of understanding reached pursuant to Section 3517.5 that incorporate or supersede provisions of Section 19859 to 19868.3, inclusive, or Sections 19858.3 to 19858.7, inclusive of the Government Code, meet the requirements of this section.

(f) (1) Except as specified in paragraph (2), an employer is not required to provide compensation to an employee for accrued, unused paid sick days upon termination, resignation, retirement, or other separation from employment.

(2) If an employee separates from an employer and is rehired by the employer within one year from the date of separation, previously accrued and unused paid sick days shall be reinstated. The employee shall be entitled to use those previously accrued and unused paid sick days and to accrue additional paid sick days upon rehiring, subject to the use and accrual limitations set forth in this section. An employer is not required to reinstate accrued paid time off to an employee that was paid out at the time of termination, resignation, or separation of employment.

(g) An employer may lend paid sick days to an employee in advance of accrual, at the employer's discretion and with proper documentation.

(h) An employer shall provide an employee with written notice that sets forth the amount of paid sick leave available, or paid time off leave an employer provides in lieu of sick leave, for use on either the employee's itemized wage statement described in Section 226 or in a separate writing provided on the designated pay date with the employee's payment of wages. If an employer provides unlimited paid sick leave or unlimited paid time off to an employee, the employer may satisfy this section by indicating on the notice or the employee's itemized wage statement "unlimited." The penalties described in this article for a violation of this subdivision shall be in lieu of the penalties for a violation of Section 226. This subdivision shall apply to employers covered by Wage Order 11 or 12 of the Industrial Welfare Commission only on and after January 21, 2016.

(i) An employer has no obligation under this section to allow an employee's total accrual of paid sick leave to exceed 48 hours or 6 days, provided that an employee's rights to accrue and use paid sick leave are not limited other than as allowed under this section.

(j) An employee may determine how much paid sick leave he or she needs to use, provided that an employer may set a reasonable minimum increment, not to exceed two hours, for the use of paid sick leave.

(k) For the purposes of this section, an employer shall calculate paid sick leave using any of the following calculations:

(1) Paid sick time for nonexempt employees shall be calculated in the same manner as the regular rate of pay for the workweek in which the employee uses paid sick time, whether or not the employee actually works overtime in that workweek.

(2) Paid sick time for nonexempt employees shall be calculated by dividing the employee's total wages, not including overtime premium pay, by the employee's total hours worked in the full pay periods of the prior 90 days of employment.

(3) Paid sick time for exempt employees shall be calculated in the same manner as the employer calculates wages for other forms of paid leave time.

(l) If the need for paid sick leave is foreseeable, the employee shall provide reasonable advance notification. If the need for paid sick leave is unforeseeable, the employee shall provide notice of the need for the leave as soon as practicable.

(m) An employer shall provide payment for sick leave taken by an employee no later than the payday for the next regular payroll period after the sick leave was taken.

(n) Amendments to this section made by the Raise California's Wage and Paid Sick Days Act of 2016 shall take effect on January 1, 2017.

SEC. 6. Article 4 of Chapter 1, Part 1 of Division 2 of the Labor Code is added to read:

Article 4. Paid Sick Leave for Providers of In-Home Supportive Services

274. The provisions of this article are in addition to and independent of any other rights, remedies, or procedures available under any other law and do not diminish, alter, or negate any other legal rights, remedies, or procedures available to an aggrieved person.

275. As used in this article:

(a) "Employer of record" means a county Public Authority established or nonprofit consortium contracted pursuant to Section 12301.6 of the Welfare and Institutions Code, or the California In-Home Supportive Services Authority established pursuant to Section 6531.5 of the Government Code, or their successors.

(b) "Family member" means any of the following:

(1) A child, which for purposes of this article means a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the provider stands in loco parentis. This definition of a child is applicable regardless of age or dependency status.

(2) A biological, adoptive, or foster parent, stepparent, or legal guardian of a provider or the provider's spouse or registered domestic partner, or a person who stood in loco parentis when the provider was a minor child.

(3) A spouse.

(4) A registered domestic partner.

(5) A grandparent.

(6) A grandchild.

(7) A sibling.

(c) "Paid sick leave" means time that a provider is not required to work for reasons specified in subdivision (a) of Section 277 but is nevertheless compensated at the same wage as the provider normally earns during regular work hours.

(d) "Provider" means a provider of In-Home Supportive Services under Article 7 (commencing with Section 12300) of Chapter 3 of Part 3 of Division 9 of the Welfare and Institutions Code.

276. Beginning January 1, 2018, a provider of in home supportive services under Article 7 (commencing with Section 12300) of Chapter 3 of Part 3 of Division 9 of the Welfare and Institutions Code is entitled to paid sick leave as specified in this article if the provider works for 30 or more days within a calendar year in California as a provider where a county public

authority, contracted non-profit consortium, or the California In-Home Supportive Services Authority is the employer of record.

277. The Department of Social Services, in concert with the employers of record, counties, and other interested parties, including recognized employee organizations representing providers, shall establish policies and procedures to ensure providers have access to paid sick leave subject to the requirements of this section.

(a) A provider shall be entitled to use paid sick leave upon the oral or written request of the provider. Providers may use paid sick leave for the following purposes:

(1) Diagnosis, care, or treatment of an existing health condition of, or preventive care for, a provider or a provider's family member.

(2) For a provider who is a victim of domestic violence, sexual assault, or stalking, the purposes described in subdivision (c) of Section 230 and subdivision (a) of Section 230.1.

(b) A provider shall not be required to provide substantiation of the reasons he or she is seeking to use paid sick leave or, as a condition of using paid sick leave, to find a replacement provider to work during the time the provider uses paid sick leave.

(c) A provider shall accrue paid sick leave at the rate of not less than one hour per every 30 hours worked, beginning at the commencement of employment or January 1, 2018, whichever is later, subject to the use and accrual limitations set forth in this section.

(d) (1) An accrual method that is different from the accrual method provided in subdivision (c) may be used if the accrual occurs on a regular basis so that a provider is afforded no less than 24 hours of paid sick leave or paid time off by the 120th calendar day of employment and no less than 48 hours of paid sick leave or paid time off by the 240th calendar day of employment during each calendar year or in each 12-month period.

(2) The accrual requirements set forth in this section may be satisfied by providing not less than 24 hours or three days of paid sick leave to the provider by the completion of his or her 120th calendar day of employment and no less than 48 hours or six days of accrued paid sick leave or paid time off by the 240th calendar day of employment during each calendar year or in each 12-month period.

(e) A provider shall be entitled to use accrued paid sick leave beginning on the 90th day of employment, after which day the provider may use paid sick leave as it is accrued.

(f) Accrued paid sick leave shall carry over to the following year of employment. However, a provider's use of accrued paid sick leave may be limited to 48 hours or six days in each year of employment, calendar year, or 12-month period. This section shall be satisfied and no accrual or carry over is required if the full amount of leave is received at the beginning of each year of employment, calendar year, or 12-month period. The term "full amount of leave" means 48 hours or six days.

(g) If providers represented by an employee organization, for purposes of meeting and conferring in good faith concerning wages, hours, and working conditions, are covered by provisions of a memorandum of understanding which establishes paid sick leave benefits that exceed the minimum benefits required under this section, that memorandum of understanding shall be controlling.

(h)(1) Except as specified in paragraph (2), a provider is not entitled to receive compensation for accrued, unused paid sick leave upon termination, resignation, retirement, or other separation from employment.

(2) If a provider is separated from employment and is rehired within one year from the date of separation, previously accrued and unused paid sick leave shall be reinstated. The provider shall be entitled to use those previously accrued and unused paid sick leave and to accrue additional paid sick leave upon rehire, subject to the use and accrual limitations set forth in this section. A provider is not entitled to reinstatement of accrued paid time off if the provider was paid for sick leave at the time of termination, resignation, or separation of employment.

(i) Procedures established pursuant to this section may provide for the lending of paid sick leave to a provider in advance of accrual.

(j) A provider shall be given written notice setting forth the amount of paid sick leave available on the provider's itemized wage statement described in Section 226 or in a separate writing provided on the designated pay date with the provider's payment of wages. The penalties described in this article for a violation of this subdivision shall be in lieu of the penalties for a violation of Section 226.

(k) A provider is not entitled to a total accrual of paid sick leave exceeding 48 hours or six days.

(l) A provider may determine how much paid sick leave he or she needs to use, provided that a reasonable minimum increment may be established, not to exceed two hours, for use of paid sick leave.

(m) For the purposes of this section, paid sick leave shall be calculated:

(1) In the same manner as the regular rate of pay for the workweek in which the provider uses paid sick leave, whether or not the provider actually works overtime in that workweek; or

(2) By dividing the provider's total wages, not including overtime premium pay, by the provider's total hours worked in the full pay periods of the prior 90 days of employment.

(n) If the need for paid sick leave is foreseeable, a provider shall give reasonable advance notification. If the need for paid sick leave is unforeseeable, the provider shall give notice of the need for leave as soon as practicable.

(o) A provider shall be paid for paid sick leave no later than the payday for the next regular payroll period after the paid sick leave was taken.

(p) Hours for which a provider is compensated for paid sick leave shall not be deducted from the authorized service hours of any recipient who is authorized to receive in-home services pursuant to Article 7 (commencing with Section 12300) of Chapter 3 of Part 3 of Division 9 of the Welfare and Institutions Code.

278. (a)(1) Providers shall not be denied the right to use accrued paid sick leave, or be subject to discharge, threatened discharge, demotion, suspension, or in any manner discriminated against for using accrued paid sick leave, attempting to exercise the right to use accrued paid sick leave, filing a complaint with the department or alleging a violation of this article, cooperating in an investigation or prosecution of an alleged violation of this article, or opposing any policy, practice or act that is prohibited by this article.

(2) There shall be a rebuttable presumption of unlawful retaliation if a provider is denied the right to use accrued paid sick leave, or is discharged, threatened with discharge, demoted, suspended, or in any manner discriminated against within 30 days of any of the following:

(A) The filing of a complaint by the provider with the Labor Commissioner alleging a violation of this article.

(B) The cooperation of a provider with an investigation or prosecution of an alleged violation of this article.

(C) Opposition by the provider to a policy, practice, or act prohibited by this article.

279. (a) The Department of Social Services, in concert with the employers of record, counties, and other interested parties, including recognized employee organizations representing providers, shall establish policies and procedures to ensure that records documenting the hours worked and accrued paid sick leave and used by providers are maintained for a minimum of three years. The Labor Commissioner is entitled to access these records pursuant to the requirements set forth in Section 1174 and a provider is permitted to access the records in the same manner as described in Section 226. In the event the recordkeeping requirements are inadequate to demonstrate the amount of accrued paid sick leave available to a provider, it shall be presumed that the provider is entitled to the maximum number of hours accruable under this article.

(b) Nothing in this article shall be interpreted to authorize or require maintenance of records documenting the purpose for which a provider requests or uses paid sick leave.

280. (a) The Labor Commissioner shall enforce this article, including investigating an alleged violation, and ordering appropriate temporary relief to mitigate the violation or to maintain the status quo pending the completion of a full investigation or hearing.

(b)(1) If the Labor Commissioner, after a hearing that contains adequate safeguards to ensure that the parties are afforded due process, determines that a violation of this article has occurred, he or she may order any appropriate relief, including reinstatement, backpay, the payment of sick leave unlawfully withheld, and the payment of an additional sum in the form of an administrative penalty to a provider or other person whose rights under this article were violated.

(2) If paid sick leave was unlawfully withheld, the dollar amount of paid sick leave withheld from the provider multiplied by three, or two hundred fifty dollars (\$250), whichever amount is greater, but not to exceed an aggregate penalty of four thousand dollars (\$4,000), shall be included in the administrative penalty.

(3) If a violation of this article results in other harm to the provider or person, such as discharge from employment, or otherwise results in a violation of the rights of the provider or person, the administrative penalty shall include a sum of fifty dollars (\$50) for each day or portion thereof that the violation occurred or continued, not to exceed an aggregate penalty of four thousand dollars (\$4,000).

(c) Where prompt compliance is not forthcoming, the Labor Commissioner may take any appropriate enforcement action to secure compliance, including the filing of a civil action. In compensation to the state for the costs of investigating and remedying the violation, the commissioner may order the violator to pay to the state a sum of not more than fifty dollars (\$50) for each day or portion of a day a violation occurs or continues for each provider or other person whose rights under this article were violated.

(d) A provider or other person may report to the Labor Commissioner a suspected violation of this article. The commissioner shall encourage reporting pursuant to this subdivision by keeping confidential, to the maximum extent permitted by applicable law, the name and other identifying information of the provider or person reporting the violation. However, the commissioner may disclose that person's name and identifying information as necessary to enforce this article or for other appropriate purposes, upon the authorization of that person.

(e) The Labor Commissioner or the Attorney General may bring a civil action in a court of competent jurisdiction against any person violating this article and, upon prevailing, shall be entitled to collect legal or equitable relief on behalf of the aggrieved as may be appropriate to remedy the violation, including reinstatement, backpay, the payment of sick leave unlawfully withheld, the payment of an additional sum, not to exceed an aggregate penalty of four thousand dollars (\$4,000), as liquidated damages in the amount of fifty dollars (\$50) to each provider or person whose rights under this article were violated for each day or portion thereof that the violation occurred or continued, plus, if the person has unlawfully withheld paid sick leave to a provider, the dollar amount of paid sick leave withheld from the provider multiplied by three; or two hundred fifty dollars (\$250), whichever amount is greater; and reinstatement in employment or injunctive relief; and further shall be awarded reasonable attorney's fees and costs, provided, however, that any person or entity enforcing this article on behalf of the public as provided for under applicable state law shall, upon prevailing, be entitled only to equitable, injunctive, or restitutionary relief, and reasonable attorney's fees and costs.

(f) In an administrative or civil action brought under this article, the Labor Commissioner or court, as the case may be, shall award interest on all amounts due and unpaid at the rate of interest specified in subdivision (b) of Section 3289 of the Civil Code.

(g) The remedies, penalties, and procedures provided under this article are cumulative.

(h) No penalty or liquidated damages under this article shall be assessed due to an isolated and unintentional payroll error or written notice error that is a clerical or an inadvertent mistake regarding the accrual or available use of paid sick leave. In reviewing for compliance with this article, the factfinder may consider as a relevant factor whether, prior to an alleged violation, a set of policies, procedures, and practices that fully comply with this article were adopted and complied with.

281. (a) This article does not limit or affect any laws guaranteeing the privacy of health information, or information related to domestic violence or sexual assault, regarding a provider or provider's family member. That information shall be treated as confidential and shall not be disclosed to any person except to the affected provider or as required by law.

(b) This article shall not be construed to discourage or prohibit the adoption or retention of a paid sick leave policy more generous than the one required by this article.

(c) This article does not impair the obligation to comply with a contract, collective bargaining agreement, memorandum of understanding, employment benefit plan, or other agreement providing more generous sick leave to a provider than required by this article.

(d) This article establishes minimum requirements pertaining to paid sick leave and does not preempt, limit, or otherwise affect the applicability of any other law, regulation, requirement, policy, or standard that provides for greater accrual or use of sick leave, whether paid or unpaid, or that extends other protections to a provider.

SEC. 7. Severability

If the provisions of this act, or part thereof, are for any reason held to be invalid or unconstitutional, the remaining provisions shall not be affected, but shall remain in full force and effect and to this end the provisions of this act are severable.

SEC. 8. Conflicting Measures

In the event that this measure and another measure that affects the rate of the state minimum wage or paid sick leave appear on the same statewide ballot, the provisions of the other measure or measures shall be deemed to conflict with this measure. In the event that this measure receives a greater number of affirmative votes than a measure deemed to be in conflict with it, the provisions of this measure shall prevail in their entirety, and the other measure or measures shall be null and void.

SEC. 9. Amendments

Pursuant to subdivision (c) of Section 10 of Article II of the California Constitution, this Act may be amended either by a subsequent measure submitted to a vote of the people at a statewide election or by statute validly enacted, but only to further the purposes of the Act and not to reduce or limit access to the minimum wage or paid sick leave benefits required by this Act.

* * * * *



California
LEGISLATIVE INFORMATION

SB-3 Minimum wage: adjustment. (2015-2016)

AMENDED IN SENATE MARCH 11, 2015

CALIFORNIA LEGISLATURE— 2015–2016 REGULAR SESSION

SENATE BILL

No. 3

Introduced by Senators Leno and Leyva

(Principal coauthor: Senator De León)

(Coauthors: Senators Hancock and McGuire)

(Coauthors: Assembly Members Gonzalez, McCarty, Mark Stone, and Ting)

December 01, 2014

An act to amend Section 1182.12 of the Labor Code, relating to wages.

LEGISLATIVE COUNSEL'S DIGEST

SB 3, as amended, Leno. Minimum wage: adjustment.

Existing law *provides that it is the continuing duty of the Industrial Welfare Commission to ascertain the wages paid to all employees in this state, to ascertain the hours and conditions of labor and employment in the various occupations, trades, and industries in which employees are employed in this state, and to investigate the health, safety, and welfare of those employees. Existing law establishes the Division of Labor Standards Enforcement in the Department of Industrial Relations for the enforcement of labor laws, including minimum wage fixed by statute and the wage orders of the Industrial Welfare Commission. Existing law* requires that, on and after July 1, 2014, the minimum wage for all industries be not less than \$9 per hour. Existing law further increases the minimum wage, on and after January 1, 2016, to not less than \$10 per hour.

This bill would increase the minimum wage, on and after January 1, 2016, to not less than \$11 per hour, *and* on and after July 1, 2017, to not less than \$13 per hour. The bill would ~~require~~ *require, commencing January 1, 2019*, the annual automatic adjustment of the minimum ~~wage, commencing January 1, 2019,~~ *wage* to maintain employee purchasing power diminished by the rate of inflation during the previous year. The adjustment would be calculated using the California Consumer Price Index, as specified. The bill would prohibit the ~~Industrial Welfare Commission (IWC) commission~~ *commission* from ~~adjusting~~ *reducing* the minimum wage ~~downward~~ and from adjusting the minimum wage if the average percentage of inflation for the previous year was negative. The bill would require the ~~IWC Division of Labor Standards Enforcement~~ *commission* to publicize the automatically adjusted minimum wage.

The bill would provide that its provisions not be construed to preclude an increase in the minimum wage by the ~~IWC commission~~ *commission* to an amount greater than the formula would provide, to result in a reduction in the minimum wage, or to preclude or supersede an increase of the minimum wage *by any local government or tribal*

government that is greater than the state minimum ~~wage by any local government or tribal government.~~ *wage.*

The bill would apply to all industries, including public and private employment.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 1182.12 of the Labor Code is amended to read:

1182.12. (a) Notwithstanding any other provision of this part, on and after July 1, 2014, the minimum wage for all industries shall be not less than nine dollars (\$9) per hour, on and after January 1, 2016, the minimum wage for all industries shall be not less than eleven dollars (\$11) per hour, and on and after July 1, 2017, the minimum wage for all industries shall be not less than thirteen dollars (\$13) per hour.

(b) (1) Except as provided in paragraph (3), *commencing on January 1, 2019*, the minimum wage shall be automatically adjusted on January 1 of each ~~year, commencing on January 1, 2019,~~ *year* to maintain employee purchasing power diminished by the rate of inflation that occurred during the previous year.

(2) The minimum wage adjustment shall be made by multiplying the minimum wage in effect on December 31 of the previous year by the percentage rate of inflation that occurred during that year, and by adding the product to the wage in effect during that year. The resulting total shall be rounded off to the nearest five cents (\$0.05). The ~~Industrial Welfare Commission~~ *Division of Labor Standards Enforcement* shall publicize the automatically adjusted minimum wage.

(3) The Industrial Welfare Commission shall not adjust the minimum wage pursuant to this subdivision if the average percentage of inflation for the previous year was negative.

(4) For purposes of this subdivision:

(A) "Percentage rate of inflation" means the percentage rate of inflation specified in the California Consumer Price Index for All Urban Consumers, as published by the Department of Industrial Relations, Office of Policy, Research and Legislation, or its successor index.

(B) "Previous year" means the 12-month period that ends on August 31 of the calendar year prior to the adjustment.

(c) The Industrial Welfare Commission shall not reduce the minimum wage prescribed by this section.

(d) This section shall not be construed to preclude an increase of the minimum wage by the Industrial Welfare Commission to an amount that is greater than the rate calculated pursuant to subdivision (b) or to preclude or supersede an increase of the minimum wage *by any local government or tribal government* that is greater than the state minimum ~~wage by any local government or tribal government.~~ *wage.*

(e) This section applies to all industries, including public and private employment.

SAN MATEO COUNTY CITY SELECTION COMMITTEE

*Marie Chuang, Chairperson
Liza Normandy, Vice Chairperson*

*Sukhmani S. Purewal, Secretary
400 County Center
Redwood City, 94063
650-363-1802*

TO: MAYORS OF SAN MATEO COUNTY
FROM: SUKHMANI S. PUREWAL, SECRETARY
SUBJECT: MEETING OF THE CITY SELECTION COMMITTEE
DATE: February 26, 2016

Council Member Marie Chuang, Chairperson of the San Mateo County City Selection Committee, has called for a meeting of the Committee at 6:30 p.m. on Friday, February 26, 2016, at the Aviation Museum & Library, San Francisco International Airport, South San Francisco, CA 94080.

Please arrive on time

- 1) Roll Call
- 2) Approval of the minutes for the meeting of December 18, 2015
- 3) Selection of five (5) Council Members to serve on the Housing Endowment and Regional Trust (HEART) representing ***Cities (All cities except Daly City are eligible)*** for a term of three (3) years beginning March 1, 2016 through February 28, 2019
 - i. Council Member Liza Normandy, City of S. San Francisco, is seeking re-appointment*
 - ii. Mayor Maryann Derwin, Town of Portola Valley, is seeking re-appointment*
 - iii. Mayor Cliff Lentz, City of Brisbane, is seeking re-appointment*
 - iv. Mayor Laurence May, Town of Hillsborough, is seeking re-appointment*
 - v. Mayor Anne Oliva, City of Millbrae, is seeking appointment*
- 4) Oral Communications
(Any subject not on the agenda may be presented at this time. These topics cannot be acted upon or discussed, but may be agendized for a later meeting date.)

If you have any questions or require additional information, contact Sukhmani S. Purewal at (650) 363-1802.

SAN MATEO COUNTY CITY SELECTION COMMITTEE

*Elizabeth Lewis, Chairperson
Marie Chuang, Vice Chairperson*

*Sukhmani S. Purewal, Secretary
400 County Center
Redwood City, 94063
650-363-1802*

TO: MAYORS OF SAN MATEO COUNTY
FROM: SUKHMANI PUREWAL, SECRETARY
SUBJECT: MEETING OF THE CITY SELECTION COMMITTEE
DATE: December 18, 2015

Council Member Elizabeth Lewis, Chairperson of the San Mateo County City Selection Committee, has called for a meeting of the Committee at 6:15 p.m. on Friday, December 18, 2015, at the Colma Fire House, 50 Reiner Street, Colma, CA 94014.

DRAFT MINUTES

1) Roll Call – The meeting was called to order at 6:18 p.m. The following cities were present: Atherton, Belmont, Brisbane, Burlingame, Colma, Daly City, Foster City, Half Moon Bay, Hillsborough, Menlo Park, Millbrae, Pacifica, Portola Valley, Redwood City, San Bruno, San Carlos, San Mateo, South San Francisco, and Woodside.
Absent: East Palo Alto

2) Approval of the minutes for the meeting of May 29, 2015

Motion: Daly City

Second: Redwood City

Ayes: All

Noes: None

3) Selection of one (1) Council Member to serve on the Bay Area Air Quality Management District (BAAQMD) representing *Cities (All cities are eligible)* for a term of two (2) years beginning January 1, 2016 through December 31, 2017

Council Member David Canepa, Daly City, was re-appointed

Motion to declare the election by acclamation: Woodside

Second: Menlo Park

Ayes: All

Noes: None

4) Selection of one (1) Council Member to serve on the San Mateo County Transportation Authority (SMCTA) representing *Cities (All cities are eligible)* for a term of two (2) years beginning January 1, 2016 through December 31, 2017

Council Member Mary Ann Nihart, Millbrae, was re-appointed

Motion to declare the election by acclamation: Woodside

Second: Menlo Park

Ayes: All

Noes: None

- 5) Selection of one (1) Council Member to serve on the San Mateo County Transportation Authority (SMCTA) representing *Central Cities (Eligible cities: Belmont, Burlingame, Foster City, Half Moon Bay, Hillsborough, Millbrae, and San Mateo)* fulfilling Burlingame City Council Member Terry Nagel's term through December 31, 2016

VOTE RESULTS

***Council Member Maureen
Freschet, City of San Mateo***
Appointed

***Council Member Michael
Brownrigg, City of Burlingame***

***Council Member Gina Papan,
City of Millbrae***

Atherton
Belmont
Colma
Foster City
Menlo Park
Portola Valley
Redwood City
San Bruno
San Carlos
San Mateo

Burlingame
Brisbane
Daly City
Half Moon Bay
Hillsborough
Pacifica
Woodside

Millbrae

South San Francisco
**East Palo Alto was absent*

East Palo Alto Arrived at 6:29 p.m.

- 6) Selection of one (1) Council Member to serve on the San Mateo County Transportation Authority (SMCTA) representing *Northern Cities (Eligible Cities: Brisbane, Colma, Daly City, Pacifica, San Bruno, and South San Francisco)* for a term of two (2) years beginning January 1, 2016 through December 31, 2017

Council Member David Canepa, Daly City, withdrew his nomination
Council Member Ken Ibarra, San Bruno, was appointed

Motion to declare the election by acclamation: Half Moon Bay

Second: Daly City

Ayes: All

Noes: None

- 7) Selection of two (2) Council Members to serve on the Housing Endowment and Regional Trust (HEART) representing *Cities (All cities except Daly City are eligible)* fulfilling the terms of

Millbrae City Mayor Robert Gottschalks and San Mateo City Council Member Jack Matthews through February 28, 2018

**Council Member Rick Bonilla, San Mateo, was appointed
Council Member Doug Kim, Belmont, was appointed**

**Motion to declare the election by acclamation: Pacifica
Second: East Palo Alto
Ayes: All
Noes: None
Abstain: Daly City**

- 8) Election of a Chairperson to the City Selection Committee for 2016
(Note: Candidates must be a current Mayor or Council Member)

**Council Member Marie Chuang, Hillsborough, was appointed
Motion: Atherton / Second: Menlo Park
Ayes: All
Noes: None**

- 9) Election of a Vice Chairperson to the City Selection Committee for 2015
(Note: Candidates must be a current Mayor or Council Member)

**Council Member Liza Normandy, South San Francisco, was appointed
Motion: Brisbane / Second: South San Francisco
Ayes: All
Noes: None**

- 10) Oral Communications
None

The meeting was adjourned at 6:38 p.m.



MARK ADDIEGO, MAYOR
PRADEEP GUPTA, PH.D., VICE MAYOR
RICHARD A. GARBARINO, COUNCILMEMBER
KARYL MATSUMOTO, COUNCILMEMBER
LIZA NORMANDY, COUNCILMEMBER

MIKE FUTRELL, CITY MANAGER

OFFICE OF THE CITY COUNCIL

February 4, 2016

Dear Colleagues,

Please accept my name for consideration for re-appointment to the HEART board. There are five seats up for consideration at our next meeting, and I would be honored to be considered for one of the seats.

South San Francisco has been extremely aggressive in the area of affordable housing. Our City Council passed an affordable housing ordinance back in 2001 mandating that a minimum of twenty percent of all approved residential development, consisting of four or more units, be restricted to and affordable to lower-income households. We are also requiring that at least twenty percent of all new dwelling units be restricted to and affordable to low or moderate income households. We have made considerable efforts towards affordable housing.

I have been a member of the South San Francisco City Council since 2013, and prior served on the South San Francisco Unified School Board as a Trustee from 2006-2013. Affordable housing and assistance for low-income families have been a priority for me both as a School Board Trustee then and now as a Council Member.

In addition, my experiences include the following committee assignments:

- SSFUSD School District Liaison Committee
- Airport Land Use Committee (ALUC)
- Interagency Council (HOPE)
- Peninsula Traffic Congestion Relief Alliance (A)
- San Mateo County Emergency Services Council (A)
- Housing Endowment and Regional Trust (HEART) of San Mateo County

I am very aware of the need for affordable housing throughout San Mateo County and would appreciate the opportunity to continue to work with the HEART board to increase the county's housing options. I appreciate your consideration and support of my candidacy.

Sincerely,

A handwritten signature in blue ink that reads "Liza Normandy".

Liza Normandy, Council Member
City of South San Francisco

TOWN of PORTOLA VALLEY

Town Hall: 765 Portola Road, Portola Valley, CA 94028 ~ Tel: (650) 851-1700 Fax: (650)



February 11, 2016

City Selection Committee
c/o Sukhmani S. Purewal
Agenda Administrator & Deputy Clerk of the Board
400 County Center
Redwood City, CA 94063

Re: Letter of Interest to Serve on the HEART Board

Honorable Mayors and Council Members:

I have served on the HEART Board for one term, a time period in which there were many changes. We have just hired a new Executive Director and I would like to continue working with the Board to help the organization become a more effective vehicle for solving a small piece of the housing crisis. As Congresswoman Jackie Speier said at the most recent "Closing the Jobs/Housing Gap Task Force" meeting, this is no longer a political or an economic issue, it is a moral issue, and one from which we, as elected officials, cannot turn away. I would like to do my part on the Board to help create solutions so that, for example, 60 percent of our law enforcement officers do not have to live outside the County, or that 74-year old residents don't have to pull up deep roots to move many miles away when their rents have risen 50 percent and there is no alternative affordable option within San Mateo County.

Thank you for your consideration of my candidacy for serving a second term on the HEART Board.

Sincerely,

Maryann Moise Derwin
Mayor, Town of Portola Valley



CITY OF BRISBANE

50 Park Place
Brisbane, California 94005-1310
(415) 508-2100
Fax (415) 467-4989

February 11, 2016

To: My colleagues on the San Mateo County City Councils

Re: HEART Board Re-Appointment

I am writing to express my interest in continuing to serve as a representative on the Housing Endowment and Regional Trust (HEART) Board.

San Mateo County is in an affordable housing crisis. Too many people cannot afford to live where they work.

We need to take a regional prospective to dealing with this crisis, while also respecting local land use policy. HEART's unique JPA representing most of the cities in San Mateo County, County government, and members of the business and non-profit sectors, place the organization in an excellent position to constructively come up with solutions to dealing with this problem.

I have been honored to serve on the HEART Board for the last four years, and would like to continue helping the organization to fulfill its destiny as a major player in creating the affordable housing that our County needs.

I respectfully ask for your support to continue my work on the Board.

Thank you.

Sincerely,

Cliff Lentz
Mayor, City of Brisbane





TOWN OF HILLSBOROUGH

1600 FLORIBUNDA AVENUE

HILLSBOROUGH

CALIFORNIA

94010-6418

February 11, 2016

Dear Colleagues:

I am writing to express my interest in serving a second term on the Housing Endowment and Regional Trust (HEART) Board.

I have been on the Hillsborough City Council since 2010 and am currently privileged to serve as Mayor. I would appreciate the opportunity to continue to serve on the HEART Board and ask for your support. Please feel free to contact me at lmay@hillsborough.net or 650-375-0535.

Sincerely,

Laurence May
Mayor
Town of Hillsborough



City of Millbrae
621 Magnolia Avenue, Millbrae, CA 94030

ANNE OLIVA
Mayor

February 10, 2016

Dear Colleagues:

I wish to be considered for appointment to the Housing Endowment and Regional Trust Board of Directors (HEART).

I was appointed to the Millbrae City Council in June of 2013 to complete the term of my dear friend, Nadia Holober. I was elected to the City Council in November of that year and have served on the Council ever since. This year I am privileged to serve my community as Mayor. I am currently a member of Closing the Gap, San Mateo County Affordable Housing Task Force and the San Mateo County Joint Committee on El Camino Real (Grand Boulevard).

I have been a proponent for affordable housing all my adult life. It is in my DNA. I grew up in the real estate industry and with public service. Finding decent, affordable housing for my community has always been part of the conversation. Since my appoint and subsequent election, I have been a tireless advocate for the need to find workable solutions to build and retain more housing of all types, but most especially, affordable housing for families. In my career as Realtor, as an agent, business owner, and as a board member and president of the San Mateo County Association of Realtors, I have learned what works and what doesn't work when it comes to building more affordable housing. I deal with this issue every day; helping good people try to find a place to live. I know their stories, I know their struggles and I want to bring my experiences and skills to work as a member HEART.

I respectfully ask for your support for the appointment to the HEART Board of Directors. I believe that my experience with housing, land use, finance, and legislation can make a positive contribution to the Board and, together, we can aggressively work to find real, practical solutions to the housing crisis.

Sincerely,

A handwritten signature in blue ink that reads "Anne Oliva".

Anne Oliva
Mayor

**Letter of Interest received
after release of agenda packet**



February 12, 2016

Dear Honorable Mayors and fellow Councilmembers:

Please accept this letter as my application for reappointment to the HEART Board.

I have served on the San Bruno City Council since 1996 and have enjoyed our city's success in providing needed housing, especially affordable housing and first-time homebuyer opportunities. I am very proud of our senior housing development, The Village at the Crossing, which was HEART's first investment in 2007. With the adoption of the Transit Corridor Plan, of which I co-chaired, and the voter approval of Measure N in November 2014, San Bruno is experiencing an increased interest by developers and investors. Housing is in these discussions and affordable housing will also be a focus as long as I am a city representative.

I have served on the HEART Board since 2013 and attended my first Housing Leadership Day last October. I have represented San Bruno on the Grand Boulevard Task Force since its inception and currently serve on the Closing the Jobs/Housing Gap Task Force.

I am a licensed architect and have maintained my local practice for nearly 33 years. I believe my longtime service and firsthand experience with housing issues affords me the opportunity to continue to serve on the HEART Board.

I look forward to HEART's leadership in the region as we make innovative and difficult decisions to provide adequate housing for our residents and workers.

Sincere thanks for your consideration,

Ken Ibarra
Councilmember, City of San Bruno

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