



SPECIAL AND REGULAR MEETING AGENDA

Date: 3/28/2017
Time: 5:30 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

5:30 p.m. Closed Session (City Hall Administration Building, 1st floor conference room)

Public Comment on this item will be taken before adjourning to Closed Session.

- CL1.** Closed Session pursuant to Government Code Section §54957.6 to confer with labor negotiators regarding current labor negotiations with 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, 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. Presentations and Proclamations

- E1. Proclamation recognizing World Water Day
- E2. Proclamation regarding Mayor's Challenge
- E3. Proclamation declaring March Red Cross Month

F. Commissioner Reports

- F1. Parks and Recreation update to Council on its 2-year work plan (Attachment)

G. Study Session

- G1. Menlo Park Main Library Space Needs Study (Staff Report #17-066-CC)
- G2. Water System Master Plan (WSMP) – Review of Menlo Park Municipal Water (MPMW) Staffing Assessment Findings (Staff Report #17-067-CC)

H. 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.

I. Consent Calendar

- I1. Authorize the City Manager to enter into a reimbursement agreement with the California High Speed Rail Authority (CAHSRA)(Staff Report #17-069-CC)
- I2. Adopt a resolution verifying that any disposition of surplus land complies with the State Surplus land Act for OBAG2 grant funding eligibility (Staff Report #17-072-CC)
- I3. Approve trial metrics for the Oak Grove University Crane Bike Improvement Project and authorize the City Manager to extend the consultant contract with Alta Planning & Design to conduct the one-year study of the pilot project (Staff Report #17-074-CC)
- I4. Authorize the Public Works Director to accept work for the Santa Cruz Street Café Project (Staff Report #17-068-CC)
- I5. Approve adoption of a Home For All Resolution (Staff Report #17-073)
- I6. Approve minutes for the City Council meeting of March 14, 2017 (Attachment)

J. Regular Business

- J1. Appoint a City Council Subcommittee to assist with negotiation of a Development Agreement for the Middle Plaza at 500 El Camino Real Project, and a subcommittee to assist with reviewing and communicating with Santa Clara County and Stanford University on the proposed 2018 General Use Permit (Staff Report #17-070-CC)
- J2. Update from the Fire District Subcommittee and consideration of joining with the Town of Atherton for a study and fiscal review of fire services (Staff Report# 17-076-CC)

K. Informational Items

- K1. Biannual review of data captured by Automated License Plate Readers (ALPR) for the period beginning August 1, 2016 through January 31, 2017 (Staff Report #17-065-CC)
- K2. Biannual review of Taser program for the period beginning August 1, 2016 and ending January 31, 2017 (Staff Report #17-064-CC)
- K3. Neighborhood control of cut through traffic (Staff Report #17-071-CC)
- K4. Hello Housing quarterly report (Staff Report #17-075-CC)
- K5. Menlo Park Fire Protection District - Fire Station 77 on Chilco Street (Attachment)

L. City Manager's Report

M. Councilmember Reports

Mayor Keith's initial report on the National League of Cities conference in Washington D.C.

N. 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 Commission on any item listed on the agenda at a time designated by the Chair, either before or during the City Council's consideration of the item.

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

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MEMORANDUM

Date: 3/28/2017
To: Menlo Park City Council
From: Christopher Harris, Parks and Recreation Commission Chair
Re: Quarterly Report to Council on Two Year Work Plan Goals

Current work plan goals and achievements for 2016-2018:

1. Research and evaluate the social services and recreation opportunities in the City of Menlo Park, particularly in the Belle Haven Neighborhood resulting in high quality programs and services meeting the diverse and changing needs of residents throughout the City.
 - The Commission received a presentation and overview of the City's Child Care programs which include the Menlo Children's Center Preschool and After School programs, Belle Haven Child Development Center and the Belle Haven After School and Camp Menlo programs. The Commission continues to support increased preschool program opportunities in the community and quality after school care.

2. Study and evaluate, through such means as the Master Plan process, operational planning goals, utilization options, and guidelines for City Park and Community Services facilities resulting in facilities and equipment being properly maintained, upgraded and/or expanded to meet community needs.
 - The Commission participated in the annual Parks and Recreation Facilities Tour which included Burgess, Nealon and Sharon Parks and Facilities. Commissioners had the opportunity to observe recreation classes and programs, aquatics programming and tour the parks. Commissioners were particularly interested in the playgrounds and the CIP projects scheduled at Nealon Park.
 - Reviewed the Bedwell Bayfront Park (BBP) Master Plan scope of work and approved the overall approach to project.
 - Reviewed and provided feedback on the proposed BBP Master Plan community engagement process and appointed Commissioner Marianne Palefsky to participate on the BBP Oversight and Outreach Committee for the project.
 - The Commission received a presentation and provided feedback to the Public Works Parks Division on the Menlo Park Playgrounds Audit and proposed CIP projects. Also, commissioners Laura Lane and Jennifer Johnson were appointed to serve on a Playgrounds CIP subcommittee to help advise staff on the scope of work and community engagement process.
 - The Commission continues to be involved in the Jack Lyle Restroom CIP project including participating in the community meeting that was held in December and advising City staff and the project consultant on the project

scope of work. The project comes back to the Commission for their review and approval before end of the current fiscal year and prior to Council awarding a construction contract.

- Commissioners participated in the pop-up open house meeting at Willow Oaks Park in February and the community workshop in March concerning the Willow Oaks Park Restroom and Dog Park CIP projects. The Commission will review preliminary project designs at their meeting in April and it will be another opportunity for the public to provide their feedback.
 - The Commission received a presentation and update on the Belle Haven Pool Audit and Analysis Phase and provided feedback to City staff on study. The Belle Haven Pool master plan phase will be presented to the Commission at their April meeting for the feedback.
3. Research and evaluate improved offerings, new venues, and strengthened City partners and sponsorships that results in high quality educational, recreational, artistic, and cultural programs in the City of Menlo Park.
 - The Commission received a presentation by the Pacific Art League (PAL) on arts programming and events. The Commission was interested in the City partnering with PAL to bring visual arts programming to Menlo Park such as visual arts classes for children and adults and art exhibitions that could be hosted in City facilities.

Other areas and issues addressed by the Commission:

1. The Commission continues to advise San Mateo County Parks on their Flood Park redevelopment project.
2. Reviewed and provided feedback on the Community Service Department's Food Allergy Policy. The policy helps to put procedures in place to help City staff address participant food allergies in its programs.
3. Received a presentation and provided feedback to staff on the Belle Haven Child Development Center's Big Lift Grant that is administered through the Silicon Valley Community Foundation. This grant aims to improve learning outcomes for preschool children in preparation for kindergarten and grade school.
4. Received a presentation on the San Mateo County Park Shuttle Program and provided feedback and support for the service which includes Menlo Park.
5. The Commission received and presentation and were supportive of the Community Service Department's participation in Unity Day and Anti-Bully Campaign which was held in October 2016.
6. Provided general feedback to staff regarding crumb rubber infill material on the City's artificial turf fields at Hillview Middle School and Kelly Park. The Commission did not want to take any action on this subject matter until the City received the State and Federal Government studies which are investigating the potential hazards of crumb rubber infill use in artificial turf sports fields. The release of these studies is scheduled for 2017.
7. The Commission approved the sports field user groups for 2016-17.
8. The Commission approved proposal by the Menlo Park Little League for Burgess Park field improvements which include upgrades to dugouts and improved shade for spectator viewing.



STAFF REPORT

City Council
Meeting Date: 3/28/2017
Staff Report Number: 17-066-CC

Study Session: Menlo Park Main Library Space Needs Study

Recommendation

Staff recommends that the City Council review and provide feedback on the Main Library Space Needs study.

Policy Issues

The recommendation does not represent any change to existing City policy.

Background

The Menlo Park Library has been the subject of two recent studies, each looking at library services and the needs of the Menlo Park community. An Operational and Administrative Review of the Library Department was completed in January 2015. The Library Strategic Plan was completed late 2016.

This study builds upon the service and collection recommendations from the earlier studies, and translates them into space requirements. The Menlo Park Library Foundation pledged \$90,000 for this study.

Analysis

As communities continue to evolve, so do libraries. Easy access to library services and flexible, welcoming, community spaces are needed to meet our residents' needs.

The library has been in its Civic Center location for more than 60 years. The original, 6400 square foot building was built in 1957. It has been remodeled and additions have been added in 1967 and 1991. Its total current space is 33,000 square feet.

The library Children's Room was remodeled in 2009. In 2012, the front lobby and circulation area were remodeled to provide for self-check options and an automated materials handling system. The building was also re-carpeted at that time. Both the 2009 and 2012 construction work involved additional costs for modifications to the library to comply with newer Americans with Disabilities Act (ADA) requirements. It is anticipated that any remodel work now done would trigger full building code upgrades for additional ADA compliance.

The FY 2014-15 Operational Review of the library noted many areas of concern with the current facility. These include interior space that is difficult for users to navigate and staff to manage; a lack of community meeting, group study, and collaborative spaces; insufficient space for teens and children; and a lack of

space for users to interact with emerging technologies. It was also noted that the appearance of the library was neither exciting nor contemporary, and that this appearance could reflect negatively on the services and resources provided. The Operational Review further suggested that a facility Needs Assessment was necessary if the library wanted to retain its relevance to the community.

The Library Strategic Plan examined Menlo Park's growth patterns and demographics, and identified service needs that might develop from future trends and emerging technologies. The Plan detailed the library service goals, objectives and activities -- all of which will require new, remodeled or repurposed library building space. State of the art library space is key. In the main library users have outgrown the reading and meeting spaces needed to support individual and collaborative activities. The basement meeting space does not provide enough room for popular children's and growing adult programs, nor for the new types of programming users are requesting. The library needs to provide modern and useful spaces for entrepreneurs, students, families and lifelong learners.

The City Council approved a contract with the architectural firm of Noll & Tam to examine the current Main Library building and work with staff and the public to translate the future service needs outlined in the Strategic Plan into the square feet that such activities would require.

Extensive community input was solicited in developing the space needs plan. Representatives from the library's support organizations, (i.e., Friends, Foundations, and Commission), and a range of library users participated in meetings with staff and the architects to respond to space allocation proposals. A separate meeting with teens gave us more insight into their needs. Our community partners provided many suggestions for space improvements. These included adding small and large group rooms for collaborative work, adding a café or coffee cart, adding indoor/outdoor spaces like rooftop or demonstration gardens, and having lots of natural light throughout the library.

Noll & Tam developed three conceptual layouts -- a remodel of the current library and two layouts for a new library. All three layouts consist of a building of 44,000 square feet, an increase of 11,000 feet over the current building. The remodel layout retains the main reading room of the library and removes the other two wings and replaces them with a new one story addition. The layouts for a new library include space plans for a single story and a two story facility. All three layouts increase space for children and teens and add meeting rooms but reduce the inefficiencies of the current building. The new construction layouts stress flexibility to allow staff to respond to the community's changing patterns of library use.

One of the increased space needs these plans respond to is a user demand for more space for children. The library's popular children's story times are now held in the basement meeting room -- the only space large enough to accommodate the crowds that want to attend. Strollers have to be parked on the first floor of the library as there is no room for them downstairs. Small children have to be escorted down the stairs or in the elevator to the basement. The new space plans envision library story time in a well-lit, ground level area with ample room for caregivers and children -- perhaps even in a space that can be open to the outside when the weather is good. All three plans also present options for increased space for teens and multiple meeting and study rooms. Some smaller meeting rooms are envisioned as a way to provide more quiet working space for the tutors and students in the library's adult literacy program.

While the primary objective of the three conceptual layouts was to study space configuration, other environmental factors were included in the planning. The relationship to out-of-door space figured highly in the meeting with the community and the teens so options for incorporating patios and other outdoor seating areas were included. The potential impacts of the Ravenswood Avenue Rail Crossing Project were also considered. How far could the building be extended toward Ravenswood Avenue and how to maintain visibility of the library were also factored into the layouts.

At the end of our outreach process, meeting attendees expressed a preference for the two-story, new building space plan. This plan got top marks for the visibility it would provide and the opportunities it presented to bring more outdoor space into the design. Attendees also discussed converting the abandoned library basement into a water storage facility, and making any new building the city's first public Net Zero Energy building.

Impact on City Resources

This project was funded in the City's FY 2014-15 Capital Improvement Program with a budget of \$130,000 (\$90,000 from the Library Foundation) which was increased to \$164,210 for completion in FY 2016-17. If Council gives direction to continue the work of developing plans for a new main library facility, staff will return with costs for developing conceptual designs during the budget process.

Should the Council wish to proceed, the next stage toward the new main library facility would be to choose a preferred alternative and develop a conceptual design. This design would have a rendered site plan, conceptual floor plans with furniture layouts, building sections, exterior elevations, and digital renderings of the exterior and interior spaces.

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. Menlo Park Main Library Space Needs Study – Noll & Tam Architects

Report prepared by:
Susan E. Holmer, Library Services Director

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MENLO PARK MAIN LIBRARY

SPACE NEEDS STUDY



17 March 2017

Noll & Tam Architects

Executive Summary

The Menlo Park Main Library has occupied its current location in the Civic Center complex for 60 years, and during that time has undergone numerous transformations; including two major additions and numerous remodels. The Library's mission has also changed and with this in mind, the staff have recently embarked on a planning process. Following an internal operational review in 2015, the library staff engaged Jennifer Sweeney, MLSL, PhD, and Ray Patchett, MSOD, to develop the Menlo Park Library Strategic Plan 2016-2020. This plan identified the need to create a state-of-the-art library space, increase library programming and community engagement, and continue the process of identifying changing library service needs.

To this end, Noll & Tam Architects was engaged to develop a Space Needs Study for the Main Library in late 2016, focusing on options for reusing or replacing the existing library structure to fulfill the vision laid out in the strategic plan. Noll & Tam assessed the existing conditions of the library, investigated the existing documentation, met with staff and stakeholders, and engaged the community to confirm the needs and goals of any future library work. Through this process, the team identified possible best-fit schemes for both a remodel and a new library construction.

This Space Needs Study has four main components. First is an assessment of the state of the existing structure. Based on walk-throughs and document research by Noll & Tam and the engineering team, the structure appears to be in good condition with no obvious physical deficiencies. The assessment included the structural, mechanical, and electrical systems as well as the exterior, interior and roof. The team also assessed any accessibility and code updates needed.



The second section includes a conceptual program developed through work sessions with the library, with the aim of fulfilling the spatial goals outlined in the strategic plan. The program groups the spaces into: Public Entry, Meeting Spaces, Adult Literacy, Children's Library, Teen Library, Literacy Program, Staff, and Other. Through the meetings with staff and users, the team identified programs that should be expanded while others could be reduced. The areas of greatest deficiency appear to be the

public meeting spaces and the children's library. Overall, the proposed program increases the library size by a third, from about 33,000 sf to 44,000 sf.

The third section contains conceptual layouts of this program to test the capacity of the existing library and site. **Scheme A** presents a remodel that retains the 1967 portion of the building with the main reading room, removes the 1957 and 1991 portion, and constructs a new one-story addition. The main reading room would remain as the center of the adult library program, and the lower level would be used for collections. Overall, 20,600 sf of the existing library would remain, with a 23,400 sf addition.

The first remodel scheme (**Scheme B-1**) proposes removing the entire building and constructing a new one-story library. The scheme eliminates the basement, allowing the library functions to

be consolidated to their best adjacencies. The second remodel scheme (**Scheme B-2**) proposes removing the entire library and constructing a new two-story library. A two-story building would consolidate the footprint, and allow for more creative and extensive landscaping and outdoor areas. Additionally, the two-story building has a more visible façade and greater civic presence.

Finally, the fourth section of the report analyzes the costs for these three options. All three options result in a final total square footage of 44,000 sf, the identified ideal size to include the programming elements that came out of the preliminary information gathering of the space needs study process. The cost estimates were prepared by TBD Consultants, project and construction cost management consultants. As a secondary appendix, TBD's entire Cost Model analysis is presented for reference.



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01 Existing Conditions

Building Context

The Menlo Park Main Library is part of the Civic Center complex in the city of Menlo Park within San Mateo County. The library shares a 29-acre park-like site with the City Hall and Administration Building, the City Council Chambers, and recreation and childcare facilities. The landscaped park includes heritage trees, a duck pond and a fountain. For a context map and parcel information, see page A-11.

History

The Library was founded in 1916 but did not have its own facility until 1957, when local architect Kingsford Jones designed the original one-story structure, with approximately 7,000 sf of space. By 1968, a new addition was added, including a reading room with exposed ceilings and clerestory lighting. A new mechanical plant was included in a 10,535 sf basement. The total area of the library now stood at 25,234 sf. In 1991, the library constructed a new wing, designed by Reif Chow Architects, which added a children's library of 7,907 sf, bringing the facility to 33,141 sf. This project included a major remodel of the existing portions of the building. Further improvements included a remodel of the children's library in 2009 and upgrades to the lobby in 2012. Selected as-built drawings from previous phases of construction are available in the Appendix on page A-15.



Code

The most recent project, the lobby remodel completed in 2012, was completed under the 2010 California Building Code. At that time, the project was classified as type V-B, a classification that continues in the current 2016 CBC. Additionally, the building has sprinklers throughout. This category provides for virtually any materials to be used, but places restrictions on the area allowed for the project. The existing ground floor area of 22,606 sf is within the allowable area of 28,500 sf for an A-3 Library occupancy. See page A-13 for area analysis for the existing building and the three proposed schemes.

Structure

The original 1957 structure and the 1991 addition are one story, timber framed over slab-on-grade with spread footings. The 1967 addition has six concrete columns supporting the roof, with a suspended first floor composed of pan-joists with girder panels spanning northeast to southwest. The 1991 remodel project included a full upgrade performed under the 1988 seismic code, which is similar enough to the current regulations that a major upgrade is not necessary. See page A-25 for the structural report.

Mechanical

The mechanical plant is located in the basement of the 1967 building, with areaways for ventilation. The chillers are located at grade adjacent. The two air handlers were installed in 1991 and have been well-maintained and upgraded. Many components of the HVAC system were upgraded in 2013-2015 and the system is adequate for the current facility. Mechanical distribution is below slab (in 1967 wing) with registers built in to benches. Return is in perimeter soffits. See page A-29 for a full report.

Lighting, Power and Communications

Interior lighting is T8 and CFL with metal halide lamps in Main Reading Room. Lighting is in good condition but light levels are low, particularly at night. New LED lighting systems would benefit the library by providing improved lighting levels. Controls are manual and do not meet current Title 24 Energy Code. New remodel or expansion work would trigger an upgrade. Exterior lighting is wall-mounted CFL and older HID are in good condition. Control is by a mechanical time clock with a photocell. Emergency lighting does not appear to meet current code requirement of 1 foot-candle average in areas of egress. Exit signage is current and per code.

The power service is adequate for current use and in good condition. Additional loads (due to expansion) would require replacement of switchboard and transformer. Distribution circuitry, raceways and wiring is in good condition. New circuitry would be needed for expansion. There is no emergency power. No obvious deficiencies or code violations were observed.

The MDF is located in a corner of a mechanical room on a plywood backboard with an open-style rack. This installation is substandard and should be upgraded to a dedicated, climate-controlled room. There is incoming fiber service but no fiber within building. Cabling is Cat 5/5e and should be upgraded to the current industry standard of 6/6e.

The current fire alarm system is scheduled to be upgraded in the near future.

For the complete report on the electrical systems, see page A-35.

Exterior

The building is clad with vertical redwood siding throughout, applied over two layers of 15# building paper on top of ½" plywood sheathing. The corners of the building have rusticated brick piers, applied as a veneer over solid grout with paper-backed wire mesh on top of one layer of 15# building paper. The exterior walls are framed by 2x6's and R-19 insulation was added at walls and ceilings. The 1991 remodel included insulated glazing with operable awnings at new windows and some existing openings. The window frames are aluminum-clad wood. The exterior is recently painted and appears to be in good condition with no obvious signs of insect or moisture damage.

Roof

The clay tile roof was built in three phases with a uniform 3 in 12 slope. Glulam rafters extend beyond the edge of the roof and are protected by flashing. The tiles at the rake ends have mortar infill to block water intrusion. During the 1991 remodel, tiles were removed on the existing structure and R-19 insulation and new plywood and membranes were installed to match the construction of the new addition. All roof and wall flashing, valleys and vents were replaced at that time. The tiles and flashing appear to be in excellent condition. The membrane was not inspected and there are reports of water leakage around the lobby skylight.





Ceilings

The library has acoustic ceiling tiles throughout. In the 1957 portion, the ceiling is suspended at 9' with gypsum board soffits. The space above the ceiling is used for ductwork. The staff office area is also at 9'. Within the main reading room and the Children's Library, acoustic tiles follow the roof slope, suspended 4" below the roof deck, exposing beams and rafters. Ceilings appear to be braced but would need to be brought up to current code (2016 CBC). The ceilings in the basement are at 8'.

Interior

Some walls are acoustic with resilient channels and 3" sound attenuation; outlet boxes are wrapped with box pads and edges are sealed. Plywood shear panels were added in the original building during the 1991 remodel. These can be removed but would require additional panels to be added at perimeter of structure (see structural narrative, page A-25). New carpeting was installed throughout the library in 2012. Interior finishes are painted gypsum board walls, with floor-to-ceiling ceramic tile in restrooms. Several rooms have built-in benches or shelving: Children's Library, literacy rooms, main reading room. All finishes appear well-maintained and in good condition.

Accessibility

The 1991 remodel was performed under the 1988 CBC and included some accessibility upgrades for the restrooms, elevators, and public areas. Since that time, however, accessibility requirements have become more comprehensive and a thorough review of the existing facility would be needed to catalog all of the deficiencies. Of particular note, the aisle clearances in stack areas are less than the 44" required by the current regulations (CBC 2016, Section 11B-403.5.1, exception 4). For a minor remodel, the building official will determine the extent of upgrades, usually requiring the path of travel and the restrooms to be brought into compliance. The restrooms in particular appear inadequate in terms of clearances, fixtures and turning radii.



02 Conceptual Programming

Background

The Library Strategic Plan was developed over the spring and summer of 2016. A library consultant, Jennifer Sweeney, worked with the library director and staff to conduct community workshops and clarify community needs, vision and values. The resulting draft report, *Menlo Park Library Strategic Plan 2016-2020*, served as the basis for the conceptual program developed as part of the Space Needs Study. Noll & Tam met with the library director and key staff during the fall of 2016 to analyze spatial requirements for the collections, users, and staff. The goal of this work was to present an order of magnitude understanding of the area requirements to fulfill the vision of the Strategic Plan. The conceptual program begins at page A-43. The program and preliminary schemes were presented to a stakeholder group that included librarians, city staff, library users and volunteers. Comments from this workshop are include on page A-41.

Program

The program was developed as a series of groups representing categories of space in the existing library: Public Entry, Meeting Spaces, Adult Library, Children's Library, Teen Library, Literacy Program, Staff and Other (including the Friends of the Library group). For each grouping, the existing spaces were inventoried and a new allotment was proposed. In some cases, programs grew considerably while others were reduced.



1.0 Public Entry

These spaces represent the main entry area for the library. Currently, this zone includes the Friends of the Library book sale area, information desk, self-check stations and public restrooms. The librarians have identified a need for more hold shelving, an additional self-check station and an area for mobile display units. In addition, both the restrooms and the Friends' sale area are inadequate for accessibility and need to be expanded in size. Also, there was widespread community interest in a cafe or food-service function associated with the entry. The conceptual program proposes a mobile cart that could be placed outside under cover, but would require an indoor space for storage when not in use. In total, the Public Entry portion of the program will grow from 773 sf to 1,672 sf.

2.0 Meeting Spaces

The need for meeting spaces was underlined in the Strategic Plan and reiterated during the programming sessions with the library staff. Currently, the library has a single large meeting room located in the basement which serves for all community programming. This space is felt to be inadequate in terms of access, daylight and functionality. In particular, the Children's librarians frequently use this space for the Storytime program and way-finding for parents with small

children is challenging. The conceptual program doubles the size of the program room, from 1,081 sf to 2,000 sf. This space will be prominently located for easy access and after-hours use, and will be dividable to allow multiple simultaneous usage.

The Strategic Planning process identified a further need for other types of meeting spaces: tutoring, presentation, group study and a maker space. The conceptual program includes these rooms, with a range of sizes to allow maximum flexibility. With these new functions, the Meeting Space component of the library grows from 1,161 sf in the existing facility to 5,070 sf of proposed space.



3.0 Adult Library

This group includes the main adult collection spaces as well as open seating, public use computers and the main services desk. Currently, these functions are located in the two older wings of the library. The main collection includes fiction, non-fiction, and reference as well as media and periodicals. The library does not envision growing these collections, and the new space should accommodate the current collection only. However, current accessibility codes require a wider aisle width which will of necessity force the collection to take up more space in a renovated or new facility. The team surveyed the existing shelving and provided growth projections for these collections (see page A-47), with the existing footprint of 7,152 sf increasing to 7,812 sf.

The team also inventoried the existing seating, including tables, carrels and computer stations, resulting in a total count of 170 seats. The librarians felt that this number was adequate, especially when the group study rooms discussed above are included as user seats. The conceptual program calculates a new area based on a metric of 25 sf per seat, representing a blend of lounge chairs, 4-person tables, and carrels. When seating and collections are combined, the Adult Library programs grows marginally from 11,195 sf in the existing building to 12,212 sf of proposed space.

4.0 Children's Library

The Children's Library is housed in a separate wing built in 1991 and renovated more recently. This program, however, has outgrown its space and has been consistently flagged as being overcrowded. The collections are housed in tall shelving units that are spaced too closely, so that even without any projected growth, the footprint of stacks needs to grow from 2,051 sf to 2,892 sf. In addition, the seating areas are crowded and rely on built-in banquettes. When the Storytime program is active, there is not enough area for seating and stroller parking spills into the main entry. In addition, the staff area, designed for 3 people, needs to double in size to handle 6 desks and storage for bulky items. In total, this program is proposed to grow from 3,095 sf to 5,212 sf.



5.0 Teen Library

The existing teen space occupies a corner of the main reading room and includes a small collection with seating for 14. A preliminary analysis leads to doubling the number of seats, increasing the size of the Teen program from 652 sf to 1,060 sf. Noll & Tam conducted an initial workshop with the library's Teen Advisory Group. In this meeting, it was clear that the teens were users of the whole library, not just the identified teen area, and that they can provide useful feedback on all aspects of library planning. Noll & Tam recommends integrating this group into the planning process as the project proceeds.

6.0 Literacy Program

The library provides a free literacy program for adults. The program requires a computer lab with about 8 stations, tutoring spaces, and a staff room with space for 6. The current space allocated for the program is crowded and inadequate. The one-on-one tutoring occurs in the open seating area of the library, which is problematic in terms of acoustics and privacy. The conceptual program provides more space for the computer lab and staff, and calls for the 2-person study rooms defined in Group 2.0 Meeting Spaces (above).

7.0 Staff

The library has identified the need for 15 staff workspaces: 3 department heads, 7 staff, 3 shared and 2 for IT. Adding generous book-truck parking brings the target program to 940 sf, up from the 744 sf in the existing facility. In addition, the staff requested usable break and meeting room space. Currently, there are two small rooms, one on each floor, and no space for staff training or meetings. The proposed program combines the meeting rooms, adds two project/meeting rooms and increases the size of the shipping and receiving area. Adding storage space brings the proposed staff program to 3,526 sf, up from 2,509 sf.



8.0 Other

Several other users currently share the library space, including the Friends of the Library and the Menlo Park Historical Association. The Friends currently occupy a large basement room in addition to the sales area in the lobby (see 1.0 Public Entry above). The basement space is used for storage, sorting and processing donated materials in preparation for selling in the sales area or online. After interviewing two representatives of the Friends, Noll & Tam has developed a space program that is smaller than the space currently occupied (see page A-49), reducing the area from 3,000 sf (shared with library) to a 1,461 sf space dedicated to Friends processing.

For other users, the Menlo Park Historical Association will be relocating to another facility. An enclosed office will be set aside for the Library Foundation.



9.0 Gross Areas

The program area only measures usable space dedicated to the functions of the library. Support spaces, such as hallways, utility closets, and restrooms, are part of the gross area. The total program area of the existing library is about 23,840 sf, while the footprint is 33,847 sf, yielding an efficiency of 70% which is typical for similar facilities. The proposed program area of 31,053 sf expands to 44,362 sf when the same 70% efficiency is applied.

A common theme during the planning and programming process was the lack of adequate restrooms. The two public restrooms in the lobby are small and do not meet current accessibility codes. The single restroom in the staff area is not enough, and the two restrooms in the basement, while adequate, are remote from the public spaces of the library. A plumbing analysis shows that the restroom area could easily be doubled, with banks of male, female and unisex rooms available in both the lobby and within the library secure area as well as additional facilities for the Children's Library and the Staff.

03 Conceptual Design

Scheme A: Remodel

The 1991 portion of the building, including the main reading room space with high clerestories and an open floor plan, is best suited to reuse. Scheme A proposes keeping this portion of the existing building and removing the other two wings of the building. The program area of 44,000 sf will be achieved by constructing a new one-story addition.

The main reading room will remain as the center of the adult library program. The lower level would be used for collections, possibly utilizing compact shelving, and the existing mechanical areas would be retained. The existing pan-joint slab will be cut in two places, with a grand stair in one, to connect the two levels and provide daylight deep into the basement. The main floor would have browsing collections and open seating.

A new entry lobby would connect the existing parking area to the main reading room, with large public meeting spaces and restrooms located

directly adjacent to the east. These functions could be used when the rest of the library is closed. Opening off the lobby to west will be the children’s program with daylight on three sides and the potential for a small outdoor area to the northwest. The staff and Friends work room will be located in the northwest quadrant, utilizing the currently existing loading access. Along the north wall of the main reading room will be small meeting rooms and the teen space.

This scheme is roughly balanced between remodel and new construction. The total above-grade area of 33,700 sf exceeds the allowable area of 24,000 sf for Type V-B construction (see page A-13). To mitigate this situation, the facility can be designed with a 2-hour area separation wall per CBC 706.4. Openings in this wall would be protected per 706.8 and section 716. An alternative approach would be to classify the building as Type III-B, which would require that exterior bearing walls have a 2-hour rating. The retained portions of the existing structure would require additional layers of gypsum board to achieve this rating.

Area Summary Chart

	Remodel	New Construction	Totals
Basement	10,300 sf		10,300 sf
First Floor	10,300 sf	23,400 sf	33,700 sf
Totals	20,600 sf	23,400 sf	44,000 sf

Scheme B-1: New One-Story Library

This scheme proposes removing the entire library and constructing a new facility at grade. By eliminating the basement and moving its proposed program to the first floor, this scheme is able to consolidate the library functions for their best adjacencies.

The main reading room, with collections, browsing and seating, would remain in the same location, growing to the south and west to accommodate the whole program. The entry zone is moved to the west, closer to the existing

parking areas. The children’s library would flank the entry to the east with the potential for outdoor play areas toward the duck pond. The staff and Friends work areas would sit to the west, allowing the most efficient materials handling. The main public meeting room would occupy the northwest corner, closest to the corner of Ravenswood and Alma, providing a landmark.

This scheme involves 44,000 sf of new construction which would require Type III-B construction.

Area Summary Chart

	Remodel	New Construction	Totals
Basement	-		
First Floor	-	44,000 sf	44,000 sf
Totals	-	44,000 sf	44,000 sf

Scheme B-2: New Two-Story Library

This scheme proposes removing the entire library and constructing a new, two-story facility. By concentrating the footprint of the building, more site area is available for landscaping and outdoor areas associated with library programming. Additionally, a two-story facility will provide a greater civic presence, anchoring the corner of the Civic Center.

The plan is developed with an curving portion facing north providing an iconic design element facing Ravenswood. This space will house the two largest programs – the children’s library and the adult collection. The entry will extend to the south, with a two-story space to welcome users. Flanking the entry to the north will be the

meeting room suite, which will also be available to the children’s program for storytime. To the south, a core of restrooms and elevators will connect to the second floor. Surrounding the core, adjacent to the receiving area, will be the Friends work room and the AMH system. On the second level will be the larger portion of the adult library, literacy and small group study rooms at the northeast end, and maker/tech classrooms adjacent to the teen space. The southwest corner will contain the staff work areas.

This scheme involves 44,000 sf of new construction which would require Type III-B construction.

Area Summary Chart

	Remodel	New Construction	Totals
Basement	-		
First Floor	-	24,000 sf	24,000 sf
Second Floor	-	20,000 sf	20,000 sf
Totals	-	44,000 sf	44,000 sf

04 Cost Analysis Summary

To help set a budget for this project, Noll & Tam tasked TBD Consultants with developing cost models for the three preferred schemes. Each option results in the same 44,000 sf of library space, with an identical site area of 92,780 sf. Each option will achieve LEED Gold equivalent, but costs for photovoltaic systems or Net Zero Energy construction were not included.

TBD Consultants developed a separate estimate for each scheme, tracking both building and site development costs (see full report in Appendix A-X). A detailed itemization of the major building components using the Unifomat II system is presented with their costs. In addition to these direct costs, the estimates add further construction costs that a contractor will carry, including jobsite management, insurance, bonding and fees. A further line item adds a design contingency, representing items that are not defined at this early stage in the project planning. Also important in the estimate, is escalation which represents the increase in construction costs over time. While no one can know for certain what will happen to the building industry over the next three years, prudent cost estimators add an extra amount to cover rising

costs. For this estimate, TBD planned an 18 month construction period starting in February 2019 and extending to June 2020, with an escalation of 17.65% over December 2016 costs. Based on current building trends, delaying the project for another year will add another 5% to the cost of the project.

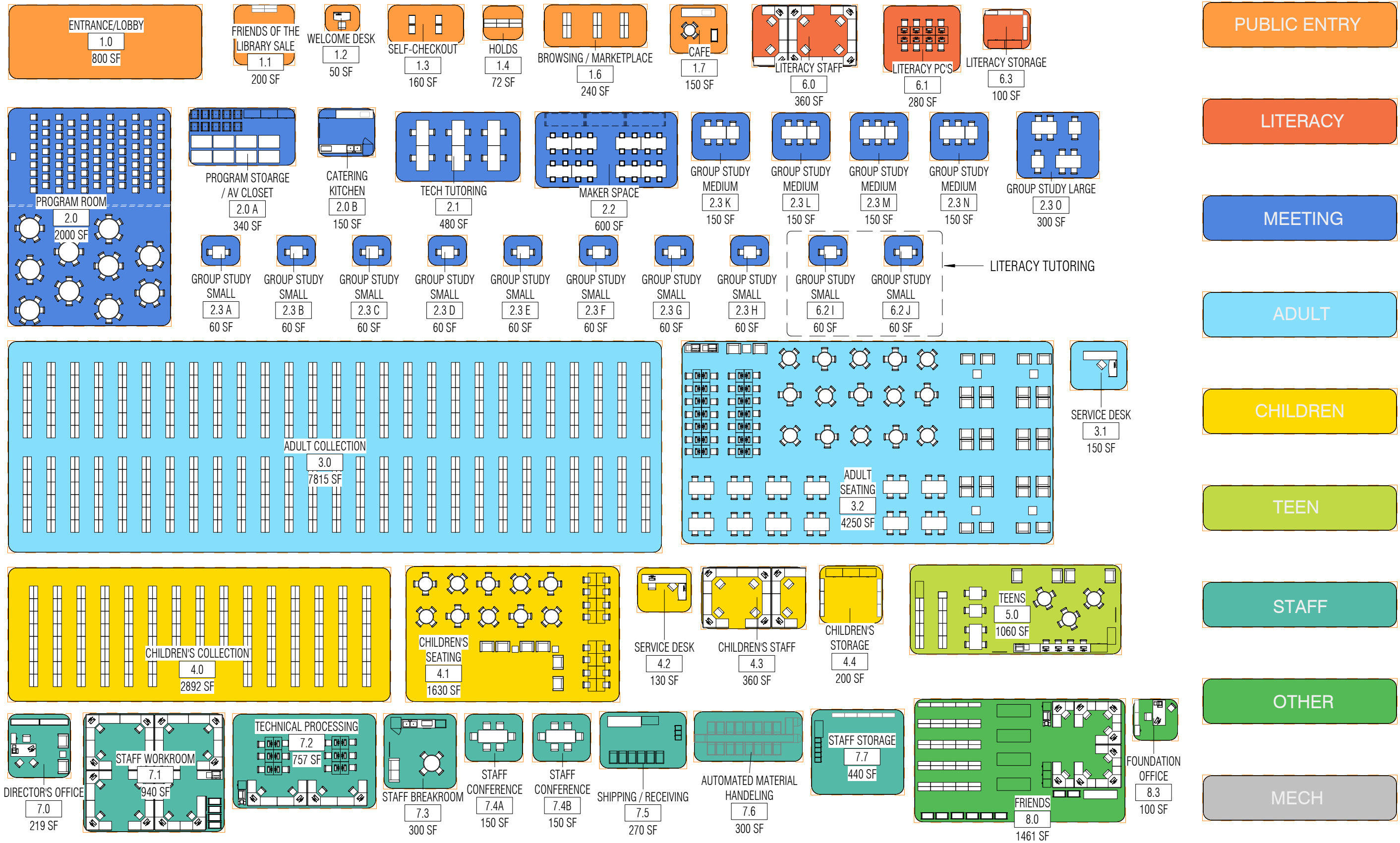
The table below lists total project costs with building costs, representing a contractors' price to construct the facility, added to owner's costs. These "soft costs" include furniture, fixtures and equipment – desks, tables, computers and other moveable items that are commonly procured by the owner independently of the builder. Soft costs can include testing and inspections, building permits, and moving costs. Also included are fees for the design team, project management staff, and other consultants such as geotechnical engineers, surveyors, hazardous materials removal firms, CEQA experts. The cost analysis presented below includes a minimal 30% increase to cover these soft costs. Many owners will carry an additional contingency of 10% on top of these other items to cover unforeseen situations such as underground hazards.

SCHEME A: REMODEL SCHEME	AREA	\$/SF	COST
BUILDING COSTS (per TBD estimate)	44,000	\$599.25	\$26,367,000
SOFT COSTS (DESIGN FEES, FF&E, PROJECT MANAGEMENT)		30%	\$7,910,100
TOTAL PROJECT COST			\$34,277,100

SCHEME B-1: ONE-STORY BUILDING	AREA	\$/SF	COST
BUILDING COSTS (per TBD estimate)	44,000	\$771.89	\$33,963,000
SOFT COSTS (DESIGN FEES, FF&E, PROJECT MANAGEMENT)		30%	\$10,188,900
TOTAL PROJECT COST			\$44,151,900

SCHEME B-2: TWO-STORY BUILDING	AREA	\$/SF	COST
BUILDING COSTS (per TBD estimate)	44,000	\$757.73	\$33,340,000
SOFT COSTS (DESIGN FEES, FF&E, PROJECT MANAGEMENT)		30%	\$10,002,000
TOTAL PROJECT COST			\$43,342,000

APPENDIX

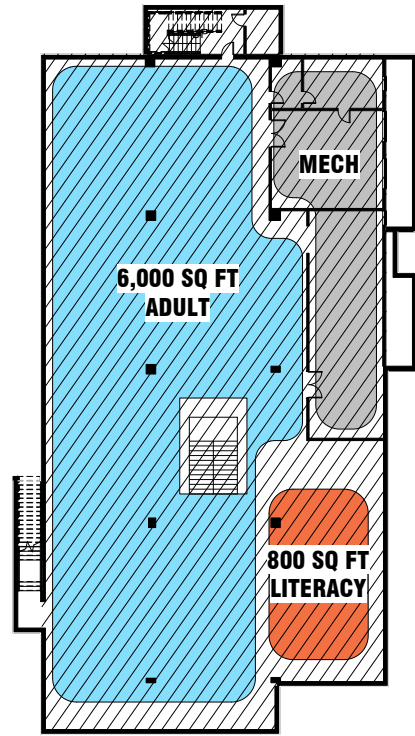


- PUBLIC ENTRY
- LITERACY
- MEETING
- ADULT
- CHILDREN
- TEEN
- STAFF
- OTHER
- MECH

Scheme A: Remodel

AREA CHART

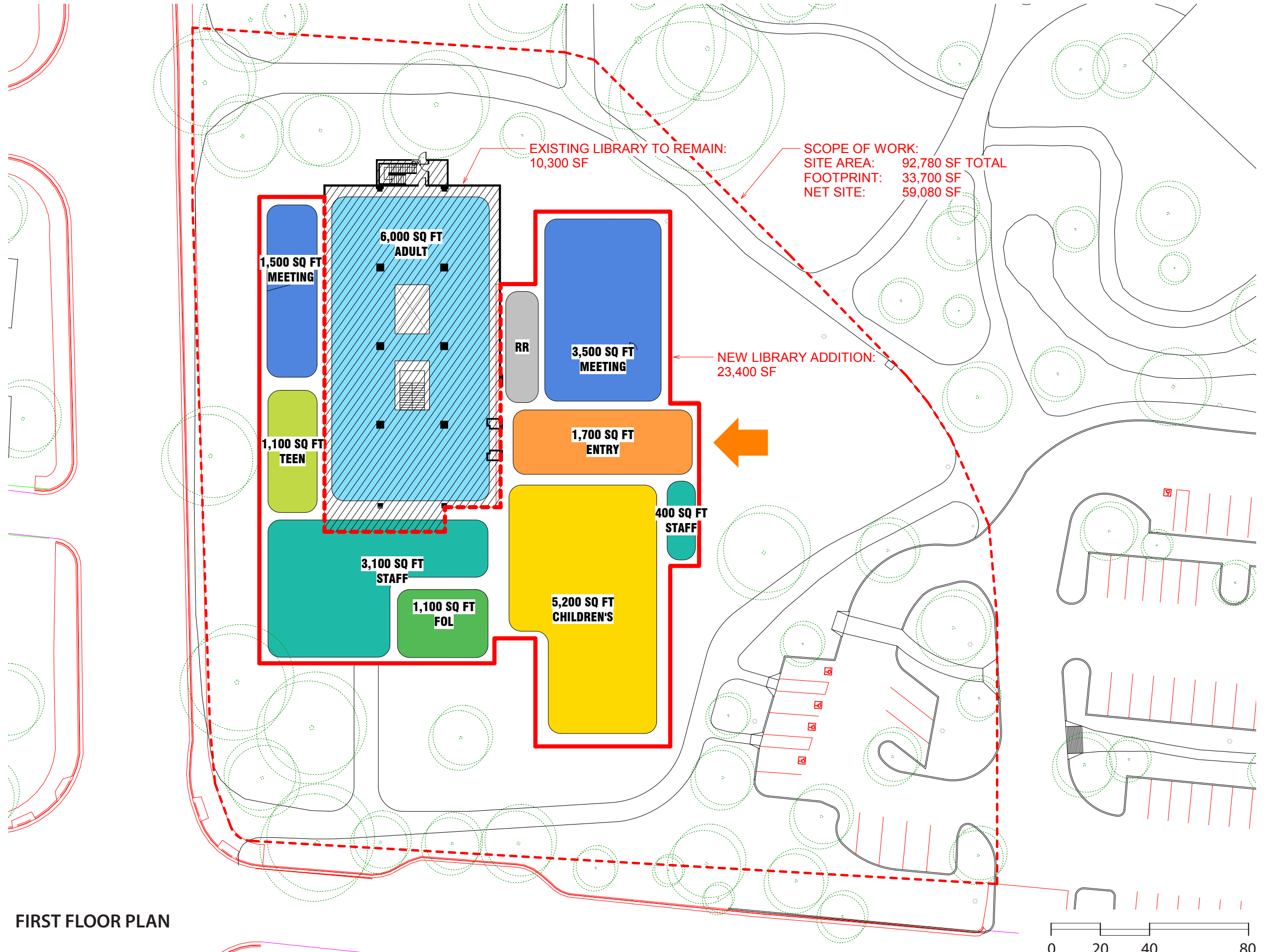
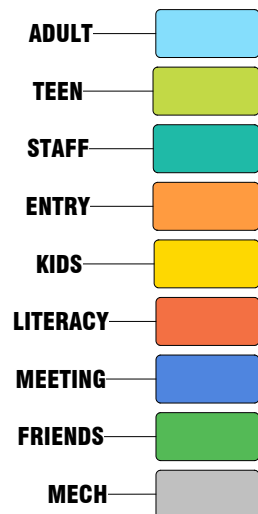
LEVEL	EXISTING	NEW	TOTAL
B	10,300		10,300
1	10,300	23,400	33,700
TOTAL	20,600	23,400	44,000



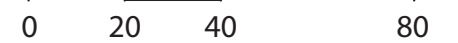
BASEMENT PLAN

DESCRIPTION

REMOVE TWO WINGS OF EXISTING LIBRARY (1957 AND 1991). REMODEL 1967 PORTION AND ADD ONE-STORY ADDITION.



FIRST FLOOR PLAN



Scheme B-1: New One-Story Library

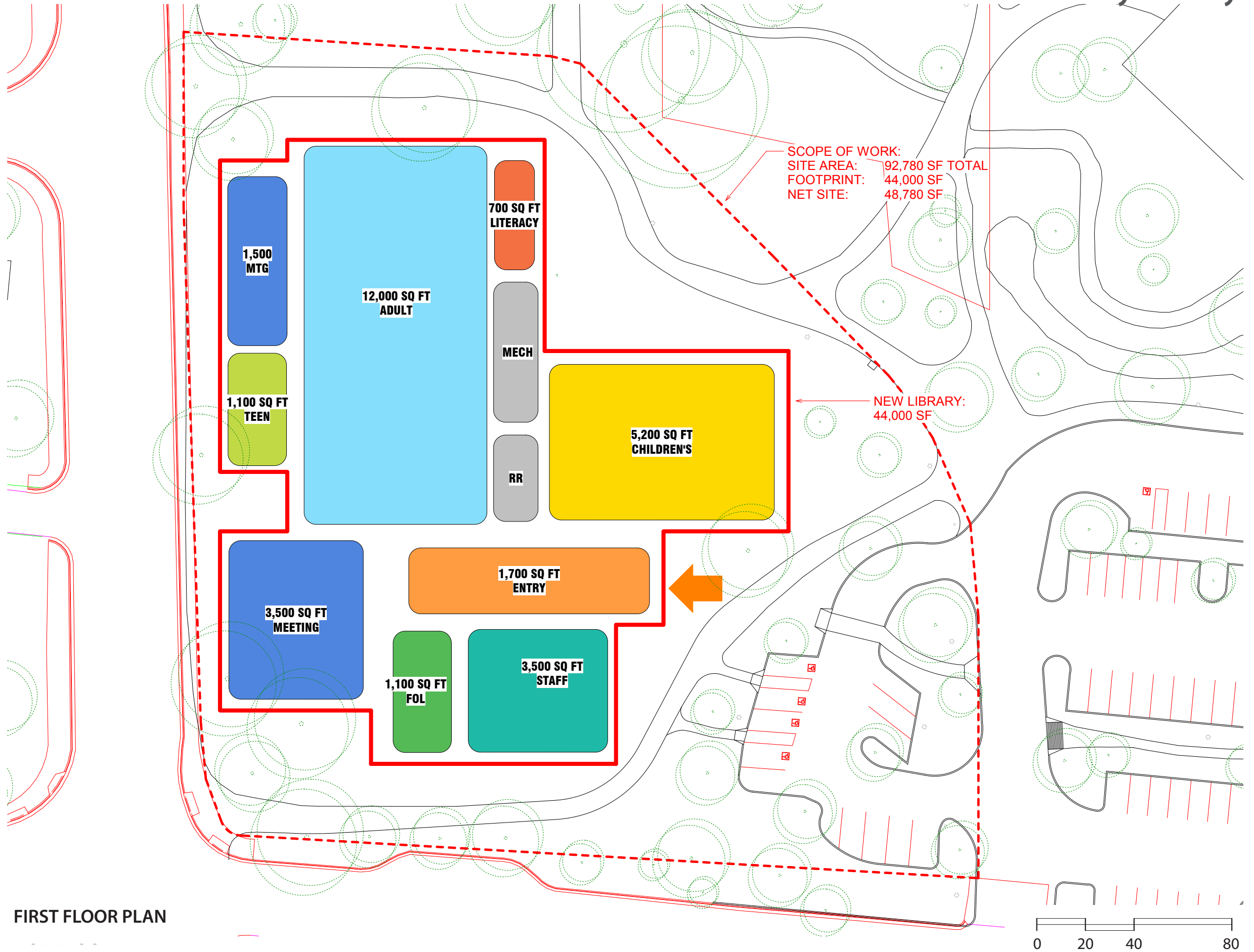
AREA CHART

LEVEL	EXISTING	NEW	TOTAL
1		44,000	44,000
TOTAL		44,000	44,000

DESCRIPTION

REMOVE EXISTING LIBRARY. CREATE NEW ONE-STORY LIBRARY.

- ADULT
- TEEN
- STAFF
- ENTRY
- KIDS
- LITERACY
- MEETING
- FRIENDS
- MECH



Scheme B-2: New Two-Story Library

AREA CHART

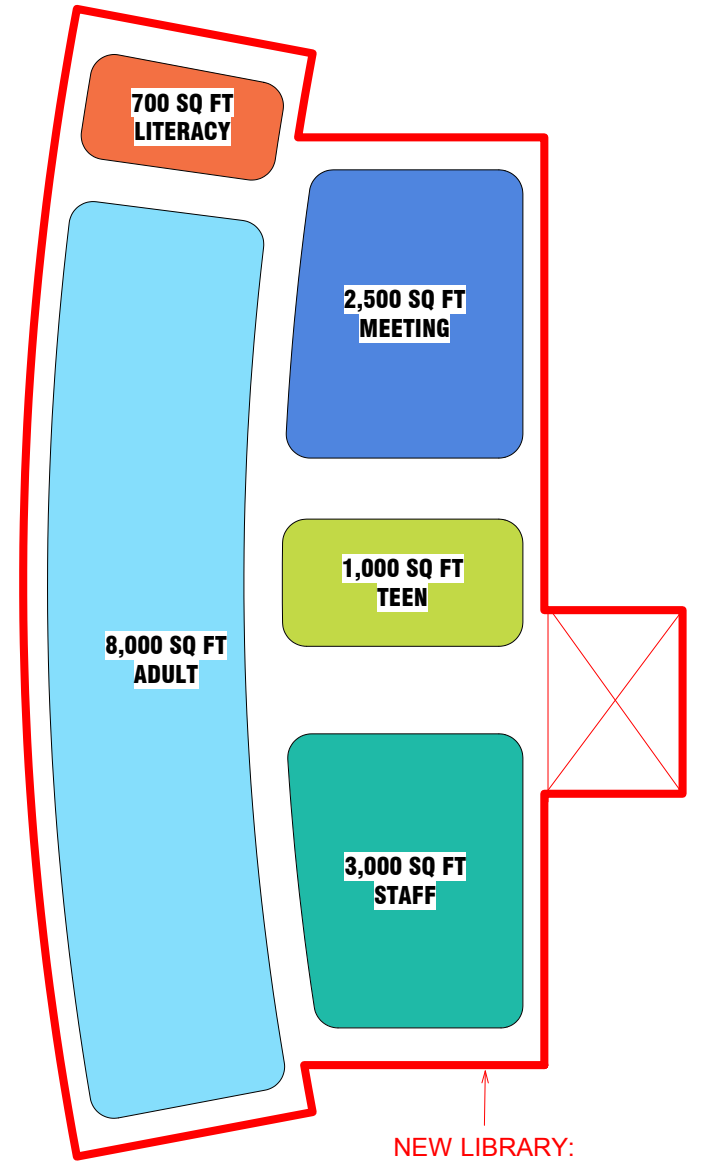
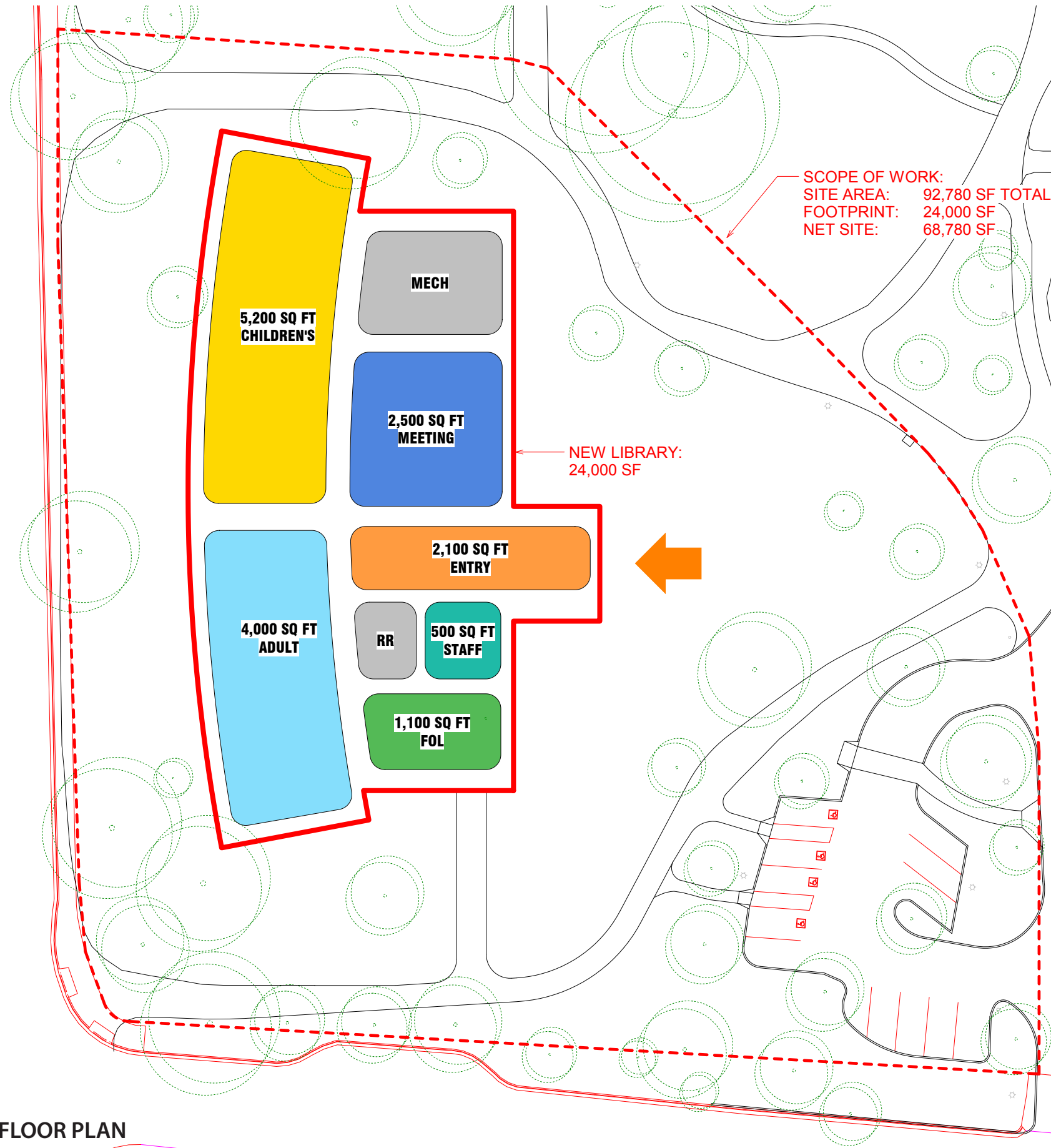
LEVEL	EXISTING	NEW	TOTAL
B			
1		24,000	24,000
2		20,000	20,000
TOTAL		44,000	44,000

DESCRIPTION

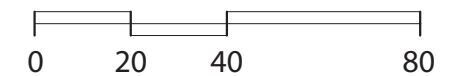
REMOVE EXISTING LIBRARY. CREATE NEW TWO-STORY LIBRARY.


- ADULT
- TEEN
- STAFF
- ENTRY
- KIDS
- LITERACY
- MEETING
- FRIENDS
- MECH

FIRST FLOOR PLAN



SECOND FLOOR PLAN



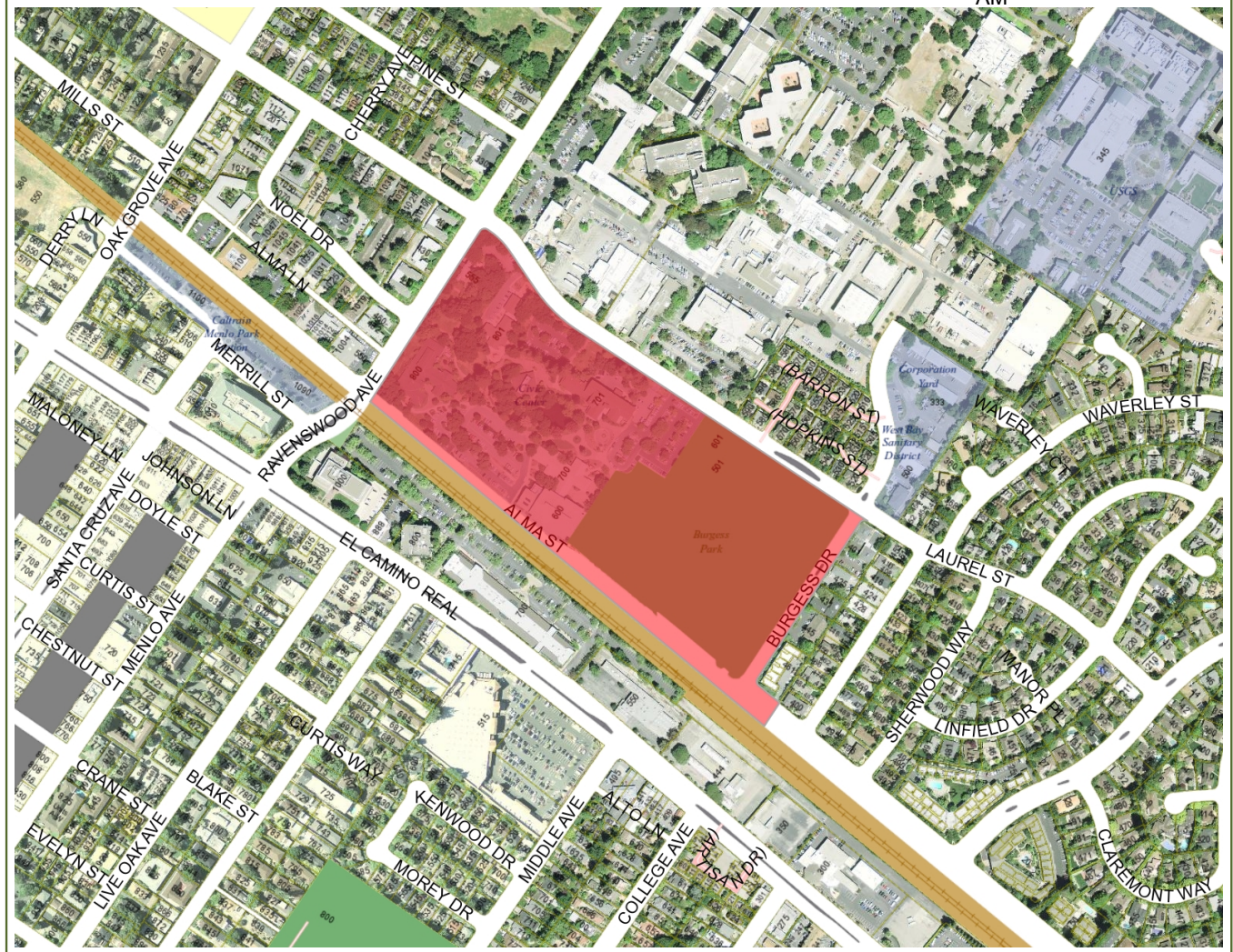


Parcel Number:
062390600

Property Information

Situs Address: 700 ALMA ST

Date:
12/12/2016 11:59:03
AM

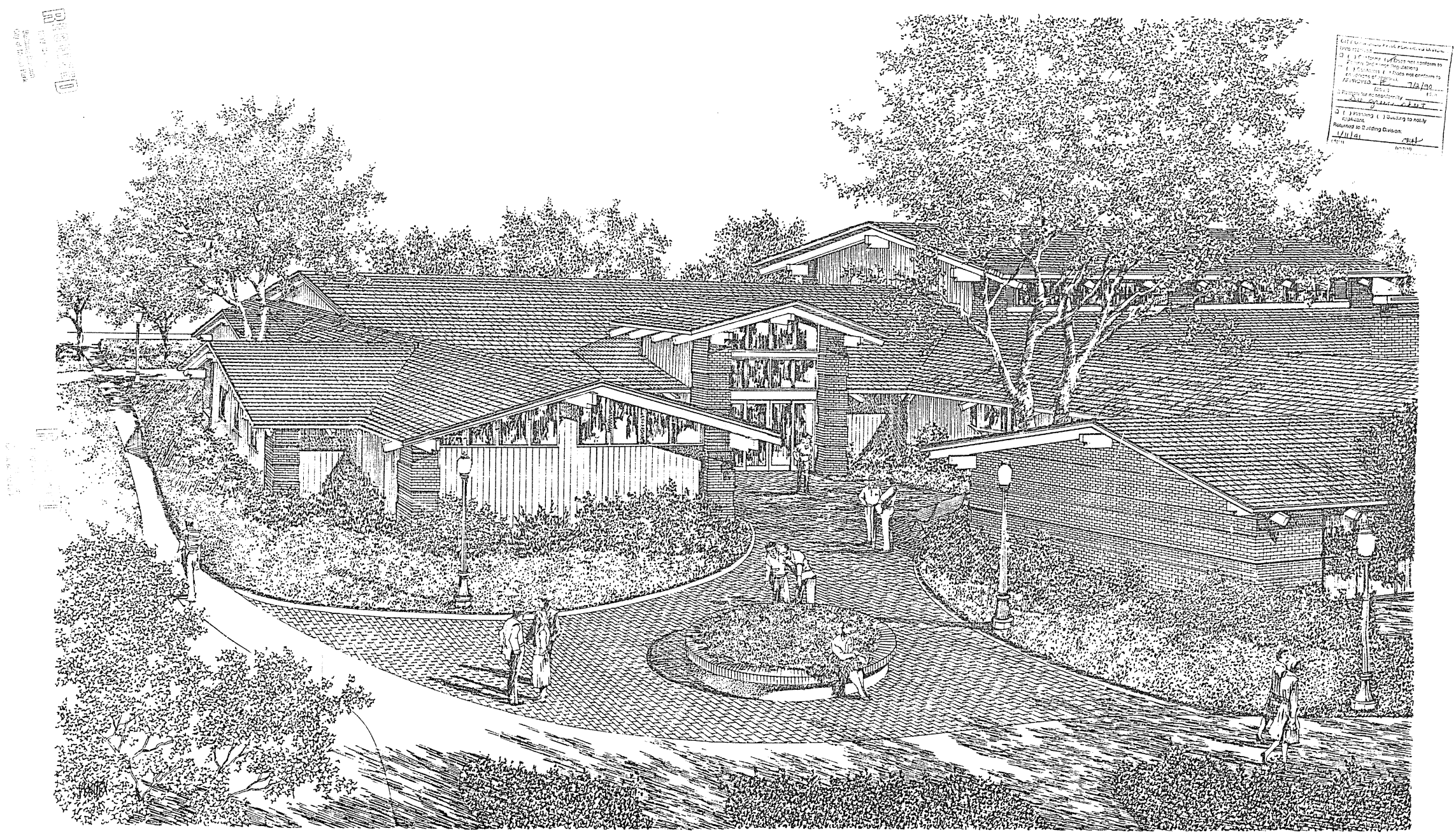


<u>Property Information</u>	<u>Flood Info</u>
Approximate Lot Size: 1,280,863. sq. ft.	Flood Zone: X
Zoning: 55 PF	Base Flood Elevation:
General Plan: Public Facilities	Flood Panel: 0308E
	Community Panel: 060321
	LOMA: N
	Map Date: 10/16/2012
<u>Services Districts</u>	
Elementary School: Menlo Park City School District	
Sanitary District: West Bay Sanitary District	
Water District: Menlo Park Municipal Water District	
Street Sweeping Schedule: —	

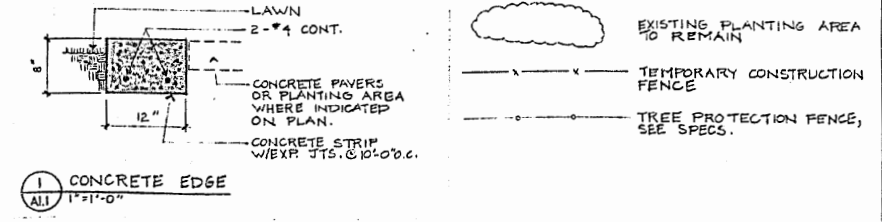
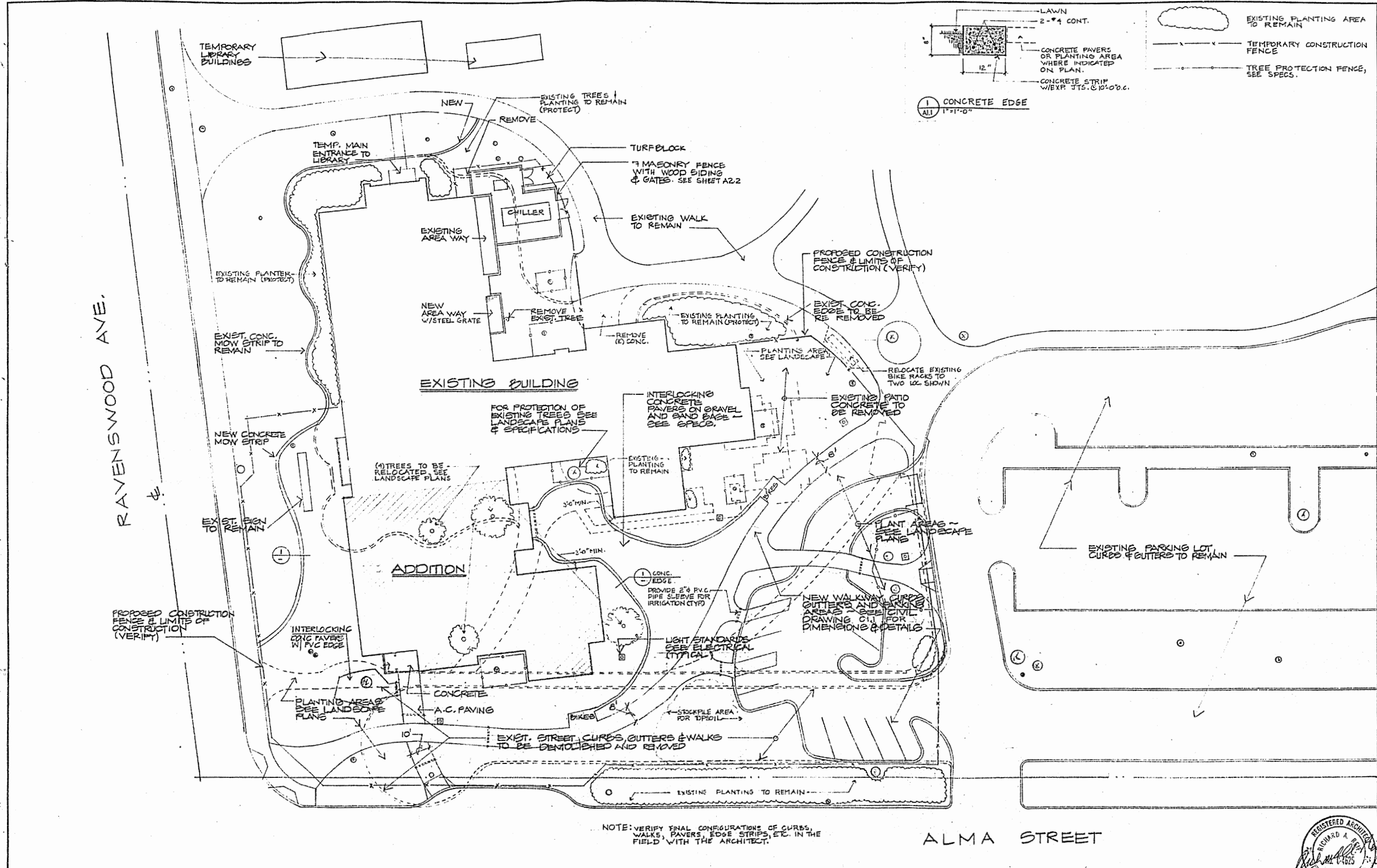
	Existing Library	Scheme A	Scheme B-1	Scheme B-2
Code:				
Type:	V-B	III-B	III-B	III-B
Occupancy: 303.4	A-3 Assembly	A-3 Assembly	A-3 Assembly	A-3 Assembly
Sprinklers:	Yes	Yes	Yes	Yes
Building Area: (excl basement)	23,623 First Floor	33,700 First Floor	44,000 First Floor	44,000 First & Second Floor
Building Height: Table 504.3	40 S (with area increase)	55 S (with area increase)	55 S (with area increase)	55 S (with area increase)
Stories: Table 504.4	1 S (with area increase)	2 S (with area increase)	2 S (with area increase)	2 S (with area increase)
Allowable Area:	28,500 = $A_0 + (NS \times I_f)$ = $[24,000 + (6,000 \times 0.75)]$ > 23,623	45,125 = $A_0 + (NS \times I_f)$ = $[38,000 + (9,500 \times 0.75)]$ > 33,700	45,125 = $A_0 + (NS \times I_f)$ = $[38,000 + (9,500 \times 0.75)]$ > 44,000	71,250 = $[A_t + (NS \times I_f)] \times S_a$ = $[28,500 + (9,500 \times 0.75)] \times 2$ > 44,000
Calculation:	24,000 A_0 = S1 Area for A-3 6,000 NS = NS Area for A-3 0.75 I_f = Area frontage factor	38,000 A_0 = S1 Area for A-3 9,500 NS = NS Area for A-3 0.75 I_f = Area frontage factor	38,000 A_0 = S1 Area for A-3 9,500 NS = NS Area for A-3 0.75 I_f = Area frontage factor	28,500 A_t = SM Area for A-3 9,500 NS = NS Area for A-3 0.75 I_f = Area frontage factor 2 S_a = Number of Stories
Frontage Calculation:				
506.3.2	30 W=Weighted W of open space - 30 max		open all sides	
506.3.3	1.00 F/P = fronts on OS / perimeter		open all sides	
	0.75 I_f = $[F/P - 0.25] \times W/30$			

ADDITION AND ALTERATIONS TO THE MENLO PARK PUBLIC LIBRARY

A-26429



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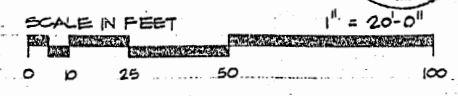
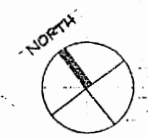


SITE PLAN

NOTE: IF ALTERNATE 'B' IS SELECTED FOR THIS PROJECT, OMIT THIS SHEET & REFER TO SHEET A1.1

NOTE: VERIFY FINAL CONFIGURATIONS OF CURBS, WALKS, PAVERS, EDGE STRIPS, ETC. IN THE FIELD WITH THE ARCHITECT.

ALMA STREET



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SITE PLAN

SCALE: AS NOTED

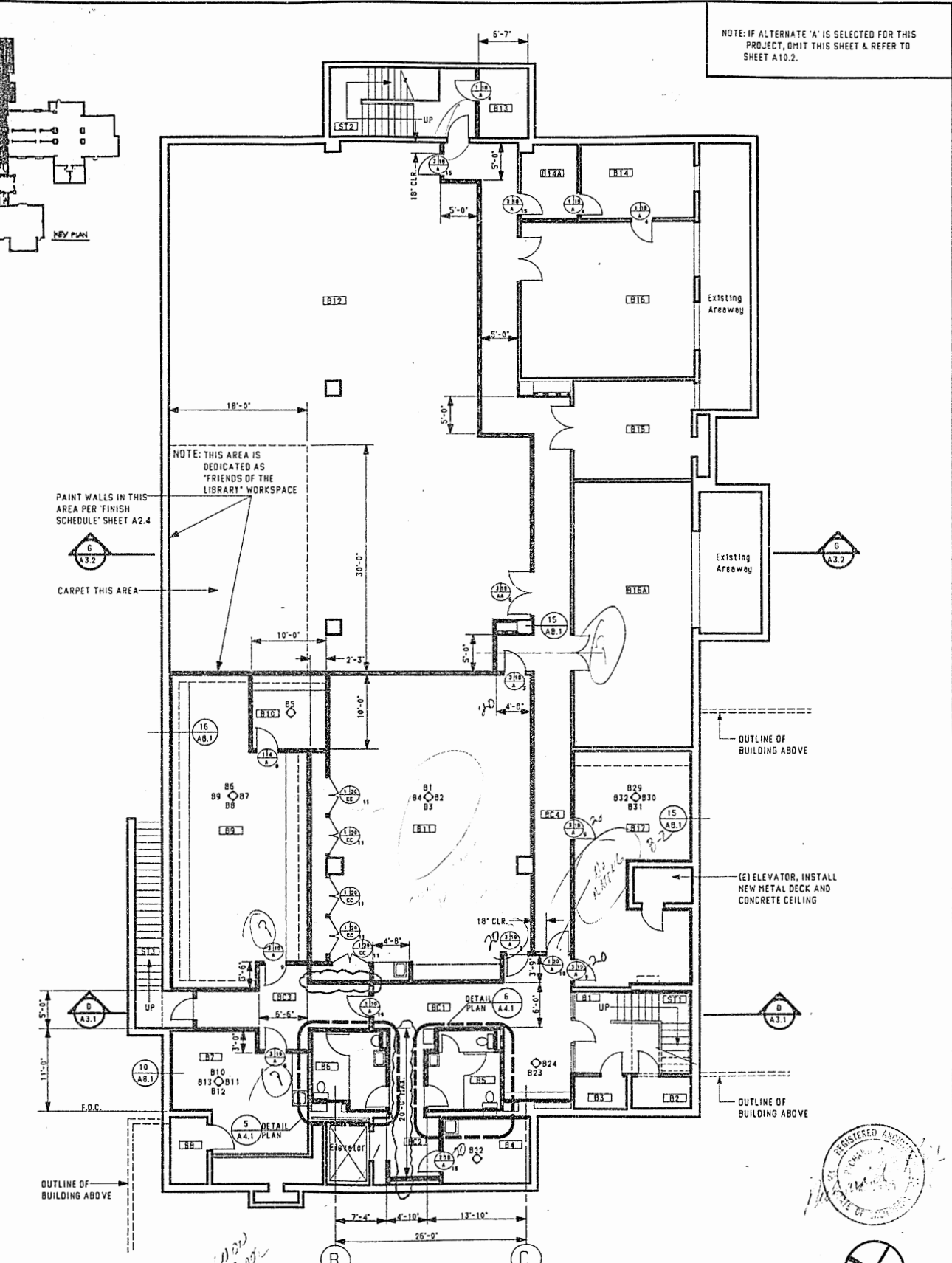
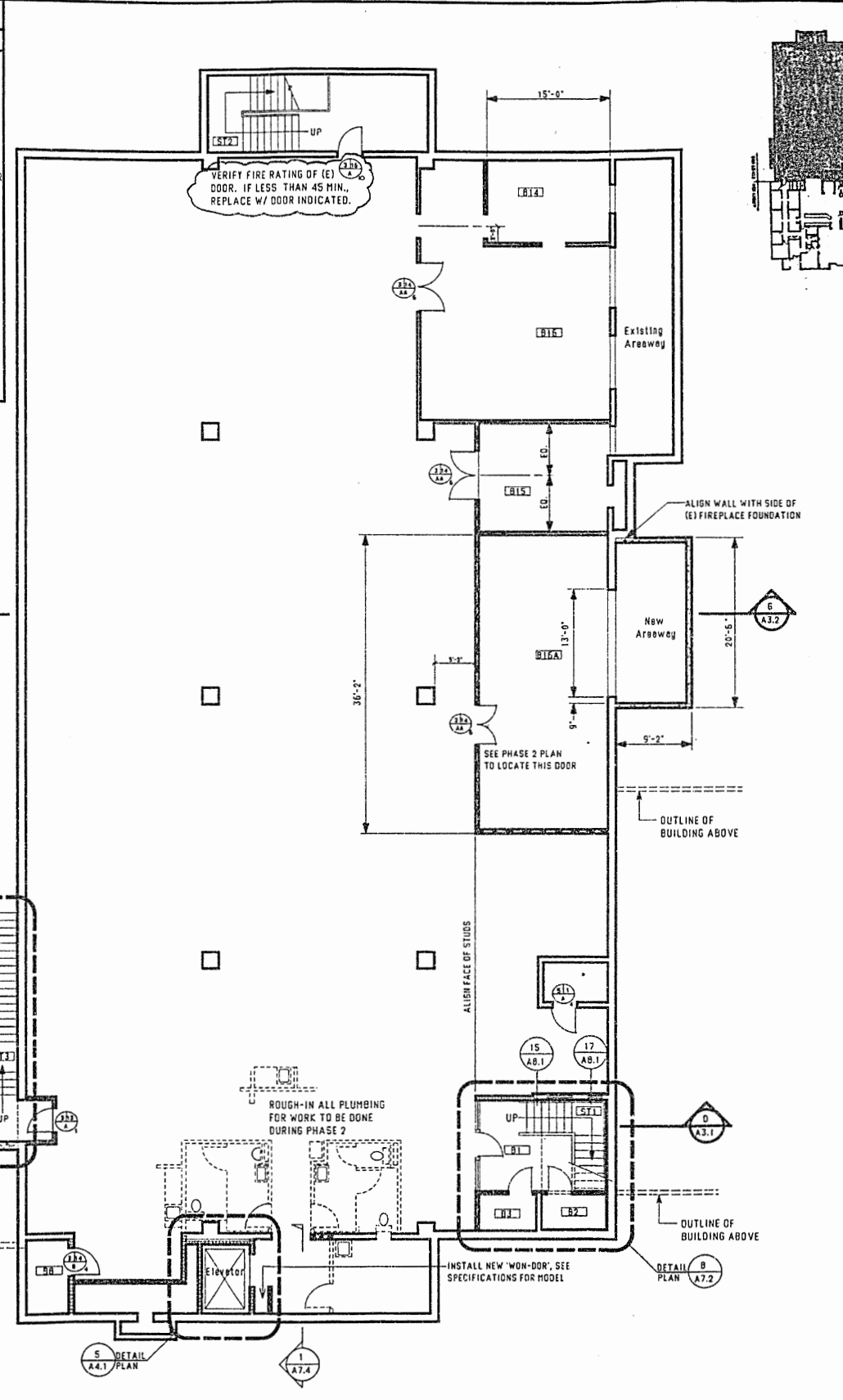
1/20/91 A1.1

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 WESLEY CHOW, AIA

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 800 ALMA STREET
 MENLO PARK, CALIFORNIA

A26429

ROOM LEGEND	
NUMBER	ROOM NAME
B1	STAIR LOBBY
B2	STORAGE
B3	STORAGE
B4	JANITOR'S CLOSET
B5	WOMEN'S TOILET ROOM
B6	MEN'S TOILET ROOM
B7	STAFF LOUNGE
B8	ELEVATOR MACHINE ROOM
B9	TECHNICAL SERVICES
B10	TECH. SERVICES SUPERVISOR
B11	CONFERENCE ROOM
B12	STORAGE
B13	ELECTRICAL ROOM
B14	STORAGE
B14A	MECHANICAL ROOM
B15	MECHANICAL ROOM
B16	MECHANICAL ROOM
B16A	MECHANICAL ROOM
B17	HISTORY
BC1	CORRIDOR
BC2	CORRIDOR
BC3	CORRIDOR
BC4	CORRIDOR
ST1	STAIRS
ST2	STAIRS
ST3	STAIRS



NOTE: IF ALTERNATE 'A' IS SELECTED FOR THIS PROJECT, OMIT THIS SHEET & REFER TO SHEET A10.2.

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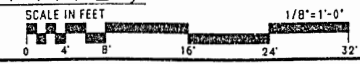
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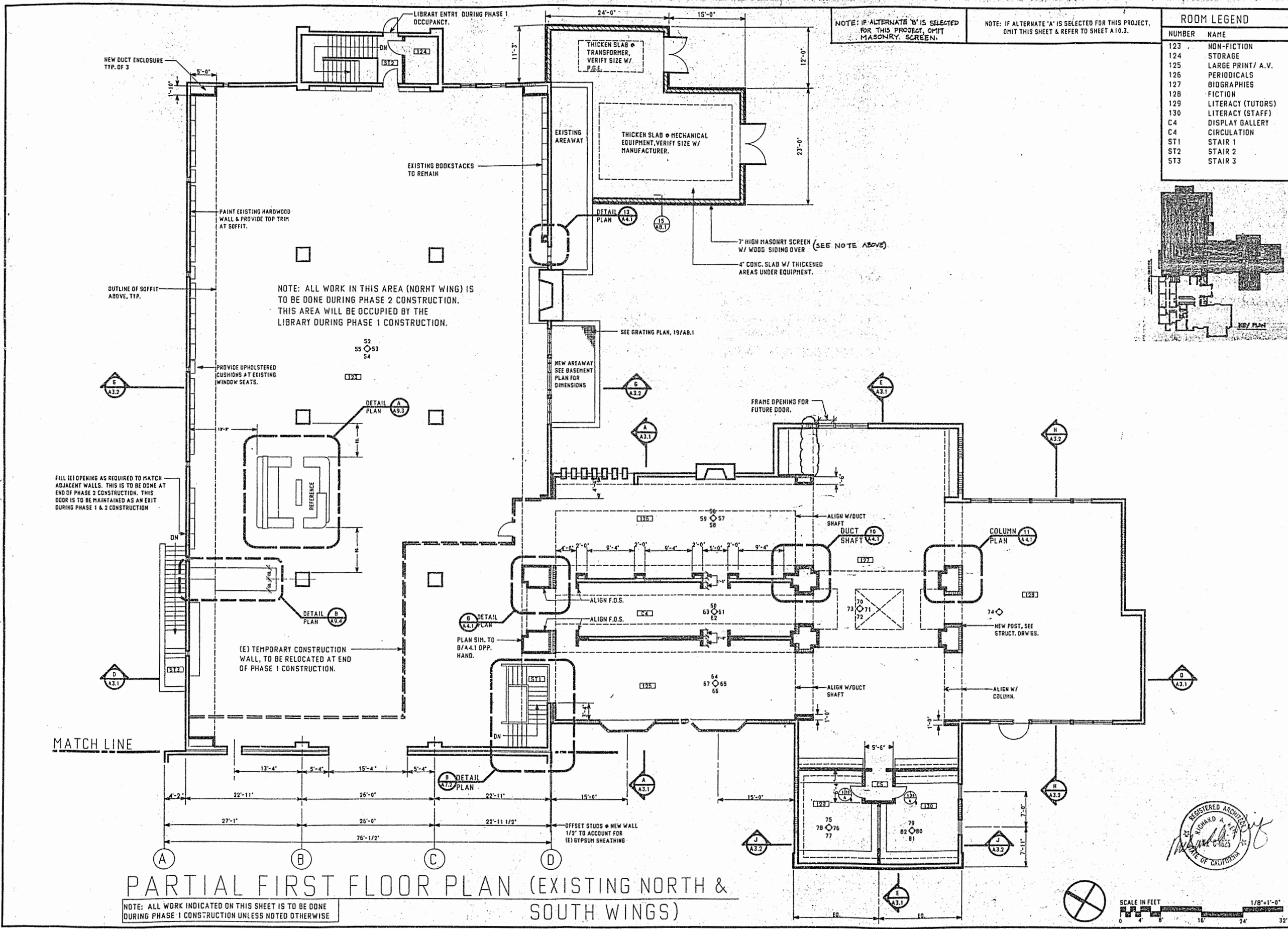
PHASE 1 BASEMENT PLAN
 PHASE 2 BASEMENT PLAN

SCALE: 1/8" = 1'-0"

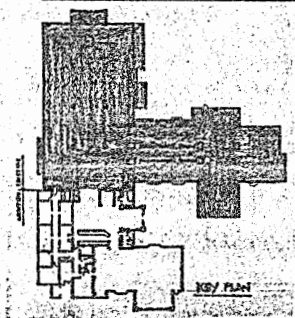
1/20/91 A2.1

BASEMENT FLOOR PLAN (NORTH WING) BASEMENT FLOOR PLAN (NORTH WING)





ROOM LEGEND	
NUMBER	NAME
123	NON-FICTION
124	STORAGE
125	LARGE PRINT/ A.V.
126	PERIODICALS
127	BIOGRAPHIES
128	FICTION
129	LITERACY (TUTORS)
130	LITERACY (STAFF)
C4	DISPLAY GALLERY
C4	CIRCULATION
ST1	STAIR 1
ST2	STAIR 2
ST3	STAIR 3



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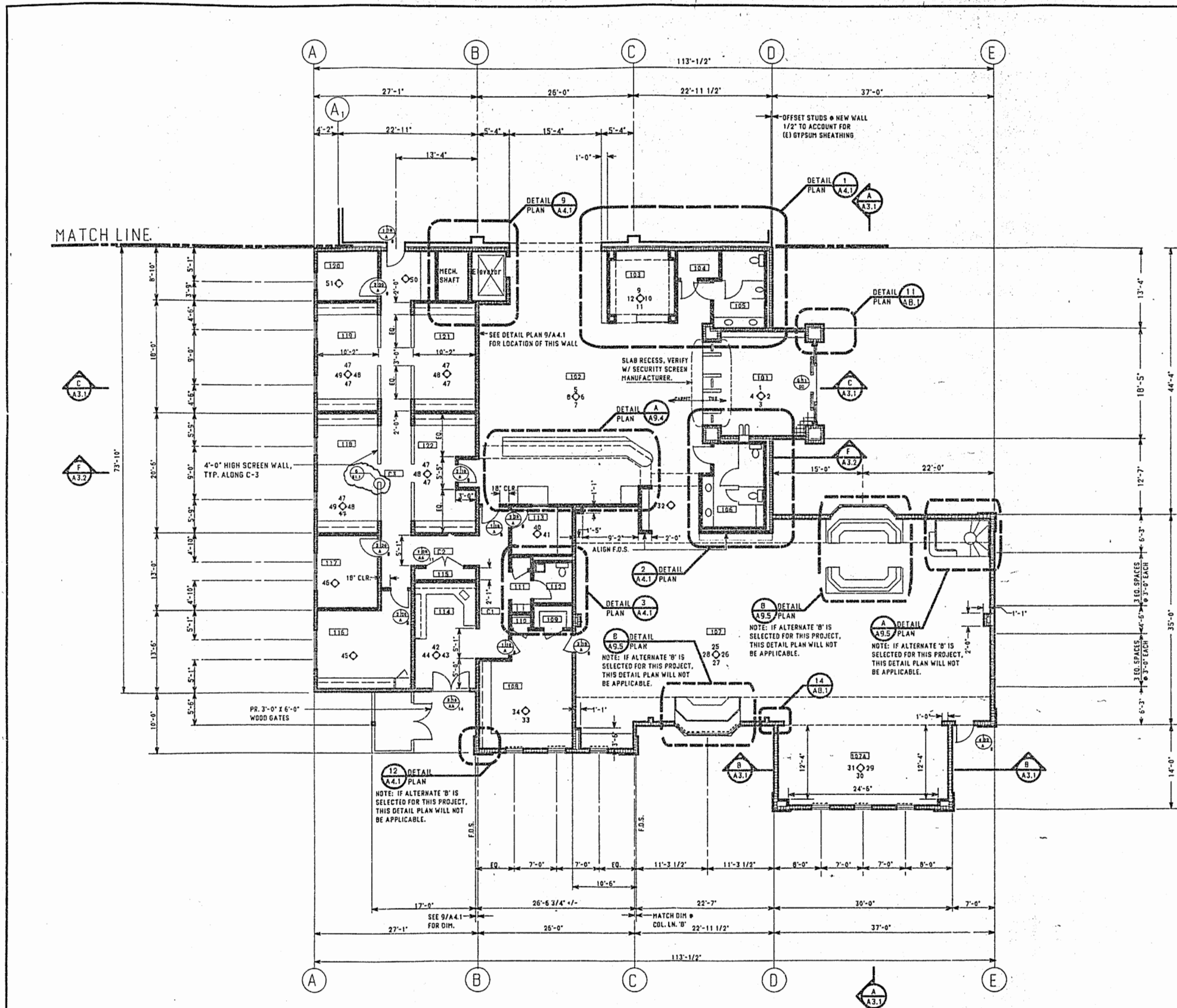
PARTIAL FIRST FLOOR PLAN EXISTING NORTH & SOUTH WING.

SCALE: 1/8"=1'-0"

1/22/91 A.2.2

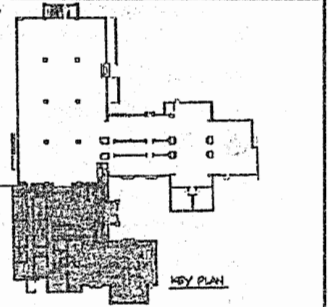
PARTIAL FIRST FLOOR PLAN (EXISTING NORTH & SOUTH WINGS)
 NOTE: ALL WORK INDICATED ON THIS SHEET IS TO BE DONE DURING PHASE 1 CONSTRUCTION UNLESS NOTED OTHERWISE

A.26429



ROOM LEGEND	
NUMBER	NAME
101	ENTRY VESTIBULE
102	LOBBY
103	FRIEND'S STORE
104	JANITOR'S CLOSET
105	MEN
106	WOMEN
107	CHILDREN'S ROOM
107A	CHILDREN'S REFERENCE
108	CHILDREN'S STAFF
109	STORAGE
110	STORAGE
111	LOCKERS
112	STAFF TOILET
113	CIRCULATION SUPERVISOR
114	DELIVERIES
115	CLOSETS
116	DIRECTOR'S OFFICE
117	CONFERENCE
118	WORD PROCESSING
119	REFERENCE STAFF
120	REFERENCE SUPERVISOR
121	WORK STATIONS
122	CIRCULATION STAFF
C1	CIRCULATION
C2	CIRCULATION
C3	CIRCULATION
C4	CIRCULATION
C5	CIRCULATION

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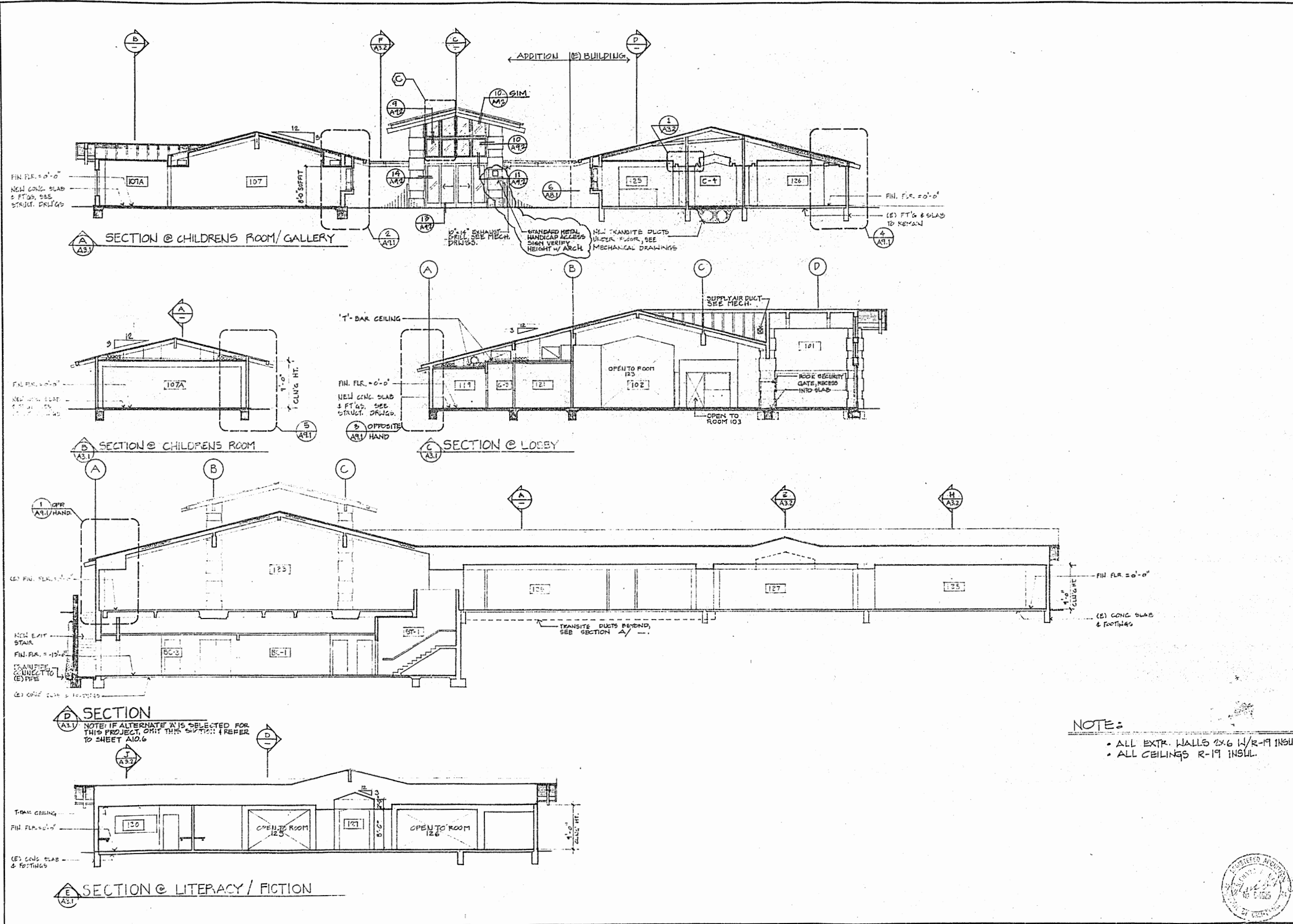
PARTIAL FIRST FLOOR PLAN

SCALE: 1/8" = 1'-0"

PARTIAL FIRST FLOOR PLAN (NEW WING)

NOTE: ALL WORK ON THIS SHEET IS TO BE DONE DURING PHASE 1 CONSTRUCTION.





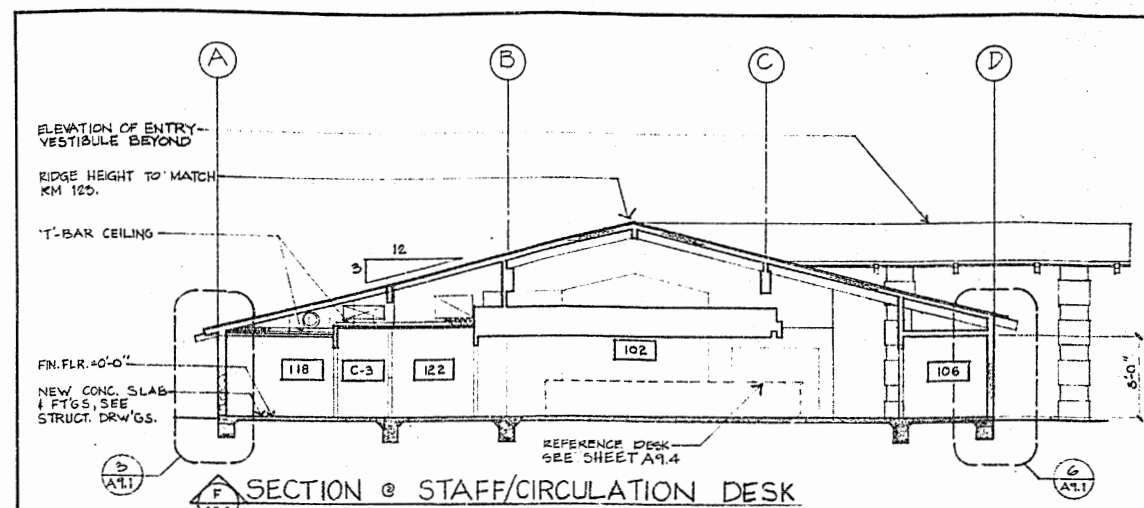
**REIF · CHOW · ASSOCIATES
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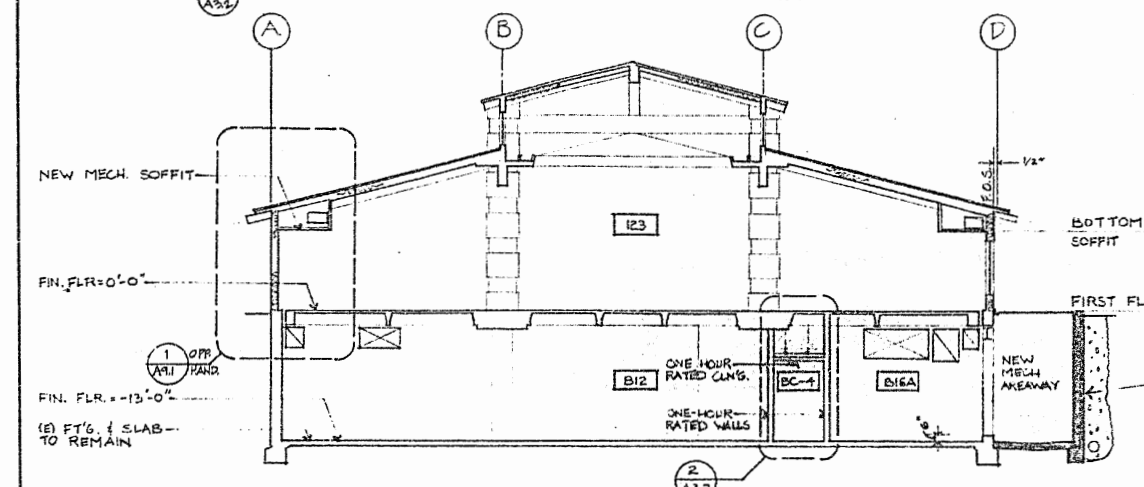
NOTE:
 • ALL EXTR. WALLS 2X6 1/2 R-19 INSUL.
 • ALL CEILINGS R-19 INSUL.



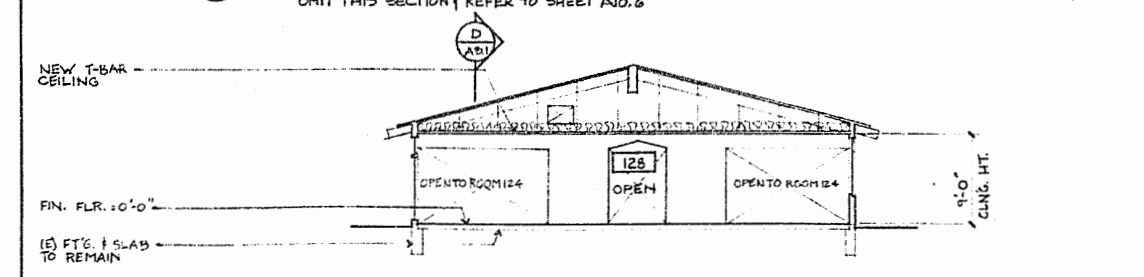
SCALE 1/8" = 1'-0"
 1/10/11 A3.1



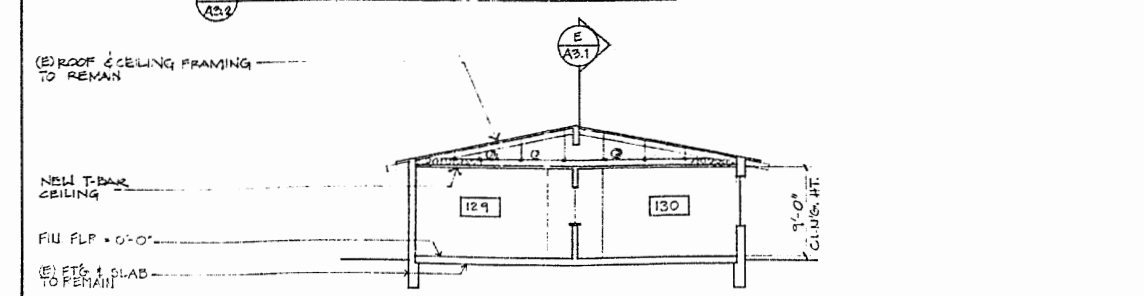
SECTION @ STAFF/CIRCULATION DESK



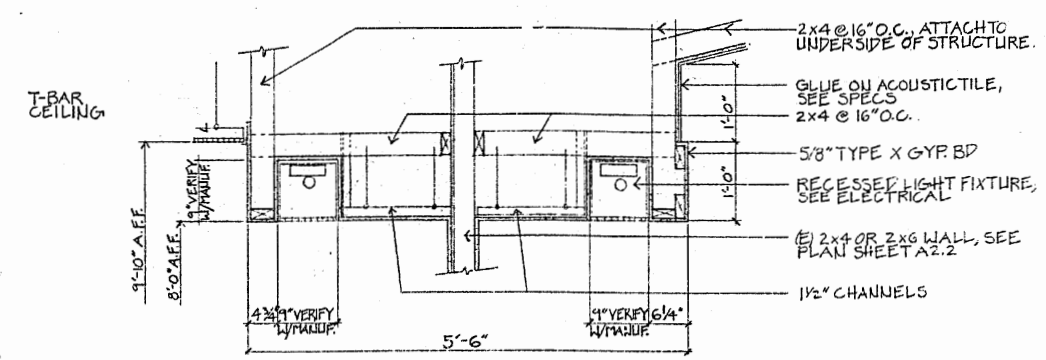
SECTION @ NON-FICTION
NOTE: IF ALTERNATE 'A' IS SELECTED FOR THIS PROJECT, OMIT THIS SECTION & REFER TO SHEET NO. 6



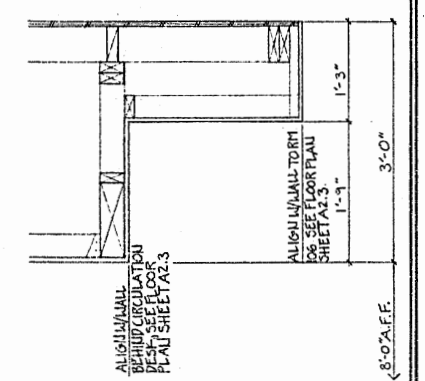
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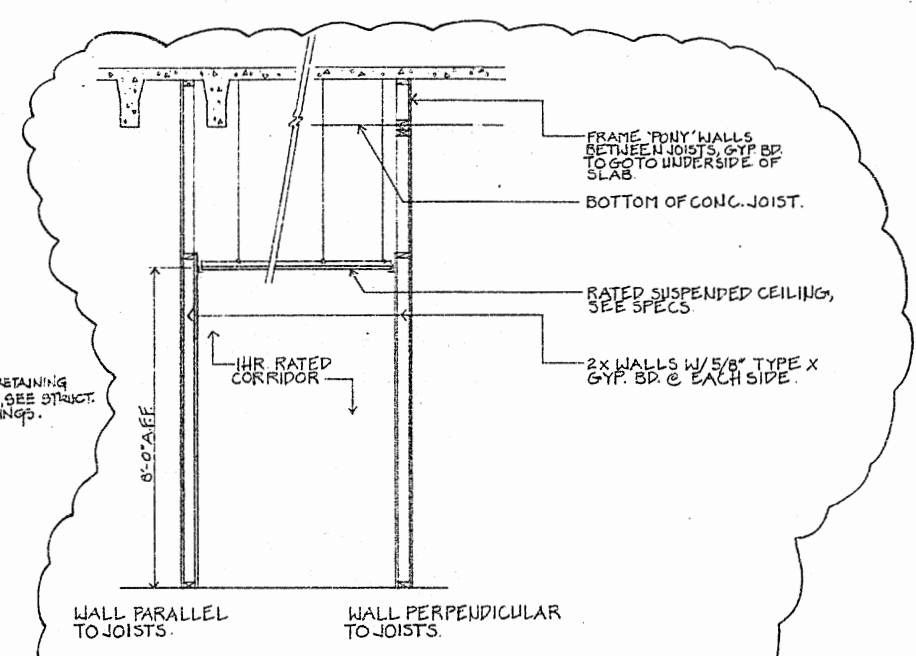
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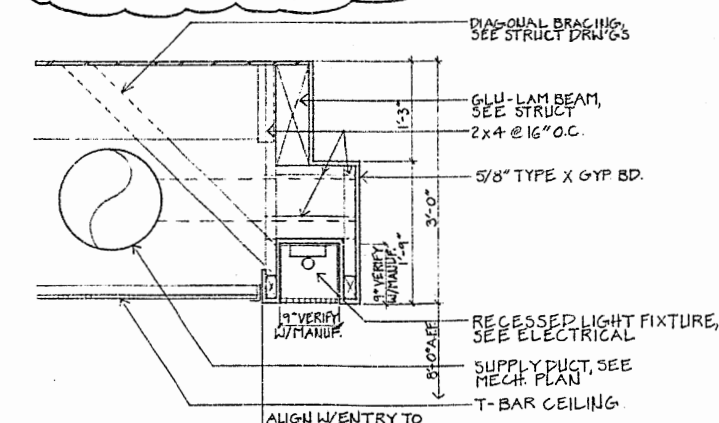
SOFFIT DETAIL



SOFFIT DETAIL



SECTION @ 1HR. CORRIDOR
NOTE: REFER TO STRUCT. DRW'GS FOR ATTACHMENT TO CONC. STRUCTURE.



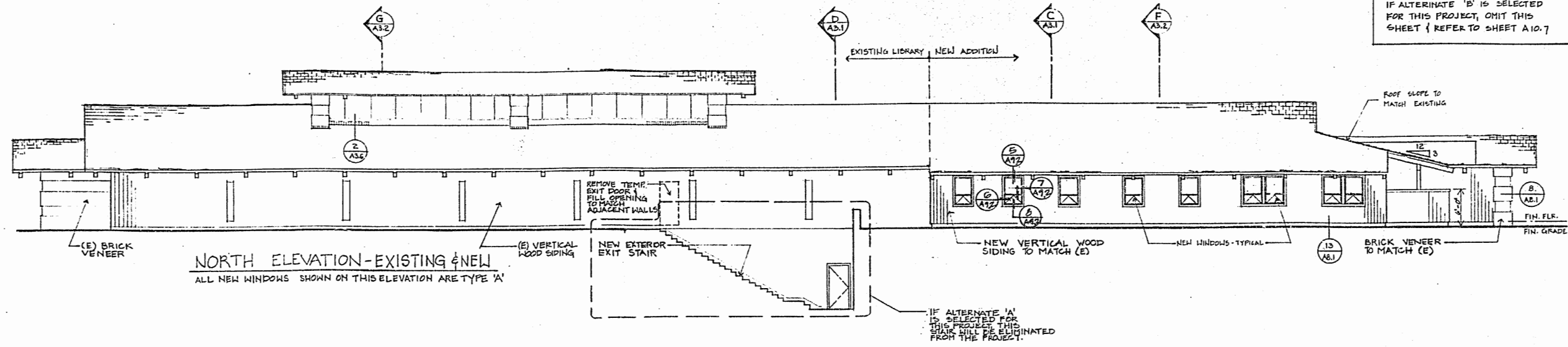
SOFFIT @ CIRCULATION DESK

REIF·CHOW· ASSOCIATES
ARCHITECTURE AND PLANNING
1150 EL CAMINO REAL · MENLO PARK · CALIFORNIA
TELEPHONE (415) 853-1700
RICHARD A. REIF, AIA
WESLEY CHOW, AIA

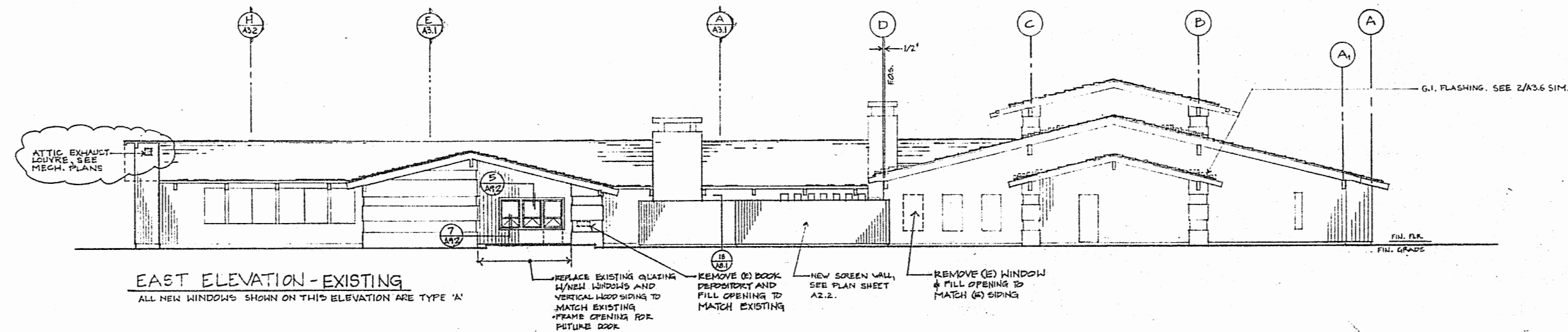
MENLO PARK PUBLIC LIBRARY
800 ALMA STREET
MENLO PARK, CALIFORNIA

SCALE: 1/8" = 1'-0"
1/20/11
A3.2

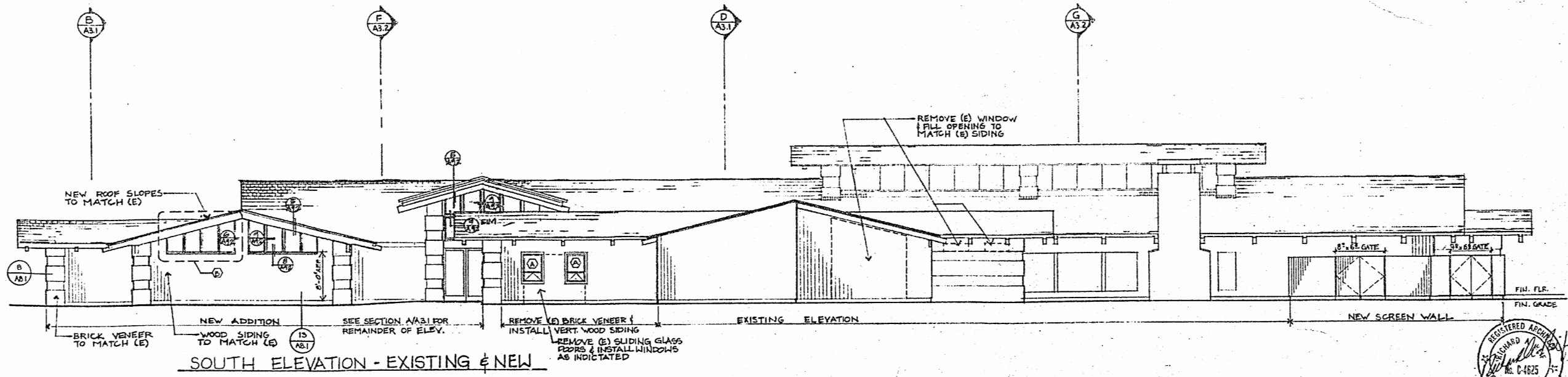
IF ALTERNATE 'B' IS SELECTED FOR THIS PROJECT, OMIT THIS SHEET & REFER TO SHEET A10.7



NORTH ELEVATION - EXISTING & NEW
ALL NEW WINDOWS SHOWN ON THIS ELEVATION ARE TYPE 'A'



EAST ELEVATION - EXISTING
ALL NEW WINDOWS SHOWN ON THIS ELEVATION ARE TYPE 'A'



SOUTH ELEVATION - EXISTING & NEW

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TELEPHONE (415) 853-1700 ZIP CODE 94025
RICHARD A. REIF, AIA
WESLEY CHOW, AIA

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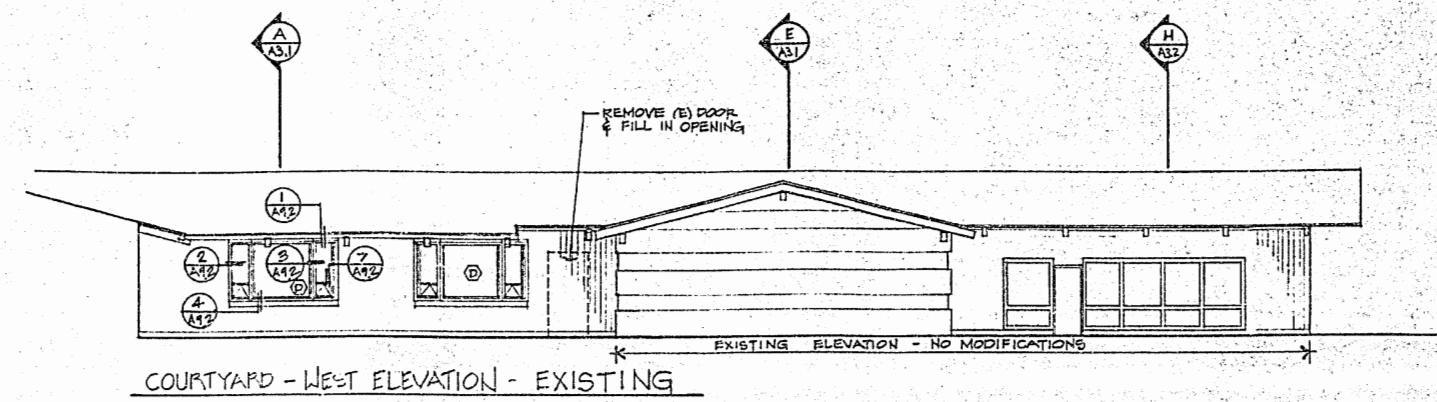


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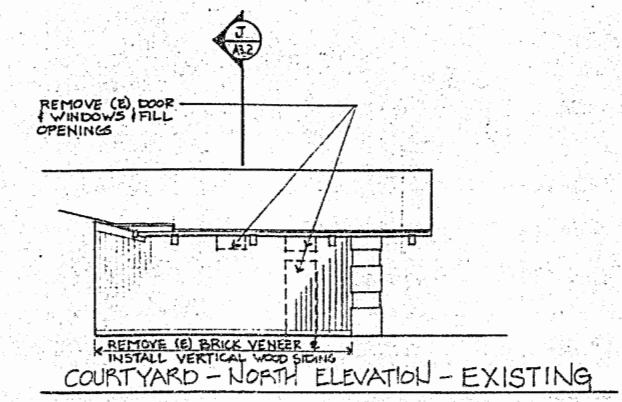
1/22/91
A3.4

IF ALTERNATE 'B' IS SELECTED FOR THIS PROJECT, OMIT THIS SHEET & REFER TO SHEET A10.8

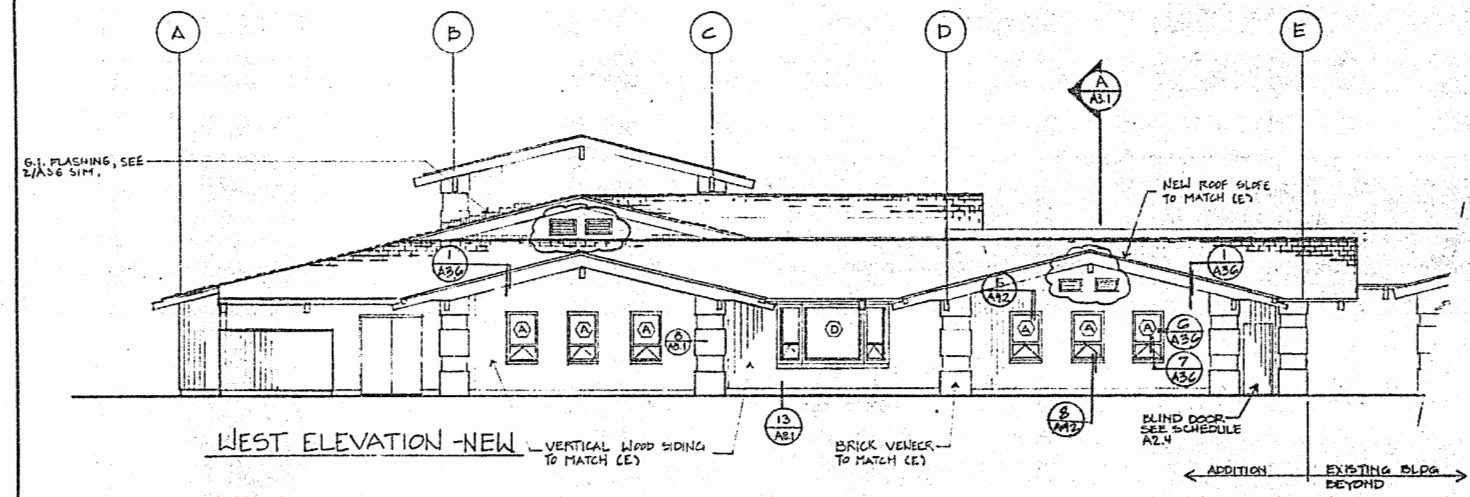
REIF·CHOW· ASSOCIATES
 ARCHITECTURE AND PLANNING
 1150 EL CAMINO REAL, MENLO PARK, CALIFORNIA 94025
 TELEPHONE (415) 853-1700
 RICHARD A. REIF, AIA WESLEY CHOW, AIA



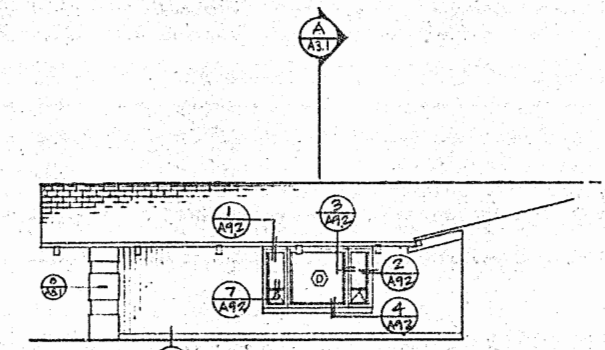
COURTYARD - WEST ELEVATION - EXISTING



COURTYARD - NORTH ELEVATION - EXISTING

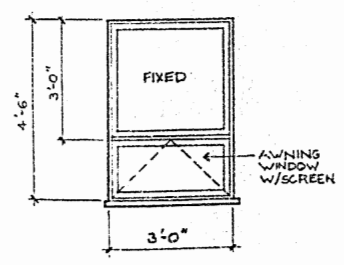


WEST ELEVATION - NEW

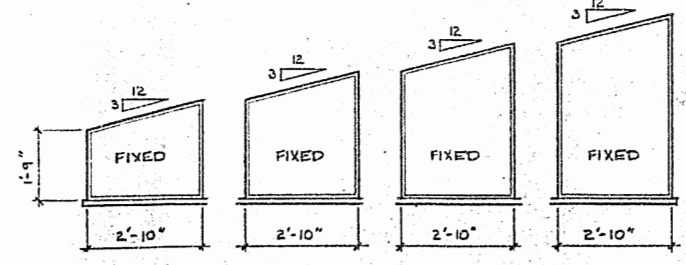


COURTYARD - EAST ELEVATION - NEW

WINDOW SCHEDULE

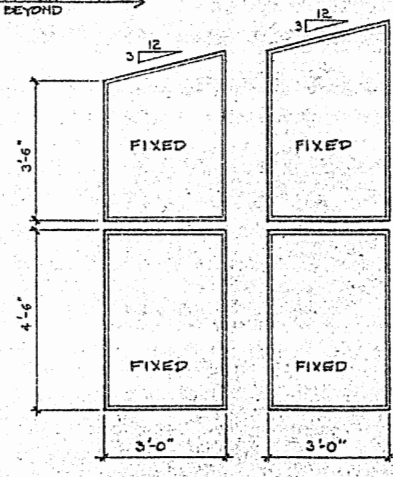


A WINDOW TYPE 1/2" = 1'-0"



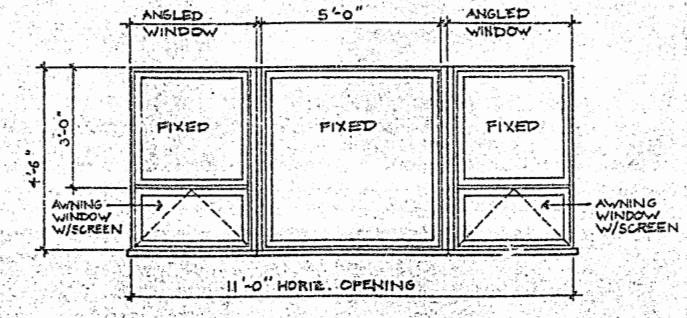
B WINDOW TYPE 1/2" = 1'-0"

FIELD VERIFY ALL VERTICAL DIMENSIONS NOT INDICATED



C WINDOW TYPE 1/2" = 1'-0"

FIELD VERIFY ALL VERTICAL DIMENSIONS NOT INDICATED



D WINDOW TYPE 1/2" = 1'-0"



MENLO PARK PUBLIC LIBRARY
 800 LAUREL STREET
 MENLO PARK, CALIFORNIA

EXTERIOR ELEVATIONS WINDOW SCHEDULE

SCALE: 1/8" = 1'-0"

1/25/91 A3.5

November 7, 2016

Chris Noll
Principal
Noll & Tam Architects
729 Heinz Ave. #7
Berkeley, CA 94710

Project: Menlo Park Library
Subject: Structural Conditions Assessment
Project No.: 16101

Dear Chris,

We have completed our first review of the three existing structures that makes up the Menlo Park Public Library. This letter

Introduction

The purpose of this narrative is to summarize our initial thoughts regarding the existing construction, building condition, adequacy of the existing seismic force resisting system, and possible structural modification that might be considered as part of a remodel and expansion project.

Building Review

Our review of the building is based on a design team site walk through on October 18th and our first review of provided drawings. Drawings include the following:

- 1966 library addition drawings (northwest wing) title “Library Addition, City of Menlo Park, Civic Center” prepared by Kingsford Jones Architect, and November 15, 1966 dated, (11 sheets)
- 1991 library renovation drawings title “Menlo Park Public Library drawings, prepared by Reif Chow Associates and dated January 28, 1991; (45 architectural sheets and 16 structural sheets)
- 2009 renovation drawings, titled “Menlo Park Library, Children’s and Young Adult Library Interior Renovation” prepared by BSA Architects and dated July 31, 2009; (12 sheets).
- 2011 accessibility upgrade titled “Main Library Women’s Room Accessibility Upgrades,” prepared by City of Menlo Park Engineering Division and dated December 6, 2011.
- 2012 boiler room update first sheet titled “Main Library – Existing Mechanical/Boiler Room,” prepared by City of Menlo Park Engineering Division, and dated July 5, 2012; (2 sheets)
- 2012 lobby renovation titled “Menlo Park Public Library Lobby Renovation,” prepared by Noll and Tam Architect, and dated March 16, 2012; (7 sheets).

As part of our initial review we identified/confirmed existing structural systems and the buildings physical condition. We also consider the potential deficiencies in the structural gravity and seismic lateral systems. This review has not included any formal structural calculations but is based on our years of experience evaluation in evaluating existing buildings. The investigation carried out so far provided only limited review of existing conditions from readily accessible locations.

Building Description

General

The City of Menlo Park Public Library is a single-story timber framed shear wall structure originally built in 1957 with additions in 1968 and 1991.

The structure is arranged in three wings as defined by the date of construction; the original 1968 library to the east, the 1968 tall clear story volume space with surrounding lower ceiling space and a basement level below to the northwest and the 1991 addition to the southwest.

All three wings include timber framed construction superstructure construction. The 1957 and 1991 wings are supported on a spread footing foundation system with concrete slab-on-grade floors. The 1968 addition is supported by perimeter concrete retaining walls and 8 concrete columns that extend from the roof to the basement level and bearing on a perimeter continuous spread footing and isolated spread footings, respectively, below the basement floor.

The suspended first floor of the 1968 addition is a concrete pan joist system spanning northwest to southeast between exterior retaining walls and interior concrete girders spanning between

Building Condition

Most of the structural wall and roof framing is hidden from view by wall and ceiling finishes and was not visible for observation. However, based what we could see during our half day walkthrough, it appears that the building overall is in very good condition with no visible signs of structural damage or disrepair due to infestation, water damage or any other cause

Lateral Seismic and Wind Resisting system

The original 1957 structure and 1968 addition were designed and built well before the advent of the field of seismic engineering. While some engineers during that time made attempts to incorporate seismic design concepts, few engineers fully understood or considered the seismic behavior of structural systems and buildings. However, the 1991 addition and renovation project appears to have included not only structural engineering for the new addition but also a complete seismic upgrade of the lateral system for the two existing wings, to meet the requirements of the 1988 Uniform Building Code, which was the prevailing code at the time. The seismic provisions of the current 2013 California Building Code for timber framed construction, used throughout California, have not changed in any substantive way since this 1991 construction. While some areas of California have seen significant increase in seismic forces that must be considered for design, based on more recent seismic mapping by USGS, seismic mapping for the Menlo Park Library building site, based on ASCE 7-10 (Minimum Design Loads for Building and Other Structures) allows a slightly lower seismic base shear force (Currently about 17% lower than seismic coefficient in 1957) compared with lateral forces that the 1991 drawings imply were considered in the seismic retrofit design. Therefore, in general we anticipate that no seismic improvements are necessary. Timber shear walls are typically used to resist seismic and wind forces except at the high ceiling clear story in the 1968 addition where 6 of the concrete columns extend to the supported the upper roof of the clear story and to provide lateral resistance to brace the roof and to transfer the seismic forces

to the lower roof. Column designed in 1968 typically lacked sufficient lateral tie reinforcing and/or tie spacing was too great to adequately resist seismic forces however, based on our initial review the columns strength appears substantial and may be adequate for the modest seismic forces at this level.

Structural Modification Opportunities

Noll and Tam is in the process of developing possible renovate and/or expansion options to improve and add space to the existing library. Currently several concepts have been proposed to help improve the existing library spaces. Following are several modifications to structural system that could be considered. We would be happy to consider other options as

Remove Select Interior Shear Walls

Interior shear walls and several chases that are currently used for HVAC routing occur on each side along the 1957 building ridge. The 1991 drawing suggest that these timber framed shear walls were either added or strengthened by adding additional plywood as part of the 1991 seismic upgrade work. Based on preliminary analysis, it appears possible that some of these interior walls could be removed if remaining exterior walls were strengthened. It is uncertain whether the existing exterior foundations that support these shear walls are of adequate size and strength. If exterior footings are insufficient to resist the added seismic forces, strengthening could be achieved from the exterior. Similar, if walls are not sufficient alone, walls could be double up with supplemented exterior shear walls or braces, below the existing eaves.

Opening in First Floor Concrete Pan Joist

To improve the quality of the of the basement space in the 1968 wing, Noll and Tam is considering options to open the space and to bring in more light. Since the existing first floor system is a non-restressed concrete pan joist system, we believe that openings can be easily created between the two interior girder lines that run northeast to southwest breaking the building into thirds. Based on our preliminary review, girders are quite wide to help minimize girder torsion, and therefore we believe floor penetrations could be added the full width between girders without structural strengthening. The opening width is largely flexible except that some joists appear to be slightly larger (for example on either side of fire place) and so it might be desirable to avoid cutting these larger joists but this can be reviewed further. Openings can also be cut through pan joists and slabs at the exterior bay between the basement retaining wall and the girder. However, prior to cutting these openings some strengthening of the top of retaining walls would be required. The scope of this strengthening could include a below grade concrete beam to brace the top of wall out-of-plane and/or drilled soldier beams, like those installed next to the exterior stair to the basement added in 1991 along the northwest side.

As an alternative to the floor openings exterior lightwells could be added along the northwest side to bring in light and open the basement to an outdoor patio space.

Mechanical and Plumbing Report

MENLO PARK MAIN LIBRARY

800 ALMA STREET
MENLO PARK, CALIFORNIA

MECHANICAL AND PLUMBING ASSESSMENT REPORT

PREPARED BY

CAPITAL ENGINEERING CONSULTANTS, INC.

11020 SUN CENTER DRIVE, SUITE 100

RANCHO CORDOVA, CA 95670

November 28, 2016

EXECUTIVE SUMMARY

Background and Purpose of Assessment Report

This report documents the findings of field survey work performed on October 18, 2016 to determine the condition of the existing HVAC and Plumbing systems at the Main Library in Menlo Park. This report comments on the life expectancy of the existing systems, any observed code or safety deficiencies, and also makes recommendations for improvements for the proposed remodel or building re-structuring. The Main Structure was built in 1966 and in 1991 the current Administration Area and Children Wing was added.

Summary of Existing Conditions and Recommended Improvements

HVAC: The mechanical heating and cooling system for this building consist of a Central Boiler and Central Air Cooled Chiller. Two Air Handlers are located at the basement level and are in separate mechanical rooms. The Original Air Handler has recently been renovated with (4) individual cooling coils creating zoning for the main circulation areas (1991). The Second Air Handler also has cooling coils (1991) and serves the Fiction/Biographies/ Periodicals Areas.

It should be noted that the major mechanical pieces of equipment have been replaced within the last 1-3 years and are in excellent condition. This includes the follow:

1. Air Cooled Chiller and all exterior Chilled Water Piping - High Efficiency and Low Noise. **(Installed 2015)**
2. Gas Fired Boiler has been replaced. work completed by the City of Menlo Park. **(Installed 2013)**
3. Main Circulation Pumps, and Motors. **(Installed 2013)**
4. Variable Frequency Drive Pumps have been added to the HW Pumps, and Chilled Water Pumps. **(Installed 2013)**
5. Energy Management Control System. New Direct Digital Control Systems have been installed. The Manufacturer is "Alerton Technologies" and is a Standard for the City of Menlo Park's. **(installed 2015)**
6. Gas Fired Domestic Hot Water Heater **(Installed 2013)**

Overall the Major Mechanical System Components are in very good condition and we would only recommend replacement of the following components:

1. Existing Hydronic Hot Water Piping. This piping is all original and over 51 years old. The majority of this piping is fairly easy to access and would most likely be replaced as part of any renovation project to accommodate new zoning.
2. The existing HHW Piping mentioned above serves Variable Air Volume Boxes with Hot Water Reheat. These boxes, due to age, should be replaced in their entirety.
3. Replace all exhaust fans in Toilet Rooms, Storage Rooms, and Work Rooms.
4. We would highly recommend duct cleaning for any existing ducting that would be re-used. Additionally, both Air Handlers should have internal cleaning preform.

As part of any remodel, or new space planning, consideration should be given to the existing duct routing. Several existing duct shafts are in key locations within the first floor area and are used to supply conditioned air from the basement areas to the first floor ceiling. Additionally, the main circulation space has floor mounted registered that should remain active.

HVAC Problem Areas: Temperature and Zoning issues were noted at the following areas:

1. Basement Work Area: It was noted that this space can become stuffy and uncomfortable during certain times of the year. It was observed that the space only had a single ceiling suspended air handler which provided only heating. This unit does not have any provisions for code required ventilation air, and has no cooling capability. Systems for their new usage. This could be accomplished with dedicated fan coil units for this space. Chilled water is available and the existing is near the existing mechanical room and could be utilized for this application. Another option would be to install small Split-Systems, Mitsubishi style fan coils. (DX cooling) for the work area. Outside Ventilation Air is also available thru an abandoned ventilation shaft that was once used for the original water cooled chiller.
2. Basement Meeting Room: Another area that was noted to be under ventilated was the main basement meeting room used by the public. This area appears to have adequate air flow (per plans), however an air balance should be performed to insure the required cfm is being delivered. Additionally, a small Split-Systems, Mitsubishi style fan coil could be installed. This would allow for off hour operation without having to start the main central plant.
3. Children's Area: It was mentioned during the site walk that this space has an excessive amount of mechanical "air" noise. This could also be heard at the main Entry Lobby.



New "Alerton" Control Thermostat – Typical all Spaces



Gas Fire Places – Typ. of 2



Typical Circulation Area – Note Supply Air Grille at floor.



Basement Work Room Air Handler – No Outside Air Connection.



Basement – Abandoned Exhaust Fan. (served old cooling tower)



New Hydronic Heating Boiler



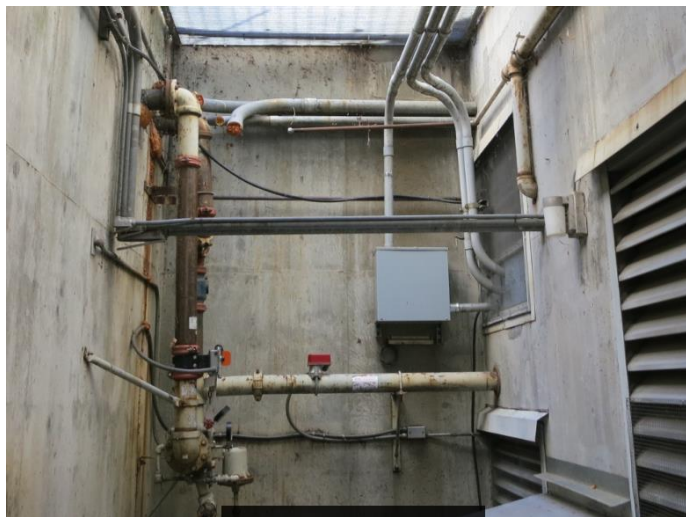
New Air Cooled Chillers



New Energy Management System and Variable Frequency Drive for Air Handlers.



New Domestic Water Heater and Pump.



Existing Fire Sprinkler Riser – Fair condition.

PLUMBING: The Plumbing and Piping Systems appear to be original to the building with various plumbing fixture replaced as required by ADA. All original plumbing fixtures should be scheduled to be replaced with future modernization projects to provide clean and sanitary conditions for use by the Staff and Public and to meet ADA current code requirements.

It was noted during the site walk that the original basement lift station had failed in the past and this may be in part to obstruction of the existing sewer main exiting the building.



Electrical Report

O'MAHONY & MYER
ELECTRICAL ENGINEERING & LIGHTING DESIGN

San Rafael, California
Pacific Harbour, Fiji

November 4, 2016

Brian O'Mahony
Jan P. Myer
Paul Carey
Pieter Colenbrander
David Orgish

Noll & Tam Architects
729 Heinz Ave., #7
Berkeley, CA 94710

Attn: Ned Reifenstein

Re: Menlo Park Library
Electrical / Lighting / Signal Systems Conditions Assessment

Dear Ned,

O'Mahony & Myer visited the Menlo Park Library site on October 18th, 2016 to review the existing conditions of the electrical, lighting, and signal systems. The purpose of our review was to evaluate the condition of the various systems and to comment on their ability to support future use and building renovation or expansion. Below is a summary of the existing conditions and our recommendations:

Power Service:

The Library facility is fed with a dedicated PG&E transformer (#T-3429) to an 800 Amp, 277/480V, rated Main Switchboard (Meter #X00383) that serves (4) sub-feed loads to the rest of the building:

1. 480V Distribution Panel DP-1 (at Basement Electric Rm).
2. 480V to 208V Transformer TX-1 (at Basement Electric Rm).
3. 480V Chiller Equipment (at exterior yard).
4. Modular Building Load

The switchboard is as manufactured by I.E.M. and is located at the exterior of the building in an electrical / mechanical service yard at the North/East corner of the building. It is in reasonable condition, and could be retained, but the overall load capacity will not be sufficient to serve the proposed building expansion.

If the building is expanded, the switchboard should be replaced with a larger electric service and transformer. Currently, the transformer location may not be fully compliant with PG&E Greenbook standards for heavy truck access for servicing.

In order to meet the new requirements, the transformer would either need to be located in a more accessible area, with a longer feeder to a new switchboard, or new truck accessibility would need to be provided on the site. The truck access does not need to be a driveway or roadway, but must be a surface that allows for heavy truck access, specifically in wet weather. This precludes grass and non-compacted dirt areas.

Power Distribution and Branch Circuit Systems:

The Main Switchboard feeds to (2) Distribution Panels located in the adjacent Basement Electric Room.

One panel is a 400A, 277/480V Distribution Panel DP1. This panel feeds a mechanical branch panelboard, (2) lighting branch panelboards, (2) air handling units, and the elevator.

The second panel is a 400A, 120/208V Panel DR, fed via a 112.5kVA dry-type indoor transformer (TX-1). This panel feeds all of the 120V branch power loads in the building (i.e. convenience power and misc. controls / equipment).

All building distribution and branch panels are in good condition and can be re-used. Additional branch panels (in addition to a new service), would be required for building expansion.

There is no dedicated emergency power system for the Library, but the City maintains a small portable gas generator with rubber cord connection to the sump pump located at the Basement mechanical area. The generator is manually activated during periods of heavy rain to maintain sump pump operation.

Various surface mounted electrical raceways and wiring have been added over the years to support modifications in certain areas. These systems are in reasonable shape.

The interior branch wiring systems were not examined or tested as part of our review, but based on the age and condition of the visible electrical systems in the building, these can be considered to be in reasonable condition.

No specific visible electrical circuit deficiencies, installation deficiencies, or electrical code violations were noted during our review.

Interior Lighting Systems:

Interior lighting consists primarily of fluorescent sources with T8 and compact fluorescent lamps. There are also large bowl-style pedant fixtures in the Main Reading Room that contain metal halide lamps. The lighting is generally in good condition and has been maintained well, but the light levels for a Library occupancy are low in numerous areas. Specifically, various stack areas and the Main Reading Room have been noted by Staff to be lacking in proper lighting at night time. A fair amount of daylight is

available in portions of the Reading Room, however, other areas in the East wing are very low at all times. Due to the previously installed parabolic louvered fluorescent fixtures that were common in the 1990's, the walls (in areas without windows) are very dark and give the space a dark feel.

The Library would benefit greatly from new LED lighting systems, to provide adequate light levels and uniformity throughout, including vertical levels on all stack areas.

Exterior Lighting Systems:

Exterior lighting systems include a mix of wall mounted compact fluorescent and older HID sources. The existing fixtures are in fair condition, but the night lighting levels were not observed during our visit and should be addressed in any renovation or expansion, to provide a safe environment for patrons and Staff.

Lighting Controls:

Interior lighting controls are mostly manual and do not meet current California Title 24 Energy Code requirements. The larger public spaces are controlled with a low voltage relay panel system and a central low voltage switch bank located at the Book Sorting equipment room.

Other building lighting controls are generally just local single level wall switches in each room, with no automatic controls.

Exterior lighting is controlled by a simple mechanical timeclock with photocell.

Any new renovation or expansion should include an automatic lighting control system with daylight sensors, dimming capability, occupancy motion sensors, and updated master common area controls.

Emergency Lighting / Exit Signs:

Emergency lighting does not appear to be up to current code for 1 foot candle average in the paths of egress. Many areas have normally off, stand-alone, wall pack, battery fixtures, but some have non-working batteries. Other areas have integral battery ballasts in fluorescent fixtures. Overall coverage of fixtures appears to be lacking.

Exit signs appear to be newer low wattage LED style and located as required by code. They are in good condition.

Telecommunications Systems:

The telecom system includes a Main Distribution Frame (MDF) located in a corner of one of the Basement Mechanical Rooms. Telephone service and the main data system servers are located at this location on a plywood backboard and a wall mounted open-

style data equipment rack. The IT system consists primarily of older Category 5 and 5e rated cabling systems. Category 6 and 6A are current industry standards for this type of facility. Staff indicated that there is wireless coverage and hard-wired ports throughout the facility, but not in the quantity and coverage that would be considered adequate.

There is incoming fiber service from the telephone / broadband company, but no other internal fiber cabling in the building, to additional Intermediate Distribution Frames (IDF's) where other patch panels or equipment could be located.

The location of the IT space is very dusty most likely experiences a higher than normal humidity. It is not a good location for this type of equipment and relocation to a dedicated, and climate controlled, IT Room is recommended.

This could include proper fiber cabling extensions to one or more IDF's to be located throughout the facility, from which newer Ethernet cabling could be extended to wi-fi router locations and hard-wired data ports.

Any building renovation or expansion should include appropriate budget to relocate or enclose the MDF and add new modern Ethernet cabling systems (Category 6A recommended).

Clock and PA Systems:

The facility does not have a central clock system. All wall clocks are battery operated and must be reset manually on a one-for-one basis. If budget allows, new wireless synchronized clocks could be installed to avoid multiple adjustments. Clocks would still be battery operated, but would not require any local adjustment.

The main common areas of the facility have a PA system for general announcements. The system is fed from an amplifier located at the Basement MDF area and it is interfaced with the phone system, for announcements.

The Basement and Staff areas do not have PA system speakers or capability.

Additional capability and coverage for the PA system should be included in these areas and any new expansion of the building.

Fire Alarm System:

The facility fire alarm system is a Honeywell / FCI system. It is scheduled to be fully replaced and upgraded in the near future with a new FireLite system. The new system should provide adequate code required coverage and future capacity for any building changes.

Any building renovation or expansion would make use of the new fire alarm system capacity and match the new devices to that system for compatibility. New devices in

renovated or expanded areas would include horn/strobe notification devices, pull stations at exits, sprinkler water flow and tamper switches, smoke detectors where required by code, and interface with any new elevator systems.

Security System:

The facility includes security sensors and IP camera's throughout. These would be maintained and expanded as required for any new or renovated areas.

If you have any questions or comments on any of the above items, please do not hesitate to call.

Sincerely,



Pieter Colenbrander, P.E.
O'MAHONY & MYER

Stakeholder Workshop

SCHEMES

General:

"The gathering was eye opening. There were good features in each option displayed. One concern that comes through from each option is the need to be aware of work flows for staff and volunteers (FOL) as that influences the amount of space for the non-public areas."

"Thank you. Current building not sacred. Tear it down. Love the dynamic of the design. Story = Positive great views"

PROGRAM

General:

"Why don't want to be the biggest library per capita?"

Friends of the Library:

"Whoa! Hard to get past the 75% reduction in Friends space."

Yes, let's back into it....

Could we try this? → Can we analyze how much space is needed for each Friends activity

<i>Receiving</i>	<i>Sorting</i>	<i>Storage</i>
<i>Processing</i>	<i>Online sales – Processing & Storage</i>	
<i>Work station</i>	<i>Coffee area</i>	
<i>Office supplies storage</i>	<i>"free cart" area</i>	
<i>Book sale stock area</i>	<i>more storage, etc.</i>	

Add it all up to see if 400 is sane. It doesn't seem sane."

"The processing area for FOL is very restrictive"

"Friends of Library would like to discuss the funky aspects of dealing with donations of 200,000 books a year. Logistics and movement of donations."

Bookstore size @ 200 square feet is fine.

Processing area (should be) larger than 400 square feet – How large?

Not sure currently 1500 square feet."

"Will library (plus Friends) continue to offer:

- quality book sales (requires significant space inside and outside for 3 days)*
- Free books (weekly, outside)*
- Place to drop off donations*
- Lobby bookstore"*

PROGRAM (Continued)

Meeting Space:

"Meeting room space is too large in proportion to adult collection"

"Love all the meeting rooms. More = Better."

"I question the idea of using rooms for Project Read tutoring (as) first come first served? Reservation system?"

Aging Population:

"Thank you for all your work! As you move forward please consider the needs of our aging populations, I hope that Menlo Park can become an 'age friendly city' – based on the World Health Organization institute. Santa Clara County wants all its cities to be age-friendly areas.

Please go to the WHO website, learn more + factor these trends into your planning. For my part, I plan to contact our city manager about seeing if we could work towards being designed an age-friendly city and getting our library consistent with that would be very helpful" Lynne Branlett, Library Commissioner

Teens:

"Scheme A-2 raises a question for me:

The teen area is isolated. While they may prefer it, it raises supervision issues. Alum Rock Library [San Jose], for instance, had significant issues because they hadn't planned for visibility of teens. So I'd like to see a 'teen space special design effort' or 'teen use team'"

Program

	CURRENT			PROPOSED			COMMENTS
			AREA			AREA	
1.0 PUBLIC ENTRY			773			1,672	
Entrance / Lobby			450			800	
Friends Of The Library Book Sales			123			200	needs to be ADA
Welcome Desk	1	desk	50	1	desk	50	
Self-Checkout	3	check-out	50	4	stations	160	
Holds			-	6	sections	72	6 sf sections
Restrooms							In GSF
Browsing / Marketplace				12	display units	240	display, mobile
Café				1	cart garage	150	cart location outside, under cover, or possibly in lobby
2.0 MEETING SPACES			1,161			5,070	
Meeting Rooms			1,161			2,490	Accessible from both children's and after hours, dividable
Program Room			1,081			2,000	Accessible from both children's and after hours, dividable
Program Storage	-	-	80			300	Tables, chairs, materials storage
AV Closet	-	-				40	AV Equipment
Catering Kitchen	-	-		1	room	150	
Tech Tutoring			-	12	workstations	480	Enclosed, multipurpose, space for presenter
Maker Space			-	1	rooms	600	
Group Study Rooms						1,500	
Small			-	10	rooms	600	2 person room - incl literacy program
Medium	-	-		4	rooms	600	6 person room
Large				1	rooms	300	12 person room
3.0 ADULT LIBRARY			11,195			12,212	Shelving: 174 DF, 303 SF
Collections			7,152			7,812	
Books			5,996			6,600	
Fiction						2,340	
Non-Fiction						3,972	
Reference						288	
Media			752			756	maintain numbers
Periodicals			404			456	19 sections with 3 titles, can be reduced
Service Desk			196	1	desk	150	
Seating	170		3,847	170		4,250	
Open Seating	149			170	seats	4,250	avg: seats, lounge chairs, 4 person tables
PC's	21						need catalog PC's/tablets, no public use PC's

	CURRENT		PROPOSED			COMMENTS
		AREA			AREA	
4.0 CHILDREN'S LIBRARY		3,095			5,212	Shelving: 66 DF, 90 SF
Collections		2,051			2,892	existing = 2814 for both collection + seating+service
Books		-		2,312 lf	2,664	<= 5 sh
Media		-		20,030 lf	228	+20% lf for dvd
Seating		684			1,630	
Open	62		62	seats 25	1,550	avg: seats, lounge chairs, 4 person tables
Storytime Area						Included in open space
Stroller Area			10	strollers 8	80	
Service Desk		80			130	
Desk		8' X 10'	2	desk 40	80	
Public Seats			2	seats 25	50	
Staff		281			560	double existing
Children'S Staff	3		6	6' x 8' 60	360	need open counter area, benching- 6th station to account for
Storage		-			200	big walk-in closet
5.0 TEEN LIBRARY		652			1,060	Shelving: 0 DF, 30 SF
Teen Seats	14		28	seats 25	700	avg: seats, lounge chairs, 4 person tables
Teen Collections					360	0 DF, 0 SF
Homework Center			-		-	use 2.0 spaces adjacencies: maker/tech room, study rms
6.0 LITERACY PROGRAM		775			740	
Literacy - Staff	6	275	6	6' x 8' 60	360	includes extra for shelving, work counters, cabinets
Literacy - PC's	8	275	8	wrkstations 35	280	no built-ins, more like a classroom
Literacy - Tutoring	8	225	-	group study 100	-	include with group study above?
Storage					100	

	CURRENT		PROPOSED		COMMENTS	
		AREA		AREA		
7.0 STAFF		2,509		3,526		
Director'S Office		219		219		
Staff Workroom		744		940		
Department Head Workstations			3	6' x 8' 60	180	includes extra for shelving, work counters, cabinets
Staff Workstations			7	6' x 7' 54	378	includes extra for shelving, work counters, cabinets
Shared / On-Call Workstations			3	6' x 7' 54	162	includes extra for shelving, work counters, cabinets
IT Workstations			2	6' x 8' 60	120	double space of typical staff work area
Book truck parking/queueing					100	double space of typical staff work area
Technical Processing		757			757	no built-ins
Staff Spaces		364			600	
Staff Restroom						See 9.0 Gross
Staff Break Room		364			300	propose one large room [12 person] instead of 2
Staff Conference Room			2	rooms 150	300	2 6-person project rooms
Shipping /Rec'Ing		179			270	
Counter, 8' x 30"					32	
Staff Mailboxes, etc					80	
Lockers			12	stacks 6	72	
Sorting			6	bin stacks 6	36	
Flow space for bins/boxes					50	
Automated Material Handling		246			300	Two more bins. Near book drop
Storage		-			440	
Secure Storage (IT)					40	
General Storage					400	
8.0 OTHER		3,680			1,561	
Friends Sorting & Processing		3,074	-	-	1,461	per program meeting 04 - 12.06.2016
Mp Historical Association		521	-	-	-	moved out
Foundation Office		85	-	-	100	
9.0 GROSS					-	Counted in Gross Areas
Restrooms - Lobby/Meeting Rms			1		500	
Restroom - Staff			2	rooms	75	
Restrooms - Additional			1		500	
PROGRAM TOTAL		23,840			31,053	
GROSS AREA		33,847			44,362	
EFFICIENCY		70%			70%	

Shelving

	CURRENT					PROPOSED								
	SHELVING UNITS			QUANTITY	LF	TARGET		SHELVING UNITS			QUANTITY	AREA		
	TYPE	HEIGHT	LF/UNIT		UTIL	LF	TYPE	HEIGHT	LF/UNIT	%	/UNIT	TOTAL		
CHILDREN						22,342 LF					156	2,664 SF		
BOOKS						2,312 LF					143	2,436 SF		
NON-FICTION						85%	635 LF				33	660 SF		
66" DF	DF	4	24	18	432 LF		508 LF	DF	4	24	80%	22	24 SF	528 SF
66" SF	SF	4	12	9	108 LF		127 LF	SF	4	12	20%	11	12 SF	132 SF
FICTION						85%	752 LF				41	624 SF		
	DF	5	30	9	270 LF		318 LF	DF	5	30	42%	11	24 SF	264 SF
	SF	5	15	9	135 LF		159 LF	SF	5	15	21%	11	12 SF	132 SF
	SF	6	18	13	234 LF		275 LF	SF	5	15	37%	19	12 SF	228 SF
PICTURE BOOKS						85%	466 LF				37	648 SF		
	DF	4	24	5	120 LF		141 LF	DF	3	18	30%	8	24 SF	192 SF
	DF	3	18	7	126 LF		148 LF	DF	3	18	32%	9	24 SF	216 SF
	SF	5	15	10	150 LF		176 LF	SF	3	9	38%	20	12 SF	240 SF
BOARD BOOKS						85%	28 LF				4	48 SF		
	SF	4	12	2	24 LF		28 LF	SF	3	9	100%	4	12 SF	48 SF
BEGINNING READERS						85%	272 LF				15	300 SF		
	DF	3	18	7	126 LF		148 LF	DF	4	24	55%	7	24 SF	168 SF
	DF	5	30	2	60 LF		71 LF	DF	4	24	26%	3	24 SF	72 SF
	SF	5	15	3	45 LF		53 LF	SF	4	12	19%	5	12 SF	60 SF
OTHER						85%	159 LF				13	156 SF		
Reference	SF	7	21	1	21 LF		25 LF	SF	5	15	16%	2	12 SF	24 SF
Parenting	SF	5	15	3	45 LF		53 LF	SF	5	15	33%	4	12 SF	48 SF
Returns	SF	5	15	3	45 LF		53 LF	SF	5	15	33%	4	12 SF	48 SF
Display	SF	4	12	2	24 LF		28 LF	SF	4	12	18%	3	12 SF	36 SF
MEDIA						20,030 LF					13	228 SF		
MEDIA						85%	420 LF				13	228 SF		
Movies	DF	8	48	5	240 LF		282 LF	DF	8	48	67%	6	24 SF	144 SF
Music	SF	7	21	1	21 LF		25 LF	SF	7	21	6%	2	12 SF	24 SF
Audiobooks	SF	8	24	4	96 LF		113 LF	SF	8	24	27%	5	12 SF	60 SF

	CURRENT					PROPOSED								
	SHELVING UNITS			QUANTITY	LF	TARGET		SHELVING UNITS			QUANTITY	AREA		
	TYPE	HEIGHT	LF/UNIT			UTIL	LF	TYPE	HEIGHT	LF/UNIT		%	/UNIT	TOTAL
TEENS						448 LF					30	360 SF		
BOOKS						448 LF					30	360 SF		
ALL						75%	448 LF				30	360 SF		
	SF	6	18	5	90 LF		134 LF	SF	5	15	30%	9	12 SF	108 SF
	SF	3	9	26	234 LF		314 LF	SF	5	15	70%	21	12 SF	252 SF
SPINNER		4	12	1	12 LF									
ADULT						10,556 LF					477	7,812 SF		
BOOKS						8,894 LF					376	6,600 SF		
NON-FICTION						100%	5,112 LF				169	3,972 SF		
<i>main east</i>	DF	5	30	93	2,790 LF		2,790 LF	DF	5	30	55%	93	24 SF	2,232 SF
<i>main north</i>	DF	5	30	30	900 LF		900 LF	DF	5	30	18%	30	24 SF	720 SF
<i>main south</i>	SF	6	18	7	126 LF		126 LF	SF	6	18	2%	7	12 SF	84 SF
<i>main south</i>	DF	6	36	30	1,080 LF		1,080 LF	DF	6	36	21%	30	24 SF	720 SF
<i>new</i>	DF	4	24	9	216 LF		216 LF	DF	4	24	4%	9	24 SF	216 SF
FICTION						85%	3,494 LF				195	2,340 SF		
	SF	6	18	165	2,970 LF		3,494 LF	SF	6	18	100%	195	12 SF	2,340 SF
REFERENCE						100%	288 LF				12	288 SF		
<i>by desk</i>	DF	6	36	4	144 LF		144 LF	DF	6	36	50%	4	24 SF	96 SF
	DF	3	18	8	144 LF		144 LF	DF	3	18	50%	8	24 SF	192 SF
MEDIA						1,104 LF					63	756 SF		
ALL						100%	1,104 LF				63	756 SF		
<i>central</i>	SF	7	21	24	504 LF		504 LF	SF	7	21	46%	24	12 SF	288 SF
<i>west, dvd's</i>	SF	5.5	16.5	22	363 LF		363 LF	SF	5.5	16.5	33%	22	12 SF	264 SF
<i>west, cd</i>	SF	7	21	7	147 LF		147 LF	SF	7	21	13%	7	12 SF	84 SF
<i>west, cd</i>	SF	3	9	10	90 LF		90 LF	SF	3	9	8%	10	12 SF	120 SF
PERIODICALS						558 LF					38	456 SF		
ALL						100%	558 LF				38	456 SF		
<i>east</i>	SF	5	15	19	285 LF		285 LF	SF	5	15	51%	19	12 SF	228 SF
<i>main</i>	SF	5	15	15	225 LF		225 LF	SF	5	15	40%	15	12 SF	180 SF
<i>int'l lang</i>	SF	5	15	2	30 LF		30 LF	SF	5	15	5%	2	12 SF	24 SF
<i>int'l lang</i>	SF	3	9	2	18 LF		18 LF	SF	3	9	3%	2	12 SF	24 SF

Friends of the Library

Friends of the Library Work Space	#	Type	Unit	SF
Sorting table, 8' x 3'	4	table	80	320
Pricing workstation, 5' x 6	5	wkstns	30	150
Amazon workstation, 5' x 6	2	wkstns	30	60
Mailing workstation, 5' x 6	1	wkstns	30	30
shelving, 84", Amazon	22	sections	12	267
shelving, 84", Sorted, not priced	6	sections	12	67
shelving, 84", Sorted, priced	17	sections	12	200
work counter, 8' x 2', cabinets above and below	1	counter	40	40
Boxed Books (floor space)				160
Vertical Filing Cabinets	4	cabinet	2	8
Recycling & Trash				40
Supplies (boxes, sales, office, Amazon)				80
Book Trucks	8		5	40
Total Net Assignable Square Feet:				1,461
Total Gross Square Feet @ 75% Efficiency:				1,948

Collections/Shelving Tabulation	#	Items/LF	LF	Sh/unit	Sections	SF
Amazon Sales	4,000	10	400	6	22	267
Sorted, not priced			100	6	6	67
Sorted, Priced			300	6	17	200
Floor Storage	#	Items/SF	# High			SF
Banker Boxes, stacked on floor, max. 5 H	400	2	5			160

Construction Cost Estimate

Menlo Park Library

Space Needs Study

Menlo Park, California

Based on review & analysis of:

Program Design Package

Report Prepared for:

Noll & Tam Architects

January 4, 2017

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BASIS OF ESTIMATE

REFERENCE DOCUMENTATION

This Construction Cost Estimate was produced from the following documentation. Design and engineering changes occurring subsequent to the issue of these documents have not been incorporated in this estimate.

<u>Document</u>	<u>Date</u>
Preliminary Schemes	12/20/2016
1991 Building Plan Set	
Existing Conditions Photographs	

PROJECT DESCRIPTION

Scope of work comprises three new schemes for the library, each at 44,000 gross square feet.

BASIS FOR PRICING

This estimate reflects the fair construction value for this project and should not be construed as a prediction of low bid. Prices are based on local prevailing wage construction costs at the time the estimate was prepared. Pricing assumes a procurement process with competitive bidding for all sub-trades of the construction work, which is to mean a minimum of 3 bids for all subcontractors and materials/equipment suppliers. If fewer bids are solicited or received, prices can be expected to be higher. Conversely in the current competitive market should a larger number of sub-bids be received (i.e. 6 and above) pricing can be expected to be lower than the current estimate.

Subcontractor's markups have been included in each line item unit price. Markups cover the cost of field overhead, home office overhead and subcontractor's profit. Subcontractor's markups typically range from 15% to 25% of the unit price depending on market conditions.

General Contractor's/Construction Manager's Site Requirement costs are calculated on a percentage basis. General Contractor's/Construction Manager's Jobsite Management costs are also calculated on a percentage basis.

Site Requirements	2.5 - 3.0%
Jobsite Management	11% - 12%
Phasing	0.0%

General Contractor's/Construction Manager's overhead and fees are based on a percentage of the total direct costs plus general conditions, and covers the contractor's bond, insurance, site office overheads and profit.

Insurance & Bonding	2.5%
General Contractor Bonding	
Sub-Contractor Bonding	
OSIP	

Fee (G.C. Profit)	3.5%
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Additional conditions of construction

- The general contract will be by CM/GC method or competitively bid with qualified general and main subcontractors
- The entire scope of work for each scheme will be bid as one project
- There will not be small business set-aside and equal opportunity employment requirements
- The contractor will be required to pay prevailing wages

Unless identified otherwise, the cost of such items as overtime, shift premiums and construction phasing are not included in the line item unit price.

This cost estimate is based on standard industry practice, professional experience and knowledge of the local construction market costs. TBD Consultants have no control over the material and labor costs, contractors methods of establishing prices or the market and bidding conditions at the time of bid. Therefore TBD Consultants do not guarantee that the bids received will not vary from this cost estimate.

CONTINGENCY

Design Contingency	15.0%
---------------------------	-------

The Design Contingency is carried to cover scope that lacks definition and scope that is *anticipated* to be added to the Design. As the Design becomes more complete the Design Contingency will reduce.

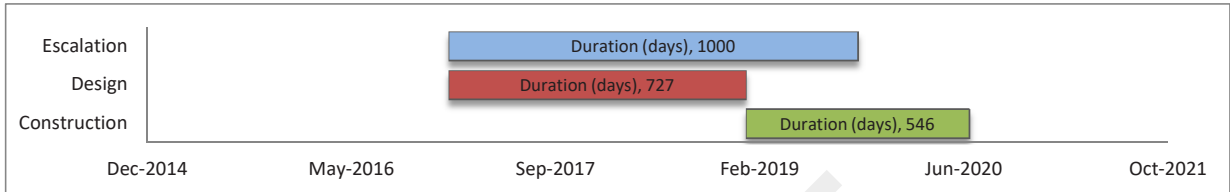
BASIS OF ESTIMATE

Construction Contingency 0.0% *Carried else where in owners budget*

The Construction Contingency has not been carried to cover the unforeseen during construction execution and Risks that do not currently have mitigation plans. (As Risks are mitigated, Construction Contingency can be reduce, but should not be eliminated.)

An owners contingency has not been included in this construction cost estimate, but it is advised that the owner carry additional contingency to cover scope change, bidding conditions, claims and delays.

CONSTRUCTION SCHEDULE



Construction Start Date	Jan-2019	Construction End Date	Jun-2020
Mid-date of Construction		Construction Duration	18 months
Escalation Period	33 months	Escalation End Date	Construction Mid-Point

ESCALATION

Escalation is excluded

Escalation:	17.45%	Compounded Rate
Year 1	6.50%	
Year 2	6.00%	
Year 3	5.50%	
Year 4	5.00%	
Year 5	4.00%	
Beyond 5 Years	3.50%	

This calculation does not account for adverse bidding conditions and a separate Bid Contingency should be carried if there are limited qualified bidders or if a market research study indicates.

EXCLUSIONS

- Preconstruction services
- Surge & moving costs
- AESS
- Fireproofing steel
- Emergency power
- AV and security equipment
- Telecommunications equipment
- Photovoltaic and other alternative power generation systems
- Artwork / Public art
- FSC-certified manufactured lumber (Glulams, TJI's, etc. - see alternate)
- Jockey pump and fire pump
- Utility connection fees and charges
- Pre-action fire sprinklers
- Raised access flooring
- Level 5 finish
- Furniture, fixtures and equipment (FF&E) except stacks & appliances
- Land acquisition, feasibility studies, financing costs and all other owner costs
- Site surveys, existing condition reports and soils investigation costs
- Hazardous materials investigations; abatement costs provided as allowance
- Permits
- Owner's contingency
- Design Fees
- Costs for LEED certification

OVERALL SUMMARY

LIBRARY SCHEMES	SF AREA	\$/SF	CONSTRUCTION COST \$	COMMENTS
-----------------	---------	-------	----------------------	----------

Scheme A Remodel	44,000	\$564.00	24,816,000	
Scheme A Sitework	92,780	\$16.71	1,551,000	
Total, Scheme A	44,000	\$599.25	26,367,000	

Scheme B - 1	44,000	\$723.00	31,812,000	
Scheme B - 1 Sitework	92,780	\$23.19	2,151,000	
Total, Scheme B - 1	44,000	\$771.89	33,963,000	

Scheme B - 2	44,000	\$705.00	31,020,000	
Scheme B - 2 Sitework	92,780	\$25.00	2,320,000	
Total, Scheme B - 2	44,000	\$757.73	33,340,000	

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KEY CRITERIA

AREA TABULATION

Floor	REMODEL	NEW	PERIMETER	HEIGHT	COMMENTS
Scheme A Remodel					
Basement	10,300		470		
First Floor	10,300		137		After addition
First Floor, New		23,400	785	18.00	Assume average height

Subtotal	20,600 SF	23,400			
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Scheme A Remodel - GSF Not Incl. 50% Covered Area		44,000 SF			
--	--	------------------	--	--	--

Gross Wall Area	24,210	SF		0.550
Retaining Wall Area	6,110	SF		0.139
Finished Wall Area	18,100	SF		0.411
Glazing Area	4,525	SF	25.00%	0.103
Roof Area	35,385	SF		0.804
Interior Partition Length	2,200	LF		0.050

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SCHEME A REMODEL - UNIFORMAT II SUMMARY

GSF : 44,000

SECTION	%	TOTAL	\$ / SF	COMMENTS
10 FOUNDATIONS	5.8%	880,000	\$20.00	
20 BASEMENT CONSTRUCTION	0.3%	44,000	\$1.00	
A SUBSTRUCTURE	6.1%	924,000	\$21.00	
10 SUPERSTRUCTURE	13.4%	2,024,000	\$46.00	
20 EXTERIOR ENCLOSURE	16.4%	2,464,000	\$56.00	
30 ROOFING	4.7%	704,000	\$16.00	
B SHELL	34.5%	5,192,000	\$118.00	
10 INTERIOR CONSTRUCTION	11.1%	1,672,000	\$38.00	
20 STAIRS	0.6%	88,000	\$2.00	New bsmt stairs
30 INTERIOR FINISHES	13.1%	1,980,000	\$45.00	
C INTERIORS	24.8%	3,740,000	\$85.00	
10 CONVEYING				
20 PLUMBING	2.0%	308,000	\$7.00	
30 HVAC	9.6%	1,452,000	\$33.00	
40 FIRE PROTECTION	1.2%	187,000	\$4.25	
50 ELECTRICAL	13.1%	1,980,000	\$45.00	
D SERVICES	26.1%	3,927,000	\$89.25	
10 EQUIPMENT	0.6%	88,000	\$2.00	
20 FURNISHINGS	5.8%	880,000	\$20.00	
E EQUIPMENT + FURNISHINGS	6.4%	968,000	\$22.00	
10 SPECIAL CONSTRUCTION				
20 SELECTIVE BUILDING DEMOLITION	2.0%	308,000	\$7.00	
F SPECIAL CONSTRUCTION + DEMOLITION	2.0%	308,000	\$7.00	
G BUILDING SITEWORK				Separate section
DIRECT COSTS		15,059,000	\$342.25	
SITE REQUIREMENTS	3.0%	451,770	\$10.27	
JOBSITE MANAGEMENT	12.0%	1,807,080	\$41.07	
PHASING				
ESTIMATE SUB-TOTAL		17,317,850	\$393.59	
INSURANCE + BONDING	2.5%	432,946	\$9.84	
FEE	3.5%	606,125	\$13.78	
ESTIMATE SUB-TOTAL		18,356,921	\$417.20	
DESIGN CONTINGENCY	15.0%	2,753,538	\$62.58	
CONSTRUCTION CONTINGENCY				Excluded
ESTIMATE SUB-TOTAL		21,110,459	\$479.78	
ESCALATION	17.5%	3,683,941	\$83.73	Start Date January 2019
ESTIMATE TOTAL		24,794,400	\$563.51	total add-ons 64.65%

KEY CRITERIA

AREA TABULATION

Floor	ENCLOSED	COVERED	PERIMETER	HEIGHT	COMMENTS
Scheme B - 1					
First Floor	44,000		1,050	18.00	Assume average height
Subtotal	44,000 SF	0 SF			
Scheme B - 1 - GSF Not Incl. 50% Covered Area		44,000 SF			

Gross Wall Area	31,185	SF		0.709
Retaining Wall Area	0	SF		0.000
Finished Wall Area	31,185	SF		0.709
Glazing Area	7,796	SF	25.00%	0.177
Roof Area	46,200	SF		1.050
Interior Partition Length	2,200	LF		0.050

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SCHEME B - 1 - UNIFORMAT II SUMMARY

GSF : 44,000

SECTION	%	TOTAL	\$ / SF	COMMENTS
10 FOUNDATIONS	6.3%	1,232,000	\$28.00	
20 BASEMENT CONSTRUCTION				
A SUBSTRUCTURE	6.3%	1,232,000	\$28.00	
10 SUPERSTRUCTURE	12.6%	2,464,000	\$56.00	
20 EXTERIOR ENCLOSURE	21.8%	4,268,000	\$97.00	
30 ROOFING	4.5%	880,000	\$20.00	
B SHELL	38.9%	7,612,000	\$173.00	
10 INTERIOR CONSTRUCTION	9.0%	1,760,000	\$40.00	
20 STAIRS				
30 INTERIOR FINISHES	11.2%	2,200,000	\$50.00	
C INTERIORS	20.2%	3,960,000	\$90.00	
10 CONVEYING				
20 PLUMBING	2.5%	484,000	\$11.00	
30 HVAC	11.2%	2,200,000	\$50.00	
40 FIRE PROTECTION	1.6%	308,000	\$7.00	
50 ELECTRICAL	14.4%	2,816,000	\$64.00	
D SERVICES	29.7%	5,808,000	\$132.00	
10 EQUIPMENT	0.4%	88,000	\$2.00	
20 FURNISHINGS	4.5%	880,000	\$20.00	
E EQUIPMENT + FURNISHINGS	4.9%	968,000	\$22.00	
10 SPECIAL CONSTRUCTION				
20 SELECTIVE BUILDING DEMOLITION				
F SPECIAL CONSTRUCTION + DEMOLITION				
G BUILDING SITEWORK				Separate section
DIRECT COSTS		19,580,000	\$445.00	
SITE REQUIREMENTS	2.5%	489,500	\$11.13	
JOBSITE MANAGEMENT	11.0%	2,153,800	\$48.95	
SHIFT PREMIUM				
ESTIMATE SUB-TOTAL		22,223,300	\$505.08	
INSURANCE + BONDING	2.5%	555,583	\$12.63	
FEE	3.5%	777,816	\$17.68	
ESTIMATE SUB-TOTAL		23,556,698	\$535.38	
DESIGN CONTINGENCY	15.0%	3,533,505	\$80.31	
CONSTRUCTION CONTINGENCY				Excluded
ESTIMATE SUB-TOTAL		27,090,203	\$615.69	
ESCALATION	17.5%	4,727,453	\$107.44	Start Date January 2019
ESTIMATE TOTAL		31,817,656	\$723.13	total add-ons 62.5%

KEY CRITERIA

AREA TABULATION

Floor	ENCLOSED	COVERED	PERIMETER	HEIGHT	COMMENTS
Scheme B - 2					
First Floor	24,000		740	18.00	
Second Floor	20,000		720	14.00	
Subtotal	44,000 SF	0 SF			
Scheme B - 2 - GSF Not Incl. 50% Covered Area		44,000 SF			

Gross Wall Area	24,570	SF		0.558
Retaining Wall Area	0	SF		0.000
Finished Wall Area	24,570	SF		0.558
Glazing Area	6,143	SF	25.00%	0.140
Roof Area	26,400	SF		0.600
Interior Partition Length	2,200	LF		0.050

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SCHEME B - 2 - UNIFORMAT II SUMMARY

GSF : 44,000

SECTION	%	TOTAL	\$ / SF	COMMENTS
10 FOUNDATIONS	4.6%	880,000	\$20.00	
20 BASEMENT CONSTRUCTION				
A SUBSTRUCTURE	4.6%	880,000	\$20.00	
10 SUPERSTRUCTURE	17.2%	3,256,000	\$74.00	
20 EXTERIOR ENCLOSURE	17.7%	3,344,000	\$76.00	
30 ROOFING	2.7%	506,000	\$11.50	
B SHELL	37.5%	7,106,000	\$161.50	
10 INTERIOR CONSTRUCTION	9.3%	1,760,000	\$40.00	
20 STAIRS	0.5%	99,000	\$2.25	
30 INTERIOR FINISHES	11.6%	2,200,000	\$50.00	
C INTERIORS	21.4%	4,059,000	\$92.25	
10 CONVEYING	0.7%	132,000	\$3.00	
20 PLUMBING	2.4%	462,000	\$10.50	
30 HVAC	11.6%	2,200,000	\$50.00	
40 FIRE PROTECTION	1.6%	308,000	\$7.00	
50 ELECTRICAL	14.9%	2,816,000	\$64.00	
D SERVICES	31.3%	5,918,000	\$134.50	
10 EQUIPMENT	0.5%	88,000	\$2.00	
20 FURNISHINGS	4.6%	880,000	\$20.00	
E EQUIPMENT + FURNISHINGS	5.1%	968,000	\$22.00	
10 SPECIAL CONSTRUCTION				
20 SELECTIVE BUILDING DEMOLITION				
F SPECIAL CONSTRUCTION + DEMOLITION				
G BUILDING SITEWORK				
DIRECT COSTS		18,931,000	\$430.25	
SITE REQUIREMENTS	2.8%	530,068	\$12.05	
JOBSITE MANAGEMENT	11.6%	2,195,996	\$49.91	
SHIFT PREMIUM				
ESTIMATE SUB-TOTAL		21,657,064	\$492.21	
INSURANCE + BONDING	2.5%	541,427	\$12.31	
FEE	3.5%	757,997	\$17.23	
ESTIMATE SUB-TOTAL		22,956,488	\$521.74	
DESIGN CONTINGENCY	15.0%	3,443,473	\$78.26	
CONSTRUCTION CONTINGENCY				Excluded
ESTIMATE SUB-TOTAL		26,399,961	\$600.00	
ESCALATION	17.5%	4,607,000	\$104.70	Start Date January 2019
ESTIMATE TOTAL		31,006,961	\$704.70	total add-ons 63.79%

SCHEME A SITework - UNIFORMAT II SUMMARY"

GSF : 92,780

SECTION	%	TOTAL	\$ / SF	COMMENTS
10 SITE PREPARATION	27.2%	255,726	\$2.76	
20 SITE IMPROVEMENTS	42.1%	396,700	\$4.28	
30 SITE MECHANICAL UTILITIES	15.5%	145,530	\$1.57	
40 SITE ELECTRICAL UTILITIES	15.3%	143,809	\$1.55	
G BUILDING SITework	100.0%	941,765	\$10.15	
DIRECT COSTS		941,765	\$10.15	
SITE REQUIREMENTS	3.0%	28,253	\$0.30	
JOBSITE MANAGEMENT	12.0%	113,012	\$1.22	
SHIFT PREMIUM				Excluded
ESTIMATE SUB-TOTAL		1,083,030	\$11.67	
INSURANCE + BONDING	2.5%	27,076	\$0.29	
FEE	3.5%	37,906	\$0.41	
ESTIMATE SUB-TOTAL		1,148,012	\$12.37	
DESIGN CONTINGENCY	15.0%	172,202	\$1.86	
CONSTRUCTION CONTINGENCY				Excluded
ESTIMATE SUB-TOTAL		1,320,213	\$14.23	
ESCALATION	17.5%	230,388	\$2.48	Start Date January 2019
ESTIMATE TOTAL		1,550,601	\$16.71	total add-ons 64.65%

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SCHEME A SITEWORK - UNIFORMAT II SUMMARY"

GSF : 92,780

REF	MF	DESCRIPTION	QUANTITY	UoM	UNIT RATE	TOTAL	COMMENTS
1							
2		Site Preparation					
3		Site area	92,780	SF			
4		Building footprint	33,700	SF			
5							
6		Site clearing and grading					
7		Protect existing features	1	LS	10,000.00	10,000	
8		Construction fencing	800	LF	15.00	12,000	
9		SWPPP	92,780	SF	0.30	27,834	
10		Tree removal					NIC
11							
12		Site demolition & removal					
13		Existing building additions	13,446	SF	12.00	161,352	
14		Miscellaneous site features & paving	1	LS	15,000.00	15,000	
15							
16		Rough & fine grading; retain existing lawn	59,080	SF	0.50	29,540	
17							
18		Hazardous materials abatement					NIC
19							
20							
21		SITE PREPARATION				255,726	\$2.76 / SF
22							
23		Site Improvements					
24							
25		<u>Vehicular Paving and Curbs</u>					
26		Allowance to reconfigure existing accessible parking area	1,200	SF	6.00	7,200	
27		Reconfigure delivery access	1,600	SF	20.00	32,000	
28							
29		<u>Pedestrian Paving</u>					
30		Allow for exterior patio/gathering space	5,000	SF	20.00	100,000	
31		Allow new entry pathways	1,500	SF	15.00	22,500	
32		Allow modifications to existing pathways	1,500	SF	10.00	15,000	
33							
34		<u>Landscaping & Irrigation</u>					
35		Allow new landscaping & irrigation in proximity to new additions	12,000	SF	5.00	60,000	
36							
37		<u>Site Structures</u>					
38		Allow utility & trash enclosures	1	LS	80,000.00	80,000	
39		Seat walls, trellises, planters, etc.	1	LS	40,000.00	40,000	
40							
41		<u>Site Furnishings</u>					
42		Allowance for recycling receptacles, bollards, etc.	1	LS	15,000.00	15,000	
43							
44		<u>Site Signage</u>					
45		Signage & pavement markings	1	LS	25,000.00	25,000	
46							
47							
48		SITE IMPROVEMENTS				396,700	\$4.28 / SF
49							
50		Site Mechanical Utilities					
51							
52		<u>Water Supply</u>					
53		Fire water connection to existing system	1	LS	10,000.00	10,000	
54		Hydrants					NIC
55		Domestic water connection to existing system	1	LS	10,000.00	10,000	
56							
57		<u>Sanitary Sewer</u>					
58		Connect to existing sewer system	150	LF	85.00	12,750	
59		Allow manholes	2	EA	7,500.00	15,000	

SCHEME A SITework - UNIFORMAT II SUMMARY"

GSF : 92,780

REF	MF	DESCRIPTION	QUANTITY	UoM	UNIT RATE	TOTAL	COMMENTS
60							
61		<u>Storm Sewer</u>					
62		Assume natural percolation & storm drain pipework	92,780	SF	1.00	92,780	
63							
64		<u>Natural Gas</u>					
65		Connect to existing system	1	LS	5,000.00	5,000	
66							
67							
68		SITE MECHANICAL UTILITIES				145,530	\$1.57 / SF
69							
70		<u>Site Electrical Utilities</u>					
71							
72		<u>Electrical Distribution</u>					
73		Site electrical distribution	92,780	SF	0.40	37,112	
74							
75		<u>Site Lighting</u>					
76							
77		<u>Site Communications & Security</u>					
78		Site distribution & connections	92,780	SF	0.15	13,917	
79							
80							
81		SITE ELECTRICAL UTILITIES				143,809	\$1.55 / SF

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SCHEME B1 SITEWORK - UNIFORMAT II SUMMARY"

GSF : 92,780

SECTION	%	TOTAL	\$ / SF	COMMENTS
10 SITE PREPARATION	48.9%	647,776	\$6.98	
20 SITE IMPROVEMENTS	29.2%	386,700	\$4.17	
30 SITE MECHANICAL UTILITIES	11.0%	145,530	\$1.57	
40 SITE ELECTRICAL UTILITIES	10.9%	143,809	\$1.55	
G BUILDING SITEWORK	100.0%	1,323,815	\$14.27	
DIRECT COSTS		1,323,815	\$14.27	
SITE REQUIREMENTS	2.5%	33,095	\$0.36	
JOBSITE MANAGEMENT	11.0%	145,620	\$1.57	
SHIFT PREMIUM				Excluded
ESTIMATE SUB-TOTAL		1,502,530	\$16.19	
INSURANCE + BONDING	2.5%	37,563	\$0.40	
FEE	3.5%	52,589	\$0.57	
ESTIMATE SUB-TOTAL		1,592,682	\$17.17	
DESIGN CONTINGENCY	15.0%	238,902	\$2.57	
CONSTRUCTION CONTINGENCY				Excluded
ESTIMATE SUB-TOTAL		1,831,584	\$19.74	
ESCALATION	17.5%	319,626	\$3.44	Start Date January 2019
ESTIMATE TOTAL		2,151,210	\$23.19	total add-ons 62.5%

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SCHEME B1 SITEWORK - UNIFORMAT II SUMMARY"

GSF : 92,780

REF	MF	DESCRIPTION	QUANTITY	UoM	UNIT RATE	TOTAL	COMMENTS
1							
2		Site Preparation					
3		Site area	92,780	SF			
4		Building footprint	44,000	SF			
5							
6		Site clearing and grading					
7		Protect existing features	1	LS	10,000.00	10,000	
8		Construction fencing	800	LF	15.00	12,000	
9		SWPPP	92,780	SF	0.30	27,834	
10		Tree removal					NIC
11							
12		Site demolition & removal					
13		Existing building additions	34,046	SF	12.00	408,552	
		Infill existing basement with compacted structural fill	5,000	CY	30.00	150,000	
14		Miscellaneous site features & paving	1	LS	15,000.00	15,000	
15							
16		Rough & fine grading; retain existing lawn	48,780	SF	0.50	24,390	
17							
18		Hazardous materials abatement					NIC
19							
20							
21		SITE PREPARATION				647,776	\$6.98 / SF
22							
23		Site Improvements					
24							
25		<u>Vehicular Paving and Curbs</u>					
26		Allowance to reconfigure existing accessible parking area	1,200	SF	6.00	7,200	
27		Reconfigure delivery access	1,600	SF	20.00	32,000	
28							
29		<u>Pedestrian Paving</u>					
30		Allow for exterior patio/gathering space	5,000	SF	20.00	100,000	
31		Allow new entry pathways	1,500	SF	15.00	22,500	
32		Allow modifications to existing pathways	1,500	SF	10.00	15,000	
33							
34		<u>Landscaping & Irrigation</u>					
35		Allow new landscaping & irrigation in proximity to new additions	10,000	SF	5.00	50,000	
36							
37		<u>Site Structures</u>					
38		Allow utility & trash enclosures	1	LS	80,000.00	80,000	
39		Seat walls, trellises, planters, etc.	1	LS	40,000.00	40,000	
40							
41		<u>Site Furnishings</u>					
42		Allowance for recycling receptacles, bollards, etc.	1	LS	15,000.00	15,000	
43							
44		<u>Site Signage</u>					
45		Signage & pavement markings	1	LS	25,000.00	25,000	
46							
47							
48		SITE IMPROVEMENTS				386,700	\$4.17 / SF
49							
50		Site Mechanical Utilities					
51							
52		<u>Water Supply</u>					
53		Fire water connection to existing system	1	LS	10,000.00	10,000	
54		Hydrants					NIC
55		Domestic water connection to existing system	1	LS	10,000.00	10,000	
56							
57		<u>Sanitary Sewer</u>					
58		Connect to existing sewer system	150	LF	85.00	12,750	
59		Allow manholes	2	EA	7,500.00	15,000	

SCHEME B1 SITEWORK - UNIFORMAT II SUMMARY"

GSF : 92,780

REF	MF	DESCRIPTION	QUANTITY	UoM	UNIT RATE	TOTAL	COMMENTS
60							
61		<u>Storm Sewer</u>					
62		Assume natural percolation & storm drain pipework	92,780	SF	1.00	92,780	
63							
64		<u>Natural Gas</u>					
65		Connect to existing system	1	LS	5,000.00	5,000	
66							
67							
68		SITE MECHANICAL UTILITIES				145,530	\$1.57 / SF
69							
70		<u>Site Electrical Utilities</u>					
71							
72		<u>Electrical Distribution</u>					
73		Site electrical distribution	92,780	SF	0.40	37,112	
74							
75		<u>Site Lighting</u>	92,780	SF	1.00	92,780	
76							
77		<u>Site Communications & Security</u>					
78		Site distribution & connections	92,780	SF	0.15	13,917	
79							
80							
81		SITE ELECTRICAL UTILITIES				143,809	\$1.55 / SF

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STAFF REPORT

City Council
Meeting Date: 3/28/2017
Staff Report Number: 17-067-CC

Study Session: **Water System Master Plan (WSMP) – Review of Menlo Park Municipal Water (MPMW) Staffing Assessment findings**

Recommendation

Staff requests that the City Council provide feedback on the WSMP Staffing Assessment findings and proposed strategy to adequately maintain the water system and continue providing reliable service and delivery of drinking water to MPMW customers.

Policy Issues

In May 2015, the City Council identified the development of the WSMP as a priority project. The WSMP, which is included in the 2017 Council Work Plan, is on track for completion by the end of this year. The development of the WSMP is consistent with the MPMW’s goals and primary mission, “the preservation of the public welfare, health, peace and safety of the City of Menlo Park and its inhabitants” (ordinance 222, 1952).

Background

In 1952, the City formed the MPMW as a self-supporting City enterprise. The role of the MPMW was defined as the entity responsible for the sale of water and for controlling the construction and operation and maintenance of the water system. During that time (period from 1949 to 1952), the City annexed the areas known as Belle Haven, Nash Tract and the U.S. Veterans Hospital which were served by the Willow Road County Water District. With the annexation of these areas, the City took over the operation of the Willow Road County Water District and created the MPMW. Since then, the MPMW has undergone a number of system expansions. In 1956, water mains were installed to serve the Bohannon Industrial Tract. Following that expansion, the MPMW acquired the water system serving the areas along Commonwealth Drive from the California Services Company. Later, the MPMW expanded its service area to the Sharon Heights and Stanford Hills subdivisions when those lands were annexed and developed. In 1962, the first Sand Hill Reservoir (No. 1) was built and the Sharon Heights Pump Station was upgraded. Following the expansion in the Sharon Heights area, the MPMW purchased part of the North Palo Alto water system in 1967, which was owned and operated by the City of Palo Alto. The North Palo Alto system served the Willows neighborhood.

The next expansion focused on the Haven Avenue area as the MPMW began providing water services to a section of Redwood City. In 1997, the second Sand Hill Reservoir was built (No. 2). In 2001, the MPMW’s service area expanded to include properties located within the City limits that were being served by the East Palo Alto County Waterworks District (O’Brien Drive and Euclid Street). The incorporation of these City properties into the service area was consistent with the City’s political jurisdiction that currently maintains taxing, building, planning, and zoning authority, and provides police and storm drainage services. Presently,

the MPMW service area includes the Upper Zone, which covers the Sharon Heights area, and the Lower and High Pressure Zones, which include areas extending from east of El Camino Real to the San Francisco Bay (Attachment A).

For the past 65 years, the MPMW has been providing water purchased from the San Francisco Public Utilities (SFPUC) to properties located in its service area. The MPMW has had a history of reliable service and low rates, compared to neighboring agencies. Similar to the ownership and operation of most of its neighboring agencies (i.e., the cities of Redwood City, Palo Alto, Mountain View), the MPMW is a publicly owned and operated enterprise (Attachment B). Other neighbors include the California Water Service (Cal Water), an investor-owned private utility that serves half of the City and the O'Connor Tract Water Co-operative Water Company, a non-profit organization founded in 1921 that serves a section of the Willows neighborhood in the City and a number of apartment buildings in the City of East Palo Alto.

The MPMW is also a member agency of the Bay Area Water Supply and Conservation Agency (BAWSCA), which represents water purveyors that purchase water from the SFPUC. Of the 26 BAWSCA member agencies, 16 are cities, 8 are districts and 2 are private utilities (Cal Water and Stanford University). The BAWSCA public member agencies are publicly managed, with the exception of the City of East Palo Alto's water system, which is operated by American Water, a private company.

As a public entity, the MPMW has ownership of the system and thereby control of development and economic growth, construction, operation and maintenance responsibilities and is under the supervision of the City Manager (Municipal Code Sections 2.48.010 and 2.48.020). All revenues from the sale of water are administered through the "Menlo Park municipal water fund" and can only be used for water services provided to MPMW customers (Municipal Code Sections 3.24.010 and 3.24.020).

Presently, approximately 16,000 customers are served through approximately 4,000 service connections. Since the water distribution system serves between 10,001 and 50,000 customers, it holds a D3 Distribution System Classification per the State's classification system. The water distribution system consists of 55 miles of water mains, 3 distribution zones, 2 reservoirs, 1 pump station, 366 fire hydrants and 1,392 valves. On average, customers use 2.8 million gallons a day.

In the last 5 years, the MPMW has undertaken a number of capital improvement projects to improve the water distribution system, as follows:

- The Sharon Heights Pump Station project was completed in 2015, greatly improving the reliability of the system in the Upper Zone;
- As part of the water main replacement program, approximately 2,500 feet of earthquake resistant pipe were installed on Trinity Drive in 2015, replacing aging asbestos cement piping serving the homes in that area;
- In 2015, staff began the development of the WSMP, which will enable the MPMW to strategize future planning and budgeting efforts in order to maintain distribution reliability and efficiency under current demands, future growth, and emergency situations;
- The first of a three emergency water supply wells has been drilled and is expected to be completed by the end of 2017; and
- In July 2016, staff began the process of identifying locations for two additional emergency supply wells, which will be followed by an environmental review and design. The options for emergency supply and storage are tentatively scheduled to be presented to Council this April.

While a number of improvement projects have been implemented, the WSMP will lay out a 25 year capital improvement program and identify long-term maintenance and operational recommendations. In addition, the scope of work includes a comprehensive analysis of the MPMW's current operations, services, and

organizational structure to assess the staffing level needs required to provide safe and efficient services. This assessment, completed at the end of 2016, indicates that current staffing levels are not adequate enough to allow for the implementation of a preventive maintenance program.

Based on the staffing assessment findings, the Consultant is recommending the addition of 4 full-time certified operators to adequately maintain and operate the water system. This recommendation would increase the total number of MPMW staff from 3 to 7. A summary of the Consultant's recommended maintenance programs and level of effort is included in Attachment C.

Analysis

As discussed earlier, the goal of the MPMW is to provide customers with safe, high-quality drinking water at all times, to fully comply with all drinking water regulations and standards and to provide fire protection services. In order to ensure the reliability of the water distribution system, an adequate number of staff is required.

Current Staffing

The system is maintained and operated by a Water System Supervisor (currently vacant), a Water Quality Specialist and a Water System Operator II. State law requires that operators responsible for maintaining and operating a water system hold certifications from the State Water Resources Control Board (Water Board). Current permanent staff holds the required certifications from the Water Board for the operation of a D3 water system. Support services for tasks that do not require a certified operator are provided through up to 2 temporary workers.

In 2016, the water system supervisor resigned. Since then, the MPMW has been in the process of trying to fill the position. A posting in December 2016 was unsuccessful due to a low number of responses from qualified applicants. A second posting closed in February and a conditional offer of employment has been made.

Support Services

A number of MPMW functions are currently provided through private contractors and consultants. These services include water meter reading and emergency and scheduled repairs. A summary of these support services is provided below.

Water Meter Reading, Billing and Customer Services – In 1994, staff began the process of analyzing the cost and benefits of contracting the water meter reading, billing, and customer service functions to private companies. Beginning in September 1995, these services were outsourced to Cal Water who provided them until April 2010. In 2010, a request of proposals (RFP) was issued to for water meter reading, billing and customer service. Through that process, the City Council awarded a contract to Global Water. In 2016, another RFP was issued and Global Water, now Fathom, was selected for a 5 year contract. Fathom, which is based in Arizona, is responsible for the reading of all the water meters on a monthly basis, sending the bills to all of the MPMW customers, issuing work orders for meter service issues and disconnections due to non-payment and for customer service. Fathom provides customer service support over the phone. The contract with Fathom is for \$336,000 annually. While Fathom covers customer services, MPMW customers often prefer to stop by City Hall to pay their bill by check or cash or for other questions regarding their bill or service. City staff answers questions for customers who prefer the personal interaction.

Cross-Connection Control Program – To ensure that the water system is protected from the potential for contamination, the State requires that the MPMW have a program to eliminate, prevent and monitor connections to customers and for the installation and testing of devices that provide backflow protection. Backflow devices are used to prevent any water from flowing back into the MPMW's water system. These devices have to be monitored and tested annually. In 2016, staff contracted the management and implementation of the cross-connection control program to the County of San Mateo Environmental Health Program. The County now ensures that all backflows installed on private service lines served by the MPMW are tested annually by certified contractors. The cost of the program is \$20,875 a year. City staff continues to inspect backflows on City property.

Water Quality / Laboratory Analysis – As a service provider, the MPMW is required to ensure that the potable water provided to its customers meets water quality criteria set through State and Federal regulations. To comply with the regulations, the MPMW implements a program that consists of weekly sampling of water at a number of locations within the distribution system. In addition, quarterly, annual and other samples are taken for testing based on a number of specific constituents, based on the frequency required by the regulations. All sampling throughout the distribution system is conducted by certified MPMW staff. These water samples are sent to private laboratories for the water quality analyses. The annual cost for water quality testing is \$15,000.

Emergency and Scheduled Repairs – Approximately 53% of the water distribution system consists of asbestos cement pipes that were installed over 60 years ago. Due to their material and age, these pipes are now experiencing failures, which can happen at any time of the day and night. Water main failures result in the interruption of water delivery to customers and roadway damage. As a result, they have to be addressed promptly so services can be restored and customers can begin to receive water with minimal interruption. However, due to the limited staff and lack of equipment, the MPMW cannot make repairs to the water system resulting from most water main breaks. Emergency and scheduled repair assistance is therefore provided through an on-call agreement with three contractors. These contractors work on repairs that can be scheduled during the weekday and normal operating hours. These contractors are also able to provide 24-hour services to assist MPMW staff during emergencies. The repair contract budget is \$200,000 annually.

Supervisory Control and Data Acquisition (SCADA) – The MPMW uses SCADA, which is a software application, for the control and monitoring of the water system. Troubleshooting services and maintenance are provided through a private contractor. The contract budget is \$20,000 annually.

Capital Improvement Projects (CIP) Design and Construction – Design projects to improve and replace the water system are managed by City staff within Public Works. In-house staff works with private consultants to develop the design for most of the CIP projects. The construction of the projects is performed by private contractors. Depending on the workload, construction inspection services are often provided by private contractors.

Staffing and Maintenance Deficiencies

Water certified staff is responsible for operating and maintaining the water system and ensuring that customers receive safe potable water at all times. Routine tasks involve the following:

- Operation and monitoring of the water system;
- Water quality testing;
- Inspection and maintenance of equipment;
- Regulatory compliance and reporting;
- Hydrant flow testing;

- Emergency response and repairs;
- Utility marking as requested due to construction activity;
- Management of contracts with private contractors;
- Inspection services for construction associated with water capital improvement projects, development and new/upgraded connections; and
- Customer service.

In order to provide safe and efficient services and ensure the reliability of the water system, operators are not only responsible for operating the system, but they should also aim to properly maintain the existing infrastructure based on industry standards and best management practices. First established in 1881, AWWA “is the largest nonprofit, scientific and educational association dedicated to managing and treating water, the world’s most important resource.” The industry standard, operators therefore depend on AWWA manuals to implement best management practices for the operation and maintenance of water systems.

As part of the staffing level assessment, the WSMP Consultant assessed the current operation and maintenance practices of the MPMW (Attachment C). The Consultant determined that the existing staffing levels do not allow for the proper operation of the system and implementation of preventive maintenance programs, as recommended by AWWA. Preventive maintenance involves the regular inspection and exercise of equipment to lessen the likelihood of failure. Without the implementation of an effective maintenance program, the water system is likely to exhibit premature failures that are more costly to repair when they become emergencies.

Overall, the WSMP Consultant found a number of maintenance program deficiencies which are summarized below:

Condition Assessment of Water Assets and Record Keeping – The water distribution system consists of 55 miles of water mains, 3 distribution zones, 2 reservoirs, 1 pump station, 366 fire hydrants and 1,392 valves. Currently, there is no formal assessment process conducted by MPMW staff to determine the condition of the assets nor are there maintenance records prior to 2014 that indicate the nature of system failures. As part of the WSMP, an inventory of the water assets has been completed. It is recommended that a Computerized Management Maintenance System (CMMS) be implemented to track work orders, routine maintenance and repairs of each asset. The CMMS would provide the MPMW with the information required to monitor and assess the condition of the water system moving forward.

Standard Operating Procedures (SOPs) – The MPMW does not have established SOPs that describe the maintenance procedures that need to be followed to implement a preventive maintenance program. It is recommended that procedures for specific maintenance tasks be developed.

Fire Hydrants – There are approximately 366 hydrants installed throughout the distribution system, many of which are old and of the dry barrel type, units which are suited for cold weather climates and not the Bay area. When fire hydrants break, the dry barrel units are therefore replaced with wet barrel hydrants. The American Water Works Association (AWWA) Manual M17 and the Insurance Services Office (ISO) provide guidelines and requirements for the testing and maintenance of fire hydrants. According to guidelines set by the AWWA Manual M17, hydrants should be inspected and exercised annually. ISO assesses whether a community’s fire prevention and suppression capabilities are adequate based on specific criteria, which includes whether agencies are implementing a regular maintenance program for hydrants. Due to limited staff, the MPMW has not been able to implement a proactive fire hydrant maintenance program. As the water purveyor, the MPMW has the responsibility for ensuring that the water assets are properly maintained to provide

customers with safe drinking water and for fire protection. The lack of a regular maintenance program for hydrants affects the MPMW's ability to provide the Menlo Park Fire District and ISO with maintenance records, which are used in risk assessments and ratings.

Pressure Reducing Valves (PRVs) – The MPMW receives water from the SFPUC through 5 turnouts, 3 of which are equipped with PRVs. The pressure of the water delivered by the SFPUC ranges between 100 to 140 pounds per square inch (psi) and is reduced through the PRV stations to 40 to 65 psi to protect water services since customers do not have the protective measures to receive water at such high pressures. The PRVs are critical to the delivery of the water as their failure would lead to elevated pressures, which would have adverse impacts on the service to customers. Due to their specialized nature, these systems require servicing by the manufacturer or qualified technicians. There is currently no program to have qualified technicians to test and rebuild the PRVs.

Valves – The water distribution system includes 1,392 valves (not including those for fire hydrants). Based on the typical valve sizes in the MPMW system, AWWA guidelines recommend that the valves be exercised every 4 to 5 years. There is currently no program in place to exercise the system valves based on AWWA guidelines. The valves that are exercised are those that need to be operated when there are water main breaks.

Reservoirs – The water system includes 2 reservoirs that service the Upper Zone. Maintenance includes cleaning for the removal of fine sediment that accumulates on the bottom of the reservoirs and inspection of the liner that protects the concrete walls and floor. It is recommended that the reservoirs be cleaned annually by a private contractor to improve the water quality conditions. There is currently no program established for annual cleaning.

Flushing – There are 61 locations in the distribution system that have dead-ends where the water can remain stagnant without receiving much movement. As a result, the water quality in these sections of pipe may suffer. To address potential water quality issues, these dead ends require annual flushing. Due to the drought, flushing activities have been placed on hold to reduce the amount of water waste. However, to protect water quality, the flushing program needs to be re-evaluated and prioritized.

In addition to the maintenance deficiencies noted, approximately 53% of the MPMW's water mains consist of aging asbestos cement lines that are over 60 years old. Much of the water system has therefore reached the end of its useful life. Due to the age and condition of the system, staff has to routinely respond to emergencies associated with piping failures and leaks during days, nights and weekends. Since the water system operates continuously, one of the permanent operators must be on-call at all times. The 3 operators rotate the on-call responsibility to provide 24/7 response to any emergencies that may happen at any time. This means that the on-call operator must be nearby and fit and ready to drive into work at any time of the day and night (weekdays and weekends). In 2015, for example, there were 24 main breaks throughout the distribution system.

The reactive nature of the operation, in combination with the existing staff levels, do not allow staff to implement a preventive maintenance program and best management practices, as recommended by AWWA, to prolong the useful life of the system and to avoid costly emergency repairs that can happen at any time of the day or night. To properly maintain the system based on AWWA recommended practices, the Consultant's recommendation is for 4 additional full-time certified operators, for a total MPMW staff of 7. As noted earlier, the City is in the process developing the first of 2 or 3 emergency water supply wells. Drilling began in February and the project is expected to be completed by the end of 2017. The new well will require

routine maintenance, operation and treatment. With an additional staff of 4, staff believes that the MPMW would be able to implement a preventive maintenance program and meet the testing and operational requirements of the new well.

Staffing Level Comparison to Others

As part of the assessment, the WSMP Consultant and City staff gathered organizational and staffing level information from municipal water agencies of similar size to the MPMW and neighboring agencies. A detailed breakdown that includes the population served by each of the agencies, the number of water connections and staff levels is included as part of Attachment D. Based on the information, the comparison to other BAWSCA agencies, for example, revealed that the MPMW has fewer employees than those of similar size (Table 1). Also, by assessing the number of connections per staff as a metric for comparison to larger agencies, the findings show that each MPMW staff is responsible for 1,401 water connections – the highest of all the agencies surveyed. A San Bruno and Burlingame water operator, for example, maintains and operates between 680 and 609 connections, respectively, numbers that are less than half than those for MPMW staff. Overall, the findings indicate that the MPMW is operating at staffing levels that are much lower than the agencies surveyed. By increasing the number of water operators by 4, the number of connections per staff would drop from 1,401 to 600, aligning the MPMW with staffing levels of other agencies.

Table 1 – Staffing Level Comparison to other BAWSCA Municipalities

Utility	Location	No. of Water Connections per Staff
MPMW (3 Staff Existing)	Menlo Park, CA	1,401
MPMW (3 Staff Existing + 4 New)	Menlo Park, CA	600
Neighboring BAWSCA Agencies – Similar Size (Based on No. of Water Connections)		
East Palo Alto*	East Palo Alto, CA	750
Hillsborough	Hillsborough, CA	431
Neighboring BAWSCA Agencies – Not of Similar Size (Based on No. of Water Connections)		
Redwood City	Redwood City, CA	1,045
Mountain View	Mountain View, CA	850
Palo Alto	Palo Alto, CA	945
San Bruno	San Bruno, CA	680
Burlingame	Burlingame, CA	609
Millbrae	Millbrae, CA	936
Mid-Peninsula Water District	Belmont, CA	613

*Note: East Palo Alto’s water system is managed by American Water, a private operator.

Options

The City has a number of options to address the staffing inadequacies of the MPMW. These include staffing augmentation, outsourcing the management of the water system, which includes turning over the responsibilities of certified water operators to a management agency, and the selling of all the water assets.

Public Utility, Staff Augmentation

Currently, the organizational structure includes a Water System Supervisor, Water Quality Specialist and a Water System Operator II. Based on a review of the staffing needs and existing organization, the recommendation is to add a new Senior Water Operator, a second Water Quality Specialist and 2 more Water System Operators I/II. The Senior Water System Operator would have the responsibility for assisting in the guiding of staff, managing complex projects related to the repair of the water system and for implementing a preventive maintenance program. The additional Water System Operators I/II would provide assistance with the preventive maintenance tasks, while the second Water Quality Specialist would assist in

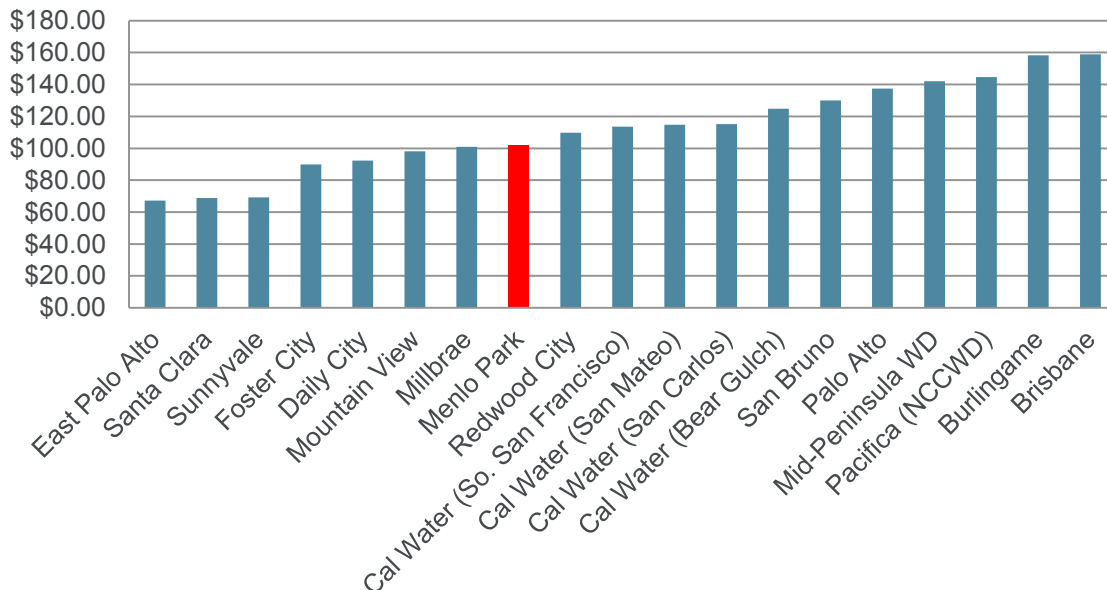
ensuring that the water quality parameters are met. The proposed phasing of positions per fiscal year would be as follows:

- FY 2017/18
 - New Senior Water System Operator
 - New Water System Operator I/II
- FY 2018/19
 - New Water Quality Specialist
 - New Water System Operator I/II

By focusing on staff augmentation, the MPMW would be able to implement preventive maintenance programs and ensure the reliability of the system while retaining the management of the water distribution system. There are a number of advantages for retaining full public control of the water system. Foremost, the City would retain the rights to the allocation of water from the SFPUC and thereby have control of development within the City. Secondly, the MPMW would be managed and operated for the sole purpose of providing customers with safe, high-quality drinking water and for maintaining the water system to ensure long-term reliability. As a public utility, the MPMW water users would retain the voting rights to control rates.

Since municipalities are not for profit, revenues would only be used for operating, maintaining and improving the water system. It is important to note that the MPMW has been serving its customers with safe drinking water and fire suppression services for 65 years at reasonable costs. Compared to a number of other agencies, the adopted 2015 water rates for the MPMW are lower. Figure 1 compares the MPMW monthly water charges (for a typical resident using 14 ccf a month) to other local water agencies that also purchase SFPUC water. Ten of the agencies (including Sunnyvale, California Water Service, Mountain View, and Palo Alto) adopted new rates in 2015. The MPMW single-family residential monthly charge falls in the lower middle range compared to the other agencies. Cal Water (Bear Gulch), which serves the central part of the City, as well as the Towns of Atherton, Woodside and Portola Valley has higher rates than those of the MPMW.

Figure 1 – Monthly Single Family Residential Water Rates, FY 2016 SFPUC Agencies



Note: Cost is based on the use of 14 ccf a month.

Outsourcing

The management of water systems can be complex for municipalities given their capital intensive nature and increasingly more stringent regulatory standards. Since water systems are fully funded through customer fees, the access to financial sources to adequately operate and maintain the system can be limited. There are political challenges associated with increasing user fees to fully fund day to day operations and meet long-term capital needs. As a result, many municipalities find themselves financially stressed and unable to maintain and operate their water systems in a manner that ensures long-term reliability.

The outsourcing of functions to other entities is therefore often seen as a means of saving on operating costs. A range of partnership models, both public-public and public-private, exist that involve the outsourcing of specific functions. Currently, the MPMW contracts out a number of services, as discussed earlier, such as water meter reading, billing and emergency and scheduled repairs. The day-to-day management of the system and long-term capital improvement planning, however, is done by MPMW staff.

There are a few options available to the MPMW to outsource more functions, which would avoid the need to hire additional staff. These include the following:

- Sharing of servicers with other municipalities, such as the City of Redwood City;
- The outsourcing of the operation and maintenance of the water system to a private contractor through a long-term agreement;
- The leasing of the system to a private company; and
- The sale of the water assets.

Shared Services

Both the cities of Redwood City and Palo Alto operate and maintain their own water systems. Under a public-public partnership model, the MPMW would enter into a long-term agreement for the sharing of staff with another public entity. The arrangement would vary, depending on the level of assistance available. For example, through shared services another agency could provide certain specific services and maintenance tasks and the sharing of equipment or they could involve the complete transfer of the operating and maintenance responsibilities of the water system.

The sharing of services with other neighboring municipalities offers a number of benefits. For example, the Cities of Palo Alto and Redwood City are in close proximity and are already familiar with the operation of the SFPUC system as well as with the water quality requirements (Attachment B). The City of Palo Alto has noted that they currently do not have the staffing levels to provide assistance to another agency. Redwood City, however, already has an emergency interconnection with the MPMW and they have expressed interest in exploring options to provide services. Based on their staffing levels and equipment, they may be able to provide assistance with specific maintenance tasks. These tasks could include a valve exercising program, pump maintenance, water main repairs or water quality sampling. The City already has experience contracting with Redwood City having done so for many years for the maintenance of the Atherton Channel. The arrangement with the MPMW would be similar in nature. The MPMW would be required to manage the contract and to negotiate the terms and fees. This would require that staff inspect the services being provided, track time and effort, ensure the adequacy of the work and handle the necessary paperwork.

Operational and Maintenance Contract

Operational and maintenance (O&M) contracts are competitively bid and transfer part or all of the management responsibilities of a public enterprise to the private sector. Under this type of contract, the MPMW would retain public ownership of the water system, but the operational control, maintenance and staff management would be the responsibility of the private contractor through a multi-year agreement (typically 15 years). The private contractor would hold the water operator certifications required by the State

to operate the system and would assume the public health risk associated with the delivery of domestic water to MPMW customers. In terms of capital improvements, these agreements typically require that the private operator execute projects associated with the maintenance of the water system for the life of the contract. While they can also include other major capital improvement needs, typical arrangements often leave the long-term planning and execution of these projects to the owner of the system. Under this option, the MPMW would be responsible for negotiating the terms and managing the contract, for developing the long-term capital improvement program to maintain and upgrade the infrastructure and for the implementation of the major improvement projects. User rates would be established by the contract fees and capital improvement needs and would be approved by the City Council.

The development of an O&M contract would offer a number of advantages. Foremost, it would relieve the MPMW from the management responsibilities associated with the operation, maintenance and operational staffing needs of the water system. It is important to note that the long-term planning responsibilities would be retained by the MPMW and performed by the engineering staff. With a negotiated long-term contract, the private operator would have the responsibility of operating the system at the negotiated costs. Water user rates would likely increase depending on the cost of the contract and the long-term capital improvement needs. Because the cost to manage and operate the water system would be determined by the private contractor, increases in rates associated with those services would have to be requested and justified by the private operator, not the municipality.

It is important to note that long-term O&M contracts for the provision of water services are not that common. Surveys of water and wastewater operations indicate that as of 2012, only 6% of municipal agencies hold contracts with private companies (Kishimoto *et.al*, 2015). In the Bay Area, there are not many private operators that currently manage and operate municipally owned water systems. Of the 26 BAWSCA member agencies, only the City of East Palo Alto's water system is managed by a private company (American Water) through a long-term O&M Contract.

While long-term O&M contracts offer potential advantages, they are complex to negotiate and require oversight and management. The terms need to ensure that the water system is operated and maintained efficiently and oversight is required to hold the private contractor accountable to the agreed terms. Based on information provided by the WSMP Consultant, these types of long-term agreements typically result in a 12-18% profit margin for the private contractor. It can also be challenging to ensure that the infrastructure is operated and maintained in an efficient manner that does not lead to unnecessary wear and tear of the system during the life of the contract. For example, a private contractor may focus on improvements that make the operation of the system less costly, resulting in operational savings. Improvements that focus on improving and extending the life of the asset, however, are often not prioritized since these types of improvements may not result in cost savings over the term of the agreement.

There are also many studies show that private operation does not necessarily result in more efficient or less costly management. Empirical data and results from meta-analyses show that there is no support for cost savings associated with the private operation of water systems. The lack of savings could be due to the absence of competition and high cost of the transactions (Bel *et al.*, 2010).

Water Lease

California Public Utilities law (Sections 10002 and 10006) allows municipalities to lease a utility for a minimum of 15 years to the highest bidder. Under this type of arrangement, the MPMW would retain public ownership of the water system, but forgo any responsibility for the management of the maintenance staff, O&M and capital improvement needs during the life of the lease. The lessee would hold the water operator certifications required by the State to operate the system and would assume the public health risk associated with the delivery of domestic water to MPMW customers. The MPMW would be responsible for

negotiating the terms and managing the contract. Typical arrangements include a one-time payment at the beginning of the lease and an annual base rental for the duration of the contract term. The fees for water services would be owned and collected from the customers are by the lessee. Increases in the water rates, however, would be subject to the approval of the City Council and would be governed by California Constitution Article 10, Section 2 and Article 13D, Section 6 (Proposition 218). At the end of the lease, the City would be required to pay back the capital investments made to the infrastructure to the lessee at a depreciated value.

Leases are often driven by municipalities that are financially stressed. The cash from the one-time payment and annual rental fee is typically used to offset the costs of other municipal services. Other drivers involve the need for intense capital investment that may be too difficult to address due to any challenges associated with increases in water rates.

There are a number of advantages associated with lease agreements. First, they would result in a revenue stream for the City which could be used to supplement the General Fund. With a complete transfer of staff and O&M responsibilities, the MPMW would no longer have the responsibility of acquiring and managing staff or for the execution of capital improvement projects. In addition, the City would retain the allocation rights to the SFPUC Individual Supply Guarantee and have control of development within the City.

While these agreements offer potential advantages, they can be complex to develop and negotiate and require oversight and management. Similar to the disadvantages associated with O&M contracts, a lease agreement needs to include requirements that ensure that the water system is operated and maintained efficiently and oversight is required to hold the private contractor accountable to the agreed terms. Since the lessee would manage and implement capital improvements, the MPMW would have difficulty ensuring that the improvements actually extend the life of the asset, rather than a focus on operational changes that result in gains for the lessee. Also, the cost for capital improvements would be higher since private financing is more expensive than public. The higher cost of projects would be passed on to the customers.

Unlike a public municipality, private water companies are regulated by the California Public Utilities Commission. Since investor owned, the accountability is to the investors. Based on information provided by the WSMP Consultant, these types of long-term agreements typically result in a 12-18% profit margin for the private contractor. The combination of a high profit margin and the additional cost of private financing result in additional costs that are transferred to the customer.

As noted earlier, at the end of the lease, the MPMW would be required to reimburse the lessee for the capital improvements made to the system. The condition of the water assets at the end of the lease would therefore have to be assessed and agreed upon by the MPMW and the lessee. Since lease revenues are often used to supplement general funds, a municipality may not have the resources to reimburse the lessee for the investment to the assets. This situation may therefore result in the need to lease the water system again, which would result in an initial payment from the lessee which would then be used for the reimbursement. Lease agreements can therefore lead to a cycle of perpetual agreements. Lease agreements are not that common in the water industry. However, the Cities of Hawthorne and Commerce have had lease agreements with Cal Water since 1993 and 2003, respectively.

Private Ownership - Sale of the Water System

The MPMW has been operating as a public entity for the past 65 years. Under this option, the water assets would be sold to a private company. The MPMW would therefore no longer exist and the City would transfer all rights to the allocation of water supply from the SFPUC to the private company. The revenues from the sale of the water asset would supplement the General Fund. This option would reduce the number of services that the City offers.

While this option would relieve the City from the responsibilities associated with being a water purveyor, the City would forgo its water allocation. This means that the City would no longer have direct control over the planning for meeting water demand from future growth. The inability to plan for and ensure that future growth can have an adequate supply of water could have negative implications on the City's future development. In addition, as discussed earlier, the accountability of investor owned private companies is primarily to the investors. The need for profit margins therefore often results in higher rates to customers.

Financial Impacts

With additional resources, the MPMW would be able to implement a preventive maintenance program that would ensure the reliability and sustainability of the water system. The MPMW is fully funded through revenues received from the sale of water at user rates that are set and approved by the City Council. Water rates and other utility service charges, sewer and garbage, are governed by California Constitution Article 10, Section 2 and Article 13D, Section 6 (Proposition 218). Article 13D, Section 6 requires that the revenues collected from the fees not exceed the costs of providing the service; that they only be used for the purpose that they were collected for; that they do not exceed the proportional cost of service; and that charges be imposed only on property owners that use the service.

In May 2015, the MPMW completed a water rate study that made recommendations to increase rates. On July 21, 2015, the City Council approved the recommended water rates for the next 5 years, extending from FY 2015-16 through FY 2019-20. The key drivers for the rate increase were the following:

- Recovery from an operating deficit resulting from higher than expected SFPUC wholesale water rates and lower than anticipated water sales;
- Adjustment of the lower tier rate to reflect the true cost of water delivery;
- Revenue loss associated with the drought and lower water consumption; and
- Aim to restore the operating and capital reserve funds.

The addition of 4 positions would increase the personnel costs beginning in FY 2017/18 with the Phase 1 proposed hiring. In Phase 2, personnel costs would increase again with the additional 2 staff to be brought on in FY 2018/19 as shown in Table 2. Overall, the recommended positions would increase the MPMW expenses by approximately 1.7% in FY 2017/18 and FY 2018/2019 as shown in Table 3. The costs are based on budgetary, planning level estimates that include benefits, including retirement. It is important to note that the MPMW is a self-supporting enterprise. The revenues collected from customers through the sale of water are used to pay for all of the operating and capital costs. The Water Fund is therefore ultimately liable for the costs of all MPMW employees and their associated benefits, including retirement. Because the MPMW has been operating in a deficit and using reserves, the water rate structure approved in 2015 was designed to set the MPMW on a recovery mode and to begin accumulating the recommended operating and capital reserves. An additional increase to the expenses would therefore affect the sufficiency of the capital and operating reserves.

With the increase in staffing costs, the MPMW would continue to accumulate reserve funds, but would fall short of meeting the target recommended by the water rate Consultant. While it is acceptable for the reserves to fall below the target on a temporary basis, it is recommended that action be taken to set the MPMW on a recovery mode to meet the reserve fund target in the future years. This action would therefore require the development of another water rate study to assess the impact of the staffing levels and also would include any changes in recommended projects to the Capital Improvement Program based on the capital improvement recommendations from the Water System Master Plan.

Table 2 – Estimated Additional Staff Costs

Positions	Phase 1 FY 2017-18	Phase 2 FY 2018-19
New Senior Water System Operator	\$225,000	
New Water System Operator I/II		
New Water Quality Specialist		\$225,000
New Water System Operator I/II		
Phase 1 and Phase 2 Total		\$450,000

Note: Staff costs are based on estimated budgetary numbers.

Table 3 – Proposed Increase in Expenses from Estimated Additional Staff Costs

	Phase 1 FY 2017-18	Phase 2 FY 2018-19
Expenses	\$13,600,000	\$13,600,000
Additional Staffing Cost	\$225,000	\$225,000
% Increase to Expenses	%1.7	%1.7
Total % Increase	3.3%	

Next Steps

For the past 65 years, the MPMW has been serving its customers with safe drinking water and fire suppression services at reasonable costs. Based on the evaluation of a number of management options, Staff requests that the City Council provide feedback on the proposed strategy, which consists of staff augmentation and retaining the public management of the MPMW. With additional staff, the MPMW would be able to implement a preventive maintenance program to improve the reliability of the water system while avoiding costly repairs associated with unexpected failures resulting from the inability to implement effective maintenance programs. Also, under this option, the City would continue to retain the water supply allocation from the SFPUC and have direct control of development in the areas served by the MPMW.

While the recommendation from the WSMP is for the addition of 4 maintenance workers, staff is recommending a multi-year phased approach. Phase 1 would include the addition of 2 staff in the proposed FY 2017-18 budget while continuing to explore the feasibility of contracting out other specific maintenance tasks. Phase 2, which could include the addition of 2 more staff, would be considered at a later time, depending on the level of contracting services and the staffing needs.

Impact on City Resources

The proposed staffing level changes would temporarily impact the MPMW’s capital and operating reserve funds until new water rates are adopted as described above.

Environmental Review

There is no environmental review required for this action.

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. Figure – MPMW Service Area, 2017
- B. Figure – Water Providers Within and Surrounding Menlo Park
- C. Table – WSMP Appendix 10-A, Staffing Level Assessment Operation and Maintenance Tasks
- D. Table – Staffing Level Comparison to Other Municipalities

References

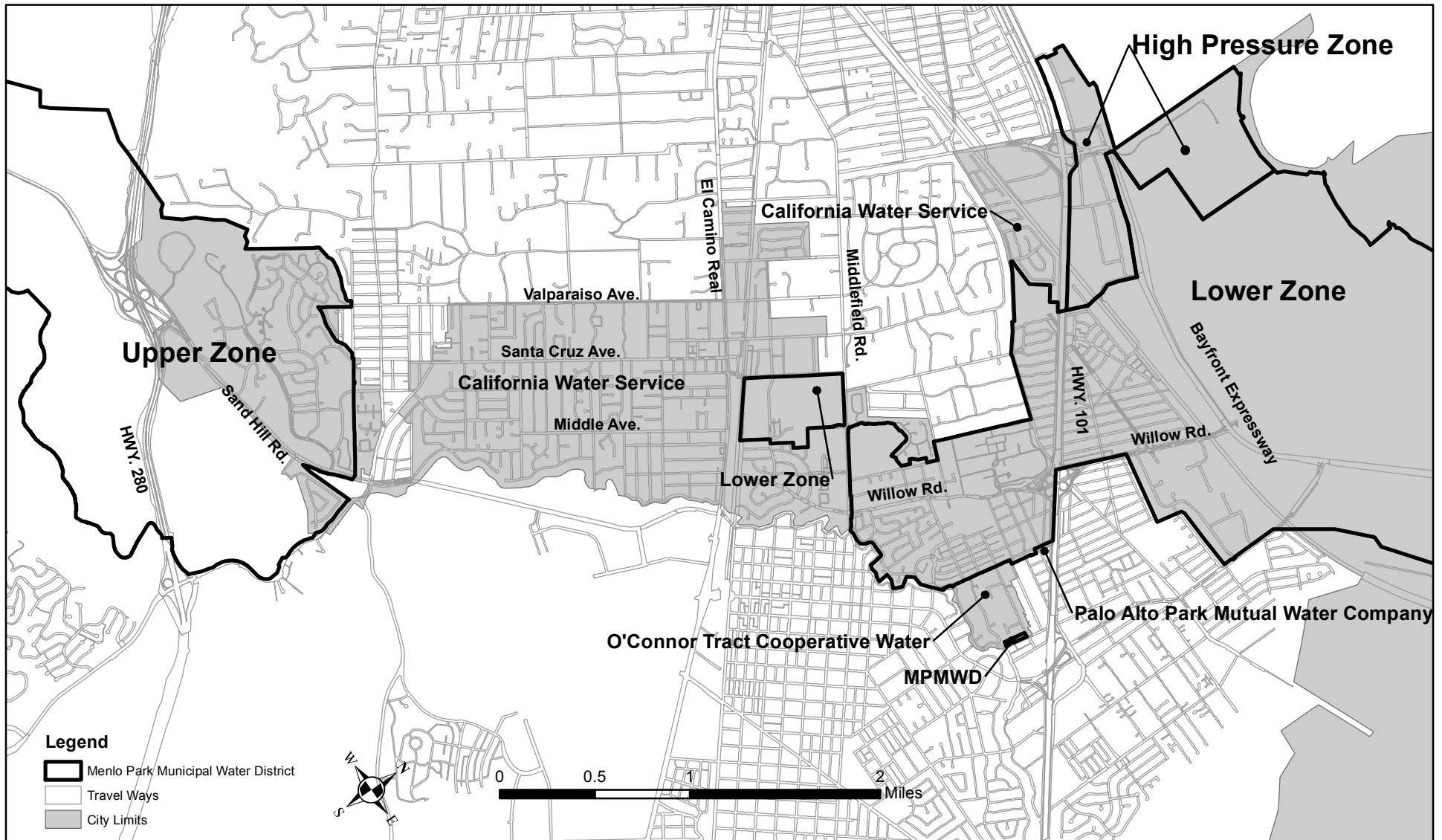
Kishimoto, S., Lobina, E. and Petijean, O. 2015. Our public water future, The global experience with remunicipalisation. *Transnational Institute, Public Services International Research Unit, Multinationals Observatory, Municipal Services Project and European Federation of Public Service Unions.*

Bel, G., Fageda, X., and Wamer, M.E. (2010). Is private production of public services cheaper than public production? A meta-regression analysis of solid waste and water services. *Journal of Policy Analysis and Management.* (29) 3, 553-577.

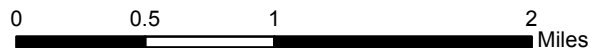
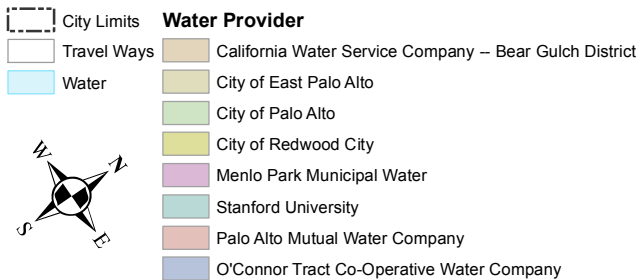
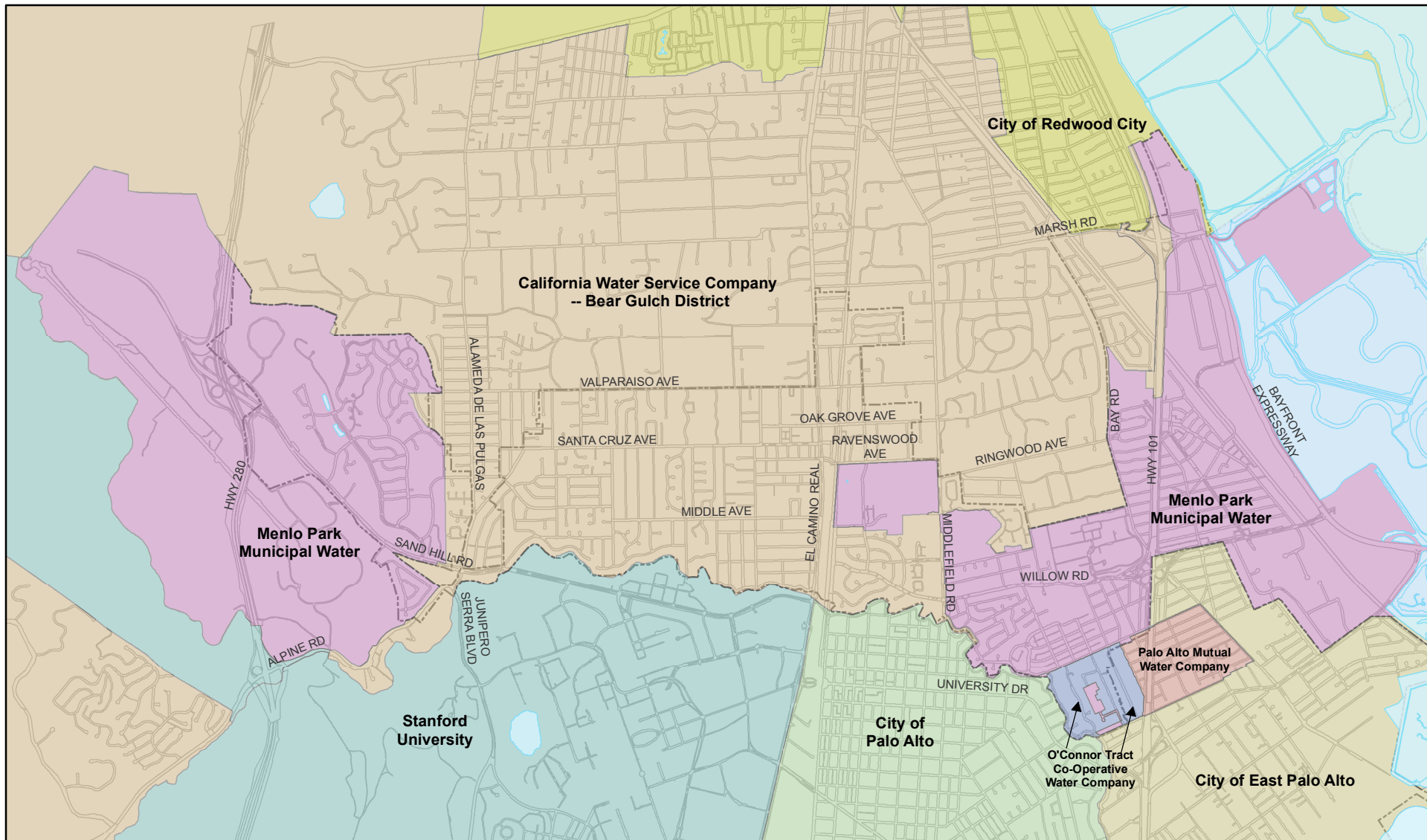
Report prepared by:
Azalea Mitch, Engineering Services Manager / City Engineer

Reviewed by:
Justin Murphy, Public Works Director

Water Districts Within the City of Menlo Park



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Water Providers Within and Surrounding Menlo Park



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Water System Mater Plan Appendix 10-A, Staffing Level Assessment Operation and Maintenance Tasks

Task	Assumptions	Estimated Annual Hours	
Utility Marking	40 per month, 2 a day for 20 days a month, 2 hrs each with travel	960	9%
Work Order Documentation	1 hours a day for 20 days a month	240	2%
SFPUC Meter Reading	once a month, 3 hours with travel	36	0%
Meter Maintenance	12 meters per month, 4 hours each	576	5%
Meter/Service Replacements	10 per month, 2 employees 8 hours each	1920	18%
Pump Station Inspections	once a day, 20 days a month for one hour	240	2%
Pump Station Maintenance	8 hours a month	96	1%
Generator Inspection and Testing	6 hours a month	72	1%
Reservoir Inspections	once a day, 20 days a month for one hour	240	2%
Reservoir Maintenance	4 hours a month	48	0%
Cross-Connection Testing	50 units per year, 1.5 hr per unit to test and document	75	1%
PRV Inspections	1.5 hours per day with travel, 20 days a month	360	3%
PRV Maintenance	6 hours every 6 months	12	0%
Hydrant Inspection	1.5 a day at 1.2 hours for 20 days a month	288	3%
Hydrant Testing	3 hydrants a week at 3 hours each with documentation	432	4%
Hydrant Replacement/Repair	1.5 per month, 2 employees at 8 hrs each	288	3%
Dead-end Flushing	5 a month at 4 hours each with documentation	240	2%
Valve Exercising & Maintenance	7 a week at 1 hour each	336	3%
Valve Repair/Replacement	1 every other month, 2 employees at 4 hours each	48	0%
Water Quality Sampling & Documentation	15 hours a week	720	7%
Certification Training	16 hours a year for 5 employees	80	1%
Safety and Computer Training	8 hours a month for 5 employees	480	4%
Updates to ERP/ Annual Training Drills	8 hours a year for 5 employees	40	0%
Repair Water System leaks	7 per month at 4 hours each	336	3%
Regulatory & Monthly Reporting	6 hours a month	72	1%
Staff & Field Meetings	20 hours a month for 2 employees	480	4%
SCADA Monitoring	8 hours a month	96	1%
Meter Rereads/Shut-offs	80 per month at 1 hour each	960	9%
New Construction Inspections	8 hours a month	96	1%
Inventory and Purchasing	3 hours a week	144	1%
Field Equipment and Vehicle Maintenance	5 hours a month	60	1%
Coordination with Subcontractors	3 hours a week	144	1%
Vegetation Maintenance (Meter boxes and facilities)	30 per month at 1.5 hour each	540	5%
Customer Service	4 hours a week	192	2%
Performance Reviews	8 hours once a year	8	0%

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Table - Staffing Level Comparison to Other Agencies

Utility	Location	Population Served	No. of Water Connections	Water Staff	No. of Water Connections per Staff
MPMWD (Existing)	Menlo Park, CA	16,100	4,202	3	1,401
MPMWD (Proposed)	Menlo Park, CA	16,100	4,202	7	600
Neighboring BAWSCA Agencies – Similar Size (Based on No. of Water Connections)					
East Palo Alto	East Palo Alto, CA	28,155	3,752	5	750
Hillsborough	Hillsborough, CA	11,260	3,880	9	431
Other Agencies - Similar Size (Based on No. of Water Connections)					
Carpinteria Valley Water District	Carpinteria, CA	16,050	4,293	6	716
Lomita	Lomita, CA	20,300	4,176	6	696
Nipomo Community Services District	Nipomo, CA	12,512	4,284	5	857
Trabuco Canyon Water District	Trabuco Canyon, CA	14,900	3,962	7	566
Neighboring BAWSCA Agencies – Not of Similar Size (Based on No. of Water Connections)					
Redwood City	Redwood City, CA	87,059	22,997	22	1,045
Mountain View	Mountain View, CA	76,413	17,857	21	850
Palo Alto	Palo Alto, CA	66,152	19,863	21	945
San Bruno	San Bruno, CA	43,798	9,524	14	680
Burlingame	Burlingame, CA	30,282	9,137	15	609
Millbrae	Millbrae, CA	21,532	6,555	7	936
Mid-Peninsula Water District	Belmont, CA	26,730	7,974	13	613

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STAFF REPORT

City Council

Meeting Date:

3/28/2017

Staff Report Number:

17-069-CC

Consent Calendar:

Authorize the City Manager to enter into a reimbursement agreement with the California High Speed Rail Authority (CAHSRA)

Recommendation

Staff recommends that the Council authorize the City Manager to enter into a reimbursement agreement, and all necessary amendments without changes to the budget, with the California High Speed Rail Authority (CAHSRA).

Policy Issues

This item is included in the Council's adopted 2017 Work Plan (#49) to participate in the review of the San Jose to San Francisco project section.

Background

The CAHSRA is responsible for planning, design, construction and operation of California's high speed rail system. The CAHSRA is currently preparing environmental documents for the San Jose to San Francisco project section. On May 9, 2016, the CAHSRA issued a joint Notice of Intent/Notice of Preparation (NOI/NOP) to initiate the environmental clearance process. The City prepared a comment letter on the NOI/NOP, as approved by the City Council on June 7, 2016.

Analysis

The reimbursement agreement would allow the City to be reimbursed for staff and direct costs associated with the review of technical studies, legal documents, and design plans for the San Francisco to San Jose segment. CAHSRA is negotiating similar agreements with all peninsula cities along the 51-mile corridor. To date, agreements with Atherton, San Mateo, South San Francisco, San Jose, and the County of Santa Clara have been executed. According to the CAHSRA, agreements with Santa Clara, San Carlos, Millbrae, and Belmont are also nearing approval.

City staff and Greg Rubens, contract City attorney that supports the City on rail-related issues, have reviewed the reimbursement agreement (Attachment A). It is anticipated that, under the proposed agreement, the City would be reimbursed for technical and legal review associated with planning and design of the project. Although a specific scope of work has not yet been determined, potential tasks eligible for reimbursement include:

- Technical/engineering reviews of reports, studies, and plans
- Utility coordination
- Technical and legal review of cooperative agreements, utility agreements, right-of-way transfer agreements, maintenance and operations agreements, etc.
- Preparation for City Council staff reports and supporting materials
- Property rights research

Work performed by City staff which will not be reimbursed under this agreement includes:

- Review and preparation of comments on the project environmental documents
- Attending meetings not authorized by the CAHSRA

While the future of HSR may be in question, having this in place will be important should the City be asked to respond to requests from the CAHSRA. This agreement does not bind the City to support the project.

Impact on City Resources

The cost of staff time for the City's review of the high speed rail project is proposed to be covered by the CAHSRA as outlined in the proposed reimbursement agreement up to a maximum of \$50,000. This project is anticipated to be completed with current staffing levels and contract review assistance as needed.

Environmental Review

This Council action does not require environmental review under the California Environmental Quality Act (CEQA). The CAHSRA is completing environmental review of the project currently.

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. Reimbursement Agreement with the California High Speed Rail Authority

Report prepared by:

Nicole H. Nagaya, P.E, Assistant Public Works Director

STATE OF CALIFORNIA
STANDARD AGREEMENT

STD 213 (Rev 06/03)

Agreement Number HSR16-XXX
Registration Number

- This Agreement is entered into between the State Agency and the City named below:

STATE AGENCY'S NAME
 California High-Speed Rail Authority

CITY'S NAME
 City of Menlo Park
- The term of this Agreement is: March 1, 2017 through December 31, 2017
 Agreement is: or upon execution by both parties,
 whichever is later
- The maximum amount of this Agreement is: \$50,000.00
 Fifty Thousand Dollars and Zero Cents
- The parties agree to comply with the terms and conditions of the following exhibits which are by this reference made a part of the Agreement.

Exhibit A – Scope of Work	3 pages
Exhibit B – Budget Detail and Payment Provisions	3 pages
Exhibit C – General Terms and Conditions and Contractor Certifications	3 pages
Exhibit D – Special Terms and Conditions	3 pages
Exhibit E – Supplemental Terms And Conditions For Contracts Using Federal Funds	9 pages
Attachment 1 – Budget	1 page
Attachment 2 – Board Resolution	X pages

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

CITY	California Department of General Services Use Only	
<small>CITY'S NAME (if other than an individual, state whether a corporation, partnership, etc.)</small> City of Menlo Park		
<small>BY (Authorized Signature)</small> 		<small>DATE SIGNED (Do not type)</small>
<small>PRINTED NAME AND TITLE OF PERSON SIGNING</small> Alex D. McIntyre		
<small>ADDRESS</small> 701 Laurel Street Menlo Park, CA 94025		
STATE OF CALIFORNIA		
<small>AGENCY NAME</small> California High-Speed Rail Authority	<input checked="" type="checkbox"/> Exempt per: Public Utilities Code Section 185036	
<small>BY (Authorized Signature)</small> 		<small>DATE SIGNED (Do not type)</small>
<small>PRINTED NAME AND TITLE OF PERSON SIGNING</small> Scott Jarvis, Chief Engineer		
<small>ADDRESS</small> 770 L Street, Suite 620 MS 2 Sacramento, CA 95814		

**EXHIBIT A
SCOPE OF WORK**

1. BACKGROUND AND PURPOSE

- A. The California High-Speed Rail Authority (Authority) is responsible for the planning, design, construction, and operation of the first high-speed rail system in the nation (Project). The California high-speed rail system will connect the mega-regions of the State, contribute to economic development and a cleaner environment, create jobs, and preserve agricultural and protected lands. By 2029, high-speed rail will run from San Francisco to the Los Angeles basin in under three hours at speeds of over 200 miles per hour. The system will eventually extend to Sacramento and San Diego, totaling 800 miles with up to 24 stations. In addition, the Authority is working with regional partners to implement a statewide rail modernization plan that will invest billions of dollars in local and regional rail lines to meet the State’s 21st century transportation needs.
- B. This Agreement (Agreement) is between the Authority, an agency of the State of California, and the City of Menlo Park (City), a California Municipal Corporation.
- C. To facilitate the construction of the high-speed rail system, the Authority requires City to perform the work as described in Section 2 of this Exhibit (Work).
- D. All inquiries regarding this Agreement will be directed to the project representatives identified below:

AUTHORITY	CITY
Contract Manager: John Mason	Project Manager: Nicole Nagaya
Address: 770 L Street, Suite 620 MS 2 Sacramento, CA 95814	Address: 701 Laurel Street Menlo Park, CA 94025
Phone: 916-403-0552 ext. 1552	Phone: 650-330-6770
Fax: n/a	Fax: n/a
Email: John.Mason@hsr.ca.gov	Email: nhnagaya@menlopark.org

The Contract Managers may be changed without amendment with written notification.

2. SCOPE OF WORK, TASKS, DELIVERABLES, AND SCHEDULE

- A. The Authority shall provide the City a Notice to Proceed for the Work under this Agreement from the Authority’s Contract Manager, a proposed alignment, segment number(s), and any other information about the Project segment(s) to assist the City in the investigation of its existing facilities for conflicts with the Project’s proposed alignment. The Notice to Proceed may specify work based on Tasks as outlined below.
- B. City will be reimbursed for its actual, direct, and necessary expenses in its performance of the following:

**EXHIBIT A
 SCOPE OF WORK**

	<u>Task</u>	<u>Description</u>	<u>Deliverable</u>	<u>Schedule</u>
1.	Technical/Engineering Review Support	Staff time to review technical/preliminary engineering documents.	Comments on technical/preliminary engineering documents.	Through December 31, 2017
2.	Technical/Engineering Review Support	Staff time for identifying existing conflicts.	Report identifying any conflicts.	Through December 31, 2017
3.	Technical/Engineering Review Support	Staff time for coordination with the Authority and its representatives.	Participation in coordination activities.	Through December 31, 2017
4.	Agreement Development	Staff time for cooperative agreement review.	Participation in meetings and review of draft contract and other documents.	Through December 31, 2017
5.	Agreement Development	Staff time for task order/utility agreement template review.	Participation in meetings and review of draft contract and other documents.	Through December 31, 2017
6.	Agreement Development	Staff time for right-of-way transfer agreement review.	Participation in meetings and review of draft contract and other documents.	Through December 31, 2017
7.	Agreement Development	Staff time for grade separation agreement review.	Participation in meetings and review of draft contract and other documents.	Through December 31, 2017
8.	Agreement Development	Staff time for ownership and maintenance agreement review.	Participation in meetings and review of draft contract and other documents.	Through December 31, 2017
9.	Agreement Development	Attorney time for legal review.	Legal review of documents and meeting with Authority attorneys.	Through December 31, 2017
10.	Agreement Development	Staff and attorney time for preparation of board of directors materials and reports.	Materials and reports for board of directors.	Through December 31, 2017
11.	Right-of-way Support	Staff time for property rights research.	Reports detailing property rights.	Through December 31, 2017
12.	Right-of-way Support	Staff and attorney time for abandonment, vacation, or legal transfer of right-of-way.	Abandonment, vacation, or legal transfer of right-of-way and supporting documentation.	Through December 31, 2017
13.	Right-of-way Support	Staff and attorney time for preparation of board of directors materials	Presentations to board of directors, if any.	Through December 31, 2017

**EXHIBIT A
 SCOPE OF WORK**

<u>Task</u>	<u>Description</u>	<u>Deliverable</u>	<u>Schedule</u>
	and reports.		

City staff and attorney time will be reimbursed at the hourly rates set forth in Attachment 1 - Budget. City acknowledges that “staff time” does not include time for subcontractors, vendors, and outside counsel. Subcontractor, vendors, and attorney time shall only be reimbursed if specifically included above and in Attachment 1 - Budget. Notwithstanding the above, the Contractor’s City Attorney or attorney appointed in that capacity, who is employed on a contract basis, shall be considered City staff and the City shall be reimbursed for time spent at the ordinary contracted rate. In addition, any contract employees shall also be considered City Staff and the City shall be reimbursed for their work at their ordinary contract rates.

- C. Additionally, City will be reimbursed the actual costs incurred for (i) fringe and overhead rates, and (ii) other direct costs limited to (a) travel; (b) approved subcontractors; and (c) vendors.
- D. City acknowledges the following costs shall not be reimbursed: (i) reviewing and/or providing comments on environmental documents (including, but not limited to, environmental impact statements and environmental impact reports); (ii) attending meetings, unless at the request of the Authority; (iii) acquisition of real property, which shall be handled through the property acquisition process; (iv) coordination for design and construction activities, which shall be handled through task orders/utility agreements; (v) preliminary and/or final designs, which shall be handled through task orders/utility agreements; (vi) construction, materials, or inspection, which shall be handled through task orders/utility agreement; and (vii) maintenance, which shall be handled through the ownership and maintenance agreement or construction and maintenance agreement, as appropriate.

3. SCHEDULE OF SERVICES

Performance of the work described in Section 2 shall commence upon receipt of Notice to Proceed. Unless terminated as provided herein, the Work shall continue until earlier of (i) completion of the Work or (ii) expiration of the term.

EXHIBIT B
BUDGET DETAIL AND PAYMENT PROVISIONS

1. FUNDING REQUIREMENTS

- A. This Agreement shall be of no further force and effect if the Budget Act of the current year and/or any subsequent years covered under this Agreement does not appropriate sufficient funds for the Work identified in Exhibit A. In this event, the Authority shall have no liability to pay any funds whatsoever to the City or to furnish any other considerations under this Agreement and the City shall not be obligated to perform any provision of this Agreement.
- B. After execution or commencement of this Agreement, if funding for any fiscal year is reduced or deleted by the Budget Act for purposes of the Work, the Authority shall have the option to either: 1) cancel this Agreement with no further liability occurring to the Authority; or 2) offer an Agreement amendment to the City to reflect the reduced amount.
- C. This Agreement is valid and enforceable only if sufficient funds are made available to the State by the United States Government or the California State Legislature for the purpose of this Project. In addition, this Agreement is subject to any additional restrictions, limitations, conditions, or any statute enacted by the Congress or State Legislature that may affect the provisions, terms or funding of this Agreement in any manner.

2. COMPENSATION, INVOICING, AND PAYMENT

- A. The maximum amount of this Agreement is an estimate, and the actual amount of work requested by the Authority may be less. No payment shall be made in advance of services rendered.
- B. City shall not be entitled to payment for work performed prior to receipt of Notice to Proceed from the Authority's Contract Manager. No Work shall begin before that time.
- C. Invoices shall include the Agreement Number, date prepared, billing period, actual hours worked (by individual name and position), actual costs for salaries (by position), and fringe, overhead and other direct costs. City shall not be paid for claimed costs or expenses not identified on the Attachment 1 – Budget.
- D. For services satisfactorily rendered and approved by the Contract Manager and upon receipt and approval of the invoices, the Authority shall reimburse the City for actual costs incurred. City shall provide 1 original and 2 copies, as set forth below, of the invoice for payment. Invoices shall be submitted no more than monthly in arrears and within thirty (30) days of the services provided to:

(1 original and 1 copy)
Financial Operations Section
California High-Speed Rail Authority
770 L Street, Suite 620 MS 3

EXHIBIT B
BUDGET DETAIL AND PAYMENT PROVISIONS

Sacramento, CA 95814

AND

(1 copy)

John Mason

California High-Speed Rail Authority
770 L Street, Suite 620 MS 2
Sacramento, CA 95814

- E. The following certification shall be included on each invoice and signed by the authorized official of the City:

“I certify that this invoice is correct and proper for payment, and reimbursement for these costs has not and will not be received from any other sources, included but not limited to a Government Entity contract, subcontract, or other procurement method.”

- F. The Authority will accept computer generated or electronically transmitted invoices. The date of “invoice receipt” shall be the date the Authority receives the paper copy.
- G. Payments shall be made to the City for undisputed invoices. If the Authority disputes an invoice it shall notify the City within fifteen (15) working days of receipt of the invoice and pay undisputed portions of the invoice in accordance with the Agreement. The invoice may be disputed if additional evidence is required to determine the invoice’s validity, deliverables for the billing period have not been received and approved, inaccuracies of the invoice, or does not otherwise comply with the terms of this Agreement.
- H. Positions listed in the Budget, included as Attachment 1, may be changed without an amendment to the Agreement. A request for change must be in writing, on City’s letterhead, and identify the position and rate that is added or removed. Except as provided elsewhere in this Agreement, there shall be no change in the positions without written approval by the Authority’s Contract Manager.
- I. There shall be no change in the rate of position without prior written approval by the Authority’s Contract Manager. A request for change must be in writing, on City’s letterhead and identify the reason for rate change.

3. COST PRINCIPLES

City’s performance shall be governed by and in compliance with the following administrative and cost principles:

EXHIBIT B
BUDGET DETAIL AND PAYMENT PROVISIONS

- A. If City is governmental entity, then City shall comply with Title 49 Code of Federal Regulations, Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments and OMB Circular A-87, Cost Principles for State, Local, and Indian Tribal Governments, as amended.
- B. Any subcontract in excess of \$25,000, entered into as a result of this Agreement, shall contain all the provisions of this clause.

The identified circulars and regulations are hereby incorporated into this Agreement by reference as if fully set out herein.

If any costs for which payment has been made to the City are determined by subsequent audit to be unallowable under the applicable administrative and cost principles referenced above, then the unallowable costs are subject to repayment by the City to the Authority.

4. TRAVEL

- A. The City shall be reimbursed for approved travel and per diem expenses using the same rates provided to non-represented state employees. The City must pay for travel in excess of these rates. The City may obtain current rates at the following website:
<http://www.calhr.ca.gov/employees/pages/travel-reimbursements.aspx>.
- B. Travel expenses are computed from the City's approved office location. Travel to the City's approved office from other locations is not reimbursed under this Agreement unless specifically authorized.
- C. The City must retain documentation of travel expense in its financial records. The documentation must be listed by trip and include dates and times for departure and return.

5. CONTINGENT FEE

The City certifies, by execution of this Agreement, that no person or selling agency has been employed or retained to solicit or secure this Agreement upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, with the exception of bona fide employees or bona fide established commercial or selling agencies maintained by the City for the purpose of securing business. For breach or violation of this certification, the Authority has the right to annul this Agreement without liability, pay only for the value of the work actually performed, or in its discretion, to deduct from the Agreement price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

EXHIBIT C

GENERAL TERMS AND CONDITIONS AND CONTRACTOR CERTIFICATIONS

1. GENERAL TERMS AND CONDITIONS

A. APPROVAL. This Agreement is of no force or effect until signed by both parties and approved by the Department of General Services, if required. City may not commence performance until such approval has been obtained.

B. AMENDMENT. No amendment or variation of the terms of this Agreement shall be valid unless made in writing, signed by the parties and approved as required. No oral understanding or Agreement not incorporated in the Agreement is binding on any of the parties.

C. ASSIGNMENT. This Agreement is not assignable by the City, either in whole or in part, without the consent of the State in the form of a formal written amendment.

D. AUDIT. City agrees that the Authority, the Department of General Services, the State Auditor, or their designated representative shall have the right to review and to copy any records and supporting documentation pertaining to the performance of this Agreement. City agrees to maintain such records for possible audit for a minimum of three (3) years after final payment, unless a longer period of records retention is stipulated. City agrees to allow the auditor(s) access to such records during normal business hours and to allow interviews of any employees who might reasonably have information related to such records. Further, City agrees to include a similar right of the State to audit records and interview staff in any subcontract related to performance of this Agreement. (Gov. Code §8546.7.)

E. INDEMNIFICATION. City agrees to indemnify, defend, and save harmless the State, its officers, agents and employees from any and all claims and losses accruing or resulting to any and all contractors, subcontractors, suppliers, laborers, and any other person, firm or corporation furnishing or supplying work services, materials, or supplies in connection with the performance of this Agreement, and from any and all claims and losses accruing or resulting to any person, firm or corporation who may be injured or damaged by City in the performance of this Agreement.

F. DISPUTES. City shall continue with the responsibilities under this Agreement during any dispute.

G. TERMINATION FOR CAUSE. Either party may terminate this Agreement and be relieved of its obligations hereunder should the other party fail to perform the requirements of this Agreement at the time and in the manner herein provided. In the event of such termination the Authority may proceed with the work in any manner deemed proper by the Authority. All costs to the Authority shall be deducted from any sum due the City under this Agreement and the balance, if any, shall be paid to the City upon demand.

H. INDEPENDENT CONTRACTOR. City, and the agents and employees of City, in the performance of this Agreement, shall act in an independent capacity and not as officers or employees or agents of the State.

EXHIBIT C
GENERAL TERMS AND CONDITIONS AND CONTRACTOR CERTIFICATIONS

I. NON-DISCRIMINATION CLAUSE. During the performance of this Agreement, City and its subcontractors shall not unlawfully discriminate, harass, or allow harassment against any employee or applicant for employment because of sex, race, color, ancestry, religious creed, national origin, physical disability (including HIV and AIDS), mental disability, medical condition (e.g., cancer), age (over 40), marital status, and denial of family care leave. City and subcontractors shall ensure that the evaluation and treatment of their employees and applicants for employment are free from such discrimination and harassment. City and subcontractors shall comply with the provisions of the Fair Employment and Housing Act (Gov. Code §12990 (a-f) et seq.) and the applicable regulations promulgated thereunder (California Code of Regulations, Title 2, Section 7285 et seq.). The applicable regulations of the Fair Employment and Housing Commission implementing Government Code Section 12990 (a-f), set forth in Chapter 5 of Division 4 of Title 2 of the California Code of Regulations, are incorporated into this Agreement by reference and made a part hereof as if set forth in full. City and its subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other Agreement.

City shall include the nondiscrimination and compliance provisions of this clause in all subcontracts to perform work under the Agreement.

J. TIMELINESS. Time is of the essence in this Agreement.

K. GOVERNING LAW. This contract is governed by and shall be interpreted in accordance with the laws of the State of California.

L. UNENFORCEABLE PROVISION. In the event that any provision of this Agreement is unenforceable or held to be unenforceable, then the parties agree that all other provisions of this Agreement have force and effect and shall not be affected thereby.

2. CONTRACTOR CERTIFICATIONS

A. STATEMENT OF COMPLIANCE. City has, unless exempted, complied with the nondiscrimination program requirements. (GC 12990 (a-f) and CCR, Title 2, Section 8103.)

B. DRUG-FREE WORKPLACE REQUIREMENTS. City will comply with the requirements of the Drug-Free Workplace Act of 1990 and will provide a drug-free workplace by taking the following actions:

i. Publish a statement notifying employees that unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited and specifying actions to be taken against employees for violations.

ii. Establish a Drug-Free Awareness Program to inform employees about:

1) the dangers of drug abuse in the workplace;

EXHIBIT C

GENERAL TERMS AND CONDITIONS AND CONTRACTOR CERTIFICATIONS

- 2) the person's or organization's policy of maintaining a drug-free workplace;
- 3) any available counseling, rehabilitation and employee assistance programs; and
- 4) penalties that may be imposed upon employees for drug abuse violations.

iii. Every employee who works on the proposed Agreement will:

- 1) receive a copy of the company's drug-free workplace policy statement; and
- 2) agree to abide by the terms of the company's statement as a condition of employment on the Agreement.

Failure to comply with these requirements may result in suspension of payments under the Agreement or termination of the Agreement or both and City may be ineligible for award of any future State agreements if the department determines that any of the following has occurred: the City has made false certification, or violated the certification by failing to carry out the requirements as noted above. (GC 8350 et seq.)

**EXHIBIT D
SPECIAL TERMS AND CONDITIONS**

1. EARLY TERMINATION

- A. This Agreement may be terminated at any time by mutual agreement of the parties in writing.
- B. Termination for Convenience. The Authority and City reserve the right to terminate this Agreement upon thirty (30) calendar days' written notice for convenience.
- C. Notice of Termination for Subcontractors, Suppliers, and Service Providers. The City shall notify any subcontractor and service or supply vendor providing services under this Agreement of the early termination date of this Agreement. Failure to notify any subcontractor and service or supply vendor shall result in the City being liable for the termination costs incurred by any subcontractor and service or supply vendor for work performed under this Agreement, except those specifically agreed to by the Authority in writing.
- D. City Claims After Early Termination. The City shall release the Authority from any and all further claims for services performed arising out of this Agreement or its early termination, upon acceptance by the City of payment for costs actually incurred for work performed prior to receipt of the notice of termination and actual costs incurred as a result of termination.

2. PURCHASE OF EQUIPMENT

No equipment is approved for purchase.

3. SUBCONTRACTING

- A. Upon prior approval of the Authority, City may subcontract a portion of the Work. Attachment 1 – Budget shall identify the rates for any approved subcontractor. Any substitution of a subcontractor shall be approved in writing by the Authority's Contract Manager prior to such substituted subcontractor performing work. Unless specifically noted otherwise, any subcontract in excess of \$25,000 shall contain all the applicable provisions stipulated in this Agreement.
- B. This Agreement shall not create a contractual relationship between the Authority and any approved subcontractor. A subcontract shall not relieve the City of performance of its duties hereunder. City shall be responsible for the any and all acts and omissions of its subcontractors and their employees.
- C. City's obligation to pay its subcontractors is independent of the Authority's obligation to pay the City.

4. OWNERSHIP OF DATA

- A. Upon completion of all work under this Agreement, all intellectual property rights, ownership, and title to all reports, documents, plans, specifications, electronic documents, and estimates produced as part of this Agreement will automatically be vested in the Authority and no further

EXHIBIT D
SPECIAL TERMS AND CONDITIONS

agreement will be necessary to transfer ownership to the Authority. The City shall furnish the Authority all necessary copies of data needed to complete the review and approval process.

- B. All calculations, drawings and specifications, whether in hard copy, and electronic or machine readable form, are intended for one-time use in the construction of the Project.
- C. The City is not liable for claims, liabilities or losses arising out of, or connected with the modification or misuse by the Authority of any data provided by the City under this Agreement. The City is not liable for claims, liabilities or losses arising out of, or connected with, any use by the Authority of the project documentation on other projects, for additions to this Project, or for the completion of this Project by others, except for such use as may be authorized, in writing, by the City.
- D. Any subcontract in excess of \$25,000, entered into as a result of this Agreement, shall contain all of the provisions of this clause.

5. CONFIDENTIALITY OF DATA

- A. All financial, statistical, personal, technical, or other data and information relative to the Authority's operations, which is designated confidential by the Authority and made available to the City in order to carry out this Agreement, shall be protected by the City from unauthorized use and disclosure, except as required by law.
- B. The Authority and the City agree to protect designated confidential or privileged information intended by the Authority and City to remain so protected, while facilitating the sharing of information as part of both parties' efforts. Use of data files constitutes agreement on the part of the City to maintain confidentiality if exempt under the California Public Records Act, subject to Government Code Section 6254.5(e). If City determines that confidential information must be disclosed under the California Public Records Act, City will provide written notice to the Authority at least five (5) days prior to releasing the information.
- C. Any subcontract entered into as a result of this Agreement shall contain all of the provisions of the Confidentiality of Data clause.

6. PUBLIC RECORDS; CONFLICTS OF INTEREST

- A. This Agreement shall not limit nor infringe on either party's duty to comply with the California Public Records Act, Government Code Section 6250 *et seq.*
- B. The City and its employees, and all its subcontractors and employees, shall comply with the Authority's Organizational Conflict of Interest Policy.
- C. Any subcontract in excess of \$25,000, entered into as a result of this Agreement, shall contain all of the provisions of this clause.

EXHIBIT D
SPECIAL TERMS AND CONDITIONS

7. STOP WORK

- A. The Authority's Contract Manager may, at any time, by written notice to the City require the City to stop all or any part of the work tasks in this Agreement.
- B. Upon receipt of such stop work order, the City shall immediately take all necessary steps to comply therewith and to minimize the incurrence of costs allocable to work stopped.
- C. The City shall resume the stopped work only upon receipt of written instruction from the Authority's Contract Manager canceling the stop work order. An equitable adjustment shall be made by the Authority based upon a written request by the City for an equitable adjustment. Such adjustment request must be made by the City within thirty (30) days from the date of receipt of the stop work notice.

8. SETTLEMENT OF DISPUTES

The parties agree to use their best efforts to resolve disputes concerning a question of fact arising under this Agreement in an informal fashion through consultation and communication, or other forms of non-binding alternative dispute resolution mutually acceptable to the parties.

9. HEADINGS

The headings appearing in this contract have been inserted for the purpose of convenience and ready reference and do not define, limit, or extend the scope or intent of the clauses.

10. WAIVER

Failure to enforce any provision of this Agreement shall not operate as a waiver of that or any other provision or any subsequent breach of this Agreement.

EXHIBIT E**SUPPLEMENTAL TERMS AND CONDITIONS FOR CONTRACTS USING FEDERAL FUNDS**

All terms in Exhibit E must be included in all subcontracts and lower-tier subcontracts regardless of amount expended, unless otherwise noted.

1. FEDERAL REQUIREMENTS

The City understands that the Authority has received Federal funding from the Federal Rail Administration (FRA) for the Project and acknowledges that it is required to comply with all applicable federal laws, regulations, policies, and related administrative practices, whether or not they are specifically referenced herein. The City acknowledges that federal laws, regulations, policies, and related administrative practices may change and that such changed requirements will apply to the Project. The City shall ensure compliance by its subcontractors and include appropriate flow down provisions in each of its lower-tier subcontracts as required by applicable federal laws, regulations, policies, and related administrative practices, whether or not specifically referenced herein.

Notwithstanding anything to the contrary contained in this Agreement, all FRA mandated terms shall be deemed to control in the event of a conflict with other provisions contained in this Agreement. The City shall not perform any act, fail to perform any act, or refuse to comply with any Authority requests, which would cause the Authority to be in violation of FRA requirements.

2. COMPLIANCE WITH FEDERAL REQUIREMENTS

The City's failure to comply with Federal Requirements shall constitute a breach of this Agreement.

3. FEDERAL LOBBYING ACTIVITIES CERTIFICATION

The City certifies, to the best of its knowledge and belief, that:

- A. No state or federal appropriated funds have been paid or will be paid, by or on behalf of the City, to any person for influencing or attempting to influence an officer or employee of any State or Federal agency, a member of the State Legislature or United States Congress, an officer or employee of the Legislature or Congress, or any employee of a member of the Legislature or Congress in connection with the awarding of any State or Federal agreement, the making of any State or Federal grant, the making of any State or Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any State or Federal agreement, grant, loan, or cooperative agreement.
- B. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any federal agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this Federal Agreement, grant, loan, or cooperative agreement, the City shall complete and submit Standard Form LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

EXHIBIT E
SUPPLEMENTAL TERMS AND CONDITIONS FOR CONTRACTS USING FEDERAL FUNDS

- C. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.
- D. The City shall require that the language of this certification be included in all lower tier subcontracts, which exceed \$100,000, and that all such subcontractors shall certify and disclose accordingly.

4. DEBARMENT AND SUSPENSION

This Agreement is a covered transaction for purposes of 2 C.F.R. 1200. As such, the City is required to comply with applicable provisions of Executive Orders Nos. 12549 and 12689, “Debarment and Suspension,” 31 U.S.C. § 6101 note, and U.S. DOT regulations, “Non-procurement Suspension and Debarment,” 2 C.F.R. Part 1200, which adopt and supplement the provisions of U.S. Office of Management and Budget (U.S. OMB) “Guidelines to Agencies on Government-wide Debarment and Suspension (Non-procurement),” 2 C.F.R. Part 180.

To the extent required by the aforementioned U.S. DOT regulations and U.S. OMB guidance, the City must verify that each subcontractor is not excluded or disqualified in accordance with said regulations by reviewing the “Excluded Parties Listing System” at <http://www.sam.gov/portal/public/SAM/>. The City shall obtain appropriate certifications from each such subcontractor and provide such certifications to the Authority.

The Authority has verified on the Excluded Parties Listing System that the City of Menlo Park is not excluded or disqualified at the time of execution of this Agreement.

5. SITE VISITS

The City acknowledges that FRA, through its authorized representatives, has the right, at all reasonable times, to make site visits to review Project accomplishments and for other reasons. If any site visit is made by FRA on the premises of the City or any of its subcontractors under this Agreement, the City shall provide and shall require its subcontractors to provide, all reasonable facilities and assistance for the safety and convenience of FRA representatives in the performance of their duties. All site visits and evaluations shall be performed in such a manner as will not unduly delay work being conducted by the City or subcontractor.

6. SAFETY OVERSIGHT

To the extent applicable, the City shall comply with any Federal regulations, laws, or policies and other guidance that FRA or U.S. DOT may issue pertaining to safety oversight in general, and in the performance of this Agreement, in particular.

EXHIBIT E**SUPPLEMENTAL TERMS AND CONDITIONS FOR CONTRACTS USING FEDERAL FUNDS****7. ENVIRONMENTAL PROTECTION**

The City and any subcontractor under this Agreement shall comply with all applicable environmental requirements and regulations, including any amendments, as follows:

- A. **Clean Air.** The City shall comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act, as amended, 42 U.S.C. §§ 7401 *et seq.* The City shall report each violation to the Authority, and acknowledges that the Authority shall, in turn, report each violation as required to assure notification to the FRA and the appropriate Environmental Protection Agency Regional Office.
- B. **Clean Water.** The City shall comply with all applicable standards, orders or regulations issued pursuant to the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 *et seq.* The City shall report each violation to the Authority, and acknowledges that the Authority shall, in turn, report each violation as required to assure notification to the FRA and the appropriate EPA Regional Office.
- C. **Energy Conservation.** The City will comply with mandatory standards and policies relating to energy efficiency which are contained in the State energy conservation plan issued in compliance with the Energy Policy and Conservation Act (42 U.S.C. 6421 *et seq.*)
- D. **Agreement Not To Use Violating Facilities.** The City will not use any facility to perform work hereunder that is listed on the List of Violating Facilities maintained by the EPA. The City shall promptly notify the Authority if the City or any subcontractor receives any communication from the EPA indicating that any facility which will be used to perform work pursuant to this Agreement is under consideration to be listed on the EPA's List of Violating Facilities; provided, however, that the City's duty of notification hereunder shall extend only to those communications of which it is aware, or should reasonably have been aware.
- E. **Environmental Protection.** The City shall comply with all applicable requirements of the National Environmental Policy Act of 1969, as amended, 42 U.S.C. §§ 4321 *et seq.*
- F. **Incorporation of Provisions.** The City shall include the above provisions (A) through (F) in every subcontract hereunder exceeding \$50,000 financed in whole or in part with federal assistance provided by the FRA.

EXHIBIT E**SUPPLEMENTAL TERMS AND CONDITIONS FOR CONTRACTS USING FEDERAL FUNDS****8. CIVIL RIGHTS**

The following requirements apply to this Agreement:

- A. **Nondiscrimination.** In accordance with Title VI of the Civil Rights Act, as amended, 42 U.S.C. § 2000d; Section 303 of the Age Discrimination Act of 1975, as amended, 42 U.S.C. § 6102; Section 202 of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12132; and 49 U.S.C. § 306, the City will not discriminate against any individual because of race, color, religion, national origin, sex, age or disability in any activities leading up to or in performance of this Agreement. In addition, the City will comply with applicable federal implementing regulations and other implementing requirements that FRA may issue.
- B. **Equal Employment Opportunity.** The following equal employment opportunity requirements apply to this Agreement:
- i. Race, Color, Religion, National Origin, Sex: In accordance with Title VII of the Civil Rights Act, as amended, 42 U.S.C. § 2000e, the City will comply with all applicable equal opportunity requirements of U.S. Department of Labor (U.S. DOL) regulations, “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor,” including 41 C.F.R 60 *et seq.* (which implements Executive Order No. 11246, “Equal Employment Opportunity,” as amended by Executive Order No. 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” 42 U.S.C. § 2000e note), and with any applicable federal statutes, executive orders, regulations, and federal policies that may in the future affect construction activities undertaken in the course of the Project. The City will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, national origin, sex, or age. Such action shall include the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. In addition, the City will comply with any implementing requirements FRA may issue.
 - ii. Age. In accordance with Section 4 of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 623, the City will refrain from discrimination against present and prospective employees for reason of age. In addition, the City will comply with any implementing requirements FRA may issue.

EXHIBIT E**SUPPLEMENTAL TERMS AND CONDITIONS FOR CONTRACTS USING FEDERAL FUNDS**

- iii. Disabilities. In accordance with Section 102 of the Americans with Disabilities Act, as amended, 42 U.S.C. § 12112, the City will comply with the requirements of U.S. Equal Employment Opportunity Commission, “Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act,” 29 C.F.R Part 1630, pertaining to employment of persons with disabilities. Further, in accordance with Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794, the City will comply with the requirements of U.S. Department of Transportation, “Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance,” 49 C.F.R. Part 27, pertaining to persons with disabilities. In addition, the City will comply with any implementing requirements FRA may issue.

The City will not discriminate on the basis of drug abuse, in accordance with the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, alcohol abuse, in accordance with the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, and to comply with Sections 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records. In addition, the City will comply with applicable federal implementing regulations and other implementing requirements that FRA may issue.

The City also will include these requirements in each subcontract financed in whole or in part with federal assistance provided by FRA, modified only if necessary to identify the affected parties.

9. ARRA FUNDED PROJECT

Funding for this Agreement has been provided through the America Recovery and Reinvestment Act (ARRA) of 2009, Pub. L. 111-5. City and all contractors, including both prime and subcontractors, are subject to audit by appropriate federal or State of California (State) entities. The State has the right to cancel, terminate, or suspend the Agreement if City or any Contractor or subcontractor fails to comply with the reporting and operational requirements contained herein.

10. ENFORCEABILITY

If the City or one of its subcontractors fails to comply with all applicable federal and State requirements governing the use of ARRA funds, the State may withhold or suspend, in whole or in part, funds awarded under the program, or recover misspent funds allowing an audit. This provision is in addition to all other remedies available to the State under all applicable State and federal laws.

11. PROHIBITION ON USE OF ARRA FUNDS

City agrees in accordance with ARRA Section 1604 that none of the funds made available under this Agreement may be used for any casino or other gambling establishment, aquarium, zoo, golf course, or swimming pool.

EXHIBIT E

SUPPLEMENTAL TERMS AND CONDITIONS FOR CONTRACTS USING FEDERAL FUNDS

12. ACCESS AND INSPECTION OF RECORDS

- A. In accordance with ARRA Sections 902, 1514, and 1515, the Contractor shall permit the State of California, the United States Comptroller General, the United States Department of Transportation Secretary, or their representatives or the appropriate Inspector General appointed under Section 3 or 8G of the United States Inspector General Act of 1978 or his representative to:
 - i. Access and reproduce any books, documents, papers and records of the City that directly pertain to, and involve transactions relating to, this Agreement for the purposes of making audits, examinations, excerpts and transcriptions; and
 - ii. Interview any officer or employee of the City or any of its subcontractors regarding the activities funded with funds appropriated or otherwise made available by ARRA.
- B. Pursuant to Title 49 Code of Federal Regulation Section 18.26(i)(11), Title 49 Code of Federal Regulations Section 19.26, or OMB Circular A-133 Compliance Supplement, (whichever applicable), the City will maintain all books, records, accounts and reports required under this Agreement for a period of not less than three years after the date of termination or expiration of this Agreement, except in the event of litigation or settlement of claims arising from the performance of this contract, in which case the City will maintain same until the Authority, the FRA Administrator, the Comptroller General, or any of their duly authorized representatives, have disposed of all such litigation, appeals, claims, or exceptions related thereto. The City shall notify the Authority not less than six months prior to disposal of any books, records, accounts and reports required under this Agreement.
- C. The City will comply with, and assures the compliance of its employees with, the information restrictions and other applicable requirements of the Privacy Act of 1974, Title 5 United States Code Section 552(a).

The City shall include this provision in all lower-tier subcontracts.

13. WHISTLEBLOWER PROTECTION

City and its subcontractors shall comply with Section 1553 of the ARRA, which prohibits all non-federal contractors, including the state, and all contractors of the State, from discharging, demoting or otherwise discriminating against an employee for disclosures by the employee that the employee reasonably believes are evidence of:

- A. Gross mismanagement of a contract relating to ARRA funds;
- B. Gross waste of ARRA funds;

EXHIBIT E**SUPPLEMENTAL TERMS AND CONDITIONS FOR CONTRACTS USING FEDERAL FUNDS**

- C. A substantial and specific danger to the public health or safety related to the implementation or use of ARRA funds;
- D. An abuse of authority related to implementation or use of ARRA funds; or
- E. A violation of law, rule, or regulation related to an agency contract (including the competition for or negotiation of a contractor) awarded or issued relating to ARRA funds.

City and its subcontractors shall post notice of the rights and remedies available to employees under Section 1553 of Title XV of Division A of the ARRA.

14. FRAUD AND FALSE CLAIMS ACT

City shall promptly notify the Authority and shall refer to an appropriate federal inspector general any credible evidence that a principal, employee, agent, subcontractor, or other person has committed a false claim under the False Claims Act or has committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving ARRA funds.

The City will include the above paragraphs in each subcontract financed in whole or in part with Federal assistance provided by the FRA. It is further agreed that the paragraphs shall not be modified, except to identify the subcontractor who will be subject to the provisions.

15. REPORTING REQUIREMENTS

City will, if requested by the Authority in writing, provide the Authority with the following information:

- A. The total amount of funds received by the City during the time period defined in the Authority's request;
- B. The amount of funds actually expended or obligated during the time period requested;
- C. A detailed list of all projects or activities for which funds were expended or obligated, including:
 - i. The name of the project or activity;
 - ii. A description of the project activity;
 - iii. An evaluation of the completion status of the project or activity; and
 - iv. An estimate of the number of jobs created and/or retained by the project or activity.
- D. For any contracts or subcontracts equal to or greater than \$25,000:
 - i. The name of the entity receiving the contract;
 - ii. The amount of the contract;
 - iii. The transaction type;

EXHIBIT E**SUPPLEMENTAL TERMS AND CONDITIONS FOR CONTRACTS USING FEDERAL FUNDS**

- iv. The North American Industry Classification System (NAICS) code or Catalog of Federal Domestic Assistance (CFDA) number, if known;
 - v. The location of the entity receiving the contract;
 - vi. The primary location of the contract, including city, state, congressional district, and county;
 - vii. The DUNS number, or name and zip code for the entity headquarters, if known;
 - viii. A unique identifier of the entity receiving the contract and the parent entity of Contractor, should the entity be owned by another; and
- E. Any other information reasonably requested by the State of California or required by state or federal law or regulation.

Standard data elements and federal instruction for use in complying with reporting requirements under Section 1512 of the ARRA, are pending review by the federal government, and were published in the Federal Register on April 1, 2009 [74 FR 14824], and are to be provided online at www.FederalRegister.gov. The additional requirements will be added to this Agreement by amendment.

16. REPRINTS OF PUBLICATIONS

Whenever an employee of a City-Related Entity writes an article regarding the Project or otherwise resulting from work under this Agreement that is published in a scientific, technical, or professional journal or publication, the City shall ensure that the Authority is sent two reprints of the publication, clearly referenced with the appropriate identifying information.

An acknowledgment of FRA support and a disclaimer must appear in any publication, whether copyrighted or not, based on or developed under the Agreement, in the following terms:

“This material is based upon work supported by the Federal Railroad Administration under a grant/cooperative agreement FR-HSR-0009-10-01-05, dated December 5, 2012. Any opinions, findings, and conclusions or recommendations expressed in this publication are those of the author(s) and do not necessarily reflect the view of the Federal Railroad Administration and/or U.S. DOT.”

EXHIBIT E**SUPPLEMENTAL TERMS AND CONDITIONS FOR CONTRACTS USING FEDERAL FUNDS****17. LABOR PROVISIONS**

49 U.S.C. 24405(b) provides that persons conducting rail operations over rail infrastructure constructed or improved in whole or in part with funds provided through this Agreement shall be considered a “rail carrier,” as defined by 49 U.S.C. 10102(5), for the purposes of Title 49, U.S.C., and any other statute that adopts that definition or in which that definition applies, including the Railroad Retirement Act of 1974 (45 U.S.C. 231 *et seq.*), the Railway Labor Act (43 U.S.C. 151 *et seq.*), and the Railroad Unemployment Insurance Act (45 U.S.C. 351 *et seq.*) To the extent required by 49 U.S.C. 24405(b) and other laws referenced above, the City shall reflect these provisions in its agreements funded in whole or in part by this Agreement with entities operating rail services over such rail infrastructure.

18. LABOR PROTECTIVE ARRANGEMENTS

The City will comply with the applicable protective arrangements established under Section 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (4R Act), 45 U.S.C. 836. with respect to employees affected by actions taken in connection with the Project. The City also will include the applicable protective arrangements established by the U.S. DOL under 45 U.S.C. 836 in its arrangements with entities operating rail services over rail infrastructure constructed as part of this Agreement.



STAFF REPORT

City Council
Meeting Date: 3/28/2017
Staff Report Number: 17-072-CC

Consent Calendar: **Adopt a resolution verifying that any disposition of surplus land complies with the State Surplus land Act for OBAG2 grant funding eligibility**

Recommendation

Staff recommends that the City Council adopt a resolution (Attachment A) verifying that any disposition of surplus land complies with the State Surplus land Act for OBAG2 grant funding eligibility.

Policy Issues

The adoption of the resolution does not represent any change to existing City policy. The City is obligated to comply with the Surplus Land Act regardless of whether it adopts a resolution stating it will do so. In addition, the Housing Element of the General Plan includes an implementation program to promote the development of housing on appropriate surplus City-owned land (H4.J).

Background

On January 24, 2017, the Council adopted a resolution to authorize the filing of an application for funding in the amount of \$619,000 from the Metropolitan Transportation Commission (MTC) and stating the assurance to complete the 2018-19 Santa Cruz and Middle Avenues Rehabilitation Project and to commit the necessary City of Menlo Park matching funds. The MTC funding is available through the One Bay Area Grant (OBAG) program. One of the application requirements is to provide a resolution showing the agency will comply with the California Surplus Land Act.

Analysis

The Surplus Land Act requires public agencies to offer surplus land as a priority to developers of affordable housing before disposing of the surplus land. Recent changes to the Surplus Land Act (Government Code Sections 54220 et. seq.) prescribe procedures for the sale or disposition of surplus land by local agencies. The primary purpose of the amendments is to prioritize the use of surplus property sites to increase the supply of affordable housing. The adoption of the resolution does not alter the obligation of the City to comply with the Surplus Land Act.

Impact on City Resources

There is no fiscal impact associated with the adoption of this resolution. Failure to adopt the resolution would result in the forfeiture of the grant funds.

Environmental Review

This action is not subject to environmental review.

Public Notice

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

Attachments

A. Resolution

Report prepared by:
Justin Murphy, Public Works Director

RESOLUTION NO.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MENLO PARK TO COMPLY WITH ASSEMBLY BILL 2135,
SURPLUS LAND ACT**

WHEREAS, the San Francisco region has the highest housing costs in the United States; and

WHEREAS, the Bay Area produced less than 30% of the need for low- and moderate-income housing units from 2007-2014; and

WHEREAS, there are limited funding sources available to secure land for the construction of low- and moderate-income housing; and

WHEREAS, public lands can play a critical role in increasing the supply of land for affordable housing;

WHEREAS, the Metropolitan Transportation Commission adopted Resolution No. 4202, outlining the programming policy and project selection criteria for the One Bay Area Grant Program (OBAG 2), including certain requirements to access these funds.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Menlo Park, State of California, as follows:

That the City of Menlo Park agrees to comply with the terms of Surplus Land Act - Assembly Bill 2135 (California Government Code § 54220, et seq.), as exists now or may be amended in the future.

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-eighth of the March, 2017, 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-eighth day of March, 2017.

Pamela Aguilar, CMC
City Clerk

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STAFF REPORT

City Council

Meeting Date:

3/28/2017

Staff Report Number:

17-074-CC

Consent Calendar:

Approve trial metrics for the Oak Grove University Crane Bicycle Improvement Project and authorize the City Manager to extend the consultant contract with Alta Planning & Design to conduct the one-year study of the pilot project

Recommendation

Staff recommends that the Council approve the trial metrics for the Oak Grove University Crane Bicycle Improvement Project (Project) and authorize the City Manager to extend the consultant contract with Alta Planning & Design to conduct the one-year study of the pilot project.

Policy Issues

On February 7, 2017, the City Council approved their 2017 Work Plan which includes the Project. This Project is also consistent with the policies stated in the 2016 City of Menlo Park General Plan Circulation Element. These policies seek to improve safe multi-modal transportation and encourage health and wellness through active transportation options.

Background

In 2015, the Bicycle Commission proposed inclusion of a new priority project in the Commission's two-year work plan. The proposed project was to identify a key bicycle route connection to provide access to key destinations in the City, including schools, the downtown, and connecting residential neighborhoods. The resulting project proposal for bicycle improvements to Oak Grove Avenue was developed, and presented to the City Council by the Bicycle Commission in a joint meeting with the Transportation Commission on January 26, 2016, and again to the City Council meeting on April 12, 2016.

On May 3, 2016, the City Council provided direction to amend the 2016 Work Plan to prioritize evaluation of bicycle improvements on Oak Grove Avenue, Crane Street and University Drive. A concept plan for a one-year trial installation was presented on December 6, 2016 and approved by City Council with direction to include parking on the south side of Oak Grove Avenue between Alma Street and Laurel Street, to include raised delineators where the buffered space narrowed to 18 inches, and to identify a set of metrics to measure the effectiveness of the trial. A proposed set of trial metrics is presented in the following section.

Analysis

Following City Council approval of the concept plan, staff and the consultant team Alta Planning & Design advanced the project into the final design phase. Parking was retained on the south side of Oak Grove Avenue between Alma Street and Laurel Street by reducing the bicycle lane buffer from 3 feet to a minimum recommended 18 inches in both directions of travel. Additionally, in order to further enhance the buffered

bike lane along the corridor, raised delineators were added in those areas where the 18 inch wide buffer is to be installed.

Trial Metrics

Once the bicycle improvements along Oak Grove Avenue, Crane Street and University Drive are installed in their entirety, they will be evaluated over a one-year period based upon criteria that prioritize safety, utilization and comfort. Staff and Alta Planning & Design, with input and approval from the Bicycle Commission at their January and February meetings, developed a set of six trial metrics that are presented below:

- Volume Counts:*** One pre- and two mid-trial counts will be taken at four locations along the corridor for a total of 12 counts. For each location, counts will be collected using video counters for three weekdays (Tuesday, Wednesday, and Thursday) during three time periods (morning peak, mid-day, and afternoon peak and during non-holiday and normal school schedule weeks), and one weekend day from 10am to 2pm, consistent with recommended best practices in bicycle counting. Counts will capture bicyclists, pedestrians, and automobiles, including direction of travel.
- Online Survey:*** An online survey will be posted to better understand the impacts to and perceptions of residents, business owners, roadway users, parents, and other stakeholders. The survey will be conducted near the end of the trial to better assess impacts after the initiation phase. The survey will be promoted through flyers and signs posted along the corridor, at businesses, and near bicycle parking. City staff will reach out to schools, the Chamber of Commerce, resident/home owner associations, and other relevant groups to help with outreach.
- Intercept Survey:*** Two in-person intercept surveys will be conducted during school commute times, farmers market, or other events. Questions are planned to focus on perceived safety, comfort, and preferred mode(s) of travel.
- Parking:*** A parking occupancy assessment of the corridor, side streets (for up to one block) and adjacent downtown parking plazas will be conducted. The counts for the assessment will take place once pre-trial and twice mid-trial and each count will include two weekday day counts, one weekday evening count, and one weekend day count to be consistent with the previous survey. In addition, bicycle parking occupancy counts will be conducted at locations along the corridor, including at schools.
- Collision Analysis:*** Reported collision rates and circumstances will be analyzed alongside available historical data to identify any differences in operational trends.
- Speed Assessment:*** One pre- and two mid-trial speed surveys will be conducted at four locations along the corridor for a total of 12 counts. Two locations will be along Oak Grove Avenue, one location will be along Crane Street and another along University Drive. For each location, counts will be collected using speed tubes for three days during the week (Tuesday, Wednesday, and Thursday) during, and one weekend day from. The gathered speed data will also be compared with existing speed data where available.

Project Installation Schedule & Coordination with Station 1300

On February 27, 2017, staff received preliminary traffic control plans for off-site improvements that are to be constructed as a part of the development at 1300 El Camino Real. Construction is expected to take approximately two years to complete. Based on the early submittals, two phases (Phases 1 and 3) have been identified that could conflict with newly installed accommodations for bicycles proposed as part of the trial.

Phase 1: The first phase of construction will install utilities underneath the existing roadway and across Oak Grove Avenue. This phase will require limiting Oak Grove Avenue to two travel lanes and no dedicated bike lanes. This phase is expected to be completed before summer 2017 and not expected to impact the bicycle improvements trial.

Phase 3: The third phase of construction will replace a sewer main underneath the railroad tracks on Oak Grove Avenue. Staff considered several options, however due to the location of the sewer main, this phase will require reducing Oak Grove Avenue to one lane with a flagger for two-way traffic control. This phase is tentatively expected to be completed by September 2017, although subject to change as construction activities progress.

Staff reviewed these potential construction conflicts with the Bicycle Commission at their March 13, 2017 meeting. The Commission considered staff’s recommendation to delay the project until after Station 1300 construction was completed; however, the Commission supported starting construction in early summer after schools along the corridor are out of session. The Commission felt that the Bicycle Improvement Project would not be significantly impacted by the construction activities of Station 1300.

As the traffic control plans are finalized, staff will continue to coordinate with the Station 1300 project team to ensure that accommodations for bicyclists are implemented on Oak Grove Avenue during construction. However, staff has continuing concerns about the potential interaction of the Bicycle Improvement Project and Station 1300 construction activities. Staff is planning to bid the section of the bike lane adjacent to Station 1300 with an optional separate phase to allow the flexibility to schedule around any construction activities that would limit bike accommodations, if necessary. An added cost is expected if the project is needed to be constructed in two phases, and staff would return to Council with authorization request for that work, if needed, prior to constructing a second phase adjacent to Station 1300. The current schedule, assuming a single phase construction, is outlined in the table below.

Proposed Project Schedule		
	Task	Month
1	Collect Pre-Trial Data	April 2017
2	Award Construction Contract	May 2017
3	Construction*	June 2017
4	Facility Opens*	July 2017
5	Pilot Evaluation*	July 2018
*Assuming constructed as a single project. If two phases are utilized, the one year trial would begin following installation of the second phase.		

Other Coordination Efforts

Town of Atherton

Oak Grove Avenue between Middlefield Road and the city limits is under the Town of Atherton jurisdiction which has finalized design plans for the signal modification at the Oak Grove Avenue and Middlefield Road

intersection. Final plans show bike boxes at the signal and both Class I and II bicycle facilities on Oak Grove Avenue that will connect to the new buffered bicycle lanes at the city limits near Rebecca Lane. Construction is expected to be completed in summer 2017.

Caltrans

While the concept plan includes the crossing of El Camino Real, Caltrans has jurisdiction over the El Camino Real and Oak Grove Avenue intersection, and additional coordination and future work will still need to be performed in order to implement improvements in the Caltrans right-of-way. Preliminary coordination has already started and the encroachment application will be submitted in early April.

Community Meetings

City staff is scheduled to attend a Nativity School Community meeting on Thursday, March 23, 2017, from 7–8 p.m. at the school campus, 1250 Laurel St. The purpose of the meeting will be to provide information to parents on the changes they can expect to encounter during the pilot installation of buffered bike lanes on Oak Grove Avenue as well as the impacts on student drop-off and pickup procedures. Parents will have the opportunity to ask questions about the project and share any concerns on school traffic circulation.

Impact on City Resources

The City's Fiscal Year 2016-17 adopted budget includes staff time for review and inspections. Funding for construction and consultant services have already been appropriated and no additional funds are currently being requested. Staff is requesting the City Council to extend Alta Planning & Design's contract with the budget that was previously appropriated to conduct the study.

However, an additional appropriation would be needed if the project is to be constructed in separate phases due to construction conflicts with Station 1300. Staff would return to Council with authorization request for that work, if needed, prior to constructing a second phase adjacent to Station 1300.

Environmental Review

The recommendation is categorically exempt under Class 1 (Existing Conditions) and Class 4 (Minor Modifications) of the current State of California Environmental Quality Act Guidelines.

Public Notice

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

Attachments

None

Report prepared by:
Michael Tsai, Assistant Engineer

Report reviewed by:
Kristiann Choy, Senior Transportation Engineer



STAFF REPORT

City Council

Meeting Date:

3/28/2017

Staff Report Number:

17-068-CC

Consent Calendar:

Authorize the Public Works Director to accept work for the Santa Cruz Street Café Project

Recommendation

Staff recommends that the City Council authorize the Public Works Director to accept work performed by Golden Bay Construction, Inc. for the Santa Cruz Street Café Project specifically at the following locations:

- Angelo Mio and Mademoiselle Colette
- Bistro Vida, Harvest and Left Bank
- Galata
- LB Steak

Policy Issues

Acceptance by the City Council of the completion of the work begins the one-year construction warranty period. The Project is included in the City Council's 2017 Work Plan (Item #9).

Background

On September 13, 2016, the City Council awarded four construction contracts to Golden Bay Construction, Inc. with a total aggregate amount of \$410,965.62. The project consisted of installation of concrete platforms over existing parking space(s), metal grates over existing curb gutter, metal cable guard rails, access ramps, and installation of City-furnished cement planter boxes, metal vertical lighting supports, and other incidentals. Business owners are continuing to complete the required individual customization of each Street Café.

Analysis

The work for the Santa Cruz Street Café Project has been completed in accordance with the plans and specifications. A notice of completion will be filed with San Mateo County accordingly. Each contract was completed within the approved construction budget.

Contractor: Golden Bay Construction, Inc.
3826 Depot Rd.
Hayward, CA 94545

Impact on City Resources

Acceptance of the work has no impact on the City's resources.

Construction Related Costs	
Construction Contract Aggregate Amount	\$410,965.62
Contingency	\$41,096.57
Total Construction Contract Budget	\$452,062.19
Construction Expenditures	
Actual Construction Aggregate Cost	\$408,591.18
Change Orders	\$1,142.40
Total Construction Expenditure	\$409,733.58

Environmental Review

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

Public Notice

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

Attachments

None

Report prepared by:

Rene Punsalan, Associate Civil Engineer

Report reviewed by:

Michael Zimmermann, Senior Civil Engineer

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

Meeting Date: 3/28/2017
Staff Report Number: 17-073-CC

Consent Calendar: Approve adoption of a Home For All Resolution

Recommendation

Staff recommends that the City Council adopt the attached Home For All Resolution.

Policy Issues

The Home For All Resolution is consistent with the City of Menlo Park's commitment to affordable housing and ongoing efforts to attract affordable housing development through the zoning for and funding of new affordable housing. In addition, the resolution is consistent with the steps the City has taken to mitigate residential displacement.

Background

In September of 2015, responding to the regional housing crisis being experienced throughout San Mateo County, the San Mateo County Board of Supervisors convened a task force of community leaders to identify housing issues, evaluate innovative tools and best practices, and create a menu of solutions to preserve and increase housing at all income levels. Council Member Mueller represented the City of Menlo Park on the Closing the Jobs-Housing Gap Task Force, co-chaired by Supervisors Don Horsley and Warren Slocum. The task force included representatives from cities and towns, business organizations and large employers, educators, housing developers, community-based organizations providing housing services and labor and community advocates. The efforts of the Closing the Jobs-Housing Gap Task Force have resulted in the creation of the Home for All San Mateo County Initiative, which launched in September 2016 with a housing policy resource center, a community engagement campaign, and a regional action plan to implement a variety of strategies to produce and preserve housing at all income levels.

In October of 2016, then Mayor Pro Tem Keith proposed various measures to address residential displacement. In December, the City Council approved a 12-month lease ordinance, which has since gone into effect and requires landlords to annually provide tenants with the option of a 12-month lease as a measure to contribute to the stabilization of neighborhoods that were experiencing displacement. In January, the City Council also held a study session including members of Housing Commission and an expert panel, which discussed and identified 15 possible policy initiatives that were referred to the Housing Commission for prioritization. Jessica Stanfill Mullin, representing the County of San Mateo, was a member of the expert panel and proposed that the City adopt its own version of the Home For All Resolution. The resolution commits the City to continue to utilize and implement strategies put forth in the Home for All San Mateo County Initiative and support the initiative.

At its March 1st meeting, the Housing Commission discussed prioritization of the policy initiatives. The Commission is scheduled to discuss the prioritization again at its April 5th meeting and make recommendations to the City Council.

Analysis

The Housing Commission felt that the Home For All Resolution was one item that did not require further discussion and should be presented to the City Council for approval. The County of San Mateo is encouraging jurisdictions throughout the county to approve their own versions of the Home For All Resolution in order to illustrate their commitment to affordable housing and efforts to address residential displacement, locally and regionally. The resolution is consistent with Menlo Park's current Below Market Rate Housing Program and efforts to address residential displacement.

The resolution commits the City to continue to utilize and implement strategies put forth in the Home for All San Mateo County Initiative and support the initiative. This is not a financial commitment, but rather a commitment to continue to participate regionally in the efforts to improve housing affordability through meeting our Regional Housing Needs Allocation (RHNA) requirements, funding affordable housing, viewing a range of housing as critical to economic development, and engaging community members in conversations about housing solutions.

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. Home For All Resolution

Report prepared by:

Jim Cogan, Housing and Economic Development Manager

RESOLUTION NO.**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
HOME FOR ALL**

WHEREAS, The City of Menlo Park and in fact all of San Mateo County is facing a historic housing crisis that has resulted in some of the highest housing costs in the country; and

WHEREAS, as of March 2017, the median price to purchase a single-family home in Menlo Park is over one million nine hundred thousand dollars and the average monthly rent for a two bedroom apartment is over three thousand dollars; and

WHEREAS, between 2010 and 2014, San Mateo County added over 54,000 new jobs while only 2,148 new housing units were built in the County; and

WHEREAS, Menlo Park has worked since 1988, with the creation of its Below Market Rate Housing Program to provide affordable homeownership and rental opportunities for low and moderate income families living or working in Menlo Park, through inclusionary zoning and funding of affordable housing; and

WHEREAS, Menlo Park has joined other local government jurisdictions within the County in collaborating to address, on a regional basis, housing challenges through, for example, the creation, in 2003, of a housing endowment and regional trust, known as HEART of San Mateo County, and the development, in 2006, of a sub-regional process for regional housing needs allocations for all 20 cities and towns, and the unincorporated County; and

WHEREAS, building upon this regional approach to addressing housing issues, in September 2015, Menlo Park joined the task force of community leaders convened by the San Mateo County Board of Supervisors to identify housing issues, evaluate innovative tools and best practices, and create a menu of solutions to preserve and increase housing at all income levels, and

WHEREAS, this Closing the Jobs-Housing Gap Task Force was co-chaired by Supervisors Don Horsley and Warren Slocum, and included representatives from cities and towns, business organizations and large employers, educators, housing developers, community-based organizations providing housing services and labor and community advocates; and

WHEREAS, the efforts of the Closing the Jobs-Housing Gap Task Force have resulted in the creation of the Home for All San Mateo County Initiative, which launched in September 2016 with a housing policy resource center, a community engagement campaign, and a regional action plan to implement a variety of strategies to produce and preserve housing at all income levels; and

WHEREAS, the City of Menlo Park is committed to continue working on housing issues by collaborating with the County of San Mateo and other jurisdictions and community members to continue to utilize and implement strategies put forth in the Home for All San Mateo County Initiative and support the initiative.

NOW, THEREFORE BE IT RESOLVED, that 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 do hereby commit to continue to utilize and implement strategies put forth in the Home for All San Mateo County Initiative and support the initiative.

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-eighth day of March 2017, 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-eighth day of March 2017.

Pamela Aguilar, CMC
City Clerk



SPECIAL AND REGULAR MEETING MINUTES - DRAFT

Date: 3/14/2017
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, 1st floor conference room)

Mayor Pro Tem Ohtaki called the closed session to order at 6:35 p.m. Mayor Keith and Councilmember Carlton were absent.

There was no public comment.

- CL1. Closed session conference with legal counsel pursuant to Government Code section 54956.9 (a) regarding existing litigation: 1 case

Case Name: Schuler v. City of Menlo Park

Case Number: Workers Compensation Case Numbers ADJ7111589; ADJ9611265; ADJ3718259 and ADJ318183

Attendees: Assistant City Manager Chip Taylor, City Attorney Bill McClure, Special Counsel for Workers Compensation Bill Armstrong, Administrative Services Director Nick Pegueros, Human Resources Manager Lenka Diaz, City Manager Alex McIntyre will participate by telephone from Washington, DC

7:00 p.m. Regular Session

A. Call To Order

Mayor Pro Tem Ohtaki called the regular session to order at 7:08 p.m.

B. Roll Call

Present: Cline, Keith, Ohtaki, Mueller, Mayor Keith and Councilmember Carlton participated by conference call from Washington, DC

Absent: None

Staff present: City Manager Alex McIntyre (by conference call from Washington, DC), City Attorney Bill McClure, City Clerk Pamela Aguilar

C. Pledge of Allegiance

Mayor Pro Tem Ohtaki led the pledge of allegiance.

D. Report from Closed Session

There was no reportable action from the closed session.

E. Presentations and Proclamations

- E1. Musical performance by Lucia Comnes in celebration of Saint Patrick's Day

F. Commissioner Reports

- F1. Sister City Committee update to the City Council on proposed two-year work plan

Committee Chair Kristy Holch gave the report ([Attachment](#)).

G. Public Comment

- Jim Lewis gave an update regarding Two Menlos ([Handout](#))
- Steve Van Pelt spoke regarding grade separations and the Ravenswood rail crossing and on Consent item H4

H. Consent Calendar

- H1. Approve the 2017-19 Sister City Committee 2-year work plan and goals ([Staff Report #17-058-CC](#))

- H2. Waive the reading and adopt an ordinance to amend the 2016 California Green Building Standards Code to increase the number of required electric vehicle charging stations in the life sciences, office and residential-mixed use zoning districts ([Staff Report #17-053-CC](#))

- H3. Review and accept the annual report on the status and progress in implementing the City's Housing Element for 2016 and the annual Housing Successor Report ([Staff Report #17-052-CC](#))

- H4. Authorize the City Manager to enter into an agreement with AECOM for the Middle Avenue Pedestrian and Bicycle Rail Crossing Study and authorize the City Manager to enter into all necessary agreements for the project ([Staff Report #17-059-CC](#))

In response to an inquiry by Mayor Pro Tem Ohtaki, Assistant Public Works Director Nikki Nagaya stated that part of the study will include development of access connections.

- H5. Authorize the City Manager to amend the contract amount for 2016-2017 Public Works maintenance services contracts up to the City Council amended budget amount ([Staff Report #17-060-CC](#))

- H6. Award a construction contract to Day's Generator Service for the Administration Building Emergency Generator Replacement Project ([Staff Report #17-055-CC](#))

- H7. Reject all bids for the Sand Hill Reservoir No. 2 Roof Replacement Project ([Staff Report #17-054-CC](#))

- H8. Authorize the Mayor to sign a Letter of Support for the South Bay Salt Pond Restoration Project ([Staff Report #17-057-CC](#))

- H9. Review and consider adopting a resolution approving a Standard Industrial/Commercial Single-Tenant Lease – Net with Xuereb Enterprises, Inc., a California corporation, for the premises commonly known as The Willow Oaks Park Recreation Building, 490 Willow Road, Menlo Park, with Guaranty by Sylvia Xuereb, and a Lease Termination Agreement with Building Kidz, Inc., a California corporation, with Vineeta Bhandari, as Guarantor ([Staff Report #17-061-CC](#))

ACTION: Motion and second (Cline/Mueller) to approve all items on the Consent Calendar passes unanimously.

I. Regular Session

11. Consider authorizing the City to join amicus briefs and/or other pleadings in *County of Santa Clara v. Trump*, Case No. 5:17-cv-00574 (N.D. Cal.) and *City and County of San Francisco v. Trump*, Case No. 3:17-cv-00485 (N.D. Cal.) challenging President Trump's executive order threatening to withhold federal funds from so-called "sanctuary jurisdictions" ([Staff Report #17-051-CC](#))

Public Comment:

- Jennifer Mazzon spoke in support of joining the amicus brief
- Anjali Gupta spoke in support of protection for immigrants
- Betty Howell spoke in support of joining the amicus brief
- Kathleen Daly, business owner, spoke in support of joining the amicus brief and for a sanctuary city ordinance
- Pamela Jones spoke in support of joining the amicus brief for human reasons and not just monetary
- Gail Slocum, People Power.org, spoke in support of joining the amicus brief ([Handout](#))
- Karen Segar Salty spoke in support of joining the amicus brief
- Adina Levin spoke regarding using City resources to keep residents safe

City Attorney Bill McClure provided an overview of the amicus brief and process.

ACTION: Motion and second (Mueller/Keith) to authorize the City to join amicus briefs and/or other pleadings in *County of Santa Clara v. Trump*, Case No. 5:17-cv-00574 (N.D. Cal.) and *City and County of San Francisco v. Trump*, Case No. 3:17-cv-00485 (N.D. Cal.) challenging President Trump's executive order threatening to withhold federal funds from so-called "sanctuary jurisdictions" passes unanimously.

12. Approval of performance bonus for City Manager Alexander D. McIntyre ([Staff Report #17-063-CC](#))

ACTION: Motion and second (Keith/Carlton) to approve a \$4400 performance bonus for City Manager Alexander D. McIntyre passes unanimously.

J. Informational Items

- J1. Update on the Water System Master Plan (WSMP) and staffing for operations and maintenance of functions ([Staff Report #17-056-CC](#))
- J2. Review of the City's Investment Portfolio as of December 31, 2016 ([Staff Report #17-062-CC](#))

K. City Manager's Report

There was no report.

L. Councilmember Reports

Mayor Keith reported that she is currently in Washington D.C. with Councilmember Carlton attending the National League of Cities' annual conference and that she will give a report when they return.

M. Adjournment

Mayor Pro Tem Ohtaki adjourned the meeting at 8:31 p.m.

Pamela Aguilar, CMC
City Clerk



STAFF REPORT

City Council
Meeting Date: 3/28/2017
Staff Report Number: 17-070-CC

Regular Business: **Appoint a City Council Subcommittee to assist with negotiation of a Development Agreement for the Middle Plaza at 500 El Camino Real Project, and a subcommittee to assist with reviewing and communicating with Santa Clara County and Stanford University on the proposed 2018 General Use Permit**

Recommendation

Staff recommends that the City Council appoint two of its members to City Council Subcommittees to:

1. Assist the negotiating team with and provide feedback on a Development Agreement for the Middle Plaza at 500 El Camino Real Project; and,
2. Assist with reviewing and communicating with Santa Clara County and Stanford University on Stanford University's proposed 2018 General Use Permit.

Since Stanford University is the project sponsor for both proposals, the City Attorney recommends that the same two council members serve on the subcommittees to avoid inadvertent Brown Act violations.

Policy Issues

The policy implications for both projects are described below.

Middle Plaza at 500 El Camino Real Project

The designation of a Council Subcommittee and any direction on the negotiated Development Agreement would be used to refine the Middle Plaza at 500 El Camino Real Project, which would be presented for future Council consideration.

2018 General Use Permit

While the City would not have discretion over the 2018 General Use Permit, the Council Subcommittee would communicate with the County of Santa Clara and Stanford University on any topics that should be considered in reviewing the proposal.

Background

An overview of both project proposals is provided below.

Middle Plaza at 500 El Camino Real Project

Project description

Stanford University (“Stanford”) is proposing to redevelop an 8.4-acre site located at 300-550 El Camino Real with a mixed-use development. A location map is included as Attachment A. The project would demolish the existing structures on the site and construct up to 459,013 square feet of mixed uses, and would meet the allowable floor area ratio (FAR) under the Specific Plan’s Base-level development standards. The project would include three commercial buildings consisting of approximately 144,000 square feet of non-medical office uses and approximately 10,000 square feet of ground floor retail/restaurant uses. A total of 215 residential units would be provided in two residential buildings totaling approximately 305,000 square feet. The project includes a publicly-accessible plaza at Middle Avenue that would be approximately 120 feet wide and approximately 0.5 acre in size. Approximately 960 parking spaces would be provided in two underground parking garages, an at-grade garage, and surface parking lots. Excerpts of the project plans are included for reference as Attachment B. The project plans are still undergoing refinement, and will change somewhat prior to final review.

500 El Camino Real Subcommittee

Stanford initially submitted a proposal in November 2012 to redevelop the project site with a mixed-use development consisting of 229,500 square feet of office uses (including 96,150 square feet of medical office uses), and a range of 135 to 152 residential units. In January 2013, the Planning Commission held a study session to provide feedback on the proposal. In April 2013, the City Council held a study session which resulted in the creation of a subcommittee of the City Council, consisting of Councilmembers Keith and Carlton, to explore further project refinement. The 500 El Camino Real Subcommittee met with neighborhood representatives, the Silicon Valley Bicycle Coalition, representatives from environmental groups, representatives from Stanford University, and city staff.

In August 2013, the City Council accepted the final report from the 500 El Camino Real Subcommittee, included as Attachment C, which established four requirements for revising the proposed project as summarized below:

1. Stanford will eliminate all medical office uses;
2. Stanford will make a substantial contribution to the cost of design and construction of a pedestrian/bicycle crossing at Middle Avenue. The amount will be negotiated/determined through the project approval process with the goal of ensuring there will be sufficient funding to construct the undercrossing in a timely manner;
3. Stanford will participate in a City working group regarding the design of the Middle Avenue plaza, undercrossing, and vehicular access to the site; and,
4. Stanford will fund a neighborhood cut-through traffic study as scoped by the City.

Since the release of the Subcommittee’s final report, Stanford has been diligently pursuing the above requirements – the current development proposal excludes any medical office uses, Stanford has held public meetings to solicit public input on the design of the Middle Avenue plaza, and the Draft Infill Environmental Impact Report that was released on February 28, 2017 includes analysis on neighborhood cut-through traffic. The remaining requirement, Stanford’s contribution towards the grade-separated pedestrian and bicycle crossing at Middle Avenue, is in need of further input from the Council.

2018 General Use Permit

Project description

On November 21, 2016, Stanford University (“Stanford”) submitted an application to the County of Santa Clara (“County”) to amend the 2000 General Use Permit that governs development on Stanford’s campus to

allow additional academic and academic support space, and housing subject to the following development limits:

- 2,275,000 net new square feet of net new academic and academic support facilities; and,
- 3,150 net new housing units/beds, of which up to 550 units would be available for faculty, staff, postdoctoral scholars, and medical residents.

Additionally, Stanford proposes that 40,000 net new square feet of child care and community center space not be counted towards the proposed development limits.

The proposed development limits would apply to Stanford-owned lands within unincorporated County of Santa Clara. Development pursuant to the proposed development limits is anticipated to take place over a period extending from approximately 2018 through 2035. Stanford made a presentation on their 2018 General Use Permit proposal at the February 28, 2017 City Council meeting.

Analysis

The need to appoint members to City Council Subcommittees for both projects is described below.

Middle Plaza at 500 El Camino Real Project

Grade-separated pedestrian/bicycle crossing at Middle Avenue

The El Camino Real/Downtown Specific Plan identifies a grade-separated pedestrian and bicycle crossing at the Caltrain tracks located along the project site's eastern boundary and close to the Middle Avenue intersection. This grade-separated crossing would improve bicycle and pedestrian circulation and east-west connectivity for neighborhoods on both sides of the Caltrain tracks, with improved access to City amenities, public transit, and downtown Menlo Park. Additionally, the crossing would encourage the use of alternative modes of transportation.

City Council review and next steps

As noted above, Councilmembers Keith and Carlton were previously involved in establishing a framework for refining the proposed project as part of the 500 El Camino Real Subcommittee. More recently, Councilmember Cline has replaced Councilmember Carlton in two recent discussions with Stanford. However, the 500 El Camino Real Subcommittee had not been established with the intent of negotiating a Development Agreement with Stanford.

The primary focus of this meeting is the appointment of two Councilmembers to a subcommittee, which would be charged with providing input to a City negotiating team for the proposed Development Agreement associated with determining Stanford's contribution towards the grade-separated pedestrian and bicycle crossing at Middle Avenue. Stanford has requested that this be memorialized through a Development Agreement in order to document the project's contribution and vest any project entitlements ultimately approved by the City (Attachment D). Similar subcommittees have been a productive mechanism for other projects (such as the various Facebook development proposals and the recent Greenheart mixed-use development) to finalize details.

The intent would then be to bring a Development Agreement Term Sheet back to the Council for formal approval. In the meantime, the overall project continues to undergo review and refinement, and is expected to be presented for Commission and Council review and action in September.

2018 General Use Permit

The primary focus of this meeting is the appointment of two Councilmembers to a subcommittee, which would be charged with reviewing and communicating with the County and Stanford on the proposed 2018 General Use Permit.

Since Stanford University is the project sponsor for both proposals, the City Attorney recommends that the City Council appoint the same two council members to both subcommittees to avoid inadvertent Brown Act violations.

Impact on City Resources

The potential impacts on City resources for both projects are described below.

Middle Plaza at 500 El Camino Real Project

The project sponsor is required to pay Planning, Building and Public Works permit fees, based on the City's Master Fee Schedule, to fully cover the cost of staff time spent on the review of the Middle Plaza at 500 El Camino Real Project.

2018 General Use Permit

Staff time spent on the review of the proposed 2018 General Use Permit would be absorbed by the General Fund.

Environmental Review

An overview of the environmental review processes for both projects is described below.

Middle Plaza at 500 El Camino Real Project

A Draft Infill Environmental Impact Report (Draft Infill EIR) has been prepared for the project. The 45-day public comment period for the Draft Infill EIR started on February 28, 2017 and will end on April 13, 2017. Upon the close of the public comment period, staff and the City's environmental consultant will be preparing responses to comments received during the public comment period. A Final Infill EIR, which will consist of the Draft Infill EIR and Responses to Comments, will be considered by the Planning Commission and City Council concurrent with the final project actions.

2018 General Use Permit

The County is the Lead Agency for preparing environmental analysis in compliance with the California Environmental Quality Act. On January 3, 2017, the County of Santa Clara released a Notice of Preparation for an Environmental Impact Report (EIR) to solicit comments regarding the scope and content of the environmental information to be included in the EIR. The Council reviewed a draft response letter at its meeting of February 28, 2017. The final letter is under preparation and will be sent to Santa Clara County.

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. Location Map for the Middle Plaza at 500 El Camino Real Project
- B. Project Plan Excerpts for the Middle Plaza at 500 El Camino Real Project
- C. 500 El Camino Real Subcommittee Final Report, dated August 27, 2013
- D. Letter from Stanford University, dated March 20, 2017

Report prepared by:
Jean Lin, Senior Planner

Report reviewed by:
Arlinda Heineck, Community Development Director

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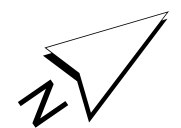


**PROJECT
LOCATION**

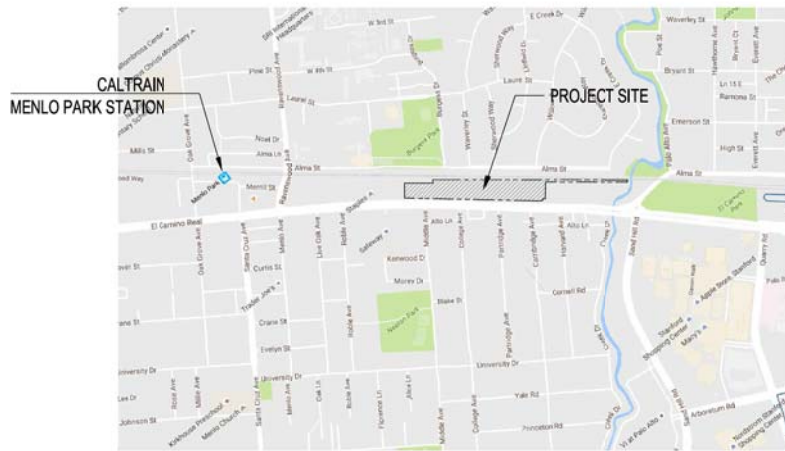


CITY OF MENLO PARK
 LOCATION MAP
 MIDDLE PLAZA AT 500 EL CAMINO REAL

DRAWN: TAS CHECKED: JPL DATE: 3/28/17 SCALE: 1" = 300' SHEET: 1



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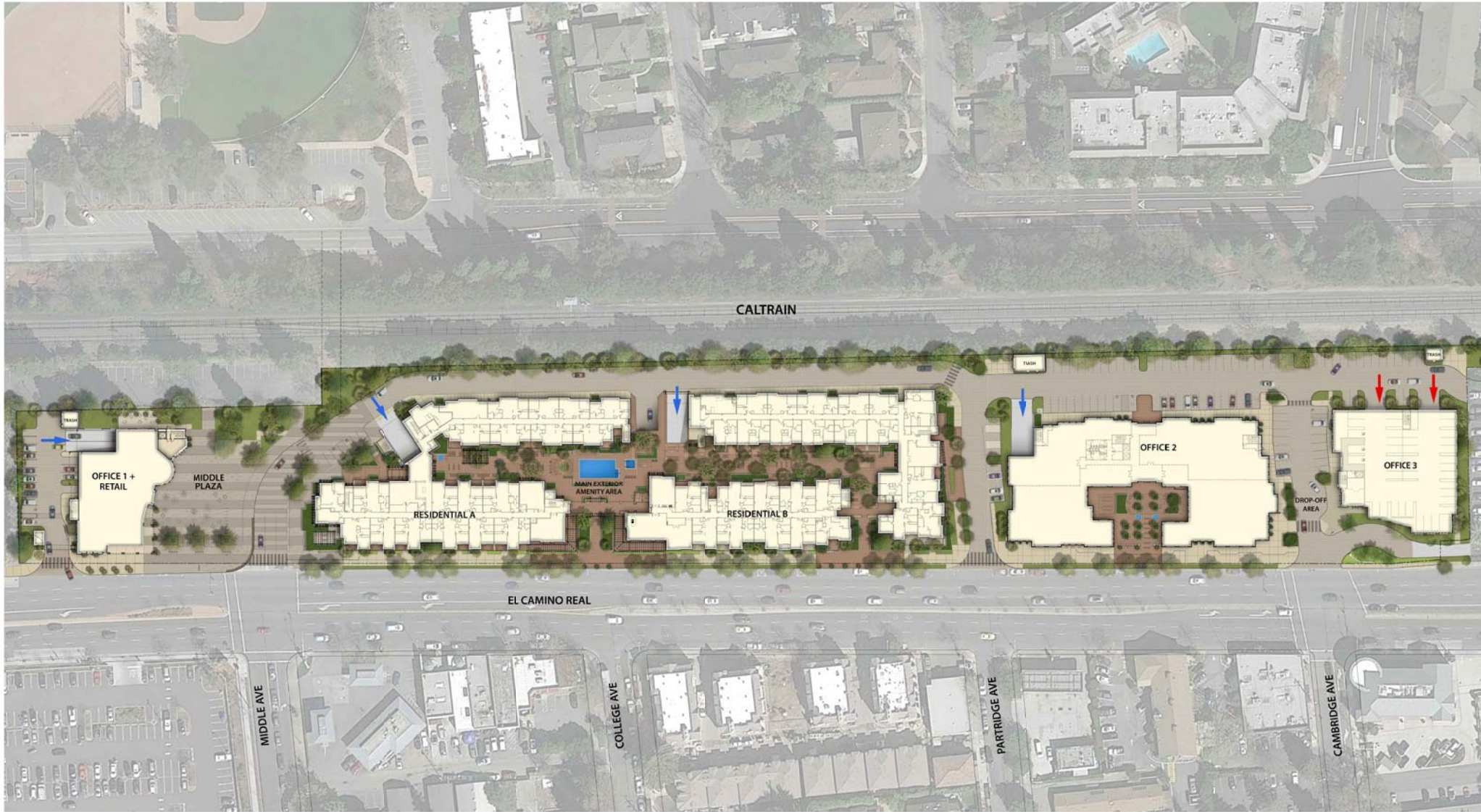




MIDDLE PLAZA at 500 EL CAMINO REAL
Menlo Park, California

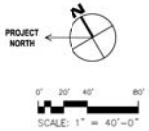


VICINITY MAP
05/20/2016 04/24/2017
07/18/2016
11/18/2016

G4



-  TO BELOW GRADE
-  AT GRADE

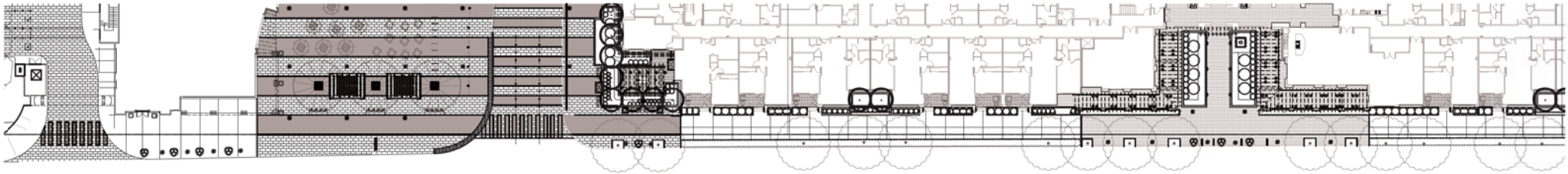


MIDDLE PLAZA at 500 EL CAMINO REAL
Menlo Park, California



MASTER PLAN
05/20/2016 02/24/2017
07/18/2016 11/18/2016

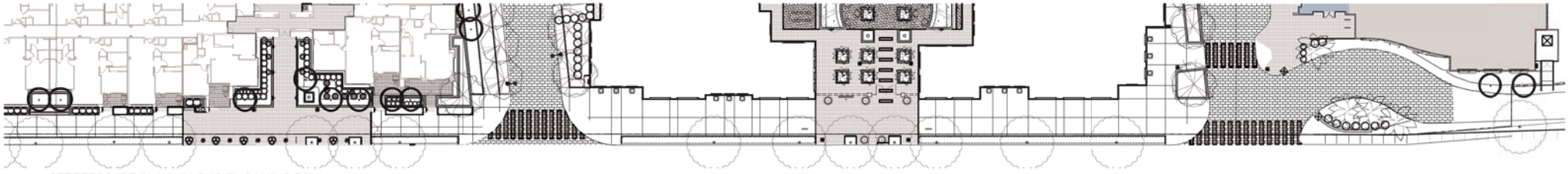
G5



1 STREETScape PLAN - ALONG EL CAMINO REAL
1" = 20'-0"



2 STREETScape ELEVATION - ALONG EL CAMINO REAL
1" = 20'-0"



3 STREETScape PLAN - ALONG EL CAMINO REAL
1" = 20'-0"



4 STREETScape PLAN - ALONG EL CAMINO REAL
1" = 20'-0"



SCALE: 1"=20'-0"

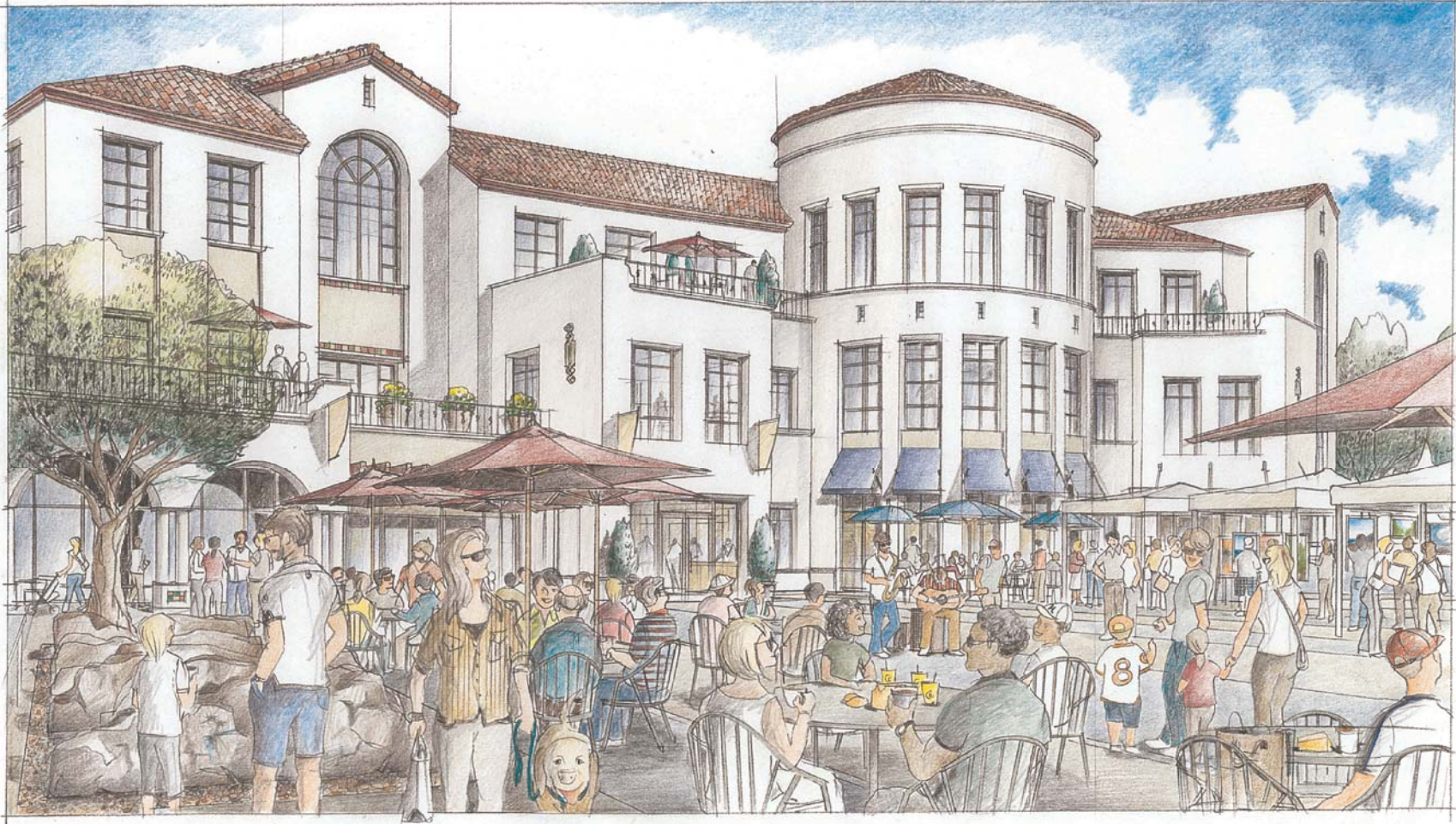


MIDDLE PLAZA at 500 El CAMINO REAL
Menlo Park, California



STREETScape AT EL CAMINO REAL
02/24/2017

A28









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OFFICE OF THE CITY MANAGER

Council Meeting Date: August 27, 2013
Staff Report #: 13-152

Agenda Item #: F-4

REGULAR BUSINESS: Accept the 500 El Camino Real Subcommittee Final Report

RECOMMENDATION

The 500 El Camino Real Subcommittee recommends that the City Council accept its final report which establishes the following requirements for a revised proposed project submittal from Stanford:

1. Stanford will eliminate all medical office. All office will be general office (this follows Stanford's previous reduction for all office to 199,500 square feet).
2. Stanford will make a substantial contribution to the cost of design and construction of a pedestrian-bike undercrossing at Middle Avenue. The amount will be negotiated/determined through the project approval process with the goal of ensuring there will be sufficient funding to construct the undercrossing in timely manner.
3. Stanford will participate in a City working group regarding the design of the Middle Avenue plaza, undercrossing and vehicular access to the site.
4. Stanford will fund a neighborhood cut through traffic study as scoped by the City.

BACKGROUND

On January 28th, the Planning Commission hosted a study session on Stanford's proposed project which included 229,500 square feet of office space (96,150 square feet of which was medical office space) and a range of 135-152 residential housing units. Many concerns were voiced by the public regarding the potential traffic impacts, need for additional integration of bicycle and pedestrian access and community benefit including the long planned bike/pedestrian railroad undercrossing at Middle Ave. and improvements to the plaza. In addition, the applicant was given feedback to increase the amount of housing, reduce the amount of office space and improve the architecture for the office building.

On April 16th, the City Council hosted a study session on a revised project proposal that included architectural enhancements, an increase of housing units to 170, a reduction of office space to 199,500 square feet, of which 25,000 square feet could be used as medical office space, and increased square footage of the plaza. Based on public comment and the concerns raised by individual council members, the City Council created a subcommittee of the City Council, consisting of Councilmembers Keith and

Carlton, to explore potential further project refinement. The 500 El Camino Real Subcommittee was charged with:

- Providing a framework for discussing the issues related to the 500 El Camino Real Project.
- Facilitating the productive communication of information between neighborhood representatives and the applicant, regarding project refinement that balanced the needs of the applicant and those of the greater Menlo Park community prior to the submittal of a revised project proposal.
- Assisting with developing a timeline for review of the Specific Plan

ANALYSIS

Overview

The 500 El Camino Real Subcommittee has met 17 times since April 16th. The Subcommittee has met with neighborhood representatives, the Silicon Valley Bicycle Coalition, representatives from environmental groups, representatives from Stanford University and City Staff. These meetings provided the Subcommittee with the necessary background and input to make the recommendations included in this report. These recommendations provide a framework to the applicant regarding project refinement.

Traffic

There were two specific concerns related to traffic. First, the potential impacts of cut-through traffic on the neighborhood bounded by El Camino Real, University Dr., Middle Ave. and Creek Dr. While the Specific Plan EIR had studied traffic impacts at a higher program level, it had not studied the traffic impacts at a specific project level. It had always been anticipated that a project level analysis would be necessary to assess conformance with the Specific Plan and address any project related traffic impacts. The Subcommittee met with staff, neighborhood representatives and Stanford in order to develop the scope and methodology for this project level analysis. A staff recommendation for this project level analysis will be submitted for City Council approval.

The second traffic-related area the Subcommittee addressed was that of overall anticipated traffic generation by the project. After reviewing the amount of traffic typically generated by general office use and the significantly higher amount generated by medical office, it was clear that removal of medical office from the mix of uses would significantly reduce the overall traffic generation. It is anticipated that this one concession will reduce the overall traffic generation from the 3,840 daily trips to 3,284 daily trips. This reduction of 556 daily trips represents a 14.5% decrease in traffic trip generation.

Undercrossing

Residents have long anticipated a railroad undercrossing at Middle Ave. in order to improve east/west connectivity. The Specific Plan identifies an undercrossing connecting the Stanford properties under the railroad tracks to Burgess Park. This undercrossing would improve connectivity for neighborhoods on both sides of the

railroad tracks with City amenities, and access to public transit and Downtown Menlo Park. It would encourage the use of alternative modes of transportation and contribute to a healthier Menlo Park. While there are several issues that still need to be addressed, the Subcommittee is confident that the groundwork is in place for making this undercrossing a reality. Stanford has agreed to participate in a working group that will develop a budget, design, and plan for construction. Stanford has also agreed to take a major role in the financing and construction of the undercrossing.

Plaza

The Specific Plan also identifies construction of a public plaza on the Stanford property. Stanford will work with a City working group to ensure that among other things the public plaza is designed to minimize vehicular traffic and maximize pedestrian access. The proposed plaza area will be greater than the public plaza area at Café Borrone.

Downtown/El Camino Real Specific Plan Review

At the June 11th City Council Meeting, the Subcommittee report to the City Council stated that the annual review of the Specific Plan should coincide with the completion of the Subcommittee's work on the 500 El Camino Project. If the City Council approves the recommendations contained within this report, then the review of the Specific Plan will begin with a public hearing before the Planning Commission at its September 9th meeting. Following the Planning Commission hearing on September 9th, City Council will hold a public hearing to review the Specific Plan. This hearing is tentatively scheduled for October 1st.

IMPACT ON CITY RESOURCES

There are no direct impacts on City resources associated with the actions of this report. The costs associated with the staff review of the revised proposed project submittal will be funded by the development fees paid by the applicant.

POLICY ISSUES

The 500 El Camino Real Subcommittee has completed its charge and submits the recommendations enclosed in this final report to the City Council. It is expected that Stanford will draft a revised proposed project submittal based on these recommendations. The revised proposed project will be submitted for staff review of its conformance with the Specific Plan.

ENVIRONMENTAL REVIEW

While this action does not require environmental review the expected proposed project will be reviewed for conformance with the Specific Plan. This review will include the aforementioned cut-through traffic analysis. Upon the completion of staff review, the revised proposed project submittal will be brought before the Planning Commission.

The Planning Commission must make a finding of conformance with the Specific Plan prior to issuance of building permits. The Planning Commission's finding is appealable to the City Council.

PUBLIC NOTICE

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

ATTACHMENTS

None

Report prepared by:
Jim Cogan
Economic Development Manager



Stanford University

March 20, 2017

Alex McIntyre
City Manager
City of Menlo Park
701 Laurel St
Menlo Park, CA 94025

RECEIVED

MAR 21 2017

**City Clerk's Office
City of Menlo Park**

Dear Mr. McIntyre,

As you are aware, Stanford University is proposing to redevelop the properties currently addressed 300 through 550 El Camino Real, which is an 8.43-acre site that is part of the El Camino Real / Downtown Specific Plan area. The project parcels are part of the Specific Plan's "ECR SE" zoning district and "El Camino Real Mixed Use" land use designation. The existing buildings (current and former auto dealerships) and site features would be replaced with a new mixed-use development consisting of offices, housing, and retail.

The proposal would adhere to the Specific Plan's "Base" level standards, which were established to achieve inherent public benefits, such as the redevelopment of underutilized properties, the creation of more vitality and activity, and the promotion of healthy living and sustainability.

While recognizing that additional community benefits are not required under the El Camino Real/ Downtown Specific Plan, City representatives have asked Stanford to consider a financial contribution toward a potential future bicycle crossing between the Middle Plaza portion of the project site and Burgess Park. Stanford has expressed willingness to consider such a payment in exchange for certain benefits to be provided by the city and therefore formally requests that the City commence negotiation of a Development Agreement to document the conditions under which such funding would be provided.

We look forward to working with you and your staff to bring this project to fruition.

Sincerely,

A handwritten signature in blue ink, appearing to read "Steve Elliott".

Steve Elliott
Managing Director, Development Projects
Stanford Real Estate

STANFORD REAL ESTATE

3160 Porter Drive, Suite 200, Palo Alto, CA 94304 • T: 650.723.8902 • F: 650.724.5059

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STAFF REPORT

City Council

Meeting Date:

3/28/2017

Staff Report Number:

17-076-CC

Regular Business:

Update from the Fire District Subcommittee and consideration of joining with the Town of Atherton for a study and fiscal review of fire services

Recommendation

Staff recommends that the City Council provide direction on whether to join the Town of Atherton on a study and fiscal review of fire services currently provided by the Menlo Park Fire Protection District within both communities.

Policy Issues

The City of Menlo Park regularly seeks to improve the delivery and cost-effectiveness of services for its residents. This study serves to inform the City Council and residents of the cost of fire protection and certain emergency response services within Menlo Park, currently provided by the Menlo Park Fire Protection District.

Background

On Oct. 25, 2016, the City Council received a staff report (Attachment A) about the opportunity to join with the Town of Atherton on a study and fiscal review of fire services currently provided by the Menlo Park Fire Protection District within both communities. At that meeting, the City Council consensus was to table this item and the City Manager was directed to contact the Fire District requesting information. It was stated that if the Fire District failed to respond, staff would return to the City Council for further consideration at a future meeting.

Analysis

Following the City Council meeting on Oct. 25, 2016, staff has made multiple attempts to work with the Fire District on this issue. City Manager Alex McIntyre had a phone conversation with Fire Chief Harold Schapelhouman. On November 9, 2016, the staff and City Council's Fire District Subcommittee (Carlton and Ohtaki) met with staff and board members from the Fire District. Additionally, staff arranged a meeting between the City's consultant who worked on the fiscal impact analysis for the ConnectMenlo General Plan Update and the Fire District's General Plan consultant.

The meeting between the consultants identified several differences in the approach and scope of work undertaken by each. This could help explain some of the variation in funding needs identified by the Fire District and City in response to future development in the M-2 area. Nonetheless, there continues to be a lack of clarity and insufficient information provided by the Fire District.

The Town of Atherton has proceeded with their process and released a request for proposals (Attachment

B) to conduct their portion of the study. Responses for that portion are due March 31, 2017, and Atherton staff have stated that there is still an opportunity to for the City of Menlo Park to participate.

Impact on City Resources

The costs of the study are pending the outcome of the request for proposals, but expected to total approximately \$35,000-\$50,000. Menlo Park and Atherton would then share that cost, which is within the City Manager's existing authority limit.

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. Oct. 25, 2016, staff report regarding Fire Services Study
- B. Town of Atherton request for proposals for a fire services fiscal review

Report prepared by:
Clay J. Curtin, Assistant to the City Manager



STAFF REPORT

City Council
Meeting Date: 10/25/2016
Staff Report Number: 16-188-CC

Regular Business: **Authorize the City Manager to execute a joint agreement with the Town of Atherton for a study and fiscal review of fire services**

Recommendation

Staff recommends that the City Council authorize the City Manager to join with the Town of Atherton on a study and fiscal review of fire services provided by the Menlo Park Fire Protection District within both communities.

Policy Issues

The City of Menlo Park regularly seeks to improve the delivery and cost-effectiveness of services for its residents. This study serves to inform the City Council and residents of the cost of fire protection and certain emergency response services within Menlo Park, currently provided by the Menlo Park Fire Protection District.

Background

On Oct. 5, 2016, a subcommittee of the Atherton Town Council requested preparation of a scope of work for the review of fire service fiscal issues. The discussion revolved around history, revenues, costs for services and general calls for services. In discussions between staff, the idea surfaced that it may be beneficial for Menlo Park to join the study in order to gain a better understanding about fire service costs affecting its residents as well. The information could prove valuable as the City evaluates the need for additional services and potential impact fees related to the proposed general plan and M-2 area zoning update.

Analysis

The consideration for local tax payers in this study is whether the revenue, based on property assessed values, has significantly outpaced the cost of both Fire District or independent costs for fire services, and if so, by how much and if so, whether there is a desire to address the issue in some way. This study is meant to gather information so that the City Council and residents can better understand the complexity of service delivery and costs for service. The Fire District is encouraged and invited to participate and contribute to the study so that all may be better informed.

The draft scope of work includes four main tasks for the consultant, who would be selected through a request for proposals process. These tasks include:

1. What revenue does the Fire District receive from our residents via property taxes in support of fire services?

The Fire District has published a map (Attachment A) identifying its property tax revenues by jurisdiction. The consultant would obtain and verify tax rate analysis data for the municipalities, provide an analysis of data for fiscal year 2016-17 and develop a model for the future.

2. What is the cost of providing basic fire protection and emergency response services within our municipal boundaries from the Fire District? Beyond basic services, what other special services does the District provide to local residents (i.e., hazmat, CERT, urban search/rescue, etc.)? In total, what do these add to the cost of basic fire service?

The consultant would prepare a summary of costs for basic fire protection and emergency response from the Fire District for both jurisdictions. The consultant would then identify and add the cost for any specialized services or programs applicable to the municipalities to that basic cost. These could include hazardous material response, CERT programs, urban search and rescue programs, fire prevention and awareness, sharps drop off, disaster preparedness, etc.

3. If there were not a Fire District and the City was responsible for providing fire services independently, what would the cost of those services look like? What are the options? Would there be a need to build and staff an additional fire station? If so, where would it be? What would it cost? What is the annual operational cost? What are the long-term cost models? What are the added liabilities? Are there any added benefits?

The consultant would prepare a municipal fire service model(s) for each jurisdiction, to demonstrate feasibility if they were assume responsibility for providing fire services separate from the Fire District. The consultant would need to take into consideration programs and services currently provided, programs and services necessary for a municipal service model (inclusive of overhead), and long-term debt/liability. The consultant would also need to project initial capital required to build additional fire station(s) (if needed, as determined by the consultant) and other issues related to the initial delivery of service versus long-term costs.

The Fire District was notified in advance that the item would be on the Town of Atherton's City Council agenda. The Fire District's response letter to Atherton is attached (Attachment B). At its Oct. 19, 2016, meeting, the Atherton City Council approved proceeding with the project. The study would not be initiated until the new year.

Impact on City Resources

Both Menlo Park and Atherton would share the costs of the study. Costs of this study are pending the release of a request for proposals, but expected to be approximately \$35,000-\$50,000 and within the City Manager's existing authority limit.

Public Notice

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

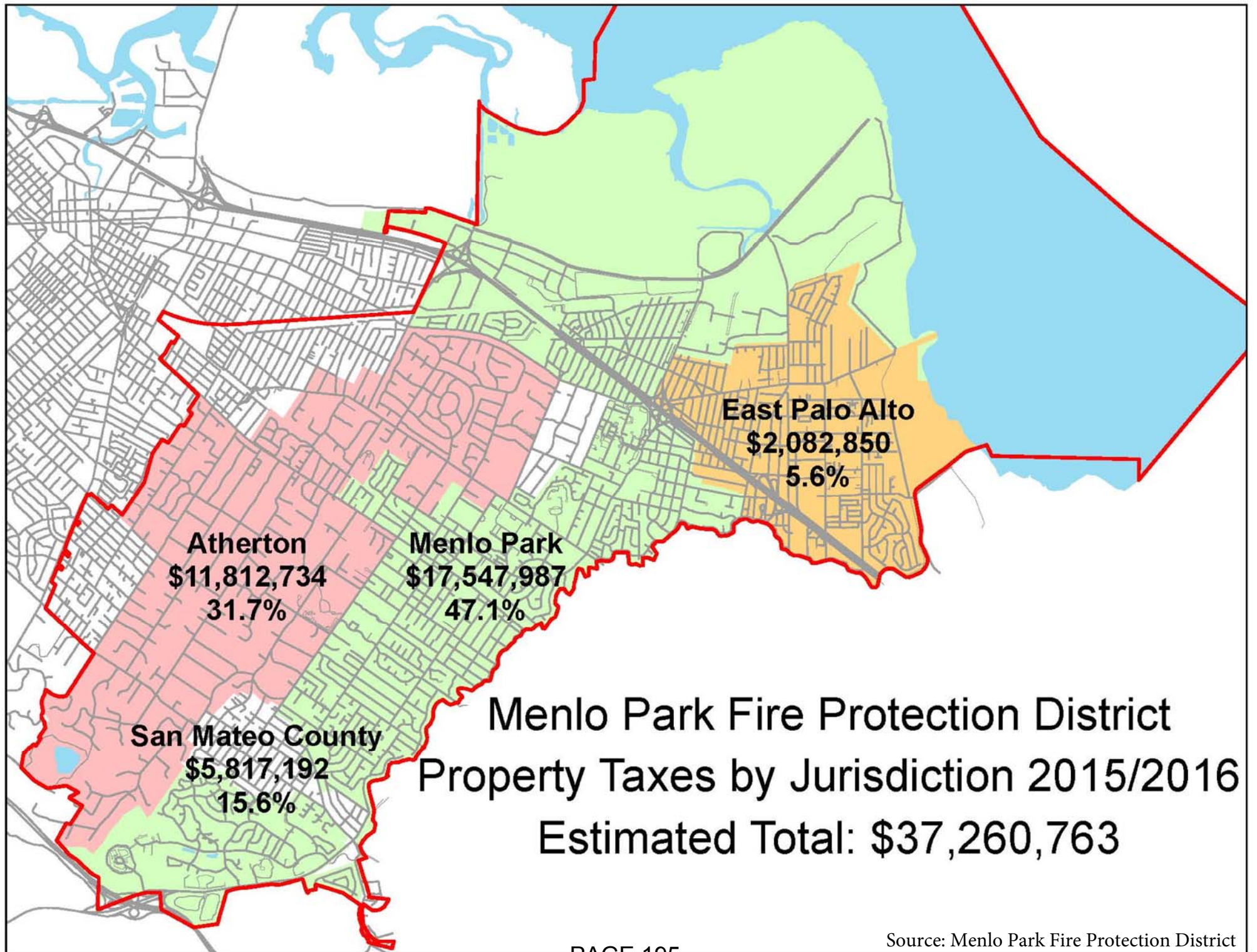
Attachments

- A. Menlo Park Fire Protection District Property Taxes by Jurisdiction for FY2015-16
- B. Menlo Park Fire Protection District response letter to the Town of Atherton

Report prepared by:

Clay J. Curtin, Assistant to the City Manager

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Menlo Park Fire Protection District

170 Middlefield Road · Menlo Park, CA 94025 · Tel: 650.688.8400 · Fax: 650.323.9129
Website: www.menlofire.org · Email: mpfd@menlofire.org

Fire Chief
Harold Schapelhouman

Board of Directors

Robert J. Silano
Peter Carpenter
Chuck Bernstein
Rex Ianson
Virginia Chang Kiraly

October 18, 2016

Elizabeth Lewis, Mayor
Town of Atherton
91 Ashfield Road
Atherton, CA 94027

Via Electronic Mail

Re: Town of Atherton Fire Services Fiscal Review

Dear Ms. Lewis:

The Town of Atherton (the "Town") and the Menlo Park Fire Protection District ("MPFPD" or the "District") have recently exchanged correspondence regarding the Town's intention to conduct what has been referred to as a "fire services fiscal review", (please see, October 7, 2016 letter from Mayor Elizabeth Lewis to the District President, Rob Silano). This communication is intended to make clear that the District has neither legal obligation nor any present intention to participate in the Town's study.

Existing Statutory Scheme for Tax Allocation

As I am sure you are aware, Proposition 13 forced state lawmakers to assume responsibility for allocating property tax revenues among local jurisdictions. Prior to Proposition 13, taxing jurisdictions established their tax rates independently and property tax revenues depended solely on the rate levied and the assessed value of the land within the agency's boundaries. A given piece of property might, for example, be subject to a separate property tax rate for the city, county, and local school district as well as any special districts that provided services to the property. Prior to implementation of Proposition 13, local jurisdictions could determine the level of both services and property taxes in their community through their legislative authority.

However, in 1979, AB 8 implemented Proposition 13, restructured the mechanisms for the allocation of property taxes and provided other fiscal relief to local governments. A primary objective of AB 8 was to provide local governments with a property tax revenue stream that would increase over time as assessed value grew, thereby providing a stable mechanism for growing communities. The basic premise of AB 8 allocates each taxing jurisdiction *the amount it received in the prior year*, plus a share of any additional revenues above the prior year that occurred within its boundaries. In other words, each taxing agency receives a share of a county-wide property tax. *The District does not receive Atherton's property taxes—*

Atherton receives its fair share based on a pre-established statutory scheme as does the District. Furthermore, it is the Fire District, not the Town, that represents District residents residing in Atherton as to all matters pertaining to the MPFPD.

Absent detachment from the District, the county auditor has no legal authority to adjust the allocation of property tax revenue determined pursuant to Sections 96 or 96.1 of the California Tax and Revenue Code, or the annual tax increment determined pursuant to Section 96.5.

Atherton's Fire Services Fiscal Review

The District has no legal responsibility to perform fiscal analysis nor participate in the Town's fire services review. As per the California Government Code, the District has no obligation to collect, analyze or provide information or documents that do not already exist.

With that said, despite the fact that the District has no legal duty to participate in the Town's fire services review, MPFPD is dedicated to public transparency and intends to continue meeting any and all of its legal obligations pursuant to the Public Records Act (Cal. Gov. Code §6250 et. seq.), California state law, and the operating rules and regulations of the District.

The District Remains Committed to Consolidation of Services

MPFPD provides a myriad of services to the community including but not limited to as basic fire and emergency services, disaster preparedness, public education, code promulgation, and inspection. The District has been a long-time advocate of consolidation and a leader in consolidated fire dispatch services, which have significantly reduced response times in its jurisdiction in recent years.

The District takes this opportunity to re-emphasize its support for consolidated services, allowing for economies of scale and exemplary levels of cost-efficient service. The District supports LAFCO policies that provide for efficiency in the delivery of fire suppression, disaster and emergency services, and reduce the costs of providing urban services

Thank you and feel free to reach out with any questions.

Sincerely,

Robert J. Silano, President
Menlo Park Fire Protection District

Cc: Town Manager George Rodericks
Fire Chief Harold Schapelhouman

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MENLO PARK FIRE PROTECTION DISTRICT

STAFF REPORT

To: Fire Board **Regular Fire Board Meeting**
From: Harold Schapelhouman, Fire Chief **Date: September 20, 2016**
Item: **CONSIDER, DISCUSS AND PROVIDE DIRECTION TO STAFF REGARDING A REQUEST FROM THE TOWN OF ATHERTON TO DISCUSS THE FISCAL EVALUATION OF FIRE SERVICES**

STAFF RECOMMENDATION

1. That the Board accepts the report as presented.
2. That the Board provide the Fire Chief with direction from the list of suggested options

REQUEST

The Town Council of Atherton recently held a Study Session on September 8, 2016, at 3:00 p.m., titled "Discussion of Possible Fiscal Evaluation of Fire Services"

After roughly 40 minutes spent on the topic, the Town Manager, in correspondence to the Fire Chief, wrote "*the Council made the following recommendations*":

1. Move forward with a scope of work for a request for proposal (RFP) for consideration at the October Council meeting
2. While that process moves forward, engage the Fire District, a Board sub-committee with a Council sub-committee to discuss the issues, direction and scope of work (to include the Fire Chief and City Manager) The Council sub-committee is Cary Wiest and Michael Lempres
3. While the above process are moving forward, also work to arrange a joint meeting of the Council and District (they understood that this would take some time to arrange)
4. The Town Manager has set up a Doodle poll to help arrange acceptable dates for a future meeting, please respond with your availability.

The Town Manager provided the following additional guidance on September 15, 2016, at my request. "*As refined as possible at this time, here are the broad queries:*"

1. Has the Town's property value's increased to the point that the funds received by the Fire District via property taxes far exceed the cost to provide basic fire services to the community?

2. If so, how can that be addressed? Should it be addressed?
3. What options do Atherton taxpayers have to address it if they choose to?

“To get the answer to those questions, I suspect a study would need to be able to answer the following:”

1. What revenue does the Fire District receive from Atherton residents via property taxes in support of fire services?
2. What is the cost of providing basic fire protection services within the jurisdictional boundaries of the Town of Atherton from the Fire District? Beyond basic services, what other special services does the District provide to Atherton residents (i.e., hazmat, CERT, urban search/rescue, etc.)? In total, what do these add to the cost of basic fire services?
3. If there were not a Fire District and the Town were responsible for providing fire services independently, what would the cost of those services look like? What are the options? Would an additional fire station need to be built and staffed? If so, where would it be? What would it cost? What is the annual cost? What are the long-term cost models? What are the added liabilities? Are there any added benefits?
4. If Atherton taxpayers want to address the issues raised, how would they do so and what are the mechanisms for doing so?
5. Once all that data is gathered, the Town would like to circle back and discuss all of the data with the District - who we hope would be involved at all phases of the study.

DISCUSSION

The Menlo Park Fire Protection District is an independent, single focused, special district, governed by a five person Board, elected at large from within the Fire District boundaries. The District was established 100 years ago and provides essential emergency services to the Town of Atherton, Cities of East Palo Alto and Menlo Park as well as areas of unincorporated San Mateo County.

The Fire District is well managed and fiscally responsible. Neither LAFCo policies nor economies of scale would support the Town of Atherton’s Council request for “detachment”, should that be requested. Replication of all service levels currently provided is very complex and problematic for a Town with the demographics and size of Atherton.

Statutory Authority under the State of California section 113862 says that the District has the power to provide fire protection services, rescue services, emergency medical services, hazardous material emergency response services and any other services related to the protection of life and property. The auditor of each County in which a district is located shall allocate to the District its share of property tax revenue.

Property Taxes in 2015/16, represent over 94% of the Fire District's annual source of revenues at \$37,260,763. They can be broken down by jurisdiction:

Town of Atherton	\$11,812,734	31.7%
City of East Palo Alto	\$2,082,850	5.6%
City of Menlo Park	\$17,547,987	47.1%
Unincorporated San Mateo County Areas	\$5,817,192	15.6%

(See Attachment A map)

The Town of Atherton is directly covered by five of the seven District's Fire Stations, with all seven stations covering the entire Fire District daily, as units are moved for training, maintenance, meetings, inspections and a variety of other non-emergency, but normal reasons outside of Automatic Aid.
(See Attachment B map)

The Fire District sees itself as one entity, comprised of multiple jurisdictions. Essential emergency services are provided by the closest fire station and available emergency unit, not by jurisdictional boundaries. Staffing and deployment are determined by risk, call frequency and potential loss, and not by jurisdictional boundaries. Move, cover and backfill are determined by response blocks for each Fire Station, not by jurisdictional boundaries.
(See attachment C map)

While population, household size, median income, parcel size, type and size of structures, property value, insured or not insured and demographics, geographic area are all relevant factors, the Fire District for the most part does not study or use this data by jurisdiction to determine "equity" values for critical emergency services delivery.

Equity, as defined by the Fire District, is that all residents, businesses and individuals inside the Fire District receive superior emergency services when needed.

Options

Based upon the totality of circumstance and Town Manager's request, the Fire Board President and Vice President have asked that the Fire Board be presented with options moving forward:

1. Maintain the Status Quo - Continue to post to the District's web-site or direct individuals, the Town Manager, Staff or Council, directly to existing web-site informational items for transparency and full disclosure.
2. The Board President and Town Mayor could meet to discuss mutual issues and concerns.
3. Select a Board sub-committee to work with Atherton's Council sub-committee.
4. Provide the Town with mutually acceptable dates to hold a joint Council/Fire Board meeting.
5. Have the Fire Chief continue to meet with the Town Manager on these issues.
6. Choose not to meet with the Town on this topic so they can retain a consultant to research this topic.

7. Allow the Fire Chief to retain the District's own consultant to research this topic
8. Jointly select a consultant to research this topic
9. Actively participate in the Civic Center Process to determine if any new operational advantages can be realized like a joint MACC.
10. Other recommendations?

Property Tax Information:

There are 232 Tax Rate Areas (TRA) in the Fire District, of which 39 are in the Town of Atherton (Two are not valued). The post ERAF weighted average of each TRA IS 13.47%, with property tax revenue of \$11,812,734 provided to the Fire District in 2015/16 per MuniServices March Fire Board Presentation

City	TRA	2015-16 NAV	Fire District Revenue by district share				
			Pre-ERAF tax rate	Shift %	shift rate	Post-ERAF tax rate	Revenue
Atherton	001001	3,474,520,407	0.156987204600	0.118574221	0.018614635	0.138372569152	4,807,783.15
Atherton	001002	167,955,691	0.147078778500	0.118574221	0.017439752	0.129639026955	217,736.12
Atherton	001003	131,321,136	0.150305421300	0.118574221	0.017822348	0.132483073099	173,978.28
Atherton	001004	681,023,285	0.148864580400	0.118574221	0.017651502	0.131213078786	893,591.62
Atherton	001005	478,291,837	0.157263374400	0.118574221	0.018647382	0.138615992333	662,988.98
Atherton	001006	615,756,768	0.156987252800	0.118574221	0.018614641	0.138372611636	852,038.72
Atherton	001007	31,416,905	0.156904576800	0.118574221	0.018604838	0.138299738879	43,449.50
Atherton	001008	20,911,693	0.155416919800	0.118574221	0.01842844	0.136988479648	28,646.61
Atherton	001009	21,516,048	0.150306755900	0.118574221	0.017822506	0.132484249450	28,505.37
Atherton	001010	114,000	0.154285418800	0.118574221	0.018294273	0.135991145497	155.03
Atherton	001011	1,671,773,767	0.145461791600	0.118574221	0.017248019	0.128213773017	2,143,444.22
Atherton	001012	23,276,405	0.150559285300	0.118574221	0.01785245	0.132706835374	30,889.38
Atherton	001013	600,303,756	0.150558468200	0.118574221	0.017852353	0.132706115161	796,639.79
Atherton	001014	15,472,231	0.148865646300	0.118574221	0.017651628	0.131214018298	20,301.74
Atherton	001015	143,524	0.150306755900	0.118574221	0.017822506	0.132484249450	190.15
Atherton	001016	13,837,582	0.157265406800	0.118574221	0.018647623	0.138617783743	19,181.35
Atherton	001018	4,002,289	0.150306900100	0.118574221	0.017822524	0.132484376552	5,302.41
Atherton	001019	12,783,457	0.150306755900	0.118574221	0.017822506	0.132484249450	16,936.07
Atherton	001020	493,939,746	0.150305364400	0.118574221	0.017822341	0.132483022946	654,386.31
Atherton	001021	213,137	0.150564072900	0.118574221	0.017853018	0.132711055288	282.86
Atherton	001022	0	0.154224008400	0.118574221	0.018286992	0.135937016788	0.00
Atherton	001023	0	0.154285418800	0.118574221	0.018294273	0.135991145497	0.00
Atherton	001024	0	0.128299437500	0.118574221	0.015213006	0.113086431680	0.00
Atherton	001025	107,670,430	0.155416256400	0.118574221	0.018428361	0.136987894910	147,495.46
Atherton	001026	0	0.148864580400	0.118574221	0.017651502	0.131213078786	0.00
Atherton	001027	7,224,823	0.150324219000	0.118574221	0.017824577	0.132499641877	9,572.86
Atherton	001028	110,973,316	0.150305449500	0.118574221	0.017822352	0.132483097956	147,020.89
Atherton	001029	38,430,347	0.145460440600	0.118574221	0.017247858	0.128212582210	49,272.54
Atherton	001030	7,005,726	0.172143044400	0.118574221	0.020411727	0.151731317058	10,629.88
Atherton	001031	0	0.153274230600	0.118574221	0.018174372	0.135099858150	0.00
Atherton	001032	6,112,879	0.167234345200	0.118574221	0.019829682	0.147404663040	9,010.67
Atherton	001033	0	0.150558468200	0.118574221	0.017852353	0.132706115161	0.00
Atherton	001034	2,182,797	0.150306900100	0.118574221	0.017822524	0.132484376552	2,891.86
Atherton	001035	0	0.158636031000	0.118574221	0.018810144	0.139825887246	0.00
Atherton	001036	29,910,977	0.150306755900	0.118574221	0.017822506	0.132484249450	39,627.33
Atherton	001037	513,949	0.158382216900	0.118574221	0.018780048	0.139602168955	717.48
Atherton	001038	45,884	0.167251862600	0.118574221	0.019831759	0.147420103328	67.64
							11,812,734.27

*Revenue is estimated based on TRA value and factor and not the actual AB8 apportionment formula.

Revenue estimates will vary from actual revenue received. This information is for estimation purposes only.

Historical Background:

On April 19, 2007, Atherton Mayor Alan Carlson wrote in response to a San Mateo County Civil Grand Jury report titled "Town of Atherton Building Department – Health and Safety Issues Require Immediate Action Interim Report" that highlighted eight findings, four conclusions and six recommendations involving public safety and NOT working with the Fire District "The interim report and its findings have caused substantial harm to the Town of Atherton and misconceptions within the community" Carlson wrote.

News articles in various media outlets were felt by the Town Council to be inflammatory, inaccurate and an amplification of the actual facts. By May 2007, a Joint meeting was scheduled and by December the final Grand Jury report highlighted the changed relationship and greater level of collaboration and cooperation between the Town and the Fire District, which lasts for many years.

NOTE: History tends to repeat itself, out of conflict can come resolution! In 2015, the Fire District performed 285 building plan reviews in the Town and we now work very closely with the Building Department

On November 8, 2012, Town Manager George Rodericks and Fire Chief Harold Schapelhouman meet for the first time over coffee.

On May 11, 2013, the Chief is injured and out until January 2014.

On November 14, 2014, the Town Manager writes "*As follow-up to our meeting yesterday, I have added your email to my Executive Team communications. You will receive a copy of any email that I send out to my executive team, to include Friday Email Communications to the City Council (the Executive Team is BCC'd). I host Executive Team Staff Meetings on the 1st and 3rd Tuesdays of each month at 10 am. I will typically send out an agenda prior and/or query for agenda items. The meetings are informal and are held in the Town's Admin Conference Room. You are welcome to attend or send a representative from the District to attend. You will receive any notifications of the staff meetings via email as a member of the Executive Team.*"

On March 31, 2015, the Fire Chief in correspondence with the Town Manager wrote "*I read the attached news article regarding library funds, especially the excess funds that could be used for the Fire District. Was this the reason behind your joint Board/Council agenda item listed as "Financial participation in the Civic Center Project (how, how much, etc.)"? Do we need to attend Wednesday's Town Council meeting or just wait for this to be addressed in the joint meeting?"*

Within the hour, the Town Manager responded "No. The reporter put the wrong spend on that component of the library fund issue. The only way that the town would share the library tax with other taxing authorities is through a state legislative act that reduces the library tax and redistributes the difference. That option is a highly unlikely option.

The origination of the fire district participating in the civic center project is based on the revenue to the fire district from Atherton versus the cost to provide direct services to Atherton.

The library tax has nothing to do with the council's perspective that the district should participate in the Civic Center project. The town is not looking for participation in the form of a review of the plans or a recommendation of design. The town is seeking a financial contribution and support of a fire or EMT station annex or in support of an emergency operations center or in support of communications in the project, etc.

NOTE: I believe this why the Town Manager has referenced that he has been asking for this information for three years but to be fair he directly states that the Town is seeking a financial contribution related to the Civic Center based upon the revenue to the Fire District from the Town Atherton.

April 29, 2015, A Special Joint Study Session was held between the Fire Board and Town Council to discuss items of Mutual Interest. Similar to the joint study session in 2007, the Fire Chief felt the meeting would help to explain how the Fire District operated and the value of its service to the Town. The agenda included:

BACKGROUND | ANALYSIS

The Town of Atherton and Menlo Park Fire District collaborate on a number of issues both from a policy perspective and a practical perspective for fire safety. Staff from both agencies work well together to address and mitigate local concerns. Over the years, it has been helpful for the policy boards of each agency to meet jointly to discuss issues of common interest. Tonight's joint meeting was setup to facilitate these conversations.

There are no action items on tonight's agenda. The agenda is set as a Study Session allowing both agencies to discuss issues and provide policy feedback for follow-up by agency staff. The President of the Fire Board and Mayor of Atherton met with the executive officers of each agency to discuss the broad topics for the agenda. A draft agenda was prepared and distributed for mutual interest prior to this meeting. **(A copy of this presentation can be found on the Districts web-site at www.menlofire.org)**

The Meeting Agenda is as follows:

- 1) How the Fire District Works
 - a) Fire District Finance
 - a) A discussion of Fire District Finance with a focus on revenue sources, expenditures, impact fees, etc. with specific attention to Atherton's jurisdictional boundaries.
(1) It is anticipated that the District will present this item to be discussed jointly.
 - b) Fire District Operations
 - i) A discussion of Fire District Operations with a focus on stations, coverage models, overlap, etc. with specific attention to Atherton's jurisdictional boundaries.
(1) It is anticipated that the District will present this item to be discussed jointly.
 - c) Fire District Statistics
 - i) A discussion of Fire District Statistics that can be included in a monthly City Manager's Report to the City Council.
(1) It is anticipated that the Town will present this item to be discussed jointly.
- 2) Primary Response Routes
 - a) Traffic Management Plans
 - i) A discussion of the Town's Neighborhood Traffic Management Plan and how it relates to Primary Response Routes.
(1) It is anticipated that the Town will present this item to be discussed jointly.
 - b) El Camino Real
 - i) A discussion of traffic safety along El Camino Real, status of the Town's Operational Study, and discussion of potential improvements along El Camino Real.
(1) It is anticipated that the Town will present this item to be discussed jointly.

ii) A discussion of the Town's Hybrid Pedestrian Beacons on El Camino Real, with specific emphasis on Almendral. (1) *It is anticipated that the Town will present this item to be discussed jointly.*

c) Marsh Road i) A discussion of Marsh Road as a Response Route and needs associated with improvements to the roadway/route. (1) *It is anticipated that the District will present this item to be discussed jointly.*

3) Emergency Preparedness

a) Civic Center Project

i) A discussion of the Town's Civic Center Project and development of a local Emergency Operations Center within the Police Department space. (1) *It is anticipated that the Town will present this item to be discussed jointly.*

POLICY ISSUES

The focus of the Joint Meeting is for the Board and Council to focus on the high-level policy issues that overlap the jurisdictional boundaries of the agencies. Finance, El Camino Real, response routes, traffic management plans, and emergency response have all been topics of conversation amongst the agencies and the opportunity to meet and discuss these issues jointly at the policy level will provide focus for agency executive staff.

Fire Chiefs Report – MAY 2015 (Fire Board Meeting)

Town of Atherton - Joint Meeting Summary

1. The Fire District will work with the Town on a "HAWK" traffic signal proposal for Almendral Avenue that supports improved pedestrian crossing of El Camino Real and traffic pre-emption for fire apparatus.
2. The Town and the District will cooperatively work together on traffic management planning for bicycle and pedestrian safety related to the District's primary response routes and public safety. El Camino Real, specifically is not recommended by the Fire District for interconnected bicycle routes and further discussion of the Marsh Road channel options needs to occur once the Town's study is complete. UPDATE: I attended a meeting on the Neighborhood Traffic Management Program with the Town.
3. The District supports the Town's efforts to improve pedestrian and bicycle safety through improved crossings over El Camino Real in Atherton.
4. The District and the Town will explore opportunities to create an improved emergency operational center or multi-agency coordination site for South Zone public safety responders at the new proposed Town Center. UPDATE: A tour was given to three of five council members
5. The District and the Town will explore a mutual fee waiver for the construction of new community facilities to reduce costs to the same public.
6. The District and the Town will explore a virtual kiosk for Fire Prevention permits at the New Town Center Building Department Offices.

7. The District and the Town will schedule joint meetings every one to two years to improve relations, cooperation and mutual goal setting.
8. The District proposes to share the results of the Nexus Impact Fee Study after it comes before the Fire Board and do the same with the standards of cover study.

On October 19, 2015, the Fire District received a letter from Atherton Mayor Rick DeGolia regarding participating in the Town of Atherton Civic Center Project – Emergency Services. “Staff to staff, the response to our request was not what the City Council anticipated and frankly, we think that this is a unique opportunity for forward thinking and to enhance the District’s Services. Therefore, without any disrespect to the Chief, the City Council has asked that I put this request directly to the Fire Board itself. Please ask your Board to consider participating in the Town’s Civic Center Project in an effort to address future Atherton (and District) emergency response needs”. **(See Attachment D)**

On October 28, 2015, after reviewing a letter from the Mayor to Fire Board President Kiraly, the Fire Chief wrote to the Town Manager *“The letter from the mayor goes before the Fire Board in November and we will be preparing a staff report. Is the communications between you and I referenced as the "staff to staff response" what was done over e-mail? I don't ever recall getting a formal and specific request from you on letterhead. As I recall, over e-mail, related to adding a fire facility, I pointed out what the Standards of Cover report stated that the number and that the location of our fire stations are currently adequate. I just wanted to confirm that because the letter from the mayor further states "this was not what the City Council anticipated", only concerns me from the standpoint of what was discussed at the joint meeting. We have been consistent in our messaging that while we appreciate the offer, there is no practical strategic advantage to locating a fire station at this location. Please let me know if there is anything else we need to cover or address regarding what exactly the Council is looking for”*.

On October 28, 2015, that same day, the Town Manager responded to the Fire Chief *“Thanks. Yes, the communication referenced was from our conversation. There was no formal, written request from me on Town letterhead. You have been consistent in your response that you felt it was not needed. The Council understands that that is the consistent message, they simply disagree with it and believe that getting into the Civic Center area now serves the district going forward - over the next 50 years”*.

On November 17, 2015, the Fire Board held its monthly meeting. The Fire Chief submitted a staff report in response to the Mayor DeGolia’s October 19 letter in which the Chief addressed each of the Mayor’s points from an operational perspective. **(See Attachment E)**

NOTE: The Fire Chief would support establishing a Multi-Agency Coordination Center (MACC) at the Town’s proposed Civic Center, but this concept did not seem to resonate with the Town. In regards to locating any type of emergency response services at the site, the proximity of existing District facilities to the Civic Center site offers no strategic deployment advantage and would be a waste of funds. (See Attachment F)

On January 19, 2016, the Town Manager in correspondence with the Fire Chief proposes dates for a joint meeting *“time flies, time again to plan an annual joint meeting with the Council/Board. Last year we did the 5th Wednesday. March 30, June 29?”*

On March 12, 2016, the Fire Chief in correspondence with the Town Manager wrote *“I noticed that the "joint meeting" is no longer on the schedule (based upon a Council Scheduling Update distributed on March 11, 2016). Do we need to pick new dates? Please let me know”*.

On March 14, 2016, the Town Manager responded to the Fire Chief, *“Having some challenges finding a date with some of the council. Please stand by to stand by until I work that out”*. (It should be noted that NO alternate dates or effort was made to re-schedule a joint meeting of the Town Council and Fire Board)

On March 28, 2016, the Fire Chief in correspondence with the Town Manager writes *“I noticed you had pulled the Nexus Impact Fee item from the Councils agenda and your attorney, despite a previous review where we adjusted our process based upon the Town's and others comments, has three more concerns or questions and seems to be communicating with Menlo's attorney as well. I know the first two questions are being handled by our legal team but the last concern that addresses that each jurisdiction must sign or the others will not, is hard to understand. Atherton has no commercial properties and the residential only applies to vacant land so the overall cost is minimal for new development. If anything, I would think the Town would want Menlo, EPA and The County developers to pay a fee because it benefits the Town by placing costs for expanding services where they belong. Please let me know if you would like to discuss this in person”*.

Within the hour, the Town Manager responds to the Fire Chief *“Happy Monday Chief - Regarding the Nexus Study, the City Attorney will go down his own path on this one and until he is satisfied there's not much I can do to pull it back. I get your rationale in placing costs where they should be. His basic concern, as I understand it, is that the Town should not be adopting the study and imposing the fee; rather, the fee should be adopted by the District and the Town could collect as a pass-thru or the District could collect directly”*.

NOTE: This is last casual correspondence between the Town Manager and the Fire Chief until August 22, 2016 when the Town Manager writes *“Chief, Would you have time to sit down and discuss the Town's Study Session Report on Fire Service Finances this week? Perhaps lunch or coffee? My availability is fairly open on Wednesday until 3 pm or Thursday until 1:30 pm. I am also open on Tuesday after 1:30 pm.”*

April 2, 2016 – Town Managers Update:

9. Fire District Nexus Study and Impact Fees

As advised, the Fire District's Nexus Study and Impact Fee item has been placed on hold pending the outcome of legal analysis by the City Attorney. The City Attorney has advised that the Town should not be adopting the study and imposing the fee; rather, the fee(s) should be adopted by the District and the Town could collect the fees as a pass-thru - or the District could collect directly. Until this is worked out, the Study and Fee adoption are on hold.

June 10, 2016 – Town Manager Update:

17. LAFCO - Martha Poyatos

I am meeting next week with Martha Poyatos, Executive Director of LAFCO to discuss the status of the Woodside Annexations/De-Annexations; De-Annexation Processes, County Islands, and Atherton's Sphere of Influence.

NOTE – There is NO reference to Fire Services prior to this meeting with LAFCo

June 17, 2016 – Town Manager Update:

7. LAFCO - Martha Poyatos

This week I met with Martha Poyatos, Executive Director of LAFCO to discuss the status of the Woodside Annexations/De-Annexations; De-Annexation Processes, County Islands, and Atherton’s Sphere of Influence. An additional conversation revolved around the cost of fire services and options for the Town moving forward. I discussed the possibility of conducting a feasibility study to independently work through financing of fire services, collection of property taxes, cost of services, as well as the process for detachment and contract for services. Martha will provide me with the names of a few consultants that conduct such work. I will be putting together a summary document for the Council’s consideration moving forward. I will ask for the Council’s direction on whether to proceed with hiring a consultant to conduct that independent analysis. The Fire District will be invited to participate in these discussions. The issues are not related to service delivery or quality of service delivery, rather, the cost of fire services for the Town.

NOTE: The Town Manager first references cost of services, property taxes, detachment and contracting for services

June 24, 2016 - Town Managers Update:

3. Managers Meeting - Menlo Fire Nexus Study

I am meeting on June 30 the City Managers of East Palo Alto, Menlo Park as well as a representative from the County to discuss the Fire District Nexus Fee Study and next steps/recommendations. Consideration of the Nexus Fee Study is on hold pending the outcome of these discussions and next steps. It is tentatively scheduled for the September Study Session. (The September 7 Study Session is Listed as for the Fire Services Nexus Study)

July 1, 2016 – Town Managers Update:

3. Managers Meeting - Menlo Fire Nexus Study

On June 30, I met with the City Managers of East Palo Alto and Menlo Park as well as a representative from the County to discuss the Fire District Nexus Fee Study and next steps/recommendations. Consideration of the Nexus Fee Study is on hold pending the outcome of these discussions and next steps. In the coming weeks, we will be setting up a meeting with the Fire Chief to discuss further. At this time, adoption of the Nexus Study has been put on hold. (The September 7, 2016 Study Session is changed to “Report to Council on options for fiscal and operational review”)

NOTE: The Town Manager changes the focus of the September Study session but never tells the Fire Chief and the Public site and Look Ahead continues to identify September 7 as a Fire Services Impact Fee Study Session

On August 2, 2016, The Fire Chief meets with the Managers Group representative, Alex McIntyre from Menlo Park. To summarize their meeting he writes “*I need to provide our Fire Board with an Impact Fee update, to recap our conversation, per my notes from our meeting on July 21, 2016, here is what I have down:*

1. *The managers met at the end of June regarding the District’s proposed development impact fees and collectively agreed to the following:*
 - a. *As a group, you don’t believe that each of you can bring this to your councils or Board yet*
 - b. *It appears the District is adequately funded with healthy property taxes and large reserves so there is a question of “equitable need”*
 - c. *The current Nexus report and information does not present a strong enough business case for moving forward*

- d. *If the District wants to move forward, the managers would like an independent analysis and review of the District's revenues, expenditures, reserves and overall fiscal health so they can make a more informed decision in order to recommend that these proposed fees move forward to each agencies elected officials*
 - e. *No strong political case or advocacy for impact fees has been made by the Fire Board to each of your respective elected officials*
2. *The Atherton and County Manager suggested looking at other less expensive ways to provide Fire Services in general*
 3. *The Menlo Park and East Palo Alto Managers were not looking to change the service model but also did not agree with paying any type of development impact fees without more proof and validation*
- I hope that captures the essence of our conversation, please let me know”.*

On August 3, 2016, he simply replies “Yes, your notes accurately capture our conversation”.

July 6, 2016 – Town Managers Update:

The September 7, 2016 Study Session is changed to “Fire Services - Report to Council on options for fiscal and operational review”

On August 17, 2016, The Town and the Fire District finalized and dedicated the first High Intensity Activated Crosswalk (HAWK) pedestrian and Fire Services traffic beacon in Atherton. “*Construction of this important improvement is the result of successful collaboration and partnership between the Town of Atherton, Menlo Park Fire District and Caltrans District 4*”. (The Town Manager met with the Fire Chief and discussed getting together to discuss fiscal and operational issues related to a study session)

August 22, 2016 - Town Council Update from the Town Manager:

STUDY SESSION ITEMS

Fire Services Report - I am preparing a brief staff report for Council discussion on fire service fiscal resource analysis. The issues to be discussed are not related to fire operations or service delivery. Rather, the report will focus primarily on fiscal review. I will be presenting a few options for the Council to consider in an effort to better understand the basic fire service needs for the community and the fiscal requirements to provide those services.

The report is not intended to debate the quality or quantity of services delivered by the Fire District. It is intended solely to provide the Council with an opportunity to discuss whether we should move forward with a study to review the fiscal resources and demands of the community with respect to fire services. There are consultant firms that provide this sort of detailed analysis. The Fire District would be involved in any study ultimately undertaken by the Town.

On August 30, 2016, John Orr, a reporter with the Daily News/Mercury called the Fire Chief in the evening about a conversation he had with the Atherton Town Manager regarding the equity of Fire Services to the Town, detachment

On August 31, 2016. The Town Manager and the Fire Chief met for lunch to discuss the proposed Study Session. The Fire Chief took notes during the meeting which he later that evening sent them to the Fire Board, essentially, giving them less than 7 days’ notice of the meeting in advance of a Holiday Weekend when several of them would be traveling and out of the area.

Atherton TM Meeting - August 31, 2016 - With George

- Web page creation - Property taxes
- Council members believe the cost would be less than 12m
- What exactly do you spend on fire services?
- How do we address the issue of equity when it's brought up by our residents?
- Orr called George about what as on the agenda
- Council wants to know what its options are
- George says hire a consultant to tell the City how much it would cost to put together its own fire department, consolidation, and contract services
- What does detachment looks like and what would the District be willing to negotiate
- The District cannot prevent the Town from getting out of the District according to LAFCO
- Looking at the cost difference between stand alone and current costs
- Consultant report by April/May
- Council is interested in understanding the information and fairness, transparency and the equity issue
- 8 to 9% of basic property tax pre-ERAF plus fees (Budget 11.9 - Revenues over expenditures each year is about half a million for improvements - Special parcel tax 1.8m renewed every four years
- I asked him why this wasn't brought up at the last joint meeting, or another scheduled but cancelled meeting this year or even a one on one with the liaisons...he obviously could not answer that question.

NOTE: I pointed out that the Town Web Site Look Ahead showed the Study Session to be regarding Fire Service Impact Fees, Not a fiscal and operational review of fire services and that I had been contacted by a reporter before we could even have our meeting. The Town Manager advised me that the Fire Board was welcome to attend. We did not discuss the time of the Study Session, which I wrongly assumed would be 7 pm.

On September 1, 2016 – Correspondence between the Town Manager, Fire Chief and LAFCo related to a joint meeting for noon on September 8, to make sure the Town Manager was informed with better facts from LAFCo and the Fire District, related to the staff report the Town Manager had released. **(See Attachment G)**

The Fire Chief wrote “Got it - Ok, noon will have to work, I'll be a little late to the County Chiefs meeting but they can fill me in at the end”

On September 8, 2016, a joint meeting with the Town Manager, Fire Chief and LAFCo was held at the Town Hall at noon. The group reviewed the correspondence from LAFCo and the Fire District and discussed concerns about communications between the elected officials. **(See attachment H)**

I advised that two of the Directors were out of Town, two were working and the other had a previously scheduled meeting conflict. My Deputy Chief, Fire Marshal and I equally were committed to a pre-scheduled County Fire Chiefs Meeting with a number of important items to review. I also clarified that until I read the staff report, that I was unaware of the 3:00 pm meeting time.

September 8, 2016 – The Town Council met and discussed the Town Manager Report – Discussion of Possible Fiscal Evaluation of Fire Services – Here is the link to that meeting <https://youtu.be/o-9PS9h7NH0>

September 9, 2016 – The Town Manager responded back to reporter Barbara Wood “*The Council expressed that they truly have no interest in detachment or the sharing of property taxes - never have. However, while they are not considering detachment, it is an option that remains open to the Town at the end of a very long process - a remote one - and one, at this point, they are not interested in pursuing. They really want to get the information, meet with the Fire District, jointly come to an agreement of facts, and have a conversation about it”.*

Frequently Asked Questions – FAQs:

Recent news headlines “Is town getting money’s worth from fire district”, “Town frets about fire service costs”, “Insults fly in spat with fire district” and “Could Atherton withdraw from the fire district” raise many questions and points. The Fire District has completed its own research, historical facts and prepared this report to assist the Fire Board and Town in hopes of moving forward.

1. Question - Has the Town been asking these questions about understanding the cost of fire services of the District in varying ways since 2013?

1. Answer – Yes and No - The March 31, 2013 correspondence is the earliest record I can find but it specifically also identifies the continued under current of the Fire District being asked by the Town to help pay for the Civic Center Project with “Atherton” property taxes in the form of a “contribution”.

The joint meeting held on April 29, 2015 would have been an excellent opportunity to specifically raise these issues, but as seen by the Atherton Staff Report and the Chief’s follow-up Report in May 2015, the Fire District focused on the HAWK signal, which was cost shared and supporting the Marsh Road Channel repair and Neighborhood Traffic Management Plan that we collaborated with the Town on.

This request or item has never publicly been brought up at a Fire Board meeting and outside of the Mayors letter regarding the Civic Center Project in October 2015, there is no official correspondence from the Council related to this topic.

2. Question – How much does the Fire District receive in property taxes from residents who live in the Fire District that are also within the Town of Atherton?

2. Answer - \$11,812,734 in 2015/16 – Not \$13 – \$15 million as reported

3. Question – How many Fire Stations cover the area of the District also in the Town of Atherton?

3. Answer – Five of the District’s seven Fire Stations provide direct first response to those areas of the Fire District also in the Town of Atherton. Only one of the five is in the Town limits.

4. Question – Who does the Fire Chief report to?

4. Answer – The Fire Chief reports to the elected Fire Board of the Fire District whom have statutory authority and responsibility for essential emergency services provided to the public by the Fire District. Those areas include the Town of Atherton, Cities of East Palo Alto and Menlo Park and areas of unincorporated San Mateo County, but those entities are NOT responsible for Fire and Emergency Services.

5. **Question** – Why has the Fire District not provided the Town with information specific to Atherton?
5. **Answer** – The Town is in the District, while the Fire District acknowledges Atherton, its network and location of fire stations was located to geographically serve the entire Fire District as a whole. Deployment of our resources and record keeping is done by emergency unit and station, not by jurisdiction. Atherton is seeking information as if it was its own standalone entity, which it is clearly not.
6. **Question** - Why was the Fire Board and Chief not at the Atherton Study Session?
6. **Answer** – It was not clear to the Chief or Fire Board what the meeting topic was and what time the session actually was until the Chief and the Manager met seven days prior to the meeting and in advance of the Labor Day Holiday Weekend. The Town Web-Site was wrong and the Board and the Chief were already committed elsewhere the day and time of the meeting.
- Moving forward, the Fire Board will discuss options of resolution working with the Town of Atherton related to this topic and others based upon the mutual interests of the community.
7. **Question** – Is the District hiding information?
7. **Answer** – The District is a public agency, its budget, audits and other information can be found on its web-site, or produced on request. The specific Tax Rate Area (TRA) information for Atherton provided in this report, required that a consultant specifically pull this information from a broader report provided to the Fire Board in March 2016, that looked at the entire District and new development like Facebook.

CONCLUSION

The Fire District and the Town have enjoyed a relatively harmonious working relationship since their first joint meeting in 2007. Goals and collaboration related to these joint meetings have improved public safety and resulted in a higher level of service to the public.

From the District’s perspective, the relationship quickly deteriorated when the Town included the term of “detachment” from the Fire District, in its correspondence and communications with the media, public and Fire District. As I told the Town Manager, “that term is equivalent, in our world, to yelling FIRE, in a crowded theatre”, despite the remote chance that it could, or would, occur through a very difficult LAFCo process.

The undercurrent of the “equity” issues, related to the Districts property taxes and the Civic Center Project is still suspect. The timeline and narratives have changed over time, but the Town Managers response to the media on September 9, 2016 seems to continue to try and keep the door ‘cracked open’ to the possibility, despite the Councils deliberation and actual remarks at their Study Session “*The Council expressed that they truly have no interest in detachment or the sharing of property taxes - never have. However, while they are not considering detachment, it is an option that remains open to the Town at the end of a very long process - a remote one - and one, at this point, they are not interested in pursuing. They really want to get the information, meet with the Fire District, jointly come to an agreement of facts, and have a conversation about it*”.

My recommendation to the Fire Board is until the Council either makes a formal public statement, or puts in writing, that detachment and sharing of property taxes are truly off the table, that the Board carefully consider the options in this report.

ADDITIONAL ATTACHMENTS FOUND ONLINE:

- [Atherton – Fiscal Evaluation Meeting Postponement Request](#)
- [CAFR FY2014-15](#)
- [Muni-Services Presentation February 2016](#)
- [Menlo Park FPD Standard of Coverage Final – Executive Summary](#)

Menlo Fire Monthly Report (Summary)

Alarm Date Between {10/01/15} And {10/01/16} and
City = "Atherton" "

Incident Type	Count	Pct of Incidents
1 Fire		
113 Cooking fire, confined to container	2	0.38%
130 Mobile property (vehicle) fire, Other	1	0.19%
131 Passenger vehicle fire	1	0.19%
140 Natural vegetation fire, Other	1	0.19%
143 Grass fire	1	0.19%
151 Outside rubbish, trash or waste fire	1	0.19%
162 Outside equipment fire	1	0.19%
	8	1.54%
3 Rescue & Emergency Medical Service Incident		
311 Medical assist, assist EMS crew	4	0.77%
320 Emergency medical service, other	18	3.48%
321 EMS call, excluding vehicle accident with	193	37.33%
322 Motor vehicle accident with injuries	12	2.32%
323 Motor vehicle/pedestrian accident (MV Ped)	4	0.77%
324 Motor Vehicle Accident with no injuries	8	1.54%
331 Lock-in (if lock out , use 511)	1	0.19%
353 Removal of victim(s) from stalled elevator	2	0.38%
	242	46.80%
4 Hazardous Condition (No Fire)		
400 Hazardous condition, Other	2	0.38%
410 Combustible/flammable gas/liquid condition,	1	0.19%
412 Gas leak (natural gas or LPG)	3	0.58%
440 Electrical wiring/equipment problem, Other	2	0.38%
441 Heat from short circuit (wiring),	2	0.38%
442 Overheated motor	1	0.19%
443 Breakdown of light ballast	1	0.19%
444 Power line down	3	0.58%
445 Arcing, shorted electrical equipment	1	0.19%
	16	3.09%
5 Service Call		
500 Service Call, other	7	1.35%
510 Person in distress, Other	6	1.16%
520 Water problem, Other	11	2.12%
522 Water or steam leak	12	2.32%
531 Smoke or odor removal	1	0.19%
5311 Smoke or odor investigation	18	3.48%
542 Animal rescue	4	0.77%

Menlo Fire Monthly Report (Summary)

Alarm Date Between {10/01/15} And {10/01/16} and
City = "Atherton" "

Incident Type	Count	Pct of Incidents
5 Service Call		
550 Public service assistance, Other	13	2.51%
5501 Public service, Tree Down no emergency	3	0.58%
553 Public service	10	1.93%
554 Assist invalid	18	3.48%
	103	19.92%
6 Good Intent Call		
600 Good intent call, Other	6	1.16%
6001 Good intent call, Phone or Cable lines	1	0.19%
611 Dispatched & cancelled en route	29	5.60%
6112 Dispatched & canceled en route - Alarm	17	3.28%
622 No Incident found on arrival at dispatch	2	0.38%
	55	10.63%
7 False Alarm & False Call		
700 False alarm or false call, Other	33	6.38%
730 System malfunction, Other	2	0.38%
731 Sprinkler activation due to malfunction	1	0.19%
733 Smoke detector activation due to	7	1.35%
735 Alarm system sounded due to malfunction	7	1.35%
736 CO detector activation due to malfunction	1	0.19%
740 Unintentional transmission of alarm, Other	5	0.96%
743 Smoke detector activation, no fire -	11	2.12%
744 Detector activation, no fire -	6	1.16%
745 Alarm system activation, no fire -	20	3.86%
	93	17.98%

Total Incident Count: 517

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TOWN OF ATHERTON



Request for Proposals
for
Fire Services Fiscal Review

City Clerk
91 Ashfield Road
Atherton, CA 94027

Proposals due by 4:00 pm on Mach 31, 2017

Overview

The Town of Atherton seeks a proposal to conduct a fiscal review of fire services for the Town to assist the Town in defining the cost of fire services. The scope of professional services includes validation of fiscal data identifying the revenues collected from local residents dedicated to the provision of fire services, creation of a predictive model on the future of those revenues; identification of the cost and services for basic fire protection and emergency response services currently provided within the Town of Atherton by the Menlo Park Fire Protection District; and identification of the cost and services for basic fire protection and emergency response if the Town were not a part of the Menlo Park Fire Protection District.

A more defined Scope of Services is included as part of this Request for Proposal. Responding individuals or firms must have demonstrated experience in analyzing municipal functions and responsibilities.

Background

The Town of Atherton is a scenic, rural, thickly-wooded residential area with abundant open space. There are approximately 2,500 residences with approximately 6,900 residents, per the 2010 Census. The Town is mainly residential, with no commercial establishments. Although the Town is largely developed and therefore has a stable population, it experiences redevelopment as older residential buildings are demolished or significantly renovated, and its numerous schools make changes to their campus. Current law has been updated to modern fire protection codes.

The following information is provided from the Menlo Park Fire Protection District website:

“Station 3 in the Menlo Park Fire Protection District serves the Town of Atherton. In addition to Atherton, Station 3 also covers areas that are in the unincorporated areas of Redwood City. Since its response area borders the City of Redwood City, the personnel manning Engine 3 find themselves responding into Redwood City as an automatic aid engine.



This original Station 3 was an old red brick building settled around the large Atherton style homes. Many of the District's firefighters often called the brick house. After the Loma Prieta earthquake the Fire District began to study the Districts buildings for earthquake sturdiness. During that study, it was determined that the original station would need to be torn down. This phase of the seismic project was completed in 1998 with a brand new modern style fire station.

The District's seismic upgrade project team work very closely with the architects, CJW Architecture, and the contractors, Gonsalves and Stronck to build the modern Station 3. Just as the old brick station fit very comfortable in the Atherton surroundings, the project team built a station that blends into its surroundings very nicely.

The station is manned by 3 firefighters, 1 Captain and 2 firefighters. One of the three personnel will also be a licensed paramedic providing the Town of Atherton an Advanced Life Support Engine.

Housed in this station is one of the District's newest Pierce combination pumpers that was purchased in the year 2000. It was designed by the District's Apparatus team, made up of firefighters and management staff, that has many modern features.

This station also has additional duties within the District. The firefighters working at this station are also involved in managing the District's EMS Operations. They not only assist the EMS Division Chief with the day to day operations but they also coordinate the restocking of all EMS supplies in the District.”

Information regarding fire statistics and other current data can be found via the Fire District website – www.menlofire.org.

Scope of Work

The City Council is seeking to answer the following over-arching question –

Has the Town’s property value’s increased to the point that the funds received by the Fire District via property taxes far exceed the cost to provide basic fire services to the community?

To answer this question, the Town is seeking a consultant to answer the following as part of a Scope of Work. The list is not considered to be exhaustive as relevant questions and issues may arise during the course of work.

- **What revenue does the Fire District receive from Atherton residents via property taxes and fees in support of fire services?**

For this item, the Fire District has provided a tax rate summary for Atherton (Attachment 1). The role of the consultant would be to validate the information and provide an analysis of data for FY 2016/17 as well as a predictive model for the future. In addition, the consultant would provide a summary and analysis of fees paid by Atherton residents in support of fire services.

- **What is the cost of providing basic fire protection services within the jurisdictional boundaries of the Town of Atherton from the Fire District? Beyond basic services, what other special services does the District provide to Atherton residents (i.e., hazmat, CERT, urban search/rescue, etc.)? In total, what do these add to the cost of basic fire services?**

For this item, the consultant would be tasked to prepare a summary of costs for basic fire protection and emergency response for the Town of Atherton from the Fire District. The consultant would then be tasked with adding the cost for any specialized services or programs applicable to the Town of Atherton to that basic cost - such as hazardous material response,

CERT programs, urban search and resource programs, fire prevention, sharps drop off, disaster preparedness, etc.

- **If there were not a Fire District and the Town were responsible for providing fire services independently, what would the cost of those services look like? What are the options? Would an additional fire station need to be built and staffed? If so, where would it be? What would it cost? What is the annual cost? What are the long-term cost models? What are the added liabilities? Are there any added benefits?**

For this item, the consultant would be tasked with preparing a fire service model for the Town if the Town were responsible for providing fire services itself. The consultant would need to take into consideration programs and services currently provided, programs and services necessary for a Town-service model (inclusive of overhead), and long-term debt/liability. The consultant would also need to project initial capital required to build 2nd fire station (if needed - consultant determined) and other issues related to initial costs versus ongoing long-term costs.

Other Services to be Included

1. Conduct meetings with Town staff and the City Council Subcommittee as needed to discuss the Study as it moves along.
2. It is the Consultant's responsibility to research, collect and verify all information such as existing records and documents including documents furnished by the Town to complete this project on schedule and within budget.
3. Present the Study and Findings at up to two public meetings.

Submittal and Review Process

1. Applicant questions: All questions regarding the RFP shall be submitted in writing to George Rodericks, City Manager at grodericks@ci.atherton.ca.us. Questions and responses will be posted on the Atherton Town website.
2. Submittal Deadline: March 31, 2017, 4 pm. Late submittals will not be accepted.
3. Format and Delivery: Submit five (5) letter-sized copies with one (1) unbound copy of the proposal to:

City Clerk
Town of Atherton
91 Ashfield Road
Atherton, CA 94027

4. E-mail a PDF copy to George Rodericks at grodericks@ci.atherton.ca.us.
5. Submittals will not be returned.
6. One (1) copy of the cost proposal shall be submitted in a separate sealed envelope at the same time as submittal of the proposal.
7. The Town reserves the right to accept or reject any or all proposals, or to alter the selection process in any lawful way, to postpone the selection process for its own convenience at any time, and to waive any non-substantive defects in this RFP or the proposals.
8. The Town proposes to short list the most qualified firms for consideration during the RFP process. The Town reserves the right to negotiate with other qualified persons or firms, or to

solicit additional statements of qualifications at any point in the project should it fail to negotiate a reasonable fee with the initially selected person or firm or should that firm fail to execute the Town's Agreement.

Proposed Timeline

February 27, 2017	RFP available on Town of Atherton website
March 13, 2017 4 pm	Submission deadline for written questions
March 20, 2017	Responses to written questions available on Town website
March 31, 2017, 4 pm	Technical and Cost Proposals due
Week of April 10, 2017	Interviews with highest ranked proposers (if necessary)
April 19, 2017	Recommendation to City Council

Proposal Content

The proposal should include the following:

1. **FIRM OR PERSON INTRODUCTION:** including information such as form of organization, length of time in business, office location(s), number of staff and a general summary of qualifications documenting the strengths of the firm or person, areas of expertise and licensing.
2. **APPROACH:** the person or firm's project management practices, methodologies and processes.
3. **PROJECT EXPERIENCE:** listing specific experience that is related to the type of service required by the Town. Project experience should list the type of work provided with the client contact information for each project. If sub-consultants are proposed, include information on joint work, if any, and their roles in those projects.
4. **WORK PLAN:** detailed work plans with estimated hours by task or project phase.
5. **KEY STAFF:** including the identification of the Principal-in-Charge and key staff.
6. **REFERENCES:** Provide a minimum of three (3) client references that have working experience with the project team and companies proposed for assignment to this project. Furnish the name, title, address and telephone number of the person(s) at the client reference who is most knowledgeable about the work performed and can comment on the professional qualifications/expertise of the staff.
7. **DISCLOSURE:** of any past, ongoing, or potential conflicts of interest that the firm or person may have as a result of performing the anticipated work.
8. **PROFESSIONAL FEES:** Include standard hourly fees and charges. **One (1) copy of the cost proposal shall be submitted in a separate sealed envelope at the same time as proposal.** The highest-ranked consultant's Fee Proposal shall be opened and will form the starting basis for fee negotiations with the consultant.

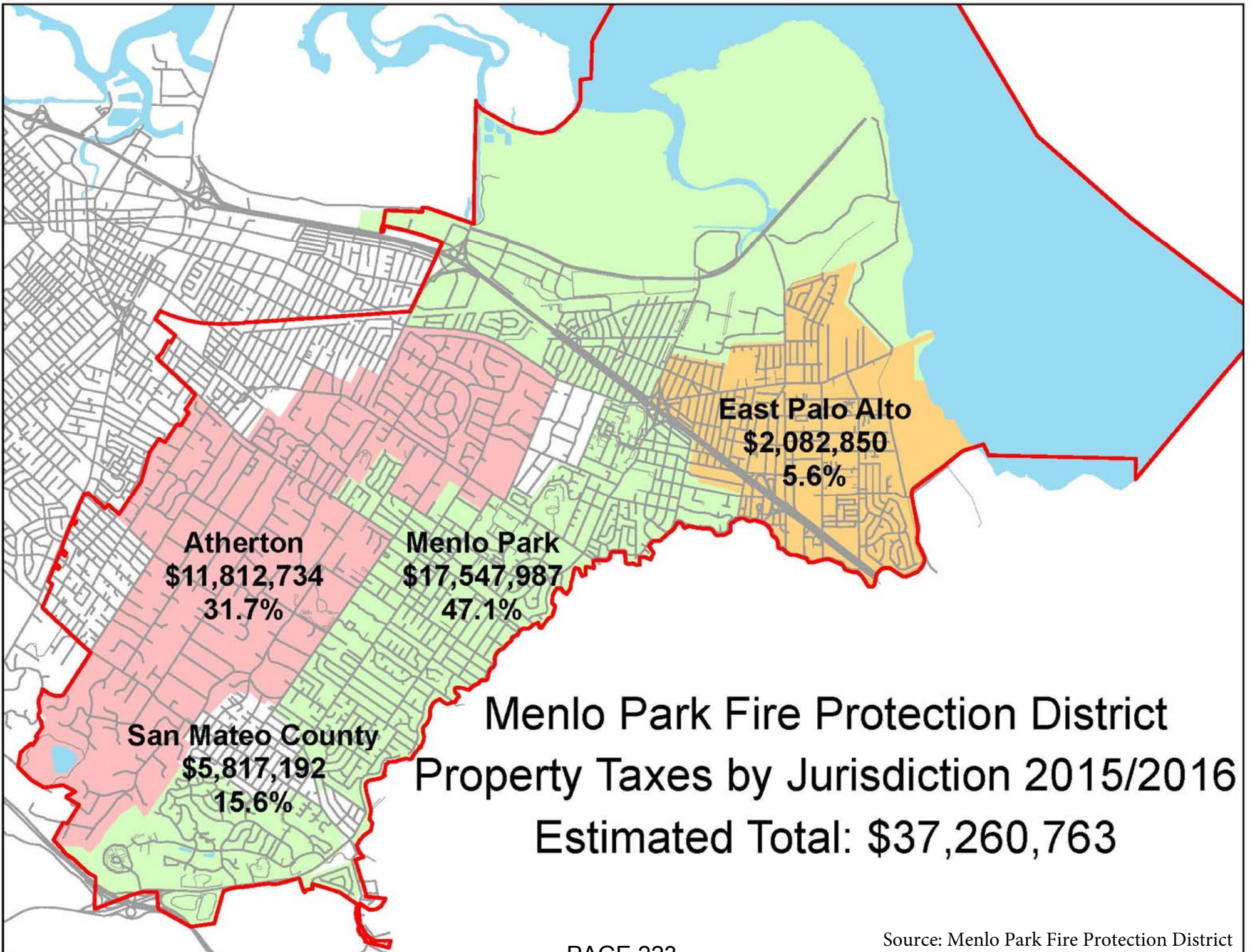
Evaluation Criteria

Firm qualifications	30%
Understanding of Project Issues and Expected Results	50%
Quality of Proposed Work Plan	10%
Quality of References	10%

Appendix

Attachment 1 – Tax Rate Summary for Atherton (provided by District)

Attachment 2 – Alarm Data – Atherton October 2015 – October 2016 (provided by District)





Menlo Park Fire Protection District

170 Middlefield Road · Menlo Park, CA 94025 · Tel: 650.688.8400 · Fax: 650.323.9129
Website: www.menlofire.org · Email: mpfd@menlofire.org

Fire Chief

Harold Schapelhouman

Board of Directors

Robert J. Silano

Peter Carpenter

Chuck Bernstein

Rex Ianson

Virginia Chang Kiraly

October 18, 2016

Elizabeth Lewis, Mayor
Town of Atherton
91 Ashfield Road
Atherton, CA 94027

Via Electronic Mail

Re: Town of Atherton Fire Services Fiscal Review

Dear Ms. Lewis:

The Town of Atherton (the "Town") and the Menlo Park Fire Protection District ("MPFPD" or the "District") have recently exchanged correspondence regarding the Town's intention to conduct what has been referred to as a "fire services fiscal review", (please see, October 7, 2016 letter from Mayor Elizabeth Lewis to the District President, Rob Silano). This communication is intended to make clear that the District has neither legal obligation nor any present intention to participate in the Town's study.

Existing Statutory Scheme for Tax Allocation

As I am sure you are aware, Proposition 13 forced state lawmakers to assume responsibility for allocating property tax revenues among local jurisdictions. Prior to Proposition 13, taxing jurisdictions established their tax rates independently and property tax revenues depended solely on the rate levied and the assessed value of the land within the agency's boundaries. A given piece of property might, for example, be subject to a separate property tax rate for the city, county, and local school district as well as any special districts that provided services to the property. Prior to implementation of Proposition 13, local jurisdictions could determine the level of both services and property taxes in their community through their legislative authority.

However, in 1979, AB 8 implemented Proposition 13, restructured the mechanisms for the allocation of property taxes and provided other fiscal relief to local governments. A primary objective of AB 8 was to provide local governments with a property tax revenue stream that would increase over time as assessed value grew, thereby providing a stable mechanism for growing communities. The basic premise of AB 8 allocates each taxing jurisdiction *the amount it received in the prior year*, plus a share of any additional revenues above the prior year that occurred within its boundaries. In other words, each taxing agency receives a share of a county-wide property tax. *The District does not receive Atherton's property taxes—*

Atherton receives its fair share based on a pre-established statutory scheme as does the District. Furthermore, it is the Fire District, not the Town, that represents District residents residing in Atherton as to all matters pertaining to the MPFPD.

Absent detachment from the District, the county auditor has no legal authority to adjust the allocation of property tax revenue determined pursuant to Sections 96 or 96.1 of the California Tax and Revenue Code, or the annual tax increment determined pursuant to Section 96.5.

Atherton's Fire Services Fiscal Review

The District has no legal responsibility to perform fiscal analysis nor participate in the Town's fire services review. As per the California Government Code, the District has no obligation to collect, analyze or provide information or documents that do not already exist.

With that said, despite the fact that the District has no legal duty to participate in the Town's fire services review, MPFPD is dedicated to public transparency and intends to continue meeting any and all of its legal obligations pursuant to the Public Records Act (Cal. Gov. Code §6250 et. seq.), California state law, and the operating rules and regulations of the District.

The District Remains Committed to Consolidation of Services

MPFPD provides a myriad of services to the community including but not limited to as basic fire and emergency services, disaster preparedness, public education, code promulgation, and inspection. The District has been a long-time advocate of consolidation and a leader in consolidated fire dispatch services, which have significantly reduced response times in its jurisdiction in recent years.

The District takes this opportunity to re-emphasize its support for consolidated services, allowing for economies of scale and exemplary levels of cost-efficient service. The District supports LAFCO policies that provide for efficiency in the delivery of fire suppression, disaster and emergency services, and reduce the costs of providing urban services

Thank you and feel free to reach out with any questions.

Sincerely,

Robert J. Silano, President
Menlo Park Fire Protection District

Cc: Town Manager George Rodericks
Fire Chief Harold Schapelhouman

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STAFF REPORT

City Council

Meeting Date:

3/28/2017

Staff Report Number:

17-065-CC

Informational Item:

Biannual review of data captured by Automated License Plate Readers (ALPR) for the period beginning August 1, 2016 through January 31, 2017

Recommendation

Pursuant to Menlo Park Municipal Code, staff is required to present a biannual review of the data captured from the Police Department's automated license plate readers.

Policy Issues

This report is presented pursuant to Menlo Park Ordinance #1007.

Background

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

At the May 13, 2014 City Council meeting, the Council approved Ordinance 1007 regarding the use of automated license plate readers. It states, "Northern California Regional Information Center (NCRIC) will give a quarterly report to the Police Department which shall indicate the number of license plates captured by the ALPR in the City of Menlo Park, how many of those license plates were "hits" (on an active wanted list), the number of inquiries made by Menlo Park personnel along with the justifications for those inquiries, and information on any data retained beyond six months and the reasons for such retention."

On February 9, 2016, Council approved moving the ALPR reviews from quarterly to biannually.

Analysis

From February 1, 2016 through January 31, 2017, the Menlo Park Police ALPR system captured 443,719 license plates. The data captured resulted in 186 "hits" that a captured license plate was currently on an active wanted list. The vast majority of the hits were subsequently deemed to be a "false read" after further review by the ALPR operator. A "false read" is when a photograph of the license plate and the computer's interpretation of the number / letter combination from the photo do not match. For example, a photograph of a license plate with the number "8" could be digitally interpreted as a "B".

During this period, the ALPR system was not responsible for the recovery of any stolen vehicles. Also during this period, Menlo Park Police personnel made 36 inquiries into the database during the investigation of crimes occurring in Menlo Park or where a Menlo Park resident was known to have an active warrant for their arrest or was wanted as a named suspect in connection to criminal activity.

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

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

There are no attachments.

Report prepared by:
Dave Bertini
Police Commander



STAFF REPORT

City Council

Meeting Date:

3/28/2017

Staff Report Number:

17-064-CC

Informational Item:

Biannual review of Taser program for the period beginning August 1, 2016 and ending January 31, 2017

Recommendation

Pursuant to council request, staff is required to present biannual data on the Police Department use of the Taser device.

Policy Issues

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

Background

On October 7, 2014, staff presented the one-year results of the Police Department Taser assessment. Following that review, Council approved the purchase and deployment of the Taser device department-wide and to continue a quarterly assessment of the Taser program. On February 9, 2016, Council approved moving the Taser reviews from quarterly to biannually.

Analysis

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

Between August 1, 2016 and January 31, 2017, the Department has had two active Taser uses. In one case, an officer currently assigned to the San Mateo County Narcotics Task Force was assisting in a search warrant at a residence in Redwood City. During the service of this warrant, officers encountered a large dog which attacked them. Pepper spray was used but was ineffective so the officer used the Taser device which eventually caused the dog to cease its attack. Animal control later took custody of the dog, which was uninjured.

In the second instance, Menlo Park officers responded to the Facebook campus on a subject who was acting erratically and trespassing. The officers who arrived attempted to detain the suspect who began to fight with them and fled on foot. When the officers caught the suspect, he began to violently assault them and a Taser was used to subdue him. The suspect was taken into custody and charged with several crimes including a felony arrest warrant, felony attempting to disarm a police officer, and battery on a police officer. The suspect was booked into jail after being medically cleared.

During the same time period, a Taser was utilized on five occasions in a "display only" manner. In all of

these situations, officers displayed their Taser device in an effort to control suspects who were disobeying lawful orders and actively resisting or threatening officers. In all cases, the suspects immediately complied when confronted by the Taser device.

In two cases, suspects were arrested for burglary. In another case, the suspect was arrested for domestic violence while in another case the suspect was arrested for felony reckless evading police. In the final case, the suspect was deemed to be a danger to himself due to a mental illness and committed for psychiatric evaluation.

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

There are no attachments.

Report prepared by:
Dave Bertini
Police Commander



STAFF REPORT

City Council
Meeting Date: 3/28/2017
Staff Report Number: 17-071-CC

Informational Item: Neighborhood control of cut through traffic

Recommendation

This is an informational item and no Council action is required.

Policy Issues

Pursuant to City Council request, the Police Department with the assistance of the Transportation Division and City Attorney, has studied restricting turning movements to “residents only” in an effort to minimize “cut through” traffic in neighborhoods.

Background

For the past decade, the issue of “cut through traffic” (motorists using residential streets to bypass congestion on arterial and major roads) has been a chief complaint of many residents within the City of Menlo Park. With the advent of traffic defeating mobile applications, the issue has steadily increased and has generated more complaints. A suggestion was made by Council that the City could mitigate this issue by having turns into residential neighborhoods restricted to “residents only” either permanently or during certain hours. Council directed the Police Department and Transportation Division to investigate the legality and enforceability of this possible solution.

Analysis

In researching this possible solution, the California Vehicle Code (CVC) and the California Streets and Highway Code (CSHC) were consulted. Section 21100 CVC allows local authorities to regulate traffic by means of officers and official traffic control devices by way of local ordinances, giving municipalities the ability to create specific traffic regulations within their city limits. Section 21101.6 CVC on the other hand, prohibits local jurisdictions from placing gates or “other devices” to restrict access to a street to “certain members of the public...while permitting others unrestricted access to the street”. This Vehicle Code section was enacted specifically due to a court case from 1979 (City of Lafayette v. Contra Costa County - 91 Cal. App 3d 749).

The City Attorney’s Office was consulted for their opinion of this court decision and the relevant provisions of the CVC and the CSHC and they confirmed that this decision and Section 21101.6 CVC prohibit local jurisdictions from restricting access to publicly funded streets to “residents only”. The case and section provide that a street can be closed to all motorists or no motorists, making the above suggested remedy unlawful.

It should be noted that during discussions, City Council members made mention of the method of enforcing “resident traffic only” used by Atherton during the closure of Marsh Road during in the summer of 2016.

Section 21370 of the California Vehicle Code and California Streets and Highway Codes Section 124 and 125 allow roadway traffic control and restrictions to be put into place for construction zones, and Atherton's installation was in response to a temporary condition caused by a significant roadway closure over a period of approximately six to eight weeks.

Next Steps

In addition to directing staff to explore this potential solution to neighborhood cut through traffic, Council also provided direction through the 2017 Work Plan (item 52) to develop recommendations through for Willows Neighborhood Complete Streets (<http://menlopark.org/DocumentCenter/View/13206>). Further, as a transportation mitigation requirement for the Facebook Campus Expansion Project approved by the Council in late 2016, a traffic calming plan for the Belle Haven neighborhood will also be initiated this year. Both of these plans will provide a mechanism to develop neighborhood consensus regarding potential changes to better address cut through traffic.

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

There are no attachments.

Report prepared by:
Dave Bertini
Police Commander



STAFF REPORT

City Council

Meeting Date: 3/28/2017

Staff Report Number: 17-075-CC

Informational Item: Hello Housing quarterly report

Recommendation

This is an informational item and no action is required.

Policy Issues

Hello Housing administers aspects of Menlo Park's BMR Housing Program and this report is consistent with the City's policies and efforts to improve housing affordability in Menlo Park.

Background

Menlo Park's Below Market Rate (BMR) Program was created in 1988 to provide affordable homeownership and rental opportunities for low and moderate income families living or working in Menlo Park. The City currently has 65 owner-occupied BMR units, with three more coming on line soon. They also have four rental, city managed, BMR Units and more units available in the Gateway Apartments, Willow Court & Willow Terrace and Crane Place & Partridge Place. There will be more rental units as St. Anton and Sequoia Belle Haven finish construction.

In the late 1980's, Menlo Park's Purchase Assistance Loans (PAL) and Rehab Loan programs were created. The PAL program was a second mortgage loan designed to help home buyers qualify for a first mortgage loan and was only offered to first time home buyers. PAL loans were funded from the BMR fund and its terms were 30 years at 5%. The Rehab Loan program was funded by the Redevelopment Agency (RDA) and provided home improvement and emergency repair funds to income-qualified homeowners in the Belle Haven neighborhood. The RDA was dissolved in early 2012.

San Mateo County also had a loan program called the Community Development Block Grant Loan Program (CDBG). It worked similar to the RDA loans, but was funded by the county and managed by the City of Menlo Park.

Menlo Park's BMR Housing and Loan Programs were managed by its own Housing Division, until 2012 when it was dissolved with the RDA. After the dissolution, Menlo Park contracted with Palo Alto Housing Corporation (PAHC) for BMR program administration and with Hello Housing for PAL loan management. In June 2014, the City did not renew its contract with PAHC and contracted with Hello Housing to manage BMR and PAL loan servicing, while city staff managed the RDA and CDBG loans.

In May 2015, the City amended Hello Housing's contract so they managed the Ownership-BMR program,

the four city-managed BMR Rentals and all three loan programs (PAL, RDA, & CDBG).

Analysis

Attachment A is the first quarterly report from Hello Housing for 2017. Hello Housing provided a similar report to the Housing Commission last year, but staff feels that quarterly reports are appropriate given the additional public interest in affordable housing. While this is an informational item and does not require City Council action, feedback from the City Council on how to improve future reports would be helpful. Representatives from Hello Housing will be available to answer any questions.

The Housing Commission reviewed and accepted the report from Hello Housing at its March 1st meeting. The Commission asked clarifying questions related to the management of the BMR list and coordination with new affordable rental housing. In addition, the Commission expressed a desire to include updates about the BMR rental interest list and ownership list as part of the quarterly update.

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. Hello Housing 2017 Q1 Report

Report prepared by:

Jim Cogan, Housing and Economic Development Manager

MEMORANDUM

Date: February 15, 2017

To: Jim Cogan, Housing and Economic Development Manager for the City of Menlo Park

From: Hello Housing, Administrator of Menlo Park's Below Market Rate (BMR) Housing Program

Subject: Quarterly BMR Housing Program Report

The City of Menlo Park is currently contracted with Hello Housing, a nonprofit housing organization, to administer its Below-Market Rate (BMR) Housing Program along with providing below market rate loan servicing of the City's Purchase Assistance Loans, CDBG Loans, Rehab Loans and Emergency Rehab Loans. This Quarterly Report contains an update on Hello Housing's activities from 2016 to the present.

BMR Home Resale and Refinance Activity

The City of Menlo Park currently has 65 owner-occupied BMR units and 4 tenant-occupied BMR rental units.

During 2016, Hello Housing assisted two households to sell their BMR homes. These homes were sold to income eligible households who have resided on the Menlo Park BMR Ownership Waiting List. Hello Housing also worked with three BMR homeowners to successfully refinance their BMR homes in accordance with the Below Market Rate Guidelines.

The resale of a BMR home is a time-sensitive process that requires close coordination between Hello Housing, the City, the seller, the City's real estate agent, the BMR homeownership waiting list, and the program's preferred lenders. Once a BMR homeowner submits a Notice of Intent to Sell, the City has 90-180 days to identify an eligible purchaser and for the resale transaction to close escrow. If this timeline is not met, the BMR Deed Restrictions can be removed from the property.

For the two resales that occurred in 2016, Hello Housing ensured that home inspections, the review of capital improvements and City notices to the homeowner were completed within specific timeframes outlined in the BMR Deed Restrictions. Hello Housing created a marketing flyer for each resale, marketed the homes to the BMR homeownership waiting list, conducted two application workshops with the waiting list members, reviewed applications to determine applicant program eligibility, and identified an eligible primary buyer and backup buyer to purchase the homes based on waiting list ranking position. Once the buyers were identified, Hello Housing coordinated closely with their lenders to ensure that their loan products met program requirements. Hello then drafted documents that would be signed by the City and the

buyers such as new BMR Deed Restrictions and a Request for Copy of Notice of Default. Hello coordinated the signature of these documents by the City and routing of documents to the title company for the buyers' signatures.

For the three refinances that occurred in 2016, Hello Housing coordinated with BMR homeowners, their refinancing lenders, title companies and City staff in order to ensure that each owner's new 1st mortgage was in compliance with the BMR program requirements. It is critical that refinances be reviewed prior to approval to ensure that homeowners are not borrowing an amount in excess of their maximum resale price. Hello drafted documents that would be signed by the City and the buyers such as a Subordination Agreement and a Request for Copy of Notice of Default. Hello coordinated the signature of these documents by the City and routing of documents to the title company for the owners' signatures.

In 2016, Hello Housing also responds to homeowners who may be seeking to refinance their BMR homes due to financial hardships that they are facing or to secure available equity for use in their personal lives. These requests may not result in a financial transaction but require feasibility calculations to be completed by staff. Hello Housing also tracks these requests in order to monitor potential future activity.

<i>BMR Home Resales</i>	<i>BMR Home Refinances</i>	<i>BMR Home Value Calculation Requests</i>
2	3	8

City Owned BMR Rental Housing

In 2014, the Menlo Park City Council authorized the purchase of two below-market-rate duplexes located at 1175 and 1177 Willow Road utilizing funds from the City's below market rate housing fund. Following the purchase, Hello Housing performed initial rehabilitation of health and safety conditions and conducted the initial income eligibility review of the two existing tenants and the income qualification of two new households for the vacant units. Every year, Hello Housing conducts the annual income recertification of the households living in these 4-units. As of 2016, all households continue to be in compliance with the program and have meet their annual recertification obligations. There has not been any turnover in these four units since the City's purchase.

Below Market Rate Waiting List Management

Hello Housing manages the City's Waiting List for the BMR Housing Program. This includes accepting and processing applications from interested households and doing an annual mailing campaign to recertify current waiting list members. Households may apply to be on the waiting list to rent a BMR unit or to purchase a BMR unit, or both. There are currently 225 active members on the Menlo Park Waiting List. Of this number 23 are interested only in

homeownership opportunities, 79 are interested only in rental opportunities and 123 are interested in both homeownership and rental opportunities. In 2016, Hello Housing processed 82 BMR waiting list applications and has processed 10 so far in 2017.

Below Market Rate Preservation Projects

A key BMR preservation and protection activity is currently underway by Hello Housing to ensure that BMR homeowners have not over-encumbered their BMR homes with unapproved loans. Under this activity, Hello Housing will conduct a forensic review of all loan activity across the portfolio to determine if any Home Equity Loans or any other unapproved loan transactions have taken place across the portfolio that would be in violation of the BMR program guidelines. This activity will take place during the first and second quarter of 2017 and results of this review shall be shared with City staff.

Hello Housing also monitors Notices of Default that are recorded on BMR properties with the goal of preventing the BMR home from being lost from the affordable housing portfolio through foreclosure. In late 2016, Hello Housing learned of a HOA Assessment Lien filed against a homeowner for failure to pay HOA monthly assessment fees. Upon further review, it became clear that the homeowner was delinquent on their mortgage payments and at risk of losing the BMR home to foreclosure. Hello Housing alerted the City, connected with the homeowner, the HOA and the lender(s) to identify the degree of default as well as the potential remedies. Hello Housing prepared a cost-benefit analysis for the resale of the BMR home for review by the homeowner and the City. During this process, the BMR homeowner was able to secure a loan from family and cured all outstanding delinquencies.

Owner Occupancy Monitoring

Hello Housing conducts an annual mailing campaign each year to request self-certification of owner occupancy for all BMR homeowners as well as Purchase Assistance Loan Borrowers. Both programs require owner occupancy and restrict owners from renting out their homes. Up to three rounds of letters are sent to each homeowner to request documentation verifying owner occupancy. In 2016, Hello Housing presented a report of the results to City staff, highlighting the names and addresses of owners who did not comply with the request. One owner was identified who had not responded to the request for two years in a row. Hello Housing coordinated with a Private Investigator to obtain evidence of whether the owner was residing in the BMR home or renting it out to tenants. The investigator made contact with the owner, who was verified to be residing in the BMR home.

Hello Housing is preparing to conduct the annual owner occupancy monitoring beginning in March 2017 and concluding in May 2017. Results of the annual monitoring activity will be shared with City staff upon completion.

Loan Servicing

In addition to administering the City's BMR Housing Program, Hello Housing provides loan servicing of the City's Purchase Assistance Loans, CDBG Loans, Rehab Loans and Emergency Rehab Loans. Below is a general summary of loans serviced under Hello Housing's contract.

Total funds remitted back to the City through loan servicing in 2016: **\$195,730.00**

BMR Loan	Total Loans under Hello's Contract	Total Loans Paid Off	Currently Serviced
Purchase Assistance Loans	39	15	24
CDBG Loans	23	7	16
REHAB Loans	9	3	6
ERL Loans	11	5	6
Total	82	30	52

BMR Rental Opportunities

Sequoia Belle Haven – Midpen Housing Senior Community (86 – one bedroom units & 3 – two bedroom units)

In November of 2016, Hello Housing coordinated with MidPen Housing Corporation to begin the marketing and outreach for Sequoia Belle Haven's Affordable Senior Housing development located at 1221 Willow Road. The open enrollment period closed as of January 17, 2017. Hello Housing in conjunction with MidPen Housing worked on a process to ensure that the City's active BMR Rental Interest List members received the information for how to apply for the opportunity.

Anton Menlo – 3639 Haven Avenue (22 Very Low Income Units, 15 Low Income Units)

Hello Housing is currently working with the City and Alliance Residential, who is managing the marketing and lease-up activities of the BMR units at Anton Menlo. Hello Housing is anticipating the first round of marketing information from Alliance Residential to share with the City's BMR Rental Interest List in the coming weeks. At this time, Hello Housing is engaged in ongoing discussions taking place with the City and Alliance Residential to strengthen the outreach process, income eligibility review certification as well as communication to interested community members about timing and unit availability.

Other BMR Program Activities

Hello Housing acts as a resource to all current BMR homeowners and borrowers to field questions that may come up around compliance with program requirements. The BMR Deed Restrictions and Program Guidelines contain policies on several aspects of owning a BMR home that each homeowner agreed to follow. Hello Housing works with homeowners to provide clarity on these policies when questions come up.

In 2016, a homeowner contacted Hello Housing for clarification on the City's policy for adding new co-owners to the title of their home. Hello Housing let the homeowner know what is considered a Permitted Transfer under the Deed Restrictions, explained the process for requesting City approval, and clarified how a transfer of title could affect the duration of the restrictions on the home.

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MEMORANDUM

Date: 3/23/2017
To: Honorable Mayor and City Council
From: William L. McClure & Leigh F. Prince
Re: Menlo Park Fire Protection District -- Fire Station 77 on Chilco Street

Questions have arisen regarding the Menlo Park Fire Protection District (“District”) plans regarding Station 77 on Chilco Street and what action, if any, can be taken by the City of Menlo Park at this time or may be required in the future.

The District has developed a conceptual design to replace Station 77 that includes three drive through apparatus bays each deep enough to accommodate the District’s longest pieces of apparatus, dorm space with beds for no less than eight personnel, office, living and storage space, along with the replacement of the existing backup generator and fuel tanks, parking and site access (the “proposed project”). As currently designed, the proposed project would require the acquisition of three residential properties—1457 Chilco Street, 321 Terminal Avenue and 351 Terminal Avenue. It would also require the Fire District to purchase the property it currently leases from the City of Menlo Park. Finally, the Fire District would need a number of legislative and adjudicatory approvals from the City of Menlo Park to complete the proposed project.

With respect to acquiring private property, as a local public agency, the Fire District has the power of eminent domain. The exercise of such power does not require any approvals from the City of Menlo Park. Prior to acquiring private property, a public agency needs to identify the public purpose and use for the property. Because acquisition of property is a “project” within the meaning of the California Environmental Quality Act, an agency must complete environmental review prior to the acquisition. The District hired FirstCarbon Solutions to prepare an Initial Study/Mitigated Negative Declaration (collectively, the “MND”) for the proposed project. The action taken by the Fire District at the March 21st meeting was the adoption of the MND, but did not commit the Fire District to the project as proposed.

It is not certain that the Fire District will apply for the project as proposed. At the meeting, the Fire District’s proposed project was met with significant community opposition, especially from the Belle Haven Community. The Fire District indicated that the steps it has taken so far are only preliminary and the community’s comments will be taken into consideration as they move forward. When the Fire District is ready to move forward, it will need to submit a project application to the City of Menlo Park.

Specifically, the project as proposed would require City Council approval for a General Plan Amendment and Zoning Map Amendment to change the zoning from residential R-1-U to public facility P-F. These are legislative acts that require a significant public process, including noticed public hearings and a recommendation by the Planning Commission prior to any decision by the City Council. The proposed project also requires a conditional use permit which is a quasi-judicial proceeding in

which the Planning Commission must give due regard to the nature and condition of all adjacent uses, establish necessary conditions, and make findings based on the potential impacts on neighboring properties. The proposed project would also require the City Council to agree to the sale to the Fire District of the City owned property currently leased to the Fire District, which is in the discretion of the City Council to approve or deny. Finally, the proposed project would require architectural review, a lot merger to merge the City owned parcel with one or more of the other parcels that would comprise the proposed project, and heritage tree removal permit. Thus, there is no action to be taken by Menlo Park at this time, but there will be significant public process prior to approval of any project and there is no certainty that the project as conceived by the Fire District will be approved by the City.