



**SPECIAL AND REGULAR MEETING AGENDA**

**Date: 6/21/2016**  
**Time: 6:30 p.m.**  
**City Council Chambers**  
**701 Laurel St., Menlo Park, CA 94025**

**6:30 p.m. Closed Session (City Hall Administration Building, 1<sup>st</sup> floor conference room)**

Public comment will be taken on this item prior to 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 Session**

- A. Call To Order**
- B. Roll Call**
- C. Pledge of Allegiance**
- D. Report from Closed Session**
- E. 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.

**F. Consent Calendar**

- F1. Adopt a resolution implementing a new water conservation plan (Staff Report# 16-118-CC)
- F2. Authorize the City Manager to sign an agreement with MidPen Housing for replacement of the existing water main at 1221-1275 Willow Road (Staff Report# 16-115-CC)
- F3. Adopt a resolution a) calling and giving notice of holding a general municipal election for two seats on the Menlo Park City Council b) requesting that the City Council consolidate the election with the Presidential Election to be held on November 8, 2016 and c) contracting with the San Mateo County

Chief Elections Officer for election services (Staff Report# 16-109-CC)

- F4. Authorize the City Manager to execute a professional services agreement with R3 Consulting Group for a Zero Waste Plan in the amount of \$50,000 and a Solid Waste Services Rate Study in the amount of \$175,000 for a total of \$225,000 (Staff Report# 16-110-CC)
- F5. Authorize the City Manager to enter into an agreement with Bay Area Water Supply and Conservation Agency (BAWSCA) not to exceed \$80,000 to provide direct rebates to residents and businesses for the Lawn Be Gone program (Staff Report# 16-111-CC)
- F6. Authorize the City Manager to execute an agreement for Kronos Workforce Ready Software as a Service in an amount not to exceed \$160,000 over three fiscal years(Staff Report# 16-120-CC)
- F7. Accept dedication of a tree preservation access easement from Robert W. Armstrong Revocable Trust at 1010-1026 Alma Street and authorize the City Manager to sign agreements required by conditions of approval of the project (Staff Report# 16-117-CC)
- F8. Authorize the City Manager to accept a grant for fiscal year 2016-17 of up to \$270,000 from Silicon Valley Community Foundation to implement The Big Lift at the Belle Haven Child Development Center, to execute a contract to enhance services to complete the scope of work and allocate matching funds of \$13,500 from the General Fund (Staff Report# 16-108-CC)
- F9. Authorize the Mayor to sign a letter of opposition to Governor Jerry Brown's proposal for by right approval for affordable housing (Staff Report# 16-122-CC)
- F10. Approve minutes for the City Council meetings of May 3 and June 7, 2016 (Attachment)

**G. Public Hearing**

- G1. Adopt a resolution overruling protests, ordering the improvements, confirming the diagram and ordering the levy and collection of assessments and increasing the tree assessment by 5% and no increase to the sidewalk assessment for the City of Menlo Park Landscaping Assessment District for Fiscal Year 2016-17 (Staff Report# 16-112-CC)
- G2. Adopt a resolution to collect the regulatory fee at the existing rates to implement the City's Storm Water Management Program for Fiscal Year 2016-17 (Staff Report# 16-113-CC)
- G3. Adopt a resolution recommending that the San Mateo County Flood Control District (District) impose basic charges at existing rates and increase the additional charges by 3.02 percent for funding the fiscal year (FY) 2016-17 Countywide National Pollutant Discharge Elimination System (NPDES) General Program and allow the District to collect these fees annually (Staff Report# 16-114-CC)

**H. Regular Business**

- H1. Consider approval of amendments to the agreement between the City of Menlo Park and Service Employees International Union, Local 521 (Staff Report# 16-104-CC)
- H2. Consider approval of amendments to the agreement between the City of Menlo Park and American Federation of State, County and Municipal Employees, Local 829 (Staff Report# 16-105-CC)
- H3. Approve resolutions: adopting the fiscal year 2016-17 Budget and Capital Improvement Program

and appropriating funds; establishing the appropriations limit for fiscal year 2016-17; establishing a Consecutive Temporary Tax percentage reduction in Utility Users' Tax rates through September 30, 2017; and establishing City-wide Salary Schedule effective July 10, 2016 (Staff Report# 16-119-CC)

**I. Informational Items**

- I1. Update on the El Camino Real Corridor Study (Staff Report# 16-116-CC)
- I2. Update on the status, schedule, required actions, and Development Agreement negotiation process for the Facebook Campus Expansion Project located at 301-309 Constitution Drive (Staff Report# 16-107-CC)
- I3. Belle Haven Child Development Center Self Evaluation Report for the Child Development Division of the California Department of Education for fiscal year 2015-16 (Staff Report# 16-106-CC)
- I4. Process for pursuing structured parking and other land use enhancements downtown (Staff Report# 16-121-CC)

**J. City Manager's Report**

**K. Councilmember Reports**

**L. Adjournment**

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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 City Council on any item listed on the agenda at a time designated by the Mayor, 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 Mayor, either before or during consideration of the item.

Any writing that is distributed to a majority of the City Council by any person in connection with an agenda item is a public record (subject to any exemption under the Public Records Act) and is available for inspection at the City Clerk's Office, 701 Laurel St., Menlo Park, CA 94025 during regular business hours.

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## STAFF REPORT

**City Council**  
**Meeting Date:** 6/21/2016  
**Staff Report Number:** 16-118-CC

**Consent Calendar:** Adopt a resolution implementing a new water conservation plan

### Recommendation

Staff recommends that the City Council adopt a resolution implementing Stage 2 of the 2015 Water Shortage Contingency Plan (WSCP) to implement a 10% conservation goal from 2013 use in order to meet the recently adopted State Water Resources Control Board's (SWRCB) drought regulations.

### Policy Issues

The City has water use restrictions in place. The recommended action is consistent with those policy efforts and the strategies outlined in the recently adopted 2015 UWMP, which describes and evaluates water supply sources and reliability over the next 20 years. The recommended action also is consistent with the SWRCB's drought regulations that became effective June 1, 2016 and expires on January 31, 2017 unless the SWRCB revises, renews, or terminates the regulations.

The 2015 WSCP, which outlines a water supplier's response and plan for shortages in water supplies and is included in the 2015 UWMP, provides the option for City Council to select additional appropriate actions in order to meet the water reduction goal.

### Background

The Menlo Park Municipal Water District (MPMWD) provides water to approximately 16,000 residents through 4,300 service connections within two pressure areas. MPMWD purchases 100% of its water from the San Francisco Public Utilities Commission (SFPUC), which delivers water from the San Francisco Regional Water System to the City.

Over the last few years, MPMWD has complied with SWRCB emergency drought regulations. Attachment A lists the drought actions currently in effect.

On May 18, 2016, the SWRCB revised and extended the emergency regulations as follows:

1. Continues these prohibitions through the end of January 2017:
  - Hosing off sidewalks, driveways and other hardscapes;
  - Washing automobiles with hoses not equipped with a shut-off nozzle;
  - Using non-recirculated water in a fountain or other decorative water feature;
  - Watering landscapes in a manner that causes runoff;
  - Watering landscapes within 48 hours after measurable precipitation;
  - Irrigation ornamental turf on public street medians;

- Hotels and motels not providing an option to launder towels and linens daily; and
  - Restaurants and other food service operations serving water to customers without request.
2. Requires individual urban water suppliers to self-certify by June 22, 2016 the level of available water supplies they have assuming three additional dry years, and to determine the level of conservation necessary to assure adequate supply over that time. The new self-certified conservation standard became effective June 1, 2016. Suppliers that do not submit information, or their submitted information is rejected by the SWRCB, shall continue with their current specific conservation standard (16% for MPMWD).
  3. Requires urban water suppliers to continue reporting monthly water use production information to the SWRCB on a permanent basis.

On May 24, 2016, the City Council adopted the 2015 UWMP which requires urban water suppliers to describe and evaluate their water supply sources and reliability over the next 20 years. The UWMP also includes a WSCP that outlines the water supplier's response and plan for changes or shortages in water supplies. The 2015 WSCP (Attachment B) lists corresponding drought stages and actions.

The 2015 WSCP provides flexibility to incorporate additional water regulations based on any future emergency water regulations adopted by the SWRCB or drought-related actions imposed by SFPUC. Each of the five stages lists particular water conservation actions and the option for City Council to select other appropriate actions in order to meet the water reduction goal.

On June 9, 2016, a SFPUC memo (see Attachment C) formally requests its customers to maintain a 10% voluntary reduction from 2013 use.

### **Analysis**

Based on SFPUC's 10% voluntary reduction and the fact that MPMWD customers have reduced water use 38% over 2013 levels, staff recommends the City Council adopt a resolution (Attachment D) implementing Stage 2 of the 2015 WSCP (the "up to 10%" conservation goal) which would continue the drought prohibitions listed below. Items noted with a \*\* are currently in effect but not included in the SWRCB's regulations. The last bullet provides the option for City Council to select additional appropriate actions in order to meet the water reduction goal.

- Hosing off sidewalks, driveways and other hardscapes
- Washing automobiles with hoses not equipped with a shut-off nozzle
- Using non-recirculated water in a fountain or other decorative water feature
- Watering landscapes in a manner that causes runoff
- Watering landscapes within 48 hours after measurable precipitation
- Irrigation ornamental turf on public street medians
- \*\* Broken or defective plumbing and irrigation systems must be repaired or replaced
- \*\* Recreational water features shall be covered when not in use
- \*\* Single-pass cooling systems on new construction shall not be allowed
- Hotels and motels must provide the option whether to launder towels and linens daily
- Restaurants and other food service operations serve water to customers only upon request
- Other measures as may be approved by Resolution of the City Council

The following drought prohibitions currently in effect would be lifted:

- Watering more than two days per week (odd and no addresses: Mondays and Thursdays, even addresses: Tuesdays and Fridays)
- Watering between the hours of 8:00 am and 6:00 pm
- Using MPMWD water to fill newly constructed pools

If approved, staff will notify water customers of the revised drought regulations via the City’s website, postcards, newspaper ads, and/or water bill messages.

The table below shows the corresponding drought surcharges for each stage. The current drought surcharge is \$0.29 per ccf based on the “up to 20%” conservation goal. If the City Council adopts the resolution to implement Stage 2 of the 2015 WSCP (the “up to 10%” conservation goal), the new drought surcharge would drop to \$0.11 per ccf for this fiscal year, and effective July 1st, increase to \$0.18 per ccf (to match the water rate increase).

Drought Stage	2015 WSCP Conservation Goal	Drought Surcharge \$ per ccf Effective June 2016	Drought Surcharge \$ per ccf Effective July 1, 2016 *
1	N/A	N/A	N/A
2	up to 10%	\$0.11	\$0.18
3	up to 20%	\$0.29	\$0.44
4	up to 30%	\$0.52	\$0.79
5	up to 50%	\$1.25	\$1.88

1 ccf (hundred cubic feet) = 748 gallons

\* Water rates, including drought surcharges, are revised July 1<sup>st</sup> of every year.

Other Bay Area Water Supply and Conservation Agency (BAWSCA) member agencies, who also purchase water from SFPUC, are also in the process of determining how best to implement the revised SWRCB regulations. All water agencies with 3,000 or more service connections, like MPMWD and California Water Service, must self-certify its water conservation goal to the SWRCB by June 22, 2016. Small water agencies, such as O’Connor Tract Cooperative Water District and Palo Alto Park Mutual Water Company are only required to submit an online report to the SWRCB by December 15, 2016 that describes actions taken to encourage or require water conservation. At this time staff does not know what the other Menlo Park water agencies will implement, however, should it differ significantly from MPMWD, staff will return to Council with an informational item.

Staff also noticed that the current resolution contains an incorrect statement that “this Water Conservation Plan shall remain in effect as long as the Emergency Regulations are in effect and shall sunset when the Emergency Regulations are no longer in effect.” In actuality, the City Council can add additional water conservation actions and determine which WSCP Stage to implement (and trigger the corresponding drought surcharge), not the Emergency Regulations implemented by the State. Staff revised the proposed resolution to reflect this change.

**Impact on City Resources**

Staff is currently implementing the State Water Board emergency regulations, including outreach, monitoring, enforcement, and monthly reporting, which is above and beyond staff’s normal workload, and the drought surcharge collected helps to fund these activities. Revising the water conservation plan to



implement the “up to 10%” conservation goal (from the current “up to 20%” conservation goal) will reduce the drought surcharge which funds drought activities, however, staff anticipates there will be sufficient funds available.

### **Environmental Review**

Council’s adoption of the proposed resolution is categorically exempt from CEQA under CEQA Guidelines 15307 (Actions by Regulatory Agencies for Protection of Natural Resources).

### **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. Drought regulations currently in effect
- B. 2015 WSCP (included as Chapter 7 in the adopted 2015 UWMP)
- C. SFPUC June 9, 2016 Memo
- D. Resolution to adopt Stage 2 of the 2015 WSCP

Report prepared by:

Pam Lowe, Senior Civil Engineer

Reviewed By

Ruben Niño, Assistant Public Works Director



**Drought Regulations Currently in Effect  
(Stage 2 of the 2014 WSCP)**

Stage	Water Use Regulations	% Goal
<b>1</b>	<ol style="list-style-type: none"> <li>1. Hoses must be equipped with a shut-off valve for washing vehicles, sidewalks, walkways, or buildings.</li> <li>2. Broken or defective plumbing and irrigation systems must be repaired or replaced within a reasonable period.</li> <li>3. Other measures as may be approved by Resolution of the City Council.</li> </ol>	<b>NA</b>
<b>2</b>	<ol style="list-style-type: none"> <li>1. Continue with actions and measures from Stage 1, except where superseded by more stringent requirements.</li> <li>2. Potable water shall not be used to water outdoor landscapes in a manner that causes runoff onto non-irrigated areas, walkways, roadways, parking lots, or other hard surfaces.</li> <li>3. Potable water shall not be applied in any manner to any driveway or sidewalk, except when necessary to address immediate health or safety concerns.</li> <li>4. Restaurants and other food service operations shall serve water to customers only upon request.</li> <li>5. Use only re-circulated or recycled water to operate ornamental fountains.</li> <li>6. Other measures as may be approved by Resolution of the City Council to achieve the overall percentage reduction.</li> </ol> <p style="text-align: center;"><b><u>Additional Regulations Added to Stage 2</u></b> <b>(Adopted May 5, 2015 in order to meet State Water Resources Control Board's emergency drought regulations)</b></p> <ol style="list-style-type: none"> <li>7. Potable water shall not be used to water outdoor landscapes during and within 48 hours after measurable rainfall.</li> <li>8. Hotels and motels shall provide guests an option of choosing not to have towels and linens laundered daily. The hotel or motel shall prominently display notice of this option in each guestroom using clear and easily understood language.</li> <li>9. Potable water to irrigate outdoor ornamental landscapes or turf shall be limited to no more than two days per week between designated hours, as determined by the Public Works Director. Water customers may be granted an exception upon review and approval of a Drought Response Plan by the Public Works Director pursuant to such policies and procedures as may be established by the Public Works Director provided that such plan results in an equivalent or greater reduction in water use.</li> <li>10. Single-pass cooling systems on new construction shall not be allowed.</li> <li>11. Pools, spas, and hot tubs shall be covered when not in use.</li> <li>12. Permits for construction of new pools shall include a requirement that MPMWD water shall not be used to fill new pools.</li> <li>13. Newly constructed homes and buildings must deliver potable water through drip or micro-spray systems to water outside.</li> <li>14. Potable water shall not be used to irrigate ornamental turf on public street medians.</li> </ol>	<b>Up to 20%</b>

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**2015 Water Shortage Contingency Plan**  
Menlo Park Municipal Water District

Stage	Consumption Reduction Methods by Water Supplier	Restrictions and Prohibitions on End Uses (Customers)
<p><b>Stage 1 Mandatory Prohibitions</b></p> <p><b>Goal: N/A</b></p>	<ul style="list-style-type: none"> <li>• Not applicable</li> </ul>	<ul style="list-style-type: none"> <li>• Hoses must be equipped with a shut-off valve for washing vehicles, sidewalks, walkways, or buildings.</li> <li>• Broken or defective plumbing and irrigation systems must be repaired or replaced within a reasonable period.</li> <li>• Recreational water features shall be covered when not in use.</li> <li>• Ornamental fountains shall use only re-circulated or recycled water.</li> <li>• Single-pass cooling systems on new construction shall not be allowed.</li> <li>• Potable water shall not be applied in any manner to any driveway, sidewalk, or other hard surface except when necessary to address immediate health or safety concerns.</li> <li>• Potable water shall not be used to water outdoor landscapes in a manner that causes runoff onto non-irrigated areas, walkways, roadways, parking lots, or other hard surfaces.</li> <li>• Potable water cannot be applied to outdoor landscapes during and up to 48 hours after measurable rainfall.</li> <li>• Potable water shall not be used to irrigate ornamental turf on public street medians.</li> <li>• Other measures as may be approved by Resolution of the City Council.</li> </ul>
<p><b>Stage 2</b></p> <p><b>Goal: up to 10% Reduction</b></p>	<ul style="list-style-type: none"> <li>• Inform customers that there is a water shortage emergency and the list of actions they can take to reduce water use (e.g., via direct mail, bill inserts, etc.).</li> <li>• Increase public outreach, including information regarding fines or penalties for non-compliance.</li> <li>• Expand outreach for existing water conservation programs.</li> <li>• Conduct coordination with BAWSCA, SFPUC, and California Water Service Company (“Cal Water”).</li> <li>• Conduct in-house training so City staff is prepared to respond to customer calls, reports and complaints, and to support enforcement actions.</li> </ul>	<ul style="list-style-type: none"> <li>• Continue with actions and measures from Stage 1 except where superseded by more stringent requirements.</li> <li>• Hotels and motels shall provide guests an option whether to launder towels and linens daily. Hotels and motels shall prominently display notice of this option in each bathroom using clear and easily understood language.</li> <li>• Restaurants and other food service operations shall serve water to customers only upon request.</li> <li>• Other measures as may be approved by Resolution of the City Council.</li> </ul>

**2015 Water Shortage Contingency Plan**  
Menlo Park Municipal Water District

Stage	Consumption Reduction Methods by Water Supplier	Restrictions and Prohibitions on End Uses (Customers)
<p><b>Stage 3</b> <b>Goal: up to 20% Reduction</b></p>	<ul style="list-style-type: none"> <li>• Continue with actions and measures from Stage 2.</li> <li>• Increase public outreach, including a dedicated customer service hotline.</li> <li>• Schedule staff for enforcement and customer service. May include hiring additional, temporary staff.</li> <li>• Reduce frequency of water main flushing.</li> <li>• Inform local fire department of water supply status and request cooperation in reducing of fire training exercises that use water.</li> <li>• Increase public outreach to the top 10% water users in each customer category.</li> <li>• Implement drought surcharge on water rates.</li> </ul>	<ul style="list-style-type: none"> <li>• Continue with actions and measures from Stages 1 and 2 except where superseded by more stringent requirements.</li> <li>• Irrigation with potable water outside of newly constructed homes and buildings not delivered by drip or microspray is prohibited.</li> <li>• Potable water shall not be used for street cleaning.</li> <li>• Permits for construction of new pools shall include a requirement that MPMWD water shall not be used to fill new pools.</li> <li>• Irrigating outdoor ornamental landscapes or turf with potable water is not allowed between designated hours, as determined by the Public Works Director, except for hand watering. Hand watering must be with a continuously monitored hose fitted with an automatic shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use or monitored.</li> <li>• Irrigating outdoor ornamental landscapes or turf with potable water is limited to no more than two (2) days per week on a schedule established by the Director and posted on the City's website. Water customers may be granted an exception upon review and approval of a Drought Response Plan by the Public Works Director pursuant to such policies and procedures as may be established by the Public Works Director provided that such plan results in an equivalent or greater reduction in water use.</li> <li>• Other measures as may be approved by Resolution of the City Council.</li> </ul>
<p><b>Stage 4</b> <b>Goal: up to 30% Reduction</b></p>	<ul style="list-style-type: none"> <li>• Continue with actions and measures from Stages 2 and 3.</li> <li>• Increase public outreach, including hosting public events and workshops.</li> <li>• Increase enforcement and water waste patrols.</li> <li>• Suspend routine flushing of water mains except when necessary to address immediate health or safety concerns.</li> <li>• Offer free water use surveys to the top 10% water users in each customer category.</li> </ul>	<ul style="list-style-type: none"> <li>• Continue with actions and measures from Stages 1, 2 and 3 except where superseded by more stringent requirements.</li> <li>• Prohibit vehicle washing except at facilities using recycled or recirculating water.</li> <li>• Irrigating outdoor ornamental landscapes or turf with potable water is limited to no more than one (1) day per week on a schedule established by the Director and posted on the City's website. Water customers may be granted an exception upon review and approval of a Drought Response Plan by the Public Works Director pursuant to such policies and procedures as may be established by the Public Works Director provided that such plan results in an equivalent or greater reduction in water use.</li> <li>• Other measures as may be approved by Resolution of the City Council.</li> </ul>

**2015 Water Shortage Contingency Plan**  
Menlo Park Municipal Water District

Stage	Consumption Reduction Methods by Water Supplier	Restrictions and Prohibitions on End Uses (Customers)
<p><b>Stage 5</b></p> <p><b>Goal: up to 50% Reduction</b></p>	<ul style="list-style-type: none"> <li>• Continue with actions and measures from Stages 2, 3 and 4.</li> <li>• Increase public outreach.</li> <li>• Develop water budgets for all accounts and notice those accounts appropriately.</li> <li>• MPMWD shall not approve new potable water service, new temporary meters or permanent meters, or issue statements of immediate ability to serve or provide potable water service (such as, will-serve letters, certificates or letters of availability), except under the following circumstances:               <ul style="list-style-type: none"> <li>a) A valid, unexpired building permit has been issued for the project; or</li> <li>b) The project is necessary to protect the public's health, safety, and welfare; or</li> <li>c) The applicant provides substantial evidence of an enforceable commitment that water demands for the project will be offset prior to the provision of a new water meter(s) to the satisfaction of the Public Works Director; or</li> <li>d) To provide continuation of water service or to restore service that has been interrupted for a period of one year or less.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Continue with actions and measures from Stages 1 through 4 except where superseded by more stringent requirements.</li> <li>• Turf irrigation is prohibited at all times, including artificial turf.</li> <li>• Existing irrigation systems shall not be expanded.</li> <li>• Water use shall not exceed water budgets established by MPMWD for each customer.</li> <li>• Other measures as may be approved by Resolution of the City Council.</li> </ul>


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San Francisco  
Water Power Sewer

Operator of the Hetch Hetchy Regional Water System

ATTACHMENT C  
525 Golden Gate Avenue, 13th Floor  
San Francisco, CA 94102  
T 415.554.3155  
F 415.554.3161  
TTY 415.554.3488

TO: SFPUC Wholesale Customers   
FROM: Steven R. Ritchie, Assistant General Manager, Water  
DATE: June 9, 2016  
RE: State Water Resources Control Board Self-Certification of  
Supply Reliability for Three Additional Years of Drought  
and  
Update to Final Water Supply Availability Estimate

This memo provides the analysis to support the State Water Resources Control Board Self-Certification of Supply Reliability for Three Additional Years of Drought, and it also provides an update to the Final Water Supply Availability Estimate the SFPUC furnished to the Wholesale Customers on April 6, 2016.

On May 18, 2016, the State Water Resources Control Board adopted new standards for drought emergency water conservation regulation. The new standards require water utilities to conduct an analysis that demonstrates the utility is able to meet average annual 2013-2014 water demand under a repeat of the hydrology of water years 2013-2015. Attachment A provides the SFPUC's analysis. As shown in the attachment, the SFPUC would have sufficient supply to meet the average annual demand of 2013-2014 over the next three years with a repeat of water year 2013-2015 hydrology with no shortages necessary for any SFPUC customers (Table 1). Table 2 in the attachment provides the average annual 2013-2014 demand for each wholesale customer and thus, the water supply available to each customer for the next three years from the SFPUC regional water system under the State Board-required analysis. This analysis will be posted on the sfwater.org website by June 15, 2016.

While the SFPUC can meet the State Board requirements without requiring shortages, the SFPUC is requesting its customers maintain a 10% voluntary reduction from 2013 use. We make this request because the SFPUC Regional Water System storage will not fill at the end of the snowmelt period this year. In the event the next water year is dry, the SFPUC needs ample carryover storage to protect against additional water use reductions. Table 2 in the attachment provides 2013 water use for each Wholesale Customer for your reference.

Thank you for your ongoing efforts to conserve water. They've helped us to refill the system as we continue to recover from these years of drought.

cc.: Nicole Sandkulla, CEO/General Manager, BAWSCA

Attachment

- Edwin M. Lee  
Mayor
- Francesca Vietor  
President
- Anson Moran  
Vice President
- Ann Moller Caen  
Commissioner
- Vince Courtney  
Commissioner
- Ike Kwon  
Commissioner
- Harlan L. Kelly, Jr.  
General Manager



# Attachment A

## Self-Certification of Supply Reliability for Three Additional Years of Drought

### Calculation Notes

#### Purpose

The State Water Resources Control Board (SWRCB) adopted on May 18, 2016 a new statewide water conservation approach. The SFPUC needs to self-certify sufficient water supply assuming an average of calendar years 2013-2014 annual demand for wholesale and retail service areas and three more dry years like the ones recorded from water year 2013 through 2015. If a shortage exists at the end of the third year, the conservation standard would equal the amount of shortage. The conservation standard would apply from June 2016 through January 2017. The purpose of this document is to explain assumptions, approach used and findings.

#### Assumptions

- The Hetch Hetchy Regional Water System water supply reliability is assessed following the SWRCB Resolution no. 2016-0029.
- Hydrologic conditions are a repeat of water years 2013, 2014 and 2015 for the next three years. The SWRCB text proposes to use a repeat of precipitation totals. Instead, the analysis uses a repeat of annual flows.
- Total system delivery is the average of calendar years 2013 and 2014, which is 241 thousand acre-feet, TAF (215 million gallon per day, MGD). Data sources are the SWRCB Monthly Data Reporting for retail deliveries and Finance Sales Data for wholesale deliveries.
- Initial reservoir storages on October 1, 2016 are extracted from the Reservoir Operations Projections model using a median snowmelt runoff forecast and updated early May 2016. Total system storage is forecasted at 1,246 TAF. As a reference, total system storage was 1,095 TAF on October 1, 2013.

#### Approach

- The approach is a simple comparison of water available to SFPUC versus demand on an annual basis for the next three years (Table 1).
- The comparison includes system losses such as 1) evaporation, 2) mandatory and supplemental releases below Hetchy and Bay Area reservoirs.
- Even if reservoir inflows were very low in WY2013-2015, there was sufficient water available to SFPUC to operate the RWS including maximizing the use of Water Bank. In addition, forecasted storage conditions for October 2016 are similar to the ones in 2013. For those two reasons, it is assumed that SFPUC could repeat its operation assuming a repeat of WY2013-2015 and system simulation is not necessary to prove supply reliability.



## Findings

- Available water supply is greater than demand for three additional years of drought. In the third year, available water supply is 982 TAF and the demand only 241 TAF (Table 1).
- Conservation standard for SFPUC service area mandated by the SWRCB is 0% reduction
- Projected supply available to SFPUC and each SFPUC wholesale customer under SWRCB assumptions equals the average of CY 2013 and 2014 demands (Table 2).

**Table 1. SFPUC Water Supply Reliability for Three Additional Years of Drought**

Total Potable Water Demand	Unit	Retail	Wholesale	Total
Potable Water Production in Calendar Year 2013	TAF	84.2	168.2	252.4
Potable Water Production in Calendar Year 2014	TAF	76.4	153.2	229.6
Average CY2013-2014	TAF			241.0

Total Available Supply	Unit	WY2017	WY2018	WY2019
		Repeat of 2013	Repeat of 2014	Repeat of 2015
Total System Storage on Oct 1	TAF	1,246	1,175	938
<u>Annual Inflows</u>				
Tuolumne River Water Available	TAF	182	34	50
Bay Area Reservoir Inflows	TAF	33	8	27
<u>Annual Evaporation</u>				
Tuolumne System Evaporation	TAF	23	17	12
Bay Area Evaporation	TAF	13	13	13
<u>Annual System Releases</u>				
Tuolumne Basin	TAF	4	4	4
Bay Area Reservoirs	TAF	5	5	5
<b>Available Water Supply</b>	<b>TAF</b>	<b>1,416</b>	<b>1,179</b>	<b>982</b>
<b>Total Potable Water Demand</b>	<b>TAF</b>	<b>241.5</b>	<b>241.5</b>	<b>241.5</b>
Total System Storage on Sep 30	TAF	1,175	937	739

Table 2. Volume of water available to SFPUC and each SFPUC Wholesale Customer under SWRCB assumptions

	CY 2013 Demand (MG)	CY 2014 Demand (MG)	CY 2013- 2014 Average Demand (MG)	Projected Supply Under SWRCB Methodology (MG)		
				WY 2017	WY 2018	WY 2019
Alameda County WD	3,187.3	3,947.1	3,567.2	3,567.2	3,567.2	3,567.2
Brisbane	151.2	108.6	129.9	129.9	129.9	129.9
Burlingame	1,601.9	1,321.3	1,461.6	1,461.6	1,461.6	1,461.6
Cal Water- Bear Gulch	4,602.5	4,341.0	4,471.8	4,471.8	4,471.8	4,471.8
Cal Water-San Carlos	1,405.0	1,249.4	1,327.2	1,327.2	1,327.2	1,327.2
Cal Water-San Mateo	3,827.5	3,660.5	3,744.0	3,744.0	3,744.0	3,744.0
Cal Water- SSF	2,425.0	2,242.2	2,333.6	2,333.6	2,333.6	2,333.6
Coastside County WD	682.4	644.8	663.6	663.6	663.6	663.6
Cordilleras MWA	2.0	1.8	1.9	1.9	1.9	1.9
Daly City	1,399.8	1,147.3	1,273.6	1,273.6	1,273.6	1,273.6
East Palo Alto	587.9	605.7	596.8	596.8	596.8	596.8
Estero MID	1,517.3	1,411.8	1,464.5	1,464.5	1,464.5	1,464.5
Guadalupe Valley MID	64.4	125.1	94.7	94.7	94.7	94.7
Hayward	5,713.9	5,099.9	5,406.9	5,406.9	5,406.9	5,406.9
Hillsborough	1,265.3	1,039.5	1,152.4	1,152.4	1,152.4	1,152.4
Menlo Park	1,343.9	1,016.9	1,180.4	1,180.4	1,180.4	1,180.4
Mid-Peninsula WD	1,113.7	963.9	1,038.8	1,038.8	1,038.8	1,038.8
Millbrae	798.2	740.6	769.4	769.4	769.4	769.4
Milpitas	2,421.8	2,113.0	2,267.4	2,267.4	2,267.4	2,267.4
Mountain View	3,393.6	2,920.6	3,157.1	3,157.1	3,157.1	3,157.1
North Coast County WD	1,040.5	1,026.7	1,033.6	1,033.6	1,033.6	1,033.6
Palo Alto	4,256.2	3,756.8	4,006.5	4,006.5	4,006.5	4,006.5
Purissima Hills WD	751.5	658.2	704.9	704.9	704.9	704.9
Redwood City	3,423.3	3,060.4	3,241.8	3,241.8	3,241.8	3,241.8
San Bruno	635.6	530.5	583.0	583.0	583.0	583.0
San Jose	1,662.8	1,668.0	1,665.4	1,665.4	1,665.4	1,665.4
Santa Clara	803.8	674.2	739.0	739.0	739.0	739.0
Sunnyvale	3,550.2	2,734.0	3,142.1	3,142.1	3,142.1	3,142.1
Stanford University	821.9	789.8	805.9	805.9	805.9	805.9
Westborough WD	331.2	292.2	311.7	311.7	311.7	311.7
<b>Wholesale Total</b>	<b>54,782</b>	<b>49,892</b>	<b>52,337</b>	<b>52,337</b>	<b>52,337</b>	<b>52,337</b>
SFPUC	27,429	25,235	26,332	26,332	26,332	26,332
<b>Total</b>	<b>82,210</b>	<b>75,127</b>	<b>78,669</b>	<b>78,669</b>	<b>78,669</b>	<b>78,669</b>
<b>Total (In thousands of acre-feet)</b>	<b>252.4</b>	<b>230.6</b>	<b>241.5</b>	<b>241.5</b>	<b>241.5</b>	<b>241.5</b>

## RESOLUTION NO. \_\_\_\_\_

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK  
ADOPTING A WATER CONSERVATION PLAN**

WHEREAS, on March 27, 2015 the State Water Resources Control Board (“State Water Board”) approved emergency regulatory action to further amend its previous two emergency regulations pertaining to drought emergency water conservation; and

WHEREAS, the State Water Board emergency regulations from March 27, 2015 require each urban water supplier to implement the following restrictions within forty-five (45) days:

- Prohibit application of potable water to outdoor landscapes during and within forty-eight (48) hours after measurable rainfall;
- Prohibit the serving of drinking water other than upon request in eating or drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias, bars, or other public places where food and drink are served and/or purchased;
- Require operators of hotels and motels to provide guests with the option of choosing not to have towels and linens laundered daily;
- Implement the stage of its Water Shortage Contingency Plan (WSCP) that includes a mandatory restriction on the number of days that outdoor irrigation of ornamental landscapes or turf with potable water is allowed.

WHEREAS, on April 1, 2015 the Governor issued an Executive Order directing the State Water Board to impose restrictions to achieve an aggregate statewide 25% reduction in potable urban water use for the period of June 1, 2015 through February 28, 2016, as compared to January 1, 2013 through February 28, 2013 and June 1, 2013 through December 31, 2013 water use; and

WHEREAS, on May 5, 2015 the State Water Board adopted a nine (9) tier system based on a water supplier’s residential gallons per capita per day, R-GPCD, range for July through September of 2014 which placed MPMWD into tier four (4), requiring the Menlo Park Municipal Water District (“MPMWD”) to achieve a 16% reduction in water use from its use in January through February of 2013 and June through December of 2013; and

WHEREAS, on May 5, 2015 in order to achieve the percentage reduction requirement, the State Water Board adopted additional regulations prohibiting the following:

- The use of potable water outside of newly constructed homes and buildings that is not delivered by drip or micro-spray systems;
- The use of potable water to irrigate ornamental turf on public street medians.

WHEREAS, on May 5, 2015, the City Council adopted Resolution No. 6261 to implement Stage 2 of the 2014 WSCP;

WHEREAS, on February 2, 2016, based on Governor Brown’s November 2015 Executive Order, the State Water Board approved an updated and extended emergency regulation that continued mandatory reductions through October 2016;

WHEREAS, on May 18, 2016, based on Governor Brown’s May 9, 2016 Executive Order B-37-16, the State Water Board approved replacing the state-developed standards with locally-

developed conservation standards based upon each agency's specific circumstances and extending the emergency regulations for urban water conservation through the end of January 2017, and requiring urban water suppliers to continue reporting monthly water use production information to the SWRCB on a permanent basis;

WHEREAS, the State Water Board approved continuing the following prohibitions on a permanent basis:

- Hosing off sidewalks, driveways and other hardscapes;
- Washing automobiles with hoses not equipped with a shut-off nozzle;
- Using non-recirculated water in a fountain or other decorative water feature;
- Watering landscapes in a manner that causes runoff.
- Watering landscapes within 48 hours after measurable precipitation.
- Irrigation ornamental turf on public street medians.
- Restaurants or other food establishments serving water other than upon request.
- Hotels and motels not providing the option of choosing not to have towels and linens laundered daily.

WHEREAS, on May 24, 2016, the City Council adopted the 2015 Urban Water Management Plan, which included the Water Shortage Contingency Plan stages and actions;

WHEREAS, on June 9, 2016, the San Francisco Public Utilities Commission (SFPUC) is requesting its customers maintain a 10% voluntary reduction from 2013 use, including MPMWD;

WHEREAS, Stage 2 of the 2015 WSCP provides that MPMWD achieve "up to a 10%" reduction in water use compared to 2013 requiring all MPMWD users implement the following water conservation measures:

1. Hoses must be equipped with a shut-off valve for washing vehicles, sidewalks, walkways, or buildings.
2. Broken or defective plumbing and irrigation systems must be repaired or replaced within a reasonable period.
3. Recreational water features shall be covered when not in use.
4. Ornamental fountains shall use only re-circulated or recycled water.
5. Single-pass cooling systems on new construction shall not be allowed.
6. Potable water shall not be applied in any manner to any driveway, sidewalk, or other hard surface except when necessary to address immediate health or safety concerns.
7. Potable water shall not be used to water outdoor landscapes in a manner that causes runoff onto non- irrigated areas, walkways, roadways, parking lots, or other hard surfaces.
8. Potable water cannot be applied to outdoor landscapes during and up to 48 hours after measurable rainfall.
9. Potable water shall not be used to irrigate ornamental turf on public street medians.
10. Hotels and motels shall provide guests an option whether to launder towels and linens daily. Hotels and motels shall prominently display notice of this option in each bathroom using clear and easily understood language.
11. Restaurants and other food service operations shall serve water to customers only upon request.
12. Other measures as may be approved by Resolution of the City Council.

WHEREAS, to comply with the State Water Board’s Emergency Regulations (“Emergency Regulations”) which became effective on June 1, 2016 pursuant to Section 1058.5 of the California Water Code, Stage 2 of the 2015 WSCP must be implemented; and

WHEREAS, the City Council of the City of Menlo Park wishes to amend Resolution No. 6261 and replace Stage 2 of the 2014 WSCP with Stage 2 of the 2015 WSCP.

NOW, THEREFORE, the City of Menlo Park, acting by and through its City Council, having considered and been fully advised in the matter and good cause appearing therefore,

BE IT HEREBY RESOLVED by the City Council of the City of Menlo that:

1. The above recitals are true and accurate.
2. Penalties. Except for egregious violations of the water conservation measures listed above, violations are punishable by fines as described below. Fines must be paid within thirty (30) days. If fines are not paid when due, Customer’s water service may be discontinued.

<b>Violation</b>	<b>Enforcement</b>
1 <sup>st</sup>	Warning only. Educate customer on proper water conservation practices.
2 <sup>nd</sup>	\$50 fine
3 <sup>rd</sup>	\$100 fine
4 <sup>th</sup>	\$200 fine, and review by the Public Works Director (or his/her designee) to determine if a flow restricting device should be installed
5 <sup>th</sup>	\$500 fine, and review by the Public Works Director (or his/her designee) to determine if water service should be discontinued
6 <sup>th</sup>	\$500 fine, water service shall be discontinued

Notwithstanding the above, if the Director of Public Works determines that a violation is egregious, in his/her reasonable determination based on the severity of the violation, a fine may be levied in an amount equal to the greater of \$500.00 or triple the normal rate for the amount of water wasted.

**Charges for Installation or Removal of Flow Restricting Devices**

<b>Meter Size</b>	<b>Installation Cost</b>	<b>Removal Cost</b>
5/8” to 2”	\$ 155.00	\$ 155.00
3” or larger	Actual Cost	Actual Cost

**Charges for Disconnecting and Reconnecting Service**

<b>Meter Size</b>	<b>Cost to Disconnect Service</b>	<b>Cost to Reconnect Service</b>
All sizes	\$ 155.00	\$ 155.00

3. Appeal Process. Customer may contest a fine by submitting a written appeal to the Public Works Director within thirty (30) days of the date of the fine. Customer may request a meeting with the Public Works Director to present evidence that a violation does not exist. If a meeting is requested, the Public Works Director shall meet with the Customer within fifteen (15) days of the appeal date. The Public Works Director shall make a final, non-appealable decision in writing within fifteen (15) days of the appeal date if no meeting requested or within fifteen (15) days of the meeting date. If the fine is upheld, the Customer shall have ten (10) days from the date of the Public Works Director's decision to pay the fine. If the fine is not paid when due, Customer's water service may be discontinued.

BE IT AND IT IS HEREBY FURTHER RESOLVED by the City Council of the City of Menlo Park that this Water Conservation Plan shall remain in effect until the City Council adopts a revised Water Conservation Plan as long as the Emergency Regulations are in effect and shall sunset when the Emergency Regulations are no longer in effect.

I, PAMELA AGUILAR, City Clerk of the City of Menlo Park, do hereby certify that the above and foregoing Resolution was duly and regularly passed and adopted at a meeting by said City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2016, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City Council on this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
PAMELA AGUILAR,  
City Clerk



**STAFF REPORT**

**City Council**

**Meeting Date:** 6/21/2016  
**Staff Report Number:** 16-115-CC

**Consent Calendar:** Authorize the City Manager to sign an agreement with MidPen Housing for the replacement of the existing water main at 1221-1275 Willow Road

**Recommendation**

Staff recommends that the City Council authorize the City Manager to sign an agreement with MidPen Housing to replace the existing water main at 1221–1275 Willow Road in conjunction with the project construction activities.

**Policy Issues**

General Plan Goal I-H promotes the development and maintenance of adequate public, quasi-public facilities and services to meet the needs of Menlo Park’s residents, businesses, workers and visitors.

**Background**

On September 9, 2014, the City Council adopted a resolution to authorize a loan to MidPen Housing for up to \$3.2 million for affordable Senior Housing project at 1221-1275 Willow Road. The proposed development includes a net increase of 42 affordable units at this location, resulting in a total of 90 units. This property is located on the west side of Willow Road, between Newbridge Street and Ivy Drive. The project is currently under construction.

**Analysis**

The existing water main servicing 1221-1275 Willow Road is a 12-inch asbestos cement pipe that is over 50 years old. The project involves construction activities in the area of the existing water line, including water main connections and disconnections, utility trenching, sidewalk installation, and landscaping and irrigation. Consequently, the City recommends that the water main replacement be installed in conjunction with the project’s improvements. Issuing the water main replacement as separate project would require demolition and reconstruction of the project’s proposed landscaping, irrigation, and sidewalk, thereby adding substantial and unnecessary costs.

MidPen Housing has agreed to replace the existing water main along Willow Road in conjunction with the project construction activities, subject to a funding agreement with the City. The City will pay MidPen for the actual cost of the improvements. The estimated cost is \$350,000. The cost savings achieved by coordinating the water main replacement with the MidPen construction could not be obtained by constructing the water main as a separate project; therefore, public bidding/contracting requirements do

not apply as they would not result in any cost savings or benefit to the City staff is requesting authorization from the City Council for the City Manager to enter into the agreement once it is reviewed as to form by the City Attorney.

### **Impact on City Resources**

The City's share of the water line replacement is estimated at \$350,000 and it will be funded by the water main replacement project.

### **Environmental Review**

The proposed water line replacement is Categorically Exempt under Class 2, replacement of existing structures and facilities, of the current State of California Environmental Quality Act (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**

No Attachments

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

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





## STAFF REPORT

**City Council**  
**Meeting Date:** 6/21/2016  
**Staff Report Number:** 16-109-CC

**Consent Calendar:** **Adopt a resolution: (a) calling and giving notice of holding a General Municipal Election for two seats on the Menlo Park City Council, (b) requesting that the City Council consolidate the election with the Presidential General Election to be held on November 8, 2016, and (c) contracting with the San Mateo County Chief Elections Officer for election services**

### Recommendation

Staff recommends that the City Council adopt the proposed resolution which calls for the election of two City Council seats, consolidates the City of Menlo Park's general municipal election with the Presidential General Election on November 8, 2016 and approves a contract with the County of San Mateo to render election services.

### Policy Issues

These actions are prescribed under the California Elections Code in order for the General Municipal Election of two City Council seats to take place.

### Background

The General Municipal Election to elect members of the Menlo Park City Council is held in November of even numbered years. City Council members are elected to rotating four-year terms. The terms of two Councilmembers (Carlton and Mueller) will expire this year. Historically, the City of Menlo Park consolidates its general municipal election with the County of San Mateo and requests the County to provide specialized services including the printing and mailing of ballot materials, establishing and operating of polling places and the counting of ballots.

### Analysis

The Elections Code requires the governing body to adopt a resolution calling for the November 8, 2016 election (Attachment A). Menlo Park consolidates its general municipal election with the County of San Mateo. In order to contract with the San Mateo County Assessor County Clerk Recorder to render services, the City Council must adopt a resolution requesting that the Board of Supervisors approve consolidation and approve a service agreement which specifies the duties of the City and the County (Attachment B)

The following are important dates for the November 8, 2016 election:

July 4 – July 18

Between these dates, the City Clerk shall cause to be published a Notice of Election for two City Council seats.

### July 18 – August 12

This is the City Council candidate filing period. Nomination papers, declarations of candidacy and other election materials are available during this time from the City Clerk between established business hours. Paperwork must be filed by 5:00 p.m., the close of business, on August 12, 2016.

### August 15

If an incumbent has not filed nomination papers by 5:00 p.m. on August 12, further nomination of candidates, other than incumbents, for the elective offices stated will be received by the City Clerk until 5:30 p.m., the close of business, on August 15, 2016.

### **Impact on City Resources**

According to the San Mateo County Elections Office, the estimated cost of consolidated election services for the two City Council seats is approximately \$30,000. Funds are included in the proposed FY 2016-17 budget.

### **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. Service Agreement for the provision of election services

Report prepared by:  
Pamela Aguilar, City Clerk

**RESOLUTION NO.****RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK CALLING AND GIVING NOTICE OF HOLDING A GENERAL MUNICIPAL ELECTION FOR TWO CITY COUNCIL SEATS; REQUESTING ELECTION CONSOLIDATION WITH THE PRESIDENTIAL GENERAL ELECTION TO BE HELD ON NOVEMBER 8, 2016; AND CONTRACTING WITH THE SAN MATEO COUNTY CHIEF ELECTIONS OFFICER FOR ELECTIONS SERVICES**

WHEREAS, the City Council of Menlo Park is calling a General Municipal Election to be held on Tuesday, November 8, 2016, for the purpose of electing two City Council members for full four-year terms; and

WHEREAS, the General Municipal Election is to be consolidated with the Presidential General Election to be held on the same date and that the City precincts, polling places and election officers of the two elections be the same, and that the San Mateo County Assessor-County Clerk-Recorder canvass the returns of the General Municipal Election and that the election be held in all respects as if there were only one election.

NOW, THEREFORE BE IT RESOLVED that the City of Menlo Park orders as follows:

1. Pursuant to California Elections Code Section 10403, the City Council of Menlo Park is hereby consenting and agreeing to the consolidation of a General Municipal Election with the Presidential General Election to be held on November 8, 2016.
2. That the election precincts, polling places, voting booths and election officials in each of the precincts in which this election shall be held shall be the same as provided for the Presidential General Election on said date, as prescribed by the ordinance, order, resolution or notice of the Board of Supervisors of San Mateo County calling, providing for or giving notice of such other election and which sets forth such precincts, voting booths, polling places and election officials.
3. The City Council further requests that the County Board of Supervisors permit County election official(s) be authorized to render services to the City relating to the conduct of said election. The services shall be of the administrative type normally performed by such County election official(s) in conducting elections including, but not limited to, checking registrations; printing and mailing sample ballots; ballots; candidates' statements; hiring election officers and arranging for polling places; providing and distribution of election supplies; and counting ballots and canvassing returns.
4. That the San Mateo Assessor-County Clerk-Recorder is hereby authorized to canvass the returns of the General Municipal Election, and that the election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

5. The City of Menlo Park recognizes that the costs incurred by the San Mateo Assessor-County Clerk-Recorder, by reason of this consolidation, will be reimbursed by the City of Menlo Park as specified in the Services Agreement that the City of Menlo Park is approving.
6. The City Clerk is hereby directed to submit a certified copy of this resolution to the Board of Supervisors of the County of San Mateo, and to the appropriate County election officials of San Mateo. The City Clerk is also directed to file a copy of the resolution with the San Mateo County Chief Elections Officer/County Clerk.
7. That the City Clerk shall certify to the passage and adoption of this resolution.

I, Pamela Aguilar, City Clerk of the City of Menlo Park, do hereby certify that the above and foregoing City Council resolution was duly and regularly passed and adopted at a meeting of said Council on the 21st day of June, 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 21st day of June, 2016.

Pamela Aguilar, CMC  
City Clerk

**SERVICE AGREEMENT FOR THE PROVISION OF ELECTION SERVICES  
BETWEEN THE CITY OF MENLO PARK AND  
SAN MATEO COUNTY CHIEF ELECTIONS OFFICER & ASSESSOR - COUNTY CLERK - RECORDER**

This agreement, entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by and between the City of Menlo Park (the "Municipality") and San Mateo County Chief Elections Officer & Assessor – County Clerk – Recorder (the "Chief Elections Officer");

WHEREAS, it is necessary and desirable that the Chief Elections Officer be retained for the purpose of conducting an election, described in more detail below, for the Municipality; and

WHEREAS, the Municipality has asked the Chief Elections Officer to conduct an election on November 8, 2016.

NOW, THEREFORE, IT IS HEREBY AGREED BY THE PARTIES HERETO AS FOLLOWS:

**SERVICES TO BE PERFORMED BY THE MUNICIPALITY:**

- 1) Within the time frame set by statute, the Municipality will request the Board of Supervisors, through the Chief Elections Officer, to conduct an election relating to the Municipality on November 8, 2016, and will request the services of the Chief Elections Officer in relation to that election.
- 2) The Municipality will publish the Notice of Election and the Notice to File Declarations of Candidacy for the offices to be voted on and/or the Notice to File Arguments For or Against any measure.
- 3) The Municipality will submit to the Chief Elections Officer the titles and exact number of offices to be voted on, the names and ballot designations of the candidates for those offices, and/or the exact ballot measure wording to be voted on by the 85<sup>th</sup> day prior to the election, or by the 81<sup>st</sup> day prior to the election if Sections 10225, 10229 and 10407 of the Elections Code become applicable.
- 4) The Municipality will prepare and deliver to the Chief Elections Officer the ballot pamphlet information containing, as applicable, candidate designations and statements, ballot measure(s), tax rate statement(s), impartial analyses, arguments for or against measures and rebuttals thereto.
- 5) The Municipality will review and sign off on the official ballot wording for measures.
- 6) The Municipality will complete any other non-delegable tasks required by law in relation to the election.
- 7) The Municipality shall maintain records/maps regarding the boundaries of the Municipality and will notify the Chief Elections Officer of any changes/additions to those boundaries.

**SERVICES TO BE PERFORMED BY CHIEF ELECTIONS OFFICER:**

- 1) The Chief Elections Officer will select the sample and official ballot printer(s) and translators.
- 2) The Chief Elections Officer will prepare and deliver all election information to the printers and translators.
- 3) The Chief Elections Officer will determine the appropriate translation and transliteration of all pertinent documents.
- 4) The Chief Elections Officer will issue, receive and process vote by mail ballots.
- 5) The Chief Elections Officer will set up ADA compliant voting centers and polling places, publish any required notices and conduct the election.
- 6) The Chief Elections Officer will provide services for any official recount or election contest, if applicable.

- 7) The Chief Elections Officer will conduct all aspects of the Canvass of Votes Cast. Pursuant to Section 10262 of the Elections Code, the Chief Elections Officer will submit a Certificate of Chief Elections Officer to the Municipality's governing body certifying the results of the election.
- 8) The Chief Elections Officer will conduct other various and miscellaneous election-related activities directly required to conduct the election itself. To the extent that the Municipality has obligations under law to perform various duties that relate to the election beyond those directly involved with conducting the election, those duties remain the responsibility of the Municipality. If the Municipality wishes to have any such duties performed by the Chief Elections Officer, the parties must mutually agree in advance in writing to have the Chief Elections Officer perform such duties. By way of example only, if the Municipality is required to send certain notices or adopt resolutions relating to the election, those duties remain duties of the Municipality.

**TERMS**

This agreement shall be in effect for the performance of all services incident to the preparation and conduct of the election to be held on November 8, 2016.

In the event the Chief Elections Officer is unable to perform services required under this Agreement as a result of employer/employee relation conditions, vendor conditions, or other conditions beyond the control of the Chief Elections Officer, the Chief Elections Officer will be relieved of all obligations under this Agreement. The Chief Elections Officer may terminate this agreement after giving 72 hours written notice, at which time the Chief Elections Officer will be relieved of all obligations under this agreement.

This agreement can be terminated by either party upon 30 days written notice.

**COST FOR SERVICES**

In consideration of the performance of services and supplies provided by the Chief Elections Officer, including any and all costs incurred during a recount or election contest that are not reimbursed by the voter requesting the recount or filing the contest as specified in the Elections Code, the Municipality shall pay to the Chief Elections Officer a sum equal to the full cost of the election, including all such services and supplies.

The Chief Elections Officer shall send an itemized invoice to the Municipality for all services provided pursuant to this Agreement after the election is conducted and all related costs are determined. Payment on the full amount of the invoice shall be due and the Municipality shall submit payment to the County of San Mateo within forty-five (45) days of the date of the invoice (the "Due Date"). If the amount is not paid in full within this time, interest shall accrue monthly at a rate of 0.25% per month (equivalent to 3% annually) on the unpaid balance starting at the Due Date. Thereafter, invoices will be sent and shall be payable within thirty (30) days of the date of the invoice, with interest being added each month for any unpaid balance.

**MUNICIPALITY**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

**COUNTY**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_



## STAFF REPORT

### City Council

**Meeting Date:** 6/21/2016  
**Staff Report Number:** 16-110-CC

**Consent Calendar:** **Authorize City Manager to execute a professional services agreement with R3 Consulting Group for a Zero Waste Plan in the amount of \$50,000 and a Solid Waste Services Rate Study in the amount of \$175,000 for a total of \$225,000**

### Recommendation

Staff recommends that the City Council use Solid Waste funds to authorize the City Manager to execute a professional services agreement that encompasses two projects:

1. A professional services agreement in the amount of \$50,000, with R3 Consulting Group to develop a communitywide Zero Waste Plan, contingent upon budget approval of the Capital Improvement Program (CIP) for Fiscal Year (FY) 2016-17; and
2. A professional services agreement, in the amount of \$175,000, with R3 Consulting Group to conduct a rate structure study for solid waste services, which was authorized for FY 2015-16.

### Policy Issues

The City Council has previously provided direction to staff to procure consultant help to develop a communitywide zero waste policy (City Council Work Plan item number four) and to conduct a rate structure study for solid waste services.

### Background

On February 9, 2016, the City Council approved the 2016 City Council Work Plan. Under the title Realizing Menlo Park's vision of environmental leadership and sustainability, the Work Plan established developing a Community Zero Waste Policy Draft as an important priority. The Zero Waste Plan will provide a roadmap for the community to reduce landfilled waste by 90% through waste prevention, recycling and composting, and thus reduce Greenhouse Gas (GHG) emissions, per the City's Climate Action plan (CAP). The Zero waste plan will include community engagement, program recommendations, and estimates of any cost implications of the programs recommended over a long-term planning horizon.

As a result of inclusion in the City Council Work Plan, the Community Zero Waste Plan is included in the CIP project list for FY 2016-17 in the amount of \$50,000. The CIP for FY 2016-17 is scheduled for adoption during the regular business portion of the June 21, 2016 City Council Meeting. If approved, the CIP budget will provide funding for this project.

Also on February 9, 2016, the City Council authorized the City Manager to execute a professional services agreement, in an amount not-to-exceed \$175,000, with a qualified consultant to conduct a five-year rate study for solid waste services.

In order to efficiently complete both projects and take advantage of synergies between the two projects, City staff released a combined Request For Proposals (RFP) for both the Zero Waste Plan and Rate Structure Study. Proposals were received from three teams composed of 8 consulting firms. Staff reviewed the proposals in detail and conducted interviews with all three proposer teams.

Each of the teams provided a scope of work and detailed cost estimate. Only one of the teams proposed a contingency amount, which staff viewed as a good planning tool, but did not include in the estimated price comparison. The contingency proposed was 5% or approximately \$10,000.

### Analysis

All three proposals were similar in price and complied with the RFP requirements, but one team stood out as most clearly prepared to successfully complete the projects, both in the proposal and interview stages of the competition.

Below is a summary of the evaluation rankings and estimated costs from each of the proposer teams.

Team	Evaluation Rank	Total (without contingency)
R3 Consulting Group/Cascadia/Abbe & Associates	1	\$214,210
HF&H Consultants/CirclePoint	2	\$224,844
SloanVazquezMcAfee/CH2M/SCS Engineers	3	\$212,180

The following attributes led to staff's selection of the team led by R3 Consulting Group:

1. A clear, specific plan to move the projects successfully to completion
2. Clearly articulated community engagement methodology that provides greater stakeholder input
3. Demonstrated understanding of rate structure and rate setting methodologies required to combine the City's objectives of moving forward with zero waste policy and moving toward cost of service based rates
4. An innovative approach to completing the two projects in an integrated manner
5. No mark up on subcontractor's work
6. Lowest per-hour rates by employee type

### Impact on City Resources

No additional funds are being requested. Funds for the Zero Waste Plan are expected to be approved as part of the CIP this evening, and funds for the Solid Waste Rate Structure Study were approved for FY 2015-16. City staff have planned time to manage the projects, and no additional funds are being requested at this time. If the Zero Waste Plan is not approved as part of the CIP this evening, staff will bring the funding request back to City Council.

### Environmental Review

An Environmental Review is not required for this item.



**Public Notice**

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

**Attachments**

No Attachments

Report prepared by:

Heather Abrams, Environmental Programs Manager

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## STAFF REPORT

### City Council

Meeting Date:

6/21/2016

Staff Report Number:

16-111-CC

### Consent Calendar:

**Authorize the City Manager to enter into an agreement with Bay Area Water Supply and Conservation Agency (BAWSCA) not to exceed \$80,000 to provide direct rebates to residents and businesses for the Lawn Be Gone program**

### Recommendation

Staff recommends that the City Council:

1. Authorize the City Manager to sign the attached Lawn Be Gone program agreement with Bay Area Water Supply and Conservation Agency (BAWSCA) for Fiscal Year (FY) 2016-17 for \$80,000; and
2. Pre-authorize the City Manager to sign Lawn Be Gone program agreements for FY 2017-18 through FY 2021-22 as long as the annual program budget does not exceed the budgeted amount

### Policy Issues

A total of \$80,000 has been budgeted FY 2016-17 for Lawn Be Gone rebates. This action is consistent with the FY 2016-17 budget and previous FY 2015-16 staff reports to the City Council. In addition, by pre-authorizing the City Manager to sign Lawn Be Gone program agreements for FY 2017-18 through FY 2021-22, staff can continue to renew the program automatically.

### Background

Each year, BAWSCA asks member jurisdictions to sign agreements committing the amount of funding they will provide for Lawn Be Gone rebates. The approved FY 2016-17 budget includes \$80,000 in funding for Lawn Be Gone rebates. The City Budget for FY 2016-2017 is scheduled for adoption during the regular business portion of the June 21, 2016 City Council Meeting. If approved, the budget will provide funding for this project.

The attached agreement shows that the City will provide up to \$80,000 in Lawn Be Gone rebates. The City allocates up to \$2.00 per square foot, for a total of \$40,000 for residential Lawn Be Gone and \$40,000 for commercial Lawn Be Gone rebates, as discussed in City Council report # 14-194 on November 18, 2014, which is accessible at <http://menlopark.org/DocumentCenter/View/5781>.

### Analysis

Individual rebates are paid by the City directly to participating residents and businesses, after they have passed pre- and post-project inspections and submitted receipts for the landscaping work performed. The average rebate awarded to residential customers is less than \$3,000, while commercial rebates awarded vary based on the size of the property. Currently, in FY 2015-16, Lawn Be Gone participants have converted a total of 37,020 square feet of lawn, which is estimated to save 962,520 gallons of water

annually.

By continuing to implement Lawn Be Gone and the City's other water saving programs and initiatives, Menlo Park can continue to be a leading City for water conservation. Recently, Menlo Park received the 2016 Silicon Valley Water Conservation Award for California's highest cumulative water savings of 47%, exceeding its Conservation Standard of 16% by 31.5%.

### **Impact on City Resources**

There are no additional City resources required. Funds and staff time for the Lawn Be Gone program have been included in the regular City water budget. If the City's water operating expenses are not approved as part of the budget this evening, staff will bring the funding request back to City Council. In future fiscal years, staff may request an increased Lawn Be Gone budget if program demand continues to increase.

### **Environmental Review**

No environmental review is required for this project.

### **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. BAWSCA Lawn Be Gone Agreement FY 2016-17

Report prepared by:  
Vanessa Marcadejas, Environmental Services Specialist

Reviewed by:  
Heather Abrams, Environmental Services Manager

**BAY AREA WATER SUPPLY AND CONSERVATION AGENCY**

**PARTICIPATION AGREEMENT FOR THE LAWN BE GONE! REBATE PROGRAM  
FOR JULY 1, 2016 THRU JUNE 30, 2017**

The Bay Area Water Supply and Conservation Agency (BAWSCA) administers a rebate program for the replacement of turf with water-efficient landscaping. The Lawn be Gone! Rebate Program (Program) will offer a rebate to customers of **\$1.00 to \$4.00 per square foot** of turf replaced, depending on the rebate amount provided by the Participating Agency. For the FY 2016-17, there will be no cap on the maximum rebate amount; however each application is subject to participating agency pre-approval and funding availability. Participation in this Program provides BAWSCA members a way to offer their customers an incentive, to reduce their outdoor water use.

The Program will run from July 1, 2016 through June 30, 2017. This Program will be administered by BAWSCA, but participating member agencies will conduct all pre- and post- inspections, process payments for all rebate applications, and issue all rebates in-house. Below is an outline of the respective roles of BAWSCA and the participating member agencies under this Program.

BAWSCA's Role:

1. Overall Program management and coordination.
2. Coordination of Program material development and production and distribution of Program materials to participating agencies.
3. Receipt of customer applications for BAWSCA service area, entering specific data into an online database system, and distribution of applications to appropriate member agencies.
4. Maintain online database of Program-wide data with tracking and reporting by agency.
5. Regional promotion of Program, including website development and hosting.
6. Conduct Proposition 84 grant administration, reporting and disbursement.

Participating Agency's Role:

1. Agreement to all Program rules and conditions of this application (Program rules are attached).
2. Local promotion of Program, including distribution of Program materials within service area including to residential and non-residential customers and local nurseries.
3. In-house rebate processing (pay rebates, issue problem and denial letters, respond to all Program-related customer service calls forwarded by BAWSCA).
4. Submission of Program data to BAWSCA via the online database on a regular basis, and as needed to support the Proposition 84 grant administration.
5. Any field services such as pre- and post-installation inspections (at agency discretion).

This Program is eligible to receive funds as part of the BAWSCA Proposition 84 grant award. The grant will reimburse participating agencies up to \$0.75 per square foot rebated, as tracked in the BAWSCA on-line rebate processing system. Grant funds are limited and are available on a first come first serve basis. The actual reimbursement timeline and final amount will be dependent on BAWSCA's receipt of funds from the State.

**BAY AREA WATER SUPPLY AND CONSERVATION AGENCY**

**PARTICIPATION AGREEMENT FOR THE LAWN BE GONE! REBATE PROGRAM  
FOR JULY 1, 2016 THRU JUNE 30, 2017**

**Members who wish to participate in this Program for July 1, 2016 – June 30, 2017 should fill out the information below and sign this agreement and return it to BAWSCA, attention Andree Johnson, no later than July 1, 2016.**

1. NAME OF AGENCY: City of Menlo Park
2. ADDRESS: 701 Laurel St. Menlo Park, CA 94025
3. CONTACT PERSON: Vanessa Marcadejas, Environmental Programs Specialist
4. PHONE: (650) 330-6768 5. FAX: ( ) N/A
5. E-MAIL: vamarcadejas@menlopark.org
6. MAXIMUM AGENCY BUDGET (7/1/16-6/30/17): \$80,000
7. REBATE AMOUNT:  \$1.00 per sq. ft.  \$2.00 per sq. ft.  \$4.00 per sq. ft.
8. CUSTOMER CLASS ELIGIBLE FOR REBATE:  RSF  RMF  CII
9. Please indicate whether your agency will issue rebate check or credit to water service account: Check
10. Please indicate which marketing materials and how many your agency would like:
  - 100 Lawn Be Gone! Brochure and Application (Hard Copy)
  - \_\_\_\_\_ Lawn Be Gone! Postcard (Hard Copy)
  - \_\_\_\_\_ Lawn Be Gone! Signage (Sign to put in converted yards)

By submitting this agreement, the agency agrees to all Program rules and conditions of this application, agrees to fulfill the participating agency role as defined above, and agrees to cooperate with BAWSCA generally in administering the Program. Participating member agencies can expect to pay a proportional share of BAWSCA staff time for Program administration, estimated at \$20.00 per rebate. An additional assessment for each participating agency's share of the online rebate system hosting and administration costs may also apply, estimated at \$927 per year. Agency also agrees to pay printing and associated shipping costs for the Program materials including the applications and/or postcards, as well as BAWSCA's costs to administer the Lawn Be Gone! portion of the Proposition 84 grant, estimated at up to a maximum total cost of \$10,000. Each agency's share of these costs will be allocated pro rata based on either the number of materials requested in item #11 of this agreement, or the number of rebates issued by the agency that are eligible for grant reimbursement. A list of all Program rules accompanies this application (see attached). If a change in administration of the Program is necessary that would incur additional expense, BAWSCA will inform participating agencies before proceeding.

\_\_\_\_\_  
*[Signature of authorized representative]*

Date: \_\_\_\_\_

Name: Alex McIntyre  
*[Please print]*

Title: City Manager

## ATTACHMENT 1: BAWSCA LAWN BE GONE! PROGRAM RULES

The following Terms and Conditions apply to the BAWSCA Lawn Be Gone! Program:

### I. Program Eligibility

- A. **Eligible Applicants:** The Program is available to customers (Applicants) who (1) purchase water from a participating BAWSCA Member Agency, (2) have a distinct meter to allow for evaluation of water savings, and (3) have an account in good standing.
- B. **Current Lawn Condition:** Lawn areas to be converted must be maintained and in healthy condition, and be irrigated by a sprinkler system in good working condition. The lawn area must be irrigated with water from the potable water system (i.e., not with private wells or recycled water).
- C. **Current Lawn Size:** A minimum of 200 square feet of lawn must be converted. Smaller projects will be considered if they eliminate 100% of the front, or publically-visible lawn, on the Applicant's property.
- D. **Pre-Conversion Site Inspection Requirement:** The Program Rebate Application must be submitted to BAWSCA and the Applicant must participate in a Pre-Conversion Site Inspection conducted by, or on behalf of, the participating BAWSCA Member Agency. Lawn removals or conversions that are initiated prior to a Pre-Conversion Site Inspection and the receipt of a Notice to Proceed from a participating BAWSCA Member Agency will not be eligible for this Program.

### II. Landscaping Requirements for Converted Areas

- A. **Fifty Percent (50%) Plant Cover Rule:** The converted area must include a sufficient number of plants to ensure at least 50% of the converted area is covered with plants, when fully grown. Plants outside the converted area are not considered in the plant coverage calculation even if they are adjacent to, or overhanging into, the converted area.
- B. **Plant Type Restrictions:** Plants installed in the converted area must be listed on the BAWSCA-Approved Plant List, or otherwise demonstrated to be low-water use. Applicants are encouraged to use native, non-invasive plants. For a copy of the BAWSCA-Approved Plant List please visit [www.BAWSCA.com](http://www.BAWSCA.com).
- C. **Impermeable Surfaces:** Impermeable surfaces, such as concrete, that do not allow water to penetrate into the ground, are not allowed in the converted area. Permeable hardscape is allowed, however, the 50% Plant Cover Rule still applies to the entire converted area. For clarification as to what qualifies as permeable hardscape, please visit [www.BAWSCA.com](http://www.BAWSCA.com).
- D. **Artificial Turf:** Rebates will not be provided for artificial turf that is installed within the converted area.
- E. **Mulch Requirements:** All planting areas within the converted area must have a minimum of three (3) inches of mulch. Please note that if a weed barrier is used below the mulch, it must be permeable to air and water.
- F. **Efficient Irrigation System Requirements:** An irrigation system is not required in the converted area. An existing sprinkler irrigation system in the converted area must be removed, capped in place, or converted to a low volume drip. A new irrigation system installed in the converted area must be low volume drip, equipped with proper backflow prevention, a rainfall shutoff valve, a pressure regulator, filter and pressure compensating emitters. The irrigation system in the converted area must be in good working order, and free of leaks and malfunctions. If only part of a lawn area is converted, the converted area must be irrigated on a separate valve from the remaining lawn. The sprinkler system for the remaining lawn must be modified to only irrigate the remaining lawn area and may not spray onto the converted area.

### III. Terms of the Rebate

- **Rebate Term:** Lawn Conversion Projects must be completed within four (4) months following receipt of the "Notice to Proceed" from the participating BAWSCA Member Agency. Because the goal of this program is to achieve significant and lasting water savings, the converted area must remain converted for at least three (3) years following receipt of the rebate. An Applicant may be charged for some, or all, of the rebate amount at the discretion of the participating BAWSCA Member Agency if the Applicant does not maintain the converted area in conversion. Notwithstanding the foregoing, this requirement is void upon transfer of ownership.

- **Rebate Amount:** The rebate amount is one dollar (\$1.00) to four dollars (\$4.00) per square foot of lawn converted (see Attachment A for participating BAWSCA Member Agencies and associated rebate amounts offered). The rebate amount is limited to actual costs incurred in completing the Lawn Conversion Project for plants, irrigation equipment, and other direct costs. There is no maximum rebate; however, each application is subject to participating agency pre-approval and availability of funds. Once a Lawn Conversion Project has been completed and approved, rebates will be issued to the Applicant. Rebates may be issued in the form of a check or a credit on the Applicant's water account.
- **Pre-Conversion Site Inspection:** Customers interested in participating in the Program must first submit an application to BAWSCA, including their proposed plant list for the converted area. The participating BAWSCA Member Agency will then, at the agency's discretion, accept that application and conduct a Pre-Conversion Site Inspection of the Applicant's site to measure the proposed conversion area and verify that the Applicant's proposed Lawn Conversion Project meets the Terms and Conditions. If the Applicant is approved, the participating BAWSCA Member Agency will issue a Notice to Proceed.
- **Post-Conversion Site Inspection:** The Applicant is responsible for notifying the participating BAWSCA Member Agency that the Lawn Conversion Project is complete and for scheduling a Post-Conversion Site Inspection. The participating BAWSCA Member Agency will then conduct the Post-Conversion Site Inspection to verify Program compliance. During the Post-Conversion Site Inspection Applicants are required to provide the following documents:
  - Final list of plants used in the Lawn Conversion Project.
  - Copy of receipts for plants, irrigation equipment, and other direct costs for the Lawn Conversion Project. Note that the rebate will not cover costs associated with labor and equipment rental.

If the Lawn Conversion Project fails the Post-Conversion Site Inspection, the Applicant will be given thirty (30) days, or the remainder of the four (4) month period, whichever is greater, to make the Lawn Conversion Project consistent with the Program Terms and Conditions. Once the Lawn Conversion Project has passed the Post-Conversion Site Inspection, the rebate will be issued to the Applicant. Rebates may be issued in the form of a check or a credit on the Applicant's water account.

- **Photography:** Photographs and/or video recordings may be taken of the Lawn Conversion Projects by BAWSCA and/or participating BAWSCA Member Agency staff as part of both the Pre- and Post-Conversion Site Inspections. Photographs and/or video recordings will only be taken of areas already visible from a public walkway. By accepting the rebate, the Applicant shall release to BAWSCA and the participating BAWSCA Member Agency, its agents, and employees all rights to exhibit those media in print and electronic form for any purpose in the normal course of business without compensation. The Applicant waives any rights, claims, or interests to control the likeness or identification used in whatever media used. The Applicant's personal identity shall not be published in any form other than the Applicant's address.
- **Additional Responsibilities of the Applicant:** BAWSCA and the participating Member Agencies enforce only the Terms and Conditions of this agreement. The Applicant is solely responsible for complying with any and all laws, regulations, policies, conditions, covenants and restrictions that may apply, and for any and all liabilities arising out of a Lawn Conversion Project. Applicants must comply with all local permitting requirements, and with all state and local laws relating to landscape maintenance and compliance with stormwater regulations.
- **Additional Requirements:**
  - Rebates for landscapes in new construction do not qualify.
  - Agency may require that an Applicant also have an Indoor Water Audit as part of pre-conversion site inspection.
  - All rebates are subject to availability of funds.
  - Rebates may take up to ten weeks to process.
  - If you need your original receipt(s) returned, please enclose a self-addressed, stamped envelope with your application.
  - Applicant certifies, per the signature of the property owner, that necessary permissions have been obtained from the property owner, if applicant is not the owner.



## Administrative Services



## STAFF REPORT

## City Council

**Meeting Date:** 6/21/2016  
**Staff Report Number:** 16-120-CC

**Consent Calendar:** Authorize the City Manager to execute an agreement for Kronos Workforce Ready Software as a Service in an amount not to exceed \$160,000 over three fiscal years

**Recommendation**

Staff recommends that the City Council authorize the City Manager to execute an agreement for Kronos's Workforce Ready Software as a Service's (SaaS) human resources, time keeping, accruals, and ACA manager modules in an amount not to exceed \$160,000 over three fiscal years.

**Policy Issues**

The cumulative three year commitment exceeds the City Manager's signing authority and requires City Council approval.

**Background**

In 2013, the City entered into an agreement with ADP to replace the City's home grown human resources management database with ADP Workforce Now suite of cloud-based software. The ADP Workforce Now implementation included ADP's Human Resources & Benefits (HRB) and Enterprise eTime (Time & Attendance) modules.

**Analysis**

The version of ADP's cloud-based Workforce Now currently in use by the City is outdated and must either be upgraded or replaced. Over the past several months staff has engaged in an informal selection process to assess whether an upgrade to the current ADP system is the best option moving forward. While the newer version of ADP's Workforce Now system may address a number of shortcomings experienced by human resources and payroll in recent years, staff has found that products more closely tailored to the needs of an organization similar to Menlo Park are available in the marketplace.

In the search for alternative human resources management and time and attendance systems, staff evaluated six different service providers using the following criteria:

- Design for public administration
- Ease of use
- Functionalities and features
- Flexibility to accommodate Menlo Park specific needs such as public safety personnel
- Reporting tool

- Security features
- Company's history & strength

Based on the above evaluation, Kronos Workforce Ready was most highly ranked in every criteria and provides new electronic services including, but not limited to, the following:

- Onboarding for new hires
- Employee self-service benefits management including open enrollment
- Performance Review
- Timesheet
- Request for Time Off
- Real-time paid time off accrual and tracking

The City's participation in the U.S. Communities program provides the ability to "piggyback" on a master agreement between U.S. Communities and Kronos. The price terms are very competitive in comparison to existing costs for the ADP alternative. Upon consideration of the approximate \$91,000, or 63%, cost savings of Kronos compared to ADP and further consideration that the Kronos Workforce Ready SaaS has demonstrated successful implementations in a number of agencies, staff recommends authorizing the City Manager to enter into an agreement with Kronos for Workforce Ready SaaS in an amount not to exceed \$160,000 over a three year term.

### **Impact on City Resources**

The cost of this contract is included in the 2016-17 budget and, once fully implemented, will result in annual cost savings to the City of \$91,000, or 63%, when compared to current cost for similar services provided by ADP.

### **Environmental Review**

Environmental review is not applicable.

### **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. Kronos Workforce Ready Order Form

Report prepared by:

Angela Lam, Management Analyst

Nick Pegueros, Administrative Services Director



## Workforce Ready Order Form

Date: 6/7/2016  
 Version #: 1  
 Expires: 7/1/2016

Customer PO #:  
 Salesperson: Nedim Pajevic

Bill To: Attn: Nick Pegueros  
 City of Menlo Park  
 701 Laurel Street  
 Menlo Park, CA. 94025

Ship To: Attn: Nick Pegueros  
 City of Menlo Park  
 701 Laurel Street  
 Menlo Park, CA. 94025

FOB: Shipping Point  
 Shipping Method: FedEx Ground  
 Currency: USD  
 Payment Terms: N30

Solution ID: 6138870  
 Email Contact: nmpegueros@menlopark.org  
 Phone #: 650-330-6635

This order entered into between the Customer and Kronos is subject to the terms and conditions of the Contract #14-JLR-003 dated March 18th, 2014 between the Lead Agency (acting as the "Owner") and Kronos Incorporated (as the "Contractor"), as amended.

Initial Term: One Year  
 Billing Start Date: 90 days from execution of Order Form  
 Renewal Term: One Year  
 Payment Terms: Net 30  
 Billing Frequency (unless otherwise noted, all invoices are due per the payment terms noted above):  
     SaaS Services for WFR: Monthly in Arrears  
     Equipment Purchase and Support: Upon execution of Order Form  
 Professional Services: Fixed Fee 1/3 at 30, 1/3 at 60, and 1/3 at 90 days

### SaaS Services

Item	License/Qty	Unit Price	Price
Workforce Ready Time Keeping	400	\$3.15	\$1,260.00
Workforce Ready Accruals	400	\$0.63	\$252.00
Workforce Ready HR	400	\$3.15	\$1,260.00
Workforce Ready ACA Manager	400	\$0.32	\$128.00
<b>Minimum Monthly Total:</b>			<b>\$2,900.00</b>

### Equipment - Purchase

Item	Qty	Unit Price	Total Price
Kronos InTouch 9000 H3, Standard, HID Prox	6	\$3,135.35	\$18,812.10
Touch ID Option for H1/H2/H3 InTouch	6	\$876.00	\$5,256.00
<b>Total Price:</b>			<b>\$24,068.10</b>

### Equipment - Purchase Support

Item	Duration	Total Price
DEPOT EXCHANGE SUPPORT SERVICE	1 YR	\$2,430.00
<b>Total Price</b>		<b>\$2,430.00</b>

### Accessories

Item	Qty	Unit Price	Total Price
NORTH AMERICA POWER KIT FOR EXTERNAL OUTLET, INTOUCH STD	6	\$0.00	\$0.00
<b>Total Price:</b>			<b>\$0.00</b>

### Setup Fees

Item	Total Price	
Workforce Ready Setup Fee	\$8,800.00	
<b>Total Price:</b>		<b>\$8,800.00</b>

### Quote Summary

Item	Total Price
Minimum Monthly Fee	\$2,900.00
Minimum Annual Fee	\$34,800.00
One Time Setup Fees	\$8,800.00
Total Equipment Purchase and Accessories Fee	\$26,498.10

NOTICES: All legal notices required to be given hereunder shall be in writing and shall be deemed given if sent to the addressee specified herein: (a) by either registered or certified United States mail, return receipt requested, postage prepaid, three days after such mailing; or (b) by national overnight courier service and addressed to the persons set forth herein, the next business day. All other notices, including notices of non-payment, may also be sent via facsimile or email, and will be deemed given on the day delivery is electronically confirmed.

### City of Menlo Park

By: \_\_\_\_\_  
 Name: \_\_\_\_\_  
 Title: \_\_\_\_\_  
 Date: \_\_\_\_\_

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## STAFF REPORT

### City Council

Meeting Date: 6/21/2016  
Staff Report Number: 16-117-CC

Consent Calendar: **Adopt a Resolution Accepting Dedication of a Tree Preservation Access Easement at 1010-1026 Alma Street from Robert W. Armstrong Revocable Trust and Authorize the City Manager to Sign the Tree Preservation Access Easement Agreement Required by Conditions of Approval of the Project**

### Recommendation

Staff recommends that the City Council adopt a resolution accepting the dedication of a tree preservation access easement at 1010-1026 Alma Street from Robert W. Armstrong Revocable Trust (Attachment A) and authorize the City Manager to sign the Tree Preservation Access Easement Agreement required by the conditions of approval of the project.

### Policy Issues

In order for the tree preservation access easement to be dedicated to the City for the purposes of preserving an existing heritage oak tree and ensuring compliance with the Heritage Tree Ordinance, it must be accepted by the City Council. City Council authorization is required to allow the City Manager to enter into the Tree Preservation Access Easement Agreement. The acceptance of the tree preservation access easement is pursuant to the conditions of approval for the 1010-1026 Alma Street project.

### Background

#### *Site location*

Using Alma Street in a north to south orientation, the subject site is located on the east side of Alma Street, between Ravenswood Avenue and Oak Grove Avenue, in the SP-ECR/D (El Camino Real/Downtown Specific Plan) zoning district.

#### *Planning Commission review*

On November 2, 2015, the Planning Commission unanimously approved the architectural control request to demolish two existing commercial buildings, and construct a new three-story non-medical office building with two underground parking levels at 1010-1026 Alma Street. The proposed development was approved at the Public Benefit Bonus level, which exceeded the Base level floor area ratio (FAR) for non-medical office uses on the subject site. The public benefit bonus proposal included the provision of public plazas along Alma Street, a small pavilion for a cafe, and a one-time financial contribution to the City.

The project site includes a 35.5-inch diameter heritage oak tree (tree #7) in the left side courtyard that features prominently along Alma Street. The Specific Plan, in certain zones, establishes both minimum and maximum side setbacks, in order to create a consistent building form. As an unintended consequence,

strict compliance with the 25-foot maximum side setback standard would necessitate the removal of tree #7. Pursuing a variance was considered; however, a variance could only be granted for up to 50 percent relief of any requirement, which in this case would allow up to a 37.5-foot side setback and would not account for the approximately 78 feet needed to preserve the tree. In order to allow a sufficient setback to preserve the tree, the requirement for a Tree Preservation Access Easement Agreement was included in the conditions of approval to allow the left side setback to be measured from the easement line and not from the property line. Furthermore, the conditions of approval require that the Tree Preservation Access Easement Agreement be recorded prior to the issuance of a demolition permit.

While staff recognizes that this is not an ideal solution, it does achieve the purpose of retaining the tree while meeting the development standards. Separately, as part of the Specific Plan biennial review, the Council has given staff direction to pursue an amendment to the Specific Plan (and/or the Zoning Ordinance) to specify that the 50 percent limit no longer apply to the maximum front and side setback requirements. If approved, such a change would potentially enable other projects to preserve heritage trees or address other unique site conditions, subject to case-by-case variance review. Staff anticipates bringing this and other Specific Plan amendments before the Council later this year.

### **Analysis**

The property at 1010-1026 Alma Street is owned by the Robert W. Armstrong Revocable Trust. The proposed easement would extend 54 feet from the left side property line, which would encompass the majority of tree #7's canopy. The easement would provide City staff access to inspect and ensure that tree #7 is preserved in accordance with the Heritage Tree Ordinance and the conditions of approval. Exhibits showing the location of tree #7 and the easement area are included in the Draft Tree Preservation Access Easement Agreement (Attachment B). As part of the agreement, the property owner will be responsible for maintaining and preserving tree #7, and any violation resulting in irreparable harm or death of the tree would require the planting of a new tree of equivalent value at the property owner's expense. The final easement description will be approved by the Contract City Attorney and Community Development Director.

The applicant and the City are also working on other easement dedications and abandonments associated with the approved project, including the dedication of access easements for the public plazas and public sidewalk, and the abandonment of an existing public utility easement, as required by the conditions of approval for the project. These requests will be brought to the Council separately at future meetings. The proposed tree preservation access easement is being brought forth for consideration ahead of the other easement requests due to the applicant's desire to move forward with obtaining a demolition permit.

### **Impact on City Resources**

The staff time associated with review and acceptance of the easement dedication and agreement are fully recoverable through fees collected from the applicant.

### **Environmental Review**

A conformance checklist, which analyzes the project in relation to the Specific Plan Environmental Impact Report (EIR) certified in June 2012, determined that the proposed project would not result in greater impacts than those identified for the Specific Plan EIR. Therefore, the proposed project is in conformance with the Specific Plan EIR.

**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. Draft Resolution Accepting a Tree Preservation Access Easement at 1010-1026 Alma Street from Robert W. Armstrong Revocable Trust
- B. Draft Tree Preservation Access Easement Agreement

Report prepared by:  
Jean Lin, Senior Planner

Report reviewed by:  
Arlinda Heineck, Community Development Director

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RESOLUTION NO. \_\_\_\_

**RESOLUTION OF THE CITY OF MENLO PARK ACCEPTING A TREE PRESERVATION ACCESS EASEMENT AT 1010-1026 ALMA STREET FROM ROBERT W. ARMSTRONG REVOCABLE TRUST**

The City of Menlo Park, acting by and through its City Council, having considered and been fully advised in the matter and good cause appearing therefore,

BE IT AND IT IS HEREBY RESOLVED by the City Council of the City of Menlo Park that the City Council does hereby accept the tree preservation access easement to preserve a heritage oak tree at 1010-1026 Alma Street from Robert W. Armstrong Revocable Trust:

BE IT AND IT IS HEREBY ALSO RESOLVED that the City Council authorizes the City Manager to sign the Tree Preservation Access Easement Agreement for said easement.

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

---

Pamela Aguilar  
City Clerk

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DRAFT | June 21, 2016

RECORDING REQUESTED BY  
AND RETURN TO:  
Community Development Department  
City of Menlo Park  
701 Laurel Street  
Menlo Park, CA 94025  
Attn: Community Development Director

---

(The space above this line for recorder’s use only)

Documentary Transfer Tax: \$-0- No apparent value  
“No fee required” (Government Code Section 6103 & 27383)  
Recorded for the benefit of the City of Menlo Park

**TREE PRESERVATION ACCESS EASEMENT AGREEMENT**

THIS TREE PRESERVATION ACCESS EASEMENT AGREEMENT (this “Agreement”) is entered into as of \_\_\_\_\_, 2016, by and between JANET LAROCHELLE AND JANET RASMUSSEN AS CO-TRUSTEES OF THE ROBERT W. ARMSTRONG REVOCABLE TRUST DATED JUNE 15, 1984 (“Grantor”) and CITY OF MENLO PARK, a municipal corporation (the “City” or “Grantee”).

**RECITALS**

A. Grantor owns that certain real property located in the City of Menlo Park, County of San Mateo, California, more particularly described in Exhibit A incorporated by reference (“Grantor’s Property”).

B. Chapter 13.24 of the Municipal Code of Menlo Park (the “Heritage Tree Ordinance”) requires the maintenance and preservation of oak trees that are native to California and that have a trunk with a circumference of 31.4 inches (diameter of ten (10) inches) or more, measured at fifty-four (54) inches above natural grade (a “Heritage Oak”).

C. A Heritage Oak is located on Grantor’s Property in the location shown on Exhibit B (“Grantor’s Heritage Oak”).

D. Grantor desires to grant to Grantee and Grantee desires to accept from Grantor a tree preservation access easement to provide additional protection to Grantor’s Heritage Oak and

to enable Grantee to enter a portion of Grantor's Property for the purposes of confirming that the owners and occupants of Grantor's Property are complying with the Heritage Tree Ordinance as it relates to Grantor's Heritage Oak as more particularly set forth below.

E. Grantor has applied to the City for approval of plans to develop Grantor's Property in a manner substantially consistent with the site plan shown on Exhibit C (the "Project"). On November 2, 2015, Grantor received the following discretionary approvals from the City for the Project: Architectural Control and Below Market Rate Housing Agreement subject to certain conditions of approval (the "Conditions of Approval"). Without limitation, the Conditions of Approval include conditions regarding the protection of the Heritage Oak and development of a public plaza in the vicinity of the Heritage Oak, among other conditions.

F. Consistent with the Conditions of Approval, Grantor and Grantee intend for the tree preservation access easement granted through this Agreement to be an "access easement" as that term is used in Menlo Park Municipal Code Section 16.04.600 for purposes of calculating the setback line from the eastern edge of Grantor's Property.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained in this Agreement and for other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Grantor and Grantee agree as follows:

## AGREEMENT

Grantor and Grantee agree and acknowledge that the above recitals are true and accurate, and are incorporated into this Agreement by this reference.

1. Grant of Tree Preservation Access Easement. Grantor hereby grants to Grantee a nonexclusive tree preservation access easement for the use and benefit of Grantee (the "Easement") over the portion of Grantor's Property described in Exhibit D incorporated by reference (the "Easement Area"), for the purposes of ensuring the preservation of Grantor's Heritage Oak and accessing the Grantor's Property to confirm that the owners and occupants of Grantor's Property are in compliance with the Heritage Tree Ordinance with respect to Grantor's Heritage Oak. The Easement shall burden Grantor's Property for the benefit of Grantee as an easement in gross to the Grantee, and it is a covenant that shall run with the land.

2. Reasonable Use. Grantee shall cooperate with Grantor and any other occupants of Grantor's Property in a reasonable manner in the use of the Easement by Grantee. Grantee shall provide at least twenty-four (24) hours' advance notice to Grantor prior to entering the Easement Area, and Grantee shall not unreasonably interfere with any activities being conducted on Grantor's Property. Any damage to Grantor's Property or improvements within the Easement Area arising from Grantee's exercise of the Easement shall be repaired by Grantee and Grantor's Property shall be restored to as near the original condition as possible at Grantee's sole cost and

expense; provided, however, that Grantee shall not be responsible for any claims, losses, costs, damages, or expenses caused by or arising in connection with any act or omission of Grantor, occupants of Grantor's Property, or other third parties not under Grantee's control or related to any pre-existing condition of Grantor's Property that existed prior to Grantee's entry under this Agreement unless caused by Grantee's negligence or willful misconduct. The Easement may be utilized only by Grantee's Director of Public Works and Director of Planning, or their designee, or successor officials, and only on foot. In no event shall Grantee bring or attempt to bring any vehicles, power equipment, or power tools onto the Easement Area in connection with the exercise of Grantee's rights under this Agreement.

3. Prohibited Acts. Grantor shall not perform, nor shall it knowingly or negligently allow its employees, contractors, tenants, or representatives to perform, any act or use within Grantor's Property or the Easement Area that are inconsistent with the preservation and maintenance of Grantor's Heritage Oak.

4. Nonexclusive Easement. The Easement is nonexclusive. Grantor retains the right to make any legal use of the Easement Area, including the right to install fencing, gates, walls, walkways, patios, and landscaping in the Easement Area, and to grant concurrent easements, leases, and licenses over the Easement Area to third parties so long as any improvements or other easements, leases, or licenses within the Easement Area are consistent with the Conditions of Approval. Nothing in this Agreement shall be deemed to be a modification of the Conditions of Approval, and in the event of an inconsistency between this Agreement and the Conditions of Approval, the Conditions of Approval shall control. No such improvements or other easements, leases or licenses may affect the Easement Area in a manner that prevents Grantee's access to Grantor's Heritage Oak unless approved in writing by Grantee, which approval shall not be unreasonably withheld.

5. Easement Enforcement. Prior to the issuance of the first demolition permit for the Project, Grantor shall cause the preparation of a valuation report that assesses the monetary value of Grantor's Heritage Oak as of the report's preparation date (the "Heritage Oak Replacement Cost"), subject to the review and approval of the City Arborist (the "Valuation Report"). The Heritage Oak Replacement Cost shall be calculated using the "Trunk Formula" method of valuation presented in the Guide for Plant Appraisal, 9th Edition, published by the International Society of Arboriculture, 2000, Ninth Edition. Grantor shall conduct all activities on Grantor's Property and within the Easement Area in accordance with the Conditions of Approval and good management practices that consider and promote the preservation and protection of Grantor's Heritage Oak at Grantor's sole responsibility and expense. If Grantee finds or discovers that Grantor is not maintaining Grantor's Heritage Oak consistent with the Conditions of Approval or good management practices in violation of this Agreement, Grantee shall give Grantor written notice of such violation (the "Violation Notice"). Grantor shall have thirty (30) days from receipt of the Violation Notice to cure the violation to the reasonable satisfaction of the Grantee. If Grantor fails to cure the violation or if such cure is not possible, and Grantor's Heritage Oak

experiences irreparable decline and/or dies as a result of the violation, at Grantee's option, Grantor shall either replace Grantor's Heritage Oak with a tree equal in value to Grantor's Heritage Oak or pay the City for the value of Grantor's Heritage Oak, where the value shall be as determined in the Valuation Report. If Grantee elects to have Grantor replace Grantor's Heritage Oak under the terms of this Section 5, the replacement tree shall be planted at the sole expense of the Grantor, and the size and species of the replacement tree shall be subject to review and approval of the City Arborist and Planning Division of the City.

6. Default, Cure, and Remedies. In the event of any breach of this Agreement by a party, the non-breaching party may give the breaching party written notice describing the breach and thirty (30) days in which to cure. Should the breaching party fail to cure such breach within the thirty (30) day cure period, the non-breaching party may take any action available to it in law or in equity.

7. No Waiver. The failure of Grantee to enter the Easement Area or enforce at any time any provision of this Agreement shall not be construed to be a waiver of any provision of this Agreement, nor in any way to affect the validity of this Agreement or Grantee's right to enforce this Agreement in full at any time. No waiver of any breach of this Agreement shall be held to constitute a waiver of any other or subsequent breach.

8. Successors and Assigns. All of the benefits and burdens of this Agreement shall run with the land and all of the covenants in this Agreement shall apply to and be binding in all respects upon any future owners of Grantor's Property for the benefit of Grantee. Each covenant runs with Grantor's Property and will be binding on each successive owner during his, her, or its ownership of any portion of the land affected by this Agreement and on each person having any interest in any portion of Grantor's Property derived through any owner thereof. Grantee shall have no right to assign this Agreement or any of its rights hereunder. Any attempted assignment by Grantee shall be void and of no force or effect.

9. Amendment or Termination. This Agreement may be cancelled, modified or amended only by mutual consent of Grantor and Grantee in writing and signed by both parties. Either party may withhold such consent in its sole and absolute discretion. For purposes of this Agreement, the City Manager or designee shall be authorized to give written consent on Grantee's behalf. Notwithstanding the foregoing, Grantee acknowledges and agrees that in the event that the El Camino Real/Downtown Specific Plan, or other applicable law, is amended to provide an exception to the minimum setback requirements for the protection of trees that is applicable to Grantor's Heritage Oak, nothing in this Agreement shall prevent Grantor from submitting a request for any discretionary approval, as necessary, to allow any applicable exception to the minimum setback requirements to be applied to the Grantor's Property, provided that the City may approve or reject any such approval in its sole and unfettered discretion. Upon obtaining the required approval, this Agreement shall terminate and Grantee promptly thereafter shall execute and record a quitclaim deed relinquishing Grantee's rights under this Agreement.

10. Entire Agreement. This Agreement, the exhibits attached hereto and incorporated by reference constitute the entire agreement between Grantor and Grantee relating to the Easement. Any agreements, promises, negotiations, or representations between the parties relating to the Easement not expressly set forth or incorporated by reference in this Agreement are of no force and effect.

11. Further Assurances and Documents. The parties agree (a) to furnish upon request to each other such information, (b) to execute and deliver to each other such documents, and (c) to do such other acts and things, all as the other party may reasonably request with the purpose of carrying out the intent and provisions of this Agreement.

12. Notice. All notices, consents, waivers, and other communications required or permitted by this Agreement shall be in writing and shall be deemed given to a party when delivered. Notices to Grantor, or any future owner of Grantor's Property, shall be delivered to the billing address of Grantor's Property as shown in the records of the San Mateo County Tax Collector. Notices to Grantee shall be delivered to the Clerk of the City of Menlo Park.

13. Authority. Each person purporting to execute this Agreement on behalf of a party represents and warrants to the other party that he or she has the full power and authority to enter into this Agreement on such party's behalf.

14. Construction. The section headings are inserted only for purpose of reference. Such captions shall not affect the scope, meaning or intent of the provisions of this Agreement nor shall such headings otherwise be given any legal effect. All references to "Section" or "Sections" refer to the corresponding section or sections of this Agreement. All words used in this Agreement shall be construed to be of such gender or number as the circumstances require. Unless otherwise expressly provided, the word "including" does not limit the preceding word or terms. This Agreement or any provision thereof shall not be interpreted or construed against any party to this Agreement because that party or any attorney or representative for that party drafted this Agreement or any provision thereof or participated in the drafting of this Agreement or such provision. This Agreement shall be interpreted in accordance with its fair meaning and not for or against any of the parties.

15. Recordation. Grantee shall promptly record this Agreement in the office of the recorder of the County of San Mateo and notify Grantor through the mailing of a conformed copy of the recorded Agreement to Grantor.

16. Counterparts; Multiple Originals. This Agreement may be signed in one or more counterparts, which shall be signed in the aggregate by both parties; each counterpart shall be deemed an original instrument as against any party who has signed it.

17. Exhibits. The following exhibits are attached to this Agreement and incorporated into the Agreement by reference:

- Exhibit A: Legal Description of Grantor's Property
- Exhibit B: Location of Grantor's Heritage Oak
- Exhibit C: Project Site Plan
- Exhibit D: Description of Easement Area

*[Signatures on following page]*



IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first written above.

GRANTOR

GRANTEE

CITY OF MENLO PARK, a political  
subdivision of the State of California

\_\_\_\_\_  
Janet LaRochelle as Co-Trustee of the Robert  
W. Armstrong Revocable Trust Dated June 15,  
1984

By: \_\_\_\_\_  
Name: Alex D. McIntyre  
Title: City Manager

\_\_\_\_\_  
Janet Rasmussen as Co-Trustee of the Robert  
W. Armstrong Revocable Trust Dated June 15,  
1984

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Name: Barbara E. Kautz  
Title: Contract City Attorney

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 \_\_\_\_\_ )

On \_\_\_\_\_, before me, \_\_\_\_\_, Notary Public, 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 and official seal.

\_\_\_\_\_  
Name: \_\_\_\_\_  
Notary Public

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 \_\_\_\_\_ )

On \_\_\_\_\_, before me, \_\_\_\_\_, Notary Public, 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 and official seal.

\_\_\_\_\_  
Name: \_\_\_\_\_  
Notary Public

EXHIBIT A

LEGAL DESCRIPTION OF GRANTOR'S PROPERTY

Real property in the City of Menlo Park, County of San Mateo, State of California, described as follows:

BEING ALL OF LOTS 27, 28, 29, 30 AND 31, AS DESIGNATED ON THE MAP ENTITLED "MENLO SQUARE MAP NO. 2 MENLO PARK, SAN MATEO COUNTY, CALIF." WHICH MAP WAS FILED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SAN MATEO, STATE OF CALIFORNIA ON MARCH 15, 1948 IN BOOK 28 OF MAPS AT PAGE 47 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 31 AS SAID LOT IS SHOWN ON THE ABOVEMENTIONED MAP;

THENCE SOUTH 51°56'00" EAST, A DISTANCE OF 250.00 FEET ALONG THE NORTHEASTERLY RIGHT-OF-WAY LINE OF ALMA STREET TO A POINT ON THE SOUTHEASTERLY LINE OF LOT 27 AS SAID LOT IS SHOWN ON THE ABOVEMENTIONED MAP;

THENCE LEAVING SAID NORTHEASTERLY LINE OF ALMA STREET ALONG THE SOUTHEASTERLY OF LOT 27, NORTH 38°04'00" EAST, A DISTANCE OF 115.00 FEET TO THE NORTHWEST CORNER OF LOT 27;

THENCE ALONG THE NORTHEASTERLY LINE OF LOTS 27, 28, 29, 30 AND 31, NORTH 51°56'00" WEST, A DISTANCE OF 250.00 FEET TO THE NORTHWEST CORNER OF LOT 31 AS SHOWN ON THE ABOVEMENTIONED MAP;

THENCE ALONG THE NORTHWESTERLY LINE OF LOT 31, SOUTH 38°04'00" WEST, A DISTANCE OF 115.00 FEET TO THE POINT OF BEGINNING.

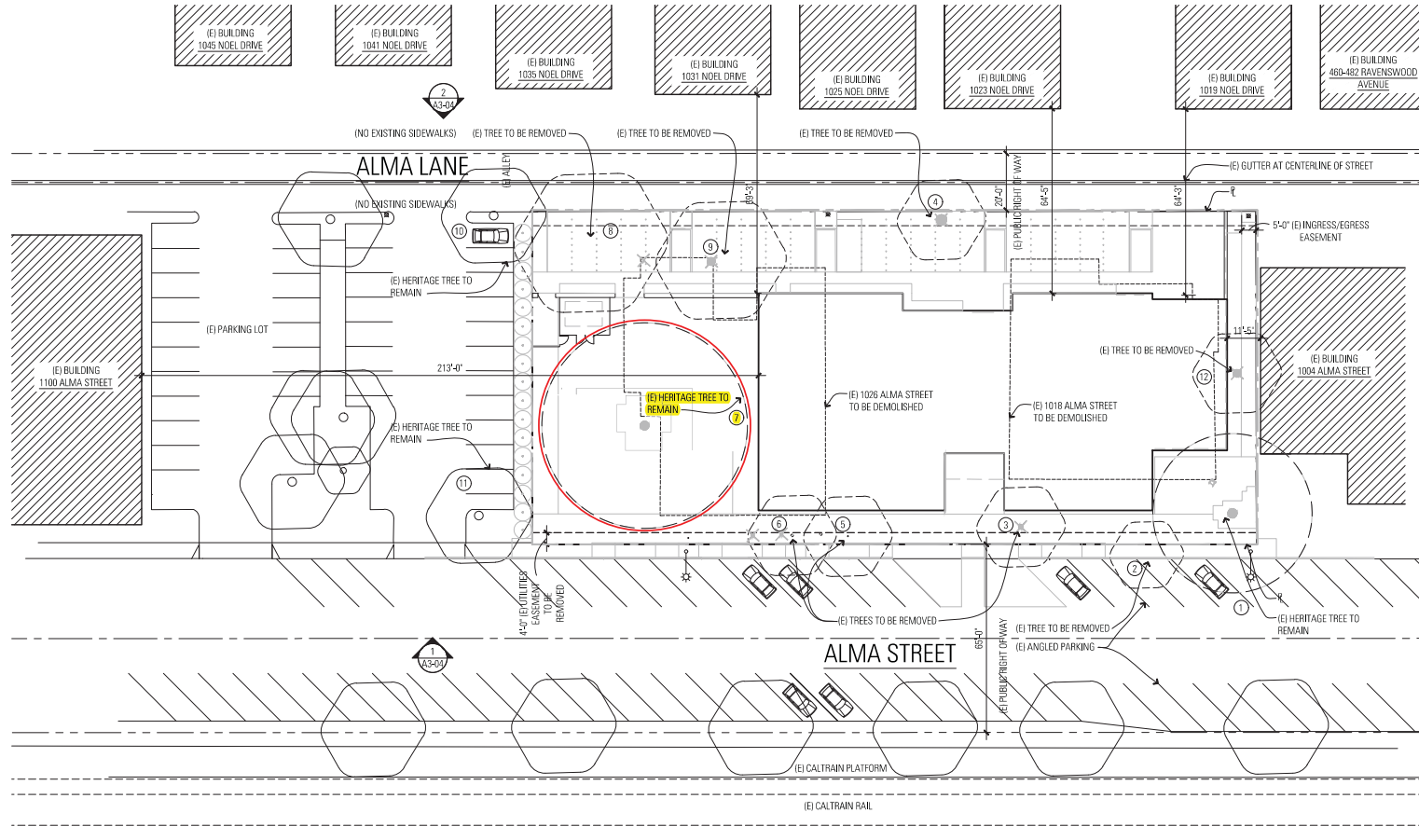
AND BEING THE SAME PROPERTY DESCRIBED IN THAT CERTAIN NOTICE OF MERGER RECORDED NOVEMBER 24, 2015 AS INSTRUMENT NO. 2015-124671, OFFICIAL RECORDS.

APN: 061-412-450

JPN: 061-041-412-17 THROUGH 20

EXHIBIT B

LOCATION OF GRANTOR'S HERITAGE OAK



EXISTING TREE LEGEND		
ARBORIST REPORT #	DBH IN.*	SPECIES
①	36	Quercus agrifolia
②	11	Prunus caroliniana
③	14	Pyrus kawakamii
④	20, 21.5, 5.5	Ailanthus altissima
⑤	9.5	Olea europaea
⑥	9.5	Olea europaea
⑦	35.5	Quercus agrifolia
⑧	9.8	Pyrus kawakamii
⑨	33	Quercus agrifolia
⑩	20.5	Ulmus parviflora
⑪	15.5	Ulmus parviflora
⑫	7, 7.5, 6, 5.5, 4	Prunus laurocerasus

\*NOTE: DBH IN. IS TREE DIAMETER IN INCHES MEASURED AT 54 INCHES ABOVE AVERAGE SOIL GRADE

ALMA STATION

MENLO PARK, CA

AREA PLAN



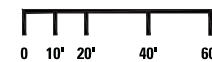
901 Battery Street, Suite 300 | San Francisco, CA 94111 | 415.293.5700 | www.bararch.com



644 Menlo Ave, Suite 204 Menlo Park, CA 94025  
650.838.0100 650.838.0900 fax

14035

10.21.15



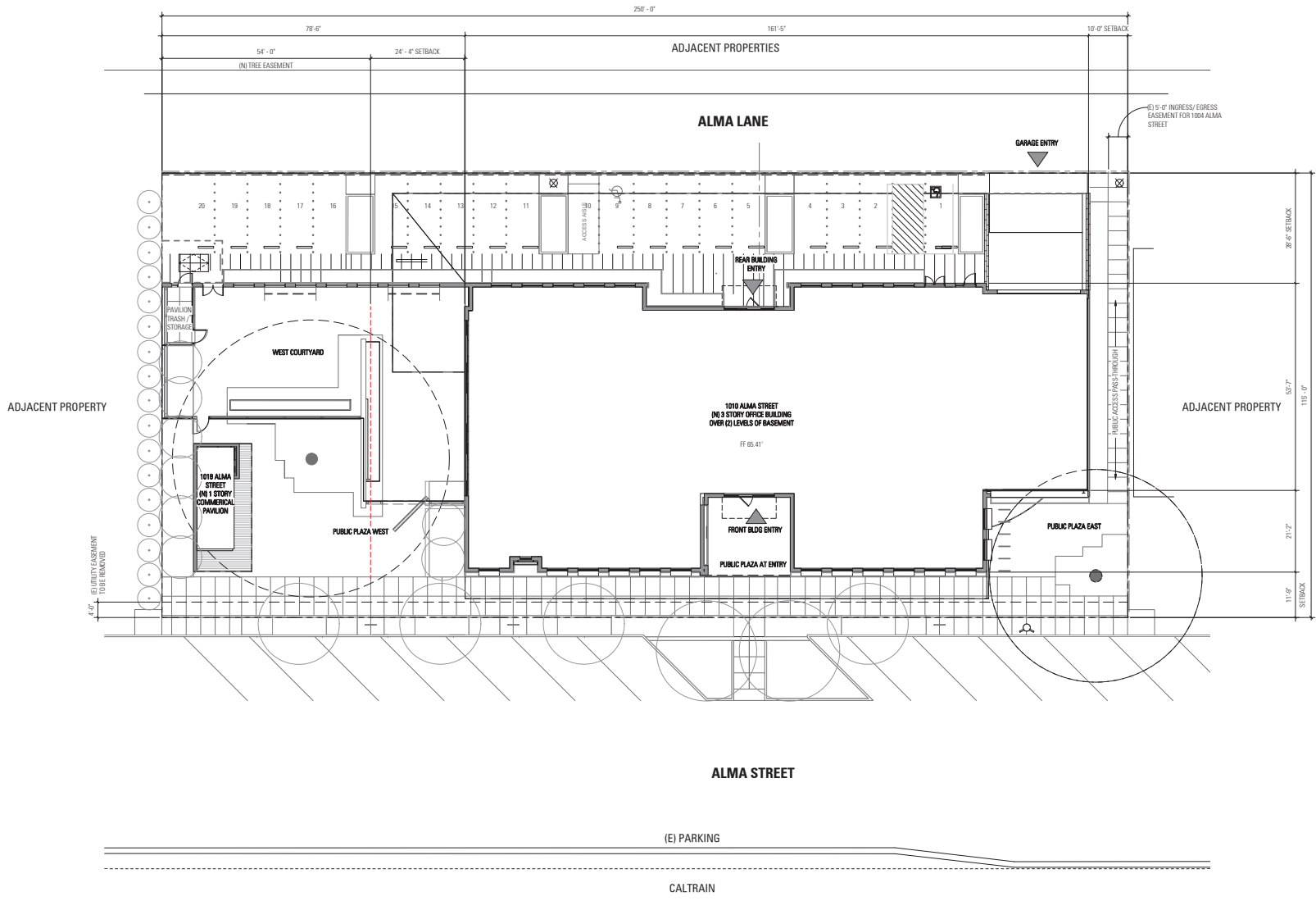
A1-02

*DRAFT /June 21, 2016*

EXHIBIT C

PROJECT SITE PLAN

1677\07\1772153.7



1 TREE EASEMENT DIAGRAM  
3/22' - 1/1"

# ALMA STATION

1018 ALMA STREET, MENLO PARK, CA 94025

# TREE EASEMENT EXHIBIT



*DRAFT / June 21, 2016*

EXHIBIT D

DESCRIPTION OF EASEMENT AREA

1677\07\1772153.7

**EXHIBIT "D"**  
**LEGAL DESCRIPTION**  
**TREE PRESERVATION ACCESS EASEMENT**

An easement over that certain real property in the City of Menlo Park, County of San Mateo, State of California more particularly, described as follows:

**BEGINNING** at the westerly corner of Lot 31 as shown on that certain parcel map entitled "Menlo Square Map No. 2" filed for record in Book 28 of Maps, Pages 47, San Mateo County Records;

THENCE, northeasterly along the northwesterly line of said Lot 31 North 38°04'00" east, 115.00 feet, to the southwesterly line of an alley as shown on said map;

THENCE, southeasterly along the last said line, South 51°56'00" East, 54.00 feet;

THENCE, southwesterly along a line parallel to and distance 54.00' southeasterly from said northwesterly line of Lot 31, South 38°04'00" West, 115.00 feet to a point on the northeasterly line of Alma Street as shown on said map;

THENCE, northwesterly along last said line, North 51°56'00" West, 54.00 feet to the **POINT OF BEGINNING**.

The described area containing 6,210 square feet more or less, and being all of Lot 31 and a portion of Lot 30 as shown on said map.

The above described area is shown on the accompanying plat, labeled Exhibit "B" attached hereto and made a part hereof.

This description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyors Act.

  
\_\_\_\_\_



Kenneth M. Anderson, PLS 7523

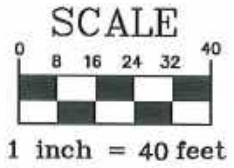


Sheet 1 of 1

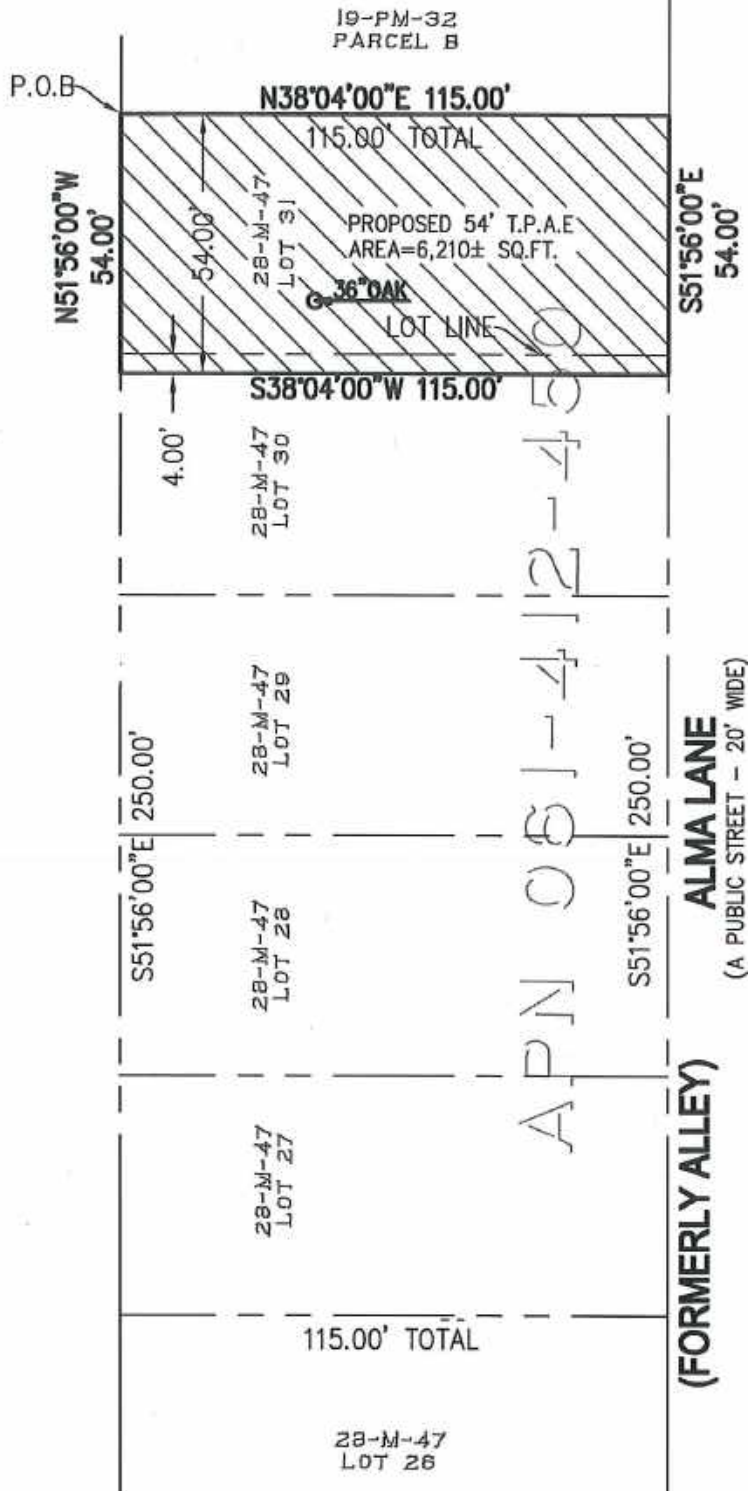
X:\P\214080\Survey\MAPPING\Tree Preservation Access Easement\TREE PRESERVATION ACCESS EASEMENT-LEGAL.docx

# LEGEND

-  PROPERTY LINE
-  PROPOSED TREE PRESERVATION ACCESS EASEMENT
- P.O.B. POINT OF BEGINNING
- T.P.A.E. TREE PRESERVATION ACCESS EASEMENT



**ALMA STREET**  
(A PUBLIC STREET - 65' WIDE)



PLAT TO ACCOMPANY LEGAL DESCRIPTION

EXHIBIT D



**SANDIS**

CIVIL ENGINEERS  
SURVEYORS  
PLANNERS

1700 Winchester Boulevard, Campbell, CA 95008 | P. 408.636.0900 | F. 408.636.0999 | www.sandis.net

SILICON VALLEY TRI VALLEY CENTRAL VALLEY SACRAMENTO EAST BAY SF

DATE: 6/14/16  
SCALE: 1"=40'  
DRAWN BY: BC  
APPROVED BY: KA  
DRAWING NO.: 214080

APN: 081-412-450  
TREE PRESEVATION  
ACCESS EASEMENT  
MENLO PARK CA

SHEET

1

OF 1 SHEETS

TREE PRESERVATION ACCESS EASEMENT 214080

Segment #1 : Line

Course: S38°04'00"W Length: 115.00'

Segment #2 : Line

Course: N51°56'00"W Length: 54.00'

Segment #3 : Line

Course: N38°04'00"E Length: 115.00'

Segment #4 : Line

Course: S51°56'00"E Length: 54.00'

---



Perimeter: 338.00' Area: 6210.00 Sq. Ft.



## STAFF REPORT

### City Council

Meeting Date:

6/21/2016

Staff Report Number:

16-108-CC

### Consent Calendar:

**Authorize the City Manager to accept a grant for fiscal year 2016-17 of up to \$270,000 from Silicon Valley Community Foundation to implement The Big Lift at the Belle Haven Child Development Center, to execute a contract to enhance services to complete the scope of work and to allocate matching funds of \$13,500 from the General Fund**

### Recommendation

Staff recommends that the City Council authorize the City Manager to execute a contract with Silicon Valley Community Foundation for reimbursement to the City of up to \$270,000 for enhancing full day child care services at the Belle Haven Child Development Center (BHCDC) and to allocate matching funds of \$13,500 from the General Fund for fiscal year 2016-17.

### Policy Issues

The recommendation does not represent any change to existing City policy as the BHCDC already receives substantial grant funding.

### Background

The City of Menlo Park has operated the BHCDC for over 30 years. The Belle Haven Child Development Center is licensed by the State Department of Social Services to provide quality child development services to families in Menlo Park and surrounding cities. The program receives funding from the State Department of Education, USDA Child and Adult Care Food Program, user fees, and a major contribution by the City of Menlo Park. The program seeks to build children's self-esteem by offering developmentally appropriate materials and activities supporting social, emotional, physical and cognitive abilities. Children are provided breakfast, lunch and snacks daily. The teacher to child ratio is 1:8 and a highly trained and committed staff teaches approximately 96 children, 3-5 years of age.

Currently, program enrollees are subsidized under the California Department of Education Child Development Division (CDD) State Preschool Program. State funding restrictions require all parents of children enrolled in the CDC's subsidized slots to be working, in school, in training, seeking permanent housing, actively seeking employment, or incapacitated. All families of children enrolled at BHCDC must meet strict income eligibility requirements. Similar State family eligibility requirements apply to The Big Lift grant. Over 60 families still remain on the BHCDC's waiting list.

The Big Lift RFP invited proposals from the seven San Mateo County communities where 2013-14 third grade reading proficiency scores were close to or below the county average that had not previously received funding from The Big Lift. Eligible communities, as defined by school district boundaries, included

Bayshore, Brisbane, Pacifica, Ravenswood, Redwood City, San Bruno Park, and San Mateo-Foster City. Last year, BHDCDC partnered with Ravenswood School District for The Big Lift grant but since Ravenswood was not awarded the grant, BHDCDC also did not receive funding.

## Analysis

The Big Lift utilizes a collective impact approach where Ravenswood School District will partner with nonprofit preschool programs such as the CDC and Head Start and community based agencies to work towards the long-term goal of improving third grade reading success. This collaborative is led by Silicon Valley Community Foundation, the San Mateo Department of Education and the County of San Mateo. There are five conditions that, together, lead to meaningful results from collective impact and that are integral to The Big Lift's approach: a shared vision for changes or common agenda, shared measurement, mutually reinforcing activities, continuous communications and backbone support. To achieve this ambitious goal, The Big Lift has committed to advancing the national Campaign for Grade-Level Reading framework, which specifies the following evidence-based interventions, or the four strategic "pillars" which include:

- High-Quality Preschool
- Family Engagement
- Inspiring Summers
- Attendance Matters

The City's proposal for The Big Lift grant includes a required scope of work plan for enhanced services to the 96 existing children (the BHDCDC has no capacity to serve more) where several goals are identified to support the four pillars. For example, the grant provides funding for additional resources for BHDCDC, such as classroom supplies, small equipment, staff laptops, a contracted office assistant consultant to help meet data reporting requirements, trainings for parents and staff as well contracting with a family engagement consultant to support these families.

The proposal also includes hiring a full-time Teacher Aide to enhance quality in the classroom through providing a consistent permanent staff person to replace temporary aides. This position will be treated similarly to the position in the Police Department that is currently funded by Facebook. When the term of The Big Lift grants is complete in August 2019, the Community Services Department, through attrition, will manage the loss. The cost of this position is included in the proposal without any direct cost to the City.

Under the terms of the contract, the City agrees to expend contract funds on reimbursable costs necessary to provide enhanced full day child care services for eligible children. The City is also required to meet all reporting requirements and other standard contract provisions. The contract specifies a Minimum Days of Operation (MDO) requirement of 246 days during the fiscal year.

## Impact on City Resources

The City will receive up to \$270,000 in fiscal year 2016-17 to support the Belle Haven Child Development Center through the contract proposed for execution. Under this contract the City will be required to match 5% of the reimbursable funding or roughly \$13,500 this fiscal year. The City anticipates receiving additional revenues of \$798,890 from the State contract as well as from parent fees, small grants, food reimbursements and other small revenue sources. The City's budgeted direct cost to operate the Belle Haven Child Development Center is \$1,265,051 for the 2016-17 fiscal year. With the State contract of \$798,890 and the contract from the Silicon Valley Community Foundation for \$256,500 the BHDCDC

program will receive over a million dollars in reimbursable grant funding which will reduce the net cost contributed by the City. The budgeted net cost to the City for the BHDC program for the coming fiscal year is estimated to be \$209,661.

### **Environmental Review**

Approval of the contract is not deemed a project under the California Environmental Quality Act.

### **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:  
Natalie Bonham, Recreation Supervisor

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**STAFF REPORT****City Council****Meeting Date:****6/21/2016****Staff Report Number:****16-122-CC****Consent Calendar:**

**Authorize the Mayor to sign a letter of opposition to Governor Jerry Brown's proposal for by right approval for affordable housing**

**Recommendation**

Staff recommends that the City Council authorize the Mayor to sign a letter of opposition to the Governor's proposal for by right approval for affordable housing.

**Policy Issues**

This action is consistent with maintaining local land use control and preserving opportunities for public input on proposed housing projects.

**Background**

On June 15<sup>th</sup>, the State Legislature passed the State Budget including a trailer bill, which was part of a compromise struck between the Governor and the Legislature. The trailer bill will be discussed by the Legislature in August and under the current draft language would require local municipalities to approve affordable housing projects through a ministerial process rather than a discretionary process. This "by right" approval would remove the Planning Commission and City Council from the development review process for these projects.

**Analysis**

The League of California Cities is opposing the trailer bill and encouraging member cities to send letters to the Governor and Legislature in advance of their discussions this August. Work on refining this proposal is ongoing in Sacramento and so it is timely for Menlo Park to send a letter as soon as possible. Staff will continue to monitor the proposed legislation and report back to Council.

**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. Draft Letter of Opposition

Staff Report #: 15-122-CC

Report prepared by:  
Jim Cogan, Housing and Economic Development Manager



June 22, 2016

The Honorable Phil Ting  
Chair, Assembly Budget Committee  
State Capitol Building, Room 6026  
Sacramento, CA 95814

The Honorable Mark Leno  
Chair, Senate Budget Committee  
State Capitol, Room 5019  
Sacramento, CA 95814

**RE: Governor's Proposal for By Right Approval for Affordable Housing Notice of Opposition**

Dear Honorable Chairs Ting and Leno:

The City of Menlo Park opposes the recent proposal by the Governor to pre-empt local discretionary land use approvals of specified housing developments by having all such approvals be considered "ministerial" actions. The result of this proposal would be to eliminate opportunities for public input and project-level environmental review and restrict design review.

The City agrees that California is facing a housing affordability crisis; however, this is not the solution.

Several years ago the state eliminated redevelopment agencies, and with that over \$1 billion annually for affordable housing. That money is gone. Also gone are the proceeds of the last state housing bond which passed 10 years ago. The federal government has been backing out of funding affordable housing since the 1980s. This massive withdrawal of resources has contributed to our current challenges, yet no significant source of ongoing affordable housing funding is on the horizon.

Also, while the state budget has flourished in recent years due to infusions of income tax, local agencies have not experienced similar revenue growth.

Eliminating opportunities for public review of these major development projects goes against the principles of local democracy and public engagement. A public hearing allows interested members of the community to inform the decision-makers of their support or opposition to the project and guarantees that property rights will not be impacted without due process. Good design enables a new structure to match a community's character. While it may be frustrating for some developers to address neighborhood concerns about traffic, parking and other development impacts, those

directly affected by such projects have a right to be heard. Public engagement can also lead to better projects. Not having such outlets will increase public distrust in government and more ballot measures.

Furthermore, the Administration's proposal to undermine state environmental policies and laws in such an aggressive manner is both surprising and ill considered. While the Coastal Act, California Environmental Quality Act and other laws have their critics, most would acknowledge that they have also made positive contributions to California's prized quality of life that has attracted nearly 39 million people. If there are issues with such laws, then they should be addressed in a straightforward fashion as opposed to structuring proposals that pretend they don't exist.

Many laws related to housing planning and approvals are on the books. We are already required to approve housing if the project is consistent with the general plan and zoning ordinance. Exceptions to this rule are very limited, but what we can't skip are public transparency and environmental laws.

A much better approach to expediting development would be to offer incentives that can actually help local communities struggling to accommodate higher densities and new development, such as:

- Establishing a state revolving fund that can be used to update specific plans and complete upfront environmental reviews on targeted housing sites adjacent to transit, etc. Such a process would allow for community engagement and environmental analysis. Following that, development on those parcels would be expedited via laws already on the books.
- Rewarding local agencies that approve higher density housing in designated areas by helping it "pencil out" against service costs by shifting 10% of the increased property tax accruing from the approved development to the approving city or county.
- Developing a state-local matching funding program for infill development-related infrastructure that more adequately fills the gaps in urban renewal tools left by the loss of redevelopment.
- Establishing a real, substantial and ongoing source of affordable housing funding.

For all these reasons, the City of Menlo Park respectfully states our opposition to this measure. Such fundamental policy changes should not be rushed through as a budget proposal, but merit extensive review by the appropriate policy committees in a deliberative fashion. While crafting responses to our state's housing challenges, surely we can do better in addressing the real infrastructure and resource challenges faced by local communities while preserving public transparency and the environment.

Sincerely,

Rich Cline  
Mayor  
City of Menlo Park

cc: The Honorable Governor Jerry Brown  
The Honorable Senator Jerry Hill  
The Honorable Assembly Member Rich Gordon  
Dan Carrigg, League of California Cities

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**REGULAR MEETING MINUTES - DRAFT**

**Date:** 5/3/2016  
**Time:** 7:00 p.m.  
**City Council Chambers**  
**701 Laurel St., Menlo Park, CA 94025**

**A.** Mayor Cline called the meeting to order at 7:00 p.m.

**B. Roll Call**

**Present:** Carlton, Cline, Keith, Ohtaki. Mueller appeared by telephone from Long Beach, California

**Staff:** City Manager Alex McIntyre, City Attorney Bill McClure, Deputy City Clerk Jelena Harada

**C. Pledge of Allegiance**

Mayor Cline led the Pledge of Allegiance.

**D. Presentations and Proclamations**

D1. Proclamation announcing May 12<sup>th</sup> as bike-to-work day ([Proclamation](#))

Bicycle Commission Chair Bill Kirsch accepted the proclamation.

**E. Commissioner Reports**

E1. Library Commission quarterly update ([Attachment](#)) ([Presentation](#))

Library Commission Chair Lynne Bramlett provided an update and made a presentation.

Agenda item G was heard before item F.

**G. Commission/Committee Vacancies and Appointments**

G1. Consider applicants and make appointments to fill vacancies on the Planning Commission, Parks & Recreation Commission and Library Commission ([Staff Report# 16-068-CC](#))

Public comment on this item was taken at this point.

- Jennifer Baskin spoke about her application to the Parks and Recreation Commission

City Clerk Pamela Aguilar facilitated the appointment process. The Council made the following commission appointments. Details regarding nominations and votes are recorded in Attachment of the Minutes. ([Attachment](#))

Planning Commission:

- Henry Riggs
- Andrew Barnes

Parks and Recreation Commission:

- Jennifer Baskin

Library Commission:

- Margaret Race

**F. Public Comment**

- Kim Rubin spoke about the train noise levels in Menlo Park
- Matt Matteson spoke about the El Camino Real Corridor study
- Tom McRae spoke about the pool lease agreement with Team Sheeper
- Jim Lewis spoke about the sister city agreement with Galway, Ireland

**H. Consent Calendar**

- H1. Accept the work performed by O’Grady Paving Inc. for the 2014-15 Street Reconstruction Project ([Staff Report# 16-070-CC](#))
- H2. Authorize the City Manager to execute an agreement with the West Bay Sanitary District (WBSD) regarding the provision of recycled water related to the Sharon Heights Golf and Country Club (SHGCC) and other customers ([Staff Report# 16-072-CC](#))
- H3. Adopt a resolution authorizing the installation of stop signs on Chilco Street near Facebook Building 23 ([Staff Report# 16-074-CC](#))
- H4. Authorize staff to proceed forward with evaluation of bicycle improvements on Oak Grove Avenue, Crane Street, and University Drive ([Staff Report# 16-075-CC](#))
- H5. Approve extension of the current lease agreement with Team Sheeper Inc. for operation of Burgess and Belle Haven pools through December 31, 2016 ([Staff Report# 16-058-CC](#))
- H6. Authorize the Mayor to sign a Sister City Agreement between the City of Menlo Park and City of Galway, Ireland ([Staff Report# 16-077-CC](#))
- H7. Approve minutes for the City Council special meetings of March 31 and April 11, 2016 ([Attachment](#))

**ACTION:** Motion and second (Keith/Ohtaki) to approve items on Consent Calendar passes 4:0 (Councilmember Ohtaki abstains).



## I. Public Hearing

11. Amendment to the City's Comprehensive Master Fee Schedule for Community Development, Community Services, Police, Public Works, and the Menlo Park Municipal Water District ([Staff Report# 16-066-CC](#))

Administrative Services Director Nick Pegueros presented the item.

Mayor Cline opened the public hearing. There were no comments from the public. The Public Hearing was closed by acclamation.

**ACTION:** Motion and second (Keith/Carlton) to amendmend the City's Comprehensive Master Fee Schedule for Community Development, Community Services, Police, Public Works, and the Menlo Park Municipal Water District passes unanimously.

## J. Regular Business

- J1. Accept the El Camino Real Corridor Study, identify a preferred alternative, advance recommended east-west connectivity improvements into design and environmental clearance phase, and reallocate the construction funds for the additional northbound through-lane at Ravenswood Avenue ([Staff Report# 16-078-CC](#)) ([Presentation](#))

Transportation Manager Nikki Nagaya made a presentation.

Public Comment:

- Harald Schapelhouman spoke about the emergency vehicle route on El Camino Real
- Sharon Delly spoke about the parking spaces on El Camino Real
- Barbara Hunter spoke against bike lanes on El Camino Real
- Bill Kirsch encouraged the City Council to approve installation of bike lanes on El Camino Real
- Diane Bailey spoke about safe and effective bike routes in Menlo Park on El Camino Real
- Adina Levin urged the City Council not to delay the installation of bike lanes on El Camino Real
- Emma Shlaes urged the City Council not to delay the bike lanes project
- Cindy Welton spoke in support of the installation of bike lanes on El Camino Real
- Skip Hilton spoke about alternative bike routes in Menlo Park that are being developed
- Jeff Child spoke about safe bike routes in Menlo Park
- Steve Andrew spoke in support of bike lanes on El Camino Real

**ACTION:** Motion and second (Ohtaki/Carlton) to accept the El Camino Real Corridor Study; to identify Alternative 2 (buffered bicycle lanes) as the preferred alternative with additional study of potential solutions for the northbound traffic bottleneck at Ravenswood Avenue to be reported back to the Council in June 2016; to advance east-west connectivity improvements as recommended by staff into design and environmental clearance phase in advance of any further work on future north-south El Camino Real bicycle facilities; and to reallocate the construction funds for the additional northbound through-lane at Ravenswood Avenue to the balance of the Transportation Impact Fee (TIF) fund to be used for future projects identified by the Council. The motion passes 4:0 (Councilmember Keith

abstains).

## **K. Informational Items**

- K1. Overview of the updated public meeting and Development Agreement negotiation process for the Facebook Campus Expansion Project located at 301-309 Constitution Drive ([Staff Report# 16-073-CC](#))
- K2. Update on the funding status and outreach to major stakeholders regarding the US 101/Willow Road interchange ([Staff Report# 16-071-CC](#))
- K3. Update on next steps for Nealon Park Sod and Irrigation 2015-16 Capital Improvement Project ([Staff Report# 16-067-CC](#))

Staff was available to answer questions.

## **L. Councilmember Reports**

- L1. Report from Mayor Cline about the upcoming trip to Galway
- L2. Report from Mayor Pro Tem Keith about the upcoming trip to China

Mayor Pro Tem Keith reported on the ABAG meeting actions. Keith also reported on the High Speed Rail Committee meeting. Keith pointed out that there is a great interest in grade separations in the region.

Councilmember Mueller reported on the San Francisquito Creek Joint Powers Association meeting discussion about the construction funds. Keith stated that more information would be available after the SFC JPA meeting on May 11, 2016. Mueller asked about future actions on the minimum wage policy. Mueller also raised questions about the affordable housing matter.

Mayor Cline reported about the ribbon-cutting ceremony for the installation of solar panels in the civic campus facilities.

## **M. City Manager's Report**

City Manager Alex McIntyre reported that SamTrans is holding a public meeting about Dumbarton Rail Corridor Study on May 12, 2016 in the Menlo Park Senior Center.

## **N. Adjournment**

Mayor Cline adjourned the meeting at 11:15 p.m.



**SPECIAL AND REGULAR MEETING MINUTES - Draft**

**Date:** 6/7/2016  
**Time:** 6:00 p.m.  
**City Council Chambers**  
**701 Laurel St., Menlo Park, CA 94025**

**6:00 p.m. Closed Session (City Hall Administration Building, 1<sup>st</sup> floor conference room)**

Mayor Pro Tem Keith called the Closed Session to order at 6:00 p.m. Mayor Cline was absent. There was no public comment.

**CL1.** Closed Session pursuant to Government Code Section §54957.6 to confer with labor negotiators regarding current labor negotiations with Service Employees International Union (SEIU), American Federation of State, County and Municipal Employees (AFSCME) and 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

**CL2.** Closed session pursuant to Government Code Section 54956.9(a) Existing Litigation

Case Name: Ynegas v. City of Menlo Park

Case Number: Workers Compensation Case Numbers ADJ7324983, ADJ8617589, ADJ7337799, ADJ9943992, ADJ749167, ADJ22044992, and ADJ9398286

Attendees: City Manager Alex McIntyre, Human Resources Manager, Lenka Diaz, Manager Administrative Services Director Nicholas Pegueros, City Attorney Bill McClure, City's Worker's Compensation Counsel, William Armstrong.

**7:00 p.m. Regular Session**

**A.** Mayor Pro Tem Keith called the meeting to order at 7:01 p.m.

**B. Roll Call**

Present: Carlton, Keith, Mueller, Ohtaki, Cline (arrived at 7:46 p.m.)

Absent: None

Staff: City Manager Alex McIntyre, City Attorney Bill McClure, City Clerk Pamela Aguilar

**C. Pledge of Allegiance**

Mayor Pro Tem Keith led the pledge of allegiance

**D. Report from Closed Session**

Mayor Pro Tem Keith stated that there is no reportable action from the Closed Session held earlier.

## **ANNOUNCEMENTS**

Mayor Pro Tem Keith announced that the 10<sup>th</sup> Annual Block Party hosted by the Chamber of Commerce will be on June 15<sup>th</sup> from 5:00 – 9:00 p.m.

### **E. Presentations and Proclamations - None**

### **F. Commissioner Reports**

#### **F1. Quarterly update from the Bicycle Commission**

Commission Chair Cindy Welton reported on the ongoing activities of the commission.

#### **F2. Consider applicants and make appointments to fill one vacancy on the Environmental Quality Commission and one vacancy on the Library Commission**

City Clerk Pam Aguilar facilitated the selection process.

**ACTION:** Grayson Badgley was appointed to the Library Commission by acclamation.

**ACTION:** Councilmember Ohtaki nominated Joyce Dickerson for appointment to the Environmental Quality Commission. Councilmember Mueller nominated O'Neal Spicer and Mayor Pro Tem Keith nominated Nevada Merriman. With a majority of votes (Ohtaki, Mueller and Carlton), Joyce Dickerson was appointed to the Environmental Quality Commission to fill an uncompleted term expiring April 30, 2019.

### **G. Study Session**

#### **G1. Consideration of options in pursuit of structured parking and other land uses downtown ([Presentation](#))**

Housing and Economic Development Manager Jim Cogan introduced the item and consultants John Robbins and Alyce Rados of Carpenter Robbins who made a presentation.

#### **Public Comment:**

- Adina Levin asked Council to consider more a contemporary parking structure as well as shared and paid parking and parking management
- Cindy Welton asked Council to consider new and different venues for entertainment to address the interest of future generations

Council was supportive of the process moving forward and gave direction regarding ownership of the parking plaza by the City, looking into affordable housing, entertainment venues and retail, potential paid parking, and additional bicycle parking.

### **H. Public Comment**

Sheldon Kay spoke regarding Consent Item I5 and stated he is opposed to the stop sign at Gilbert and Central because of noise and pollution

## I. Consent Calendar

Mayor Cline pulled Item I5 for further discussion. Councilmember Carlton pulled Item I4 for comment only.

- I1. Adopt **Resolution 6317** to extend Section 16.79.045 of the Zoning Ordinance to allow the conversion of accessory buildings into secondary dwelling units for three years, expiring June 13, 2019 ([Staff Report# 16-098-CC](#))
- I2. Award a construction contract to JJR Construction Inc. for the Menalto and O'Connor Sidewalk Project, appropriate funds, and authorize a construction budget of \$443,440 ([Staff Report# 16-094-CC](#))
- I3. Adopt **Resolution 6318** to approve the installation of no parking zones along Middle Avenue near Fremont Street, Menlo Avenue near Curtis Street, Oak Grove Avenue near Marcussen Drive, and Sharon Road near Eastridge Avenue ([Staff Report# 16-096-CC](#))
- I4. Authorize the submittal of a comment letter on the scope of the environmental document for the Peninsula section of the High Speed Rail (HSR) Project ([Staff Report# 16-100-CC](#))
- I5. Adopt a resolution authorizing installation of an all-way stop sign at Gilbert Avenue and Central Avenue ([Staff Report# 16-097-CC](#))
- I6. Award a construction contract to O'Grady Paving Inc. for the Menlo Park-Atherton Pedestrian and Bicycle Improvement Project and authorize a construction budget of \$493,550 ([Staff Report# 16-101-CC](#))
- I7. Authorize the City Manager to enter into a contract with Kidango in an amount not to exceed \$102,395 for the delivery of food services at the Belle Haven Child Development Center for FY 2016-2017 ([Staff Report# 16-092-CC](#))
- I8. Approve minutes for the City Council meeting of May 24, 2016 ([Attachment](#))

Staff responded to Councilmember Carlton's inquiry regarding Item I4 stating that according to Caltrans the installation of cantilever wires will not have an impact on pools.

**ACTION:** Motion and second (Keith/Ohtaki) to approve all items on the Consent Calendar, excluding I5 passes unanimously.

Regarding Item I5, staff responded to questions regarding sight line issues and parking restrictions.

**ACTION:** Motion and second (Carlton/Keith) to adopt **Resolution 6319** authorizing installation of an all-way stop sign at Gilbert Avenue and Central Avenue passes unanimously.

## J. Public Hearing

- J1. Approve various actions associated with Emergency Water Supply Well No. 1 at the Corporation Yard ([Staff Report# 16-095-CC](#))([Presentation](#))

Senior Engineer Pam Lowe made a presentation. Mayor Cline opened the Public Hearing. There was no public comment.

**ACTION:** Motion and second (Keith/Ohtaki) to close the public hearing. There being no opposition, by acclamation, Mayor Cline closed the public hearing.

**ACTION:** Motion and second (Keith/Carlton) to adopt the Mitigated Negative Declaration (MND), amend the agreement with Infrastructure Engineering Corporation (IEC) to add \$125,000 for additional engineering consultant services, and authorize the City Manager to approve the well drilling contract and the wellhead facilities construction contract passes unanimously.

J2. Public Hearing on the Fiscal Year 2016-17 Budget and Capital Improvement Program  
([Staff Report# 16-102-CC](#))([Presentation](#))

City Manager Alex McIntyre introduced the item. Administrative Services Director Nick Pegueros gave a presentation.

Mayor Cline opened the Public Hearing.

**Public Comment:**

- Johnnie Walton spoke regarding revenues, projects and funding pertaining to the Belle Haven neighborhood

**ACTION:** Motion and second to close the public hearing. There being no opposition, by acclamation, Mayor Cline closed the public hearing.

Discussion ensued regarding the City Council's budget, the strategic pension reserve, TOT and sales tax.

This item is scheduled for adoption at the June 21 City Council meeting.

**K. Informational Items**

K1. Update on City Council goal to expand and enhance community special events  
([Staff Report# 16-093-CC](#))

**L. City Manager's Report**

There was no report this meeting.

**M. Councilmember Reports**

Councilmember Ohtaki reported that a meeting of the SFO Roundtable Select Committee will meet on June 15.

Mayor Cline reported on the visit of Galway, Ireland Mayor Frank and the various activities that took place.

In response to Councilmember Mueller, City Manager McIntyre stated that the affordable housing study session will be scheduled sometime during the summer.

Councilmember Carlton reported that she will be attending C/CAG Legislative Days in Sacramento.

**N. Adjournment**

Mayor Cline adjourned the meeting at 10:08 p.m.

Pamela Aguilar, CMC  
City Clerk

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## STAFF REPORT

### City Council

Meeting Date:

6/21/2016

Staff Report Number:

16-112-CC

### Public Hearing:

**Adopt a resolution overruling protests, ordering the improvements, confirming the diagram and ordering the levy and collection of assessments and increasing the tree assessment by 5% and no increase to the sidewalk assessment for the City of Menlo Park Landscaping Assessment District for Fiscal Year 2016-17**

### Recommendation

Staff recommends that the City Council adopt a resolution (Attachment A) overruling protests, ordering the improvements, confirming the diagram, and ordering the levy and collection of assessments and increasing the tree assessment by 5% and no increase to the sidewalk assessment for the City of Menlo Park Landscaping Assessment District (District) for Fiscal Year (FY) 2016-17.

### Policy Issues

The funds collected through the District are used for the maintenance of the City's trees and sidewalks. If the City Council does not adopt the resolution required for the collection of the assessments, the lack of adequate funding would impact the high level of service required for the proper care and maintenance of the City's trees and sidewalks.

### Background

The District levies assessments on parcels in the City to generate funds for the maintenance of public trees, the repair of sidewalks in the public right-of-way damaged by City street trees, as well as street sweeping. Each year, the City must act to continue the collection of assessments. On May 24, 2016, the City Council adopted Resolution No. 6314 preliminarily approving the Engineer's Report and Resolution No. 6315 stating its intention to order the levy and collection of assessments for the District for FY 2016-17. The staff report is included as Attachment B.

### Analysis

To cover the Tree Maintenance Program's budget for FY 2016-17, the Engineer's Report proposes an assessment of \$65.16 per single family equivalent a year, which reflects a 5% increase from last year's assessment of \$62.02 (an increase of \$3.14). The increase in the assessment accounts for additional costs associated with new prevailing wages for tree laborers. The Engineer Report proposes no increase to the sidewalk assessment. The action taken by the City Council on May 24, 2016, initiated the period in which any property owners can protest the amount of their proposed assessments. No protests have been received as of the date of this staff report. Prior to taking any final action, the Council must conduct the Public Hearing and give direction regarding any protests received. If the Council confirms and approves the

assessments by adopting the resolution, the levies will be submitted to the County Auditor/Controller for inclusion on the property tax roll for FY 2016-17.

### **Impact on City Resources**

The proposed FY 2016-17 budget includes the revenue from the District. If the Council does not adopt the attached resolution, the impact on City resources will be \$783,393, which represents the total amount of the estimated tree and sidewalk assessments to be received in FY 2016-17.

### **Environmental Review**

An environmental review is not required.

### **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. Staff report dated May 24, 2016

Report prepared by:  
Azalea Mitch, Senior Civil Engineer

Reviewed by:  
Ruben Niño, Assistant Public Works Director

## RESOLUTION NO. \_\_\_\_

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK  
OVERRULING PROTESTS, ORDERING THE IMPROVEMENTS, CONFIRMING  
THE DIAGRAM, AND ORDERING THE CONTINUATION AND COLLECTION  
OF ASSESSMENTS AT THE EXISTING ASSESSMENT RATES FOR THE  
SIDEWALK AND INCREASING THE TREE ASSESSMENTS BY 5% FOR THE  
CITY OF MENLO PARK LANDSCAPING ASSESSMENT DISTRICT FOR FY  
2016-17**

WHEREAS, on the twenty-sixth day of January, 2016, said Council adopted Resolution No. 6305, describing improvements and directing preparation of the Engineer's Report for the City of Menlo Park Landscaping District for Fiscal Year 2016-17, pursuant to provisions of Article XIII D of the California Constitution and the Landscaping and Lighting Act of 1972; and

WHEREAS, said Council thereupon duly considered said report and each and every part thereof and found that it contained all the matters and things called for by the provisions of said Act and said Resolution No. 6314 including (1) plans and specifications of the existing improvements and the proposed new improvements; (2) estimate of costs; (3) diagram of the District; and (4) an assessment according to benefits; all of which were done in the form and manner required by said Act; and

WHEREAS, said Council found that said report and each and every part thereof was sufficient in every particular and determined that it should stand as the report for all subsequent proceedings under said Act, whereupon said Council pursuant to the requirements of said Act, appointed Tuesday, the twenty-first day of June, 2016, at the hour of 7:00 p.m. or soon thereafter of said day in the regular meeting place of said Council, Council Chambers, Civic Center, 701 Laurel Street, Menlo Park, California 94025, as the time and place for hearing protests in relation to the continuation and collection of the proposed assessments for said improvements, including the maintenance or servicing, or both, thereof, for FY 2016-17; and

WHEREAS, on June 21, 2016, at the hour of 7:00 p.m. or soon thereafter at 701 Laurel Street, Menlo Park, California, the Public Hearing was duly and regularly held as noticed, and all persons interested and desiring to be heard were given an opportunity to speak and be heard, and all matters and things pertaining to the levy were fully heard and considered by this Council, and all oral statements and all written protests or communications were duly considered; and

WHEREAS, persons interested, objecting to said improvements, including the maintenance or servicing, or both, thereof, or to the extent of the assessment district, or to the proposed assessment or diagram or to the Engineer's estimate of costs thereof, filed written protests with the City Clerk of said City at or before the conclusion of said hearing, and all persons interested desiring to be heard were given an opportunity to be heard, and all matters and things pertaining to the continuation and collection of the assessments for said improvements, including the maintenance or servicing, or both, thereof, were fully heard and considered by said Council.

NOW, THEREFORE, BE IT RESOLVED, AND IS HEREBY FOUND, DETERMINED, AND ORDERED AS FOLLOWS:

1. That protests against said improvements, including the maintenance or servicing, both, thereof, or to the extent of the assessment district, or to the proposed continued assessment or diagram, or to the Engineer's estimate of costs thereof, for FY 2016-17 be, and each of them are hereby overruled.
2. That the public interest, convenience, and necessity require and said Council does hereby order the continuation and collection of assessments pursuant to said Act, for the construction or installation of the improvements, including the maintenance or servicing, or both, thereof, more particularly described in said Engineer's Report and made a part hereof by reference thereto.
3. That the City of Menlo Park Landscaping District and the boundaries thereof benefited and to be assessed for said costs for the construction or installation of the improvements, including the maintenance or servicing, or both, thereof, are situated in Menlo Park, California, and are more particularly described by reference to a map thereof on file in the office of the City Clerk of said City. Said map indicates by a boundary line the extent of the territory included in said District and the general location of said District.
4. That the plans and specifications for the existing improvements and for the proposed improvements to be made within the assessment district-contained in said report, be, and they are hereby, finally adopted and approved.
5. That the Engineer's estimate of the itemized and total costs and expenses of said improvements, maintenance and servicing thereof, and of the incidental expenses in connection therewith, contained in said report, be, and it is hereby, finally adopted and approved.
6. That the public interest and convenience require, and said Council does hereby order the improvements to be made as described in, and in accordance with, said Engineer's Report, reference to which is hereby made for a more particular description of said improvements.
7. That the diagram showing the exterior boundaries of the assessment district referred to and described in Resolution No. 6314 therein and the lines and dimensions of each lot or parcel of land within said District as such lot or parcel of land is shown on the County Assessor's maps for the fiscal year to which it applies, each of which lot or parcel of land has been given a separate number upon said diagram, as contained in said report, be, and it is hereby, finally approved and confirmed.
8. That the continued assessment of the total amount of the costs and expenses of the said improvements upon the several lots or parcels of land in said District in proportion to the estimated benefits to be received by such lots or parcels, respectively, from said improvements, and the maintenance or servicing, or both, thereof and of the expenses incidental thereto contained in said report be, and the same is hereby, finally approved and confirmed.
9. Based on the oral and documentary evidence, including the Engineer's Report, offered and received at the hearing, this Council expressly finds and determines (a) that each of the several lots and parcels of land will be specially benefited by the maintenance of the

improvements at least in the amount if not more than the amount, of the continued assessment apportioned against the lots and parcels of land, respectively, and (b) that there is substantial evidence to support, and the weight of the evidence preponderates in favor of, the aforesaid finding and determination as to special benefits.

10. That said Engineer's Report for FY 2016-17 be, and the same is hereby, finally adopted and approved as a whole.
11. That the City Clerk shall forthwith file with the Auditor of San Mateo County the said continued assessment, together with said diagram thereto attached and made a part thereof, as confirmed by the City Council, with the certificate of such confirmation thereto attached and of the date thereof.
12. That the order for the levy and collection of assessment for the improvements and the final adoption and approval of the Engineer's Report as a whole, and of the plans and specifications, estimate of the costs and expenses, the diagram and the continued assessment as contained in said Report, as hereinabove determined and ordered, is intended to and shall refer and apply to said Report, or any portion thereof, as amended, modified, revised, or corrected by, or pursuant to and in accordance with any resolution or order, if any, heretofore duly adopted or made by this Council.
13. That the San Mateo County Controller and the San Mateo County Tax Collector apply the City of Menlo Park Landscaping District assessments to the tax roll and have the San Mateo County Tax Collector collect said continued assessments in the manner and form as with all other such assessments collected by the San Mateo County Tax Collector.

I, Pamela Aguilar, City Clerk of the City of Menlo Park, do hereby certify that the above and foregoing Resolution was duly and regularly passed and adopted at a regular meeting by the City Council of the City of Menlo Park on the twenty-first day of June, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS THEREOF, I have hereunto set my hand and affixed the Official Seal of said City, this twenty-first day of June, 2016.

Pamela Aguilar  
City Clerk

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## Public Works



## STAFF REPORT

## City Council

Meeting Date:

5/24/2016

Staff Report Number:

16-083-CC

## Consent Calendar:

**Adopt resolutions for the Landscaping Assessment District (District) for Fiscal Year (FY) 2016-17 that proposes a 5% increase and sets the date of the public hearing and authorize the City Manager to amend contracts for tree and sidewalk maintenance**

### Recommendation

Staff recommends that the City Council:

- 1) Adopt a resolution of preliminary approval of the Engineer's Report for the District for FY 2016-17 that proposes a 5% increase to the tree portion of the assessment, which amounts to \$3.14 per single family equivalent a year (Attachment A);
- 2) Adopt a resolution to order the continuation and collection of assessments for the District for FY 2016-17 and set the date for the public hearing for June 21, 2016 (Attachment B);
- 3) Authorize the City Manager to amend the Tree Services Maintenance Contract with West Coast Arborists, Inc. (WCA) at new contract rates; and
- 4) Authorize the City Manager to increase the multi-year contract with Golden Bay Construction for the sidewalk replacement contract up to the funds available in the annual maintenance budget (i.e., \$697,254 for FY 2016-17).

### Policy Issues

The funds collected through the District are used for the maintenance of the City's trees and sidewalks. If the City Council does not adopt the resolutions required for the collection of the assessments, the lack of adequate funding would impact the high level of service required for the proper care and maintenance of the City's trees and sidewalks.

### Background

In 1983, the City of Menlo Park established a District for the proper care and maintenance of City street trees. In 1990, an assessment for the repair and maintenance of sidewalks and parking strips was added to the District. The District levies assessments on parcels in Menlo Park to generate funds for the maintenance of public trees, the repair of sidewalks in the public right-of-way damaged by City street trees. District funds are also used to cover the cost of street sweeping.

Due to the passage of Proposition 218 in 1996, the City must conduct assessment ballot proceedings whenever an increase in rates is required to cover the expenditures associated with the maintenance of street trees and sidewalks. In 1998, the City conducted assessment ballot proceedings establishing rates for FY 1998-99. As part of that process, the maximum annual assessment for future rates was tied to a cost escalator based on the annual change in the Engineering News Record Construction Cost Index for the San Francisco Bay Area (ENR Index). The annual adjustment that can be made without property owner

approval through ballot proceedings is the ENR Index (up to a maximum of 3%) plus any uncaptured and accumulated excess in the ENR Index from prior years.

Adjustments to the assessment have varied since the establishment of the rates in FY 1998-99. As shown in Table 1, the City’s adjustments have typically been lower than the ENR Index for the San Francisco Bay Area. The adjustments have been made to cover the costs associated with the tree maintenance program, while the sidewalk assessment rates have remained the same since FY 1998-99. Significant cost savings resulting from changes in the approach to sidewalk repair have kept costs low and have not required adjustments to the assessment to date.

Year	San Francisco Bay Area ENR Index	Fiscal Year	Tree Maintenance Program Adjustment	Sidewalk Repair Program Adjustment
1998	1.70%	1999-00	0%	0%
1999	-0.42%	2000-01	0%	0%
2000	9.26%	2001-02	0%	0%
2001	-0.65%	2002-03	3.01%	0%
2002	3.31%	2003-04	0%	0%
2003	1.88%	2004-05	0%	0%
2004	5.64%	2005-06	3%	0%
2005	2.84%	2006-07	3.01%	0%
2006	7.63%	2007-08	2.01%	0%
2007	0.25%	2008-09	2.59%	0%
2008	7.11%	2009-10	5.00%	0%
2009	-0.60%	2010-11	0%	0%
2010	4.09%	2011-12	0%	0%
2011	0.83%	2012-13	0%	0%
2012	1.47%	2013-14	0%	0%
2013	5.25%	2014-15	2.99%	0%
2014	0.15%	2015-16	0%	0%

Notes:

The ENR Index for 12/2015 is not yet available.

The annual adjustment that can be made is the ENR Index, plus uncaptured excess from previous years.

For each fiscal year the assessments will be levied, the City Council must direct the preparation of an Engineer’s Report, budgets, and proposed assessments. On January 26, 2016, the City Council adopted Resolution No. 6305 (Attachment C) describing the improvements and directing the preparation of an Engineer’s Report for the District for FY 2016-17.



## Analysis

### ***Program Budgets***

The Engineer's Report establishes the foundation and justification for the continued collection of the landscape assessments in context with recent court decisions, Proposition 218 compliance, and legal requirements for benefit assessments. SCI Consulting Group completed the preliminary Engineer's Report (Attachment D) for the District, which includes the proposed FY 2016-17 budget and Tree Maintenance and Sidewalk Repair Assessments. In developing the Engineer's Report, staff reviewed the existing budget and operating needs in order to maintain street trees and sidewalk repair requirements at the current level of service. The report describes in detail the incorporation of the proposed budget and the method used for apportioning the total assessment among properties within the District. This method involves identifying the benefit received by each property in relation to a single family equivalent (SFE). The proposed budgets and findings from the Engineer's Report are described below.

### **Tree Maintenance Assessment**

#### **WCA Tree Services Maintenance Contract**

Staff has contracted with WCA since 2004 to perform tree grid trimming, planting and removal, and emergency services as necessary. The grid trimming, which consists of the majority of work performed by WCA, involves the pruning of a set number of trees on an annual basis. Currently, the City performs tree grid pruning on a five (5) year cycle. The grid pruning strategy is common practice within municipal arboriculture, as it becomes cost effective to maintain the trees on a regular basis. When pruning is deferred for longer periods, fast growing trees can become prone to limb failure and hazards, requiring more expensive measures in the long-run.

On September 10, 2014, the City approved a new five (5) year contract with WCA for the tree maintenance work. Under the contract terms, compensation for the work is based on prevailing wages determined by the State's Department of Industrial Relations (DIR). However, on August 2015, DIR created a new laborer classification for tree maintenance work and issued a prevailing wage determination. The new prevailing wages reflect an increase in the laborer hourly rate from \$9.69 to a range of \$14.73 to \$19.83, resulting in a 52% to 105% increase. To offset the new State requirements, WCA is requesting a 31% price adjustment to the unit costs for the tasks included in the 2014 contract for FY 2016-17.

In order to maintain the same level of service for tree maintenance and comply with the new State prevailing wage requirements, the City has the option to adjust the existing contract with WCA or to rebid. A number of cities, including Palo Alto, Campbell, Redwood City, Santa Clara and El Cerrito have recently contracted with WCA for tree maintenance services through a competitive bidding process at the new prevailing wages. Table 2 summarizes the City's current price for tree pruning, WCA's proposed adjustment, as well as the contract price for the City of Palo Alto. As can be observed, Palo Alto's contract price for tree pruning is significantly higher than WCA's proposed adjustment. Staff recommends that the Council authorize the City Manager to amend the existing contract with WCA and adjust the rates by 31%, as the proposed rates are lower than the competitively bid prices that other cities are currently paying.

Table 2 – Grid Tree Pruning Unit Costs				
Tree Diameter Breast Height Size	Unit	Existing 2014 Contract Price	Proposed 2016-17 Contract Price	Palo Alto 2016-17 Contract Price
3 – 6”	Each	\$59.00	\$77.00	\$100
7 – 49”+	Each	\$59.00	\$77.00	\$134

**Tree Assessment**

The Tree Maintenance Program expenditures include the contract for grid tree pruning services, debris removal (includes street sweeping), general operating expenses, vehicle and equipment maintenance and the salaries and benefits associated with the staff time required to manage the program and work on street trees. Additional tree care required due to the drought and increasing prevailing wage costs associated with the tree pruning contract, in particular, have resulted in higher expenditures projected for FY 2016-17. As shown in Table 3, the estimated expenses increased from \$849,723 in FY 2015-16 to \$1,018,400 for FY 2016-17. The new budget accounts for the 52% to 105% increase in prevailing wage rates recently set by the State.

Proposition 218 stipulates that only the “special benefits” received by a parcel can be charged through an assessment District, with “general benefits” funded by other sources. The Engineer’s Report determined that 75% of the benefits received are special benefits, and 25% are general benefits. To comply with these requirements, contributions from the General Fund in the amount of \$180,000 (an increase from FY 2015-16 amount of \$159,000) and San Mateo County Vehicle Registration Fee - Measure M (\$145,000) will meet the City’s obligation for the “general benefits,” covering a total of \$325,000 for this year. Measure M was approved by the voters of San Mateo County in 2010, imposing an annual fee of ten dollars (\$10) on motor vehicles registered in San Mateo County over a 25 year period for water pollution mitigation programs and transportation-related traffic congestion.

In the past, the cost for the street sweeping contract has been covered both by revenue from the Tree Maintenance Assessment and Measure M funds. This year, however, the street sweeping contract will be covered entirely by Measure M funds. The remaining expenditures associated with the program will be covered by the assessment.

<b>Table 3 – Tree Maintenance Assessments Proposed FY 2016-17 Budget</b>	
<b>Projected Beginning Fund Balance</b>	<b>\$221,182</b>
<b>Estimated Revenues:</b>	
Tree Assessment Revenue	\$586,918
General Fund Contribution	\$180,000
Measure M Funds	\$145,000
<b>Total:</b>	<b>\$911,918</b>
<b>Estimated Expenses:</b>	
Street Tree Maintenance	\$669,544
Debris Removal	\$223,381
Administration & County Assessment Fees	\$125,475
<b>Total:</b>	<b>\$1,018,400</b>
<b>Projected Ending Fund Balance</b>	<b>\$127,624</b>

To cover the Tree Maintenance Program’s budget for FY 2016-17, the Engineer’s Report proposes an assessment of \$65.16 per SFE, which reflects a 5% increase from last year’s assessment of \$62.02 (an increase of \$3.14). The proposed assessment, however, is significantly lower than the maximum authorized assessment rate allowed of \$104.46 (due to uncaptured ENR Index increases). It is important to note that annual increases in the tree portion of the assessment in the range of 5-6% will be required to cover the cost of services in future years. Future budgets will need to account for the cost of maintaining the existing level of service at the new prevailing wage rates set by the State.

Table 4 summarizes the proposed rates for parcels with and without street trees. The assessment for properties without street trees, but that have a direct benefit due to their close proximity to parcels with street trees, is 50% of the tree assessment.

<b>Table 4 Annual Tree Assessment Rates Proposed FY 2016-17 (5% increase)</b>		
<b>Property Type</b>	<b>Properties with Trees</b>	<b>Properties without Trees</b>
Single-family	\$65.16 per Parcel	\$32.58 per Parcel
R-2 Zone, in use as single-family	\$65.16 per Parcel	\$32.58 per Parcel
Condominium/ Townhouse	\$58.64 per Unit	\$29.32 per Unit
	\$293.22 max. per Project	\$146.61 max. per Project
Other Multi-family	\$52.13 per Unit	\$26.06 per Unit
	\$260.64 max. per Project	\$130.32 max. per Project
Commercial	\$65.16 per 1/5 acre	\$32.58 per 1/5 acre
	\$325.80 max. per Project	\$162.90 max. per Project
Industrial	\$65.16 per 1/5 acre	\$32.58 per 1/5 acre
	\$325.80 max. per Project	\$162.90 max. per Project
Parks, Educational	\$65.16 per Parcel	\$32.58 per Parcel
Miscellaneous, Other	\$0.00 per Parcel	\$0.00 per Parcel

**Sidewalk Repair Assessment**

The Sidewalk Repair program includes sidewalk, curb, gutter and parking strip repair and replacement due to damage cause by trees. The program is broken into two separate contracts, one for sidewalk repair and the other for replacement. Under the repair program, the City retains a contractor to address minor tripping hazards, which are fixed by performing horizontal sawcuts rather than removing the entire concrete / sidewalk section. Since the City adopted this approach, it has reduced the need for complete concrete removal, which has resulted in significant cost savings. As a result, the City has been able to perform the necessary repairs without the need to increase the sidewalk assessment since the rates were established in 1999.

For the sidewalk replacement program, the City Council awarded a multi-year contract to Golden Bay Construction for a budget of up to a maximum of \$300,000 annually on November 11, 2015. However, the annual sidewalk replacement needs exceed the \$300,000 limit. As such, the annual funds for this year have already been spent since the contract was awarded. The Sidewalk Repair program is expected to have a remaining balance of \$397,000 in FY 2016-17 after the projected expenses (Table 5). To address the sidewalk replacement needs and perform additional work, staff is recommending that Council authorize the City Manager to increase the multi-year contract with Golden Bay Construction for the sidewalk replacement project up to the funds available in the annual budget. With the increase in the contract amount, the City would be able to replace twice as many sidewalks, compared to the work done in FY 2015-16. Remaining funds would be used for the work and the increase in the contract amount would not result in an adjustment to the sidewalk assessment for FY 2016-17. The assessment rate will remain at \$28.70 per SFE, which is significantly lower that the allowed assessment of \$46.64 per SFE.

<b>Table 5 – Sidewalk Assessments Proposed FY 2016-17 Budget</b>		
<b>Projected Beginning Fund Balance</b>		<b>\$380,780</b>
<b>Estimated Revenues:</b>		
	Sidewalk Assessment Revenue	\$196,474
	General Fund Contribution	\$120,000
	Total:	\$697,254
<b>Estimated Expenses:</b>		
	Sidewalk, Curb, Gutter, Parking Strip Repair / Replacement	\$300,000
	Total:	\$300,000
<b>Projected Ending Fund Balance</b>		<b>\$397,254</b>

**Summary of Proposed Adjustments**

The City’s total FY 2016-17 budget for the maintenance of trees and sidewalks is \$1,318,399.56. The Engineer’s Report proposes an assessment of \$65.16 per SFE, which reflects a 5% increase from last year’s tree assessment of \$62.02. The sidewalk assessment will remain at \$28.70 per SFE.

**Assessment Notification Process**

If the Council approves the attached resolutions, staff will publish a legal notice of the Public Hearing at least ten (10) days prior to the hearing, which is tentatively scheduled for June 21, 2016. Once the assessments are confirmed and approved, the levy will be submitted to the County Auditor/Controller for inclusion on the property tax roll for FY 2016-17.



### **Impact on City Resources**

Funding for the District consists of a variety of sources, including the carryover of unspent funds from prior years, annual tax assessment revenues, and contributions from the General Fund. If the Council does not order the continuation and collection of assessments, the impact on City resources would amount to \$783,393 (the total of the proposed tree and sidewalk assessments).

If the City Council does not authorize the City Manager to amend the tree maintenance contract with WCA, the City would have to rebid the contract. Based on the contract prices with other cities, the unit prices for the services may increase beyond the 31% adjustment that WCA is requesting. The impact on City resources may therefore be higher.

Amendment of the sidewalk replacement contract with Golden Bay Construction would not impact the City's resources as there are excess funds in the program budget. If the City Council authorizes the City Manager to amend the contract, the City would not be limited to the \$300,000 in sidewalk replacement work per year and could perform additional work.

### **Environmental Review**

An environmental review is not required.

### **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 of Preliminary Approval of the Engineer's Report
- B. Resolution of Intention to Order the Continuation and Collection of Assessments
- C. Resolution No. 6305
- D. Engineer's Report Dated May 17, 2016

Report prepared by:  
Azalea Mitch, Senior Civil Engineer

Reviewed by:  
Ruben Niño, Assistant Public Works Director

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**RESOLUTION NO.**

**RESOLUTION OF PRELIMINARY APPROVAL OF THE ENGINEER'S  
REPORT FOR THE CITY OF MENLO PARK LANDSCAPING DISTRICT  
FOR FISCAL YEAR 2016-17**

WHEREAS, on the 26th day of January, 2016, the Menlo Park City Council did adopt Resolution No. 6305, describing improvements and directing preparation of the Engineer's Report for the City of Menlo Park Landscaping District (District) for Fiscal Year 2016-17, pursuant to provisions of Article XIID of the California Constitution and the Landscaping and Lighting Act of 1972, in said City and did refer the proposed improvements to SCI Consulting Group and did therein direct SCI Consulting Group to prepare and file with the Clerk of said City a report, in writing, all as therein more particularly described, under and in accordance with Section 22565, *et. seq.*, of the Streets and Highways Code and Article XIID of the California Constitution; and

WHEREAS, said SCI Consulting Group prepared and filed with the City Clerk of said City a report in writing as called for in Resolution No. 6305 and under and pursuant to said Article and Act, which report has been presented to this Council for consideration; and

WHEREAS, said Council has duly considered said report and each and every part thereof, and finds that each and every part of said report is sufficient, and that neither said report, nor any part thereof, should be modified in any respect.

NOW, THEREFORE, BE IT RESOLVED THAT IT IS HEREBY FOUND, DETERMINED, and ORDERED, as follow:

1. That the plans and specifications for the existing improvements and the proposed new improvements to be made within the District contained in said report, be, and they are hereby, preliminarily approved;
2. That the Engineer's estimate of the itemized and total costs and expenses of said improvements, maintenance, and servicing thereof, and of the incidental expenses in connection therewith, contained in said report be, and each of them is hereby, preliminarily approved;
3. That the diagram showing the exterior boundaries of the District referred to and described in said Resolution No. 6305 and the lines and dimensions of each lot or parcel of land within said District as such lot or parcel of land is shown on the County Assessor's maps for the fiscal year to which the report applies, each of which lot or parcel of land has been given a separate number upon said diagram, as contained in said report be, and it is hereby, preliminarily approved;

4. That the proposed continued assessment of the total amount of the estimated costs and expenses of the proposed improvements upon the several lots or parcels of land in said District in proportion to the estimated benefits to be received by such lots or parcels, respectively, from said improvements including the maintenance or servicing, or both, thereof, and of the expenses incidental thereto, as contained in said report be, and they are hereby, preliminarily approved; and
5. That said report shall stand as the Engineer's Report for the purpose of all subsequent proceedings to be had pursuant to said Resolution No. 6305.

I, Pamela I. 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 the 24<sup>th</sup> of May, 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 24<sup>th</sup> of May, 2016.

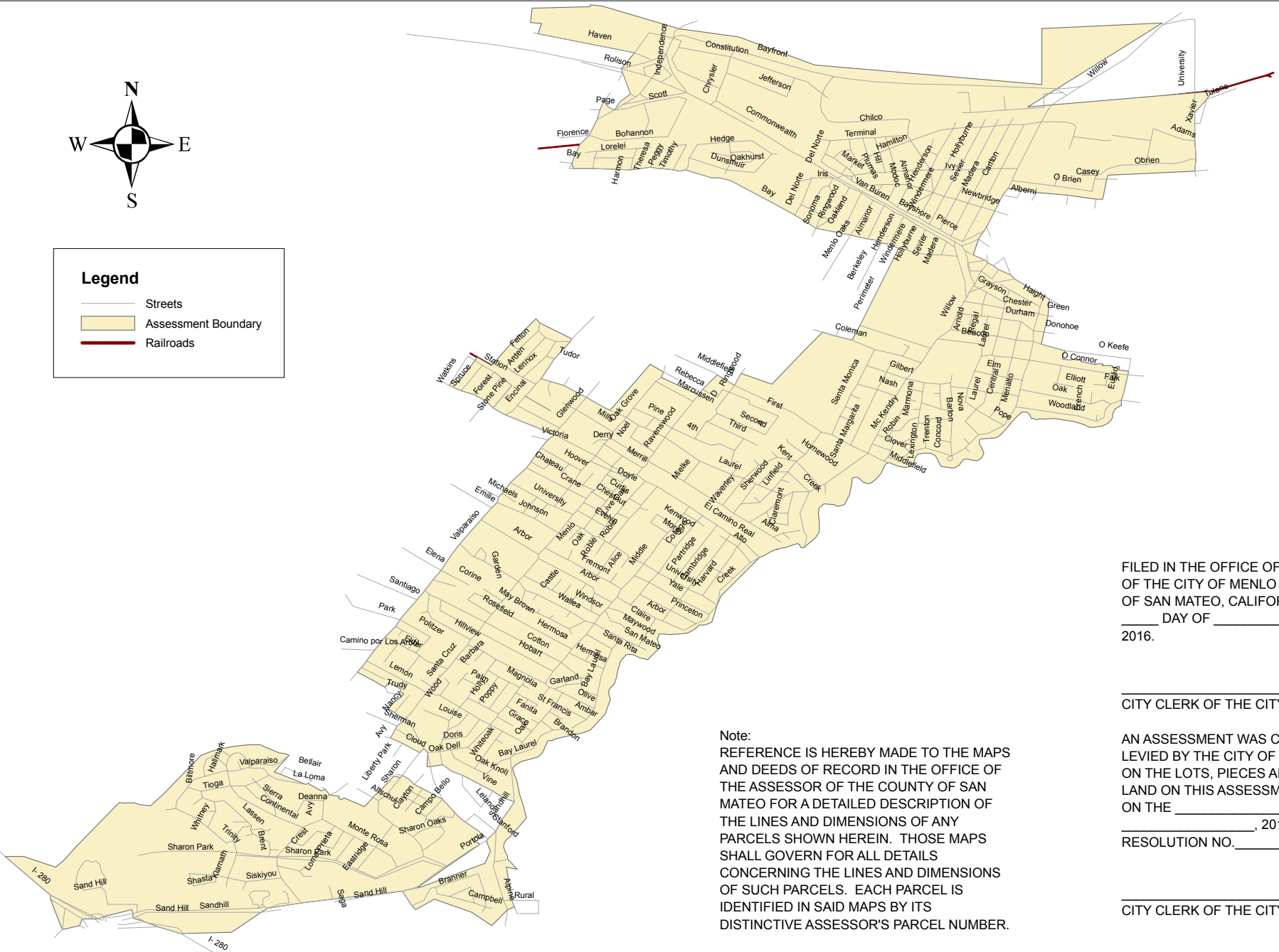
Pamela I. Aguilar  
City Clerk





**Legend**

- Streets
- Assessment Boundary
- Railroads



FILED IN THE OFFICE OF THE CITY CLERK  
 OF THE CITY OF MENLO PARK, COUNTY  
 OF SAN MATEO, CALIFORNIA, THIS  
 \_\_\_\_\_ DAY OF \_\_\_\_\_,  
 2016.

\_\_\_\_\_  
 CITY CLERK OF THE CITY OF MENLO PARK

AN ASSESSMENT WAS CONFIRMED AND  
 LEVIED BY THE CITY OF MENLO PARK  
 ON THE LOTS, PIECES AND PARCELS OF  
 LAND ON THIS ASSESSMENT DIAGRAM  
 ON THE \_\_\_\_\_ DAY OF  
 \_\_\_\_\_, 2016 BY ITS  
 RESOLUTION NO. \_\_\_\_\_

\_\_\_\_\_  
 CITY CLERK OF THE CITY OF MENLO PARK

Note:  
 REFERENCE IS HEREBY MADE TO THE MAPS  
 AND DEEDS OF RECORD IN THE OFFICE OF  
 THE ASSESSOR OF THE COUNTY OF SAN  
 MATEO FOR A DETAILED DESCRIPTION OF  
 THE LINES AND DIMENSIONS OF ANY  
 PARCELS SHOWN HEREIN. THOSE MAPS  
 SHALL GOVERN FOR ALL DETAILS  
 CONCERNING THE LINES AND DIMENSIONS  
 OF SUCH PARCELS. EACH PARCEL IS  
 IDENTIFIED IN SAID MAPS BY ITS  
 DISTINCTIVE ASSESSOR'S PARCEL NUMBER.

**CITY OF MENLO PARK**  
**LANDSCAPING ASSESSMENT DISTRICT**  
**ASSESSMENT DIAGRAM**

SCI Consulting Group  
 4745 Mangels Blvd.  
 Fairfield, CA 94534  
 (707) 430-4300

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**RESOLUTION NO.****RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK TO ORDER THE CONTINUATION AND COLLECTION OF ASSESSMENTS FOR THE CITY OF MENLO PARK LANDSCAPING DISTRICT FOR FISCAL YEAR 2016-17 PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972**

WHEREAS, pursuant to Resolution No. 6305 describing improvements and directing the preparation of the Engineer's Report for Fiscal Year 2016-17 for the City of Menlo Park Landscaping District, adopted on January 26, 2016, by the City Council of Menlo Park; and

WHEREAS pursuant to provisions of Article XIID of the California Constitution and the Landscaping and Lighting Act of 1972, SCI Consulting Group for said City has prepared and filed with the City Clerk of this City the written report called for under and in accordance with Section 22565, *et. seq.*, of the Streets and Highways Code and Article XIID of the California Constitution; and

WHEREAS, by said Resolution No. 6305, which said report has been submitted and preliminarily approved by this Council in accordance with said Article and Act.

NOW, THEREFORE, BE IT RESOLVED, THAT IT IS HEREBY FOUND, DETERMINED, and ORDERED, as follows:

1. In its opinion, the public interest and convenience require, and it is the intention of this Council, to order the continuation and collection of assessments for Fiscal Year 2016-17 pursuant to the provisions of Article XIID of the California Constitution and the Landscaping and Lighting Act of 1972, Part 2, Division 15 of the Streets and Highways Code of the State of California, for the construction or installation of the improvements, including the maintenance or servicing, or both, thereof, more particularly described in Exhibit A hereto attached and by reference incorporated herein;
2. The cost and expense of said improvements, including the maintenance or servicing, or both, thereof, are to be made chargeable upon the assessment district designated as "City of Menlo Park Landscaping District" (District) the exterior boundaries of which District are the composite and consolidated area as more particularly described on a map thereof on file in the office of the Clerk of said City, to which reference is hereby made for further particulars. Said map indicates by a boundary line the extent of the territory included in the District and the general location of said District;
3. Said Engineer's Report prepared by SCI Consulting Group, preliminarily approved by this Council, and on file with the Clerk of this City, is hereby referred to for a full and detailed description of the improvements, the boundaries of the

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assessment district and the proposed assessments upon assessable lots and parcels of land within the District;

4. The authorized maximum assessment rates for the District include an annual adjustment by an amount equal to the annual change in the Engineering News Record Index, not to exceed 3.00 percent per year, plus any uncaptured excesses. Assessment rates for the tree portion of the assessments are proposed to increase during Fiscal Year 2016-17 by 5.00% Including the authorized annual adjustment, the maximum authorized assessment rate for street tree maintenance for Fiscal Year 2016-17 is \$104.46 per single family equivalent benefit unit, and the assessment rate per single family equivalent benefit unit for Fiscal Year 2016-17 is \$65.16 which is less than the maximum authorized rate. Including the authorized annual adjustment, the maximum authorized assessment rate for sidewalk repairs for Fiscal Year 2016-17 is \$46.64 per single family equivalent benefit unit, and the proposed assessment rate per single family equivalent benefit unit to be continued to Fiscal Year 2016-17 is \$28.70, which is the same rate as that levied in Fiscal Year 2015-16 and is less than the maximum authorized rate;
5. Notice is hereby given that Tuesday, the 21st day of June, 2016, at the hour of 7:00 o'clock p.m., or as soon thereafter as the matter may be heard, in the regular meeting place of said Council, Council Chambers, Civic Center, 701 Laurel Street, Menlo Park, California, be, and the same are hereby appointed and fixed as the time and place for a Public Hearing by this Council on the question of the continuation and collection of the proposed assessment for the construction or installation of said improvements, including the maintenance and servicing, or both, thereof, and when and where it will consider all oral statements and all written protests made or filed by any interested person at or before the conclusion of said hearing, against said improvements, the boundaries of the assessment district and any zone therein, the proposed diagram or the proposed assessment, to the Engineer's estimate of the cost thereof, and when and where it will consider and finally act upon the Engineer's Report;
6. The Clerk of said City is hereby directed to give notice of said Public Hearing by causing a copy of this resolution to be published once in *The Daily News*, a newspaper circulated in said City, and by conspicuously posting a copy thereof upon the official bulletin board customarily used by the City for the posting of notices, said posting and publication to be had and completed at least ten (10) days prior to the date of public hearing specified herein; and
7. The Office of the Assistant Public Works Director of said City is hereby designated as the office to answer inquiries regarding any protest proceedings to be had herein, and may be contacted during regular office hours at the Civic Center, 701 Laurel Street, Menlo Park, California, 94025, or by calling (650) 330-6740.

I, Pamela I. 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 the 24<sup>th</sup> day of May, 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 24th day of May, 2016.

Pamela I. Aguilar  
City Clerk

**Exhibit A**

**City of Menlo Park Landscaping District**

Maintaining and servicing of street trees, including the cost of repair, removal or replacement of all or any part thereof, providing for the life, growth, health, and beauty of landscaping, including cultivation, trimming, spraying, fertilizing, or treating for disease or injury, the removal of trimmings, rubbish, debris, and other solid waste, and water for the irrigation thereof, and the installation or construction, including the maintenance and servicing thereof, of curbs, gutters, sidewalks, and parking strips.

**RESOLUTION NO. 6305****RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK DESCRIBING IMPROVEMENTS AND DIRECTING PREPARATION OF THE ENGINEER'S REPORT FOR THE CITY OF MENLO PARK LANDSCAPE ASSESSMENT DISTRICT FOR FISCAL YEAR 2016-17**

WHEREAS, in 1982, the Menlo Park citizens voted for Measure N, an advisory measure for the City to form an assessment district to care for the City's street tree infrastructure and the Menlo Park Landscape Assessment District was subsequently formed in 1983; and

WHEREAS, prior to 1990, property owners were responsible for all sidewalk and parking strip repair damaged by City street trees; and

WHEREAS, in 1990, an additional assessment was established and combined with the Landscape Assessment District to fund the repair of sidewalks and parking strips damaged by City trees; and

WHEREAS, in 1998-99, the City reauthorized the Landscape Assessment District through a mailed ballot, as required by Proposition 218.

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. This Council did, pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2, Division 15 of the Streets and Highways Code of the State of California, conduct proceedings for the formation of the City of Menlo Park Landscaping District and for the levy and collection of assessments for Fiscal Year 1983-1984, and did, on May 10, 1983, pursuant to proceedings duly had, adopt its Resolution No. 3417-F, A Resolution Overruling Protests and Ordering the Formation of an Assessment District and the Improvements and Confirming the Diagram and Assessment.
2. The public interest, convenience, and necessity require, and it is the intention of said Council to undertake proceedings for, the levy and collection of assessments upon the several lots or parcels of land in said District for the construction or installation of improvements, including the maintenance or servicing, or both, thereof for the Fiscal Year 2016-17.
3. The improvements to be constructed or installed include the maintenance and servicing of street trees, the cost of repair, removal, or replacement of all or any part thereof, providing for the life, growth, health and beauty of public landscaping, including cultivation, trimming, spraying, fertilizing, or treating for disease or injury, the removal of trimmings, rubbish, debris, and other solid waste, and water for the irrigation thereof, and the installation or construction, including the maintenance and servicing thereof, of curbs, gutters, sidewalks, and parking strips.

4. The costs and expenses of said improvements, including the maintenance or servicing, or both, thereof, are to be made chargeable upon said District, the exterior boundaries of which District are the composite and consolidated area as more particularly shown on a map (Exhibit A) thereof on file in the office of the Engineering Division of the City of Menlo Park to which reference is hereby made for further particulars. Said map indicates by a boundary line the extent of the territory included in said District and of any zone thereof and shall govern for all details as to the extent of the assessment district.
5. The Assessment Engineer is hereby directed to prepare and file with said Clerk a report, in writing, referring to the assessment district by its distinctive designation, specifying the fiscal year to which the report applies, and, with respect to that year, presenting the following:
  - a) Plans and specifications of the existing improvements and for proposed new improvements, if any, to be made within the assessment district or within any zone thereof;
  - b) An estimate of the costs of said proposed new improvements, if any, to be made, the costs of maintenance or servicing, or both, thereof, and of any existing improvements, together with the incidental expenses in connection therewith;
  - c) A diagram showing the exterior boundaries of the assessment district and of any zones within said district and the lines and dimensions of each lot or parcel of land within the district as such lot or parcel of land is shown on the County Assessor's map for the fiscal year to which the report applies, each of which lots or parcels of land shall be identified by a distinctive number or letter on said diagram; and
  - d) A proposed assessment of the total amount of the estimated costs and expenses of the proposed new improvements, including the maintenance or servicing, or both, thereof, and of any existing improvements upon the several lots or parcels of land in said district in proportion to the estimated benefits to be received by such lots or parcels of land respectively from said improvements, including the maintenance or servicing, or both, thereof, and of the expenses incidental thereto.
6. The Office of the Assistant Public Works Director of said City is hereby, designated as the office to answer inquiries regarding any protest proceedings to be had herein, and may be contacted during regular office hours at the Civic Center Administration Building, 701 Laurel Street, Menlo Park California 94025, or by calling (650) 330-6740.



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 the twenty-sixth day of January, 2016, by the following votes:

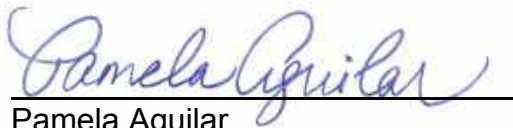
AYES: Carlton, Cline, Keith, Mueller, Ohtaki

NOES: None

ABSENT: None

ABSTAIN: None

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



Pamela Aguilar  
Pamela Aguilar  
City Clerk

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**CITY OF MENLO PARK**  
**LANDSCAPING ASSESSMENT DISTRICT**

**ENGINEER'S REPORT**

FISCAL YEAR 2016-17

MAY, 2016

PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 AND  
ARTICLE XIID OF THE CALIFORNIA CONSTITUTION

ENGINEER OF WORK:  
**SCI Consulting Group**  
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**CITY OF MENLO PARK**

---

**MENLO PARK CITY COUNCIL**

Mayor Richard Cline  
Mayor Pro Tem Kirsten Keith  
Council Member Catherine Carlton  
Council Member Ray Mueller  
Council Member Peter I. Ohtaki

**CITY MANAGER**

Alex D. McIntyre

**ASSISTANT PUBLIC WORKS DIRECTOR**

Ruben Niño

**CITY CLERK**

Pamela Aguilar

**CITY ATTORNEY**

Bill McClure

**ENGINEER OF WORK**

SCI Consulting Group  
Lead Assessment Engineer, John Bliss, M.Eng., P.E.

**TABLE OF CONTENTS**

---

**INTRODUCTION ..... 1**

    ASSESSMENT BACKGROUND..... 1

    LEGAL ANALYSIS ..... 3

**PLANS & SPECIFICATIONS ..... 5**

**METHOD OF ASSESSMENT ..... 6**

    DISCUSSION OF BENEFIT ..... 6

    BENEFIT FACTORS..... 7

    GENERAL VS. SPECIAL BENEFIT ..... 9

    METHOD OF ASSESSMENT ..... 10

    ASSESSMENT APPORTIONMENT - STREET TREES ..... 11

    ASSESSMENT APPORTIONMENT - SIDEWALK PROGRAM ..... 12

    ASSESSMENT APPORTIONMENT - OTHER PROPERTIES ..... 13

    APPEALS AND INTERPRETATION ..... 13

**ASSESSMENT ..... 15**

**ASSESSMENT DIAGRAM..... 20**

    APPENDIX A – ASSESSMENT ROLL, FY 2016-17 ..... 22

**LIST OF FIGURES**

---

FIGURE 1 – RESIDENTIAL ASSESSMENT FACTORS..... 11

FIGURE 2 – TREE MAINTENANCE ASSESSMENTS..... 14

FIGURE 3 – SIDEWALK, CURB, GUTTER, PARKING STRIP ASSESSMENTS..... 14

FIGURE 4 – SUMMARY COST ESTIMATE ..... 15

FIGURE 5 – ENGINEER’S COST ESTIMATE, FISCAL YEAR 2016-17..... 18

## INTRODUCTION

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### ASSESSMENT BACKGROUND

Between 1960 and 1982, the City of Menlo Park had one three-person crew to care for approximately 9,000 City trees. As the trees grew, it took considerably more time per tree to provide proper care. Consequently one tree crew was unable to perform the necessary work to maintain all of the street trees in proper condition. The Landscape Assessment District was originally formed in 1983 for the purpose of levying annual special assessments in order to properly maintain street trees in the City of Menlo Park. Currently, there are approximately 11,000 street trees that are maintained by the assessments.

Prior to 1990, property owners and the City would split the cost of repairing sidewalks damaged by City trees. The City would annually enter into an agreement with approximately 200 individual property owners. The one-time cost was a financial burden to some residents on fixed incomes. In order to make the program more cost-effective and less of a financial burden for property owners, an assessment for repair of sidewalks/parking strips due to City street-tree related damages was established in 1990.

The increased cost of the necessary work made the assessment amounts levied in Fiscal Year 1997-98 insufficient for adequately maintaining the City's street trees, curbs, gutters and sidewalks. An increase in the assessments was required to provide funding for continued tree maintenance and sidewalk repairs. However, with the passage of Proposition 218 on November 6, 1996, assessments can only be raised after the City conducts an assessment ballot proceeding and the ballots submitted in opposition to the assessments do not exceed the ballots in favor of the assessments. (Each ballot is weighted by the amount of assessment for the property it represents.)

### ASSESSMENT PROCESS

In 1998, the City conducted an assessment ballot proceeding for increased tree maintenance and sidewalk repair assessments pursuant to the requirements of Article XIID of the California Constitution (Proposition 218) and the Landscaping and Lighting Act of 1972. The proposed tree maintenance assessments for fiscal year 1998-99 were \$64.28 per single family equivalent unit and the proposed sidewalk repair assessments were \$28.70 per single family equivalent. The proposed maximum assessments also included an annual assessment cost escalator tied to the annual change in the Engineering News Record Construction Cost Index for the San Francisco Bay Area ("ENR Index"). These proposed assessments were supported by 73% of assessment ballots received from property owners (with each ballot weighted by the amount of assessments it represented). Therefore, on June 16, 1998 by its Resolution Number 4840-D, the City Council levied the new assessments.

### ENGINEER'S REPORT AND CONTINUATION OF ASSESSMENTS

In each subsequent year for which the assessments will be continued, the City Council must direct the preparation of an Engineer's Report, budgets and proposed assessments



for the upcoming fiscal year. After the Engineer's Report is completed, the City Council may preliminarily approve the Engineer's Report and proposed assessments and establish the date for a public hearing on the continuation of the assessments. This Report was prepared pursuant to the direction of the Council.

The maximum authorized assessment rate, as increased each year by the change in the ENR Index, is the maximum assessment rate that can be levied in the given fiscal year without approval from property owners in another assessment ballot proceeding. In fiscal year 1998-99, the assessments were levied at the maximum rate for that fiscal year. Since this first fiscal year after the ballot proceeding, the assessments have been levied below the maximum authorized rate.

The change to the ENR Index from December 2014 to December 2015 is currently unavailable. The maximum amount assessments can be increased annually is the ENR Index plus any uncaptured excess reserved from prior years, to a maximum increase of up to 3%. Therefore, this Engineer's Report assumes a 0% increase as of December 2015.

Based on accumulated excess reserves from prior years, the maximum authorized rates for fiscal year 2016-17 are \$104.46 for trees and \$46.64 for sidewalks without another ballot proceeding. (No additional ballot proceeding is required because the maximum authorized assessment rates, including the annual adjustments in these rates, were approved in the 1998 ballot proceeding. The actual rate levied in any given fiscal year can be revised up, with an annual maximum increase of 3%, or down, by any amount that does not cause the actual rates levied to exceed the maximum authorized assessment rates.)

The City reduced the assessment rate for tree maintenance in fiscal year 2000-01 and increased the assessment rate in fiscal years 2002-03, 2005-06 through 2009-10, and 2014-15. In other fiscal years it was not necessary to increase the rate, due to sufficient reserve funds carried forward from prior fiscal years, combined with general benefit contributions. For fiscal year 2016-17 the proposed assessments for tree maintenance are proposed to increase from fiscal year 2015-16, and the assessments for sidewalk maintenance are still not proposed to increase. The proposed rates are \$65.16 per Single Family Equivalent (SFE) for tree maintenance and \$28.70 per SFE for sidewalk repairs.

If the Council approves this Engineer's Report and the continuation of the assessments by resolution, a notice of assessment levies must be published in a local newspaper at least 10 days prior to the date of the public hearing. The resolution preliminarily approving the Engineer's Report and establishing the date for a public hearing is used for this notice.

Following the minimum 10 day time period after publishing the notice, a public hearing is held for the purpose of allowing public testimony about the proposed continuation of the assessments. This hearing is currently scheduled for June 14, 2016. At this hearing, the Council will consider approval of a resolution confirming the continuation of the assessments for fiscal year 2016-17. If so confirmed and approved, the assessments will

be submitted to the County Auditor/Controller for inclusion on the property tax roll for Fiscal Year 2016-17.

## **LEGAL ANALYSIS**

### **PROPOSITION 218**

This assessment is consistent with Proposition 218, The Right to Vote on Taxes Act, which was approved by the voters of California on November 6, 1996, and is now Article XIII C and XIII D of the California Constitution. Proposition 218 provides for benefit assessments to be levied to fund the cost of providing services, improvements, as well as maintenance and operation expenses to a public improvement which benefits the assessed property.

Proposition 218 describes a number of important requirements, including a property-owner balloting, for the formation and continuation of assessments, and these requirements are satisfied by the process used to establish this assessment.

The original assessment existed prior to the passage of Proposition 218. Although the original assessment is also consistent with Proposition 218, the California judiciary has generally referred to pre-Proposition 218 assessments as "grandfathered assessments" and held them to a lower standard than post Proposition 218 assessments.

### **SILICON VALLEY TAXPAYERS ASSOCIATION, INC. V SANTA CLARA COUNTY OPEN SPACE AUTHORITY**

In July of 2008, the California Supreme Court issued its ruling on the Silicon Valley Taxpayers Association, Inc. v. Santa Clara County Open Space Authority ("SVTA vs. SCCOSA"). This ruling is the most significant court case in further legally clarifying the substantive assessment requirements of Proposition 218. Several of the most important elements of the ruling included further emphasis that:

- Benefit assessments are for special, not general, benefit
- The services and/or improvements funded by assessments must be clearly defined
- Special benefits are directly received by and provide a direct advantage to property in the assessment district

### **DAHMS V. DOWNTOWN POMONA PROPERTY**

On June 8, 2009, the 4<sup>th</sup> Court of Appeal amended its original opinion upholding a benefit assessment for property in the downtown area of the City of Pomona. On July 22, 2009, the California Supreme Court denied review. On this date, Dahms became good law and binding precedent for assessments. In Dahms the Court upheld an assessment that was 100% special benefit (i.e., 0% general benefit) on the rationale that the services and improvements funded by the assessments were directly provided to property in the assessment district. The Court also upheld discounts and exemptions from the assessment for certain properties.

**BONANDER V. TOWN OF TIBURON**

On December 31, 2009, the 1<sup>st</sup> District Court of Appeal overturned a benefit assessment approved by property owners to pay for placing overhead utility lines underground in an area of the Town of Tiburon. The Court invalidated the assessments on the grounds that the assessments had been apportioned to assessed property based in part on relative costs within sub-areas of the assessment district instead of proportional special benefits.

**BEUTZ V. COUNTY OF RIVERSIDE**

On May 26, 2010 the 4<sup>th</sup> District Court of Appeal issued a decision on the Steven Beutz v. County of Riverside ("Beutz") appeal. This decision overturned an assessment for park maintenance in Wildomar, California, primarily because the general benefits associated with improvements and services were not explicitly calculated, quantified and separated from the special benefits.

**GOLDEN HILL NEIGHBORHOOD ASSOCIATION V. CITY OF SAN DIEGO**

On September 22, 2011, the San Diego Court of Appeal issued a decision on the Golden Hill Neighborhood Association v. City of San Diego appeal. This decision overturned an assessment for street and landscaping maintenance in the Greater Golden Hill neighborhood of San Diego, California. The court described two primary reasons for its decision. First, like in *Beutz*, the court found the general benefits associated with services were not explicitly calculated, quantified and separated from the special benefits. Second, the court found that the City had failed to record the basis for the assessment on its own parcels.

**COMPLIANCE WITH CURRENT LAW**

This Engineer's Report is consistent with the requirements of Article XIIC and XIID of the California Constitution and with the SVTA decision because the Improvements to be funded are clearly defined; the Improvements are directly available to and will directly benefit property in the Assessment District; and the Improvements provide a direct advantage to property in the Assessment District that would not be received in absence of the Assessments.

This Engineer's Report is consistent with *Beutz*, *Dahms* and *Greater Golden Hill* because the Improvements will directly benefit property in the Assessment District and the general benefits have been explicitly calculated and quantified and excluded from the Assessments. The Engineer's Report is consistent with *Bonander* because the Assessments have been apportioned based on the overall cost of the Improvements and proportional special benefit to each property.

## PLANS & SPECIFICATIONS

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Following is a description of the Services that are provided for the benefit of property in the Assessment District. Prior to the residential development in Menlo Park, the Level of Service on these improvements was effectively zero. The formula below describes the relationship between the final level of improvements, the baseline level of service (pre-development) had the assessment not been instituted, and the enhanced level of improvements funded by the assessment.

<b>Final Level of Service</b>	=	<b>Baseline Level of Service (≈zero, pre-development)</b>	+	<b>Enhanced Level of Service</b>
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The City of Menlo Park maintains street trees, sidewalks, curbs, gutters, and parking strips throughout the City.

The proposed improvements to be undertaken by the City of Menlo Park and financed by the levy of the annual assessment provide special benefit to Assessor Parcels within the District as defined in the Method of Assessment herein. The said improvements consist of maintaining, trimming, disease treatment, and replacement of street trees; street sweeping to remove debris; and the repair and replacement of damaged sidewalks, curbs, gutters, and parking strips damaged by street trees throughout the City of Menlo Park.

## **METHOD OF ASSESSMENT**

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This section of the Engineer's Report includes an explanation of the benefits to be derived from the maintenance, repair, and replacement of street trees, sidewalks, curbs, gutters, and parking strips throughout the City, and the methodology used to apportion the total assessment to properties within the Landscaping Assessment District.

The Landscaping Assessment District consists of all Assessor Parcels within the boundaries of the City of Menlo Park as defined by the County of San Mateo tax code areas. The method used for apportioning the assessment is based upon the proportional special benefits to be derived by the properties in the Landscaping Assessment District over and above general benefits conferred on real property or to the public at large. The apportionment of special benefit is a two-step process: the first step is to identify the types of special benefit arising from the improvements and the second step is to allocate the assessments to property based on the estimated relative special benefit for each type of property.

### **DISCUSSION OF BENEFIT**

In summary, the assessments can only be levied based on the special benefit to properties. This benefit is received by property over and above any general benefits and such benefit is not based on any one property owner's use of the amenities or a property owner's specific demographic status. With reference to the requirements for assessment, Section 22573 of the Landscaping and Lighting Act of 1972 states:

*"The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements."*

Article XIII D, Section 4 of the California Constitution has confirmed that assessments must be based on the special benefit to property:

*"No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel."*

The following benefit categories summarize the types of special benefit to residential, commercial, industrial and other lots and parcels resulting from the installation, maintenance and servicing of landscaping and lighting improvements to be provided with the assessment proceeds. These categories of special benefit are derived from the statutes passed by the California Legislature and other studies which describe the types of special benefit received by property from maintenance and improvements such as those within by the District. These types of special benefit are summarized as follows:

- A. PROXIMITY TO IMPROVED LANDSCAPED AREAS WITHIN THE ASSESSMENT DISTRICT.
- B. ACCESS TO IMPROVED LANDSCAPED AREAS WITHIN THE ASSESSMENT DISTRICT.
- C. IMPROVED VIEWS WITHIN THE ASSESSMENT DISTRICT.
- D. ENHANCED ENVIRONMENT BECAUSE OF THE VIGOROUS STREET TREE PROGRAM FOR OWNERS OF PROPERTY IN THE LANDSCAPING ASSESSMENT DISTRICT.
- E. INCREASED SAFETY AGAINST TRIPPING AND OTHER HAZARDS CAUSED BY CRACKED OR DAMAGED SIDEWALKS, CURBS AND GUTTERS.
- F. ENHANCED DESIRABILITY OF THE PROPERTY.
- G. REDUCED LIABILITY FOR LANDSCAPE MAINTENANCE.

In this case, the recent the SVTA v. SCCOSA decision provides enhanced clarity to the definitions of special benefits to properties in three distinct areas:

- Proximity
- Expanded or improved access
- Views

The SVTA v. SCCOSA decision also clarifies that a special benefit is a service or improvement that provides a direct advantage to a parcel and that indirect or derivative advantages resulting from the overall public benefits from a service or improvement are general benefits. The SVTA v. SCCOSA decision also provides specific guidance that landscaping improvements are a direct advantage and special benefit to property that is proximate to landscaping that is improved by an assessment:

*The characterization of a benefit may depend on whether the parcel receives a direct advantage from the improvement (e.g. proximity to a park) or receives an indirect, derivative advantage resulting from the overall public benefits of the improvement (e.g. general enhancement of the district's property values).*

Proximity, improved access and views, in addition to the other special benefits listed above further strengthen the basis of these assessments.

## **BENEFIT FACTORS**

The special benefits from the Improvements are further detailed below:

### **PROXIMITY TO IMPROVED LANDSCAPED AREAS WITHIN THE ASSESSMENT DISTRICT**

Only the specific properties within close proximity to the Improvements are included in the Assessment District. Therefore, property in the Assessment District enjoys unique and valuable proximity and access to the Improvements that the public at large and property outside the Assessment District do not share.

In absence of the assessments, the Improvements would not be provided and the landscaping areas in the Assessment District would be degraded due to insufficient funding for maintenance, upkeep and repair. Therefore, the assessments provide Improvements that are over and above what otherwise would be provided. Improvements that are over and above what otherwise would be provided do not by themselves translate into special benefits, but when combined with the unique proximity and access enjoyed by parcels in the Assessment District, they provide a direct advantage and special benefit to property in the Assessment District.

#### **ACCESS TO IMPROVED LANDSCAPED AREAS WITHIN THE ASSESSMENT DISTRICT**

Since the parcels in the Assessment District are nearly the only parcels that enjoy close access to the Improvements, they directly benefit from the unique close access to improved landscaping areas that are provided by the Assessments. This is a direct advantage and special benefit to property in the Assessment District.

#### **IMPROVED VIEWS WITHIN THE ASSESSMENT DISTRICT**

The City, by maintaining these landscaped areas, provides improved views to properties in the Assessment District. The properties in the Assessment District enjoy close and unique proximity, access and views of the Improvements; therefore, the improved and protected views provided by the Assessments are another direct and tangible advantage that is uniquely conferred upon property in the Assessment District. The Landscaping Assessment District provides funding to maintain and protect these public resources and facilities of the City. For example, the assessments provide funding to trim and maintain the street trees to maintain them in a healthy condition. This benefits properties by maintaining and improving the public resources in the community.

In order to allocate the proposed assessments, the Engineer begins by identifying the types of special benefit arising from the maintenance, repair, and replacement of the aforementioned facilities and that would be provided to property within the District. These types of special benefit are as follows:

#### **ENHANCED ENVIRONMENT BECAUSE OF THE VIGOROUS STREET TREE PROGRAM FOR OWNERS OF PROPERTY IN THE LANDSCAPING ASSESSMENT DISTRICT.**

Residential properties benefit from the enhanced environment provided by a vigorous program to install and maintain the street trees at a level beyond that followed by other cities throughout the County. The increased use of street trees provides an atmosphere of beauty beyond the norm. The improvements to the trees will be available to residents and guests of properties within the District.

Non-residential properties also will benefit from these improvements in many ways. The use of street trees softens the environment making it more pleasant for employees during commute time and at breaks from their work. These improvements, therefore, enhance an employer's ability to attract and keep quality employees. The benefits to employers ultimately flow to the property because better employees improve the employment

prospects for companies and enhanced economic conditions benefit the property by making it more valuable.

**INCREASED SAFETY AGAINST TRIPPING AND OTHER HAZARDS CAUSED BY CRACKED OR DAMAGED SIDEWALKS, CURBS AND GUTTERS.**

An aggressive inspection program identifies hazardous conditions in sidewalks, curbs and gutters caused by street trees and allows for these conditions to be repaired on a timely basis. Timely repair of hazardous conditions greatly improves the overall safety of the environment, thereby providing for safer use of property.

**ENHANCED DESIRABILITY OF THE PROPERTY**

The assessments will provide funding to improve the City's street tree program, raising the quality to a more desired level, and to ensure that the sidewalks, curbs, and gutters remain operable, safe, clean and well maintained. Such improved and well-maintained facilities enhance the overall desirability of property. This is a benefit to residential, commercial and industrial properties.

**REDUCED LIABILITY FOR LANDSCAPE MAINTENANCE**

The assessments will reduce the liability for landscape maintenance to street trees and other improvements. This is a benefit to residential, commercial and industrial properties.

**GENERAL VS. SPECIAL BENEFIT**

Article XIII D of the Constitution specifies that only special benefits are assessable and that the City must separate the general benefits from the special benefits conferred on any parcel. The complete analysis of special benefits and their allocation are found elsewhere in this report. For the Landscaping Assessment District, the City has identified a general benefit and has separated it from the special assessments.

The City's maintenance of street trees and sidewalk facilities provides a general benefit to the community and to the general public to some degree. The measure of this general benefit is the enhancement of the environment and safety provided to the greater public at large. This general benefit can be measured by the proportionate amount of time that the City's sidewalks and street trees are used and enjoyed by the greater public at large<sup>1</sup>. It is reasonable to assume that approximately 1/4 or 25% of the usage and enjoyment of the improvements is by the greater public. Therefore, approximately 25% of the benefits conferred by the improvements are general in nature.

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<sup>1</sup> . The greater public at large is generally defined as those who are not residents, property owners, customers or employees within the City, and residents who do not live in close proximity to the improvements.



The City's total budget for maintenance and improvement of its trees and sidewalk facilities is \$1,318,400. Of this total budget amount, the City will contribute \$120,000 from sources other than the assessments for sidewalk repair and \$325,000 for street tree maintenance. These contributions by the City equate to approximately 33.8% of the total budget for maintenance and more than offset the cost of the general benefits resulting from the improvements.

In the 2009 Dahms case, the court upheld an assessment that was 100% special benefit on the rationale that the services funded by the assessments were directly provided within the assessment district. It is also important to note that the improvements and services funded by the assessments in Pomona are similar to the improvements and services funded by the Assessments described in this Engineer's Report and the Court found these improvements and services to be 100% special benefit. Also similar to the assessments in Pomona, the Assessments described in this Engineer's Report fund improvements and services directly provided within the Assessment District and every benefiting property in the Assessment District enjoys proximity and access to the Improvements. Therefore, Dahms establishes a basis for minimal or zero general benefits from the Assessments. However, in this Report, the general benefit is more conservatively estimated and described, and then budgeted so that it is funded by sources other than the Assessment.

#### **METHOD OF ASSESSMENT**

The second step in apportioning assessments is to determine the relative special benefit for each property. This process involves determining the relative benefit received by each property in relation to a single family home, or, in other words, on the basis of Single Family Equivalents (SFE). This SFE methodology is commonly used to distribute assessments in proportion to estimated special benefit and is generally recognized as providing the basis for a fair and appropriate distribution of assessments. For the purposes of this Engineer's Report, all properties are designated a SFE value, which is each property's relative benefit in relation to a single family home on one parcel. The "benchmark" property is the single family detached dwelling which is one Single Family Equivalent, or one SFE.

As stated previously, the special benefits derived from the assessments are conferred on property and are not based on a specific property owner's use of the improvements, on a specific property owner's occupancy of property, or the property owner's demographic status such as age or number of dependents. However, it is ultimately people who enjoy the special benefits described above, use and enjoy the City's trees and sidewalks, and control property values by placing a value on the special benefits to be provided by the improvements. In other words, the benefits derived to property are related the average number of people who could potentially live on, work at or otherwise could use a property, not how the property is currently used by the present owner. Therefore, the number of people who could or potentially live on, work at or otherwise use a property is an indicator of the relative level of benefit received by the property.

**ASSESSMENT APPORTIONMENT - STREET TREES**

**PROPERTIES WITH STREET TREES**

All improved residential properties that represent a single residential dwelling unit and have a street tree on or fronting the property are assigned 1.0 SFE. All single-family houses with tree(s) and those units in R-2 zones that are being used as single family dwellings (with trees) are included in this category.

Properties with more than one residential unit are designated as multi-family residential properties. These properties benefit from the improvements in proportion to the number of dwelling units that occupy each property and the relative number of people who reside in multi-family residential units compared to the average number of people who reside in a single-family home. The population density factors for the County of San Mateo are depicted below. The SFE factors for condominium, townhouse, and multi-family parcels, as derived from relative dwelling unit population density, are also shown below.

**FIGURE 1 – RESIDENTIAL ASSESSMENT FACTORS**

<i>Total Population</i>	<i>Occupied Households</i>	<i>Persons per Household</i>	<i>SFE Factor- Single Family Residential</i>	<i>SFE Factor- Condominium/ Townhouse</i>	<i>SFE Factor- Multi-Family Residential</i>
717,041	257,849	2.74	1.0	0.9	0.8

Source: 2003 Census, San Mateo County

The SFE factor for condominium, townhouse, and multi-family parcels is based on the ratio of average persons per household for the property type versus the average persons per household for a single family residential home. Multi-family units are assessed at 0.80 per unit up to a maximum of 4.0 SFE per parcel (maximum of 5 units multiplied by 0.80). Condominium and townhouse parcels are assessed at 0.90 per unit, up to a maximum of 4.5 SFEs per development (maximum of 5 units multiplied by 0.90).

SFE values for commercial and industrial land uses are based on the equivalence of special benefit on a land area basis between single-family residential property and the average commercial/industrial property. The average size of a parcel for a single-family home in the District is approximately 0.18 acres, and such single-family property has an SFE value of 1.0. Using the equivalence of benefit on a land area basis, improved commercial and industrial parcels of approximately 0.20 acres or less would also receive an SFE benefit factor of 1.0. Commercial and industrial parcels in excess of a fifth of an acre in size are assigned 1.0 SFE per 0.20 acre or portion thereof, and the maximum benefit factor for any commercial/industrial parcel is 5.0 SFE.

Vacant parcels are also benefited from the street tree improvement and maintenance program. An example of a benefit is enhancement of the visual appeal that will accrue to a

vacant parcel from the presence or proximity of the community's street trees based on its future potential use. Undeveloped property also benefits from the installation and maintenance of street trees, because if the property is developed during the year, the street trees will be available to the developed property. The relative benefit to vacant property is determined to be generally equal to the benefit to a single-family home property. Therefore, vacant property with street tree(s) are assessed 1 SFE.

#### **PROPERTIES WITHOUT STREET TREES**

The special benefit factors conferred on property can be defined by the benefits conferred to properties with and without street trees. The types of benefits conferred to all property in the community include protection of views, screening, and resource values and enhanced desirability of the property. A higher level of special benefits is conferred directly on parcels with street trees because these parcels obtain additional benefits from well-maintained, healthy trees fronting the property. The types of special benefits that are increased for properties with street trees include enhanced levels of safety, desirability, unique proximity, access and views of resources and facilities from healthy trees on the property. Therefore, individual properties without street trees but in close proximity to parcels with street trees receive a direct benefit from the street trees and should pay 50% of the rate for a similar property with street trees. Such properties are assigned an SFE benefit factor that is 50% of that for a similar property with street trees.

#### **ASSESSMENT APPORTIONMENT - SIDEWALK PROGRAM**

The benefits to property for sidewalks, curbs, gutters and parking strips are closely related to a parcel's proximity to these improvements and the parcel's proximity to street trees. Street trees are the most common cause of sidewalk problems. Therefore, the highest benefit from the proposed sidewalk improvements is to properties with street trees and sidewalks, curbs and gutters, or street trees and parking strips and gutters, because without the maintenance work, these improvements would degrade more quickly, which would affect the parcel's appearance and safety. It is estimated that 1/3 of the special benefits are conferred to property with street trees and sidewalks or parking strips. Another 1/3 of the special benefits are conferred to property with street trees and curbs and gutters. Special benefit factors are also conferred on property without street trees or adjoining sidewalk, curb, gutter and/or parking strip improvements that are in close proximity to these types of improvements. It is estimated that the remaining 1/3 of the special benefit factors from the Sidewalk Program are conferred to these parcels that are in close proximity to the improvements but that do not have improvements directly adjacent to their property.

Consequently, properties with street trees and sidewalks or parking strips and curbs and gutters or valley gutters are assigned a benefit factor of 1 SFE. Properties with street trees, curbs and gutters are assigned a benefit factor of 0.67 SFE. If there are street trees but no improvements along the frontage of a parcel, or no street trees on a parcel, its benefit is 1/3 or 0.33 SFE.

### **ASSESSMENT APPORTIONMENT - OTHER PROPERTIES**

Improved, publicly owned parcels that are used for residential, commercial or industrial purposes are assessed at the rates specified previously. Other improved public property; institutional property and properties used for educational purposes, typically generate employees on a less consistent basis than other non-residential parcels. Moreover, many of these parcels provide some degree of on-site amenities that serve to offset some of the benefits from the District. Therefore, these parcels, with or without street trees, receive minimal benefit and are assessed an SFE factor of 1 for street tree assessments and an SFE factor of 1 for sidewalks, curbs and gutter assessments.

All properties that are specially benefited have been assessed. Agricultural parcels without living units, public right-of-way parcels, well, reservoir or other water rights parcels, unimproved open space parcels, watershed parcels and common area parcels generally provide recreational, open space and/or scenic benefits to the community. As such, they tend to provide similar benefits as provided by the improvements in the District. Any benefits they would receive from the landscaping maintenance are generally offset by the equivalent benefits they provide. Moreover, these parcels typically do not generate employees, residents or customers. Such parcels are, therefore, not specially benefited and are not assessed.

### **APPEALS AND INTERPRETATION**

Any property owner who feels that the assessment levied on the subject property is in error as a result of incorrect information being used to apply the foregoing method of assessment, may file a written appeal with the Assistant Public Works Director of the City of Menlo Park or his or her designee. Any such appeal is limited to correction of an assessment during the then current or, if before July 1, the upcoming fiscal year. Upon the filing of any such appeal, the Assistant Public Works Director or his or her designee will promptly review the appeal and any information provided by the property owner. If the Assistant Public Works Director or his or her designee finds that the assessment should be modified, the appropriate changes shall be made to the assessment roll. If any such changes are approved after the assessment roll has been filed with the County of San Mateo for collection, the Assistant Public Works Director or his or her designee is authorized to refund to the property owner the amount of any approved reduction. Any dispute over the decision of the Assistant Public Works Director or his or her designee shall be referred to the City Council of the City of Menlo Park and the decision of the City Council of the City of Menlo Park shall be final.

**FIGURE 2 – TREE MAINTENANCE ASSESSMENTS**

<b>Property Type</b>	<b>2016-17 Assessment Rates</b>	
<b>Parcels with Trees</b>		
Single Family	\$65.16	(per Parcel)
R-2 Zone, in use as single family	\$65.16	(per Parcel)
Condominium/Townhouse	\$58.64	(per Unit, \$293.22 max. per Project)
Other Multi-family	\$52.13	(per Unit, \$260.64 max. per Project)
Commercial	\$65.16	(per 1/5 acre, \$325.80 max. per Project)
Industrial	\$65.16	(per 1/5 acre, \$325.80 max. per Project)
Parks, Educational	\$65.16	(per Parcel)
Miscellaneous, Other	\$0.00	(per Parcel)
<b>Parcels without Trees</b>		
Single, Family	\$32.58	(per Parcel)
R-2 Zone, in use as single family	\$32.58	(per Parcel)
Condominium/Townhouse	\$29.32	(per Unit, \$146.61 max. per Project)
Other Multi-family	\$26.06	(per Unit, \$130.32 max. per Project)
Commercial	\$32.58	(per 1/5 acre, \$162.9 max.)
Industrial	\$32.58	(per 1/5 acre, \$162.9 max.)
Parks, Educational	\$32.58	(per Parcel)
Miscellaneous, Other	\$0.00	(per Parcel)

**FIGURE 3 – SIDEWALK, CURB, GUTTER, PARKING STRIP ASSESSMENTS**

<b>Parcels with Trees</b>	<b>2016-17 Assessment Rates</b>	
Sidewalks, curbs, gutters	\$28.70	(per Parcel)
Parking strips and gutters	\$28.70	(per Parcel)
Curbs and/or gutters only	\$19.23	(per Parcel)
No improvements	\$9.47	(per Parcel)
Miscellaneous, Other	\$0.00	(per Parcel)
<b>Parcels without Trees</b>		
Parcels with or without improvements	\$9.47	(per Parcel)
Miscellaneous, Other	\$0.00	(per Parcel)

Note: All total combined tree and sidewalk assessment amounts are rounded to the lower even penny.

## ASSESSMENT

WHEREAS, on January 19, 2016 the City Council of the City of Menlo Park, County of San Mateo, California, pursuant to the provisions of the Landscaping and Lighting Act of 1972 and Article XIID of the California Constitution (collectively "the Act"), adopted its Resolution Initiating Proceedings for the Levy of Assessments within the Landscaping Assessment District;

WHEREAS, said Resolution directed the undersigned Engineer of Work to prepare and file a report presenting an estimate of costs, a diagram for the assessment district and an assessment of the estimated costs of the improvements upon all assessable parcels within the assessment district, to which Resolution and the description of said proposed improvements therein contained, reference is hereby made for further particulars;

NOW, THEREFORE, the undersigned, by virtue of the power vested in me under said Act and the order of the City Council of said City of Menlo Park, hereby make the following assessment to cover the portion of the estimated cost of said improvements, and the costs and expenses incidental thereto to be paid by the assessment district.

The amount to be paid for said improvements and the expense incidental thereto, to be paid by the Landscaping Assessment District for the fiscal year 2016-17 is generally as follows:

**FIGURE 4 – SUMMARY COST ESTIMATE**

	<i>F.Y. 2016-17 Budget</i>
Street Tree Program	\$669,544
Street Sweeping	\$223,381
Sidewalk Program	\$300,000
Incidental Expenses	\$125,475
<b>TOTAL BUDGET</b>	<b>\$1,318,400</b>
Plus:	
Projected Fund Balance	\$266,998
Less:	
City Contribution for General Benefits	(\$445,000)
Contribution from Carry-Over Fund Balances	(\$357,005)
<b>NET AMOUNT TO ASSESSMENTS</b>	<b>\$783,393</b>

As required by the Act, an Assessment Diagram is hereto attached and made a part hereof showing the exterior boundaries of said Landscaping Assessment District. The distinctive number of each parcel or lot of land in the said Landscaping Assessment District is its Assessor Parcel Number appearing on the Assessment Roll.

And I do hereby assess and apportion said net amount of the cost and expenses of said improvements, including the costs and expenses incidental thereto, upon the parcels and lots of land within said Landscaping Assessment District, in accordance with the special benefits to be received by each parcel or lot, from the improvements, and more particularly set forth in the Cost Estimate and Method of Assessment hereto attached and by reference made a part hereof.

The assessment is made upon the parcels or lots of land within the Landscaping Assessment District in proportion to the special benefits to be received by the parcels or lots of land, from said improvements.

The assessment is subject to an annual adjustment tied to the Engineering News Record (ENR) Construction Cost Index for the San Francisco Bay Area, with a maximum annual adjustment not to exceed 3%. Any change in the ENR in excess of 3% shall be cumulatively reserved as the "Unused ENR" and shall be used to increase the maximum authorized assessment rate in years in which the ENR is less than 3%. The maximum authorized assessment rate is equal to the maximum assessment rate in the first fiscal year the assessment was levied adjusted annually by the minimum of 1) 3% or 2) the change in the ENR plus any Unused ENR as described above. The initial, maximum assessment rate balloted and established in Fiscal Year 1998-99 was \$64.28 per single family equivalent benefit unit for tree maintenance, and \$28.70 per single family equivalent benefit unit for sidewalk maintenance.

Based on the preceding annual adjustments, the maximum assessment rate for Fiscal Year 2015-16 was \$101.42 for tree maintenance and \$45.28 for Sidewalk maintenance. The change in the ENR from December 2014 to December 2015 is not yet available. Therefore, assuming a 0% increase in the ENR Index plus the uncaptured excess reserved from prior years, the maximum authorized assessment rate for Fiscal Year 2016-17 has been increased from \$101.42 to \$104.46 per single family equivalent benefit unit for tree maintenance, and from \$45.28 to \$46.64 per single family equivalent benefit unit for sidewalk maintenance. However, the estimate of cost and budget in this Engineer's Report proposes assessments for fiscal year 2016-17 at the rate of \$65.16 per single family equivalent benefit unit for tree maintenance, which is less than the maximum authorized assessment rate and is a 5% increase over the rate assessed in the previous fiscal year. The proposed assessment rate for fiscal year 2016-17 for sidewalk maintenance is \$28.70 per single family equivalent benefit unit, which is also less than the maximum authorized assessment rate and is the same rate assessed in the previous fiscal year.

Property owners in the Assessment District, in an assessment ballot proceeding, approved the initial fiscal year benefit assessment for special benefits to their property including the ENR adjustment schedule. As a result, the assessment may continue to be levied annually and may be adjusted by up to the maximum annual ENR adjustment without any additional assessment ballot proceeding. In the event that in future years the assessments are levied at a rate less than the maximum authorized assessment rate, the assessment rate in a subsequent year may be increased up to the maximum authorized assessment rate without any additional assessment ballot proceeding.

Each parcel or lot of land is described in the Assessment Roll by reference to its parcel number as shown on the Assessor's Maps of the County of San Mateo for the fiscal year 2016-17. For a more particular description of said property, reference is hereby made to the deeds and maps on file and of record in the office of the County Recorder of said County.

I hereby place opposite the Assessor Parcel Number for each parcel or lot within the Assessment Roll, the amount of the assessment for the fiscal year 2016-17 for each parcel or lot of land within the said Landscaping Assessment District.

May 17, 2016

Engineer of Work



By \_\_\_\_\_  
John W. Bliss, License No. C52091





FIGURE 5 – ENGINEER’S COST ESTIMATE, FISCAL YEAR 2016-17

2016-17  
CITY OF MENLO PARK LANDSCAPING ASSESSMENT DISTRICT  
ENGINEER’S COST ESTIMATE

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A. Tree Maintenance	
Salaries & Benefits	\$340,452.00
Operating Expense	\$38,551.94
Fixed Assets & Capital Outlay	\$4,500.00
Vehicle & Equipment Maintenance	\$16,040.00
Professional Services (Tree Spraying, Tree Trimming, Misc.)	\$270,000.00
Subtotal - Tree Maintenance	<u>\$669,543.94</u>
B. Debris Removal	
Salaries & Benefits	\$75,947.00
Operating Expense	\$2,433.62
Street Sweeping Contract	\$145,000.00
Subtotal - Debris Removal	<u>\$223,380.62</u>
C. Sidewalk, Curb, Gutter, Parking Strip Repair/Replacement	
Construction Costs	\$190,490.00
Design & Inspection	\$109,510.00
Subtotal - S/W,C,G, & PS Repair/Replace	<u>\$300,000.00</u>
Subtotal Tree/Debris/Reforestation/Sidewalk	<u>\$1,192,924.56</u>
D. Incidentals	
Indirect Costs & Administration	\$110,475.00
County Collection Fees	\$15,000.00
Subtotal - Incidentals	<u>\$125,475.00</u>
<b>Total Cost</b>	<b><u>\$1,318,399.56</u></b>

Revenue

Single Family Equivalent Benefit Units - Trees		9,007.34
Single Family Equivalent Benefit Units - Sidewalks		6,845.80
	2016/17	2015/16
Assessment Rate for Tree Fund/ SFE	\$65.16	\$62.06
Assessment Rate for Sidewalk Fund/ SFE	\$28.70	\$28.70
Revenue for Tree Fund		\$586,918.27
Revenue for Sidewalk Fund		\$196,474.46
<b>Total Revenue *</b>		<b>\$783,392.73</b>

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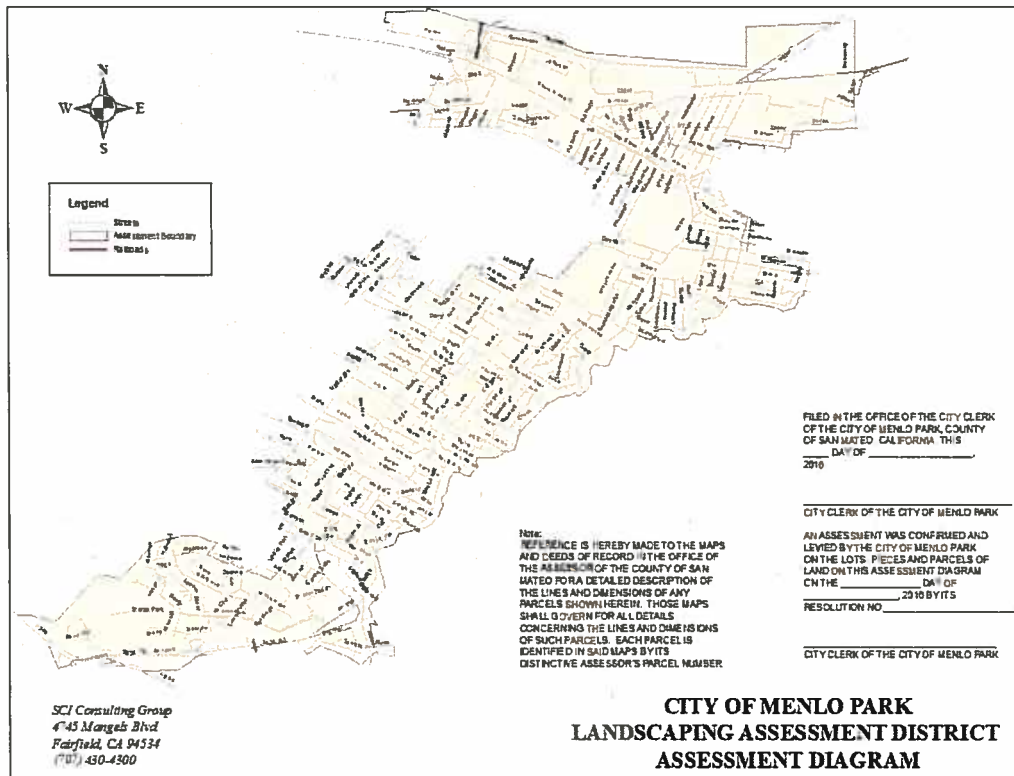
\* Total revenue is slightly less than SFEs times the assessment rate because all combined assessments are rounded down to the even penny.

## **ASSESSMENT DIAGRAM**

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The Landscaping Assessment District includes all properties within the boundaries of the City of Menlo Park.

The boundaries of the Landscaping Assessment District are displayed on the following Assessment Diagram.



**APPENDIX A – ASSESSMENT ROLL, FY 2016-17**

Reference is hereby made to the Assessment Roll in and for the assessment proceedings on file in the office of the City Clerk of the City of Menlo Park, as the Assessment Roll is too voluminous to be bound with this Engineer's Report.

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## STAFF REPORT

### City Council

Meeting Date:

6/21/2016

Staff Report Number:

16-113-CC

Public Hearing:

**Adopt a resolution to collect the regulatory fee at the existing rates to implement the City's Storm Water Management Program for Fiscal Year 2016-17**

### Recommendation

Staff recommends that the City Council adopt a resolution to continue to collect the regulatory fee at the existing rates to implement the City's Storm Water Management Program (SWMP) for Fiscal Year (FY) 2016-17.

### Policy Issues

The funds collected through the regulatory fee are used for the SWMP, which includes maintenance of storm drains and creeks and ensuring regulatory compliance.

### Background

Two types of storm water related fees and charges are funded by Menlo Park property owners: a local regulatory fee, applicable to the City only, and a countywide fee, which is applicable to general program activities benefitting all agencies within San Mateo County. The City Council is currently scheduled to consider authorization of both fees. The request to authorize the countywide fee is included as a separate staff report (see Agenda). The following background information is specific to the local regulatory fee program.

In 1991, the San Francisco Bay Regional Water Quality Control Board (Water Board) notified San Mateo County and all incorporated cities within the County of the requirement to submit a Municipal Storm Water National Pollutant Discharge Elimination System (NPDES) Permit application. As part of the permit process, all agencies were also required to implement a SWMP with the intent of reducing the sources of pollution from storm water discharges that enter San Francisco Bay from urban and developing areas. The Water Board adopted the most current Countywide NPDES Permit in November 2015, which became effective on January 1, 2016. The new Countywide NPDES Permit incorporates provisions, including goals, tasks, schedules, and reporting requirements.

To comply with NPDES Permit requirements, the City must adopt, enforce, and implement all of the regulatory provisions. In July 1994, City Council adopted Ordinance No. 859 (Municipal Code Chapter 7.42), "Storm Water Management Program." Article V of the ordinance established a separate funding mechanism for the SWMP, which requires the City to implement the regulatory fee on an annual basis. The funds collected are used to cover the expenses associated with the program, which include storm drain maintenance, cleaning of San Francisquito Creek and the Atherton Channel, and administrative and professional services. In FY 2015-16, the budget for the SWMP was \$353,035, with the regulatory fee providing \$336,520 in funds. The remaining expenses were covered by the carryover in the program fund balance.

The current annual regulatory fee collected by the City is based on a rate of \$5.25 per 1,000 square feet of impervious area for each property in the community. Fees therefore vary per property, depending on the amount of impervious area associated with the parcel. For single family homes in the Belle Haven and Willows neighborhoods, the annual fee averages between \$16 and \$18 per property. In Central Menlo Park and in the Sharon Heights neighborhood, the annual fee ranges between \$20 and \$26. The annual fee for a typical 5,000 square-foot downtown commercial property along Santa Cruz Avenue is \$26.25. Since the regulatory fee was established, there have been no increases. Increasing the fee would require the City to conduct a property-owner voting procedure in accordance with State Proposition 218.

**Analysis**

The budget for the SWMP for FY 2016-17 is presented in Table 1. As noted, the program tasks include administration of the NPDES Permit requirements to ensure compliance and reporting needs, storm drain and creek/channel maintenance, and efforts focused on San Francisquito Creek.

Table 1 - Proposed Storm Water Management Program Budget for FY 2016-17		
1.	<b>Staff administration and operating costs:</b> City's cost for personnel and operating expenses to implement the requirements of the NPDES Permit, including reporting, participation in Technical Advisory Committee and subcommittees, storm drain management efforts and administration of the street sweeping program.	\$203,591
2.	<b>Storm drain/creek cleaning:</b> Maintenance programs to clean storm drain inlets and San Francisquito Creek.	\$34,000
3.	<b>Channel clean up:</b> Contract with the City of Redwood City for the cleaning of the Atherton Channel.	\$60,000
4.	<b>Watershed Council:</b> City's contribution to Acterra for coordination of educational outreach, watershed planning, and other issues.	\$9,500
5.	<b>General and administrative overhead:</b> City's obligation to the General Fund for Finance, Information Technology and Administrative Services.	\$62,719
6.	<b>Miscellaneous professional services:</b> Stenciling of storm drains, updating the storm drain base map, geographic information services development, public information brochures, etc.	\$13,901
<b>Total</b>		<b>\$383,711</b>

The current fee structure is expected to generate revenues of \$353,820 in FY 2016-17. With an estimated \$440,295 carryover from FY 2015-16 (Table 2), sufficient funds will be available for the proposed FY 2016-17 SWMP expenditures. Therefore, Staff proposes no change to the regulatory fee structure for FY 2016-17 and recommends that City Council adopt a resolution allowing staff to continue to collect storm water fees at the existing rates from all developed parcels within the City boundaries. Once authorized, staff will forward the fee database directly to the County for preparation of the FY 2016-17 tax bills.





<b>Table 2 – Storm Water Management Program Revenues and Expenses FY 2016-17 Budget</b>	
Projected Beginning Fund Balance	\$440,295
Estimated Revenues (based on impervious area per parcel):	\$353,820
Estimated Expenses	\$383,711
<b>Projected Ending Fund Balance</b>	<b>\$410,404</b>

It is important to note that the regulatory fee for the SWMP is subject to the requirements of Proposition 218 as a property-related fee, thus any increase would be subject to voter approval. Residual fund balance has made up the difference with respect to expenditures in recent years. As the fund balance is drawn down, however, funds will not be sufficient to meet any new demands or unexpected expenses in future years. With increasing NPDES Permit requirements, there may be a need to increase fees in the near future.

**Impact on City Resources**

Funding for the SWMP consists of the carryover of unspent funds from prior years and revenues collected through the regulatory fee. If the City Council does not order the continuation of the collection of fees, the impact on City resources would amount to \$353,820 (the total projected revenues from the regulatory fee).

**Environmental Review**

Environmental review is not required for this action.

**Public Notice**

Public Notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting, and the publishing notices on June 10, 2016 and June 17, 2016.

**Attachments**

A. Resolution

Report prepared by:  
Azalea Mitch, Senior Civil Engineer

Report reviewed by:  
Ruben Niño, Assistant Public Works Director



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**RESOLUTION NO.****RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK TO AUTHORIZE COLLECTION OF A REGULATORY FEE AT EXISTING RATES TO IMPLEMENT THE LOCAL CITY OF MENLO PARK STORM WATER MANAGEMENT PROGRAM FOR FISCAL YEAR 2016-17**

WHEREAS, Section 402(p) of the Clean Water Act (33 U.S.C. 1251 et seq.) as amended by the Water Quality Control Act of 1987, requires that all large and medium-sized incorporated municipalities must effectively prohibit non-storm water discharges into storm sewers; and further requires controls to reduce the discharge of pollutants from storm water systems to waters of the United States to the maximum extent practicable; and

WHEREAS, the City of Menlo Park, in conjunction with all of the incorporated cities in San Mateo County, has prepared the Storm Water Management Plan, which has a General Program to be administered and funded through the San Mateo County Flood Control District, and a specific program for each city, to be administered and funded by each city; and

WHEREAS, the Menlo Park specific program includes those efforts and programs required to be undertaken by the City of Menlo Park to support and address its responsibility to regulate and enforce local pollution control components under the Storm Water Management Plan; and

WHEREAS, the Menlo Park City Council is authorized and/or mandated by Ordinance No. 859 adopted on July 12, 1994, and including the following federal and/or state statutes: the federal Clean Water Act as amended in 1987; the National Pollutant Discharge Elimination System Permit Application Regulations for Stormwater Discharges; the California Constitution, Article XI, Section 7 of the California Water Code Section 13002; and Part 3 of Division 5 of the California Health and Safety Code, to impose a regulatory fee to enforce the local storm water pollution control components of the San Mateo County Stormwater Management Plan upon the businesses, entities, residents, and unimproved properties of the City of Menlo Park; and

WHEREAS, that the City Council of the City of Menlo Park conducted a noticed public hearing to consider this resolution as part of an overall plan addressing, regulating, and reducing non-point source pollution discharges within the City of Menlo Park, and including regulatory fees necessary to ensure local compliance with the federal and/or state statutes.

NOW THEREFORE BE IT RESOLVED AND IS HEREBY FOUND, DETERMINED, AND ORDERED AS FOLLOWS:

1. That the Assistant Public Works Director for the City of Menlo Park is the authorized collection agent for the regulatory fees authorized and/or mandated by federal and/or state statutes, and is hereinafter empowered to collect, contract for collection, enforce, and/or institute other proceedings necessary for the collection of the regulatory fee.
2. That the Assistant Public Works Director is hereby directed to file, or cause to be filed, the amount of regulatory fees as described and shown on the attached Exhibit "A" including the diagram shown on the County Assessor's maps to be imposed and the parcels upon which such regulatory fees are imposed, with the County Auditor and/or the County Tax Collector of the County of San Mateo no later than early August 2016. For each parcel upon which a

regulatory fee has been imposed, the regulatory fee shall appear as a separate item on the tax bill and shall be levied and collected at the same time and in the same manner as the general tax levy for City purposes.

3. That the Assistant Public Works Director is authorized to enter into those agreements necessary to have the County of San Mateo perform the regulatory fee collection services required; and the City Council hereby authorizes the County of San Mateo to perform such services, and for the City to pay the County of San Mateo for the reasonable costs of those collection services so provided.

BE IT FURTHER RESOLVED that said Council authorized the establishment of a Regulatory Fee imposed to pay for costs to implement the Storm Water Management Program in accordance with Exhibit "A" attached hereto and incorporated herein by this reference.

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 Public Hearing held by the City Council of the City of Menlo Park on the twenty-first day of June, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of the City of Menlo Park this twenty-first day of June, 2016.

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Pamela Aguilar  
City Clerk

**CITY OF MENLO PARK**

**Storm Water Management Program Regulatory Fee**

**Fiscal Year 2016-17**

**All Residential/Commercial/Industrial**

All residential/commercial/industrial properties and other non-residential properties shall pay \$.00525 per square foot of impervious area.

Exempt from fee: Federal, State, County, Flood Plain, and City Government parcels.

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## STAFF REPORT

### City Council

Meeting Date:

6/21/2016

Staff Report Number:

16-114-CC

### Public Hearing:

**Adopt a resolution recommending that the San Mateo County Flood Control District (District) impose basic charges at existing rates and increase the additional charges by 3.02 percent for funding the Fiscal Year (FY) 2016-17 Countywide National Pollutant Discharge Elimination System (NPDES) General Program and allow the District to collect these fees annually**

### Recommendation

Staff recommends that the City Council adopt a resolution:

- Recommending that the District impose basic charges at existing rates and increase the additional charges by 3.02% for FY 2016-17 for the NPDES General Program; and
- Authorizing the District to collect the fees annually until a City Council resolution rescinds the authorization which shall be transmitted to the District by May 1, prior to the budget year the cancellation or modification is to take effect.

### Policy Issues

The City Council is the governing body with the authority to enable the District to collect fees on behalf of the City for participation in the regional program and for compliance with the Countywide NPDES permit. In addition, by authorizing the District to collect the fees annually, the City will save time and the expense associated with having to adopt a resolution recommending that the District impose fees needed to meet an on-going regulatory requirement on a yearly basis.

### Background

Two types of storm water related fees and charges are funded by Menlo Park property owners: a local regulatory fee, applicable to the City only, and a countywide fee, which is applicable to general program activities benefitting all agencies within San Mateo County (County). The City Council is currently scheduled to consider authorization of both fees. The request to authorize the local fee is included as a separate staff report (See Agenda). The following background information is specific to the countywide program.

In 1991, the San Francisco Bay Regional Water Quality Control Board (Water Board) notified San Mateo County and all incorporated cities within the County of the requirement to submit a Municipal Storm Water NPDES Permit application. As part of the permit process, all agencies were also required to implement a Storm Water Management Plan (SWMP) with the intent of reducing the sources of pollution from storm water discharges that enter San Francisco Bay from urban and developing areas. In partnership with the City/County Association of Governments (C/CAG), the San Mateo Countywide Water Pollution Prevention

Program (Program) was created, which is responsible for coordinating the activities that benefit all agency NPDES co-permittees involved with the implementation of the SWMP. The Program ensures adherence to the conditions set forth under the Municipal Regional Storm Water NPDES Permit, which includes a total of 20 cities and towns in the County and the District. The Water Board adopted the most current Countywide NPDES Permit in November 2015, which became effective on January 1, 2016. The new Countywide NPDES Permit incorporates provisions, including goals, tasks, schedules, and reporting requirements.

Since 1992, the District has been collecting fees on behalf of the cities and towns to pay for the portion of the SWMP that benefits all agencies in the County (program elements benefiting all agency NPDES co-permittees). This has been an effective approach in minimizing the costs of implementing the SWMP. The charges imposed by the District pay for the costs of the Countywide SWMP, which consist of the following tasks:

- **Program Coordination:** A Regional NPDES Permit Coordinator chairs two main committees (Stormwater and Technical Advisory Committees) and seven major subcommittees (Municipal Government Maintenance, Industrial and Illicit Discharge, New Development/Redevelopment, Trash and Parks Maintenance Integrated Pest Management Public Information and Participation and Watershed Monitoring). The Permit Coordinator interfaces between the committees and subcommittees, consultants, and the Water Board. The Program Coordinator helps establish the annual budget and manages the consultant administrator, who is responsible for assisting the agencies meet the NPDES Permit requirements.
- **Development and Implementation of Performance Standards:** The consultant administrator is responsible for developing training materials, graphs, spreadsheets, documents, and timelines that assist the municipalities in reporting on and complying with the various permit requirements.
- **Performance Monitoring:** The consultant administrator develops, distributes, collects, tabulates various performance-monitoring report information, and submits it to the Water Board. The consultant administrator evaluates the effectiveness of implemented controls in the areas of municipal maintenance; commercial, industrial, and illicit discharge; public information/participation; new development/redevelopment; and watershed monitoring.
- **Publications and Education Programs:** The consultant administrator develops and implements the public information and participation program including website development, brochures, outreach programs in the local schools and training flyers, as required by the NPDES Permit to educate the public.

The total budget for the Countywide SWMP in FY 2015-16 was \$3,830,880, which the City paid \$84,848. To pay for the SWMP, the fee collected by the District consists of two separate parcel charges covering “basic” and “additional” fees. The basic fee does not change from year-to-year, whereas the additional fee is structured to change by a percentage equal to the movement in the Consumer Price Index (Bureau of Labor, Urban Wage Earners). Fees collected by the District vary, depending upon the land use category, which include single family residential, miscellaneous, agricultural, vacant, condominium.

## Analysis

The San Mateo Countywide Water Pollution Prevention Program is responsible for coordinating the activities that benefit all 21 agency co-permittees involved with the implementation of the SWMP. The Program also ensures adherence to the conditions set forth under the NPDES Permit. The total budget for the Countywide SWMP proposed for FY 2016-17 is \$3,100,000 and is over \$700,000 less than FY 2015-16. C/CAG was approved on June 9, 2016. In order to meet the FY 2016-17 NPDES permit requirements



C/CAG had to utilize a significant amount of their fund reserves to meet expenditures. Therefore, in FY 2017-18 there will be limited carryover which most likely will result in service cuts in technical support to member agencies including Menlo Park for the Countywide Program.

As discussed previously, the fee collected by the District consists of two separate charges covering the “Basic” and “Additional” Fees. The Consumer Price Index increased 3.02 percent from February 2015 to February 2016. As a result, the District is proposing that the “Additional” Fee be increased for FY 2016-17 by 3.02 percent. The Additional Fee is proposed to increase next fiscal year by \$0.04 per parcel for Miscellaneous, Agricultural, Vacant, and Condominium land uses and by \$0.08 per parcel for all other land uses and single family residence. The estimated share of the District’s revenues to be collected on behalf of the City from the FY 2016-17 Countywide program is \$86,088 based on the proposed rates per parcel. The current and proposed annual fees are shown in the following table.

Land Use Category	Current Annual Fee FY 2015-16		Proposed Annual Fee FY 2016-17	
Single Family Residence (per parcel)	Basic	\$3.44	Basic	\$3.44
	Additional	<u>\$3.32</u>	Additional	<u>\$3.40</u>
	Total	\$6.76	Total	\$6.84
Miscellaneous, Agriculture, Vacant, and Condominium (per parcel)	Basic	\$1.72	Basic	\$1.72
	Additional	<u>\$1.66</u>	Additional	<u>\$1.70</u>
	Total	\$3.38	Total	\$3.42
All Other Land Uses (per parcel)	Basic	\$3.44	Basic	\$3.44
	Additional	<u>\$3.32</u>	Additional	<u>\$3.40</u>
	Total	\$6.76	Total	\$6.84
	(\$6.76 for the first 11,000 sq. ft.; \$0.62* for each additional 1,000 sq. ft.)		(\$6.84 for the first 11,000 sq. ft.; \$0.62* for each additional 1,000 sq. ft.)	
	*\$0.32 Basic fee, \$0.30 Additional fee		*\$0.32 Basic fee, \$0.30 Additional fee	

As the City is required to comply with the Countywide NPDES permit, staff recommends that the City Council authorize the District to levy the fees on City properties and to use the revenue for Countywide storm water management activities.

To save the City time and the expense on having to annually adopt a resolution recommending that the District impose fees needed to meet an on-going regulatory requirement, staff is also recommending that the City Council authorize the District to collect the fees annually. This authorization can be changed by a City Council resolution rescinding or modifying the authorization and transmitted to the District by May 1, prior to the budget year the cancellation or modification is to take effect. Currently, the City is the only agency in San Mateo County to authorize the collection of fees on an annual basis.

**Impact on City Resources**

The estimated share of the revenues to be collected on behalf of the City for the FY 2016-17 Countywide program is \$86,088, based on the proposed rates per parcel. By adopting the attached resolution, Council is authorizing the County to levy these fees on City properties and to use the revenue for Countywide storm water management activities. If the Council chooses not to have the County collect these fees, the impact

on City resources will be approximately \$86,088 as the City is required by the NPDES permit to implement these programs.

### **Environmental Review**

Environmental review is not required for this action.

### **Public Notice**

Public Notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting, and the publishing notices on June 10, 2016 and June 17, 2016.

### **Attachments**

- A. Resolution recommending that the District impose basic and additional charges for the Countywide NPDES General Program and charges be collected through the District until the City Council rescinds or modifies the authorization

Report prepared by:  
Azalea Mitch, Senior Civil Engineer

Report reviewed by:  
Ruben Niño, Assistant Public Works Director

## RESOLUTION NO. XX

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK TO RECOMMEND THAT THE SAN MATEO COUNTY FLOOD CONTROL DISTRICT IMPOSE BASIC CHARGES AT EXISTING RATE AND INCREASING THE ADDITIONAL CHARGES BY 3.02 PERCENT FOR FUNDING THE SCOPE OF WORK FOR THE FISCAL YEAR 2016-17 COUNTYWIDE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) GENERAL PROGRAM AND TO RECOMMEND THAT THE SAN MATEO COUNTY FLOOD CONTROL DISTRICT COLLECT THE CHARGES FOR FUNDING THE SCOPE OF WORK FOR THE COUNTYWIDE NPDES GENERAL PROGRAM UNTIL THE CITY COUNCIL RESCINDS THE AUTHORIZATION**

WHEREAS, the Environmental Protection Agency, under amendments to the 1987 Federal Clean Water Act, imposed regulations that mandate local governments to control and reduce the amount of stormwater pollutant runoff into receiving waters; and

WHEREAS, under the authority of California Porter-Cologne Water Quality Act, the State Water Resources Control Board has delegated authority to its regional boards to invoke permitting requirements upon counties and cities; and

WHEREAS, in July 1991, the San Francisco Bay Regional Water Quality Control Board notified San Mateo County of the requirement to submit an NPDES Permit Application by November 30, 1992; and

WHEREAS, in furtherance of the NPDES Permit Process, San Mateo County in conjunction with all incorporated cities in San Mateo County has prepared a San Mateo Countywide Stormwater Management Plan which has a General Program as a fundamental component of the Management Plan; and

WHEREAS, the San Francisco Bay Regional Water Quality Control Board, after a Public Hearing, approved the Renewed NPDES Permit CAS0029921, effective July 21, 1999, and which expired July 20, 2004; and

WHEREAS, with the complete and timely application by the San Mateo Countywide Stormwater Pollution Prevention Program for Permit renewal submitted on January 23, 2004, the San Francisco Bay Regional Water Quality Control Board administratively extended the expiration of said Permit until such time as a Public Hearing is held and the application is considered; and

WHEREAS, the San Francisco Bay Regional Water Quality Control Board adopted NPDES Permit CAS612008 on November 19, 2015, effective January 1, 2016; and

WHEREAS, the San Mateo County Flood Control District Act, as amended by the State Legislature in 1992 (Assembly Bill 2635), authorized the San Mateo County Flood Control District ("District") to impose charges to fund storm drainage programs such as the NPDES Countywide General Program; and

WHEREAS, the Basic Annual Charges and Additional Annual Charges for FY 2016-17, when adopted, would be necessary to fund a \$3,100,000 Budget for FY 2016-17, and are as follows:

## Basic Annual Charges:

- Single Family Residence: \$3.44/APN
- Miscellaneous, Agriculture, Vacant, and Condominium: \$1.72/APN
- All Other Land Uses: \$3.44/APN for the first 11,000 square feet plus \$0.32 per 1,000 additional square feet of parcel area.

## Additional Annual Charges (Adjusted Annually by the Consumer Price Index.):

- Single Family Residence: \$3.40/APN
- Miscellaneous, Agriculture, Vacant, and Condominium: \$1.70/APN
- All Other Land Uses: \$3.44/APN for the first 11,000 square feet plus \$0.30 per 1,000 additional square feet of parcel area.

WHEREAS, the charges are in the nature of a sewer service charge in that they are intended to fund a federally mandated program the purpose of which is to create waste treatment management planning processes to reduce the amount of pollutants in discharges from property into municipal storm water systems which, in turn, discharge into the waters of the United States; and

WHEREAS, the City of Menlo Park has held a meeting upon the proposal to fund the Countywide NPDES General Program through the San Mateo County Flood Control District; the City Council makes the below resolve following that meeting.

NOW THEREFORE, BE IT RESOLVED, and is hereby found, determined, and ordered as follows:

1. The City of Menlo Park respectfully requests the San Mateo County Board of Supervisors, acting as the governing board of the San Mateo County Flood Control District, to impose those basic charges at existing rate and increasing the additional charges necessary to fund the FY 2016-17 Countywide NPDES General Program; and
2. The City of Menlo Park requests that the basic and additional charges be collected through the San Mateo County Flood Control District until a Council Resolution rescinding or modifying this authorization is transmitted to the San Mateo County Flood Control District by May 1, prior to the budget year the cancellation or modification is to take effect; and
3. The City of Menlo Park agrees that the additional charges to be imposed will be adjusted annually based on the Consumer Price Index and C/CAG shall notify the City of said adjustments annually prior to May 31 of each year; and
4. The City of Menlo Park requests that all properties within the territorial limits of said City be charged the basic and additional annual charges in accordance with said charges stated above; and
5. The City of Menlo Park agrees that this resolution meets the funding obligation and will suffice for future years; and
6. The City Clerk is hereby directed to forward copies of this Resolution to the Clerk of the San Mateo County Board of Supervisors, the San Mateo County Flood Control District, the San Mateo County Engineer, and to the NPDES Coordinator of C/CAG.

I, Pamela Aguilar, City Clerk of Menlo Park, do hereby certify that the foregoing Council Resolution was duly and regularly passed and adopted at a meeting by said Council on the twenty-first day of June, 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-first day of June 2016.

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Pamela Aguilar  
City Clerk

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## STAFF REPORT

### City Council

Meeting Date: 6/21/2016  
Staff Report Number: 16-104-CC

**Regular Business:** Consider approval of amendments to the agreement between the City of Menlo Park and Service Employees International Union, Local 521

*Please note that some attachments were revised after the early release*

### Recommendation

Approve amendments to the collective bargaining agreement between the City of Menlo Park and Service Employees International Union, Local 521 (SEIU), and authorize the Administrative Services Director to execute a Side Letter Agreement which shall expire coterminous with the current Memorandum of Understanding (MOU) on June 30, 2017.

### Policy Issues

This recommendation aligns with the City's goals of balancing continued fiscal prudence in planning for potential impacts of employee retirement benefits, while also continuing to align the City as a competitive employer in the increasingly robust job market of the Silicon Valley.

### Background

In June 2015, City Council awarded a contract to Koff & Associates for the purposes of conducting a comprehensive classification and compensation study of all non-sworn City of Menlo Park classifications. Preliminary results were provided to the City Council in February 2016, at which time the Council communicated the following guiding principles for upcoming labor negotiations with SEIU:

- Using our 13 City labor market, the market median shall be the target for City of Menlo Park benchmark employees' total compensation; and
- For those employees whose total compensation is found to be below the market median, provide market-based adjustments to bring those employees up to the market median

The guiding principles were founded on general practices and the importance of recruiting and retaining talented employees, during a competitive public and private sector job market.

On November 10, 2015, City Council approved the terms of an agreement between the City of Menlo Park and SEIU and authorized the City Manager to execute a Memorandum of Understanding (MOU) with a term of November 10, 2015 through June 30, 2017. Those terms included an agreement to reopen the MOU on March 1, 2016 on the single issue of wage increases, and stipulated that no special wage increases will be implemented without mutual agreement between the City and SEIU. The agreement further stipulated that if no agreement is reached on special wage increases, all SEIU classifications would receive an across the board salary increase of 2% effective the first full pay period after July 1, 2016.

The reopener on March 1, 2016 was intended to coincide with the completion of a Classification and Compensation Study conducted by Koff & Associates, which includes a total compensation survey of the

13-comparator agencies for benchmark positions. While the study narrative has not yet been finalized, the Study concluded that 18 of the 61 classifications in SEIU have a total compensation package below the labor market median.

SEIU represents approximately 148 non-sworn employees across 61 classifications throughout the City. The City's and SEIU's negotiation teams commenced negotiations on April 5, 2016. The parties met four times and reached a Tentative Agreement (TA) on wages on May 25, 2016. SEIU notified the City that the TA was ratified by the membership on May 31, 2016.

## **Analysis**

The Tentative Agreement, Attachment C, is on wages only, between the City and SEIU and, if approved by the City Council, adjusts the salary ranges for all SEIU represented classifications effective July 10, 2016, the first day of the first full pay period in July.

In addition to the previously agreed to 2% across the board adjustment, the Tentative Agreement provides special wage adjustments to correct for positions that are currently below market median total compensation as calculated by Koff and Associates. In most cases the market based adjustments apply to existing classifications with the exception of Account I/II, Information Technology Specialist I/II and Management Analyst I/II. In these instances, Koff recommends the creation of new classifications for existing employees and then a lateral transition to the new classifications. For other classifications, there are instances where Koff recommends new job titles to reflect the current operating structure of the City while also achieving greater consistency with job titles in other cities.

The Tentative Agreement for special wage adjustments is consistent with the City's goal of maintaining a competitive total compensation package to attract and retain quality employees. When surveyed across 13 comparator agencies, Koff & Associates identified 18 of the 61 classifications represented by SEIU as receiving a total compensation package less than market median. Total compensation incorporates all aspects of compensation that accrue to the benefit of an individual employees such as base salary, pension, medical, dental, and paid time off. In order to correct for the under market compensation packages, the Tentative Agreement provides adjustments to classifications ranging from 0.1% to 9.6% as detailed in the Tentative Agreement.

As mentioned earlier, the current MOU between SEIU and the City contains language that provides a 2.0% across the board salary increase. The Tentative Agreement implements the 2% across the board salary increase to ensure that the City maintains its standing in the labor market total compensation. Since the date of Koff & Associates' survey, several comparator cities have provided cost-of-living-adjustments (COLA) to their employees. COLAs are generally intended to offset the impact of inflation on an employee's wages. To arrive at inflation for the Bay Area region, the City relies on calculations by the Federal Bureau of Labor Statistics, specifically the Consumer Price Index – All Urban Consumers. For the 12 month period measured from February 2015 to February 2016, the Consumer Price Index All Urban Consumers for the San Francisco-Oakland-San Jose region was +3.02%.

On June 6, 2016, in accordance with Council's Public Input and Outreach Regarding Labor Negotiations policy, this staff report was posted to provide an opportunity for public comment prior to and during Council's consideration of these amendments on June 21, 2016.



### **Impact on City Resources**

This Tentative Agreement results in new cost to the City totaling \$274,200. Of this amount, \$67,300 is attributed to the special wage adjustments to bring 18 classifications up to market median total compensation. The balance, \$206,900, results from an across the board salary adjustment of 2% which was provided for in the current MOU. Given that the across the board adjustment was contained in the current MOU, \$206,900 is included in the City Manager's proposed 2016-17 budget and 10-year forecast. The balance, \$67,300, will require the use of anticipated operating surplus.

### **Environmental Review**

No environmental review is required.

### **Public Notice**

Public Notification was achieved by posting the item 15 days prior to the Council meeting of June 21, 2016.

### **Attachments**

- A. Compensation Study
- B. Compensation Study Appendix "1" (*revised since early release*)
- C. Tentative Agreement between the City of Menlo Park and SEIU
- D. Updated City/SEIU MOU Appendix "A"
- E. SEIU Salary Schedule (*revised since early release*)

Report prepared by:

Lenka Diaz, Human Resources Manager

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# Compensation Study

City of Menlo Park

March 2016

## Koff & Associates

**Georg Krammer**  
Chief Executive Officer

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**BACKGROUND**

In June 2015, the City of Menlo Park contracted with Koff & Associates to conduct a comprehensive classification and compensation study for all classifications.

This compensation review process was precipitated by:

- The concern of management and the employee groups that employees should be recognized for the level and scope of work performed and that they are paid on a fair and competitive basis that allows the City to recruit and retain a high-quality staff;
- The desire to have a classification and compensation plan that can meet the needs of the City; and
- The desire to ensure that internal relationships of salaries are based upon objective, non-quantitative evaluation factors, resulting in equity across the City.

**STUDY PROCESS**

**Benchmarking Classifications**

The study included approximately one hundred (100) classifications and of those, fifty-eight (58) classifications were selected in order to collect compensation data within the defined labor market. Survey classes that had the most consistent and useful survey data were used as “benchmarks” in building the compensation plan. Benchmark classes are those classes that are tied directly to market salary data during the salary setting process. These classes are used as a means of anchoring the City’s overall compensation plan to the market. Other job classifications not surveyed would be aligned on the proposed compensation plan using internal equity principles.

Survey or benchmark classifications included classes that are reasonably well known, and clearly and concisely described. They are commonly used classes such that other like classes may readily be found in other agencies in order to ensure that sufficient compensation data will be compiled.

These survey classifications included:

1. Accountant II
2. Accounting Assistant II
3. Administrative Assistant
4. Administrative Services Director
5. Assistant City Manager
6. Associate Civil Engineer
7. Associate Planner
8. Building Custodian
9. Building Inspector

10. City Arborist
11. City Clerk
12. Code Enforcement Officer
13. Communications Dispatcher
14. Community Development Director
15. Community Services Director
16. Community Services Officer
17. Construction Inspector
18. Contract Specialist



19. Custodial Services Supervisor
20. Engineering Technician II
21. Environmental Program Specialist
22. Environmental Services Manager
23. Executive Assistant
24. Facilities Maintenance Technician II
25. Facilities Supervisor
26. Finance & Budget Manager
27. Financial Analyst
28. Fleet Supervisor
29. Gymnastics Program Coordinator
30. Housing & Economic Development Manager
31. Human Resources Analyst
32. Human Resources Assistant
33. Human Resources Manager
34. Information Tech Specialist II
35. Information Technology Manager
36. Librarian II
37. Library Assistant II
38. Library Services Director

39. Literacy Program Manager
40. Maintenance Worker II Parks
41. Maintenance Worker II - Streets
42. Maintenance Worker II - Trees
43. Management Analyst
44. Office Assistant
45. Permit Technician
46. Plan Examiner
47. Police Records Specialist
48. Police Services Manager
49. Property and Court Specialist
50. Public Works Director
51. Public Works Maint Supervisor
52. Public Works Superintendent
53. Recreation Program Coordinator
54. Transportation Manager
55. Water Quality Specialist
56. Water System Operator II
57. Water System Supervisor
58. Youth Services Coordinator

When we contact the comparator agencies to identify possible matches for each of the benchmarked classifications, there is an assumption that we will not be able to find comparators that are 100% equivalent to the classifications at the City. Therefore, we do not match based upon job titles, which can often be misleading, but we analyze each class description before we consider it as a comparator. Our methodology is to analyze each class description according to the factors listed on page 6 and we require that a position’s “likeness” be at approximately 70% of the matched position to be included.

When we do not find an appropriate match with one class, we often use “brackets” which can be functional or represent a span in scope of responsibility. A functional bracket means that the job of one classification at the City is performed by two classifications at a comparator agency. A “bracket” representing a span in scope means that the comparator agency has one class that is “bigger” in scope and responsibility and one position that is “smaller,” where the City’s class falls in the middle.

In all, of the fifty-eight (58) benchmarked classifications identified, we were able to collect sufficient data from the comparator agencies for fifty-four (54) benchmark classifications. We consider fewer than four comparison matches to be insufficient for analysis because fewer matches make variations in salaries more significant and results may not accurately reflect the market. Four (4) benchmarked classification had fewer than four comparison matches:

1. Custodial Services Supervisor
2. Environmental Program Specialist
3. Environmental Services Manager



4. Literacy Program Manager

**Benchmarking Comparator Agencies**

The second, most important step in conducting a market salary study is the determination of appropriate agencies for comparison.

In considering the selection of valid agencies for salary comparator purposes, a number of factors should be taken into consideration:

1. **Organizational type and structure** – We generally recommend that agencies of a similar size, providing similar services to that of the City be used as comparators.
2. **Similarity of population, staff, and operational budgets** – These elements provide guidelines in relation to resources required (staff and funding) and available for the provision of services.
3. **Scope of services provided and geographic location** – Organizations providing the same services are ideal for comparators and most comparator agencies surveyed provide similar services to the City of Menlo Park.
4. **Labor market** – In the reality that is today’s labor market, many agencies are in competition for the same pool of qualified employees. Individuals often do not live in the communities they serve. As mentioned above, the geographic labor market area, where the City of Menlo Park may be recruiting from or losing employees to, was taken into consideration when selecting comparator organizations. Furthermore, by selecting employers within a geographic proximity to the City, the resulting labor market data generally reflects the region’s cost of living, housing costs, growth rate, and other demographic characteristics to the same extent as competing employers to the City.
5. **Compensation Philosophy** – Does the organization regularly conduct a market survey, and, once completed, how is this information applied? Many agencies pay to the median, some pay to the average, others may pay to a higher percentile. In addition, salary ranges may be set strictly upon market base salary values or may include the total value of salary and benefits when developing a compensation policy.

All of the above elements should be considered in selecting the group of comparator agencies. The City agreed on a list of comparator agencies and the following thirteen (13) agencies were used as comparators for the purposes of this market study:

1. City of Belmont
2. City of Burlingame
3. City of East Palo Alto
4. City of Foster City
5. City of Los Altos
6. City of Mountain View



7. City of Palo Alto
8. City of Redwood City
9. City of San Bruno
10. City of San Mateo
11. City of South San Francisco
12. City of Sunnyvale
13. Town of Los Gatos

**Benchmarking Benefit Data Collection**

The last element requiring discussion prior to beginning a market survey is the specific benefit data that will be collected and analyzed. The following information was collected for each of the benchmarked classifications:

1. **Monthly Base Salary:** The top of the salary range and/or control point. All figures are presented on a monthly basis.
2. **Employee Retirement** – This includes several figures, 1) the amount of the employee’s State retirement contribution that is contributed by each agency, 2) the amount of the agency’s Social Security contribution, and 3) any alternative retirement plan, either private or public where the employee’s contribution is made by the agency on behalf of the employee.

In addition to the amount of the employer paid member contribution, we collected information on enhanced benefits. The value for each enhanced benefit is based on the midpoint of the impact on total employer contribution rate. For example, the impact on total employer contribution rate for the enhanced benefit of final compensation based on single highest year (CalPERs Optional Benefits Listing Section 20042) ranges from 0.9% to 1.8% for miscellaneous employees. We report the value of single highest year as 1.35%.

Below is a complete listing of the enhanced benefits and values reflected in the total compensation spreadsheets:

- Formulas for Miscellaneous (base formula is 2% at age 55):
  - 2% at age 60 (CalPERs Optional Benefits Listing Section 21354): this formula provides to local miscellaneous members 2% of pay at age 60 for each year of eligible service credited with that employer; midpoint of range = -3.05%
  - 2.5% at age 55 (CalPERs Optional Benefits Listing Section 21354.4): this formula provides to local miscellaneous members 2.5% of pay at age 55 for each year of eligible service credited with that employer; midpoint of range = 4.95%
  - 2.7% at age 55 (CalPERs Optional Benefits Listing Section 21354.5): this formula provides to local miscellaneous members 2.7% of pay at age 55 for each year of eligible service credited with that employer; midpoint of range = 8.05%



- 3% at age 60 (CalPERS Optional Benefits Listing Section 21354.3): this formula provides to local miscellaneous members 3% of pay at age 60 for each year of eligible service credited with that employer; midpoint of range = 9.80%.

➤ **Additional Optional Enhanced Benefit Provisions:**

- **One-Year Final Compensation (Section 20042):** the period determining the average monthly pay rate when calculating retirement benefits; base period is thirty-six (36) highest paid consecutive months; one-year final compensation is based on twelve (12) months highest paid consecutive months; midpoint of range for miscellaneous = 1.35%.
- **Employer Paid Member Contribution (Section 20636(c)(4)):** the reporting of the value of the employer paid member contribution to CalPERS as special compensation; average value = employer paid member contribution multiplied by employer paid member contribution.

The point of comparison to capture pension benefits was the classic tier at the City, as well as the comparator agencies. This means that for agencies with a multi-tier retirement system, the tier was captured that is currently available to classic members transferring from another PERS-agency to the City.

3. **Insurance** – This is the maximum amount paid by the agency for employees and dependents for a cafeteria or flexible benefit plan and/or health, dental, vision, life, long-term and short-term disability, and employee assistance insurance.
4. **Leave** – Other than sick leave, which is usage-based, the number of days off for which the agency is obligated. All days have been translated into direct salary costs.
  - **Vacation** – The number of vacation days available to all employees after five years of employment.
  - **Holidays** – The number of holidays (including floating) available to employees on an annual basis.
  - **Administrative/Personal Leave** – Administrative leave is normally the number of days available to management to reward for extraordinary effort (in lieu of overtime). Personal leave may be available to other groups of employees to augment vacation or other time off.
5. **Automobile** – This category includes either the provision of an auto allowance or the provision of an auto for personal use. If a car is provided to any classification for commuting and other personal use, the average monthly rate is estimated at \$450.
6. **Deferred Compensation** – We captured deferred compensation provided to all members of a classification with or without the requirement for an employee to provide a matching or minimum contribution.
7. **Other** – This category includes any additional benefits available to all in the class.





Please note that all of the above benefit elements are negotiated benefits provided to all members of each comparator class. As such, they represent an on-going cost for which an agency must budget. Other benefit costs, such as sick leave, tuition reimbursement, and reimbursable mileage are usage-based and cannot be quantified on an individual employee basis.

### Data Collection

Data was collected during the months of January through March, 2016, through websites, planned telephone conversations with human resources, accounting, and/or finance personnel at each comparator agency, and careful review of agency documentation of classification descriptions, memoranda of understanding, organization charts, and other documents.

We believe that the salary data collection step is the most critical for maintaining the overall credibility of any study. We rely very heavily on the City's classification descriptions developed and approved during the classification part of the study, as they are the foundation for our comparison. Personnel staff of the comparator agencies were interviewed by telephone, whenever possible, to understand their organizational structure and possible classification matches.

In identifying appropriate comparisons for the City's classifications, we use the same factors and criteria that we analyze when updating the City's classification plan structure and determining the proper allocation of each position during the classification study process. Factors that we consider include:

- Education and experience requirements;
- Knowledge, abilities, and skills required to perform the work;
- The scope and complexity of the work;
- The authority delegated to make decisions and take action;
- The responsibility for the work of others, program administration, and for budget dollars;
- Problem solving/ingenuity;
- Contacts with others (both inside and outside of the organization);
- Consequences of action and decisions; and
- Working conditions.

For each surveyed class, there are three (3) information pages:

- Market Base (Top Step) Salary Summary Data
- Benefit Detail (Monthly Equivalent Values)
- Monthly Total Compensation Cost Summary Data

Our analysis includes the mean (average), and median (midpoint), comparator data for each benchmarked classification (assuming we were able to identify at least four (4) matches). Our firm recommends reviewing the median, rather than the average, when evaluating the data. The median is the exact midpoint of all the market data we collected, with 50% of market data below and 50% of market data



above. We recommend using the median methodology because it is not skewed by extremely high or low salary values (unlike the mean).

**MARKET COMPENSATION FINDINGS**

Overall, the market results show that the City's base salaries are 0.9% above market with a variance for individual classifications of 22.4% below market to 13.2% above market. Of the 58 benchmark classifications surveyed, 29 fall within 5% of the market median (+/-), which we consider competitive with the market. Thirteen classifications fall below the market median and twelve fall above the market median. As mentioned above, four classifications yielded insufficient market data.

Total compensation results show that the City falls 0.5% above market when taking the median of all benchmark classifications combined.

Overall, these differences between market base salaries and total compensation indicate that the City's benefits package, in terms of cost, is competitive with the market since the difference between base salaries and total compensation is less than half a percentage point.

**USING MARKET DATA AND THIS REPORT AS A TOOL**

We wish to point out that our findings in the market study are meant to be a tool for the City to create and implement an equitable compensation plan. Compensation strategies are designed to attract and retain excellent staff. However, financial realities and the City's expectations may also come into play when determining appropriate compensation philosophies and strategies. The collected data represents a market survey that will give the City an instrument to make future compensation decisions.

It has been a pleasure working with City of Menlo Park on this critical project. Please do not hesitate to contact us if we can provide any additional information or clarification regarding the data or this memo.

Sincerely,

Georg Krammer  
Chief Executive Officer  
Koff & Associates

**ATTACHMENT B**  
(revised since early release)

	Classification	Top Monthly Salary Data					Total Monthly Compensation Data					# of Matches	Bargaining Unit
		Top Monthly Salary	Average	% above or below	Median	% above or below	Total Monthly Comp	Average	% above or below	Median	% above or below		
1	Accountant II	\$7,339	\$7,602	-3.6%	\$7,549	-2.9%	\$10,380	\$11,159	-7.5%	\$11,380	-9.6%	12	SEIU
2	Accounting Assistant II	\$5,681	\$5,563	2.1%	\$5,823	-2.5%	\$8,578	\$8,506	0.8%	\$8,583	-0.1%	13	SEIU
3	Administrative Assistant	\$6,521	\$5,984	8.2%	\$5,663	13.2%	\$9,491	\$8,980	5.4%	\$9,146	3.6%	10	SEIU
4	Administrative Services Director	\$14,931	\$16,174	-8.3%	\$15,880	-6.4%	\$20,747	\$21,670	-4.5%	\$20,646	0.5%	11	EXECUTIVE
5	Assistant City Manager	\$16,635	\$16,785	-0.9%	\$16,600	0.2%	\$22,748	\$22,281	2.1%	\$22,937	-0.8%	12	EXECUTIVE
6	Associate Civil Engineer	\$9,959	\$9,232	7.3%	\$9,474	4.9%	\$13,229	\$12,909	2.4%	\$13,067	1.2%	12	SEIU
7	Associate Planner	\$8,813	\$8,020	9.0%	\$8,147	7.6%	\$11,983	\$11,516	3.9%	\$11,676	2.6%	12	SEIU
8	Building Custodian	\$5,681	\$4,673	17.7%	\$4,822	15.1%	\$8,578	\$7,386	13.9%	\$7,511	12.4%	6	SEIU
9	Building Inspector	\$8,540	\$7,766	9.1%	\$7,758	9.2%	\$11,687	\$11,086	5.1%	\$10,933	6.5%	13	SEIU
10	City Arborist	\$7,886	\$8,624	-9.4%	\$8,782	-11.4%	\$10,982	\$12,266	-11.7%	\$12,340	-12.4%	7	AFSCME
11	City Clerk	\$9,979	\$10,904	-9.3%	\$10,629	-6.5%	\$14,933	\$15,118	-1.2%	\$14,737	1.3%	10	EXECUTIVE
12	Code Enforcement Officer	\$7,339	\$7,270	0.9%	\$7,212	1.7%	\$10,380	\$10,626	-2.4%	\$10,339	0.4%	9	SEIU
13	Communications Dispatcher	\$7,339	\$7,424	-1.2%	\$7,483	-2.0%	\$10,380	\$10,560	-1.7%	\$10,530	-1.4%	12	SEIU
14	Community Development Director	\$14,911	\$15,860	-6.4%	\$15,225	-2.1%	\$20,723	\$21,297	-2.8%	\$21,216	-2.4%	13	EXECUTIVE
15	Community Services Director	\$15,115	\$16,349	-8.2%	\$15,872	-5.0%	\$20,963	\$21,705	-3.5%	\$22,342	-6.6%	11	EXECUTIVE
16	Community Services Officer	\$6,094	\$5,898	3.2%	\$5,981	1.9%	\$9,027	\$8,921	1.2%	\$8,794	2.6%	11	SEIU
17	Construction Inspector	\$8,057	\$7,415	8.0%	\$7,469	7.3%	\$11,161	\$10,925	2.1%	\$10,879	2.5%	10	SEIU
18	Contract Specialist	\$6,094	\$6,500	-6.7%	\$6,464	-6.1%	\$9,027	\$9,765	-8.2%	\$9,536	-5.6%	4	SEIU
19	Custodial Services Supervisor	\$5,968	Insufficient Data	Insufficient Data	Insufficient Data	Insufficient Data	\$8,885	Insufficient Data	Insufficient Data	Insufficient Data	Insufficient Data	2	AFSCME
20	Engineering Technician II	\$7,517	\$6,664	11.4%	\$6,678	11.2%	\$10,574	\$9,886	6.5%	\$9,628	8.9%	12	SEIU
21	Environmental Program Specialist	\$6,228	Insufficient Data	Insufficient Data	Insufficient Data	Insufficient Data	\$9,172	Insufficient Data	Insufficient Data	Insufficient Data	Insufficient Data	2	SEIU
22	Environmental Services Manager	\$9,075	Insufficient Data	Insufficient Data	Insufficient Data	Insufficient Data	\$12,283	Insufficient Data	Insufficient Data	Insufficient Data	Insufficient Data	2	AFSCME
23	Executive Assistant	\$6,521	\$6,561	-0.6%	\$6,556	-0.5%	\$9,491	\$9,638	-1.6%	\$9,359	1.4%	11	CONFIDENTIAL
24	Facilities Maintenance Technician II	\$6,094	\$5,954	2.3%	\$5,992	1.7%	\$9,027	\$8,983	0.5%	\$8,856	1.9%	13	SEIU
25	Facilities Supervisor	\$7,886	\$8,692	-10.2%	\$8,860	-12.4%	\$10,982	\$12,304	-12.0%	\$12,433	-13.2%	5	AFSCME
26	Finance & Budget Manager	\$11,917	\$11,110	6.8%	\$10,994	7.7%	\$17,208	\$15,189	11.7%	\$15,137	12.0%	8	EXECUTIVE
27	Financial Analyst	\$8,057	\$8,536	-6.0%	\$8,539	-6.0%	\$11,161	\$11,928	-6.9%	\$12,375	-10.9%	10	SEIU
28	Fleet Supervisor	\$7,886	\$9,023	-14.4%	\$9,148	-16.0%	\$10,982	\$12,541	-14.2%	\$12,635	-15.0%	4	AFSCME
29	Gymnastics Program Coordinator	\$6,248	\$5,915	5.3%	\$5,995	4.1%	\$9,192	\$8,932	2.8%	\$9,055	1.5%	12	AFSCME
30	Housing & Economic Development Manager	\$11,332	\$12,127	-7.0%	\$11,718	-3.4%	\$16,522	\$16,892	-2.2%	\$17,367	-5.1%	8	EXECUTIVE
31	Human Resources Analyst	\$8,288	\$8,110	2.2%	\$8,024	3.2%	\$11,422	\$11,596	-1.5%	\$11,499	-0.7%	10	CONFIDENTIAL
32	Human Resources Assistant	\$5,306	\$6,468	-21.9%	\$6,319	-19.1%	\$8,161	\$9,425	-15.5%	\$9,277	-13.7%	10	CONFIDENTIAL
33	Human Resources Manager	\$11,917	\$11,752	1.4%	\$11,570	2.9%	\$17,208	\$16,168	6.0%	\$16,670	3.1%	7	EXECUTIVE
34	Information Tech Specialist II	\$6,834	\$6,666	2.5%	\$6,572	3.8%	\$9,831	\$9,807	0.2%	\$9,707	1.3%	8	SEIU
35	Information Technology Manager	\$11,917	\$11,662	2.1%	\$11,496	3.5%	\$17,208	\$15,834	8.0%	\$15,880	7.7%	10	EXECUTIVE
36	Librarian II	\$7,005	\$6,699	4.4%	\$6,700	4.4%	\$10,017	\$9,807	2.1%	\$9,723	2.9%	9	SEIU
37	Library Assistant II	\$5,306	\$5,155	2.9%	\$5,297	0.2%	\$8,169	\$8,056	1.4%	\$8,129	0.5%	9	SEIU
38	Library Services Director	\$14,542	\$16,202	-11.4%	\$17,044	-17.2%	\$20,290	\$21,489	-5.9%	\$22,056	-8.7%	8	EXECUTIVE
39	Literacy Program Manager	\$7,182	Insufficient Data	Insufficient Data	Insufficient Data	Insufficient Data	\$10,213	Insufficient Data	Insufficient Data	Insufficient Data	Insufficient Data	3	AFSCME
40	Maintenance Worker II Parks	\$5,815	\$5,708	1.8%	\$5,620	3.4%	\$8,723	\$8,695	0.3%	\$8,492	2.7%	13	SEIU
41	Maintenance Worker II - Streets	\$5,815	\$5,564	4.3%	\$5,611	3.5%	\$8,723	\$8,520	2.3%	\$8,480	2.8%	12	SEIU
42	Maintenance Worker II - Trees	\$5,815	\$5,985	-2.9%	\$6,074	-4.4%	\$8,723	\$9,088	-4.2%	\$8,700	0.3%	9	SEIU
43	Management Analyst	\$8,057	\$8,642	-7.3%	\$8,539	-6.0%	\$11,161	\$12,121	-8.6%	\$12,211	-9.4%	12	SEIU
44	Office Assistant	\$4,734	\$4,896	-3.4%	\$4,943	-4.4%	\$7,547	\$7,704	-2.1%	\$7,578	-0.4%	12	SEIU
45	Permit Technician	\$5,948	\$6,277	-5.5%	\$6,389	-7.4%	\$8,868	\$9,452	-6.6%	\$9,273	-4.6%	9	SEIU
46	Plan Examiner	\$10,053	\$9,313	7.4%	\$9,220	8.3%	\$13,332	\$12,407	6.9%	\$12,346	7.4%	4	SEIU
47	Police Records Specialist	\$5,815	\$5,435	6.5%	\$5,413	6.9%	\$8,723	\$8,479	2.8%	\$8,419	3.5%	12	SEIU
48	Police Services Manager	\$10,223	\$9,632	5.8%	\$9,379	8.3%	\$13,539	\$13,490	0.4%	\$13,346	1.4%	8	AFSCME
49	Property and Court Specialist	\$6,094	\$5,855	3.9%	\$5,390	11.6%	\$9,027	\$9,018	0.1%	\$8,373	7.2%	6	SEIU
50	Public Works Director	\$15,316	\$16,499	-7.7%	\$15,825	-3.3%	\$21,199	\$21,905	-3.3%	\$21,563	-1.7%	12	EXECUTIVE
51	Public Works Maint Supervisor	\$7,886	\$8,393	-6.4%	\$8,413	-6.7%	\$11,024	\$11,895	-7.9%	\$11,793	-7.0%	8	AFSCME
52	Recreation Program Coordinator	\$6,248	\$6,217	0.5%	\$6,046	3.2%	\$9,192	\$9,254	-0.7%	\$9,146	0.5%	11	AFSCME
53	Transportation Manager	\$13,082	\$12,416	5.1%	\$12,827	1.9%	\$18,576	\$16,769	9.7%	\$18,496	0.4%	5	EXECUTIVE
54	Water Quality Specialist	\$7,159	\$6,776	5.4%	\$6,783	5.3%	\$10,185	\$9,966	2.1%	\$9,560	6.1%	6	SEIU
55	Water System Operator II	\$5,948	\$6,249	-5.1%	\$6,052	-1.7%	\$8,868	\$9,295	-4.8%	\$9,263	-4.5%	6	SEIU
56	Water System Supervisor	\$8,263	\$8,507	-2.9%	\$8,344	-1.0%	\$11,395	\$12,168	-6.8%	\$11,783	-3.4%	6	AFSCME
57	Youth Services Coordinator	\$6,248	\$6,126	2.0%	\$6,046	3.2%	\$9,192	\$9,135	0.6%	\$9,146	0.5%	11	AFSCME

Median      1.4%      Median      1.7%      Median      0.1%      Median      0.5%

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## City/SEIU Negotiations | 2016

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### Tentative Agreement – Article 7: Pay Rates and Practices

Effective the first full pay period after July 1, 2016, the following job classifications shall receive the following market based adjustments:

<u>Job Title</u>	<u>% Adjustment to Base Salary</u>
Office Assistant	0.4%
Senior Office Assistant	0.4%
Administrative Assistant	0.4%
Contract Specialist	5.6%
Management Analyst I	9.4%
Management Analyst II	9.4%
Permit Technician	4.6%
Planning Technician	4.6%
Accounting Assistant I	0.1%
Accounting Assistant II	0.1%
Accountant I	9.6%
Accountant II	9.6%
Water System Operator II	4.5%
Communications Dispatcher	1.4%
Communications Training Dispatcher	1.4%
Senior Communications Dispatcher	1.4%
IT Specialist I	3.1%
IT Specialist II	3.1%

Effective the first full pay period after July 1, 2016, all classifications will receive an overall wage adjustment of 2.0%.

Further, the parties agree to meet and discuss all SEIU job description modifications at a later date.

FOR CITY:

FOR SEIU:



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Nick Pegueros  
Administrative Services Director



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Sandra Floyd  
Internal Organizer, SEIU Local 521

5/25/16

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Date

5/25/16

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Date

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SEIU MOU APPENDIX "A"  
Effective July 10, 2016

CLASSIFICATIONS REPRESENTATED BY LOCAL 521, SERVICE EMPLOYEES INTERNATIONAL UNION, CTW, CLC

Accountant	Library Assistant I
Accountant I	Library Assistant II
Accountant II	Library Assistant III
Accounting Assistant I	Library Clerk
Accounting Assistant II	Library Page
Administrative Assistant	Maintenance Worker I
Assistant Engineer	Maintenance Worker II
Assistant Planner	Management Analyst I
Associate Civil Engineer	Night Clerk
Associate Planner	Office Assistant
Associate Transportation Engineer	Parking Enforcement Officer
Building Custodian	Permit Technician
Building Inspector	Plan Check Engineer
Child Care Teacher I	Planning Technician
Child Care Teacher II	Police Records Specialist
Child Care Teacher's Aide	Program Aide/Driver
Code Enforcement Officer	Program Assistant
Communications Dispatcher	Property and Court Specialist
Communications Training Dispatcher	Recreation Aide
Community Development Technician	Recreation Leader
Community Service Officer	Red Light Photo Enforcement Specialist
Construction Inspector	Senior Communications Dispatcher
Contracts Specialist	Senior Engineering Technician
Deputy City Clerk	Senior Facilities Maintenance Technician
Engineering Technician I	Senior Library Page
Engineering Technician II	Senior Maintenance Worker
Equipment Mechanic	Senior Office Assistant
Executive Assistant	Senior Planner
Facilities Maintenance Technician I	Senior Police Records Specialist
Facilities Maintenance Technician II	Senior Recreation Leader
Gymnastics Instructor	Senior Water System Operator
Information Technology Specialist I	Sustainability Specialist
Information Technology Specialist II	Transportation Demand Management Coordinator
Junior Engineer	Water Quality Specialist
Librarian I	Water System Operator II
Librarian II	

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**ATTACHMENT E**  
(revised since early release)

City of Menlo Park  
SEIU Salary Schedule  
Effective Pay Period Beginning July 10, 2016

Current Classification Title	New Classification Title	Hours	Minimum (Step A)	Step B	Step C	Step D	Maximum (Step E)
Accountant		2,080	\$ 74,597.00	\$ 78,123.00	\$ 81,808.00	\$ 85,743.00	\$ 89,829.00
		80	2,869.12	3,004.73	3,146.46	3,297.81	3,454.96
		1	35.8639	37.5591	39.3308	41.2226	43.1870
<b>NEW</b>	<b>Accountant I</b>	<b>2,080</b>	<b>\$ 74,645.00</b>	<b>\$ 78,378.00</b>	<b>\$ 82,297.00</b>	<b>\$ 86,412.00</b>	<b>\$ 90,733.00</b>
		80	2,870.96	3,014.54	3,165.27	3,323.54	3,489.73
		1	35.8870	37.6817	39.5659	41.5442	43.6216
<b>NEW</b>	<b>Accountant II</b>	<b>2,080</b>	<b>\$ 81,758.00</b>	<b>\$ 85,623.00</b>	<b>\$ 89,662.00</b>	<b>\$ 93,974.00</b>	<b>\$ 98,453.00</b>
		80	3,144.54	3,293.19	3,448.54	3,614.38	3,786.65
		1	39.3067	41.1649	43.1067	45.1798	47.3332
Accounting Assistant I		2,080	\$ 52,934.00	\$ 55,443.00	\$ 58,003.00	\$ 60,713.00	\$ 63,522.00
		80	2,035.92	2,132.42	2,230.88	2,335.12	2,443.15
		1	25.4490	26.6553	27.8861	29.1889	30.5394
Accounting Assistant II		2,080	\$ 58,003.00	\$ 60,713.00	\$ 63,522.00	\$ 66,491.00	\$ 69,611.00
		80	2,230.88	2,335.12	2,443.15	2,557.35	2,677.35
		1	27.8860	29.1889	30.5394	31.9668	33.4668
Administrative Assistant	Executive Assistant	2,080	\$ 66,425.00	\$ 69,542.00	\$ 72,809.00	\$ 76,234.00	\$ 79,819.00
		80	2,554.81	2,674.69	2,800.35	2,932.08	3,069.96
		1	31.9350	33.4336	35.0043	36.6509	38.3745
Assistant Engineer		2,080	\$ 90,030.00	\$ 94,320.00	\$ 98,830.00	\$ 103,548.00	\$ 108,481.00
		80	3,462.69	3,627.69	3,801.15	3,982.62	4,172.35
		1	43.2836	45.3461	47.5144	49.7826	52.1543
Assistant Planner		2,080	\$ 81,571.00	\$ 85,407.00	\$ 89,501.00	\$ 93,766.00	\$ 98,245.00
		80	3,137.35	3,284.88	3,442.35	3,606.38	3,778.65
		1	39.2168	41.0610	43.0293	45.0798	47.2331
Associate Engineer	Associate Civil Engineer	2,080	\$ 101,021.00	\$ 105,857.00	\$ 110,903.00	\$ 116,261.00	\$ 121,893.00
		80	3,885.42	4,071.42	4,265.50	4,471.58	4,688.19
		1	48.5677	50.8927	53.3187	55.8947	58.6024
Associate Planner		2,080	\$ 89,501.00	\$ 93,766.00	\$ 98,245.00	\$ 102,946.00	\$ 107,873.00
		80	3,442.35	3,606.38	3,778.65	3,959.46	4,148.96
		1	43.0293	45.0798	47.2331	49.4932	51.8620
Building Custodian I	Building Custodian	2,080	\$ 52,881.00	\$ 55,388.00	\$ 57,945.00	\$ 60,652.00	\$ 63,459.00
		80	2,033.88	2,130.31	2,228.65	2,332.77	2,440.73
		1	25.4235	26.6288	27.8581	29.1596	30.5091
<del>Building Custodian II</del>	<del>-DELETE-</del>	<del>2,080</del>	<del>\$ 56,808.00</del>	<del>\$ 59,462.31</del>	<del>\$ 62,214.22</del>	<del>\$ 65,122.10</del>	<del>\$ 68,177.60</del>
Building Inspector		2,080	\$ 86,717.00	\$ 90,887.00	\$ 95,219.00	\$ 99,771.00	\$ 104,535.00
		80	3,335.27	3,495.65	3,662.27	3,837.35	4,020.58
		1	41.6908	43.6956	45.7783	47.9668	50.2572
Child Care Teacher - Title 22	Child Care Teacher I	2,080	\$ 47,317.00	\$ 49,463.00	\$ 51,703.00	\$ 54,059.00	\$ 56,616.00
		80	1,819.88	1,902.42	1,988.58	2,079.19	2,177.54
		1	22.7485	23.7802	24.8572	25.9899	27.2192
Child Care Teacher - Title 5	Child Care Teacher II	2,080	\$ 52,881.00	\$ 55,388.00	\$ 57,945.00	\$ 60,652.00	\$ 63,459.00
		80	2,033.88	2,130.31	2,228.65	2,332.77	2,440.73
		1	25.4235	26.6288	27.8581	29.1596	30.5091
City Service Officer	Parking Enforcement Officer	2,080	\$ 54,059.00	\$ 56,616.00	\$ 59,144.00	\$ 62,030.00	\$ 64,947.00
		80	2,079.19	2,177.54	2,274.77	2,385.77	2,497.96
		1	25.9899	27.2192	28.4346	29.8221	31.2245
Code Enforcement Officer		2,080	\$ 74,597.00	\$ 78,123.00	\$ 81,808.00	\$ 85,743.00	\$ 89,829.00
		80	2,869.12	3,004.73	3,146.46	3,297.81	3,454.96
		1	35.8639	37.5591	39.3307	41.2225	43.1870
Communications Officer	Communications Dispatcher	2,080	\$ 75,641.00	\$ 79,217.00	\$ 82,954.00	\$ 86,943.00	\$ 91,087.00
		80	2,909.27	3,046.81	3,190.54	3,343.96	3,503.35
		1	36.3658	38.0850	39.8817	41.7995	43.7918
Communications Training Officer	Communications Training Dispatcher	2,080	\$ 79,217.00	\$ 82,954.00	\$ 86,943.00	\$ 91,087.00	\$ 95,442.00
		80	3,046.81	3,190.54	3,343.96	3,503.35	3,670.85
		1	38.0850	39.8817	41.7995	43.7918	45.8855
Community Development Technician		2,080	\$ 60,652.00	\$ 63,459.00	\$ 66,425.00	\$ 69,542.00	\$ 72,809.00
		80	2,332.77	2,440.73	2,554.81	2,674.69	2,800.35
		1	29.1596	30.5091	31.9350	33.4336	35.0043
Community Service Officer		2,080	\$ 62,030.00	\$ 64,947.00	\$ 67,955.00	\$ 71,180.00	\$ 74,597.00
		80	2,385.77	2,497.96	2,613.65	2,737.69	2,869.12
		1	29.8221	31.2245	32.6706	34.2211	35.8639
<b>NEW</b>	<b>Information Technology Specialist I</b>	<b>2,080</b>	<b>\$ 64,528.00</b>	<b>\$ 67,755.00</b>	<b>\$ 71,143.00</b>	<b>\$ 74,701.00</b>	<b>\$ 78,437.00</b>
		80	2,481.85	2,605.96	2,736.27	2,873.12	3,016.81
		1	31.0230	32.5745	34.2033	35.9139	37.7100
Computer Support Technician	Information Technology Specialist II	2,080	\$ 71,697.00	\$ 75,066.00	\$ 78,597.00	\$ 82,293.00	\$ 86,239.00
		80	2,757.58	2,887.15	3,022.96	3,165.12	3,316.88
		1	34.4697	36.0894	37.7870	39.5639	41.4610
Construction Inspector		2,080	\$ 81,808.00	\$ 85,743.00	\$ 89,829.00	\$ 94,124.00	\$ 98,618.00
		80	3,146.46	3,297.81	3,454.96	3,620.15	3,793.00
		1	39.3307	41.2225	43.1870	45.2519	47.4125

City of Menlo Park  
SEIU Salary Schedule  
Effective Pay Period Beginning July 10, 2016

Current Classification Title	New Classification Title	Hours	Minimum (Step A)	Step B	Step C	Step D	Maximum (Step E)
Contract Specialist	Contracts Specialist	2,080	\$ 65,504.00	\$ 68,584.00	\$ 71,760.00	\$ 75,166.00	\$ 78,774.00
		80	2,519.38	2,637.85	2,760.00	2,891.00	3,029.77
		1	31.4923	32.9730	34.5000	36.1375	37.8721
Deputy City Clerk		2,080	\$ 67,947.00	\$ 71,180.00	\$ 74,597.00	\$ 78,123.00	\$ 81,808.00
		80	2,613.35	2,737.69	2,869.12	3,004.73	3,146.46
		1	32.6668	34.2211	35.8639	37.5591	39.3307
Development Services Technician	Permit Technician	2,080	\$ 63,442.00	\$ 66,378.00	\$ 69,481.00	\$ 72,741.00	\$ 76,158.00
		80	2,440.08	2,553.00	2,672.35	2,797.73	2,929.15
		1	30.5009	31.9125	33.4043	34.9716	36.6144
Engineering Technician I		2,080	\$ 68,194.00	\$ 71,352.00	\$ 74,739.00	\$ 78,326.00	\$ 82,029.00
		80	2,622.85	2,744.31	2,874.58	3,012.54	3,154.96
		1	32.7855	34.3038	35.9322	37.6567	39.4370
Engineering Technician II		2,080	\$ 76,449.00	\$ 80,046.00	\$ 83,810.00	\$ 87,828.00	\$ 92,013.00
		80	2,940.35	3,078.69	3,223.46	3,378.00	3,538.96
		1	36.7543	38.4836	40.2932	42.2250	44.2370
Environmental Programs Specialist	Sustainability Specialist	2,080	\$ 63,459.00	\$ 66,425.00	\$ 69,542.00	\$ 72,809.00	\$ 76,234.00
		80	2,440.73	2,554.81	2,674.69	2,800.35	2,932.08
		1	30.5091	31.9350	33.4336	35.0043	36.6509
Equipment Mechanic		2,080	\$ 67,947.00	\$ 71,180.00	\$ 74,597.00	\$ 78,123.00	\$ 81,808.00
		80	2,613.35	2,737.69	2,869.12	3,004.73	3,146.46
		1	32.6668	34.2211	35.8639	37.5591	39.3307
<del>Financial Analyst</del>	<del>DELETE</del>	<del>2,080</del>	<del>\$ 80,203.74</del>	<del>\$ 84,060.92</del>	<del>\$ 88,067.21</del>	<del>\$ 92,277.88</del>	<del>\$ 96,683.51</del>
Gymnastics Instructor		2,080	\$ 37,882.00	\$ 39,596.00	\$ 41,384.00	\$ 43,231.00	\$ 45,219.00
		80	1,457.00	1,522.92	1,591.69	1,662.73	1,739.19
		1	18.2125	19.0365	19.8961	20.7841	21.7399
<b>NEW</b>	<b>Junior Engineer</b>	<b>2,080</b>	<b>\$ 72,627.00</b>	<b>\$ 76,258.00</b>	<b>\$ 80,071.00</b>	<b>\$ 84,075.00</b>	<b>\$ 88,279.00</b>
		80	2,793.35	2,933.00	3,079.65	3,233.65	3,395.35
		1	34.9166	36.6624	38.4955	40.4203	42.4413
Lead Communications Officer	Senior Communications Dispatcher	2,080	\$ 82,954.00	\$ 86,943.00	\$ 91,087.00	\$ 95,442.00	\$ 99,998.00
		80	3,190.54	3,343.96	3,503.35	3,670.85	3,846.08
		1	39.8817	41.7995	43.7918	45.8855	48.0759
Librarian I		2,080	\$ 63,459.00	\$ 66,425.00	\$ 69,542.00	\$ 72,809.00	\$ 76,234.00
		80	2,440.73	2,554.81	2,674.69	2,800.35	2,932.08
		1	30.5091	31.9350	33.4336	35.0043	36.6509
Librarian II		2,080	\$ 71,180.00	\$ 74,597.00	\$ 78,123.00	\$ 81,808.00	\$ 85,743.00
		80	2,737.69	2,869.12	3,004.73	3,146.46	3,297.81
		1	34.2211	35.8639	37.5591	39.3307	41.2225
Library Assistant I		2,080	\$ 49,463.00	\$ 51,703.00	\$ 54,059.00	\$ 56,616.00	\$ 59,223.00
		80	1,902.42	1,988.58	2,079.19	2,177.54	2,277.81
		1	23.7802	24.8572	25.9899	27.2192	28.4725
Library Assistant II		2,080	\$ 54,059.00	\$ 56,616.00	\$ 59,144.00	\$ 62,030.00	\$ 64,947.00
		80	2,079.19	2,177.54	2,274.77	2,385.77	2,497.96
		1	25.9899	27.3149	28.4346	29.8221	31.2245
Library Assistant III		2,080	\$ 59,144.00	\$ 62,030.00	\$ 64,947.00	\$ 67,955.00	\$ 71,180.00
		80	2,274.77	2,385.77	2,497.96	2,613.65	2,737.69
		1	28.4346	29.8221	31.2245	32.6706	34.2211
Library Clerk		2,080	\$ 34,674.00	\$ 36,242.00	\$ 37,882.00	\$ 39,596.00	\$ 41,384.00
		80	1,333.62	1,393.92	1,457.00	1,522.92	1,591.69
		1	16.6701	17.4240	18.2125	19.0365	19.8961
Library Page		2,080	\$ 25,437.00	\$ 26,586.00	\$ 27,790.00	\$ 29,048.00	\$ 30,363.00
		80	978.35	1,022.54	1,068.85	1,117.23	1,167.81
		1	12.2293	12.7817	13.3605	13.9653	14.5975
<del>Literacy Assistant</del>	<del>DELETE</del>	<del>2,080</del>	<del>\$ 43,231.00</del>	<del>\$ 45,219.00</del>	<del>\$ 47,317.00</del>	<del>\$ 49,463.00</del>	<del>\$ 51,703.00</del>
Maintenance I - Building Maintenance	Facilities Maintenance Technician I	2,080	\$ 56,616.00	\$ 59,223.00	\$ 62,030.00	\$ 64,947.00	\$ 67,955.00
		80	2,177.54	2,277.81	2,385.77	2,497.96	2,613.65
		1	27.2192	28.4725	29.8221	31.2245	32.6706
Maintenance I - Community Services	Maintenance Worker I	2,080	\$ 54,059.00	\$ 56,616.00	\$ 59,144.00	\$ 62,030.00	\$ 64,947.00
		80	2,079.19	2,177.54	2,274.77	2,385.77	2,497.96
		1	25.9899	27.2192	28.4346	29.8221	31.2245

City of Menlo Park  
SEIU Salary Schedule  
Effective Pay Period Beginning July 10, 2016

Current Classification Title	New Classification Title	Hours	Minimum (Step A)	Step B	Step C	Step D	Maximum (Step E)
Maintenance I - Parks	Maintenance Worker I	2,080	\$ 54,059.00	\$ 56,616.00	\$ 59,144.00	\$ 62,030.00	\$ 64,947.00
		80	2,079.19	2,177.54	2,274.77	2,385.77	2,497.96
		1	25.9899	27.2192	28.4346	29.8221	31.2245
Maintenance I - Streets	Maintenance Worker I	2,080	\$ 54,059.00	\$ 56,616.00	\$ 59,144.00	\$ 62,030.00	\$ 64,947.00
		80	2,079.19	2,177.54	2,274.77	2,385.77	2,497.96
		1	25.9899	27.2192	28.4346	29.8221	31.2245
Maintenance I - Trees	Maintenance Worker I	2,080	\$ 54,059.00	\$ 56,616.00	\$ 59,144.00	\$ 62,030.00	\$ 64,947.00
		80	2,079.19	2,177.54	2,274.77	2,385.77	2,497.96
		1	25.9899	27.2192	28.4346	29.8221	31.2245
Maintenance I - Water	Maintenance Worker I	2,080	\$ 54,059.00	\$ 56,616.00	\$ 59,144.00	\$ 62,030.00	\$ 64,947.00
		80	2,079.19	2,177.54	2,274.77	2,385.77	2,497.96
		1	25.9899	27.2192	28.4346	29.8221	31.2245
Maintenance II - Building Maintenance	Facilities Maintenance Technician II	2,080	\$ 62,030.00	\$ 64,947.00	\$ 67,955.00	\$ 71,180.00	\$ 74,597.00
		80	2,385.77	2,497.96	2,613.65	2,737.69	2,869.12
		1	29.8221	31.2245	32.6706	34.2211	35.8639
Maintenance II - Parks	Maintenance Worker II	2,080	\$ 59,144.00	\$ 62,030.00	\$ 64,947.00	\$ 67,955.00	\$ 71,180.00
		80	2,274.77	2,385.77	2,497.96	2,613.65	2,737.69
		1	28.4346	29.8221	31.2245	32.6706	34.2211
Maintenance II - Streets	Maintenance Worker II	2,080	\$ 59,144.00	\$ 62,030.00	\$ 64,947.00	\$ 67,955.00	\$ 71,180.00
		80	2,274.77	2,385.77	2,497.96	2,613.65	2,737.69
		1	28.4346	29.8221	31.2245	32.6706	34.2211
Maintenance II - Trees	Maintenance Worker II	2,080	\$ 59,144.00	\$ 62,030.00	\$ 64,947.00	\$ 67,955.00	\$ 71,180.00
		80	2,274.77	2,385.77	2,497.96	2,613.65	2,737.69
		1	28.4346	29.8221	31.2245	32.6706	34.2211
Maintenance III - Building Maintenance	Senior Facilities Maintenance Technician	2,080	\$ 67,947.00	\$ 71,180.00	\$ 74,597.00	\$ 78,123.00	\$ 81,808.00
		80	2,613.35	2,737.69	2,869.12	3,004.73	3,146.46
		1	32.6668	34.2211	35.8639	37.5591	39.3307
Maintenance III - Parks	Senior Maintenance Worker	2,080	\$ 67,947.00	\$ 71,180.00	\$ 74,597.00	\$ 78,123.00	\$ 81,808.00
		80	2,613.35	2,737.69	2,869.12	3,004.73	3,146.46
		1	32.6668	34.2211	35.8639	37.5591	39.3307
Maintenance III - Streets	Senior Maintenance Worker	2,080	\$ 67,947.00	\$ 71,180.00	\$ 74,597.00	\$ 78,123.00	\$ 81,808.00
		80	2,613.35	2,737.69	2,869.12	3,004.73	3,146.46
		1	32.6668	34.2211	35.8639	37.5591	39.3307
Maintenance III - Trees	Senior Maintenance Worker	2,080	\$ 67,947.00	\$ 71,180.00	\$ 74,597.00	\$ 78,123.00	\$ 81,808.00
		80	2,613.35	2,737.69	2,869.12	3,004.73	3,146.46
		1	32.6668	34.2211	35.8639	37.5591	39.3307
Maintenance III - Water	Senior Water System Operator	2,080	\$ 67,947.00	\$ 71,180.00	\$ 74,597.00	\$ 78,123.00	\$ 81,808.00
		80	2,613.35	2,737.69	2,869.12	3,004.73	3,146.46
		1	32.6668	34.2211	35.8639	37.5591	39.3307
<b>NEW</b>	<b>Management Analyst I</b>	2,080	\$ 78,311.00	\$ 82,227.00	\$ 86,339.00	\$ 90,656.00	\$ 95,189.00
		80	3,011.96	3,162.58	3,320.73	3,486.77	3,661.12
		1	37.6495	39.5322	41.5091	43.5846	45.7639
Management Analyst	Management Analyst II (redesignation to AFSCME in process)	2,080	\$ 89,498.00	\$ 93,802.00	\$ 98,273.00	\$ 102,972.00	\$ 107,888.00
		80	3,442.23	3,607.77	3,779.73	3,960.46	4,149.54
		1	43.0278	45.0971	47.2466	49.5057	51.8692
Night Clerk		2,080	\$ 37,107.00	\$ 38,786.00	\$ 40,523.00	\$ 42,312.00	\$ 44,250.00
		80	1,427.19	1,491.77	1,558.58	1,627.38	1,701.92
		1	17.8399	18.6471	19.4822	20.3423	21.2740
<del>Office Assistant I</del>	<del>DELETE</del>	<del>2,080</del>	<del>\$ 42,382.70</del>	<del>\$ 44,332.29</del>	<del>\$ 46,389.78</del>	<del>\$ 48,492.91</del>	<del>\$ 50,688.56</del>
Office Assistant II	Office Assistant	2,080	\$ 48,579.00	\$ 50,794.00	\$ 53,093.00	\$ 55,609.00	\$ 58,177.00
		80	1,868.42	1,953.62	2,042.04	2,138.81	2,237.58
		1	23.3552	24.4201	25.5254	26.7350	27.9697
Office Assistant III	Senior Office Assistant	2,080	\$ 53,093.00	\$ 55,609.00	\$ 58,177.00	\$ 60,895.00	\$ 63,713.00
		80	2,042.04	2,138.81	2,237.58	2,342.12	2,450.50
		1	25.5254	26.7350	27.9697	29.2764	30.6312
Plan Checker	Plan Check Engineer	2,080	\$ 101,983.00	\$ 106,865.00	\$ 111,959.00	\$ 117,368.00	\$ 123,053.00
		80	3,922.42	4,110.19	4,306.12	4,514.15	4,732.81
		1	49.0302	51.3774	53.8264	56.4269	59.1600
Planning Technician		2,080	\$ 72,741.00	\$ 76,158.00	\$ 79,741.00	\$ 83,491.00	\$ 87,494.00
		80	2,797.73	2,929.15	3,066.96	3,211.19	3,365.15
		1	34.9716	36.6144	38.3370	40.1399	42.0644
Police Records Officer	Police Records Specialist	2,080	\$ 59,144.00	\$ 62,030.00	\$ 64,947.00	\$ 67,955.00	\$ 71,180.00
		80	2,274.77	2,385.77	2,497.96	2,613.65	2,737.69
		1	28.4346	29.8221	31.2245	32.6706	34.2211

City of Menlo Park  
SEIU Salary Schedule  
Effective Pay Period Beginning July 10, 2016

Current Classification Title	New Classification Title	Hours	Minimum (Step A)	Step B	Step C	Step D	Maximum (Step E)
Police Records Training Officer	Senior Police Records Specialist	2,080	\$ 62,030.00	\$ 64,947.00	\$ 67,955.00	\$ 71,180.00	\$ 74,597.00
		80	2,385.77	2,497.96	2,613.65	2,737.69	2,869.12
		1	29.8221	31.2245	32.6706	34.2211	35.8639
Program Assistant		2,080	\$ 48,386.00	\$ 50,592.00	\$ 52,881.00	\$ 55,388.00	\$ 57,945.00
		80	1,861.00	1,945.85	2,033.88	2,130.31	2,228.65
		1	23.2625	24.3230	25.4235	26.6288	27.8581
Property and Court Officer	Property and Court Specialist	2,080	\$ 62,030.00	\$ 64,947.00	\$ 67,955.00	\$ 71,180.00	\$ 74,597.00
		80	2,385.77	2,497.96	2,613.65	2,737.69	2,869.12
		1	29.8221	31.2245	32.6706	34.2211	35.8639
Recreation Aide		2,080	\$ 32,494.00	\$ 33,964.00	\$ 35,501.00	\$ 37,107.00	\$ 38,786.00
		80	1,249.77	1,306.31	1,365.42	1,427.19	1,491.77
		1	15.6221	16.3288	17.0677	17.8399	18.6471
Recreation Leader		2,080	\$ 25,437.00	\$ 26,586.00	\$ 27,790.00	\$ 29,048.00	\$ 30,363.00
		80	978.35	1,022.54	1,068.85	1,117.23	1,167.81
		1	12.2293	12.7817	13.3605	13.9653	14.5975
Red Light Photo Enforcement Facilitator	Red Light Photo Enforcement Specialist	2,080	\$ 69,542.00	\$ 72,809.00	\$ 76,234.00	\$ 79,819.00	\$ 83,646.00
		80	2,674.69	2,800.35	2,932.08	3,069.96	3,217.15
		1	33.4336	35.0043	36.6509	38.3745	40.2144
Secretary	Administrative Assistant	2,080	\$ 58,177.00	\$ 60,895.00	\$ 63,713.00	\$ 66,691.00	\$ 69,820.00
		80	2,237.58	2,342.12	2,450.50	2,565.04	2,685.38
		1	27.9697	29.2764	30.6312	32.0629	33.5673
Senior Engineering Technician		2,080	\$ 82,029.00	\$ 85,899.00	\$ 90,030.00	\$ 94,320.00	\$ 98,830.00
		80	3,154.96	3,303.81	3,462.69	3,627.69	3,801.15
		1	39.4370	41.2975	43.2836	45.3461	47.5144
Senior Library Page		2,080	\$ 34,674.00	\$ 36,242.00	\$ 37,882.00	\$ 39,596.00	\$ 41,384.00
		80	1,333.62	1,393.92	1,457.00	1,522.92	1,591.69
		1	16.6701	17.4240	18.2125	19.0365	19.8961
Senior Planner		2,080	\$ 98,245.00	\$ 102,946.00	\$ 107,873.00	\$ 113,015.00	\$ 118,475.00
		80	3,778.65	3,959.46	4,148.96	4,346.73	4,556.73
		1	47.2331	49.4932	51.8620	54.3341	56.9591
Senior Recreation Leader		2,080	\$ 30,363.00	\$ 31,736.00	\$ 33,173.00	\$ 34,674.00	\$ 36,242.00
		80	1,167.81	1,220.62	1,275.88	1,333.62	1,393.92
		1	14.5975	15.2576	15.9485	16.6701	17.4240
Teacher's Aide	Child Care Teacher's Aide	2,080	\$ 35,501.00	\$ 37,107.00	\$ 38,786.00	\$ 40,523.00	\$ 42,312.00
		80	1,365.42	1,427.19	1,491.77	1,558.58	1,627.38
		1	17.0677	17.8399	18.6471	19.4822	20.3423
<del>Traffic Engineering Technician I</del>	<del>-DELETE-</del>	<del>2,080</del>	<del>\$ 68,194.00</del>	<del>\$ 71,352.00</del>	<del>\$ 74,739.00</del>	<del>\$ 78,326.00</del>	<del>\$ 82,029.00</del>
<del>Traffic Engineering Technician II</del>	<del>-DELETE-</del>	<del>2,080</del>	<del>\$ 76,449.00</del>	<del>\$ 80,046.00</del>	<del>\$ 83,810.00</del>	<del>\$ 87,828.00</del>	<del>\$ 92,013.00</del>
Transportation Driver	Program Aide/Driver	2,080	\$ 33,964.00	\$ 35,501.00	\$ 37,107.00	\$ 38,786.00	\$ 40,523.00
		80	1,306.31	1,365.42	1,427.19	1,491.77	1,558.58
		1	16.3288	17.0677	17.8399	18.6471	19.4822
Transportation Engineer	Associate Transportation Engineer	2,080	\$ 105,857.00	\$ 110,903.00	\$ 116,261.00	\$ 121,893.00	\$ 127,799.00
		80	4,071.42	4,265.50	4,471.58	4,688.19	4,915.35
		1	50.8927	53.3187	55.8947	58.6024	61.4418
Transportation Management Coordinator	Transportation Demand Management Coordinator	2,080	\$ 83,646.00	\$ 87,631.00	\$ 91,818.00	\$ 96,211.00	\$ 100,816.00
		80	3,217.15	3,370.42	3,531.46	3,700.42	3,877.54
		1	40.2144	42.1302	44.1432	46.2552	48.4692

City of Menlo Park  
SEIU Salary Schedule  
Effective Pay Period Beginning July 10, 2016

Current Classification Title	New Classification Title	Hours	Minimum (Step A)	Step B	Step C	Step D	Maximum (Step E)
<del>Transportation Planner</del>	<del>DELETE</del>	<del>2,080</del>	<del>\$ 96,409.00</del>	<del>\$ 101,021.00</del>	<del>\$ 105,857.00</del>	<del>\$ 110,903.00</del>	<del>\$ 116,261.00</del>
Water Quality Technician	Water Quality Specialist	2,080	\$ 72,809.00	\$ 76,234.00	\$ 79,819.00	\$ 83,646.00	\$ 87,631.00
		80	2,800.35	2,932.08	3,069.96	3,217.15	3,370.42
		1	35.0043	36.6509	38.3745	40.2144	42.1302
Water Service Worker	Water System Operator II	2,080	\$ 63,381.00	\$ 66,315.00	\$ 69,414.00	\$ 72,671.00	\$ 76,085.00
		80	2,437.73	2,550.58	2,669.77	2,795.04	2,926.35
		1	30.4716	31.8822	33.3721	34.9379	36.5793

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**STAFF REPORT**

**City Council**

**Meeting Date:**

**6/21/2016**

**Staff Report Number:**

**16-105-CC**

**Regular Business:**

**Consider approval of amendments to the agreement between the City of Menlo Park and the American Federation of State, County and Municipal Employees, Local 829**

***Please note that some attachments were revised after the early release***

**Recommendation**

Approve amendments to the collective bargaining agreement between the City of Menlo Park and American Federation of State, County and Municipal Employees, Local 829 (AFSCME), and authorize the Administrative Services Director to execute a Side Letter Agreement which shall expire coterminous with the current Memorandum of Understanding (MOU) on June 30, 2017.

**Policy Issues**

This recommendation aligns with the City's goals of balancing continued fiscal prudence in planning for potential impacts of employee retirement benefits, while also continuing to align the City as a competitive employer in the increasingly robust job market of the Silicon Valley

**Background**

In June 2015, City Council awarded a contract to Koff & Associates for the purposes of conducting a comprehensive classification and compensation study of all non-sworn City of Menlo Park classifications. Preliminary results were provided to the City Council in February 2016, at which time the Council communicated the following guiding principles for upcoming labor negotiations with AFSCME:

- Using our 13 City labor market, the market median shall be the target for City of Menlo Park benchmark employees' total compensation; and
- For those employees whose total compensation is found to be below the market median, provide market-based adjustments to bring those employees up to the market median

The guiding principles were founded on general practices and the importance of recruiting and retaining talented employees, during a competitive public and private sector job market.

On October 20, 2015, City Council approved the terms of an agreement between the City of Menlo Park and AFSCME and authorized the City Manager to execute a Memorandum of Understanding (MOU) with a term of October 21, 2015 through June 30, 2017. Those terms included an agreement to reopen the MOU on March 1, 2016 on the single issue of wage increases, and stipulated that no special wage increases will be implemented without mutual agreement between the City and AFSCME. The agreement further stipulated that if no agreement is reached on special wage increases, all AFSCME classifications would receive an across the board salary increase of 2% effective the first full pay period after July 1, 2016. The

reopener on March 1, 2016 was intended to coincide with the completion of a Classification and Compensation Study conducted by Koff & Associates, which included surveying our labor market for comparison purposes to certain Menlo Park job classifications' salary ranges. While the study narrative has not yet been finalized, the Study provided the City with data that concluded nine of the 22 classifications in AFSCME have a total compensation package below the labor market median.

AFSCME represents 36.25 non-sworn supervisory/managerial employees throughout the City. The City's and AFSCME's negotiation teams commenced negotiations on April 7, 2016. The parties met three times and reached a Tentative Agreement (TA) on wages on June 2, 2016. AFSCME notified the City that the TA was ratified by the membership on June 6, 2016.

## **Analysis**

The Tentative Agreement, Attachment C, is on wages only, between the City and AFSCME and, if approved by the City Council, adjusts the salary ranges for all AFSCME represented classifications effective July 10, 2016, the first day of the first full pay period in July.

In addition to the previously agreed to 2% across the board adjustment, the Tentative Agreement provides special wage adjustments to correct for positions that are currently below market median total compensation as calculated by Koff and Associates. In all cases the market based adjustments apply to existing classifications and no new classifications are required to implement the Tentative Agreement. While no new classifications are required, there are instances where Koff recommends new job titles to reflect the current operating structure of the City while also achieving greater consistency with job titles in other cities.

The Tentative Agreement for special wage adjustments is consistent with the City's goal of maintaining a competitive total compensation package to attract and retain quality employees. When surveyed across 13 comparator agencies, Koff & Associates identified 9 of the 22 classifications represented by AFSCME as receiving a total compensation package less than market median. Total compensation incorporates all aspects of compensation that accrue to the benefit of an individual employees such as base salary, pension, medical, dental, and paid time off. In order to correct for the under market compensation packages, the Tentative Agreement provides adjustments to classifications ranging from 3.4% to 15.0% as detailed in the Tentative Agreement. The significant variance from market median is the primarily seen in the Public Works Supervisor classifications (between 7% and 15% below market) which were previously internally aligned at the same salary. When the market survey was conducted, Koff and Associates found that the Public Works Supervisor classifications are not typically paid at the same level with specialized skills resulting in higher pay for operationally specific positions such as Fleet and Facilities management.

As mentioned earlier, the current MOU between AFSCME and the City contains language that provides a 2.0% across the board salary increase. The Tentative Agreement implements the 2% across the board salary increase to ensure that the City maintains its standing in the labor market total compensation. Since the date of Koff & Associates' survey, several comparator cities have provided cost-of-living-adjustments (COLA) to their employees. COLAs are generally intended to offset the impact of inflation on an employee's wages. To arrive at inflation for the Bay Area region, the City relies on calculations by the Federal Bureau of Labor Statistics, specifically the Consumer Price Index – All Urban Consumers. For the 12 month period measured from February 2015 to February 2016, the Consumer Price Index All Urban Consumers for the San Francisco-Oakland-San Jose region was +3.02%.



On June 6, 2016, in accordance with Council's Public Input and Outreach Regarding Labor Negotiations policy, this staff report was posted to provide an opportunity for public comment prior to and during Council's consideration of these amendments on June 21, 2016.

Pursuant to Resolution 6177, adopted by City Council on December 10, 2013, if this agreement is ratified by council, the same wage adjustments would apply to members in the "confidential" class of employees (Executive Assistant to the City Manager, Senior Management Analyst and Human Resources Technician), as they are unrepresented by a labor group due to the nature of their assignments. The salary schedule for "confidential" employees can be found in Attachment F.

### **Impact on City Resources**

This Tentative Agreement results in new cost to the City totaling \$156,200. Of this amount, \$84,500 is attributed to the special wage adjustments to bring 9 classifications up to market median total compensation. The balance, \$71,700, results from an across the board salary adjustment of 2% which was provided for in the current MOU. Given that the across the board adjustment was contained in the current MOU, \$71,700 is included in the City Manager's Proposed Budget for 2016-17 and the 10-year forecast. The balance, \$84,500, will require the use of anticipated operating surplus.

The impact of the across the board adjustments and market rate adjustments for the confidential positions totals \$26,400 and was included in the City Manager's Proposed Budget for 2016-17.

### **Environmental Review**

No environmental review is required.

### **Public Notice**

Public Notification was achieved by posting the item 15 days prior to the Council meeting of June 21, 2016.

### **Attachments**

- A. Compensation Study
- B. Compensation Study Appendix "I" (*revised since early release*)
- C. Tentative Agreement between the City of Menlo Park and AFSCME
- D. AFSCME MOU Appendix A update
- E. AFSCME MOU Appendix B update (*revised since early release*)
- F. Confidential Employee Salary Schedule (*revised since early release*)

Report prepared by:

Lenka Diaz, Human Resources Manager

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# Compensation Study

City of Menlo Park

March 2016

## Koff & Associates

**Georg Krammer**  
Chief Executive Officer

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**BACKGROUND**

In June 2015, the City of Menlo Park contracted with Koff & Associates to conduct a comprehensive classification and compensation study for all classifications.

This compensation review process was precipitated by:

- The concern of management and the employee groups that employees should be recognized for the level and scope of work performed and that they are paid on a fair and competitive basis that allows the City to recruit and retain a high-quality staff;
- The desire to have a classification and compensation plan that can meet the needs of the City; and
- The desire to ensure that internal relationships of salaries are based upon objective, non-quantitative evaluation factors, resulting in equity across the City.

**STUDY PROCESS**

**Benchmarking Classifications**

The study included approximately one hundred (100) classifications and of those, fifty-eight (58) classifications were selected in order to collect compensation data within the defined labor market. Survey classes that had the most consistent and useful survey data were used as “benchmarks” in building the compensation plan. Benchmark classes are those classes that are tied directly to market salary data during the salary setting process. These classes are used as a means of anchoring the City’s overall compensation plan to the market. Other job classifications not surveyed would be aligned on the proposed compensation plan using internal equity principles.

Survey or benchmark classifications included classes that are reasonably well known, and clearly and concisely described. They are commonly used classes such that other like classes may readily be found in other agencies in order to ensure that sufficient compensation data will be compiled.

These survey classifications included:

1. Accountant II
2. Accounting Assistant II
3. Administrative Assistant
4. Administrative Services Director
5. Assistant City Manager
6. Associate Civil Engineer
7. Associate Planner
8. Building Custodian
9. Building Inspector

10. City Arborist
11. City Clerk
12. Code Enforcement Officer
13. Communications Dispatcher
14. Community Development Director
15. Community Services Director
16. Community Services Officer
17. Construction Inspector
18. Contract Specialist



19. Custodial Services Supervisor
20. Engineering Technician II
21. Environmental Program Specialist
22. Environmental Services Manager
23. Executive Assistant
24. Facilities Maintenance Technician II
25. Facilities Supervisor
26. Finance & Budget Manager
27. Financial Analyst
28. Fleet Supervisor
29. Gymnastics Program Coordinator
30. Housing & Economic Development Manager
31. Human Resources Analyst
32. Human Resources Assistant
33. Human Resources Manager
34. Information Tech Specialist II
35. Information Technology Manager
36. Librarian II
37. Library Assistant II
38. Library Services Director

39. Literacy Program Manager
40. Maintenance Worker II Parks
41. Maintenance Worker II - Streets
42. Maintenance Worker II - Trees
43. Management Analyst
44. Office Assistant
45. Permit Technician
46. Plan Examiner
47. Police Records Specialist
48. Police Services Manager
49. Property and Court Specialist
50. Public Works Director
51. Public Works Maint Supervisor
52. Public Works Superintendent
53. Recreation Program Coordinator
54. Transportation Manager
55. Water Quality Specialist
56. Water System Operator II
57. Water System Supervisor
58. Youth Services Coordinator

When we contact the comparator agencies to identify possible matches for each of the benchmarked classifications, there is an assumption that we will not be able to find comparators that are 100% equivalent to the classifications at the City. Therefore, we do not match based upon job titles, which can often be misleading, but we analyze each class description before we consider it as a comparator. Our methodology is to analyze each class description according to the factors listed on page 6 and we require that a position’s “likeness” be at approximately 70% of the matched position to be included.

When we do not find an appropriate match with one class, we often use “brackets” which can be functional or represent a span in scope of responsibility. A functional bracket means that the job of one classification at the City is performed by two classifications at a comparator agency. A “bracket” representing a span in scope means that the comparator agency has one class that is “bigger” in scope and responsibility and one position that is “smaller,” where the City’s class falls in the middle.

In all, of the fifty-eight (58) benchmarked classifications identified, we were able to collect sufficient data from the comparator agencies for fifty-four (54) benchmark classifications. We consider fewer than four comparison matches to be insufficient for analysis because fewer matches make variations in salaries more significant and results may not accurately reflect the market. Four (4) benchmarked classification had fewer than four comparison matches:

1. Custodial Services Supervisor
2. Environmental Program Specialist
3. Environmental Services Manager



4. Literacy Program Manager

**Benchmarking Comparator Agencies**

The second, most important step in conducting a market salary study is the determination of appropriate agencies for comparison.

In considering the selection of valid agencies for salary comparator purposes, a number of factors should be taken into consideration:

1. **Organizational type and structure** – We generally recommend that agencies of a similar size, providing similar services to that of the City be used as comparators.
2. **Similarity of population, staff, and operational budgets** – These elements provide guidelines in relation to resources required (staff and funding) and available for the provision of services.
3. **Scope of services provided and geographic location** – Organizations providing the same services are ideal for comparators and most comparator agencies surveyed provide similar services to the City of Menlo Park.
4. **Labor market** – In the reality that is today’s labor market, many agencies are in competition for the same pool of qualified employees. Individuals often do not live in the communities they serve. As mentioned above, the geographic labor market area, where the City of Menlo Park may be recruiting from or losing employees to, was taken into consideration when selecting comparator organizations. Furthermore, by selecting employers within a geographic proximity to the City, the resulting labor market data generally reflects the region’s cost of living, housing costs, growth rate, and other demographic characteristics to the same extent as competing employers to the City.
5. **Compensation Philosophy** – Does the organization regularly conduct a market survey, and, once completed, how is this information applied? Many agencies pay to the median, some pay to the average, others may pay to a higher percentile. In addition, salary ranges may be set strictly upon market base salary values or may include the total value of salary and benefits when developing a compensation policy.

All of the above elements should be considered in selecting the group of comparator agencies. The City agreed on a list of comparator agencies and the following thirteen (13) agencies were used as comparators for the purposes of this market study:

1. City of Belmont
2. City of Burlingame
3. City of East Palo Alto
4. City of Foster City
5. City of Los Altos
6. City of Mountain View



7. City of Palo Alto
8. City of Redwood City
9. City of San Bruno
10. City of San Mateo
11. City of South San Francisco
12. City of Sunnyvale
13. Town of Los Gatos

**Benchmarking Benefit Data Collection**

The last element requiring discussion prior to beginning a market survey is the specific benefit data that will be collected and analyzed. The following information was collected for each of the benchmarked classifications:

1. **Monthly Base Salary:** The top of the salary range and/or control point. All figures are presented on a monthly basis.
2. **Employee Retirement** – This includes several figures, 1) the amount of the employee’s State retirement contribution that is contributed by each agency, 2) the amount of the agency’s Social Security contribution, and 3) any alternative retirement plan, either private or public where the employee’s contribution is made by the agency on behalf of the employee.

In addition to the amount of the employer paid member contribution, we collected information on enhanced benefits. The value for each enhanced benefit is based on the midpoint of the impact on total employer contribution rate. For example, the impact on total employer contribution rate for the enhanced benefit of final compensation based on single highest year (CalPERS Optional Benefits Listing Section 20042) ranges from 0.9% to 1.8% for miscellaneous employees. We report the value of single highest year as 1.35%.

Below is a complete listing of the enhanced benefits and values reflected in the total compensation spreadsheets:

- Formulas for Miscellaneous (base formula is 2% at age 55):
  - 2% at age 60 (CalPERS Optional Benefits Listing Section 21354): this formula provides to local miscellaneous members 2% of pay at age 60 for each year of eligible service credited with that employer; midpoint of range = -3.05%
  - 2.5% at age 55 (CalPERS Optional Benefits Listing Section 21354.4): this formula provides to local miscellaneous members 2.5% of pay at age 55 for each year of eligible service credited with that employer; midpoint of range = 4.95%
  - 2.7% at age 55 (CalPERS Optional Benefits Listing Section 21354.5): this formula provides to local miscellaneous members 2.7% of pay at age 55 for each year of eligible service credited with that employer; midpoint of range = 8.05%



- 3% at age 60 (CalPERS Optional Benefits Listing Section 21354.3): this formula provides to local miscellaneous members 3% of pay at age 60 for each year of eligible service credited with that employer; midpoint of range = 9.80%.

➤ **Additional Optional Enhanced Benefit Provisions:**

- **One-Year Final Compensation (Section 20042):** the period determining the average monthly pay rate when calculating retirement benefits; base period is thirty-six (36) highest paid consecutive months; one-year final compensation is based on twelve (12) months highest paid consecutive months; midpoint of range for miscellaneous = 1.35%.
- **Employer Paid Member Contribution (Section 20636(c)(4)):** the reporting of the value of the employer paid member contribution to CalPERS as special compensation; average value = employer paid member contribution multiplied by employer paid member contribution.

The point of comparison to capture pension benefits was the classic tier at the City, as well as the comparator agencies. This means that for agencies with a multi-tier retirement system, the tier was captured that is currently available to classic members transferring from another PERS-agency to the City.

3. **Insurance** – This is the maximum amount paid by the agency for employees and dependents for a cafeteria or flexible benefit plan and/or health, dental, vision, life, long-term and short-term disability, and employee assistance insurance.
4. **Leave** – Other than sick leave, which is usage-based, the number of days off for which the agency is obligated. All days have been translated into direct salary costs.
  - **Vacation** – The number of vacation days available to all employees after five years of employment.
  - **Holidays** – The number of holidays (including floating) available to employees on an annual basis.
  - **Administrative/Personal Leave** – Administrative leave is normally the number of days available to management to reward for extraordinary effort (in lieu of overtime). Personal leave may be available to other groups of employees to augment vacation or other time off.
5. **Automobile** – This category includes either the provision of an auto allowance or the provision of an auto for personal use. If a car is provided to any classification for commuting and other personal use, the average monthly rate is estimated at \$450.
6. **Deferred Compensation** – We captured deferred compensation provided to all members of a classification with or without the requirement for an employee to provide a matching or minimum contribution.
7. **Other** – This category includes any additional benefits available to all in the class.





Please note that all of the above benefit elements are negotiated benefits provided to all members of each comparator class. As such, they represent an on-going cost for which an agency must budget. Other benefit costs, such as sick leave, tuition reimbursement, and reimbursable mileage are usage-based and cannot be quantified on an individual employee basis.

### Data Collection

Data was collected during the months of January through March, 2016, through websites, planned telephone conversations with human resources, accounting, and/or finance personnel at each comparator agency, and careful review of agency documentation of classification descriptions, memoranda of understanding, organization charts, and other documents.

We believe that the salary data collection step is the most critical for maintaining the overall credibility of any study. We rely very heavily on the City's classification descriptions developed and approved during the classification part of the study, as they are the foundation for our comparison. Personnel staff of the comparator agencies were interviewed by telephone, whenever possible, to understand their organizational structure and possible classification matches.

In identifying appropriate comparisons for the City's classifications, we use the same factors and criteria that we analyze when updating the City's classification plan structure and determining the proper allocation of each position during the classification study process. Factors that we consider include:

- Education and experience requirements;
- Knowledge, abilities, and skills required to perform the work;
- The scope and complexity of the work;
- The authority delegated to make decisions and take action;
- The responsibility for the work of others, program administration, and for budget dollars;
- Problem solving/ingenuity;
- Contacts with others (both inside and outside of the organization);
- Consequences of action and decisions; and
- Working conditions.

For each surveyed class, there are three (3) information pages:

- Market Base (Top Step) Salary Summary Data
- Benefit Detail (Monthly Equivalent Values)
- Monthly Total Compensation Cost Summary Data

Our analysis includes the mean (average), and median (midpoint), comparator data for each benchmarked classification (assuming we were able to identify at least four (4) matches). Our firm recommends reviewing the median, rather than the average, when evaluating the data. The median is the exact midpoint of all the market data we collected, with 50% of market data below and 50% of market data



above. We recommend using the median methodology because it is not skewed by extremely high or low salary values (unlike the mean).

**MARKET COMPENSATION FINDINGS**

Overall, the market results show that the City's base salaries are 0.9% above market with a variance for individual classifications of 22.4% below market to 13.2% above market. Of the 58 benchmark classifications surveyed, 29 fall within 5% of the market median (+/-), which we consider competitive with the market. Thirteen classifications fall below the market median and twelve fall above the market median. As mentioned above, four classifications yielded insufficient market data.

Total compensation results show that the City falls 0.5% above market when taking the median of all benchmark classifications combined.

Overall, these differences between market base salaries and total compensation indicate that the City's benefits package, in terms of cost, is competitive with the market since the difference between base salaries and total compensation is less than half a percentage point.

**USING MARKET DATA AND THIS REPORT AS A TOOL**

We wish to point out that our findings in the market study are meant to be a tool for the City to create and implement an equitable compensation plan. Compensation strategies are designed to attract and retain excellent staff. However, financial realities and the City's expectations may also come into play when determining appropriate compensation philosophies and strategies. The collected data represents a market survey that will give the City an instrument to make future compensation decisions.

It has been a pleasure working with City of Menlo Park on this critical project. Please do not hesitate to contact us if we can provide any additional information or clarification regarding the data or this memo.

Sincerely,

Georg Krammer  
Chief Executive Officer  
Koff & Associates

	Classification	Top Monthly Salary Data					Total Monthly Compensation Data					# of Matches	Bargaining Unit
		Top Monthly Salary	Average	% above or below	Median	% above or below	Total Monthly Comp	Average	% above or below	Median	% above or below		
1	Accountant II	\$7,339	\$7,602	-3.6%	\$7,549	-2.9%	\$10,380	\$11,159	-7.5%	\$11,380	-9.6%	12	SEIU
2	Accounting Assistant II	\$5,681	\$5,563	2.1%	\$5,823	-2.5%	\$8,578	\$8,506	0.8%	\$8,583	-0.1%	13	SEIU
3	Administrative Assistant	\$6,521	\$5,984	8.2%	\$5,663	13.2%	\$9,491	\$8,980	5.4%	\$9,146	3.6%	10	SEIU
4	Administrative Services Director	\$14,931	\$16,174	-8.3%	\$15,880	-6.4%	\$20,747	\$21,670	-4.5%	\$20,646	0.5%	11	EXECUTIVE
5	Assistant City Manager	\$16,635	\$16,785	-0.9%	\$16,600	0.2%	\$22,748	\$22,281	2.1%	\$22,937	-0.8%	12	EXECUTIVE
6	Associate Civil Engineer	\$9,959	\$9,232	7.3%	\$9,474	4.9%	\$13,229	\$12,909	2.4%	\$13,067	1.2%	12	SEIU
7	Associate Planner	\$8,813	\$8,020	9.0%	\$8,147	7.6%	\$11,983	\$11,516	3.9%	\$11,676	2.6%	12	SEIU
8	Building Custodian	\$5,681	\$4,673	17.7%	\$4,822	15.1%	\$8,578	\$7,386	13.9%	\$7,511	12.4%	6	SEIU
9	Building Inspector	\$8,540	\$7,766	9.1%	\$7,758	9.2%	\$11,687	\$11,086	5.1%	\$10,933	6.5%	13	SEIU
10	City Arborist	\$7,886	\$8,624	-9.4%	\$8,782	-11.4%	\$10,982	\$12,266	-11.7%	\$12,340	-12.4%	7	AFSCME
11	City Clerk	\$9,979	\$10,904	-9.3%	\$10,629	-6.5%	\$14,933	\$15,118	-1.2%	\$14,737	1.3%	10	EXECUTIVE
12	Code Enforcement Officer	\$7,339	\$7,270	0.9%	\$7,212	1.7%	\$10,380	\$10,626	-2.4%	\$10,339	0.4%	9	SEIU
13	Communications Dispatcher	\$7,339	\$7,424	-1.2%	\$7,483	-2.0%	\$10,380	\$10,560	-1.7%	\$10,530	-1.4%	12	SEIU
14	Community Development Director	\$14,911	\$15,860	-6.4%	\$15,225	-2.1%	\$20,723	\$21,297	-2.8%	\$21,216	-2.4%	13	EXECUTIVE
15	Community Services Director	\$15,115	\$16,349	-8.2%	\$15,872	-5.0%	\$20,963	\$21,705	-3.5%	\$22,342	-6.6%	11	EXECUTIVE
16	Community Services Officer	\$6,094	\$5,898	3.2%	\$5,981	1.9%	\$9,027	\$8,921	1.2%	\$8,794	2.6%	11	SEIU
17	Construction Inspector	\$8,057	\$7,415	8.0%	\$7,469	7.3%	\$11,161	\$10,925	2.1%	\$10,879	2.5%	10	SEIU
18	Contract Specialist	\$6,094	\$6,500	-6.7%	\$6,464	-6.1%	\$9,027	\$9,765	-8.2%	\$9,536	-5.6%	4	SEIU
19	Custodial Services Supervisor	\$5,968	Insufficient Data	Insufficient Data	Insufficient Data	Insufficient Data	\$8,885	Insufficient Data	Insufficient Data	Insufficient Data	Insufficient Data	2	AFSCME
20	Engineering Technician II	\$7,517	\$6,664	11.4%	\$6,678	11.2%	\$10,574	\$9,886	6.5%	\$9,628	8.9%	12	SEIU
21	Environmental Program Specialist	\$6,228	Insufficient Data	Insufficient Data	Insufficient Data	Insufficient Data	\$9,172	Insufficient Data	Insufficient Data	Insufficient Data	Insufficient Data	2	SEIU
22	Environmental Services Manager	\$9,075	Insufficient Data	Insufficient Data	Insufficient Data	Insufficient Data	\$12,283	Insufficient Data	Insufficient Data	Insufficient Data	Insufficient Data	2	AFSCME
23	Executive Assistant	\$6,521	\$6,561	-0.6%	\$6,556	-0.5%	\$9,491	\$9,638	-1.6%	\$9,359	1.4%	11	CONFIDENTIAL
24	Facilities Maintenance Technician II	\$6,094	\$5,954	2.3%	\$5,992	1.7%	\$9,027	\$8,983	0.5%	\$8,856	1.9%	13	SEIU
25	Facilities Supervisor	\$7,886	\$8,692	-10.2%	\$8,860	-12.4%	\$10,982	\$12,304	-12.0%	\$12,433	-13.2%	5	AFSCME
26	Finance & Budget Manager	\$11,917	\$11,110	6.8%	\$10,994	7.7%	\$17,208	\$15,189	11.7%	\$15,137	12.0%	8	EXECUTIVE
27	Financial Analyst	\$8,057	\$8,536	-6.0%	\$8,539	-6.0%	\$11,161	\$11,928	-6.9%	\$12,375	-10.9%	10	SEIU
28	Fleet Supervisor	\$7,886	\$9,023	-14.4%	\$9,148	-16.0%	\$10,982	\$12,541	-14.2%	\$12,635	-15.0%	4	AFSCME
29	Gymnastics Program Coordinator	\$6,248	\$5,915	5.3%	\$5,995	4.1%	\$9,192	\$8,932	2.8%	\$9,055	1.5%	12	AFSCME
30	Housing & Economic Development Manager	\$11,332	\$12,127	-7.0%	\$11,718	-3.4%	\$16,522	\$16,892	-2.2%	\$17,367	-5.1%	8	EXECUTIVE
31	Human Resources Analyst	\$8,288	\$8,110	2.2%	\$8,024	3.2%	\$11,422	\$11,596	-1.5%	\$11,499	-0.7%	10	CONFIDENTIAL
32	Human Resources Assistant	\$5,306	\$6,468	-21.9%	\$6,319	-19.1%	\$8,161	\$9,425	-15.5%	\$9,277	-13.7%	10	CONFIDENTIAL
33	Human Resources Manager	\$11,917	\$11,752	1.4%	\$11,570	2.9%	\$17,208	\$16,168	6.0%	\$16,670	3.1%	7	EXECUTIVE
34	Information Tech Specialist II	\$6,834	\$6,666	2.5%	\$6,572	3.8%	\$9,831	\$9,807	0.2%	\$9,707	1.3%	8	SEIU
35	Information Technology Manager	\$11,917	\$11,662	2.1%	\$11,496	3.5%	\$17,208	\$15,834	8.0%	\$15,880	7.7%	10	EXECUTIVE
36	Librarian II	\$7,005	\$6,699	4.4%	\$6,700	4.4%	\$10,017	\$9,807	2.1%	\$9,723	2.9%	9	SEIU
37	Library Assistant II	\$5,306	\$5,155	2.9%	\$5,297	0.2%	\$8,169	\$8,056	1.4%	\$8,129	0.5%	9	SEIU
38	Library Services Director	\$14,542	\$16,202	-11.4%	\$17,044	-17.2%	\$20,290	\$21,489	-5.9%	\$22,056	-8.7%	8	EXECUTIVE
39	Literacy Program Manager	\$7,182	Insufficient Data	Insufficient Data	Insufficient Data	Insufficient Data	\$10,213	Insufficient Data	Insufficient Data	Insufficient Data	Insufficient Data	3	AFSCME
40	Maintenance Worker II Parks	\$5,815	\$5,708	1.8%	\$5,620	3.4%	\$8,723	\$8,695	0.3%	\$8,492	2.7%	13	SEIU
41	Maintenance Worker II - Streets	\$5,815	\$5,564	4.3%	\$5,611	3.5%	\$8,723	\$8,520	2.3%	\$8,480	2.8%	12	SEIU
42	Maintenance Worker II - Trees	\$5,815	\$5,985	-2.9%	\$6,074	-4.4%	\$8,723	\$9,088	-4.2%	\$8,700	0.3%	9	SEIU
43	Management Analyst	\$8,057	\$8,642	-7.3%	\$8,539	-6.0%	\$11,161	\$12,121	-8.6%	\$12,211	-9.4%	12	SEIU
44	Office Assistant	\$4,734	\$4,896	-3.4%	\$4,943	-4.4%	\$7,547	\$7,704	-2.1%	\$7,578	-0.4%	12	SEIU
45	Permit Technician	\$5,948	\$6,277	-5.5%	\$6,389	-7.4%	\$8,868	\$9,452	-6.6%	\$9,273	-4.6%	9	SEIU
46	Plan Examiner	\$10,053	\$9,313	7.4%	\$9,220	8.3%	\$13,332	\$12,407	6.9%	\$12,346	7.4%	4	SEIU
47	Police Records Specialist	\$5,815	\$5,435	6.5%	\$5,413	6.9%	\$8,723	\$8,479	2.8%	\$8,419	3.5%	12	SEIU
48	Police Services Manager	\$10,223	\$9,632	5.8%	\$9,379	8.3%	\$13,539	\$13,490	0.4%	\$13,346	1.4%	8	AFSCME
49	Property and Court Specialist	\$6,094	\$5,855	3.9%	\$5,390	11.6%	\$9,027	\$9,018	0.1%	\$8,373	7.2%	6	SEIU
50	Public Works Director	\$15,316	\$16,499	-7.7%	\$15,825	-3.3%	\$21,199	\$21,905	-3.3%	\$21,563	-1.7%	12	EXECUTIVE
51	Public Works Maint Supervisor	\$7,886	\$8,393	-6.4%	\$8,413	-6.7%	\$11,024	\$11,895	-7.9%	\$11,793	-7.0%	8	AFSCME
52	Recreation Program Coordinator	\$6,248	\$6,217	0.5%	\$6,046	3.2%	\$9,192	\$9,254	-0.7%	\$9,146	0.5%	11	AFSCME
53	Transportation Manager	\$13,082	\$12,416	5.1%	\$12,827	1.9%	\$18,576	\$16,769	9.7%	\$18,496	0.4%	5	EXECUTIVE
54	Water Quality Specialist	\$7,159	\$6,776	5.4%	\$6,783	5.3%	\$10,185	\$9,966	2.1%	\$9,560	6.1%	6	SEIU
55	Water System Operator II	\$5,948	\$6,249	-5.1%	\$6,052	-1.7%	\$8,868	\$9,295	-4.8%	\$9,263	-4.5%	6	SEIU
56	Water System Supervisor	\$8,263	\$8,507	-2.9%	\$8,344	-1.0%	\$11,395	\$12,168	-6.8%	\$11,783	-3.4%	6	AFSCME
57	Youth Services Coordinator	\$6,248	\$6,126	2.0%	\$6,046	3.2%	\$9,192	\$9,135	0.6%	\$9,146	0.5%	11	AFSCME

Median 1.4% Median 1.7% Median 0.1% Median 0.5%

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## City/AFSCME Negotiations | 2016

### Tentative Agreement – Article 7: Pay Rates and Practices

Effective the first full pay period after July 1, 2016, the following job classifications shall receive the following market based adjustments:

<u>Job Title</u>	<u>% Adjustment to Base</u>
	<u>Salary</u>
Public Works Supervisor - Fleet	15.0%
Public Works Supervisor - Facilities	13.2%
Public Works Supervisor - City Arborist	12.4%
Business Manager	9.777%*
Revenue & Claims Manager	7.049%*
Public Works Supervisor - Parks	7.0%
Public Works Supervisor – Streets	7.0%
Permit Manager	4.6%
Water System Supervisor	3.4%

\*Salary range adjustment equal to Management Analyst II salary range.

Effective the first full pay period after July 1, 2016, all classifications will receive an overall wage adjustment of 2.0%.

FOR CITY:

FOR AFSCME:

Nick Pegueros  
 Nick Pegueros  
 Administrative Services Director

Nadia Bledsoe  
 Nadia Bledsoe  
 Business Agent, AFSCME Council 57

June 2, 2016  
 Date

6/2/16  
 Date

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APPENDIX "A"  
CLASSIFICATIONS REPRESENTED BY  
AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES,  
LOCAL 829, AFL-CIO

Branch Library Manager  
Business Manager  
Communications and Records Manager  
Community Services Manager  
Custodial Services Supervisor  
Information Technology Supervisor  
Literacy Program Manager  
Management Analyst II  
Permit Manager  
Principal Planner  
Public Works Supervisor - City Arborist  
Public Works Supervisor - Facilities  
Public Works Supervisor - Fleet  
Public Works Supervisor - Parks  
Public Works Supervisor - Streets  
Recreation Coordinator  
Recreation Supervisor  
Revenue and Claims Manager  
Senior Building Inspector  
Senior Civil Engineer  
Senior Librarian  
Senior Transportation Engineer  
Sustainability Manager  
Water System Supervisor

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Current Classification Title	New Classification Title	Hours	Minimum (Step A)	Step B	Step C	Step D	Maximum (Step E)
Branch Library Manager		2,080	86,019.00	90,118.00	94,427.00	98,936.00	103,648.00
		80	3,308.42	3,466.08	3,631.81	3,805.23	3,986.46
		1	41.3553	43.3260	45.3976	47.5654	49.8308
Business Manager - Development Serv.	Business Manager	2,080	87,905.00	92,120.00	96,509.00	101,120.00	105,958.00
		80	3,380.96	3,543.08	3,711.88	3,889.23	4,075.31
		1	42.2620	44.2885	46.3986	48.6154	50.9413
City Arborist	Public Works Supervisor - City Arborist	2,080	90,006.00	94,321.00	98,815.00	103,536.00	108,490.00
		80	3,461.77	3,627.73	3,800.58	3,982.15	4,172.69
		1	43.2721	45.3466	47.5072	49.7769	52.1587
Community Services Manager		2,080	101,141.00	105,962.00	111,081.00	116,463.00	122,105.00
		80	3,890.04	4,075.46	4,272.35	4,479.35	4,696.35
		1	48.6255	50.9433	53.4043	55.9918	58.7043
Custodial Services Supervisor		2,080	60,848.00	63,664.00	66,639.00	69,766.00	73,044.00
		80	2,340.31	2,448.62	2,563.04	2,683.31	2,809.38
		1	29.2538	30.6077	32.0380	33.5413	35.1173
Environmental Programs Manager	Sustainability Manager	2,080	92,114.00	96,521.00	101,141.00	105,962.00	111,081.00
		80	3,542.85	3,712.35	3,890.04	4,075.46	4,272.35
		1	44.2856	46.4043	48.6255	50.9433	53.4043
Facilities Supervisor	Public Works Supervisor - Facilities	2,080	90,646.00	94,992.00	99,518.00	104,273.00	109,262.00
		80	3,486.38	3,653.54	3,827.62	4,010.50	4,202.38
		1	43.5798	45.6692	47.8452	50.1313	52.5298
Fleet Supervisor	Public Works Supervisor - Fleet	2,080	92,088.00	96,503.00	101,101.00	105,931.00	110,999.00
		80	3,541.85	3,711.65	3,888.50	4,074.27	4,269.19
		1	44.2731	46.3957	48.6063	50.9284	53.3649
Gymnastics Program Coordinator	Recreation Coordinator	2,080	63,664.00	66,639.00	69,766.00	73,044.00	76,480.00
		80	2,448.62	2,563.04	2,683.31	2,809.38	2,941.54
		1	30.6077	32.0380	33.5413	35.1173	36.7692
Information Technology Supervisor		2,080	85,680.00	95,236.00	100,248.00	105,525.00	111,078.00
		80	3,295.38	3,662.92	3,855.69	4,058.65	4,272.23
		1	41.1923	45.7865	48.1962	50.7332	53.4029
Librarian III		2,080	82,072.00	86,019.00	90,118.00	94,427.00	98,936.00
		80	3,156.62	3,308.42	3,466.08	3,631.81	3,805.23
		1	39.4577	41.3553	43.3260	45.3976	47.5654
Literacy Program Manager		2,080	73,044.00	76,480.00	80,076.00	83,915.00	87,914.00
		80	2,809.38	2,941.54	3,079.85	3,227.50	3,381.31
		1	35.1173	36.7692	38.4981	40.3438	42.2663
Management Analyst	Management Analyst II <i>(redesignation from SEIU in process)</i>	2,080	89,498.00	93,802.00	98,273.00	102,972.00	107,888.00
		80	3,442.23	3,607.77	3,779.73	3,960.46	4,149.54
		1	43.0279	45.0971	47.2466	49.5058	51.8692
Parks and Trees Supervisor	Public Works Supervisor - Parks	2,080	85,682.00	89,789.00	94,068.00	98,562.00	103,278.00
		80	3,295.46	3,453.42	3,618.00	3,790.85	3,972.23
		1	41.1933	43.1678	45.2250	47.3856	49.6529
Permit Manager		2,080	101,804.00	106,675.00	111,781.00	117,109.00	122,767.00
		80	3,915.54	4,102.88	4,299.27	4,504.19	4,721.81
		1	48.9442	51.2861	53.7409	56.3024	59.0226
Principal Planner		2,080	108,070.00	114,836.00	120,332.00	126,068.00	130,322.00
		80	4,156.54	4,416.77	4,628.15	4,848.77	5,012.38
		1	51.9567	55.2096	57.8519	60.6096	62.6548
Program Supervisor - Title 22	Recreation Coordinator	2,080	63,664.00	66,639.00	69,766.00	73,044.00	76,480.00
		80	2,448.62	2,563.04	2,683.31	2,809.38	2,941.54
		1	30.6077	32.0380	33.5413	35.1173	36.7692
Program Supervisor - Title 5	Recreation Coordinator	2,080	63,664.00	66,639.00	69,766.00	73,044.00	76,480.00
		80	2,448.62	2,563.04	2,683.31	2,809.38	2,941.54
		1	30.6077	32.0380	33.5413	35.1173	36.7692
Recreation Program Coordinator	Recreation Coordinator	2,080	63,664.00	66,639.00	69,766.00	73,044.00	76,480.00
		80	2,448.62	2,563.04	2,683.31	2,809.38	2,941.54
		1	30.6077	32.0380	33.5413	35.1173	36.7692
Recreation Supervisor		2,080	78,375.00	82,072.00	83,514.00	90,118.00	94,427.00
		80	3,014.42	3,156.62	3,212.08	3,466.08	3,631.81
		1	37.6803	39.4577	40.1510	43.3260	45.3976
Revenue and Claims Manager		2,080	87,857.00	92,082.00	96,471.00	101,084.00	105,910.00
		80	3,379.12	3,541.62	3,710.42	3,887.85	4,073.46
		1	42.2389	44.2702	46.3803	48.5981	50.9183
Senior Building Inspector		2,080	97,327.00	101,983.00	106,865.00	111,959.00	117,368.00
		80	3,743.35	3,922.42	4,110.19	4,306.12	4,514.15
		1	46.7918	49.0303	51.3774	53.8264	56.4269
Senior Civil Engineer		2,080	111,260.00	116,635.00	122,286.00	128,211.00	134,458.00
		80	4,279.23	4,485.96	4,703.31	4,931.19	5,171.46
		1	53.4904	56.0745	58.7913	61.6399	64.6433
Senior Transportation Engineer		2,080	111,260.00	116,635.00	122,286.00	128,211.00	134,458.00
		80	4,279.23	4,485.96	4,703.31	4,931.19	5,171.46
		1	53.4904	56.0745	58.7913	61.6399	64.6433
Streets Supervisor	Public Works Supervisor - Streets	2,080	85,682.00	89,789.00	94,068.00	98,562.00	103,278.00
		80	3,295.46	3,453.42	3,618.00	3,790.85	3,972.23
		1	41.1933	43.1678	45.2250	47.3856	49.6529
Support Services Manager	DELETE						
Technical Services Manager	Communications and Records Manager	2,080	103,648.00	108,678.00	113,898.00	119,390.00	125,132.00
		80	3,986.46	4,179.92	4,380.69	4,591.92	4,812.77
		1	49.8308	52.2490	54.7587	57.3990	60.1596
Water System Supervisor		2,080	86,768.00	90,903.00	95,246.00	99,803.00	104,580.00
		80	3,337.23	3,496.27	3,663.31	3,838.58	4,022.31
		1	41.7154	43.7034	45.7913	47.9822	50.2788
Youth Services Coordinator	DELETE						

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**Confidential Salary Schedule  
Effective July 10, 2016**

ATTACHMENT F  
(revised since early release)

Current Classification Title	New Classification Title	Hours	Minimum (Step A)	Step B	Step C	Step D	Maximum (Step E)
Executive Assistant to the City Mgr		2080	\$ 70,764.00	Open Range			\$ 86,013.00
		80	2,721.69				3,308.19
		1	34.0212				41.3524
Human Resources Analyst		2080	\$ 86,337.00	Open Range			\$102,156.00
		80	3,320.65				3,929.08
		1	41.5082				49.1135
Human Resources Assistant	Human Resources Technician	2080	\$ 61,465.00	\$ 64,373.00	\$ 67,247.00	\$ 70,528.00	\$ 73,845.00
		80	2,364.04	2,475.88	2,586.42	2,712.62	2,840.19
		1	29.5505	30.9486	32.3303	33.9077	35.5024
Management Analyst-Confidential	Senior Management Analyst	Exempt	\$ 93,734.00	Open Range			\$121,520.00

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## STAFF REPORT

### City Council

Meeting Date:

6/21/2016

Staff Report Number:

16-119-CC

### Regular Business:

**Approve resolutions: adopting the fiscal year 2016-17 Budget and Capital Improvement Program and appropriating funds; establishing the appropriations limit for fiscal year 2016-17; establishing a consecutive temporary tax percentage reduction in Utility Users' Tax rates through September 30, 2017; and establishing City-wide salary schedule effective July 10, 2016.**

## Recommendation

Staff recommends that the City Council approve the following:

1. A Resolution Adopting the fiscal year 2016-17 Budget and Capital Improvement Program and appropriating funds;
2. A Resolution Establishing the Appropriations Limit for 2016-17;
3. A Resolution Establishing a Consecutive Temporary Tax Percentage Reduction in the Utility Users' Tax Rate through September 30, 2017; and
4. A Resolution Adopting the City's Salary Schedule Effective July 10, 2016.

## Policy Issues

The City Council is required to adopt a balanced budget and appropriate funds prior to July 1<sup>st</sup> of each year, the beginning of the City fiscal year.

## Background

At their June 7, 2016 meeting, the City Council received a report from staff and held a public hearing regarding the City Manager's proposed fiscal year 2016-17 budget and capital improvement program. This hearing followed the City Manager's Budget Workshop presentation to the community on May 25, 2016 at which time the public was invited to receive an overview of the 2016-17 proposed budget.

The operating budget was developed using the guidance Council provided at its January 29, 2016, goal setting workshop, and all of Council's priority goals have been proposed for funding in fiscal year 2016-17. In addition, the capital improvement program has been presented to all of the appropriate boards and commissions and the Planning Commission found the 5-year capital improvement program consistent with the General Plan.

## Analysis

The City's overall budget is balanced and provides for total revenue of \$116 million and total expenditure of \$113 million. This amount includes \$30 million of carryover project funding which represents City Council approved capital improvement projects, of which \$5.6 million has been added since the budget public hearing as a result of City Council actions on June 1, 2016 to appropriate funds for the Santa Cruz Sidewalks project and the San Francisquito Creek Joint Powers Authority. The resulting surplus of approximately \$3 million will return to the various fund balances assuming that all assumptions outlined in the budget document come to fruition.

At the Public Hearing on June 7<sup>th</sup>, the following questions were raised:

1. What is the balance of the City's Strategic Pension Reserve? City Council adopted policy provides that 25% of each year's operating budget surplus in the General Fund be deposited into the City's Strategic Pension Reserve. As of June 30, 2016, this reserve is projected to have a balance of \$2.8 million. The purpose of this reserve is to mitigate the impact of significant year-over-year increases in employer contributions rates due to actions outside of the City's control such as poor investment returns in the CalPERS portfolio. Additionally, the City Council policy for this reserve provides for use of the reserve to make non-recurring payments to CalPERS that will reduce the City's pension liabilities.
2. Are the assumptions for Transient Occupancy Tax and Sales Tax revenue in the 10-year forecast reasonable given recent trends? The 10-year forecast is intended to assess the risk of a structural deficit developing over the next several years with particular emphasis on the first two to three years. Beyond the third year, significant assumptions are made that generally do not include unknown events that may materially impact the forecast. For example, the loss of a major sales tax generator is generally information that is only known as such events occur and cannot reasonably be forecast. On the contrary, new hotels can be reasonably forecast using development approvals, construction timeframes, and fiscal impact analyses generally provided with such large scale developments.

In addition to the questions raised at the public hearing, it is important to note that tentative agreements reached with the City's bargaining units in late May and early June are substantially but not entirely reflected in the 2016-17 budget. The budget included a provisions for salary and benefit adjustments that were known or reasonably anticipated as of early May. This included a 2% increase in salaries for SEIU and AFSCME represented positions, 2% increase in salaries for confidential positions which mirror AFSCME labor agreements, and a 3% increase in salaries for the positions represented by the Police Officers Association. After preparation of the budget, the City reached tentative agreement with SEIU and AFSCME that provides market-based salary adjustments to several positions in addition to the anticipated 2% increase which was provided in the budget. The net impact of the market base adjustments in excess of the amount included in the budget document is \$151,800. Given the complexities of the City's personnel allocation and budgeting process, adjusting the budget document to reflect the additional \$151,800 was not possible and would have effectively required adjustment to nearly every number in the budget that bears a personnel cost. Staff will include the increased costs in the mid-year budget adjustment at which time information relative to Excess ERAF, salary savings from vacancies, and other information that may arise over the next eight months.

In the meantime, however, to put the impact of the unbudgeted market based adjustments into perspective staff has calculated that approximately 60% of the market based adjustments will be borne by the City's General Fund or \$91,080. This calculation is based on the fact that the bulk of the adjustments provided occurred to positions that are allocated to at least 35% to non-general fund operating budgets. Given that

the General Fund surplus is approximately \$179,000, the additional costs maintain the balanced budget for the General Fund.

### **Resolution Adopting the 2015-16 Budget and Capital Improvement Program**

The City's total 2016-17 budget for all City operations and capital improvements is balanced with a revenue budget of approximately \$116 million and an expenditure budget of approximately \$113 million, which is inclusive of \$4.8 million of new appropriations for the Santa Cruz Sidewalk project which the City Council approved on June 1, 2016 and will carry-over into 2016-17. At the end of fiscal year 2016-17, the budget provides for a small surplus of approximately \$3 million, or 3% of total expenditures, to be posted to various fund balances if all assumptions come to bear. The attached resolution formally adopts the 2016-17 budget and authorizes appropriations as provided for in the budget document.

### **Resolution establishing the fiscal year 2016-17 Appropriations Limit**

California Government Code requires that the City annually adopt an appropriations limit for the coming fiscal year. The appropriations limit, which was originally established in 1979 by Proposition 4, places a maximum limit on the appropriations of tax proceeds that can be made by the state, school districts, and local governments in California. The appropriations limit is set on an annual basis and is revised each year based on population growth and cost of living factors. For 2016-17, the appropriations limit is \$55,025,588, while the proceeds of taxes subject to the appropriations limit is \$34,555,223. The City is, therefore, approximately \$20 million below the appropriations limit for fiscal year 2016-17. City Council consideration and approval of the attached resolution is required in order for the City to be in compliance with State law.

### **Resolution Continuing the Temporary Tax Percentage Reduction in the Utility Users' Tax Rate**

The 2016-17 General Fund budget includes \$1.215 million in revenue from the temporarily reduced UUT rate of 1% adopted by Council as per Menlo Park Municipal Code Section 3.14.130. At the 1% rate, the City maintains a balanced budget therefore the reduced rate does not adversely affect the city's ability to meet its financial obligations. On June 16, 2015, the City Council adopted Resolution No. 6278 which extended the reduction through September 30, 2016. In order to continue the reduced UUT through September 30, 2017, the Council must adopt the attached Resolution. If the Council takes not action on this measure, the temporary reduction will expire and the UUT will return to the full rate as of October 1, 2016.

### **Resolution Adopting the Salary Schedule**

Each year the City Council is required to adopt a salary schedule that lists the salary ranges for all positions employed by the City. Salary ranges are negotiated in good faith with bargaining units representing 91% of the City's 262 full-time equivalent personnel. The remaining 9% of full-time equivalent personnel are unrepresented (the City's executive management staff), the City Manager and City Attorney both of whom serve at the pleasure of the City Council and whose salaries are set by contract, and the City Council. The attached salary schedule provides for two changes:

1. **Salaries to reflect negotiated agreements with SEIU, AFSCME, and POA.** The City reached agreement with SEIU, AFSCME, and the Police Officers Association on new salaries effective July 10, 2016 for all positions represented by the bargaining groups as well as four confidential positions that are pegged to the AFSCME contract by City Council resolution. With the exception of the market based adjustments discussed earlier, all increases resulting from these agreements are included in the budget document.
2. **A 2% increase in salary ranges for unrepresented personnel.** The salary schedule includes a 2% adjustment to the salary ranges for the City's 21 unrepresented positions that comprise the management team. Consistent with increases provided to the bargaining units, the 2% adjustment for unrepresented positions is intended to offset the impact of inflation which, for the 12 month period measured February 2015 to February 2016, was 3.02% for the San Francisco-Oakland-San Jose region as calculated by the Federal Bureau of Labor Statistics (CPI-U). It is important to note

that, unlike the positions represented by bargaining units, adjustments to unrepresented position salary ranges do not automatically impact the salaries paid to unrepresented employees. In other words, the 2% adjustment does not automatically increase the salaries for the City's management team. The City Manager provides salary increases to unrepresented employees based on merit.

The salaries for members of the Police Sergeant's Association, City Manager and City Attorney are unchanged given that contracts for those positions have yet to be amended.

### **Impact on City Resources**

The City's budget is balanced and the detail of revenue and expenditures are included in the 2016-17 Budget.

### **Environmental Review**

Environmental review is not required.

### **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 Manager's Proposed 2016-17 Budget:  
Available online at: [menlopark.org/proposedbudget](http://menlopark.org/proposedbudget)
- B. Resolution Adopting the fiscal year 2016-17 Budget and Capital Improvement Program and appropriating funds
- C. Resolution Establishing the Appropriations Limit for 2016-17
- D. Resolution Establishing a Consecutive Temporary Tax Percentage Reduction in the Utility Users' Tax Rate through September 30, 2017
- E. Resolution Adopting the City's Salary Schedule Effective July 10, 2016.

Report prepared by:  
Rosendo Rodriguez, Finance & Budget Manager  
Nick Pegueros, Administrative Services Director



**RESOLUTION NO.**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK  
ADOPTING THE BUDGET FOR FISCAL YEAR 2016-17 AND  
ADOPTING THE CAPITAL IMPROVEMENT PROGRAM FOR THE  
FISCAL YEAR**

WHEREAS, the City of Menlo Park, acting by and through its City Council, having considered the proposed budget document dated June 7, 2016 and related written and oral information at the meeting held June 21, 2016, and the City Council having been fully advised in the matter and good cause appearing therefore.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Menlo Park that the City Council does hereby adopt the budget for the fiscal year 2016-17 as set forth in the proposed budget presented to the City Council; and

BE IT FURTHER RESOLVED by the City Council of the City of Menlo Park that the City Council does hereby adopt the Capital Improvement Program for the fiscal year as set forth in the draft budget presented to the City Council.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

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

Pamela Aguilar  
City Clerk

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**RESOLUTION NO.**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK  
ESTABLISHING APPROPRIATIONS LIMIT FOR FISCAL YEAR 2016-  
17**

WHEREAS, Article XIII B of the Constitution of the State of California places various limitations on the City's powers of appropriation; and

WHEREAS, Division 9 (commencing with Section 7900) of the Government Code implements said Article XIII B and requires that each local jurisdiction shall, by resolution, establish its appropriations limit for the following year; and

WHEREAS, the City of Menlo Park population percentage change over the prior year is 0.91 percent and the growth in the State of California per capita personal income cost of living change is 5.37 percent, both factors in calculating the appropriations limit.

NOW THEREFORE, BE IT RESOLVED that the City Council of Menlo Park at its regular meeting of June 21, 2016 hereby establishes the appropriations limit as the amount of \$55,025,588 for Fiscal Year 2016-17, calculated in accordance with the provisions of Division 9 (commencing with Section 7900) of the California Government Code.

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 the twenty-first day of June, 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-first day of June, 2016.

Pamela Aguilar  
City Clerk

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**RESOLUTION NO.****RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK  
ESTABLISHING A TEMPORARY TAX PERCENTAGE REDUCTION IN  
THE UTILITY USERS' TAX PURSUANT TO SECTION 3.14.130 OF THE  
CITY OF MENLO PARK MUNICIPAL CODE**

WHEREAS, Ordinance 950 of the City Council of the City of Menlo Park Adopting a Utility Users' Tax became effective upon approval by a majority of voters at the General Election of November 7, 2006; and

WHEREAS, Ordinance 950 established Chapter 3.14 of the City of Menlo Park Municipal Code, this chapter known as the "Utility Users' Tax Ordinance"; and

WHEREAS, the Utility Users' Tax Ordinance Section 3.14.130 allows the City Council to enact a Temporary Tax Percentage Reduction for a period of no more than twelve (12) months; provided adequate written notice is given to all affected service suppliers; and

WHEREAS, the City Council established a temporary tax reduction in consideration of the adopted budget for the fiscal year 2007-08, effective October 1, 2007; and

WHEREAS, the City Council re-established a temporary tax reduction in consideration of the adopted budget for the fiscal year 2008-09, effective October 1, 2008; and

WHEREAS, the City Council re-established a temporary tax reduction in consideration of the adopted budget for the fiscal year 2009-10, effective October 1, 2009; and

WHEREAS, the City Council re-established a temporary tax reduction in consideration of the adopted budget for the fiscal year 2010-11, effective October 1, 2010; and

WHEREAS, the City Council re-established a temporary tax reduction in consideration of the adopted budget for the fiscal year 2011-12, effective October 1, 2011; and

WHEREAS, the City Council re-established a temporary tax reduction in consideration of the adopted budget for the fiscal year 2012-13, effective October 1, 2012; and

WHEREAS, the City Council re-established a temporary tax reduction in consideration of the adopted budget for the fiscal year 2013-14, effective October 1, 2013; and

WHEREAS, the City Council re-established a temporary tax reduction in consideration of the adopted budget for the fiscal year 2014-15, effective October 1, 2014;

WHEREAS, the City Council re-established a temporary tax reduction in consideration of the adopted budget for the fiscal year 2015-16, effective October 1, 2015;

WHEREAS, the City Council is not prohibited from adopting consecutive temporary tax percentage reductions as provided by Section 3.14.130 of the Utility Users' Tax Ordinance; and

WHEREAS, the City Council now finds that a consecutive temporary tax reduction shall not adversely affect the City's ability to meet its financial obligations as contemplated in the budget for the fiscal year 2016-17, considered and adopted at its regular meeting of June 21, 2016.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Menlo Park at its regular meeting of June 22, 2016 hereby establishes a temporary reduction in the Utility Users' Tax rate, maintaining the current reduced rate of one percent (1.0%) for taxes imposed by sections 3.14.040 through 3.14.070 for a period of no more than twelve (12) months, effective October 1, 2016. No other provisions of the Utility Users' Tax Ordinance are affected by this resolution. Nothing herein shall preclude the City Council from modifying the tax rate set herein during said twelve month period.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

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

Pamela Aguilar  
City Clerk

**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK  
CONSOLIDATING AND AMENDING THE SALARY SCHEDULE**

WHEREAS, pursuant to the Personnel System Rules, the City Manager prepared a compensation Plan; and

NOW, THEREFORE, BE IT RESOLVED that the following compensation provisions shall be established in accordance with the City's Personnel System rules.

BE IT FURTHER RESOLVED that any previous enacted compensation provisions contained in Resolution No. 6277 and subsequent amendments shall be superseded by this Resolution.

BE IT FURTHER RESOLVED that the changes contained herein shall be effective July 10, 2016.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

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

Pamela Aguilar  
City Clerk

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## STAFF REPORT

### City Council

Meeting Date:

6/21/2016

Staff Report Number:

16-116-CC

Informational Item:

Update on the El Camino Real Corridor Study

### Recommendation

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

### Policy Issues

It was an adopted City Council goal for 2016 to complete the El Camino Real Corridor Study (Corridor Study). The Council requested staff report back on next steps for the Corridor Study following the May 3, 2016 Council meeting.

### Background

The City Council approved the Request for Proposals (RFP) for this project on October 15, 2013. On January 28, 2014, Council awarded a contract to a team led by Whitlock & Weinberger Transportation Consultants (W-Trans) after reviewing proposals from three consultant teams. The consultant team has generally completed the first 8 of 10 tasks, culminating in the Corridor Study Report, dated July 2015 and linked as [Attachment A](#).

On August 25, 2015, the City Council held a study session to provide direction to staff on next steps for the Corridor Study. At that meeting, the Council developed a list of tasks including outreach to neighboring jurisdictions, the Menlo Park Fire Protection District, and Caltrans, all to be completed before a preferred alternative would be identified. Staff returned to Council on October 20, 2015 with an informational report summarizing the Council direction from the prior study session.

On May 3, 2016, the City Council considered the information regarding the outreach and accepted the Corridor Study and identified Alternative 2, buffered bicycle lanes as the preferred alternative for El Camino Real and put installation on hold in order to pursue east-west connectivity improvements more quickly. Council directed the reallocation of construction funds for a potential third northbound through lane at Ravenswood Avenue, and also requested staff report back to the Council within two months on potential next steps to modify Alternative 2 to improve northbound traffic conditions approaching Ravenswood Avenue.

### Analysis

Following Council direction, staff has worked with consulting firm W-Trans to modify their remaining scope of work as part of the Corridor Study to accomplish the following tasks:

- Explore options within the existing right-of-way to improve northbound traffic conditions between Live

Oak Avenue and Oak Grove Avenue

- Options may include geometric changes to lanes and medians (including trees), operational changes to traffic control (i.e., traffic signals or turn restrictions)
- Compare and contrast options and their effect on traffic operations
- Prepare summary memorandum

These tasks are anticipated to take approximately twelve weeks before staff could return to the Council with further information. W-Trans has approximately \$130,000 remaining in the El Camino Real Corridor Study contract, which was reserved for environmental clearance and design tasks to complete the improvements at Ravenswood Avenue. This budget will be repurposed, with approximately \$15,000 for the tasks described above to analyze options to improve northbound traffic conditions, and the remaining amount to advance the design of east-west crossing improvements.

In order to prioritize east-west crossings, including the Oak Grove Avenue, Crane Street, and University Avenue bicycle improvements, staff anticipates no further work would occur on the north-south corridor modifications following W-Trans study of the northbound bottleneck unless Council prioritizes further work through the 2017 Council Work Plan process. Once north-south corridor improvements are reinitiated, environmental clearance is anticipated to be obtained through a categorical exemption, which would likely not require an additional funding allocation.

### **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. El Camino Real Corridor Report <http://menlopark.org/DocumentCenter/Home/View/7805>

Report prepared by:  
Nicole H. Nagaya, P.E, Transportation Manager



**STAFF REPORT**

**City Council**  
**Meeting Date:** 6/21/2016  
**Staff Report Number:** 16-107-CC

**Informational Item:** Update on the status, schedule, required actions, and Development Agreement negotiation process for the Facebook Campus Expansion Project Located at 301-309 Constitution Drive

**Recommendation**

This is an informational item and no action is required.

**Policy Issues**

The proposed project will require the City Council to consider the requested land use entitlements, such as the appropriateness of the proposed Zoning Ordinance text amendment, rezoning, conditional development permit (CDP), heritage tree removals, and below market rate (BMR) agreement, along with the public benefits associated with the Development Agreement. In addition, the Council will need to consider the potentially significant and unavoidable impacts and the accompanying statement of overriding considerations. After release of the Final Environmental Impact Report (EIR), the Planning Commission will provide a recommendation on the project entitlements and the Final EIR for the Council's consideration. At this time, staff is updating the Council on the progress of the environmental and entitlement reviews. As a reminder, the Council designated review of complex development projects as item two of the Council Work Plan for 2016.

**Background**

On March 31, 2015, Hibiscus Properties LLC, on behalf of Facebook, Inc. submitted an application for the proposed redevelopment of the former TE Connectivity Campus. The approximately 58-acre campus is located at 301-309 Constitution Drive, along Bayfront Expressway, between Chilco Street and the recently completed Building 20 (formerly identified as the Facebook West Campus). Building 20 is currently a separate parcel, but would be merged with the project site. Building 23 is located on the project site, but previously received its entitlements for the conversion of a warehouse building to office uses in December 2014. For purposes of this staff report, Building 23 is included in the site development discussion, while Building 20 is excluded.

**Project Description**

The proposed Facebook Campus Expansion Project includes the demolition of the existing buildings at 301-306 Constitution Drive and the construction of two new office buildings (Buildings 21 and 22), encompassing approximately 962,400 square feet of gross floor area. The two office buildings would increase the gross floor area of office uses at the site by 126,600 square feet. The project also includes a potential 200-room limited service hotel of approximately 174,800 square feet. With the hotel, the net increase in gross floor area for all uses at the site would be approximately 121,300 square feet for a total

of 1,317,300 square feet, inclusive of Building 23. The following table summarizes the proposed square footage and parking at the site by building:

Proposed project buildings	Gross Floor Area (GFA)	Buildings to be demolished	Proposed parking
Building 21	512,900 s.f.	307-308 Constitution Dr.	1,476 spaces
Building 22	449,500 s.f.	301-306 Constitution Dr.	1,294 spaces
Building 23 (Existing)	180,100 s.f.	Conversion of 300 Constitution Drive	518 spaces
Total Office	1,142,500 s.f.		3,288 spaces
Hotel	174,800 s.f.	n/a	245 spaces
Total Site	1,317,300 s.f.		3,533 spaces

The proposed office buildings would be oriented east-to-west, similar to Building 20. Building 21 would be constructed in the first phase and would be connected to Building 20 through usable gross floor area. Building 22 and the hotel would be a second phase and Buildings 22 and 21 would be connected through an open air bridge. The hotel is anticipated to be located near the corner of Chilco Street and Bayfront Expressway. The project would include publicly accessible open space and a new pedestrian/bicycle bridge over Bayfront Expressway, providing a more direct connection from the campus and the Belle Haven neighborhood to the Bay Trail. The publicly accessible area would be located between Building 21 and 22, adjacent to the bend in Chilco Street near the Dumbarton Rail Corridor. The most recent version of the project plans is available on the City-maintained project page (<http://menlopark.org/1001/Project-Plans>).

The entitlement process for the Facebook Campus Expansion Project includes the following review and permit approvals:

- **Zoning Ordinance Text Amendment** to include hotels as conditional uses within the M-2 zoning district. The text amendment would be consistent with the Limited Industry Land Use Designation of the existing General Plan;
- **Rezone** entire site from M-2 (General Industrial) and M-2(X) (General Industrial, Conditional Development) to M-2(X) (General Industrial, Conditional Development) to allow for a Conditional Development Permit to permit the proposal to diverge from standard M-2 zoning district requirements;
- **Conditional Development Permit (CDP)** to redevelop the approximately 58 acre site with approximately 962,400 square feet of offices and a 200 room hotel of approximately 174,800 square feet. Including the existing Building 23 (approximately 180,108 square feet), the maximum gross floor area for offices would be approximately 1.143 million square feet, which is within maximum 45 percent floor area ratio (FAR) for offices. With the hotel, the maximum gross floor area would be approximately 1.318 million square feet, or 52 percent FAR, which is consistent with the FAR maximum of up to 55 percent for all other uses. The CDP would permit maximum building heights of up to 75 feet and allow building coverage to potentially exceed 50 percent of the site, as well as to define all other development standards, such as parking at the site. The CDP would also include the existing Building 20 (1 Facebook Way);

- **Development Agreement** for the provision of overall benefits to the City and adequate development controls in exchange for vested rights for the Facebook Campus Expansion Project;
- **Heritage Tree Removal Permits** to permit the removal of approximately 274 heritage trees associated with the proposed project;
- **Below Market Rate (BMR) Housing Agreement**, per the requirements of the City's Municipal Code, which would help increase the affordable housing supply by requiring the applicant to provide monies for the BMR fund or by procuring off-site BMR units;
- **Lot Reconfiguration** to modify the location of two legal lots or merge the legal lots that comprise the project site and the adjacent lot for Building 20; and
- **Draft Environmental Impact Report** to analyze the potential environmental impacts of the proposed project.

A Draft Fiscal Impact Analysis (FIA) and Housing Needs Assessment (HNA) have been prepared for the proposed project, which is also available for review and comment during the Draft EIR review period. Both items are further discussed in the Analysis section. A displacement analysis is also being prepared for the project and is anticipated to be available by the Housing Commission's meeting.

## **Analysis**

Staff developed a draft schedule for the public outreach and development agreement negotiation process, which was reviewed by the City Council at its meeting on May 3, 2016. The Draft EIR was released on May 26, 2016, and the review and comment period ends on July 11, 2016. This report provides a status update to key items listed in the schedule. The City Council's full discussion of the project and final actions is targeted for September 2016.

## ***Draft EIR***

The Draft EIR assesses potentially significant environmental impacts that could result from the project. A potentially significant effect is a potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. Potential impacts under CEQA are physical, not social or economic. To assess economic impacts the City contracted with the firm BAE Urban Economics to prepare a FIA for the project and to assess social impacts, the City is in the process of completing a displacement analysis. It is anticipated that the consultant, KMA, would complete the analysis prior to the Housing Commission's review of the project and BMR Agreement on June 29, 2016.

As stated in the State CEQA Guidelines, an EIR is an "informational document" that is intended to inform public agency decision-makers and the public of the potentially significant environmental effects of a project, identify possible ways to avoid or substantially lessen the significant effects, and describe reasonable alternatives to the project. The purpose of this Draft EIR is to provide the City, responsible and trustee agencies, other public agencies, and the public with detailed information about the environmental effects that could result from implementing the Project, examine and institute methods of mitigating any adverse environmental impacts should the Project be approved, and consider feasible alternatives to the Project, including the required No Project Alternative.

The Draft EIR identifies potential impacts as "potentially significant," "less than significant," and "no impact." For "potentially significant" impacts, the Draft EIR provides mitigation measures to reduce the

potential impact to “less than significant.” Where mitigation measures do not diminish the effect to “less than significant,” or are not feasible, the impact would be considered potentially “significant and unavoidable.”

The Draft EIR for the Facebook Campus Expansion Project analyzed the following topic areas: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Hazardous Materials, Land Use, Noise, Population and Housing, Public Services, Transportation, Utilities and Service Systems, and Hydrology and Water Quality.

The Draft EIR prepared for the project identifies “less than significant effects” in the following categories: Land Use, Geology and Soils, Population and Housing, Public Services, and Utilities and Service Systems. The Draft EIR identifies “potentially significant” environmental effects that can be mitigated to a “less than significant level” in the following categories: Aesthetics, Air Quality, Noise, Cultural Resources, Biological Resources, Hydrology and Water Quality, and Hazards and Hazardous Materials. The Draft EIR identifies “potentially significant” environmental effects that are “significant and unavoidable” in the following categories: Transportation and Greenhouse Gas Emissions.

On June 20, 2016, the Planning Commission will conduct a public hearing to receive comments on the Draft EIR. The Draft EIR is required by the California Environmental Quality Act (CEQA) and is available for review at the City Administration building (701 Laurel Street), the main Library (800 Alma Street), the Belle Haven Branch Library (413 Ivy Drive), and online at the following location:

<http://menlopark.org/1012/Environmental-Impact-Report>

Comments on the Draft EIR are due by 5:30 p.m. on Monday, July 11, 2016. Comments on the environmental review will be responded to in the Final EIR.

### ***Draft FIA***

The City’s independent economic consultant, BAE Urban Economics, has prepared a Draft FIA, assessing the fiscal impact of the project on the City and special districts, such as the Menlo Park Fire Protection District. The Draft FIA projects the potential net increase in revenues and expenditures, and resulting net fiscal impact directly associated with development of the proposed project. The Draft FIA explores the net fiscal impact of the project on the following:

- Menlo Park General Fund;
- Menlo Park Fire Protection District;
- Ravenswood Elementary School District and Sequoia Union High School District; and
- Other special districts serving the site.

The Draft FIA was released with the Draft EIR and is available for public review at City offices and on the City maintained Project web page. The Planning Commission will conduct a public hearing on the Draft EIR and a study session on the overall project at its meeting on June 20, 2016. Comments on the Draft FIA may be made at the June 20, 2016 meeting as well.

### ***Recent Activities and Upcoming Meeting Schedule***

As of this staff report, the City held a community outreach meeting at the Senior Center and the Transportation and Bicycle Commissions have received presentations on the Draft EIR and the project.

Following the Council meeting on June 21, the Environmental Quality Commission and Housing Commission will receive presentations from staff on the project and the Draft EIR. The EQC meeting is scheduled for Wednesday, June 22 and the Housing Commission is scheduled for June 29. The EQC will also review the request to remove approximately 274 heritage trees and provide a recommendation on the requested tree removals for consideration by the Planning Commission and City Council. The Housing Commission will also review the Project Sponsor's proposed Below Market Rate (BMR) housing agreement and the displacement analysis prepared for the project. Commissions may choose to provide feedback on the proposed project and/or draft a formal comment letter on the Draft EIR. Individual Commissioners may provide individual written comments to staff by July 11, 2016 at 5:30 p.m.

### ***Public Benefit Negotiation Process***

In December 2015 the City Council created the Council Subcommittee for the Facebook Campus Expansion Project Development Agreement negotiation. The subcommittee includes Mayor Richard Cline and Mayor Pro Tem Kirsten Keith. City staff, including the City Manager and City Attorney have begun meeting with the Council Subcommittee to determine the parameters for the negotiation of public benefits as part of the Development Agreement. Throughout the next few weeks, staff will be negotiating with the Project Sponsor. The Council is expected to review the draft Development Agreement term sheet at its meeting on July 19, 2016

### **Public Notice**

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

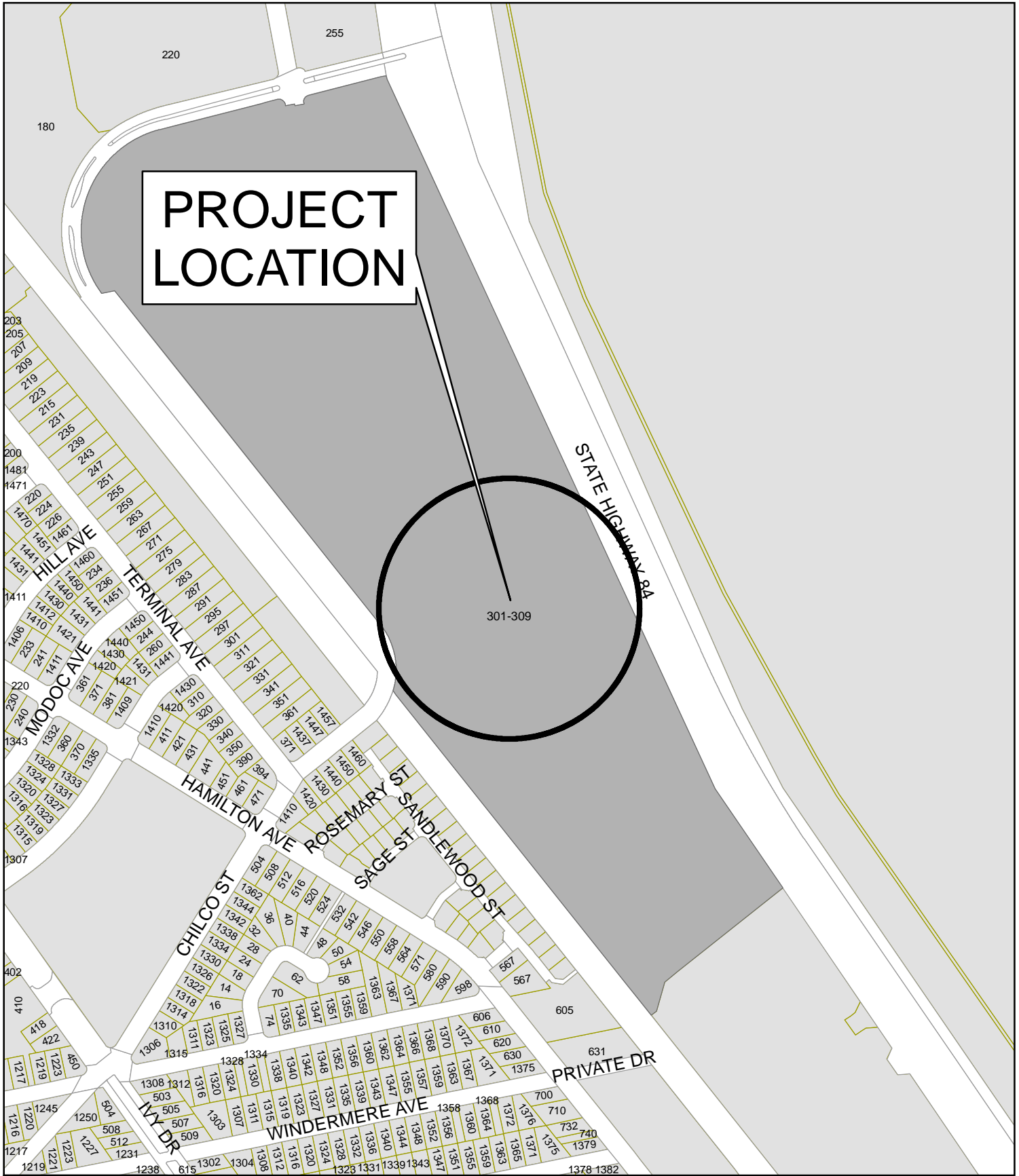
### **Attachments**

- A. Project Location Map
- B. Public Outreach and Development Agreement Negotiation Schedule

Report prepared by:  
Kyle Perata, Senior Planner

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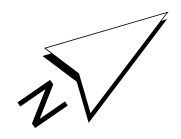


# CITY OF MENLO PARK

## LOCATION MAP

### 301-309 CONSTITUTION DRIVE

DRAWN: TAS CHECKED: KTP DATE: 06/06/16 SCALE: 1" = 300' SHEET: 1



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*Preliminary DRAFT*

**Public Outreach and Development Agreement Negotiation Process  
Facebook Campus Expansion Project (301-309 Constitution Drive)**

<b>No.</b>	<b>Meeting/Milestone Description</b>	<b>Notes</b>	<b>Proposed Dates</b>
1.	<b>Milestone:</b> Application submittal	Facebook submitted preliminary application to commence environmental review	March 31, 2015
2.	<b>City Council Meeting:</b> Information item	Provide information on Draft Public Outreach and Development Agreement Negotiation Process	May 19, 2015
3.	<b>City Council Meeting:</b> Authorization for City Manager to enter into consultant contract for environmental review and fiscal impact analysis for phase two (consent calendar)	Phase one of the environmental review authorized by City Manager based on purchase cost below \$56,000 threshold	June 16, 2015
4.	<b>Milestone:</b> Release Notice of Preparation (NOP)	Begin 30-day Scoping Period	June 18, 2015
5.	<b>Planning Commission Meeting:</b> EIR scoping session and study session	During NOP comment period	July 13, 2015
6.	<b>City Council Meeting:</b> Information Item	Provide information on draft project schedule	November 10, 2015
7.	<b>City Council Meeting:</b> Appointment of a Council subcommittee	Approximately three months prior to release of Draft EIR and Draft FIA	December 15, 2015
8.	<b>City Council Meeting:</b> Adopt water supply assessment (WSA)	Approximately two months prior to release of Draft EIR and Draft FIA	January 12, 2016
9.	<b>Milestone:</b> Release Draft EIR and Draft FIA	Begin 45-day review period	May 26, 2016

**Preliminary DRAFT**

**Public Outreach and Development Agreement Negotiation Process  
Facebook Campus Expansion Project (301-309 Constitution Drive)**

No.	Meeting/Milestone Description	Notes	Proposed Dates
10.	<p><b>Public Outreach Meeting:</b> Inform the community about the proposed project and the documents available for review</p> <p><i>(Note: Meeting is open to the public and may be attended by any or all Council Members or Commissioners)</i></p>	<p>Prior to individual commissions' reviews and one week after release of DEIR. (Meeting is not intended to receive comments, but to let people know how they can submit comments)</p>	<p>June 1, 2016</p>
11.	<p><b>Combined Bicycle and Transportation Commission Meeting:</b> Overview of the project and introduction to the Draft EIR. Comments to be provided at individual Commission meetings</p> <p><i>(Note: Meeting will be televised/recorded to encourage viewing/attendance by other Commissioners)</i></p>	<p>Special combined meeting</p>	<p>June 6, 2016 (5:30 P.M. Special Start Time)</p>
12.	<p><b>Bicycle Commission Meeting:</b> Review the Draft EIR summary and the Transportation chapter</p>		<p>June 6, 2016 (7:00 P.M. Start After Combined Meeting)</p>
13.	<p><b>Transportation Commission Meeting:</b> Review the Draft EIR summary and the Transportation chapter</p>		<p>June 8, 2016</p>
14.	<p><b>Planning Commission Meeting:</b> Public hearing regarding the Draft EIR and study session item to discuss Draft FIA and the project</p>		<p>June 20, 2016</p>

**Preliminary DRAFT**

**Public Outreach and Development Agreement Negotiation Process  
Facebook Campus Expansion Project (301-309 Constitution Drive)**

No.	Meeting/Milestone Description	Notes	Proposed Dates
15.	<b>City Council Meeting:</b> Intended to learn more about the project and identify any other information needed to ultimately make a decision on the project and consider feedback from the Commissions, discuss environmental impacts and mitigations, public benefit, fiscal impacts, development program, and provide direction or parameters to guide development agreement negotiations		June 21, 2016
16.	<b>Environmental Quality Commission Meeting:</b> Review the Draft EIR summary, Greenhouse Gas Emissions chapter, and the requested heritage tree removals		June 22, 2016
17.	<b>Housing Commission Meeting:</b> Review and provide a recommendation on the Below Market Rate (BMR) Housing Agreement		June 29, 2016 (Special Meeting)
18.	<b>Milestone:</b> Prepare Final EIR, Final FIA, and negotiate draft development agreement	Timing depends on extent of comments received and development agreement negotiations	July/August 2016
19.	<b>City Council Meeting:</b> Regular item to review business terms of development agreement		July 19, 2016
20.	<b>Milestone:</b> Publish Final EIR and Final FIA	Begin public review period	August 12, 2016
21.	<b>Planning Commission Meeting:</b> Public hearing for recommendation on Final EIR, Final FIA, and requested land use entitlements and associated agreements	Approximately three to four weeks after Council review of the business terms of the Development Agreement.	August 22, 2016 (Special Meeting)

***Preliminary DRAFT***

**Public Outreach and Development Agreement Negotiation Process  
Facebook Campus Expansion Project (301-309 Constitution Drive)**

<b>No.</b>	<b>Meeting/Milestone Description</b>	<b>Notes</b>	<b>Proposed Dates</b>
22.	<b>City Council Meeting:</b> Public hearing for review of and initial action on Final EIR, Final FIA, and requested land use entitlements and agreements	Approximately three (3) weeks after Planning Commission recommendation	September 13, 2016
23.	<b>City Council Meeting:</b> Second reading of the ordinance for the Development Agreement, Rezoning, and Zoning Ordinance Amendment (consent item)	Next available Council meeting after first reading	September 27, 2016

*Note: all dates tentative and subject to revision.*

*Note: all Commissioners and members of the public may submit individual written comments to the City throughout the project review.*



## STAFF REPORT

### City Council

Meeting Date:

6/21/2016

Staff Report Number:

16-106-CC

Informational Item:

**Belle Haven Child Development Center Self Evaluation report for the Child Development Division of the California Department of Education for fiscal year 2015-16**

### Recommendation

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

### Policy Issues

Acceptance of the annual report by the Belle Haven Child Development Center (BHDC) governing board (City Council) is a State requirement for continued grant funding.

### Background

The California Department of Education requires Title 5 State Preschool Programs to conduct an annual self-evaluation and submit these findings to the State and the school's governing board at the close of each fiscal year. BHDC is a Title 5 State Preschool Program; the Council is the governing board and the City Manager is the Authorized Representative responsible for signing the annual report completed by the Belle Haven CDC Program Supervisor.

### Analysis

The fiscal year 2015-16 Program Self-Evaluation report includes:

- Program Self-Evaluation Process Fiscal Year 2015-16 (State form EESD 4000A)
- Summary of Program Self-Evaluation Fiscal Year 2015-16 (State form EESD 4000B)

### 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. Belle Haven CDC Program Self Evaluation Report for FY 2015-16

Report prepared by:

Natalie Bonham, Recreation Supervisor

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Program Self-Evaluation Process  
Fiscal Year 2015–16

<b>Contractor Legal Name</b> City of Menlo Park-Belle Haven CDC	<b>Vendor Number</b> 2184
<b>Contract Type(s)</b> CSPP	
<p style="text-align: center;"><b>This form can be expanded and is not limited to a single page.</b></p> <p>Check each box verifying the collection, analysis, and integration of each assessment data toward ongoing program improvement for all applicable contract types.</p> <p><input checked="" type="checkbox"/> Program Review Instrument FY 2015–16 – All Contract Types <a href="http://www.cde.ca.gov/sp/cd/ci/documents/eesosonsitemar2016.pdf">http://www.cde.ca.gov/sp/cd/ci/documents/eesosonsitemar2016.pdf</a></p> <p><input checked="" type="checkbox"/> Desired Results Parent Survey – All Contract Types <a href="http://www.cde.ca.gov/sp/cd/ci/documents/parentsurvey.doc">http://www.cde.ca.gov/sp/cd/ci/documents/parentsurvey.doc</a></p> <p><input checked="" type="checkbox"/> Age Appropriate Environment Rating Scales – Center-based/CFCC Contracts Types <a href="http://www.ersi.info/ecers.html">http://www.ersi.info/ecers.html</a></p> <p><input checked="" type="checkbox"/> Desired Results Developmental Profile and DRDPtech Reports – Center-based/CFCC Contracts Types <a href="https://www.desiredresults.us/drdp-forms">https://www.desiredresults.us/drdp-forms</a></p> <p>Provide a summary of staff and board member participation in the PSE process:</p> <p>Our center began our self-evaluation process soon after we enrolled new children for the upcoming school year in summer 2015. All instructional staff began to do observations on the full-day children in Classrooms 1, 2 and 3 in August of 2015. The instructional staff in these three classrooms completed the Developmental Profile (DRDP) for each child in October of 2015. All completed DRDPs for these three classrooms were entered into DRDP Tech by all instructional staff in October 2015. The three Lead Teachers used the Developmental Progress form to summarize the information about each child's progress during parent conferences in November 2015. Group Data Summary sheets were presented to instructional staff from these three classrooms at our monthly staff meeting in November 2015. Also in November three separate classroom team meetings took place where all instructional staff identified key findings from the results of the DRDPs and created action steps that they implemented over the coming months for their group of children.</p> <p>Since our fourth classroom is a combination of part-day and full-day children they began their self-evaluation process in late September 2015. The instructional staff began to do observations of the children during October 2015. Then the instructional staff completed the DRDP for each child in late November or early December 2015. All completed</p>	

DRDPs were also entered into DRDP Tech by the instructional staff by December 2015. The Lead Teacher used the Developmental Progress form to summarize the information about each child's progress during parent conferences in December 2015. Group Data Summary sheets were presented to this classroom staff at the team meetings held in January 2016, in which the results of the DRDPs were used to identify key findings and create action steps that they implemented over the following months.

In February of 2016 parent surveys were passed out during the monthly parent meeting and then collected by the Administration staff. In March of 2016 the surveys were compiled into the Group Data Summary by the Administration staff. Results from the summary of the parent surveys were presented to all staff at the monthly staff meeting in April 2016.

The Early Childhood Environment Rating Scale (ECERS) was completed in all 4 classrooms on January 14 and January 21, 2016 by the QRIS coach from the San Mateo County Office of Education. Separate classroom team meetings were held during the week of March 21, 2016 in which the ECERS results were reviewed. All program staff identified key findings from the results and created action steps that will be implemented over the coming months in each classroom.

In February of 2016, parent surveys were passed out to the families and then collected by the classroom staff. In March 2016 the surveys were compiled into the Group Data Summary by the Program Supervisor. Results from the surveys were presented to all staff at the monthly staff meeting held on April 7, 2016.

All instructional staff completed their second set of DRDP assessments for each child, in each classroom, during March and April of 2016. All completed DRDPs were entered into the DRDP Tech system by the instructional staff in May 2016. The Lead Teachers used the Developmental Progress form to summarize the information about each child's progress during parent conferences in May 2016. All Group Data Summary sheets were reviewed at separate classroom team meetings in May 2016, where key findings were identified and action steps were created. These action steps will be implemented over the coming months with each group of children.

Then, on May 27, 2016 the Program Self Evaluation was completed by the Program Supervisor which included the Program Self-Evaluation Cover Page, the Program Review Instrument, the Desired Results Developmental Profile - Summary of Findings, the Environment Rating Scales - Summary of Findings, and the Desired Results Parent Survey -Summary of Findings. The Program Self Evaluation was reviewed by Recreation Supervisor and the Community Services Manager and will be presented to the City Council at the June 21, 2016 meeting. Finally, the Program Self Evaluation will be presented to all program staff on June 08, 2016 and to parents on June 16, 2015 at the monthly parent meeting.

**Statement of Completion:** I certify that all documents required as a part of the PSE have been completed and are available for review and/or submittal upon request.

**Signature of Executive Director**

**Date** 5/31/16

**Name and Title**

Alex McIntyre – City Manger

**Phone Number**

650 330-6610

**Contact Name if different from above (please print)**

Patty Briese – Program Supervisor

**Phone Number**

650 330-2272

**Summary of Program Self-Evaluation  
Fiscal Year 2015–16**

<b>Contractor Legal Name</b> City of Menlo Park – Belle Haven CDC		<b>Vendor Number</b> 2184
<b>Contract Type(s)</b> CSPP	<b>Age Group (Infant/Toddler, Preschool, School-Age)</b> Preschool	
<b>Program Director Name</b> Patty Briese	<b>Phone Number and E-mail Address</b> 650 330-2272 pattybriese@menlopark.org	
<b>This form can be expanded and is not limited to a single page.</b>		
1. Provide a summary of the program areas that did not meet standards and a list of tasks needed to improve those areas.		
<p><b>Governance and Administration</b> (Based on the summary of findings from CD 2220 as a program review instrument)</p> <p><b>EES-02/ESS-03</b> From files reviewed, the program is not meeting standards by not collecting required documents or adequately documenting child need verification on family files to comply state requirements upon enrolling or during recertification.</p> <p>Steps are being taken to insure files are complete and timely to meet standards.</p> <ul style="list-style-type: none"> <li>• Develop a demo file that will include check off lists of all required documents and sections where documents will be filed.</li> <li>• All files will be reviewed by a second office administrator to insure all required documents are submitted and completed correctly including required signatures and dates.</li> <li>• All files will include a client log to document information of families and contacts made to verify status and to determine child care hours. (for employment or school)</li> <li>• The program will require on all new families enrolling showing proof of family size by providing documented birth record indicating the relationship of the child to the parent for all children in the family.</li> </ul> <p><b>EES-05</b> Files reviewed the total countable income was not calculated correctly. IE: income was calculated using 26 pay periods instead of 24.</p> <p>Steps to insure calculations are completed correctly and avoid miscalculation are as follow:</p> <ul style="list-style-type: none"> <li>• Highlight check stubs or proof of income the pay period to determine calculations</li> <li>• Continue to use proof calculation and attach it to all income calculation form</li> <li>• Highlight the calculation tape indicating the weeks match the proof of income.</li> <li>• All completed files will be reviewed by as second admin person to make sure documents including calculations are completed correctly.</li> </ul> <p><b>EES-06</b></p>		

During the review, equipment inventory records did not describe each piece of equipment, with an acquisition cost of \$500.00 or more per unit purchased with state and/or federal funds by type, model, serial number, funding source, acquisition date, cost, location, current condition, disposition, transfer or replacement.

Steps to comply in this area of equipment inventory are as follows:

- The program will collaborate with finance department to set up expense report that will include equipment with the cost of \$500.00 or more per unit purchased with state or federal funds.
- To develop a reconciliation procedure with finance department that will begin by 2016/17 fiscal year.

**Standard, Assessment, and Accountability:**

**EES-08**

(\*Based on the summary of finding -4001 & CD 2220)

The program conducted assessment and completed the data entry. The overall key findings that had low results, were Language and Literacy Development and Cognition, including Math and Science.

Steps taken to improve the areas from the finding are as follows:

- To expose the children to more language material such as felt stories, books and point of interest labels
- Allowing children to retell stories that have been previously read to them as an activity in the classroom.
- Continue Raising a Reader book exchange and weekly library visits
- To include more conversations that will help guide children to use complex sentences during circle, individual reading and meal times.
- Implementing letter activities into the weekly lesson plans.
- Add science activities that will encourage children to explore, observe, build and invent (cooking, experiment, etc.) in weekly lesson plans and in science area.
- Add different materials in science area such as plants, magnets, magnifying glasses and also provide clip board and pencils for children to have the opportunity to write and express their observations.
- Implement activities that allow children to predict and also finding opportunities to involve children of having conversations. (IE: while mixing paint, making playdough, block building, car playing, and in science area)
- Implement activities that will allow opportunities to create charts and graphs that can be displayed at the children's level.
- Offer extra math activities as a free choice during various work times such as after breakfast and snack time.
- Implement math activities twice a week as part of weekly lesson plan.

**CD 2220**

Findings included that the classroom activity plans were not evident that the information was obtained from DRDP's was used to plan and conduct developmentally appropriate activities for the children. The plans of correction are as follows:

- The program is currently participating with the QRIS. The coach continues to help assist the program which includes DRDP training. Most of the staff had attended a DRDP workshop and meaningful observations workshop on January 23, 2016.
- Lesson plans will be revised to add a section for DRDP measures to ensure that activities are correlated to the classroom 4001 form.
- A check list form will be created for teachers to use as a checking tool to help support when planning activities or gathering evidence.

### **Staffing and Professional Development**

#### **EES -12 & 13 – CD2220**

(Based on the CD220 & Quality Improvement Plan (QIP))

According to the program's assessment and the QIP, Education qualification for lead teachers and director qualifications were aligned with the goal under the QRIS Element. However, the program lacks teacher aides with teacher qualifications which have caused the program to not meet or maintain teacher-child ratios at all times. (IE: escorting children to the restroom and during naptime)

Steps that are being taken to correct and improve this area from the findings are as follows:

- The program will have staff apply for teacher permits for those who do not currently possess one and also have staff reapplied for those permits that have expired.- By Fall 2016
- To encourage staff that do not qualify for a permit to attend classes so they may obtain a teacher permit – on-going
- The program is currently in the process to hire a qualified teacher to be a floater and to help maintain the teacher-child ratio by June 2016

### **Opportunity and Equal Educational Access**

#### **EES-14 –Family Selection**

(\*Based on CD220 and Program's Self- Evaluation)

During the review of program's waitlist, it was found that families were not always ranked according to Management Bulletin 11-10 or information on family size and income needed to rank families appropriately was not always document on the wait list form.

Steps that are being taken to correct and improve the areas from the findings are as follows:

- To include in the program's application a space to document necessary notation regarding the family and the size.
- To include in the program's application a space to identify family size to avoid confusion and to rank appropriately.

#### **EES-18: Environment Rating Scale**

(\*based on form CD2220 EESD4002)

During the review of the program it was evident the classroom observation of ERS, the classroom did not achieve a score of 5.0 of the following subscales: Space and Furnishing, Personal Care Routines, Activities, and Interactions.

The steps that are being taken to correct and improve the areas from the findings are as follows:

- Contractor is currently participating with QRIS. The coach is currently assisting our program with many aspect includes ECERS. The program is in process of working to achieve the minimum score of 5.0 or above according on the subscales indicated. The QRIS Coach will conduct training with staff on ECERS scoring according to the instrument's prescribed method.
- To monitor throughout the year the planned goals and implement where needed to meet goals Offer workshops to staff pertaining to classroom quality or classroom rating scales
- The program is currently a QRIS participant which monitors and ensures the program to meet or exceeds classroom standards. The program also may be participating in the *Big Lift Program* which also help assist to meet program's goals.
- The program will also start ASQ and CLASS 2016-17 with the assistance of the QRIS coach that will also help the program maintain the quality of the program.

### **ESS19 Nutritional Needs**

(\*Based on CD220 and Program's self- evaluation)

During the review of meal program food was not maintained in safe and sanitary environment. The kitchen area where food prepared was cluttered and not clean.

The following steps are being taken to correct and improve the areas from the findings:

- The program had conducted a staff meeting on March 2, 2016 to review findings and discussed a plan to ensure the kitchen area meet standards in a safe and sanitary environment.
- Food will be stored in proper storage and dates of expiration are written in all open food packages by March 2016.
- Establish a schedule to monitor the kitchen and the cleanliness as on-going
- Coordinate a workshop for staff on food sanitation by Summer of 2016

2. Provide a summary of areas that met standards and a summary of procedures for ongoing monitoring to ensure that those areas continue to meet standards.

### **EES-01 Involvement**

(Based on the summary of findings CD2220 & CD4003 as a program review instrument)

From documentation and program review, the program meets and exceeds Community Involvement. (182277.) The program offers parent workshops, has established connections and support from outside agencies to help and support with family conflicts, community events within the program's neighborhood that include safety, health awareness as well community resource fairs.

The program will continue and maintain Community Involvement by:

- Continue survey families to meet family needs by offering workshops and resources.
- Continue to offer parent workshops at least three times a year
- Continue to collaborate with local agencies to offer community events and resources to families the program serves.

- To continue to offer events within the community as well offer the community to attend parent workshops coordinated by the program if space permits.

From the results of the rating instrument, 89 percent of families reported that they are **Very Satisfied** of how the program made it easier for families to work or train and satisfied with the characteristics of the child's program as indicated in survey.

The program will continue to meet needs or maintain standards of parent involvement are as follows:

- Continue to use Parent Survey annually
- Providing a suggestion box to parent to use with concerns or suggestions
- Include in each Parent meeting's monthly agenda for parents to share concerns, needs and suggestions
- To encourage families to visit classrooms at any time.

### **Governance and Administration**

(Based on the summary of findings C2220 and self-evaluation as a program review instrument)

#### **EES-04 Recording and Reporting Attendance**

From the summary of findings and documentation, the program meet standards and to continue to maintain the standards the program will ensure to:

- Continue to submit required reports quarterly that will include days/hours of enrollment and attendance for all children served, total days of operation in the current reporting period and year to date.
- Review monthly attendance for accuracy when reporting
- Work closely with state's fiscal analyst to ensure compliance and accuracy

### **Standards, Assessment and Accountability**

#### **EES -08 based under the code #18270.5, Form 4003**

The program meet and maintains a development profile for each child that is recorded in the areas of physical, cognitive, social and emotional development and that is used to inform teachers of results.

The program will continue to meet standards by the following:

- Continue to conduct DRDP assessments for each child as required
- Teachers will continue to observe and plan activities based the results of the assessments.
- Continue to conduct parent conferences twice a year to inform families child's development progress also this will help assist families to understand their child's developmental profile and tell them what they can do at home to help support their child.
- Teachers will continue to maintain each child's profile by collecting evidence, documentation and any other information to complete child's development profile.

**EES-10 Site Licensure** – The program continues to meet standards by complying with Title 22 California Code of Regulations.

In order to continue to meet standards, the program will ensure:

- Compliance with health and safety regulations.
- Review the regulations with staff during staff meetings and to come up with tasks to help

maintain the program's environment to comply with safety regulations

- To continue to have a good standing with licensing and to collaborate together to help support the program in meeting standards.

### **Staffing and Professional Development**

#### **EES-11 & 12 Staff Development Program**

The program continues to comply with Title 5 regulations in implementing a staff development program plan that includes the following:

- Identification of training needs of each staff
- Written job descriptions
- An orientation plan for new employees
- An annual written performance evaluation procedure.
- Staff development opportunities that include topics related to the functions specifies in each employee's job description and training needs identified by the program.

The program is currently a QRIS participant which also monitors and ensures the program meets staff development standards and beyond. The program also may be participating in the *Big Lift* which will also help assist each staff meet their individual goals.

### **Teaching and Learning**

#### **EES -18: Environment Rating Scale**

(Based on the QRIS Rating and the leadership of the coach, CD4002 and observations)

The program continues to meet standards in completing an environment rating scale annually. Recently the program has improved since State Review in February 2016 and maintained the following subscales Space and Furnishing, Language and Reasoning, Interaction, Program Structure and Parent and Staff.

The program will continue meeting standards by the following:

- To continue using ECERS tool annually
- To monitor throughout the year the planned goals and implement where needed to meet goals
- To offer workshops to staff pertaining to classroom quality or classroom rating scales
- The program is currently a QRIS participant which also monitors and ensures the program meets/exceeds classroom standards.
- The program also may be participating in the *Big Lift* which will also help assist to meet program's goals.
- The program will also start ASQ and CLASS 2016-17 with the assistance of the QRIS coach that will also help the program maintain the quality of the program.



**STAFF REPORT****City Council****Meeting Date:****5/24/2016****Staff Report Number:****16-121-CC****Informational Item:****Process for pursuing structured parking and other land use enhancements downtown****Recommendation**

This is an informational item and no action is required.

**Policy Issues**

In the City Council's work plan, this project is classified as "very important".

**Background**

Insufficient parking to meet Menlo Park's parking ratios hinders the City's ability to respond to the increasing demand for additional residential, entertainment and retail development. In order to enhance the experience of patrons of downtown Menlo Park and support the success of existing and future merchants the City Council set addressing parking through possibly developing a garage and other land use enhancements as a very important priority for this year. Staff contacted the firm of Carpenter/Robbins due to their expertise in working with governmental agencies regarding addressing public real estate needs.

Carpenter/Robbins specializes in providing commercial real estate services to government clients throughout the United States. Areas of emphasis include strategic planning and real estate consulting, transactional brokerage, build-to-suit development, Federal process management and public/private partnership projects. The firm holds multiple national and local government contracts including a GSA FABS schedule. In addition, Carpenter/Robbins has completed work for local municipalities, fire districts, school districts and even a ferryboat district. They have experience with public sector clients needing assistance with locating and coordinating build-to-suit office buildings (600,000 SF), medical centers (1,000,000 SF), and courthouses (400,000 SF). They have negotiated hundreds of special lease and acquisition requirements, dozens of problem solving consulting assignments. They understand both worlds and find ways to make business and government needs come together to accomplish public sector goals.

On June 7<sup>th</sup>, the City Council hosted a study session to consider options for pursuing structured parking and other land uses downtown. Carpenter/Robbins provided background on similar situations in which they have assisted local governments and identified a couple of possible approaches. The goal of the study session was to solicit feedback from the Council and public and identify parameters for moving forward. While the downtown parking plazas present a number of opportunities for development, there are limitations built into zoning of the Downtown El Camino Real Specific Plan. Carpenter/Robbins identified

some revisions that might be necessary in order to achieve the goals of the City Council and community. The approach suggested involved developing a “sources sought” process which solicits descriptions of potential projects from the development community and allows for the public to participate in an iterative process.

## **Analysis**

The City Council gave clear direction on moving forward. There was general agreement among the Council that:

- The City will retain ownership of the parking plaza
- The Council would like to see a number of options
- Uses such as affordable/market rate housing, entertainment venues, and retail/restaurants are priorities
- Paid parking is a possibility
- Some revision to the Specific Plan will be considered for the right project
- There must be a net increase of parking to meet future demand
- Additional parking should include bicycle parking

Based on the City Council discussion, staff is working with Carpenter/Robbins to develop a scope of work to move forward with a sources sought process. In order to solicit possible projects and retain ownership of the parking plazas, staff will require projects to utilize an enhanced use lease, where the City would agree to a long term lease with a developer for the use of the property in exchange for improvements and/or compensation. Staff anticipates returning to Council with a contract and scope of work with Carpenter/Robbins to facilitate the sources sought process at the July 19<sup>th</sup> Council meeting.

## **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:  
Jim Cogan, Housing and Economic Development Manager