



SPECIAL AND REGULAR MEETING AGENDA

Date: 4/18/2017
Time: 5:00 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

5:00 p.m. Interviews of Planning Commission Applicants (City Hall Administration Building)

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

Public Comment on these items 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 Service Employees International Union (SEIU), American Federation of State, County and Municipal Employees (AFSCME) and the Menlo Park Police Sergeants' Association (PSA), the Menlo Park Police Officers' Association (POA)

Attendees: City Manager Alex McIntyre, Administrative Services Director Nick Pegueros, Human Resources Manager Lenka Diaz, City Attorney Bill McClure, Labor Counsel Charles Sakai, Human Resources Analyst II Dan Jacobson

- CL2.** Closed session conference with legal counsel pursuant to Government Code section 54956.9 (d)(1) regarding existing litigation: 1 case - City of East Palo Alto v. City of Menlo Park et al., San Mateo County Superior Court Case No. 16CIV03062

Attendees: City Manager Alex McIntyre, City Attorney Bill McClure, Assistant City Manager Charles Taylor

- CL3.** Closed Session pursuant to Government Code Section §54956.9(d)(2) to confer with legal counsel regarding pending litigation: 1 case

Attendees: City Manager Alex McIntyre, Special Legal Counsel Greg Rubens, Assistant City Manager Charles Taylor

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 celebrating Earth Day
 - E2. Proclamation recognizing National Fair Housing Month

F. Commissioner Reports

- F1. Environmental Quality Commission update to the City Council on its 2-year work plan

G. Commission Vacancies and Appointments

- G1. Consider applicants and make appointments to fill vacancies on the various City Commissions (Staff Report #17-088-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 enter into an agreement with California Tree and Landscape Consulting, Inc. for the Heritage Tree Ordinance Update for an amount not to exceed \$70,000 (Staff Report #17-093-CC)
- I2. Authorize the City Manager to enter into an agreement with CB&I Environmental & Infrastructure, Inc.(CB&I) for the Operation and Maintenance of the Bedwell Bayfront Park Landfill Leachate and Gas Collection and Control Systems (gas system) for a period of five years in the amount of \$796,000 with an additional not to exceed \$250,000 for as-needed maintenance repairs (Staff Report #17-082-CC)
- I3. Award a construction contract to Stockbridge General Contracting, Inc. for the Nealon Park Booster Pump Project (Staff Report #17-085-CC)
- I4. Approve an additional extension of the current lease agreement with Team Sheeper Inc. for operation of Burgess and Belle Haven pools through September 30, 2017 (Staff Report #17-089-CC)
- I5. Approve minutes for the City Council meeting of March 28, 2017 (Attachment)
- I6. Authorize the Mayor to sign a letter to the Menlo Park Fire Protection District Board of Directors regarding the use of eminent domain for Station 77 (Staff Report #17-091-CC)

J. Regular Business

- J1. First Reading of an Ordinance adding chapter 2.58, Immigration and Sensitive Information; adopting a resolution joining the Welcoming Cities and Counties Initiative; and authorizing the Mayor to sign a letter in support of SB 54 (Staff Report #17-084-CC)
- J2. Provide direction on the next steps for the Oak Grove University Crane Bicycle Improvement Project and authorize the City Manager to increase the consultant contract with Alta Planning & Design (Staff Report #17-086-CC)

K. Informational Items

- K1. Funding agreement for creating a 4th police unit (Staff Report #17-087-CC)
- K2. Update on the Transportation Master Plan consultant selection process (Staff Report #17-083-CC)
- K3. Update on the Bayfront Canal Bypass Project (Staff Report #17-081-CC)
- K4. Transferrable downtown parking permits (Staff Report #17-080-CC)
- K5. Update from the Fire District Subcommittee (Staff Report #17-092-CC)

L. City Manager's Report

M. Councilmember Reports

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

N. Adjournment

Agendas are posted in accordance with Government Code Section 54954.2(a) or Section 54956. Members of the public can view electronic agendas and staff reports by accessing the City website at www.menlopark.org and can receive e-mail notification of agenda and staff report postings by subscribing to the "Notify Me" service at menlopark.org/notifyme. Agendas and staff reports may also be obtained by contacting City Clerk at 650-330-6620. (Posted: 04/13/2017)

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

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

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

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

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STAFF REPORT

City Council

Meeting Date: 4/18/2017
Staff Report Number: 17-088-CC

Commission Vacancies and Appointments: Consider applicants and make appointments to fill vacancies on the various City Commissions

Recommendation

Staff recommends making appointments to the Complete Streets, Environmental Quality, Finance and Audit, Housing, Library, Parks and Recreation and Planning Commissions.

Policy Issues

City Council Policy CC-01-004 establishes the policies, procedures, roles and responsibilities for the City's appointed commissions and committees, including the manner in which commissioners are selected.

Background

Staff conducted recruitment for the vacant positions for a period of eight weeks by publishing ads in the *Almanac*, posting notices on the City's website, Facebook page, and Twitter, displaying ads on the electronic bulletin boards throughout the City's recreation facilities and the main library as well as notices in the Chamber of Commerce newsletter and school district newsletter.

Analysis

Pursuant to City Council Policy CC-01-0004 (Attachment A), commission members must be residents of the City of Menlo Park and serve for designated terms of four years, or through the completion of an unexpired term or as otherwise designated. Residency for all applicants has been verified by the City Clerk's office. In addition, the Council's policy states that the selection/appointment process shall be conducted before the public at a regularly scheduled meeting of the City Council. Nominations will be made and a vote will be called for each nomination. Applicants receiving the highest number of affirmative votes from a majority of the Councilmembers present shall be appointed.

All appointments will be for 4-year terms expiring April 30, 2021, except for the appointment to the Finance and Audit Committee which will be for a 2-year term expiring April 30, 2019.

***All applications will be provided to the City Council under separate cover and are also available for public viewing at the City Clerk's office during regular business hours or by request.

Applicants to the Complete Streets Commission – 2 vacancies:

- David Gildea
- Evan Goldin
- Jonas Halpren
- William Kirsch

- Sylvia Smullin
- Cindy Welton

Applicant to the Environmental Quality Commission – 1 vacancy:

- Deborah Martin

Applicants to the Finance and Audit Committee – 1 vacancy:

- Shaun Maguire
- Ron Shepherd

Applicants to the Housing Commission – 2 vacancies:

- Rachel Horst
- Camille Kennedy (also consider for Planning)
- Nevada Merriman
- Michelle Tate

Applicants to the Library Commission – 1 vacancy:

- Ester Bugna
- May Ling Gonzales

Applicant to the Parks and Recreation Commission – 2 vacancies:

- Wynne Dubovoy
- Katherine Glass
- Christopher Harris
- Sarah Staley Shenk

Applicants to the Planning Commission – 1 vacancy:

- Michael Doran
- Camille Kennedy (also consider for Housing)
- Katherine Strehl

Impact on City Resources

Staff support for commissions and funds for recruitment advertising are provided in the FY 2016-17 budget.

Public Notice

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

Attachments

- A. Excerpt from City Council Policy CC-01-004

Report Prepared by:
Pamela Aguilar, City Clerk

City of Menlo Park		City Council Policy
Department City Council		Effective Date 3-13-01
Subject Commissions/Committees Policies and Procedures and Roles and Responsibilities	Approved by: Motion by the City Council on 03-13-2001; Amended 09-18-2001; Amended 04-05-2011	Procedure # CC-01-0004

Application/Selection Process

1. The application process begins when a vacancy occurs due to term expiration, resignation, removal or death of a member.
2. The application period will normally run for a period of four weeks from the date the vacancy occurs. If there is more than one concurrent vacancy in a Commission, the application period may be extended. Applications are available from the City Clerk’s office and on the City’s website.
3. The City Clerk shall notify members whose terms are about to expire whether or not they would be eligible for reappointment. If reappointment is sought, an updated application will be required.
4. Applicants are required to complete and return the application form for each Commission/Committee they desire to serve on, along with any additional information they would like to transmit, by the established deadline. Applications sent by fax, email or submitted on-line are accepted; however, the form submitted must be signed.
5. After the deadline of receipt of applications, the City Clerk shall schedule the matter at the next available regular Council meeting. All applications received will be submitted and made a part of the Council agenda packet for their review and consideration. If there are no applications received by the deadline, the City Clerk will extend the application period for an indefinite period of time until sufficient applications are received.
6. Upon review of the applications received, the Council reserves the right to schedule or waive interviews, or to extend the application process in the event insufficient applications are received. In either case, the City Clerk will provide notification to the applicants of the decision of the Council.
7. If an interview is requested, the date and time will be designated by the City Council. Interviews are open to the public.
8. The selection/appointment process by the Council shall be conducted open to the public. Nominations will be made and a vote will be called for each nomination. Applicants receiving the highest number of affirmative votes from a majority of the Council present shall be appointed.
9. Following a Council appointment, the City Clerk shall notify successful and unsuccessful applicants accordingly, in writing. Appointees will receive copies of the City’s Non-Discrimination and Sexual Harassment policies, and disclosure statements for those members who are required to file under State law as designated in the City’s Conflict of Interest Code. Copies of the notification will also be distributed to support staff and the Commission/Committee Chair.
10. An orientation will be scheduled by support staff following an appointment (but before taking office) and a copy of this policy document will be provided at that time.

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STAFF REPORT

City Council

Meeting Date:

4/18/2017

Staff Report Number:

17-093-CC

Consent Calendar:

Authorize the City Manager to enter into an agreement with California Tree and Landscape Consulting, Inc. for the Heritage Tree Ordinance Update for an amount not to exceed \$70,000

Recommendation

Staff recommends that the City Council authorize the City Manager to enter into an agreement with California Tree and Landscape Consulting, Inc., for the Heritage Tree Ordinance Update.

Policy Issues

This project is item No. 7 in the 2017 City Council Work Plan.

Background

In 1979, the City Council adopted the city's first heritage tree ordinance. Amendments to the ordinance have been made on five occasions, with the last occurring in 2006. The primary goal of the ordinance is to ensure that there will be a significant population of large, healthy trees over the long term in Menlo Park. The ordinance defines heritage trees, establishes permitting policies and procedures for removal, heavy pruning and protection of heritage trees, and also specifies penalties for violation.

In January 2017, the City released a request for proposals seeking responses from qualified firms for this project, including benchmarking and updating the heritage tree ordinance and consultation as needed.

Analysis

Scope of Work

The primary objectives of the project include:

- Providing community engagement throughout the process
- Benchmarking Menlo Park's heritage tree ordinance with other cities' tree regulations
- Updating the heritage tree ordinance to include best practices
- Providing on-call consultation services, as needed
- Providing recommendations and analysis of innovative ways to protect and increase Menlo Park's tree canopy, if requested by the City

The consultant will create a benchmark and analysis of how Menlo Park's current heritage tree ordinance compares to heritage tree ordinances of neighboring jurisdictions in relation to establishing permitting policies and procedures for: defining heritage trees, protection of heritage trees, removal, heavy pruning, replacement (replacement ratios, identifying appropriate species, etc.), mitigation requirements, specifying penalties for violations (i.e., fees), enforcement, appeals, public outreach and engagement, and purview of

City staff, city commissions and City Council.

The consultant will draft a clear and concise updated heritage tree ordinance that meets the City's tree canopy preservation goals and provides clear roles and responsibilities for oversight of the ordinance's implementation.

The updated heritage tree ordinance must contain all key elements identified in the benchmark and analysis and must incorporate newly recommended items as approved by the City, while maintaining the City's original desire to protect and preserve the scenic beauty and natural environment of the city, prevent erosion of topsoil and sedimentation in waterways, encourage quality development, provide shade and wildlife habitat, counteract pollutants in the air and decrease wind velocities and noise.

The consultant will work with sustainability staff, and the City's marketing and communications teams, to design an outreach strategy and provide content to be presented in the City's specific marketing format, and present and/or lead community engagement meetings in which the benchmarking and draft ordinance will be discussed.

The City may wish to retain the consultant on an as needed basis, past the completion of the heritage tree ordinance update, in order to provide advice or lead portions of implementing the new heritage tree ordinance. The as needed task(s) will be provided using the agreed upon consultant hourly rates and materials costs for a period of a minimum of one additional year after the completion of the heritage tree ordinance update, and will be initiated by request(s) in writing by the City.

In addition, the community seeks to protect and enhance the tree canopy on private property. The consultant may be asked to analyze and prepare graphic representations of the current tree canopy in Menlo Park and provide recommendations and analysis of options to monitor and enhance Menlo Park's tree canopy.

Selection

The City received three responses before the proposal submission deadline of February 21, 2017. Following a review of the proposals, staff scheduled consultant interviews which were held on March 24, 2017.

The proposals were evaluated based on several factors, price being only a portion of the decision:

1. The written proposal
 - Responsiveness to the RFP
 - Consultant team's professional experience
 - Experience of key personnel with heritage tree ordinance development and implementation
 - Familiarity with local heritage tree policy and implementation
 - Satisfaction of prior and current clients
2. Performance during the interview
3. Price

The proposal costs varied by over \$46,000, with HortScience's proposal at \$50,030 (low), California Tree and Landscape Consulting, Inc., at \$63,718, and Davey Resource Group at \$96,316 (high).

Based on all of the evaluation criteria, staff recommends entering into an agreement with California Tree and Landscape Consulting, Inc. (CaTLC). The firm's vast experience, including familiarity with San Mateo and Redwood City's heritage tree/tree preservation ordinances, and role in the creation and/or revision of

tree ordinances and regional model ordinances throughout Northern California.

The agreement includes a not-to-exceed amount of \$70,000 and includes a contingency of approximately 10 percent. This contingency would only be spent if needed, should the project require additional expenses related to public outreach or additional public meetings.

Impact on City Resources

The project is funded by a combination of General Fund Capital Improvement project and current year General Fund operations funding. No additional appropriations are requested.

Public Notice

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

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

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STAFF REPORT

City Council
Meeting Date: 4/18/2017
Staff Report Number: 17-082-CC

Consent Calendar: **Authorize the City Manager to enter into an agreement with CB&I Environmental & Infrastructure, Inc. (CB&I) for the Operation and Maintenance of the Bedwell Bayfront Park Landfill Leachate and Gas Collection and Control Systems (gas system) for a period of five years in the amount of \$796,000 with an additional not to exceed \$250,000 for as-needed maintenance repairs**

Recommendation

Staff recommends that the City Council authorize the City Manager to enter into an agreement with CB&I for the Operation and Maintenance of the Bedwell Bayfront Park leachate and gas collection systems for a period of five years in the amount of \$159,200 annually (total of \$796,000) with an additional not to exceed \$50,000 annually (total of \$250,000) for as-needed maintenance repairs. The contract amount will be included in the budget for fiscal year (FY) 2017-18.

Policy Issues

The contract is consistent with Goal LU (Land Use) of the General Plan Land Use Element which is intended to “promote the implementation and maintenance of sustainable development, facilities and services to meet the needs of Menlo Park’s residents, businesses, workers, and visitors.”

Background

The Bedwell Bayfront Park Landfill is a Class III non-hazardous solid waste management facility located at the east end of the City on San Francisco Bay at Bayfront Expressway and Marsh Road. The site is surrounded on three sides by the Don Edwards San Francisco Bay National Wildlife Refuge. Originally referred to as the Marsh Road Landfill, San Mateo County first established solid waste operations at the site in 1957. In 1968, the City of Menlo Park (City) took over the responsibility of the landfill until its closure in 1984. In 1982, the City began the development of Bedwell Bayfront Park on the 160 acre site, of which the landfill covers 155 acres.

To comply with Bay Area Air Quality Management District (BAAQMD) regulatory requirements and as part of the landfill closure plan, the City covered the refuse with clay. A landfill gas wellfield was installed in two phases, with the first phase built in 1984 and the second phase in 1987. Currently, the wellfield consists of 72 gas extraction wells and a network of gas collection pipes embedded just beneath the surface of the landfill cap. During that time, the City awarded a Gas Lease to Fortistar, a contract operator, to build, maintain and operate a gas to energy plant. Internal combustion engines were used to generate electricity from the landfill. The electricity was sold to Pacific Gas and Electric (PG&E). The gas to energy plant was decommissioned in 2013 when the contract with PG&E expired and due to equipment wear and a decrease in landfill gas production. The landfill gas is directed to a flare for combustion near the far end of the park. A

new flare was built in 2013 and the landfill gas is combusted in compliance with the BAAQMD permit. The gas system has continued to be operated by Fortistar, with their contract set to expire at the end of this fiscal year.

The leachate system consists of twelve extraction sumps located along the perimeter of the landfill and a monitoring network. In 1986 and 1987, seven leachate sumps were first installed, followed by the installation of five additional extraction sumps in 1998-99. In 1991, automated submersible pumps were installed in the older sumps, which originally consisted of gravel filled trenches with horizontal perforated piping at the base. The sumps installed in 1998-99 consist of gravel filled trenches with perforated piping at the base that slope toward risers equipped with automated submersible pumps and level control. Once the leachate is captured, it is discharged to the sanitary system, operated by the West Bay Sanitary District (WBSD), for conveyance to the wastewater treatment plant for treatment, which is operated by Silicon Valley Clean Water (SVCW) (formerly the South Bayside System Authority).

The leachate system is operated and monitored per the requirements of the Regional Water Quality Control Board (RWQCB). The City has the responsibility to monitor, collect samples and dispose of the leachate generated from the landfill. The monitoring system consists of seven groundwater monitoring wells, two surface water monitoring locations, six leachate wells, five piezometers, the twelve leachate extraction sumps and one leachate monitoring location at a sanitary sewer manhole. The operation and maintenance of the system has been contracted to CB&I since 1991. Their contract is set to expire at the end of this fiscal year.

The Bedwell Bayfront Park Landfill typically generates about 127 million standard cubic feet of landfill gas a year. About 3.5 million gallons of leachate are extracted from the landfill and discharged to the sanitary sewer annually.

Regulatory Requirements

The Bedwell Bayfront Park Landfill is operated and maintained according to the requirements placed by the following permits:

Leachate

- **Waste Discharge Requirements Order 97-073 (WDR):** The water quality monitoring and reporting requirements for the Bedwell Bayfront Park landfill leachate system are stipulated in Waste Discharge Requirements Order 97-073 (WDR), issued by RWQCB in 1997 with no expiration date.
- **Mandatory Wastewater Discharge Permit No. WB 120930 (MWDP):** Monitoring is required under the MWDP, a joint permit issued by the WBSD and SVCW for the conveyance of the leachate to the sanitary system operated by WBSD and for treatment at the wastewater treatment facility operated by SVCW in Redwood City. The current 5-year permit expires on September 29, 2017.

Gas

- **BAAQMD:** The monitoring and reporting requirements for the gas system at the landfill are contained in the annual permit issued by the Bay Area Air Quality Management District (BAAQMD) to regulate emission of landfill gas to the atmosphere (Permit to Operate Landfill with gas collection system, Multi-material Bayfront Park Landfill with Gas Collection System Abated by A3 Flare; Plant No. 3499; Expiration date: July 1, 2017). The permit requires regular monitoring of the gas collection system and flare station as well as annual reporting. The permit requires compliance with BAAQMD Regulations 8-34, 2-1, 2-5, 9-1, AB32 and others.

Other Landfill Permits

- **San Francisco Bay Conservation and Development Commission (BCDC):** Originally issued on December 24, 1970, the BCDC Permit No. 18-70 allowed for the development of the landfill by filling unfilled areas of the Bay and by allowing for the conversion of the closed landfill to a park. This permit was amended on September 19, 2008, to allow wetland mitigation funds to be used for habitat restoration instead of land acquisition. There are no monitoring or reporting requirements associated with this permit.
- **San Mateo County Environmental Health, Solid Waste Program:** San Mateo County inspects the landfill on a quarterly basis.

Analysis

In February of this year, staff issued a request for proposals (RFP) for the necessary services to operate and maintain the leachate and gas systems at the Bedwell Bayfront Park Landfill in accordance with all regulatory requirements. The scope of work included in the RFP was as follows:

Task 1 – Routine Monitoring and Operating Services

The Contractor shall be responsible for operating and conducting routine monitoring of the leachate and gas systems. In addition to the monitoring requirements, the Contractor shall be responsible for adjustments to the leachate and gas systems in case of system failure and needed repair work. The Contractor shall have the availability to arrive at the site and respond to equipment malfunctions and emergencies within 8 hours of the call-out service request.

Task 2 – Sampling and Analysis

The Contractor shall be responsible for the development of sampling protocols and complying with the analytical requirements as stipulated in all of the permits for the landfill. Analysis of constituents shall be conducted by certified laboratories. At a minimum, the Contractor shall be responsible for complying with the following permits and requirements.

Task 3 – Monitoring and Analysis Reports and Project Management

The Contractor shall be responsible for the preparation of all monthly, semiannual and annual reports as required by the City and the regulatory requirements outlined in the permits and for submitting these to the permit agencies on behalf of the City. All reports shall include a description of the site and landfill systems, evaluation criteria, explanation of any calculations, certified analytical results, monitoring and inspection summaries, field and laboratory records, maps and figures and any recommendations. All reports shall be submitted to the City for review prior their submittal to the permitting agencies.

Task 4 - Maintenance and Repair Work

The Contractor shall provide all the necessary labor, equipment and materials to perform maintenance and repair work on the leachate and gas systems on an on-call and as-needed basis. The work may be based on maintenance and repairs needs identified during routine inspections, system failures, and any other work requested by City staff.

Task 5 – Project Management

The Contractor shall provide project management support, as required, inclusive of the following:

- Coordination and meetings with City staff and permit agencies;
- Site visits with City staff;
- Assistance with and review of permit expiration dates, application renewal processes, monitoring and maintenance regulations; and

- Development of recommendations and cost estimates for improving the performance of the landfill systems.

The City received five proposals on March 8, 2017. These included CB&I, Geosyntec Consultants, SCS Engineers, Blue Flame Crew and Tetra Tech Inc. Staff reviewed the proposals and is recommending that CB&I is awarded the contract for the following reasons:

- CB&I provided the lowest bid; and
- The team has extensive experience operating and managing landfills, including both leachate and gas systems.

IMPACT ON CITY RESOURCES

The total annual cost for the operation and maintenance of the Bedwell Bayfront Park Landfill Leachate and Gas Collection and Control Systems is \$159,200 with an additional not to exceed \$50,000 for as-needed maintenance repairs. The total five year contract amounts to \$1,046,000. On an annual basis, this is an increase of \$27,085 a year (difference between \$159,200 and the current contract of \$132,115). However, the new scope of work includes regulatory requirements, which were not included in the past contract and which have been done by staff. To ensure that the leachate and gas systems are operated according to the most up to date regulatory requirements, the reporting requirements have been included as part of the scope of work for this contract. Landfill funds will be used to pay for the contract, which currently has a balance of over \$4M. The contract amount will be included in the budget for FY 2017-18 and would begin on July 1, 2017.

ENVIRONMENTAL REVIEW

Environmental review is not required for this item.

Public Notice

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

Attachments

A. None

Report prepared by:

Azalea Mitch, Engineering Services Manager / City Engineer

Reviewed by:

Justin Murphy, Public Works Director



STAFF REPORT

City Council

Meeting Date:

4/18/2017

Staff Report Number:

17-085-CC

Consent Calendar:

Award a construction contract to Stockbridge General Contracting, Inc. for the Nealon Park Booster Pump Project

Recommendation

Staff recommends that the City Council award a construction contract to Stockbridge General Contracting, Inc. in the amount of \$73,540 for the Nealon Park Booster Pump Project (Project) and authorize a total construction budget of \$91,540 that includes staff time and contingencies.

Policy Issues

The Project is consistent with the City Council goal of maintaining and enhancing Menlo Park's municipal infrastructure and facilities and is included in the City Council's 2017 Work Plan (No. 30).

Background

Insufficient irrigation water pressure at Nealon Park has led to a lack of sprinkler coverage, resulting in "brown spots" on the sports field between sprinkler heads. Parks Maintenance staff has attempted to mitigate this problem with additional hand watering, but this is intensive and costly. The variability in turf watering has also impacted the level of play at the sports field. Softballs that hit the drier turf bounce differently than those that hit softer, greener turf. Hence sports field users are unable to consistently judge the bounce of the balls, which is affecting the level of play. This Project involves increasing the water pressure of the irrigation system so that the sports field is irrigated more uniformly.

Analysis

The Project consists of the installation of a 3.0 horsepower booster on the irrigation system to increase the water pressure. The new booster pump will be located adjacent to the maintenance shed along the third base line. This location provides easy access to the electrical panel located in the maintenance shed and is in close proximity to the main water supply line feeding the sports field. The new pump will only operate when the irrigation system is active. The new pump is electric and is therefore reasonably quiet. It will also include a sound attenuating enclosure to further mitigate any unwanted noise.

On April 12, 2017, two bids were submitted and opened for the Nealon Park Booster Pump project. The lowest bidder was Stockbridge General Contracting, Inc. Contractor, with a bid amount of \$73,540. Staff has verified the background and references of the contractor, and is satisfied with its past performance.

Impact on City Resources

Funding for this project is available through the Park Improvements (Minor) capital improvement budget.

The construction contract budget consists of following:

Cost Category	Amount
Construction contract	\$73,540
Contingency (15%)	\$11,000
Management and Inspection	\$7,000
Total Construction	\$91,540

Environmental Review

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

Public Notice

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

Attachments

- A. Bid Summary

Report prepared by:
Michael Zimmermann, Senior Civil Engineer

Reviewed by:
Azalea Mitch, City Engineer





BID SUMMARY

PROJECT NAME: Nealon Park Booster Pump Project

Bid Opening: Wednesday, April 12, 2017 at 2:00 PM

	COMPANY	BID
1	Stockbridge General Contracting, Inc.	\$73,540
2	Devaney Engineering, Inc.	\$94,150

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STAFF REPORT

City Council

Meeting Date: 4/18/2017
Staff Report Number: 17-089-CC

Consent Calendar: **Approve an additional extension of the current lease agreement with Team Sheeper Inc. for operation of Burgess and Belle Haven pools through September 30, 2017**

Recommendation

Staff recommends that Council approve an additional extension of the current lease agreement with Team Sheeper Inc. (formerly known as Menlo Swim and Sport) for operation of Burgess and Belle Haven pools through September 30, 2017 in order to finalize contract terms.

Policy Issues

Team Sheeper Inc., has been operating the Burgess Pool facility since 2006 and took over summer operations at Belle Haven Pool in 2012 and is now operating that pool, with limited hours, year-round. Council continues to support use of this alternative service provider given the history of outstanding customer service and the cost savings offered through outsourcing this program.

Background

The first lease agreement with Team Sheeper expired in May 2011 and following a lengthy RFP process, Council again approved an Aquatics Facilities Lease Agreement with Team Sheeper for five more years at that time. This agreement expired in May 2016 and Council directed staff to work with Team Sheeper Inc. on a renewal and extension of the current lease and forego the Request for Proposals process at their meeting on May 5, 2015. Council has previously approved extensions of the Lease to May 1, 2017, in order to conclude negotiations and prepare the new lease for Council approval.

Detailed background on the history of Menlo Park's pool operations and the evolution of the current contract with Team Sheeper, the current lease agreement, and the 2015 Aquatics Contractor Annual Report can be found in the attached Parks and Recreation Commission staff report from February 24, 2016 (Attachment A).

On May 5, 2015, the City Council approved the Parks and Recreation Commission's recommendation to negotiate with Team Sheeper to renew and extend the lease agreement for the City's aquatics operations. During that meeting the Council received public feedback from users of the Burgess Pool and instructed staff to consider the following items during their negotiations with Team Sheeper:

- Continue to include the Parks and Recreation Commission in negotiations of the lease agreement extension.
- Ensure that pool lane usage is maximized and lanes are utilized in the best possible way.
- Evaluate the availability of lap swim throughout the day at the pools, particularly in the mornings when

the Master Swim Program is operating.

- Council members were supportive of the SOLO Swim Team's request to have SOLO team attire available in the Burgess Pool shop as well as access to lobby bulletin boards to promote the SOLO Swim Team.
- Determine market rate for lane usage at other aquatic facilities in the area.
- Council was concerned about SOLO's use of the term "fair" and recommended that SOLO submit a range of rates they would consider "fair".

On May 3, 2016, the City Council approved an extension of the current agreement through December 31, 2016 in order for staff to complete contract negotiations and prepare a new contract for Council approval. Additional extensions were approved through May 1, 2017, due to balancing of priorities, extended negotiations and Council's busy agenda calendar.

Analysis

Staff does not expect any major changes to most components of the current lease agreement regarding reporting, safety standards, program mix, insurance, customer service standards and more. Any changes staff will be recommending will be based largely on operating experience over the past five years and from feedback received by the Council and the Parks and Recreation Commission. Negotiations have been underway with Team Sheeper Inc. with significant progress on a number of items. City staff has reached agreement with Team Sheeper to accommodate a number of the SOLO Swim Team requests including access to unused pool lanes when Menlo Aquatics Team is away for swim meets, right of return for unused lanes during holiday periods and credit for non-use, access to the Burgess Pool lobby and bulletin board for SOLO marketing materials, access to Belle Haven pool and agreeing to a market rate for pool lane rental. At this point, staff has reached an impasse with Team Sheeper over some material terms such as rent, repair and replacement expense, and pass through of certain operating expenses such as sewer charges based on water usage that will likely require Council input and direction in closed session.

In order to complete negotiations with Team Sheeper, staff will schedule one or more closed sessions with the Council to provide authority/direction to the City's negotiating team and will then finalize negotiations and a final form of Lease to return to the Council for approval. Based on the remaining issues to be resolved and the Council's upcoming schedule, staff recommends extending the existing Lease to September 30, 2017. Staff return for final approval sooner if possible.

Impact on City Resources

The extension of the lease has no foreseeable impact on the City's General Fund.

Environmental Review

This item does not require environmental review.

Public Notice

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

Attachments

A. Amendment to Team Sheeper Inc. Lease Agreement

Report prepared by:
Derek Schweigart, Assistant Community Services Director

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AMENDMENT TO LEASE AGREEMENT
("Burgess Pool," 501 Laurel Street, Menlo Park, CA &
"Belle Haven Pool," 100 Terminal Avenue, Menlo Park, CA)

This Amendment to Lease Agreement is made by and between the CITY OF MENLO PARK, a municipal corporation, ("CITY"), and TEAM SHEEPER INC., a California corporation, ("PROVIDER"), with respect to that certain Lease Agreement dated March 15, 2011, (the "Lease") regarding both the "Burgess Pool" located at 501 Laurel Street, Menlo Park, California, and the "Belle Haven Pool" located at 100 Terminal Avenue, Menlo Park, California, (the "Premises"), effective as of the last date appearing adjacent to the signatures of the parties hereto.

RECITALS

WHEREAS, the CITY and TEAM SHEEPER, L.L.C., a California limited liability company, entered into the Lease; and

WHEREAS, in 2011, TEAM SHEEPER, L.L.C., a California limited liability company; converted to a California corporation by the name of TEAM SHEEPER INC.

NOW, THEREFORE, for good and valuable consideration the parties agree to amend the Lease as follows:

1. The term of the Lease Agreement shall be extended and shall terminate on September 30, 2017.
2. The terms of the rental to SOLO Aquatics shall remain unchanged until a new lease is entered into between the CITY and PROVIDER.
3. Except as modified herein, all of the remaining terms and provisions of the Lease shall remain in full force and effect.

DATED: _____ 2017

CITY OF MENLO PARK, a municipal corporation

Attest:

By: _____
Alex D. McIntyre, City Manager

Pamela Aguilar, City Clerk

DATED: _____ 2017

TEAM SHEEPER INC, a California corporation

By: _____
Tim Sheeper, Chief Executive Officer

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SPECIAL AND REGULAR MEETING MINUTES - DRAFT

Date: 3/28/2017
Time: 6:00 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

6:00 p.m. Special Session

Mayor Keith called the Study Session to order at 6:09 p.m. Councilmember Ohtaki arrived at 6:14 p.m. Councilmember Mueller was absent.

G. Study Session

- G2. Water System Master Plan (WSMP) – Review of Menlo Park Municipal Water (MPMW) Staffing Assessment Findings ([Staff Report #17-067-CC](#)) ([Presentation](#))

Public Works Director Justin Murphy introduced the item. City Engineer/Engineering Services Manager Azalea Mitch made a presentation. Consultant Polly Boissevain from West Yost Associates was present.

There was support from Council for staff to pursue next steps as outlined in the presentation.

7:00 p.m. Regular Session

A. Call To Order

Mayor Keith called the regular session to order at 7:05 p.m.

B. Roll Call

Present: Carlton, Cline, Keith, Mueller (arrived at 7:09 p.m.), Ohtaki

Absent: None

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

C. Pledge of Allegiance

Mayor Keith led the pledge of allegiance.

E. Presentations and Proclamations

- E1. Proclamation recognizing World Water Day ([Attachment](#))

Mayor Keith read the proclamation.

- E2. Proclamation regarding Mayor's Challenge ([Attachment](#))

Mayor Keith read the proclamation urging residents to conserve water.

E3. Proclamation declaring March Red Cross Month ([Attachment](#))

Al Mallamo and Virginia Chang Kiraly of the American Red Cross Northern California Coastal Region were present to accept the proclamation.

At this time, Mayor Keith called for Public Comment, out of order.

H. Public Comment

- Pamela Jones spoke regarding equity for all Menlo Parks residents in terms of housing, education, library services, street safety and fire services
- Ciya Martorna spoke regarding lack of parking downtown
- Lisa Breakey spoke on behalf of the Oak Grove Place Owners Association in opposition to the proposed bike boulevard trial and requested the City reach out to businesses and homeowners
- Rose Bickerstaff spoke regarding more Council and City participation at meetings in Belle Haven
- Sheryl Bims recited a poem regarding city and council participation
- Ernesto Reyes requested Council to consider implementing provisions from Assembly Bill No. 2406: Junior Accessory Dwelling Units ([Attachment](#))
- Heyward Robinson spoke regarding real estate boxes downtown
- Nina Wouk spoke regarding the City Council meeting at the Menlo Park Senior Center in Belle Haven and postponing action on a sanctuary city ordinance

F. Commissioner Reports

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

Commission Vice Chair Tucker Stanwood gave the report.

G. Study Session

G1. Menlo Park Main Library Space Needs Study ([Staff Report #17-066-CC](#)) ([Presentation](#))

Library Services Director Susan Holmer introduced the item and Principal Chris Noll of Noll & Tam made a presentation.

Public Comment:

- Bo Crane, Menlo Park Historical Association, spoke regarding the historical society space being located to another location ([Attachment](#))
- Kristina Lemons spoke regarding and in support of a library in Belle Haven
- Lynne Bramlett spoke regarding the need for an adequate library in Belle Haven
- Monica Corman, Menlo Park Library Foundation, spoke in support of the needs study

There was consensus to conduct a library needs study for Belle Haven, to explore ways to reduce costs, and to see design options for the Main Library and to incorporate the updating of the landscaping.

I. Consent Calendar

Councilmember Mueller recused himself from participating in items I3 and I4 due to a conflict of interest that his residence is in proximity to the subject locations and exited the Council chambers. City Attorney Bill McClure recused himself from participating in item I3 due to a conflict of interest that his business office is in proximity to the subject location.

- 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](#))

Public Comment:

- Christine Goudey expressed concerns about traffic and elimination of parking around Nativity Church if bike lanes are installed
- Julie Clement spoke regarding interaction and community at Nativity School, losing parking, pedestrian safety and insufficient data
- Cindy Welton spoke in support of approving the trial metrics and regarding the support expressed by officials at Nativity School for the pilot project
- Katie Behroozi spoke regarding
- Bill Kirsch spoke in support of the pilot project in order to increase bike and pedestrian safety
- Ueyn Block spoke in support of safe routes to school between Hillview and Oak Grove
- Fran Dehn, Menlo Park Chamber of Commerce, spoke regarding compromise between all stakeholders and finding alternative for all groups

ACTION: Motion and second (Cline/Ohtaki) to approve volume counts, parking and speed assessment 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 passes 4-0-1 (Councilmember Mueller recused).

Staff is directed to hold two community meetings - one meeting prior to the start of the trial and one meeting three months into the trial. Staff will also bring back information on the three trial metrics, the contract amendment extension request for assistance with data collection, alternatives for compromise solutions as well as the impacts on the project schedule.

- I4. Authorize the Public Works Director to accept work for the Santa Cruz Street Café Project ([Staff Report #17-068-CC](#))

ACTION: Motion and second (Carlton/Ohtaki) to authorize the Public Works Director to accept the work for the Santa Cruz Street Café Project passes 4-0-1 (Councilmember Mueller recused).

- 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](#))

ACTION: Motion and second (Ohtaki/Cline) to approve all items on the Consent Calendar except I3 and I4 passes unanimously.

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](#))

ACTION: By acclamation Councilmembers Mueller and Ohtaki were appointed to a 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

- 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](#))

Public Comment:

- Steve Van Pelt spoke regarding accurate data
- Chief Harold Schapelhouman, Menlo Park Fire District, spoke regarding the communication between the District and the City ([Attachment](#))
- Virginia Change Kiraly, Menlo Park Fire District Board Member, spoke regarding a collaborative relationship with the District and the City

There is agreement that the City will provide the District with written questions for which the District will provide written responses, and a subsequent City Council study session will be held with District members in attendance to review and discuss the information.

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](#))

Commander Dave Bertini responded to Council questions regarding street closures and traffic enforcement.

- K4. Hello Housing quarterly report ([Staff Report #17-075-CC](#))
- K5. Menlo Park Fire Protection District - Fire Station 77 on Chilco Street ([Attachment](#))

Public Comment:

- Rex Ianson, Menlo Park Fire Protection District Board Member, provided some clarifications regarding board decisions mentioned in the staff memo
- Nina Wouk spoke regarding opposition to potential eminent domain action in Belle Haven
- Harold Schapelhouman, Chief of the Menlo Park Fire Protection District, spoke regarding communication with the City ([Attachment](#))

- Pamela Jones spoke regarding a meeting between the City, Fire District and Belle Haven residents specifically on this topic

L. City Manager's Report

There was no report.

M. Councilmember Reports

There were no reports.

N. Adjournment

Mayor Keith adjourned the meeting at 11:40 p.m.

Pamela Aguilar, CMC
City Clerk

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

Meeting Date: 4/18/2017
Staff Report Number: 17-091-CC

Consent Calendar: Authorize the Mayor to sign a letter to the Menlo Park Fire Protection District Board of Directors regarding the use of eminent domain for Station 77

Recommendation

Staff recommends that the City Council consider authorizing the Mayor to sign a letter to the Menlo Park Fire Protection District Board of Directors regarding the use of eminent domain for Station 77.

Policy Issues

This action is consistent with the City Council's ability to communicate with other jurisdictions.

Background

On March 21st, 2017, the Menlo Park Fire Protection District held their Board of director's meeting which they considered using eminent domain to acquire property for the expansion of Fire Station 77. This would have affected at least one property in Menlo Park. The Fire District did not take action regarding the use of eminent domain and has indicated that they are pursuing other alternatives for Station 77.

Analysis

At the request of the Mayor, this letter has been placed on the Consent Calendar to be considered for approval by the City Council.

Public Notice

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

Attachments

A. Draft Letter to Menlo Park Fire District Board

Report prepared by:
Chip Taylor, Assistant City Manager

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April 12, 2017

District Board of Directors
Menlo Park Fire Protection District
170 Middlefield Road
Menlo Park, CA 94025

Dear Board President Carpenter and Directors,

Recently the Menlo Park Fire Protection District was considering using eminent domain for the expansion of Station 77. The Menlo Park City Council opposes the use of eminent domain by the Fire District to acquire residential properties in Menlo Park for the expansion of Station 77.

We are happy to work with the Menlo Park Fire Protection District and the community to evaluate appropriate locations or expansion options for a new station east of Highway 101.

Sincerely,

Kirsten Keith, Mayor
On behalf of Menlo Park City Council

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STAFF REPORT

City Council
Meeting Date: 4/18/2017
Staff Report Number: 17-090-CC

Regular Business: **First reading of an Ordinance adding chapter 2.58, Immigration and Sensitive Information; adopting a resolution joining the Welcoming Cities and Counties Initiative; and authorizing the Mayor to sign a letter in support of SB 54**

Recommendation

Staff recommends that the City Council consider the following:

1. Introduce an ordinance adding Chapter 2.58, Immigration and Sensitive Information, to the Menlo Park Municipal Code to identify the City as a sanctuary city (city of refuge or safe city), prohibit enforcement of federal civil immigration laws, and prohibit use of City resources to gather sensitive information.
2. Adopt a resolution joining the Welcoming Cities and Counties Initiative.
3. Authorize the Mayor to sign a letter in support of the California Values Act (SB 54) that would make the State of California a sanctuary state.

Policy Issues

The central policy issues for the City Council to consider are the extent to which it wishes to codify its position relative to immigration and sensitive information and whether to specifically use the word “sanctuary” in light of the potential to lose federal funding or to use the term “city of refuge” or “safe city”. In considering whether to join the welcoming cities and counties initiative, the City Council should consider the strategic goals that it desires to achieve and the resources it is willing to devote to undertaking such an initiative. Finally, the City Council should consider as a policy matter whether it supports the California Values Act (SB 54) and wishes to send a letter supporting adoption of the Act.

Background

On January 24, 2017, the City Council unanimously approved a resolution affirming Menlo Park’s commitment to a diverse, supportive, inclusive and protective community. The City Council directed staff to return with additional information regarding several items including: (1) Sanctuary City and alternatives, (2) Police Department Policy 428, (3) National Registry, and (4) Welcoming City. Further, given the evolving nature of these issues, the City Council requested a status update on federal, state and local laws and policies related to these issues.

Analysis

In 1996, the U.S. Congress passed two laws that prohibit state and local governments from restricting communication with the federal government regarding the immigration status of any individual—the Personal Responsibility and Work Opportunity Reconciliation Act and the Illegal Reform and Immigration Responsibility Act. These laws authorize state and local law enforcement to communicate with federal

immigration authorities regarding the status and presence of unauthorized immigrants within their jurisdictions. Neither of these laws mandate cooperation or information sharing with federal immigration authorities. However, both laws prohibit any restriction on information sharing between the federal government and state or local government entities or officials.

Many state and local jurisdictions have adopted policies or practices that limit cooperation with federal civil immigration enforcement efforts. Examples include the resolution recently adopted by the City of Santa Ana, the policies adopted by the County of Santa Clara, and the ordinance adopted by the City and County of San Francisco. These laws or policies are sometimes referred to as “sanctuary policies” and the jurisdictions themselves referred to as “sanctuary cities.” Even if the term “sanctuary” is not used (and in most of the examples listed below it is not) and the action is a resolution or policy (as opposed to an ordinance codified in the municipal code), the jurisdiction may be considered a “sanctuary jurisdiction” as there is no legal definition of the term.

Potential “Sanctuary Cities”

1. **City of Santa Ana** - resolution declares city a sanctuary; uncodified ordinance adopts related policies
2. **County of Santa Clara** – resolution adopts policy related to civil immigration detainer requests
3. **City and County of San Francisco** – ordinance establishes the city as a place of refuge
4. **City of Palo Alto** – resolution affirming a commitment to a supportive and inclusive community
5. **City of Menlo Park** – resolution affirming a commitment to a supportive and inclusive community
6. **Town of Portola Valley** – resolution affirming a commitment to a supportive and inclusive community
7. **County of San Mateo** – resolution committing to support and include all community members
8. **City of San Mateo** – resolution in support of tolerance and understanding (and sanctuary)
9. **City of San Carlos** – resolution affirming commitment to a diverse and supportive community and declaring it as a “welcoming city”
10. **City of East Palo Alto** - resolution affirming support for comprehensive immigration reform and ordering employees and officers to not cooperate with ICE
11. **City of Daly City** – resolution affirming commitment to support and respect the rights of all community members
12. **City of Oakland** – resolution affirming status as a city of refuge for immigrants
13. **City of Davis** – resolution affirming and promoting city as a city of sanctuary
14. **City of Alameda** – resolution affirming commitment to the values of dignity, inclusivity and respect for all individuals

The resolutions, ordinances and policies adopted by these cities demonstrate a commitment to provide a safe place for all residents who are fearful by assuring them that the city will not use its resources to administer federal immigration law, which is the exclusive authority of the federal government. All of these cities could potentially be deemed “sanctuary cities” by the United States Attorney General. There has been no legal determination as to whether such local laws and policies violate either the Personal Responsibility and Work Opportunity Reconciliation Act and/or the Illegal Reform and Immigration Responsibility Act, discussed above.

President Trump expressed his opposition to “sanctuary policies” and “sanctuary cities” throughout his campaign. During his campaign, he also indicated an interest in creating a national registry based on sensitive information such as religion (e.g. a Muslim registry). Since taking office, President Trump issued an Executive Order entitled “Enhancing Public Safety in the Interior of the United States” (generally referred

to herein as “Executive Order”). President Trump has not taken steps to establish a registry based on sensitive information.

President Trump issued the Executive Order on January 25th, the day after the City Council adopted the supportive community resolution. In the Executive Order, President Trump states that sanctuary jurisdictions across the United States willfully violate federal law to shield aliens from removal from the United States and that those jurisdictions have caused immeasurable harm to the American people. The purpose of the Executive Order is to direct agencies to employ all lawful means to enforce the immigration laws of the United States. The policy of the executive branch is to ensure that local agencies comply with 8 U.S.C. Section 1373, which provides that no local entity or official may prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, the Immigration and Naturalization Service information regarding the citizenship or immigration status of any individual. Jurisdictions that fail to comply with all applicable federal laws are not eligible to receive federal grants, except as needed necessary for law enforcement purposes.

In response to the Executive Order, San Francisco and Santa Clara Counties separately filed lawsuits alleging that the Executive Order violates the Tenth Amendment, which is invoked in favor of “states’ rights” as it prohibits the federal government from “conscripting” the states into assistance in enforcing federal programs. The lawsuits also challenge that sanctuary cities do not violate 8 U.S.C. Section 1373 in that the policies do not prohibit communication. At the core, these lawsuits stand for the principle that complying with civil detainer requests undermines community trust of law enforcement, instills fear in immigrant communities (which undermines the goal of local government to provide public services) and uses limited local resources. The City of Menlo Park is a signatory to an amicus brief filed by 34 cities and counties across the country asking that the court halt President Trump’s executive order threatening the withdrawal of federal funds from so-called “sanctuary jurisdictions.” The hearing on the amicus briefs is currently scheduled to take place on Friday April 14, 2017.

Notably, all sanctuary cities comply with federal criminal warrants as compliance is legally required. Sanctuary cities do not comply with civil detainer requests, which are distinct from criminal warrants. A civil detainer request is not issued by a judge and is not based on a finding of probable cause. It is a request by Immigration and Customs Enforcement (“ICE”) to hold individuals after their release date to provide ICE agents extra time to decide whether to take those individuals into federal custody and then deport them. Compliance with civil detainer requests is voluntary. The Trust Act (Government Code Sections 7252 and 7282.5) states that local law enforcement may comply with ICE detainer requests only if continued detention would not violate any law or local policy or if the individual has met certain criteria, such as having been convicted of a serious or violent felony. Accordingly, if a local jurisdiction has a policy against compliance with civil detainer requests, compliance would be a violation of not only local policy, but state law as well. Furthermore, a local agency may face potential liability for compliance with a civil detainer request because it does not meet Fourth Amendment requirements.

Until there is resolution to the legal challenges to the Executive Order, sanctuary cities risk losing federal funding. The City of Menlo Park receives federal grant funding. For the 2016-2017 fiscal year, that amount totaled \$1,184,554 with federal funds in the amount of \$413,371 for Community Services, \$701,183 for Public Works and \$70,000 for the Police Department. The City has averaged approximately \$665,000 per fiscal year in federal fund expenditures. In any single fiscal year, the City’s spending ranges from a low of \$511,000 to a high of \$919,000. Sanctuary city status would also put funding for the following future projects in jeopardy: (1) Ravenswood Avenue/Caltrain Railroad Crossing Grade Separation; (2) Dumbarton Corridor Improvements; (3) Middle Avenue Bicycle Pedestrian Crossing; (4) US 101 Managed Lanes; (5) Caltrain Modernization and Electrification (\$674 Million); Resurfacing Santa Cruz, Middle (pending grant request of \$619,000); and (6) San Franciscquito Creek Upstream of 101 Project (\$11.7 Million).

In response to the Executive Order, California state legislators advanced Senate Bill 54 (SB 54), the “California Values Act”, which would make the entire state a sanctuary for undocumented immigrants. The proposed law would prohibit state and local law enforcement agencies from spending money to enforce federal immigration laws. The bill would also ban immigration enforcement in public schools, public libraries, health facilities and courthouses. SB 54 continues to go through the legislative process. It was amended on March 6, 2017 to more explicitly indicate that state and local law enforcement shall not detain an individual on the basis of a hold request. On March 29, 2017, SB 54 was amended such that it is no longer an urgency measure and rather than going into effect upon the Governor’s signature, would go into effect on January 1 of next year. The bill passed the Senate in a 27-12 vote and heads to the State Assembly. If approved, the state law would be applicable to local agencies and effectively all cities would become sanctuary cities.

Menlo Park provides basic city services to all individuals regardless of immigration status, religious belief, gender, etc. As discussed in more detail at the January 24, 2017 Council meeting, the City of Menlo Park Police Department has a number of policies in place relative to anti-discrimination, immigration and enforcement and essentially operates as a sanctuary city. For example, Policy 422 provides police officers shall not stop or detain a person solely for determining immigration status. Notwithstanding, of concern at the last Council meeting was Policy 428.3.7 which stated: “Whenever an officer has reason to believe that any person arrested for any offense listed in Health & Safety Code Section 11369 or any other felony may not be a citizen of the United States and the individual is not going to be booked into County jail, the arresting officer shall cause ICE to be notified for consideration of an immigration hold.” The word of concern in that sentence was “shall” as it was the only policy not in line with the “sanctuary policies” of the City. Since that time, the Police Department has reviewed the Transparent Review of Unjust Transfers and Holds or “Truth” Act which went into effect at the beginning of this year relative to law enforcement’s legally required level of cooperation with ICE and has revised the policy to use the word “may” among other revisions to be consistent with the Act. Final changes are not yet fully completed and the revised policy is not available for attachment to this staff report.

Immigration and Sensitive Information Ordinance

Per the City Council’s request at the meeting in January, staff has brought back a “sanctuary city” ordinance. This ordinance builds on the supportive and inclusive community resolution that the Council unanimously adopted and codifies the City’s position stating specifically that Menlo Park is a sanctuary for all. The ordinance also includes in parenthesis alternative terms such as “city of refuge” or “safe city” that the Council could choose to use. However, as discussed above, because there is no legal definition of a “sanctuary city,” a policy, resolution, ordinance or other action that limits compliance with federal immigration law, even if it does not include the word “sanctuary,” could be deemed a sanctuary city by the Attorney General for the purposes of the Executive Order.

The ordinance provides that the City will not comply with an ICE civil detainer request, unless there are certain specified conditions. Those conditions include for example that the individual has been convicted of certain offenses, including but not limited to murder, rape, attempted murder, assault with intent to commit rape or robbery, assault with a deadly weapon on a peace officer, arson and kidnapping. The City will, however, comply with valid federal criminal warrants as compliance is legally required (as opposed to compliance with federal civil detainer requests which is voluntary).

The ordinance also provides that the City will not request, maintain or disclose sensitive information, including a person’s citizenship or immigration status, religion or religious beliefs, race, nationality, ethnicity, sexual orientation, gender or gender identity for the purposes of providing information to a national registry or database. This concept comes from the draft registry ordinance presented at the January meeting that City resources will not be used to gather information that could be used in a national registry of individuals based solely on the basis of their religious beliefs, race, or nation of descent. Notably, on March 21st, the

City and County of San Francisco adopted the “Non-Cooperation with Identity Based Registry Ordinance” to codify this same concept. San Francisco’s ordinance acknowledged that the United States is a nation founded on principles of religious freedom. While there is currently no registry based on sensitive information, San Francisco’s ordinance was forward looking and the action was taken out of an abundance of caution.

Finally, the ordinance will be transmitted to all City departments. Employees will be required to comply with the ordinance and could face disciplinary measures for failure to do so. The ordinance is not intended to create a private right of action.

The draft ordinance has been reviewed by the Command Staff of the Police Department.

Welcoming City and Counties Initiative Resolution

Larger cities and counties like Los Angeles, San Francisco and San Jose are welcoming cities that have adopted robust plans to meet the needs the immigrants in their communities. As an example, the City of San Jose developed and adopted a Welcoming San Jose Plan to address the immediate needs of immigrants and to coordinate with Santa Clara County Office of Immigrant Relations. The plan included: (1) identifying linguistic and cultural barriers to inclusion in city services for immigrant residents and developing and implementing a plan to mitigate the barriers; (2) expanding access to information and resources about the naturalization and voter registration process; (3) expanding opportunities for linguistic integration and education for children and adults; (4) facilitating stronger relationships between public safety departments and immigrant residents; and (5) developing access points for immigrant residents to gain information and services that will contribute to greater community, family and personal health. The plan also included coordinating legal advocacy efforts with other municipalities nationwide.

Smaller communities can also develop plans to welcome the immigrant community. The City of Redwood City recently adopted a resolution joining the Welcoming Cities and Counties Initiative. This program offers resources to help cities become more welcoming, including learning exchanges and access to toolkits and guides to creating immigrant-friendly communities. Adopting the welcoming city resolution is the starting point. The Welcoming Cities and Counties Initiative provides resources, but it is up to the City of Menlo Park to take action. If the City Council votes to join the initiative, the next step would be for the City to develop a plan—identify the goals, the target audience, the work plan, the methods for communication and the resources that will be devoted to achieving the plan.

Letter Supporting SB 54

Finally, the City Council could authorize the Mayor to send a letter to the state assembly in support of the California Values Act. Recently, prior to the passage of the bill by the state senate, the Town of Portola Valley sent such a letter in the hopes that affirmatively indicating support would help the bill continue to progress toward final adoption.

Impact on City Resources

The ordinance adding Chapter 2.58, Immigration and Sensitive Information, to the Menlo Park Municipal Code prohibits the use of City funds for certain purposes. Therefore, there would be no direct expense of City resources to implement the ordinance. However, given that the ordinance specifically identifies the City as a sanctuary city (and even if it does not and designates the city as a city of refuge or safe city, the city may be deemed a sanctuary city), there may be a loss of federal funding as a result of the implementation of the Executive Order. This may impact the City’s choice to undertake specific projects, such as transportation projects. It may also impact ongoing community programs like the Belle Haven Childcare Center. Finally, in case of emergency, it may prevent the City’s receipt of Federal Emergency Management

Agency (FEMA) funds. At this time, we do not believe that the Executive Order would impact or apply to tax credit financing of affordable housing, but further research/analysis is needed. The City will continue to monitor efforts by the federal government to rescind, withhold or withdraw federal funding as a result of local actions.

If the City adopts the resolution joining the Welcoming Cities and Counties Initiative there would need to be an allocation of City resources (budget, personnel, etc.) to create a vision for and implement the initiative in the City.

Environmental Review

This subject is not deemed a project under the California Environmental Quality Act.

Public Notice

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

Attachments

- A. Ordinance of the City Council of the City of Menlo Park Adding a New Chapter 2.58 [Immigration and Sensitive Information] to Title 2 [Administration and Personnel] of the Menlo Park Municipal Code
- B. Resolution of the City Council of the City of Menlo Park Proclaiming the City of Menlo Park a Welcoming City and Joining the Welcoming Cities and Counties Initiative

Report prepared by:
Leigh F. Prince, City Attorney's Office

ORDINANCE NO. 1034

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK ADDING CHAPTER 2.58 [IMMIGRATION AND SENSITIVE INFORMATION] TO TITLE 2 [ADMINISTRATION AND PERSONNEL] OF THE MENLO PARK MUNICIPAL CODE

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

SECTION 1. FINDINGS AND DETERMINATIONS.

- A. The City of Menlo Park has long embraced and welcomed individuals of all racial, ethnic, religious and national backgrounds.
- B. The City of Menlo Park welcomes, honors and respects all members of the community regardless of religion, ancestry, ethnicity, disability, gender, sexual orientation, or gender identity.
- C. Fostering a relationship of trust, respect and open communication between City officials and the community is essential to the City's mission of delivering public services.
- D. Immigration enforcement is a federal responsibility.
- E. The City has limited resources and those resources should be expended to provide local public services, not aid in the enforcement of federal immigration laws.
- F. On January 24, 2017, the City Council of the City of Menlo Park adopted a resolution affirming Menlo Park's commitment to a diverse, supportive, inclusive and protective community.
- G. The City now wishes to enact an ordinance to designate the City as a sanctuary **(city of refuge/safe city)** to create a community free from fear in which individuals are assured that they can access the full range of city services, including law enforcement services, without the fear that information gained by City officials will be used to pursue compliance with federal civil immigration detainer requests or to create a registry.

SECTION 2. ADDITION OF CODE. Chapter 2.58 [Immigration and Sensitive Information] is hereby added to Title 2 [Administration & Personnel] of the Menlo Park Municipal Code to read as follows:

Chapter: 2.58 IMMIGRATION AND SENSITIVE INFORMATION

2.58.010 Sanctuary City (City of Refuge/Safe City)

- 2.58.020 Federal Civil Immigration Detainer Requests**
- 2.58.030 Prohibitions Regarding Sensitive Information for Registry**
- 2.58.040 Use of City Funds Prohibited**
- 2.58.050 Compliance; No Private Right of Action**

2.58.010 Sanctuary City (City of Refuge/Safe City)

- A. The City of Menlo Park is an ethnically, racially and religiously diverse city. The City has long derived its strength and prosperity from its diverse community. Cooperation with all members of the City's diverse community is essential to advancing the City's mission, vision and guiding principles, including community safety, support for youth and education, economic development and financial stability.
- B. The City of Menlo Park is a sanctuary (**refuge/safe city**) for all, regardless of immigration status, religion, race, nationality, ethnicity, sexual orientation, gender or gender identity.
- C. City of Menlo Park officials, including its law enforcement officers, shall not administer federal immigration law, which is the exclusive authority of the federal government and shall not take any direct action against an individual solely because of their immigration status, unless legally required to do so pursuant to a valid federal criminal warrant.
- D. With respect to law enforcement activities, no employee of the City of Menlo Park shall inquire about the immigration status of an individual, including but not limited to a crime victim, witness or person who calls or approaches law enforcement personnel seeking assistance, unless necessary to investigate criminal activity by that individual or it is an element of the crime being reported.

2.58.20 Federal Civil Immigration Detainer Requests

- A. The City of Menlo Park is legally required to cooperate with federal criminal warrants. Federal criminal warrants are distinct from civil detainer requests. Unlike a warrant, a civil detainer request is not issued by a judge and is not based on a finding of probable cause.
- B. The City of Menlo Park shall not cooperate with any request by Immigration Customs and Enforcement (ICE) to detain an individual for suspected violations of federal civil immigration law. Notwithstanding the foregoing, the City may cooperate with an ICE civil detainer request if one or more of the following apply:
 - 1. The individual has been convicted of a serious or violent felony offense for which the individual is currently in custody. For purposes of this

Chapter, a serious felony is any felony listed in subdivision (c) of Section 1192.7 of the Penal Code and a violent felony is any felony listed in subdivision (c) of Section 667.5 of the Penal Code.

2. The individual has been convicted of a serious or violent felony within 10 years of the request or was released after having served a sentence for a serious or violent felony within five years of the request.
 3. The individual has been convicted of a homicide.
 4. The City is aware either directly or through a criminal justice database that the individual has been convicted of a serious or violent offense, which if committed in California would have been punishable as a serious or violent felony.
- C. Except as otherwise required in this chapter or unless City officials have a legitimate law enforcement purpose that is not solely related to the enforcement of civil immigration laws, the City shall not give ICE agents access to individuals.

2.58.030 Prohibitions Regarding Sensitive Information for Registry

No City agency, department, officer or employee shall request, maintain or disclose sensitive information about any person for the purposes of providing information to a national registry or national database specifically used to identify individuals solely on the basis of sensitive information. For purposes of this chapter, "sensitive information" includes any information that may be considered sensitive or personal in nature, including but not limited to a person's citizenship or immigration status, religion or religious beliefs, race, nationality, ethnicity, sexual orientation, gender or gender identity.

2.58.040 Use of City Funds Prohibited

- A. No City agency, department, officer or employee shall use City funds, resources, facilities, property, equipment or personnel to:
1. Compel an individual to identify, investigate, disseminate or otherwise gather information regarding an individual's religious belief, race, or nation of descent for the purpose of providing information to a national registry or national database specifically used to identify individuals solely on the basis of their religious beliefs, race, or nation of descent.
 2. Detaining, relocating or interning any individual based upon their religious beliefs, race, or nation of descent.
 3. Identifying, investigating, arresting, detaining or continuing to detain a person in the absence of a valid criminal warrant solely on the belief that the person is not present legally in the United States or that the person has committed a violation of immigration law.
 4. Assisting or participating in any immigration enforcement operation or joint operation or patrol that is focused solely on the enforcement of

federal immigration laws.

5. Arresting, detaining or continuing to detain a person in the absence of a valid criminal warrant based solely on any civil immigration detainer request.
6. Notifying federal authorities about the release or pending release of any person for immigration purposes.
7. Providing federal authorities with non-public information about any person for immigration purposes.

B. No City agency, department, officer or employee shall use City funds, resources, facilities, property, equipment or personnel unless such assistance is required by a valid and enforceable federal or state law or is contractually obligated. Nothing shall prevent the City, including any agency, department, officer or employee from lawfully discharging his/her duties in compliance with a lawfully issued judicial warrant, subpoena or court decision.

2.58.050 Compliance; No Private Right of Action

- A. The Clerk of the City of Menlo Park shall send copies of this ordinance, including any future amendments, to every department of the City of Menlo Park. Any employee who willfully and intentionally violates the prohibitions in this chapter may face department discipline up to and including termination.
- B. In undertaking the adoption and enforcement of this Chapter, the City is assuming an undertaking only to promote the general welfare. This chapter does not create or form the basis of liability on the part of the City, its agents, departments, officers or employees. It is not intended to create any new rights for breach of which the City or any of its employees are liable for money or any other damages to any person who claims that such breach proximately caused injury. The exclusive remedy for violation of this Chapter shall be through the City's disciplinary procedures for employees.

SECTION 3. SEVERABILITY. If any section of this ordinance, or part hereof, is held by a court of competent jurisdiction in a final judicial action to be void, voidable or unenforceable, such section, or part hereof, shall be deemed severable from the remaining sections of this ordinance and shall in no way affect the validity of the remaining sections hereof.

SECTION 4. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION. The City Council hereby finds that this ordinance is not subject to the provisions of the California Environmental Quality Act ("CEQA") because the activity is not a project as defined by Section 15378 of the CEQA Guidelines. The ordinance has no potential for resulting in physical change to the environment either directly or indirectly.

SECTION 5. EFFECTIVE DATE AND PUBLISHING. This ordinance shall take effect 30 days after adoption. The City Clerk shall cause publication of the ordinance within 15

days after passage in a newspaper of general circulation published and circulated in the city or, if none, the posted in at least three public places in the city. Within 15 days after the adoption of the ordinance amendment, a summary of the amendment shall be published with the names of the council members voting for and against the amendment.

INTRODUCED on the eighteenth day of April, 2017.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of said Council on the eighteenth day of April, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Mayor

ATTEST:

Pamela Aguilar, City Clerk

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RESOLUTION NO.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
PROCLAIMING THE CITY OF MENLO PARK A WELCOMING CITY AND
JOINING THE WELCOMING CITIES AND COUNTIES INITIATIVE**

WHEREAS, the City of Menlo Park is committed to building a neighborly community that is inclusive, hospitable and welcoming; and

WHEREAS, the City of Menlo Park seeks to help people, families and institutions thrive and to value the contributions of all members of the community, including newcomers and immigrants; and

WHEREAS, the City of Menlo Park is a diverse multi-ethnic community that celebrates and embraces its many cultures; and

WHEREAS, the City of Menlo Park is committed to continue enhancing its cultural fabric, economic success, global competitiveness and overall prosperity for all those who choose to make their home in the City; and

WHEREAS, the City of Menlo Park is pleased to join the Welcoming Cities and Counties Initiative to help unite the community and ensure all are welcome.

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 does hereby proclaim Menlo Park as a Welcoming City and joins the Welcoming Cities and Counties 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 eighteenth day of April, 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 eighteenth day of April, 2017.

Pamela Aguilar, CMC
City Clerk

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STAFF REPORT

City Council

Meeting Date:

4/18/2017

Staff Report Number:

17-086-CC

Regular Business:

Provide direction on the next steps for the Oak Grove University Crane Bicycle Improvement Project and authorize the City Manager to increase the consultant contract with Alta Planning & Design

Recommendation

Staff recommends that the Council provide direction on the next steps for the Oak Grove University Crane Bicycle Improvement Project (Project) and authorize the City Manager to increase the consultant contract with Alta Planning & Design to potentially modify the final design and conduct the one-year study of the pilot project. Staff has outlined three schedule options described under the Analysis section below, and requests the Council choose which option should be implemented.

Policy Issues

On February 7, 2017, the City Council approved their 2017 Work Plan which includes the Project (#50). 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. At this meeting, the Council also appropriated funds for the design and construction of this project and authorized the City Manager to award a construction contract after the project was bid.

On March 28, 2017, the City Council reviewed metrics to assess the one-year trial installation. As part of that review, the Council directed staff to move forward with time-sensitive trial metrics on parking, traffic and speed data, and conduct additional community outreach before the trial is installed, and to identify potential design alternatives to address parking needs during large special events.

The purpose of this report to the Council is to request direction on potential strategies to prepare potential redesign and implications on project cost, schedule and staff resources.

Analysis

Trial Metrics

Following City Council approval of the time-sensitive trial metrics, staff and the consultant team Alta Planning & Design (Alta) scheduled data collection to take place in early May when schools have returned from April recesses and before summer breaks begin. Staff plans to return to Council for approval on the remaining trial metrics at a future date, as the remaining trial metrics (online and intercept surveys and collision analysis) are not time sensitive to the project initiation. The timing of the Council's review of remaining metrics would be determined following the Council's direction on overall project schedule, as discussed in the later Schedule Impacts section below.

However, staff is requesting the Council modify the agreement with Alta to increase the contract amount in order for Alta to conduct the data collection and study of the time-sensitive metrics approved on March 28, 2017. The additional cost associated to the increased scope of the study is described further in the Impact to City Resources section of this report.

Schedule Impacts

Based on Council direction to conduct additional community outreach and consider potential design alternatives to the final plan, the project schedule would need to be modified. As described during the March 28, 2017 Council meeting, staff anticipates that conducting additional outreach and incorporating potential design refinements would result in a delay of opening the facility from July 2017 to approximately October 2017. This schedule (option 1), the original schedule (option 2) and an additional alternative schedule to bid the project in phases (option 3) are summarized in Attachment A. Staff is requesting that the Council chose which option should be implemented.

As shown, the schedule options presented include the following:

- Option 1: Explore Design Changes, One Phase. Follows what would be standard City process to incorporate the requested additional outreach, consider changes to the plans through the Complete Streets Commission and City Council, before finalizing plans, advertising and constructing the project. Construction would be anticipated to be completed by October in this option.
- Option 2: No Further Design Changes, One Phase. Summarizes the original project schedule with no additional revisions to the current plans, and advertising the current plans which are ready to go out to bid. Construction would be anticipated to be completed in August under this option.
- Option 3: Explore Design Changes east of El Camino, Two Phases. Represents an effort to construct the project in two phases, split geographically at El Camino Real. This would allow construction to occur west of El Camino Real in the summer, concurrent with additional outreach east of El Camino Real. Construction east of El Camino Real would be anticipated to occur in the fall.

The advantages and disadvantages of each option are described below in Table 1. It should be noted that options 1 and 3 were developed to complete the project as quickly as possible; however, they would result in construction occurring partway through the school year and may be difficult for users to adjust behavior mid-year.

Table 1: Assessment of Schedule Options		
Alternative	Advantages	Disadvantages
Option 1: Explore Design Changes, One Phase	Allows opportunity for additional feedback and refinement of plans to address potential concerns	Delays project installation until fall, after school begins Increased cost and staff time for project design Delays other projects
Option 2: No Further Design Changes, One Phase	Maintains original schedule to construct during summer, allowing for adjustments to patterns in new school year	Does not provide opportunity for further refinement of plans
Option 3: Explore Design Changes east of El Camino, Two Phases	Allows construction of a portion of the project (west of El Camino Real) in summer Allows opportunity for additional feedback and refinement of plans (east of El Camino Real) to address potential concerns	Full project implementation would not occur until fall Increased cost and staff time for project design Increased construction costs Delays other projects

Impact on City Resources

The City’s Fiscal Year 2016-17 adopted budget includes staff time for review and inspections for this project. Funding for construction and consultant services were appropriated in December 2016, however additional funds are needed for the Council’s request to conduct additional outreach, consider modifications to the design, and potential changes to construction. The following sections summarize the impact on the City budget and staff resources, respectively.

Project Budget and Cost Implications

The current project budget for design and construction is summarized in Table 2: Project Budget below.

Table 2: Project Budget	
2016-17 Budget	\$80,000
December 2016 Appropriation	\$236,000
Current Project Budget	\$316,000

Costs for each additional anticipated task are shown on Tables 3 and 4. As noted, since changes to the project are not known at this time, any additional costs for construction cannot yet be determined. Staff anticipates making a future request for additional construction costs, if needed, if Council authorizes future consideration of any design changes.

As summarized in Table 3, moving forward with Option 2 would require amending the contract with Alta Planning & Design to increase the amount by \$54,481, for a revised total amount of \$149,000. This amount would cover the data collection (counts once before installation and twice after installation), summary, evaluation and presentation of the one-year trial. This amount can be accommodated within the current

project budget without an additional appropriation.

Task	Option 2 Amount
Alta contract (including previously identified contingency)	\$94,519
Requested Increase to Alta contract for Trial Evaluation	\$54,481
Subtotal: Proposed Alta contract	\$149,000
Pilot Installation Construction budget	\$149,000
Laurel Street/Oak Grove Avenue Signal Modification	\$18,000
Total	\$316,000

As shown in Table 4, Options 1 and 3 would have additional cost to consider redesign options beyond the costs identified above for Option 2. Moving forward with either Option 1 or 3 would require amending the contract with Alta Planning & Design to increase the amount by \$69,481, for a revised total amount of \$164,000. This amount would cover the one-year trial evaluation (same as Option 2) as well as support for potential redesign. Additionally, Option 3 would require an additional \$25,000 to construct the project in two phases. These additional costs would require an appropriation from the undesignated fund balance of the General Fund to complete this project, as shown below.

Task	Option 1 Amount	Option 3 Amount
Option 2 Cost (see Table 3)	\$316,000	\$316,000
Additional Cost for Design Changes (additional increase in Alta contract)	\$15,000	\$15,000
Budget for Additional Cost for Two-Phases	N/A	\$25,000
Total	\$331,000	\$356,000
Appropriation Needed	\$15,000	\$40,000

Based on the desired next steps and schedule, staff requests the Council authorize the City Manager to increase the contract with Alta and appropriate funds as itemized for the selected option.

Staff Resource Implications

As the work effort anticipated for this project has expanded, it has implications for staff resources and the timely completion of other ongoing or future projects. The projects that have already been delayed since the March 28, 2017 Council Meeting include:

- Staff review of Facebook Campus Expansion Project mitigation measure submittals and pending projects including the Chilco Streetscape and Sidewalk Installation (City Council Work Plan #48)
- Review of draft project plans for Middle Plaza (500 El Camino Real)
- Design of crossing improvements on El Camino Real (following the El Camino Real Corridor Study, Council Work Plan item #55)

Depending on the direction to proceed, since installation of this project could stretch into next fiscal year, future projects (such as the Willows Neighborhood Complete Streets) could also be delayed as staff may not be available to initiate the projects on as timely a schedule as previously anticipated.

Environmental Review

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

Public Notice

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

Attachments

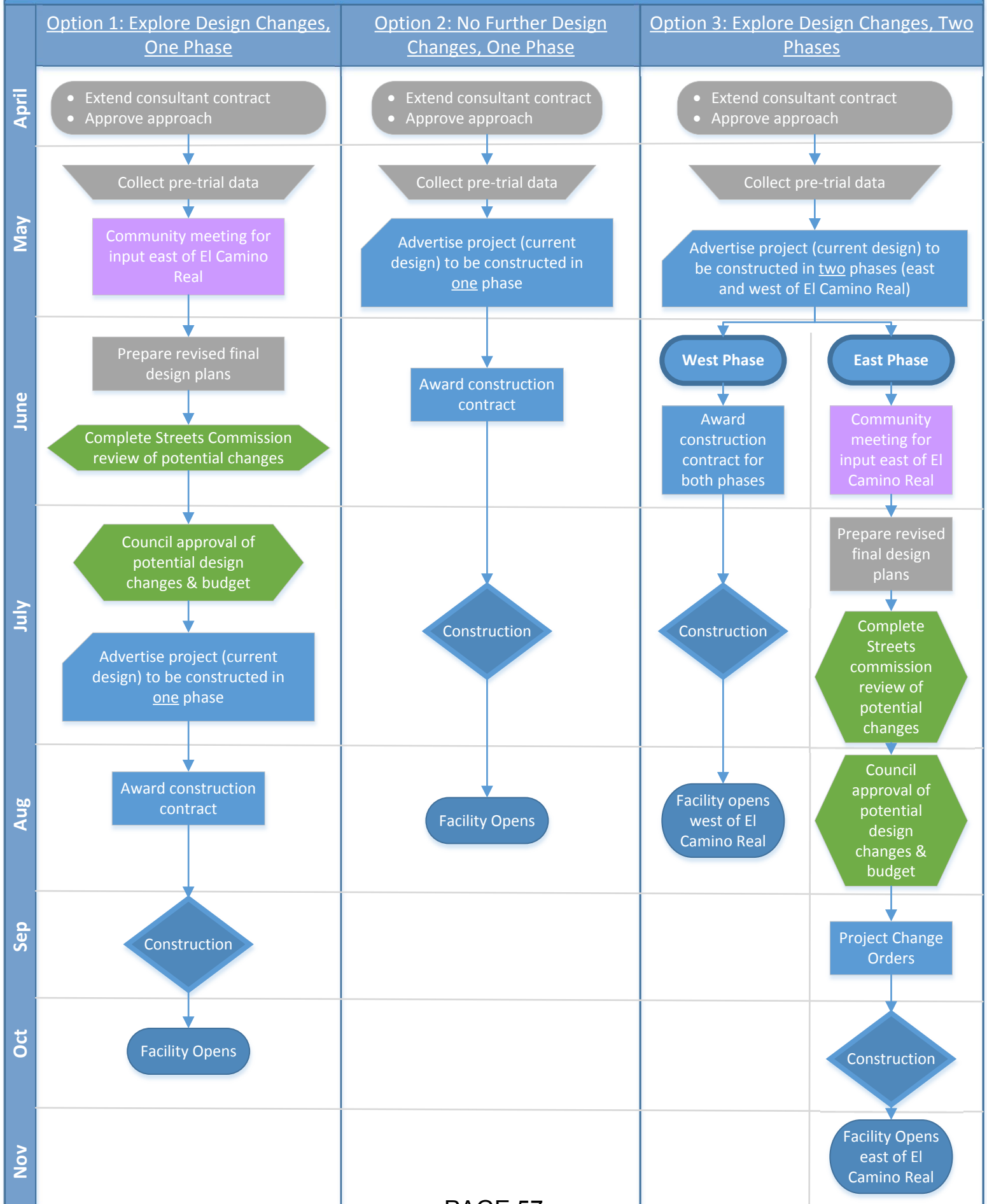
- A. Schedule Options
- B. March 2017 Final Design Plans

Report prepared by:
Michael Tsai, Assistant Engineer

Report reviewed by:
Nicole Nagaya, Assistant Public Works Director

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Chart 1: Alternative Project Schedule Options



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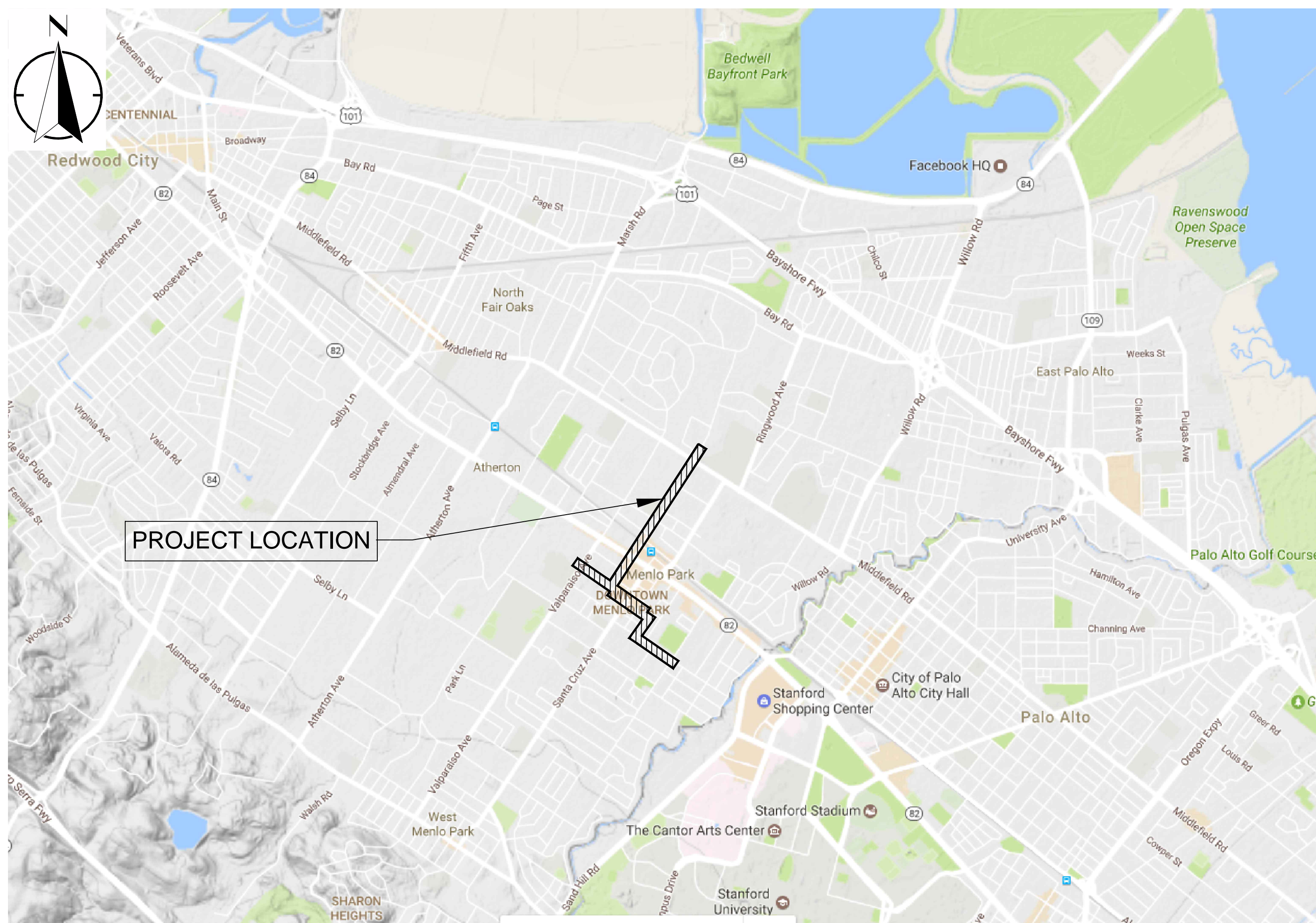
CITY OF MENLO PARK, CALIFORNIA

OAK GROVE BICYCLE IMPROVEMENT PROJECT

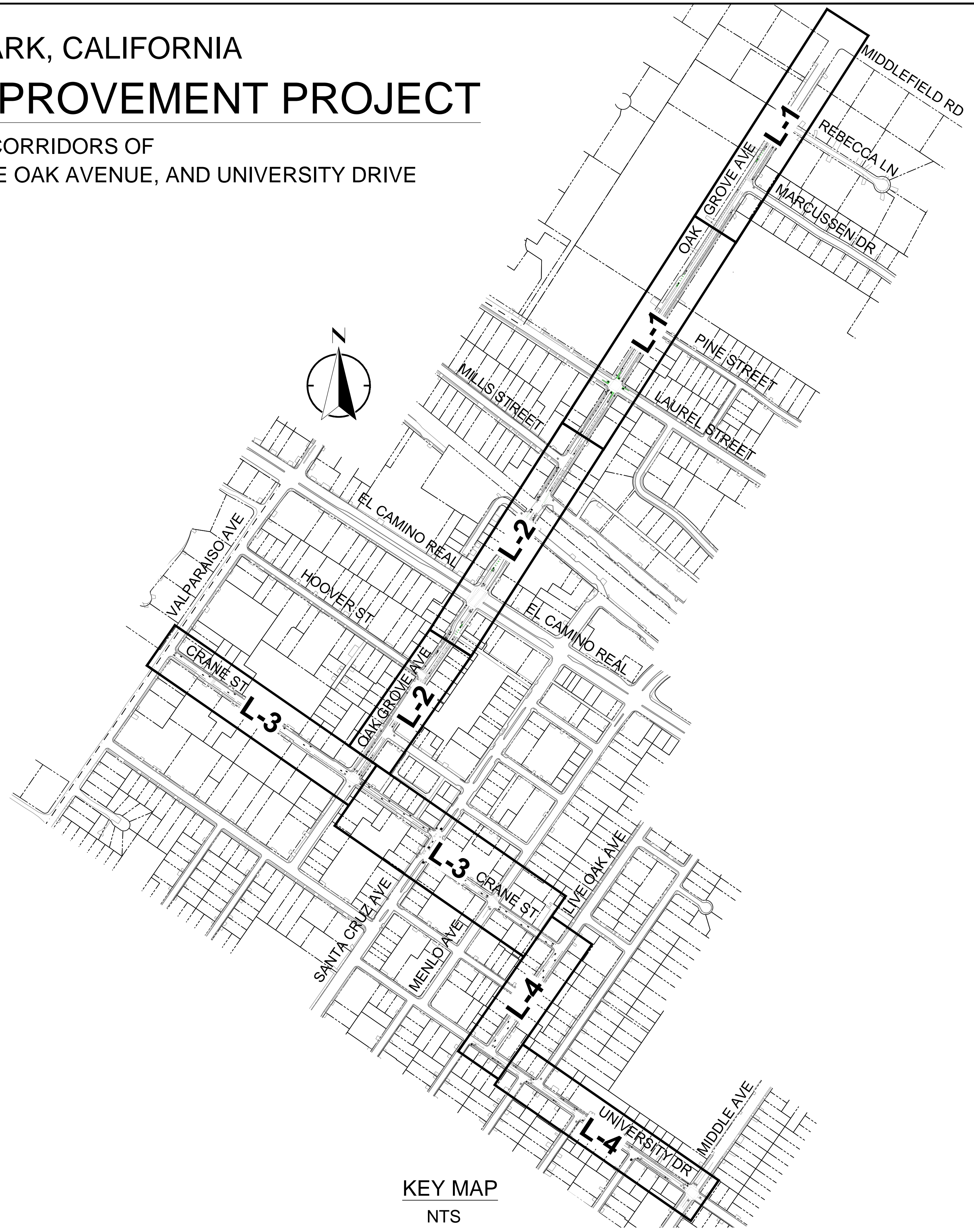
PLANS FOR THE CORRIDORS OF
OAK GROVE AVENUE, CRANE STREET, LIVE OAK AVENUE, AND UNIVERSITY DRIVE

SHEET INDEX OF PLANS

SHEET NO.	DRAWING NO.	DESCRIPTION
1	T-1	TITLE SHEET
2	L-1	LAYOUT
3	L-2	LAYOUT
4	L-3	LAYOUT
5	L-4	LAYOUT
6	D-1	DETAILS
7	D-2	DETAILS



VICINITY MAP
NTS



KEY MAP
NTS

FINAL
100% PLANS

DATE: 03/09/2017
SCALE: AS SHOWN
DRAWN BY: ML, JJC
DRAWING NAME:
DESIGNED BY: JJC
CHECKED BY: JG, BJ
SURVEYED BY: N/A

APPROVED:
NICOLE NAGAYA, ASSISTANT DIRECTOR OF PUBLIC WORKS
CITY OF MENLO PARK
DATE: C76085
R.C.E. #

NO.	BY	DATE	REVISIONS

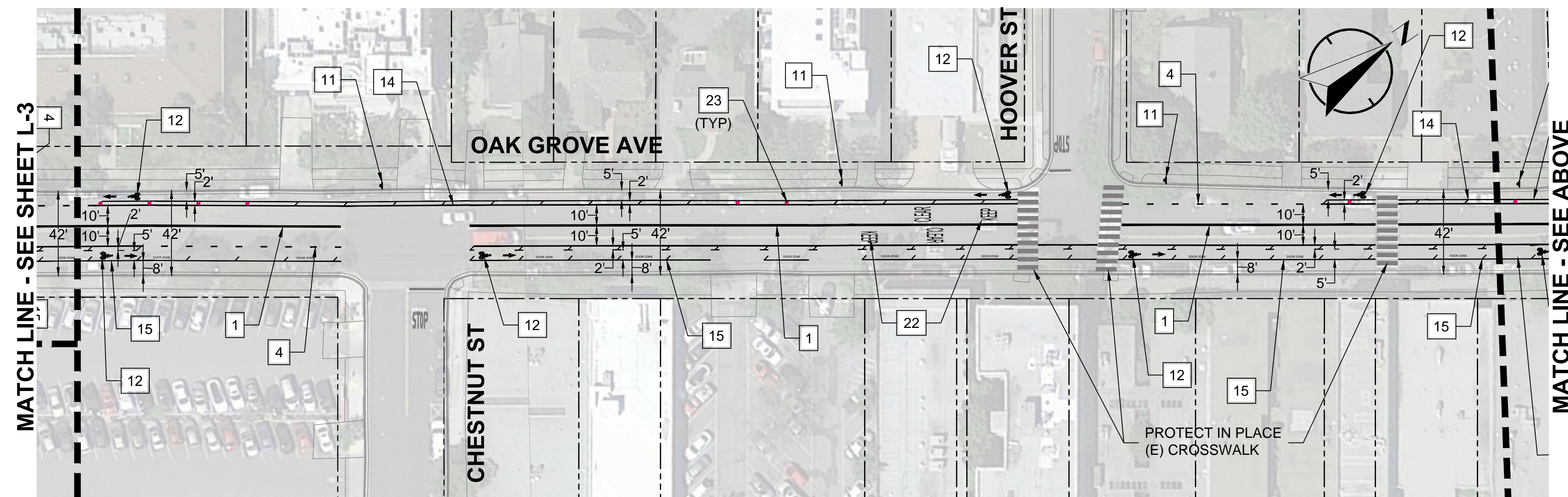
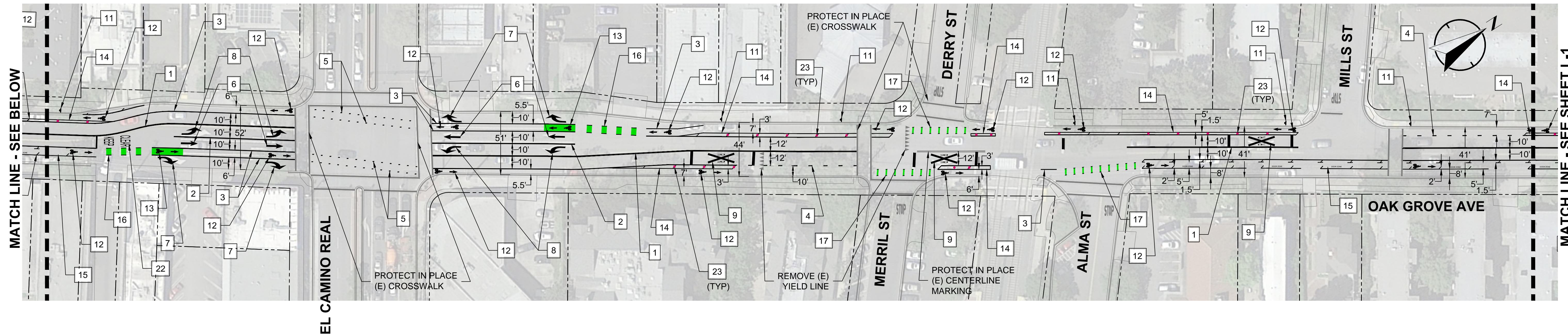


CITY OF MENLO PARK
TRANSPORTATION DIVISION
701 LAUREL STREET, MENLO PARK, CA 94025-3483
PHONE (650) 330-6740 FAX (650) 327-5497

OAK GROVE AVENUE, CRANE STREET, UNIVERSITY DRIVE
BICYCLE IMPROVEMENT PROJECT

TITLE SHEET

T-1
1 OF 7 SHEETS
PROJ. NUMBER
2016-243



NOTES:

1. REMOVE ALL EXISTING STRIPING IN CONFLICT WITH PROPOSED DESIGN. PROTECT IN PLACE EXISTING STRIPING WHERE INDICATED ON PLANS.
2. ALL STRIPING AND PAVEMENT MARKINGS SHALL BE PAINT.
3. ALL STRIPING AND PAVEMENT MARKINGS ARE PER CALTRANS 2015 STANDARD PLANS, UNLESS OTHERWISE NOTED.
4. LANE DIMENSIONS ARE MEASURED FROM CENTER OF STRIPE TO CENTER OF STRIPE OR TO FACE OF CURB.
5. ALL SIGN CODES ARE PER THE CALIFORNIA MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES UNLESS OTHERWISE NOTED.
6. SIGN POST SHALL BE METAL "TELESPAR" 1-3/4" SQUARE SIGN POST WITH "TELESPAR" 2" SQUARE ANCHOR OR APPROVED EQUAL.

KEY NOTES:

- 1 INSTALL DOUBLE YELLOW CENTERLINE PER CALTRANS DETAIL 22, STD PLAN A20A
- 2 INSTALL 8" WHITE STRIPE PER CALTRANS DETAIL 38A, STD PLAN A20D
- 3 INSTALL 6" BIKE LANE LINE PER CALTRANS DETAIL 39, STD PLAN A20D
- 4 INSTALL 100 L.F. DASHED BIKE LANE LINE PER CALTRANS DETAIL 39A, STD PLAN A20D
- 5 INSTALL BIKE LANE EXTENSION THROUGH INTERSECTION PER CALTRANS DETAIL 40, STD PLAN A20D
- 6 INSTALL TYPE I 110'-0" ARROW PER CALTRANS STD PLAN A24A
- 7 INSTALL TYPE IV (R) ARROW PER CALTRANS STD PLAN A24A
- 8 INSTALL TYPE IV (L) ARROW PER CALTRANS STD PLAN A24A
- 9 INSTALL RAILROAD CROSSING SYMBOL PER CALTRANS STD PLAN A24B
- 11 INSTALL R26(S)(CA) "NO STOPPING" SIGN

- 12 INSTALL BIKE LANE SYMBOL PER DETAIL 2, SHEET D-1
- 13 INSTALL GREEN-BACKED BIKE LANE SYMBOL PER DETAIL 3, SHEET D-1
- 14 INSTALL BUFFERED BIKE LANE MARKING (NOT ADJACENT TO ON-STREET PARKING) PER DETAIL 4, SHEET D-1
- 15 INSTALL BUFFERED BIKE LANE MARKING (ADJACENT TO ON-STREET PARKING) PER DETAIL 5, SHEET D-1
- 16 INSTALL GREEN CONFLICT MARKING PER DETAIL 6, SHEET D-2
- 17 INSTALL GREEN THRU-INTERSECTION CONFLICT MARKING PER DETAIL 7, SHEET D-2
- 22 INSTALL "KEEP CLEAR" PAVEMENT MARKING PER CALTRANS STD PLAN A24E
- 23 INSTALL TYPE E 36" SURFACE MOUNTED CHANNELIZER PER CALTRANS STD PLAN A73C

LEGEND:

- BUFFER CHANNELIZER
- EX CURB, GUTTER AND SIDEWALK
- PROPERTY LINE



FINAL
100% PLANS

DATE: 03/09/2017
SCALE: AS SHOWN
DRAWN BY: ML, JJC
DRAWING NAME:
DESIGNED BY: JJC
CHECKED BY: JG, BJ
SURVEYED BY: N/A

APPROVED:
NICOLE NAGAYA, ASSISTANT DIRECTOR OF PUBLIC WORKS
CITY OF MENLO PARK
DATE: C76085
R.C.E. #

NO.	BY	DATE	REVISIONS



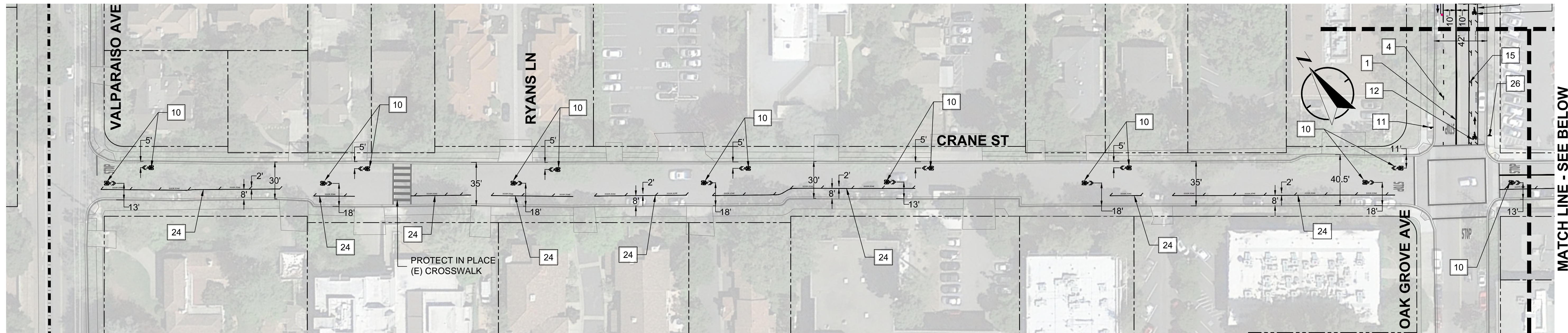
CITY OF MENLO PARK
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701 LAUREL STREET, MENLO PARK, CA 94025-3483
PHONE (650) 330-6740 FAX (650) 327-5497

OAK GROVE AVENUE, CRANE STREET, UNIVERSITY DRIVE
BICYCLE IMPROVEMENT PROJECT

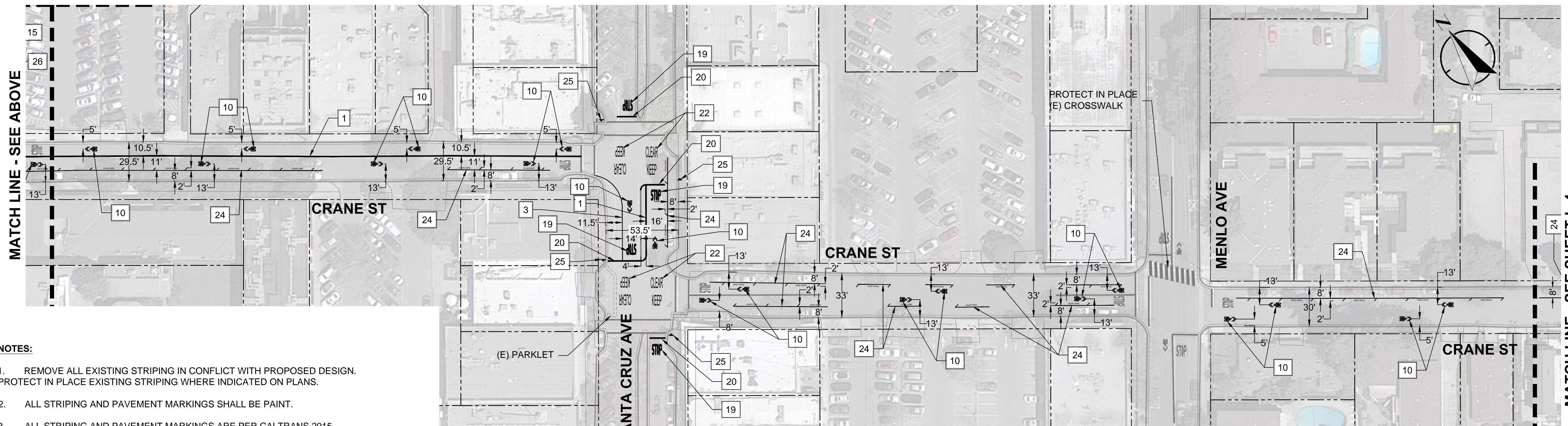
LAYOUT

L-2
3 OF 7 SHEETS
PROJ. NUMBER
2016-243

MATCH LINE - SEE SHEET L-2



MATCH LINE - SEE BELOW



NOTES:

1. REMOVE ALL EXISTING STRIPING IN CONFLICT WITH PROPOSED DESIGN. PROTECT IN PLACE EXISTING STRIPING WHERE INDICATED ON PLANS.
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- 3 INSTALL 6" BIKE LANE LINE PER CALTRANS DETAIL 39, STD PLAN A20D
- 4 INSTALL 100 L.F. DASHED BIKE LANE LINE PER CALTRANS DETAIL 39A, STD PLAN A20D
- 10 INSTALL SHARED ROADWAY BICYCLE MARKING PER CALTRANS STD PLAN A24C
- 11 INSTALL R26(S)(CA) "NO STOPPING" SIGN
- 12 INSTALL BIKE LANE SYMBOL PER DETAIL 2, SHEET D-1
- 15 INSTALL BUFFERED BIKE LANE MARKING (ADJACENT TO ON-STREET PARKING) PER DETAIL 5, SHEET D-1
- 19 INSTALL "STOP" PAVEMENT MARKING PER CALTRANS STD PLAN A24A

- 20 INSTALL WHITE 12" LIMIT LINE PER CALTRANS STD PLAN A24E
- 22 INSTALL "KEEP CLEAR" PAVEMENT MARKING PER CALTRANS STD PLAN A24E
- 24 INSTALL DOOR ZONE BUFFER PER DETAIL 9, SHEET D-2
- 25 INSTALL R1-1 "STOP" SIGN AND POST PER CALIFORNIA MUTCD AND CITY OF MENLO PARK STANDARDS
- 26 INSTALL R81 (CA) "BIKE LANE" SIGN AND POST PER CALIFORNIA MUTCD STANDARDS

LEGEND:

- BUFFER CHANNELIZER
- EX CURB, GUTTER AND SIDEWALK
- - - - - PROPERTY LINE



FINAL
100% PLANS

DATE: 03/09/2017
SCALE: AS SHOWN
DRAWN BY: ML, JJC
DRAWING NAME:
DESIGNED BY: JJC
CHECKED BY: JG, BJ
SURVEYED BY: N/A

APPROVED:
NICOLE NAGAYA, ASSISTANT DIRECTOR OF PUBLIC WORKS
CITY OF MENLO PARK
DATE: C76085
R.C.E. #

NO.	BY	DATE	REVISIONS



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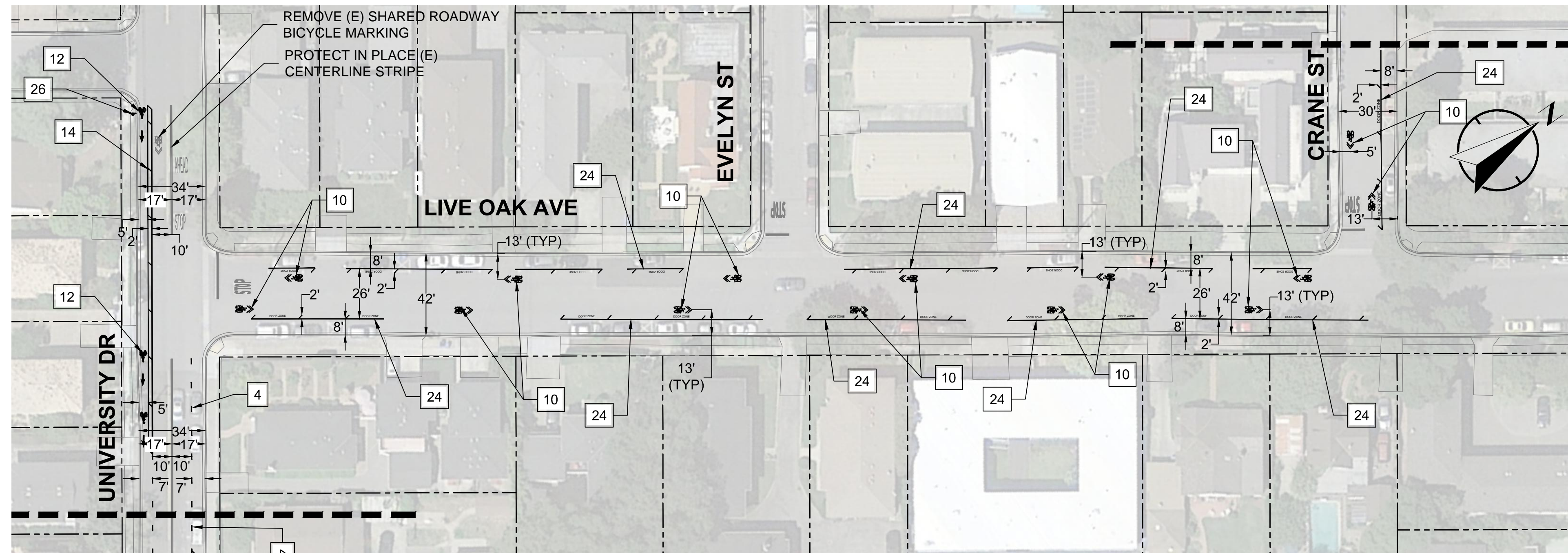
OAK GROVE AVENUE, CRANE STREET, UNIVERSITY DRIVE
BICYCLE IMPROVEMENT PROJECT

LAYOUT

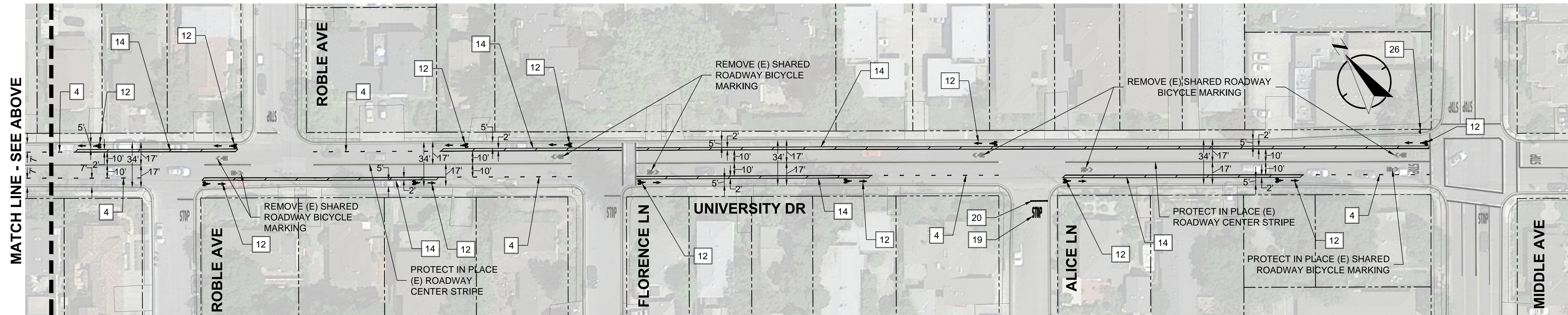
L-3

4 OF 7 SHEETS
PROJ. NUMBER
2016-243

MATCH LINE - SEE SHEET L-3



MATCH LINE - SEE BELOW



NOTES:

1. REMOVE ALL EXISTING STRIPING IN CONFLICT WITH PROPOSED DESIGN. PROTECT IN PLACE EXISTING STRIPING WHERE INDICATED ON PLANS.
2. ALL STRIPING AND PAVEMENT MARKINGS SHALL BE PAINT.
3. ALL STRIPING AND PAVEMENT MARKINGS ARE PER CALTRANS 2015 STANDARD PLANS, UNLESS OTHERWISE NOTED.
4. LANE DIMENSIONS ARE MEASURED FROM CENTER OF STRIPE TO CENTER OF STRIPE OR TO FACE OF CURB.
5. ALL SIGN CODES ARE PER THE CALIFORNIA MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES UNLESS OTHERWISE NOTED.
6. SIGN POST SHALL BE METAL "TELESPAR" 1-3/4" SQUARE SIGN POST WITH "TELESPAR" 2" SQUARE ANCHOR OR APPROVED EQUAL.

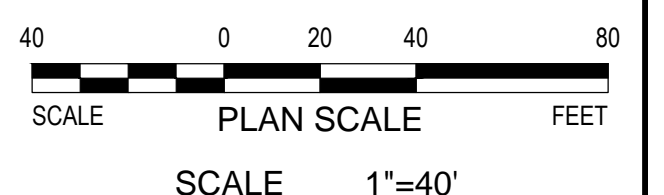
KEY NOTES:

- 4 INSTALL 100 L.F. DASHED BIKE LANE LINE PER CALTRANS DETAIL 39A, STD PLAN A20D
- 10 INSTALL SHARED ROADWAY BICYCLE MARKING PER CALTRANS STD PLAN A24C
- 12 INSTALL BIKE LANE SYMBOL PER DETAIL 2, SHEET D-1
- 14 INSTALL BUFFERED BIKE LANE MARKING (NOT ADJACENT TO ON-STREET PARKING) PER DETAIL 4, SHEET D-1
- 19 INSTALL "STOP" PAVEMENT MARKING PER CALTRANS STD PLAN A24D
- 20 INSTALL WHITE 12" LIMIT LINE PER CALTRANS STD PLAN A24E
- 24 INSTALL DOOR ZONE BUFFER PER DETAIL 9, SHEET D-2
- 26 INSTALL R81 (CA) "BIKE LANE" SIGN AND POST PER CALIFORNIA MUTCD STANDARDS

LEGEND:

- BUFFER CHANNELIZER
- EX CURB, GUTTER AND SIDEWALK
- PROPERTY LINE

FINAL
100% PLANS



DATE: 03/09/2017
SCALE: AS SHOWN
DRAWN BY: ML, JJC
DRAWING NAME:
DESIGNED BY: JJC
CHECKED BY: JG, BJ
SURVEYED BY: N/A

APPROVED:
NICOLE NAGAYA, ASSISTANT DIRECTOR OF PUBLIC WORKS
CITY OF MENLO PARK
DATE: C76085
R.C.E. #

NO.	BY	DATE	REVISIONS

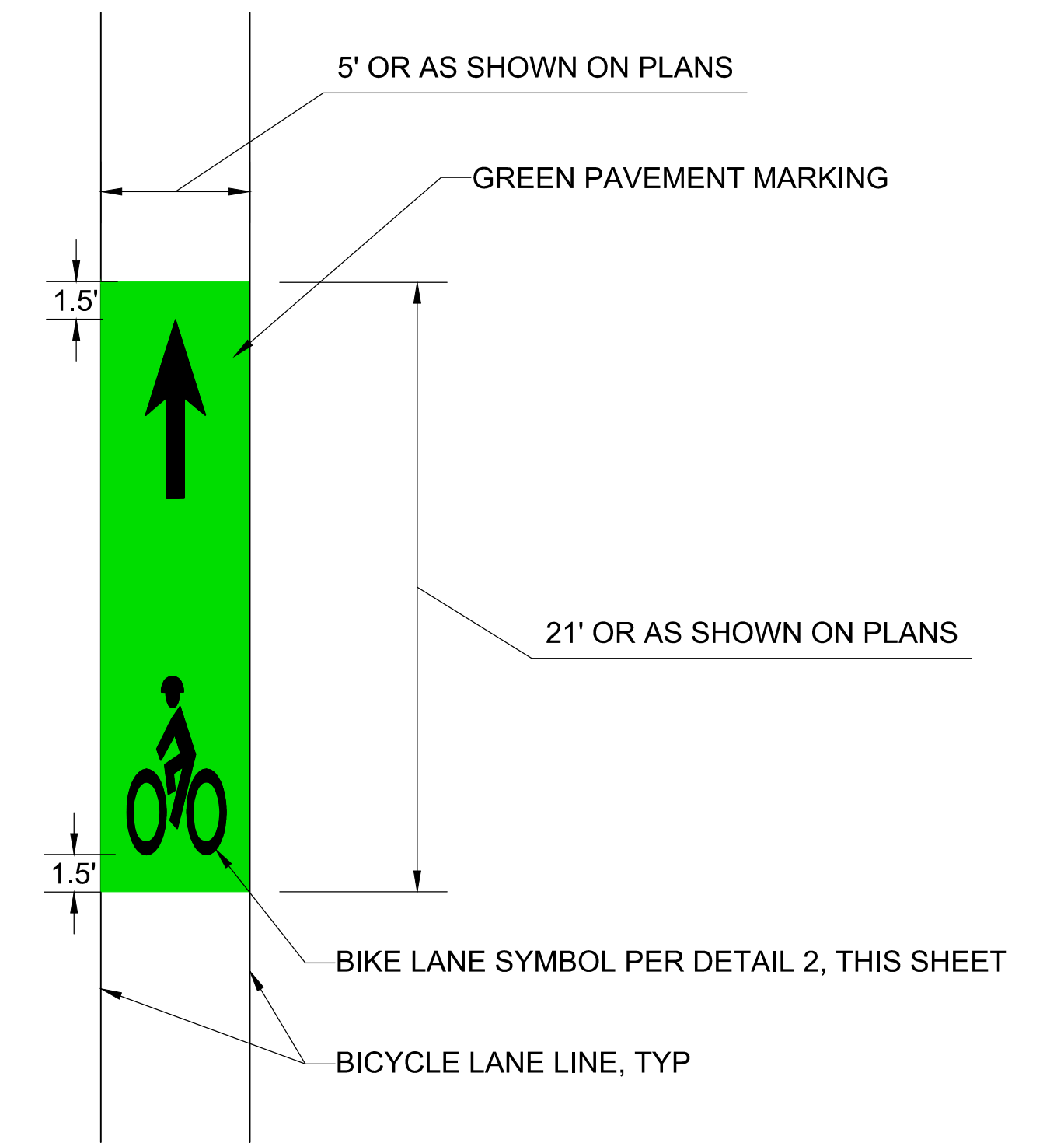
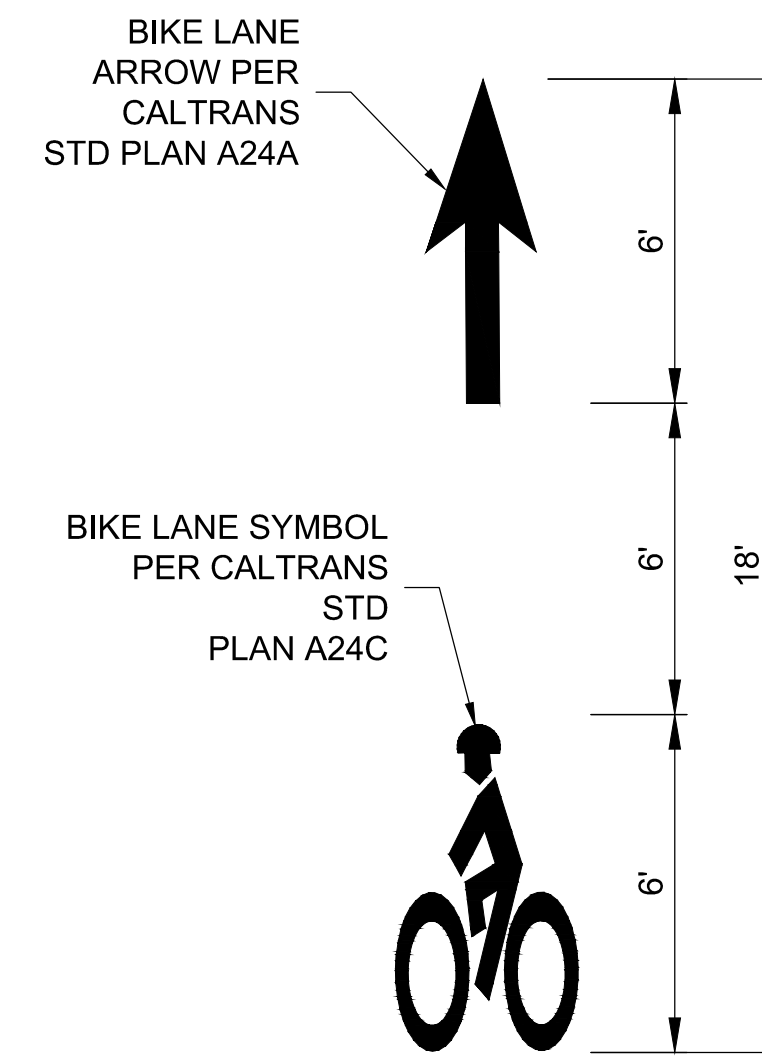
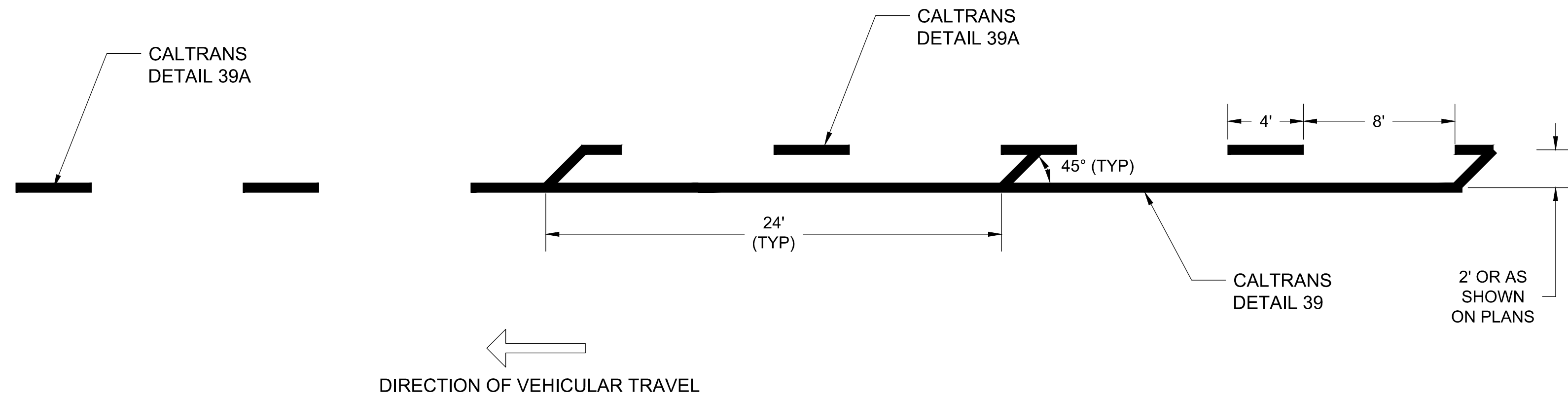


CITY OF MENLO PARK
TRANSPORTATION DIVISION
701 LAUREL STREET, MENLO PARK, CA 94025-3483
PHONE (650) 330-6740 FAX (650) 327-5497

OAK GROVE AVENUE, CRANE STREET, UNIVERSITY DRIVE
BICYCLE IMPROVEMENT PROJECT

LAYOUT

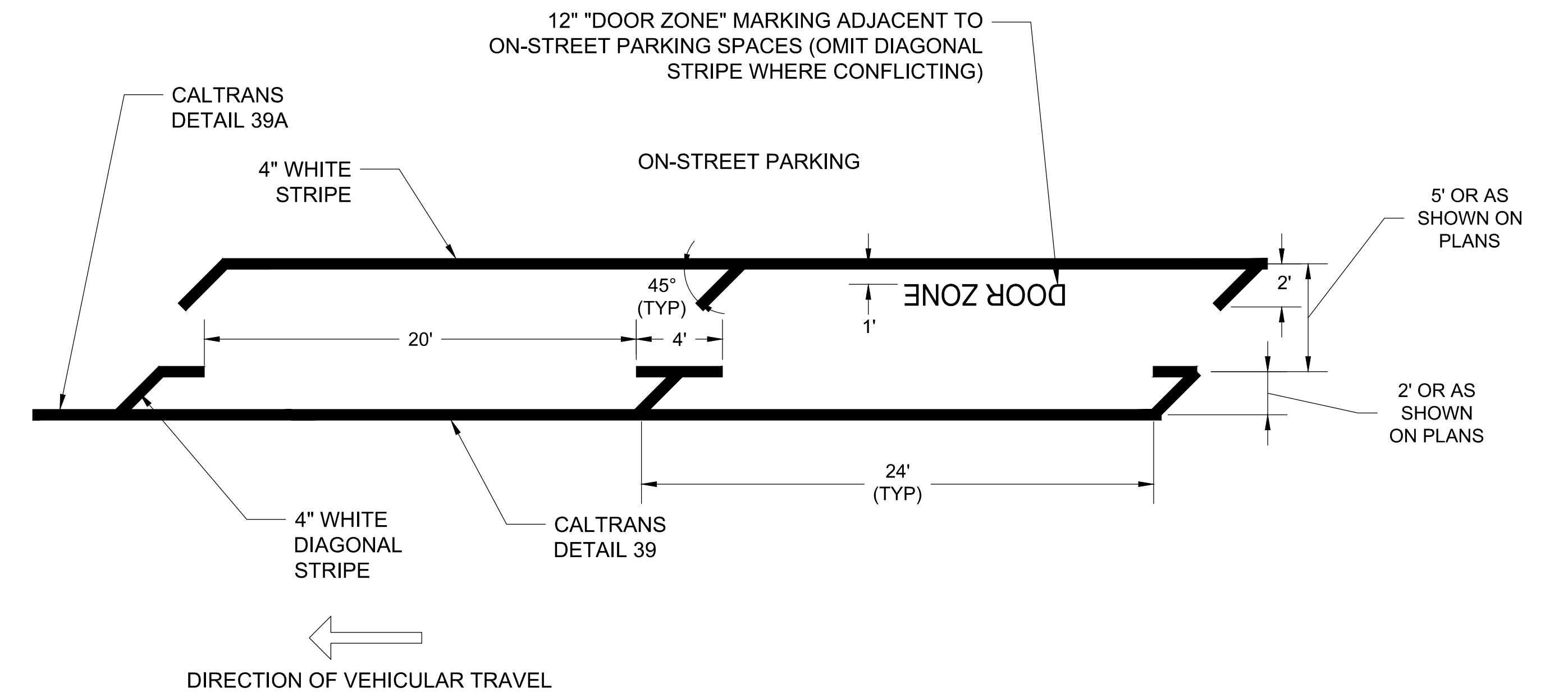
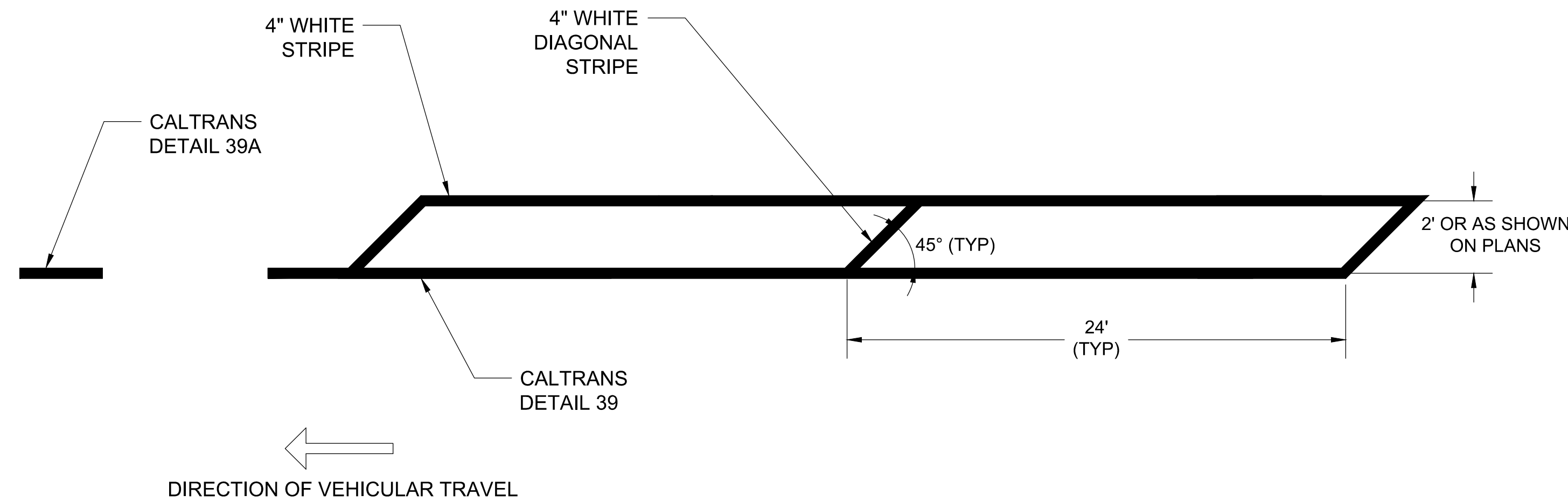
L-4
5 OF 7 SHEETS
PROJ. NUMBER
2016-243



1 DASHED BIKE LANE BUFFER NTS

2 BICYCLE LANE SYMBOL NTS

3 GREEN-BACKED BIKE LANE SYMBOL NTS



4 BUFFERED BIKE LANE MARKING (NOT ADJACENT TO ON-STREET PARKING) NTS

5 BUFFERED BIKE LANE MARKING (ADJACENT TO ON-STREET PARKING) NTS

FINAL
100% PLANS

DATE: 03/09/2017
SCALE: AS SHOWN
DRAWN BY: ML, JJC
DRAWING NAME:
DESIGNED BY: JJC
CHECKED BY: JG, BJ
SURVEYED BY: N/A

APPROVED:
NICOLE NAGAYA, ASSISTANT DIRECTOR OF PUBLIC WORKS
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R.C.E. #

NO.	BY	DATE	REVISIONS

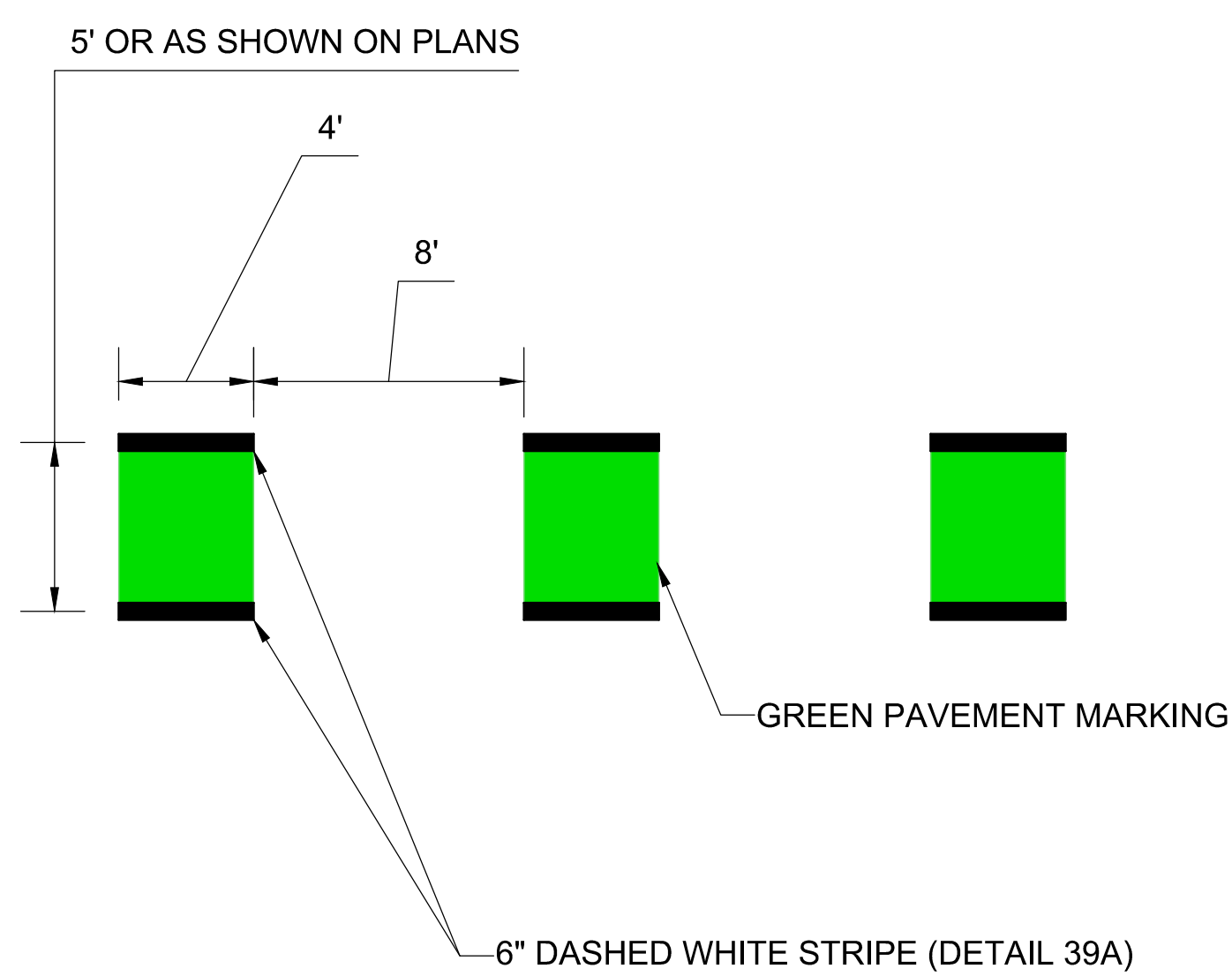


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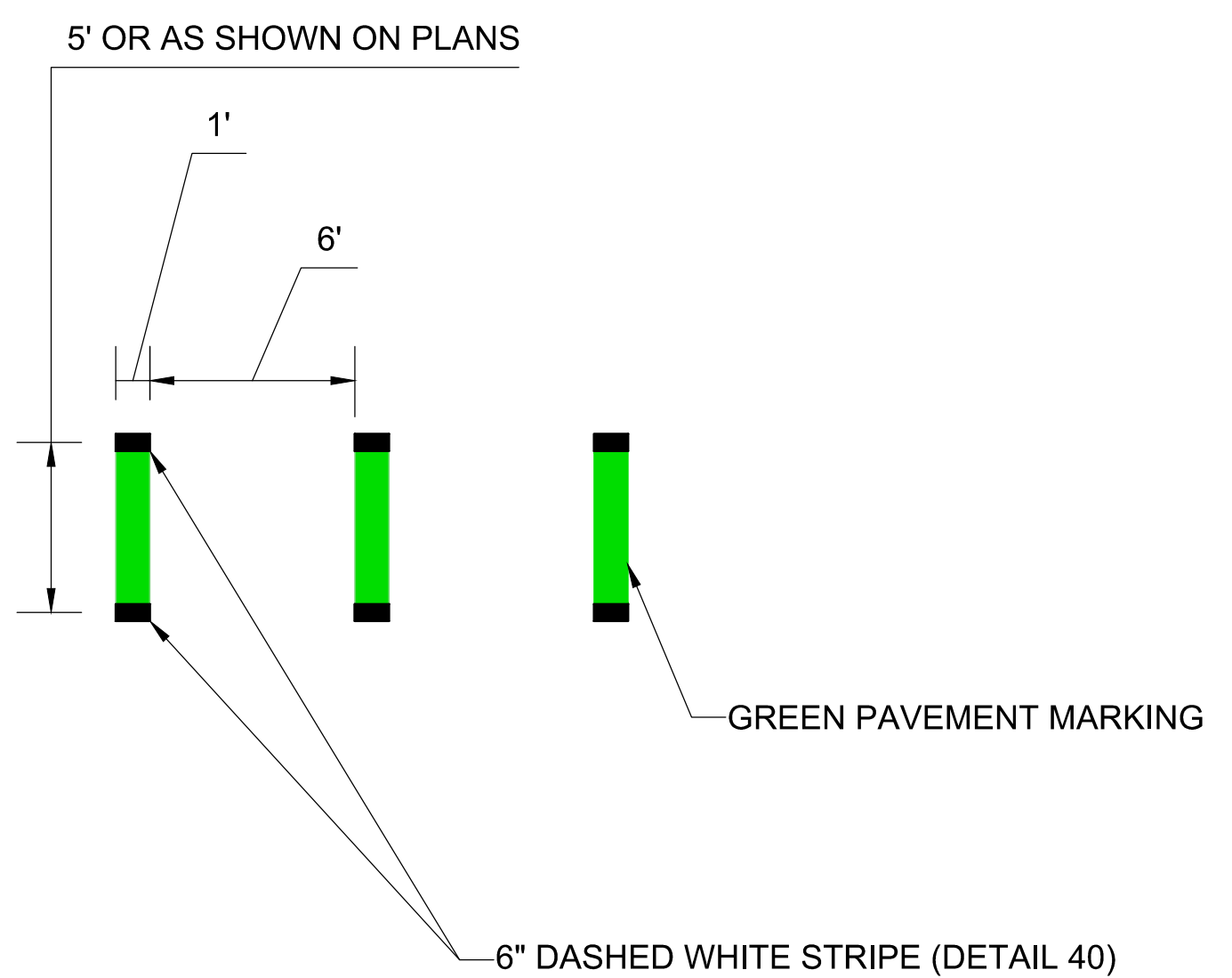
OAK GROVE AVENUE, CRANE STREET, UNIVERSITY DRIVE
BICYCLE IMPROVEMENT PROJECT

DETAILS

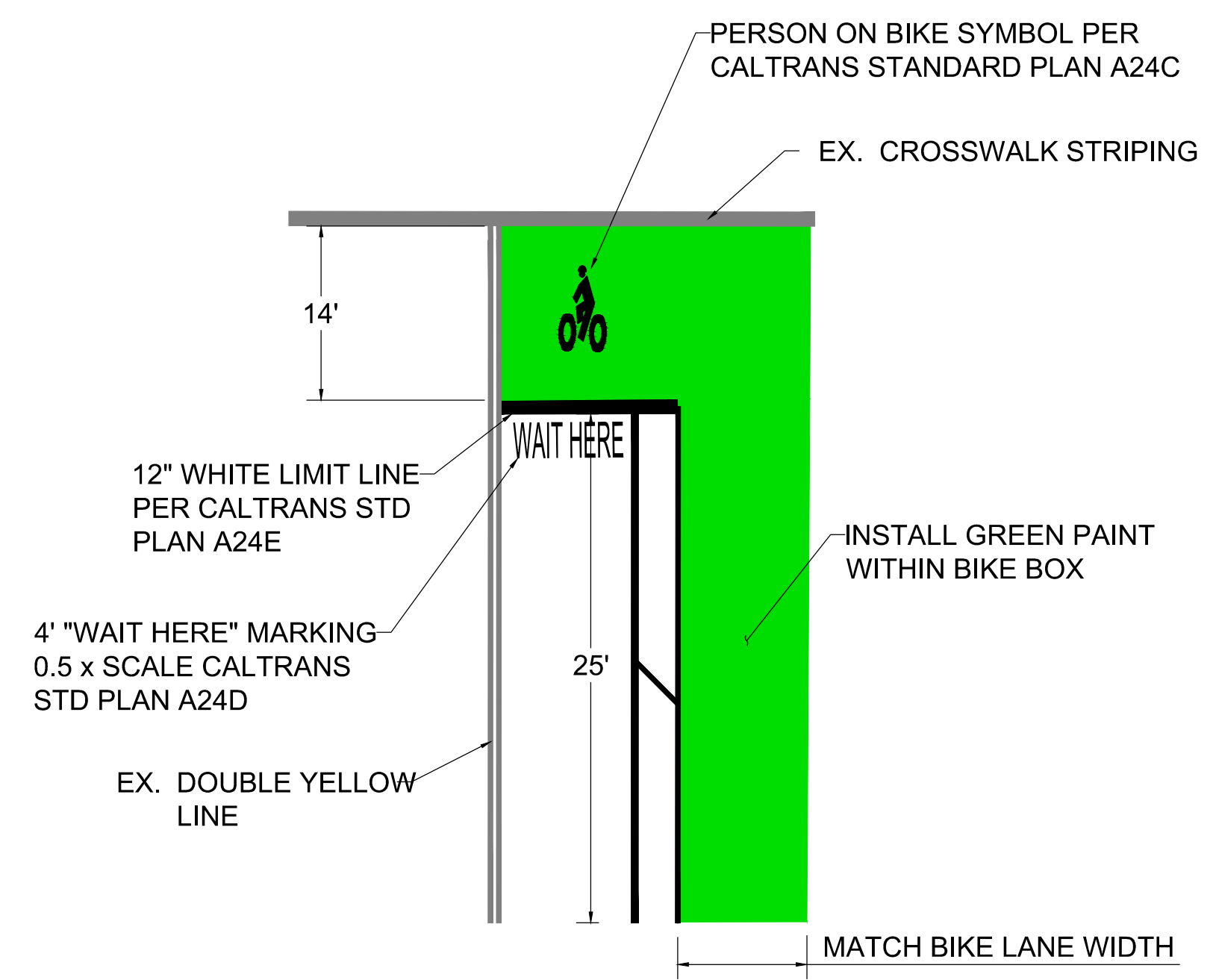
D-1
6 OF 7 SHEETS
PROJ. NUMBER
2016-243



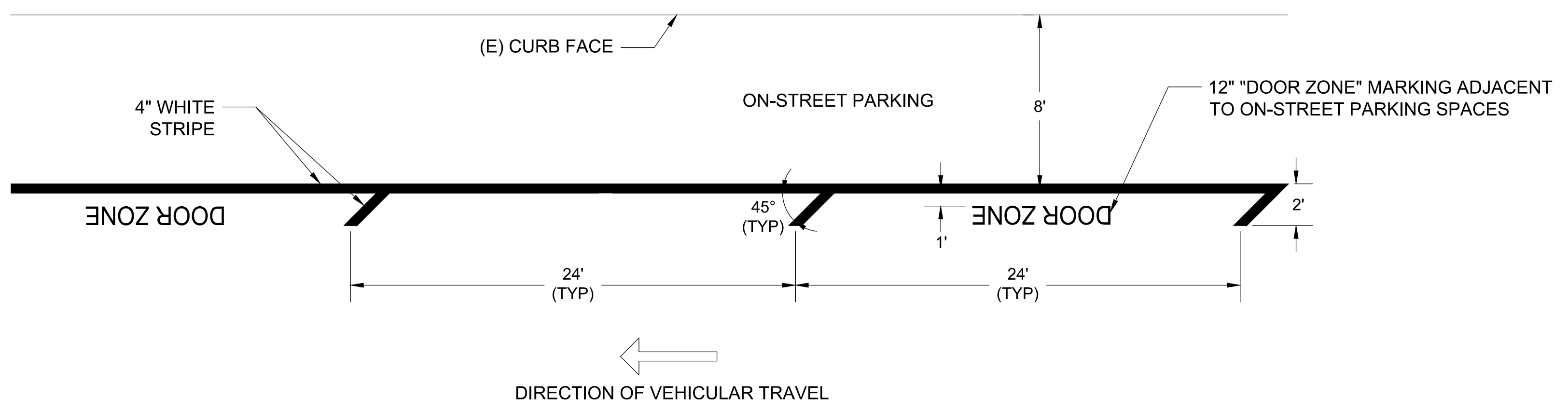
6 GREEN CONFLICT MARKING NTS



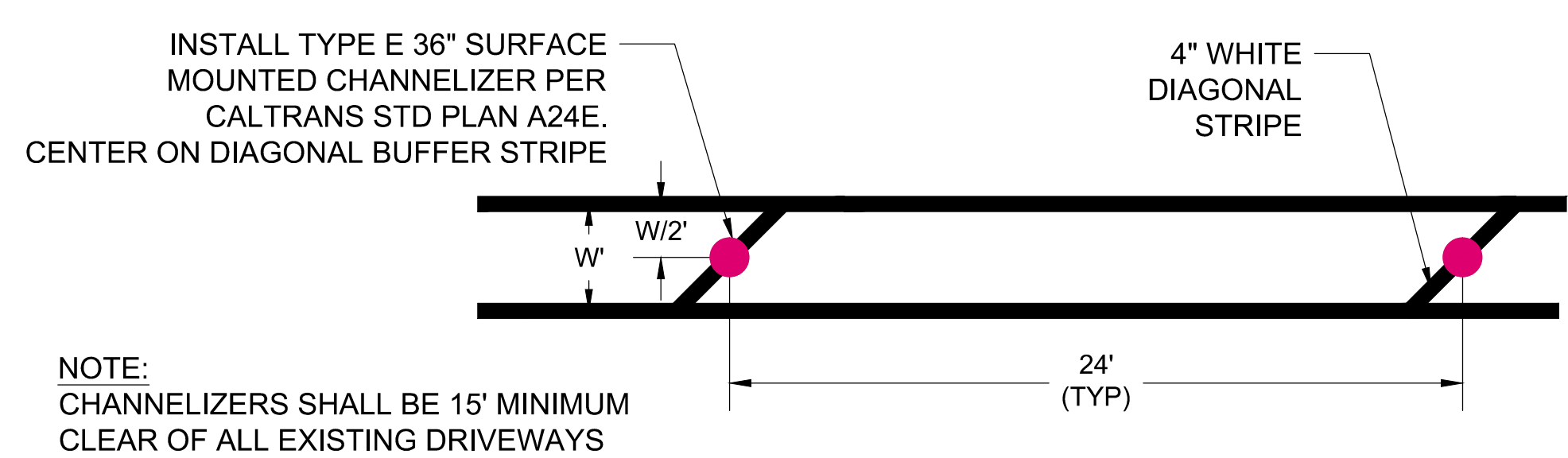
7 GREEN THRU-INTERSECTION CONFLICT MARKING NTS



8 BIKE BOX NTS



9 DOOR ZONE BUFFER NTS



10 BUFFER CHANNELIZER PLACEMENT NTS

FINAL
100% PLANS

DATE: 03/09/2017
SCALE: AS SHOWN
DRAWN BY: ML, JJC
DRAWING NAME:
DESIGNED BY: JJC
CHECKED BY: JG, BJ
SURVEYED BY: N/A

APPROVED:
NICOLE NAGAYA, ASSISTANT DIRECTOR OF PUBLIC WORKS
CITY OF MENLO PARK
DATE: C76085
R.C.E. #

NO.	BY	DATE	REVISIONS



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701 LAUREL STREET, MENLO PARK, CA 94025-3483
PHONE (650) 330-6740 FAX (650) 327-5497

OAK GROVE AVENUE, CRANE STREET, UNIVERSITY DRIVE
BICYCLE IMPROVEMENT PROJECT

DETAILS

D-2
7 OF 7 SHEETS
PROJ. NUMBER
2016-243

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STAFF REPORT

City Council
Meeting Date: 4/18/2017
Staff Report Number: 17-087-CC

Informational Item: Funding agreement for creating a 4th police unit

Recommendation

This is an informational item and no council action is required.

Policy Issues

The proposed program would support the City Council's previous action approving the recent General Plan Update.

Background

On February 28, 2017, during a City Council Study Session, the Police Department proposed a program to implement a new Bayfront policing unit consisting of 5 officers and 1 sergeant. This unit would be assigned to the geographic area impacted by the General Plan Update, also known as the M-2 Area, which encompasses the vast majority of these planned projects. The unit would provide all law enforcement services within this area and be the first step in the Police Department's plan to address the area's phased growth over time. Presented during the Study Session was the offer by Facebook to fully fund the program for the initial five years (see Attachment A - Study Session Staff Report).

Several concerns were brought up during the Study Session. Council questioned the cost associated with the proposal and if the funding agreement would capture all of the cost. Subsequent discussions with Facebook, which centered on the donation funding mechanism for this project, occurred after the February 2017 Study Session. It was determined that the approximate five year cost of this program would be \$11.2 million. However, Facebook has tentatively agreed to fund, through donations, all on-going and actual costs associated with this program so any adjustments would be covered (salary, benefits, training, overtime, equipment, unfunded pension liability, and any other costs that arise and are associated with the funded positions). Furthermore, to alleviate concerns about sufficient future revenues being available to fund the program after the initial five year period, Facebook has tentatively offered a two-year extension to the program in the event the City is not generating the anticipated revenues associated with the project area. Therefore, the cost of the proposal should no longer be a factor. The City Attorney's office will draft an agreement with Facebook for this program to ensure all tentative funding agreements are solidified within the final document. Once completed, staff will return to the City Council for review and approval.

At the conclusion of the Study Session, additional information was requested to be brought back to the council. There were three primary areas the council wanted more information on:

- 1) Does the service population dictate the needs for additional officers?
- 2) At what point should the revenue generated from the project area be sufficient to fund the positions?
- 3) If it was determined to reduce or eliminate the funded positions, how would that be accomplished?

This informational update outlines that future population increases will justify the additional positions, future revenues from the project area could fund the positions, and that future retirement projections will provide an easy mechanism to mitigate staffing needs if necessary.

Analysis

Service Population Projections

- 1) Does the service population dictate the need for additional officers?

As noted in the ConnectMenlo Fiscal Impact Analysis (FIA), the accepted practice to define the service population for a city is to add 100 percent of residents residing within a jurisdiction plus one third of the employees who work within the jurisdiction. Calculating service population in this manner is intended to reflect that while local employment contributes to a jurisdiction's daytime population, thereby increasing demands for governmental services, the residential population typically generates a larger share of demand for services and is located within the jurisdiction for a longer portion of each day.

Existing Menlo Park Population, 2015

Menlo Park Resident Population	33,273
Menlo Park Employee Population	31,552
Menlo Park Service Population	43,790 (Resident population + 1/3 Employee Population)
Menlo Park Police Department	48 Sworn Officers (Service Population x .0011)

On December 6, 2016, the City Council approved the zoning ordinance amendments associated with the ConnectMenlo General Plan land use, Circulation Elements, and M-2 Area zoning update. The potential changes made possible by this plan include the potential development of up to 4.1 million square feet of non-residential uses, up to 4,500 residential units, 400 hotel rooms and add 9,900 private sector employees and 14,150 new residents to our local population, mostly east of U.S. Highway 101. Using the service population calculation, the total increase equates to 17,450. To maintain the minimum public service ratio at full build-out, the General Plan environmental impact report calls for 17 new sworn officers by 2040.

Projected Future Menlo Park Population, 2040

Menlo Park Resident Population	47,423
Menlo Park Employee Population	41,452
Menlo Park Service Population	61,102 (Resident population + 1/3 Employee Population)
Menlo Park Police Department	67 Sworn Officers (Service Population x .0011)

Taking into account projects that currently approved and being developed, it is probable that the service population in the M-2 will exceed 6,500 by 2022. These figures only account for the new land use changes in the M-2 Area associated with ConnectMenlo and the separate Facebook Campus Expansion EIR's. To sufficiently address this population increase, while maintaining our existing "officer to service population" ratio of 1.1 officers per 1000 service population, at least six officers would be needed by 2022.

Existing Menlo Park Service Population + Projected Population, 2022

Menlo Park Service Population	43,790 (Resident population + 1/3 Employee Population)
Projected Service Population M-2	6,500
Combined Service Population	50,290
Menlo Park Police Department	55 Sworn Officers (Service Population x .0011)

Most law enforcement agencies prefer to maintain at least 1 officer per 1,000 service population. The International Chiefs of Police published a “Perspectives” article on local police department officer-to-population ratios which reports the average ratio of full time officers per 1,000 residents (see Attachment B). Departments are categorized by size of population served, ranging from 250,000 or more, to communities of 1,000 to 2,499 residents. According to the article the ratio of full-time officers per 1,000 residents ranges from 2.6 per 1,000 to 1.8 per 1,000, with an average ratio of 2.5 full-time officers per 1,000 residents. Many communities rely on this model to make staffing decisions. There are a variety of factors contributing to staffing ratios so it is extremely difficult to say why one city would have more officers than another.

As presented in the Study Session, the proposed unit would work Monday through Friday based on the fact that a vast majority of the population increase will occur during the work week.

Projected future revenues

- 2) At what point should the revenue generated from the project area be sufficient to fund the positions?

Based upon forecasts from the FIA for the ConnectMenlo and Facebook Campus Expansion projects, and confirmed by the City’s Finance staff, the projected net fiscal impact in 2022 should exceed \$8.7 million. This amount does not include any other future, proposed, or planned developments in the M-2 area.

FTE control at the conclusion of the agreement term

- 3) The City Council requested further information on how to mitigate the additional FTE’s at the conclusion of the agreement should there no longer be a need for them.

According to the General Plan FIA, based on anticipated growth in the M-2 area, increased revenues to the General Fund would be sufficient to absorb the costs associated with six additional FTE’s. In the event that revenues do not meet forecasts, or the City chooses to opt out of the agreement, the Police Department would be able to operationally absorb the six FTE’s by attrition. In 2022, it is projected that ten of the department’s 48 sworn FTE’s will be age eligible for retirement. The number of potential retirements increases to 15 sworn FTE’s two years later in 2024 (see Attachment C).

The normal process for funding such a proposal are usually accomplished through use of a City’s General Fund (i.e. taxes). The City of Menlo Park is in a unique position to be proactive in our hiring through the generosity of our largest employer – Facebook. As outlined, Facebook has agreed to donate actual costs associated with the proposed staffing increases, therefore, your decision when the final agreement comes before you will be one of Public Policy.

To have a company fund a public entity, specifically law enforcement, can draw skepticism with concerns of



preferential treatment. Many would agree that such agreements may not appear to be appropriate. However, when considering this type of partnership, one must determine if the relationship is designed with the end result being a better, safer community for everyone and not just the involved parties.

Facebook is a company founded on improving social interaction and that is exactly what they want from this agreement. Facebook established its headquarters in Menlo Park in 2011 and has continually contributed to the betterment of this city. Their generosity ranges from rehabilitating homes in our community to hosting a weekly farmers market on their campus. They want to help the Menlo Park Police Department stay in front of the growth so our presence in the community remains strong, proactive and engaged, rather than falling behind and becoming reactive - too busy to interact with those we serve.

By moving forward with this partnership, the Menlo Park Police Department can immediately begin implementing the necessary staffing adjustment to better serve every resident, employee, and visitor within our city.

Impact on City Resources

The approximate total cost associated with the five to seven year program, as proposed, would be 100% covered by the donation agreement with Facebook.

Attachments

Attachment A – February 28, 2017 Study Session Staff Report

Attachment B – The International Chiefs of Police “Perspectives” article on police officer-to-population ratios

Attachment C – Employee Retirement Eligibility List

Report prepared by:
William A. Dixon
Commander

**STAFF REPORT****City Council****Meeting Date:****2/28/2017****Staff Report Number:****17-043-CC****Study Session:****Creating a 4th Police Unit - ConnectMenlo****Recommendation**

Staff requests that the City Council provide feedback on the potential implementation of a fully funded five-year program for a new Bayfront policing unit.

Policy Issues

The proposed program would support the City Council's previous action approving the recent General Plan and M-2 area zoning update.

Background

On December 6, 2016, the City Council approved the zoning ordinance amendments associated with the ConnectMenlo General Plan land use, Circulation Elements and M-2 Area zoning update. This multi-year comprehensive process makes possible a vision for a live/work/play environment in the Bayfront M-2 area. It is a long-range guide to land use and infrastructure development in the city. The potential changes made possible by this plan include the potential development of up to 4.1 million square feet of non-residential uses, up to 4,500 residential units, 400 hotel rooms and add 9,900 private sector employees and 14,150 new residents to our local population, mostly east of U.S. Highway 101.

Numerous large projects are already proposed, underway, nearly complete or currently being occupied. These projects include:

- Anton Menlo (3639 Haven Ave.) – 394 apartments
- Greenheart Hamilton (777 Hamilton Ave.) – 195 apartments
- Facebook campus expansion (301–309 Constitution Drive) – 962,400 square feet office space and new 200-room hotel (combined 121,300 net new square feet)
- Greystar (3645 Haven Ave.) – 146 apartments
- Menlo Gateway (100–190 Independence Drive and 101–155 Constitution Drive) - 694,669 square feet in 3 multi-level office/R&D buildings, 230-room hotel, café/restaurant, health club, 10,420 square feet of neighborhood serving retail and 3 parking structures
- Sequoia Belle Haven (1221 Willow Road) – 90 apartments

In addition, the Facebook campus expansion project presents unique service needs above those required by regular office space. These needs include support for a growing campus population of not only employees, but also larger than usual numbers of employee interviewees, daily and special event visitors, VIP visitors/ dignitaries and potentially large demonstrations or unplanned incidents.

Analysis

These and future development projects in the M-2 area will challenge the City's ability to adequately staff police operations and maintain expected service levels. Currently, the standard for law enforcement is 1 officer per 1,000 service population. To maintain this ratio at full build-out, the General Plan environmental impact report calls for 17 new sworn officers plus the purchase of commensurate equipment for those officers. For example, the Facebook campus expansion project's fiscal impact analysis identified a need for three additional sworn officers in response to the service population changes spurred by that project alone.

The Police Department currently employs 70 full-time equivalent staff, including 48 sworn and 22 professional staff. The Patrol Division operates three beats, or patrol areas (Attachment A) and is proposing to supplement that with this program through additional daytime staffing to address the expected growth in the daytime service population.

Program proposal

The Police Department proposes implementation of a new Bayfront policing unit consisting of five officers and one sergeant. This unit would be assigned to the geographic area impacted by the General Plan update and which encompasses the vast majority of these planned projects. The unit would provide all law enforcement services (Attachment B) within this area and be the first step in the Police Department's plan to address the area's phased growth over time.

The unit would work a fixed schedule (Monday-Friday), but remain flexible to adjust their schedule based on area needs such as VIP visits, demonstrations and special events. The Police Department would create a new fourth beat that would be in effect during regular business hours and cover the eastern side of existing Beat 3. It would run along Bayshore Expressway to include all Facebook campuses, Menlo Gateway properties and the entire M-2 area. Law enforcement coverage would revert to the normal Beat 3 coverage levels when the new unit is not on duty.

Personnel assigned to the new unit would be tenured officers, who are off probation and who would receive special training conducive to the assignment. The assignment would be a 2-year rotation, similar to other existing special assignments in the Police Department. Supervision would be by the unit's sergeant and fall under the department's Special Operations Division commander. The unit's sergeant would maintain open lines of communication and hold ongoing meetings with designated representatives of the area businesses. Uniforms would consist of standard patrol uniforms, "soft" uniforms (police polo shirts) and bicycle patrol uniforms, depending on assignment.

If approved, implementation of the new unit could involve the immediate assignment of two existing officers. The Police Department would then immediately begin the hiring process for six new officers to backfill staff eventually assigned to the new unit.

Program funding

The total cost of the five-year program is approximately \$9.1 million. While the City's General Fund is the standard source of funding for Police Department personnel, Facebook, Inc. has tentatively offered to underwrite the cost of the program for the full-five year term. If accepted, a funding agreement would be drafted to address the term and extension, payment, hold harmless waiver and other items as needed. The agreement would be vetted by attorneys representing both parties (the City and Facebook, Inc.) and be presented to the City Council for final approval.

This is not the first time Facebook has ventured into financially assisting the City with enhancing law enforcement services. In 2013, Facebook and the City entered into an agreement to offset costs for

establishment of the Neighborhood Service Center (police substation) on Hamilton Avenue. Additionally, in 2014, Facebook funded creation of a community safety police officer position dedicated to neighborhood issues such as truancy, school and business safety.

Similar to the agreement that funded the community safety police officer program, this agreement would fully-fund all costs for the unit’s officers, vehicles and equipment. When fully staffed, the unit would need four police vehicles and miscellaneous equipment. The costs outlined below do not include future CalPERS cost increases or salary increases that may be negotiated between the City and its employee groups (Police Officers Association and Police Sergeants Association). The funding agreement would be structured to include allowances for these items with adjustments made annually on July 1 and to cover all associated costs. Any further costs outside of the approved funding agreement would be subject to negotiations between the City and Facebook, Inc.

ESTIMATED ANNUAL AND 5-YEAR PROGRAM COSTS		
Description	Annual cost	5-year term
Personnel	\$1,730,364	\$8,651,820
Non-personnel	\$80,600	\$403,000
Total	\$1,810,964	\$9,054,820

Before the end of the five-year term, the City would re-evaluate the staffing needs associated with the level of development and population growth to determine next steps. There would be several options available to the City Council at that time, such as:

- Modifying the unit’s scope and staffing (FTEs)
- Use General Funds from new development-related revenues to continue funding the unit
- Renegotiating the funding agreement terms with Facebook, Inc.

If the City Council decided to continue the unit at the end of the five-year program, then consideration could be given to additional staffing. Additional officers could be added through the City’s budget process, if needed based on ongoing development, to maintain service levels and staffing ratios as projected and in accordance with the General Plan environmental impact report and Facebook campus expansion project fiscal impact report.

Impact on City Resources

The approximate \$9.1 million total cost associated with the five-year program, as proposed, would be covered by the funding agreement with Facebook, Inc., with any additional costs negotiated before their implementation.

Public Notice

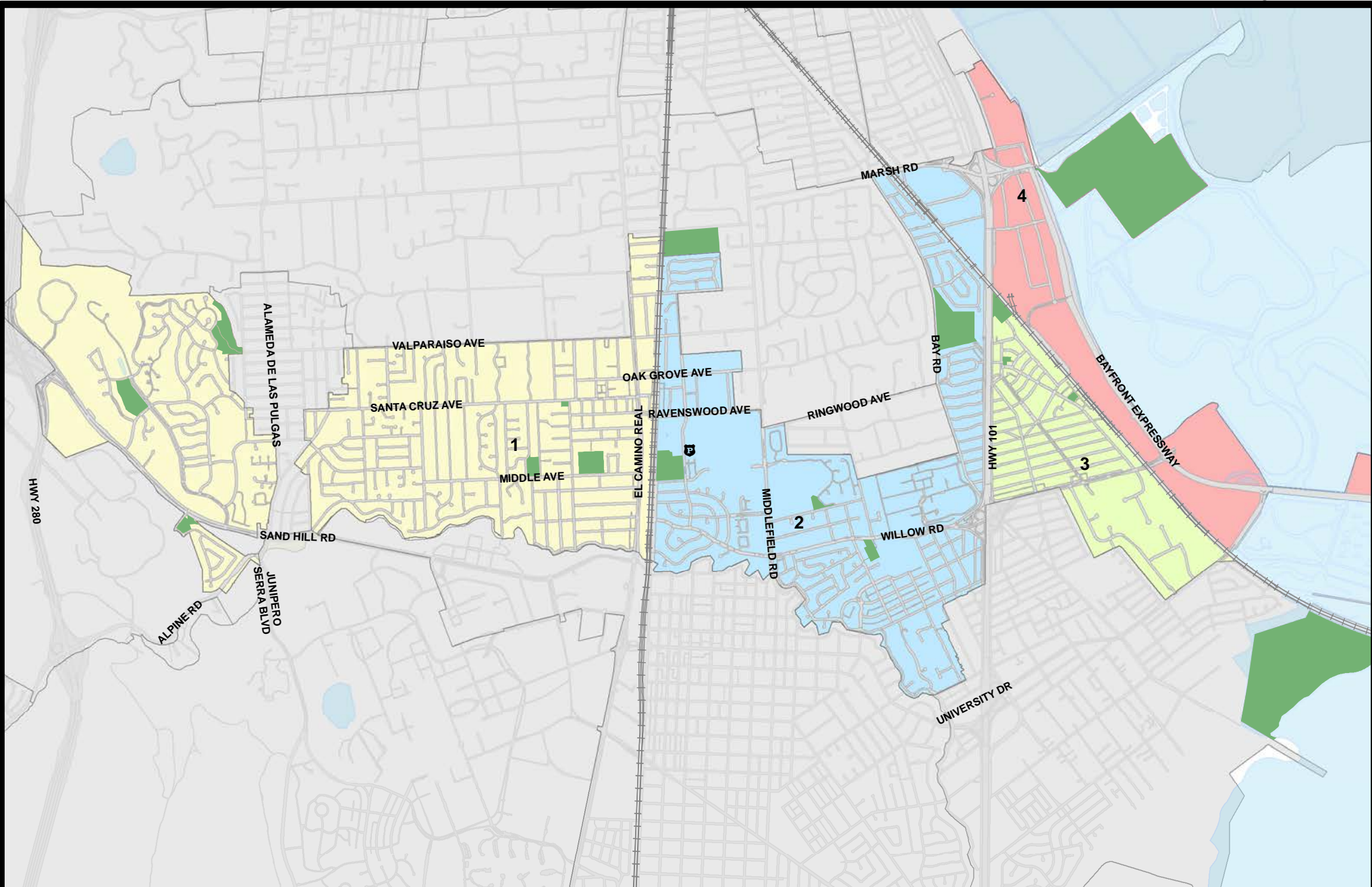
Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours before the meeting.



Attachments

- A. Police beats map
- B. Proposed Bayfront policing unit duties

Report prepared by:
William Dixon, Police Commander

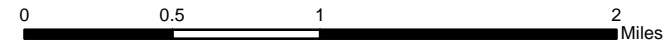


—+—+— Railroad **Police Beats**

- Parks
 - Lakes
- Beat #**
- 1
 - 2
 - 3
 - 4



City of Menlo Park Proposed Police Beats



The proposed bayfront policing unit's duties would include all law enforcement activities in the assigned area, which include but are not limited to the following:

- Enforce City and State laws, ordinances and traffic regulations
- Conduct preliminary investigations of crimes, disturbances, vehicle accidents, public safety hazards and direct traffic in the designated area
- Issue citations and make arrests as required when crimes occur in the designated area and if necessary, assist in care and transportation of prisoners
- Prepare reports; appear in court to present evidence and testimony for cases arising from incidents
- Give information and assistance to the public
- Maintain effective working relationships with local businesses
- Provide deterrence for criminal activity near or directed at area businesses
- Work collaboratively with individual businesses' security personnel, both internal and external
- Assist planning and participating in emergency drills and safety training events for area businesses
- Work with the City's traffic unit to address pedestrian, bicycle and vehicle safety in the area
- Provide safety briefings for area businesses and their employees as necessary
- Monitor any large scale special events or demonstrations in the area
- Maintain regular crime deterrent presence in the new Beat 4 area through assigned shifts; leaving only to assist in emergent situations
- Be a liaison and point of contact for communications between Police Department personnel and local businesses and their employees
- Attend trainings specific to assignment
- Perform related duties as assigned



Research Center Directorate *Perspectives*

Police Officer to Population Ratios Bureau of Justice Statistics Data

Introduction

The IACP *Perspectives* series is intended to help local agency decision-making by providing useful information gleaned from our network of information sources. The *Perspectives* series does not present IACP positions on the topic being addressed, nor does it replace long-term research. *Perspectives* publications raise thoughtful issues regarding complex policy topics- in this case, police officer to population ratios- to inform the debate at the local level.

Ratio Data and Agency Staffing

Before presenting BJS data, it is first important to clarify IACP’s position on police to population ratios and why they should *not* be used as a basis for agency staffing decisions. The following is a quote from IACP’s *Patrol Staffing and Deployment Study* brochure: *Ratios, such as officers-per-thousand population, are totally inappropriate as a basis for staffing decisions. Accordingly, they have no place in the IACP methodology. Defining patrol staffing allocation and deployment requirements is a complex endeavor which requires consideration of an extensive series of factors and a sizable body of reliable, current data.*

BJS ratio data presented here can be useful to local agencies in other ways, including historic perspective on staffing trends across all US law enforcement, and in conducting long term staffing trend analysis, locally, regionally and nationally.

BJS Ratio Data

The Bureau of Justice Statistics (BJS), within the Office of Justice Programs (OJP), within the United States Department of Justice (DOJ) publishes *Local Police Departments* report every three to four years. This report contains excellent and highly reliable data on state and local police personnel throughout the U.S. One aspect of this report is the average ratio of full time officers per 1,000 residents. The most recent BJS data on this topic (2003), by size of population served follows:

Population Served	*FT Officers Per 1,000 Residents	Population Served	*FT Officers Per 1,000 Residents
250,000 or more	2.5	10,000 to 24,999	2.0
100,000 to 249,999	1.9	2,500 to 9,999	2.2
50,000 to 99,999	1.8	1,000 to 2,499	2.6
25,000 to 49,999	1.8	All Sizes	2.5

*Average Ratio

In addition to the *Local Police Departments* publication, BJS also publishes a more comprehensive report intermittently entitled *Law Enforcement Management and Administrative Statistics (year): Data for Individual State and Local Agencies with 100 or More Officers*. Both reports can be valuable to local law enforcement agencies. To learn more about the Bureau of Justice Statistics (BJS) and their statistical reports on law enforcement, visit their website: www.ojp.usdoj.gov/bjs.

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The below list reflects all the sworn positions eligible to retire because they have reached the age of 50. This does not mean they will retire, but that they are “age eligible” to retire.

Employee Retirement Eligibility List		
Position	Age in 5 years	Age in 7 years
Chief	59	61
Commander	54	56
Sergeant	56	58
Sergeant	53	55
Sergeant	52	54
Sergeant	50	52
Sergeant	50	52
Corporal	59	61
Corporal	53	55
Officer	58	60
Officer	52	54
Officer	50	52

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STAFF REPORT

City Council

Meeting Date: 4/18/2017

Staff Report Number: 17-083-CC

Informational Item: Update on the Transportation Master Plan consultant selection process

Recommendation

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

Policy Issues

This item is included in the Council's adopted 2017 Work Plan (#46) and is one of the highest priority implementation programs in the 2016 General Plan Circulation Element.

Background

On November 29, and December 6, 2016, the City Council completed actions to approve the ConnectMenlo General Plan Land Use and Circulation Elements. This was a multi-year, comprehensive process that represents a vision for a live/work/play environment in the former M-2 Area while maintaining the character and values that the City has embraced. The General Plan serves as the City's comprehensive and long range guide to land use and infrastructure development in the City. The Land Use and Circulation Elements, along with the Housing Element which was adopted in 2014, provide the key policy framework to guide the City's physical development. While the adoption of the General Plan was a major accomplishment for the City, the work is not done. The plan is dynamic; the Elements contain a number of goals, policies and programs that implement the City's vision.

Transportation challenges, including multi-modal safety, traffic congestion, neighborhood quality of life, and regional coordination are significant concerns to the City of Menlo Park. The Circulation Element includes a number of forthcoming transportation-related programs, including those to encourage multi-modal transportation, provide opportunities for active transportation to encourage health and wellness, minimize cut-through traffic on residential streets, and consider changes to the transportation impact metrics the City uses to evaluate development proposals. High priority transportation-related programs are the development of a Transportation Master Plan and updates to the Transportation Impact Fee (TIF).

Transportation Master Plan Purpose

A Transportation Master Plan would provide a bridge between the policy framework adopted within the Circulation Element and project-level efforts to modify the transportation network within Menlo Park. Broadly, it provides the ability to identify appropriate projects to enhance the transportation network, conduct community engagement to ensure such projects meet the communities' goals and values, and prioritize projects based on need for implementation. The Transportation Master Plan, when completed, would provide a detailed vision, set goals and performance metrics for network performance, and outline an

implementation strategy for both improvements to be implemented locally and for local contributions towards regional improvements. It will serve as an update to the City's Bicycle and Sidewalk Plans. Following development of the Master Plan, the TIF program update would provide a mechanism to modernize the City's fee program to collect funds towards construction of the improvements identified and prioritized in the Master Plan.

The Transportation Master Plan, however, is not designed to identify project-level, specific solutions to individual neighborhood cut-through traffic concerns, specific Safe Routes to School infrastructure plans, or provide detailed engineering designs of the improvements that will be identified in the Plan. These efforts would be prioritized in the Plan for future work efforts and through current projects such as Willows Neighborhood Complete Streets.

Analysis

Since the adoption of the Circulation Element, staff has prepared Request for Qualifications (RFQ) to select a consultant team to assist with the preparation of the Transportation Master Plan. The RFQ was released on February 2, 2017, and four consultant teams submitted qualification statements on February 24, 2017. All four teams were highly qualified with significant local, regional and national transportation planning and design experience. The two top-ranked teams were interviewed by City staff on March 30, 2017, and the most qualified and a consultant team was selected from this process. This team, led by W-Trans, includes sub-consultants to assist with conceptual engineering and cost estimating, community engagement, and urban design. W-Trans has a significant history working in Menlo Park, understanding the current and projected travel patterns, system bottlenecks and constraints, and a strong record of successful project management – keeping projects on schedule and within budget. Their teaming partners bring experience in multi-modal transportation planning, community outreach, civil engineering, and urban design, covering all of the anticipated skill sets needed for the development of a Transportation Master Plan and Impact Fee Program.

A detailed schedule and scope of work will be prepared and brought forward for the Council to as part of the consultant team contract award in May 2018. The following tasks are expected to be included:

1. Collect Data & Review Background Documents
2. Conduct Community Engagement
3. Analyze Existing and Future (2040) Conditions
4. Identify Multi-modal Transportation Projects
5. Evaluate Cost/Benefits of Transportation Projects
6. Prepare Prioritized Project Rankings and Draft Master Plan
7. Adopt Final Transportation Master Plan
8. Prepare and Adopt Impact Fee Program Update

Following consultant contract award, the development of the Master Plan would be initiated. This will be followed by preparation of an updated TIF program. A detailed schedule will be prepared during the development of the scope of work.

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:

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

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STAFF REPORT

City Council

Meeting Date:

4/18/2017

Staff Report Number:

17-081-CC

Informational Item:

Update on the Bayfront Canal Bypass Project

Recommendation

This an informational item only. No City Council action is required at this time.

Policy Issues

There are no policy issues associated with this update.

Background

Located north of Highway 101 near the San Francisco Bay (Bay), the Bayfront Canal (Canal) drains a 9.5 square mile area which includes sections of the cities of Menlo Park (City) and Redwood City, the towns of Atherton and Woodside and unincorporated areas of San Mateo County. Approximately 8,000 feet long, the Canal begins in Redwood City by Douglas Court and runs west to east along the southern edge of salt ponds owned and operated by Cargill, Inc. The Atherton Channel, which is located along the jurisdictional boundary between the Town of Atherton and the City, joins the Canal a few hundred feet west of Marsh Road and also receives flow from the City, Redwood City, the towns of Atherton and Woodside and unincorporated areas of San Mateo County (Attachment A). The combined flow from the Atherton Channel and Canal empty into Flood Slough through a tide gate control structure that is operated and maintained by the City of Redwood City. The intended use of the tide gates is to prevent Bay water from Flood Slough from flowing back into the Canal. The tide gates close automatically when tide levels in the Bay are high, preventing storm flow from emptying into Flood Slough.

The drainage areas along the Canal are subject to frequent flooding due to conveyance issues associated with the capacity of the Canal during large storm events as well as flow restrictions when tide levels in the Bay are high. Chronic flooding occurs in the East Bayshore area located along the Canal in Redwood City and at the Atherton Channel in the Haven Avenue and Marsh Road area of the City. The flooding typically results in road closures. During the last large storm event that occurred on February 7, 2017, for example, the City's Police Department closed the Haven Ave. and Marsh Rd. intersection due to flooding conditions. For the duration of the flooding, there was no access to the properties on Haven Ave. from Marsh Rd. Access to the area was limited to East Bayshore Rd. via Redwood City.

The flooding problems associated with the Canal have been the subject of many studies throughout the years. In 2013, the City of Redwood City completed the Redwood City Bayfront Canal and Atherton Channel Flood Improvement and Habitat Restoration Project Feasibility Study (Moffatt & Nichol, 2013). As part of this assessment, the study evaluated the feasibility of routing storm flow from the Canal into managed ponds located in the Ravenswood Pond Complex of the South Bay Salt Pond Restoration Project (SBSRP) to mitigate the flooding problems. The Ravenswood Pond Complex consists of a number of ponds (Ponds R3, R4, R5, and S5) that are located east of Bedwell Bayfront Park (Park). Storm flow would

be diverted and stored into Ponds R5 and S5 to mitigate flooding. The stormwater would flow back to the Bay during periods of low tides (Attachment B).

A bypass control structure is proposed for the routing of storm flow from the Canal to Ponds R5 and S5 (R5/S5). The Canal Bypass Project consists of a culvert connecting the Canal to the Ponds (Attachment C). A series of water control structures within the ponds would be used to allow for stormwater movement through the ponds and drainage back to the Bay. Ponds R5/S5 would also be excavated to allow for the maximum stormwater detention capacity. The project components consist of the following:

- Open channel modifications to connect the Canal to the proposed culvert;
- Installation of four 63-inch diameter culverts connecting the open channel to Pond S5 for eBay. A trash rack would be installed at the headwall of the culvert. The installation of the culverts would require excavation work underneath the entrance to Bedwell Bayfront Park;
- The temporary removal and replacement of two 48-inch diameter Caltrans stormwater pipes for the installation of the culverts, which are to be installed underneath the Caltrans pipes.

Currently, Ponds S5 and R5 are managed as dry ponds in the summer and ponded during the winter due to rainwater capture. The introduction of stormwater flow would allow the creation of a managed pond system that would provide habitat to birds and water fowl on a year round basis. The flow of stormwater into the system would also control the salinity levels in the ponds.

The Canal Bypass Control Project was included as one of the alternatives evaluated as part of the SBSPRP Environmental Impact Statement / Environmental Impact Report (EIS/R) as a component of Alternative D. The EIS/R, which was finalized on April 2016, however, did not include the Canal Bypass Control Project as part of the Preferred Alternative. While the California State Coastal Conservancy (CSCC) and U.S. Fish and Wildlife Service (USFWS) had indicated that Alternative D, which incorporated the ability to store storm flow in Ponds R5/S5 from the Bayfront Canal would be a strong candidate for the Preferred Alternative, concerns were raised by the San Francisco Bay Regional Water Quality Control Board (RWQCB) over the water quality plan for the storm flow from the Bayfront Canal. As such, the CSCC and USFWS did not select Alternative D as the Preferred Alternative. However, it was noted that the Canal Bypass Control Project can be incorporated into the Preferred Alternative at a future date subject to a separate environmental review.

Since the EIS/R was certified, staff has been attending meetings with the City of Redwood City and San Mateo County to address the concerns raised by the RWQCB and to develop the next steps. Given the complexity of the permitting process and the water quality concerns raised by RWQCB, it was anticipated that the process would take a prolonged period of time. However, a meeting with the RWQCB was held on March 20, 2017 at which RWQCB staff noted they were supportive of the project and that they would work with the agencies through the permitting process, pending an environmental review and the approval of all other agency permits.

Analysis

The environmental review, permitting, design and construction of the Canal Bypass Project would benefit from the collaboration of the City, the City of Redwood City, the towns of Atherton and Woodside and San Mateo County. However, the primary coordination has been amongst the City, the City of Redwood City and San Mateo County. Currently under review by the group is a proposal from Moffatt & Nichol for the development of Construction Documents and Support during Permitting and Construction of the Bayfront Canal/Atherton Channel Flood Improvement and Habitat Restoration Project. The scope of work consists of the following:

- Phase 1 – Environmental Review and California Environmental Quality Act (CEQA) Documentation;
- Phase 2 – Preliminary Design and Permit Applications;
- Phase 3 – Final Design and Construction Documents; and
- Phase 4 – Bid and Construction Support

The final design is tentatively scheduled to be completed in February 2018, following the environmental review and permitting process. Construction is scheduled to begin in April 2018 and end in September 2018. The preliminary cost estimate for the environmental review and design effort is approximately \$700,000. It is important to note that efforts to begin the restoration effort in the Ravenswood Pond Complex will begin this summer. Staff will attempt to work with the SBSRP and coordinate construction efforts between the restoration effort and the Canal Bypass Project to minimize impacts to Bedwell Bayfront Park and its users.

Total Project Costs and Funding

As noted above, the cost of the environmental review and design effort is approximately \$700,000. The construction cost for the Canal Bypass Project is estimated at \$5,000,000, bringing the total project cost to approximately \$5,700,000. The City of Redwood City applied for a Proposition 84 grant for the project and was awarded \$1,500,000. The terms of the grant require that the construction of the project be completed by September 2018. A funding agreement will be developed amongst the agencies to determine the appropriate contribution toward the design and construction of the Canal Bypass Project. The terms of the grant require that the construction of the project be completed by September 2018.

With respect to funding the project, there is money in an existing Capital Improvement Project for flooding issues associated with the Atherton Channel and Bayfront Canal. These funds can be used for the City's contribution to the environmental review work and design of the Canal Bypass Project. However, there is currently no funding available for the City's contribution to the construction of the project.

Easements

The location of the Canal Bypass Project lies within the City and would require the acquisition of easements from a number of land owners, including Cargill Inc., the West Bay Sanitary District, USFWS and the City.

CEQA Lead Agency

Discussions are currently underway regarding the lead agency for the project and environmental review process. While the majority of the Canal Bypass Project is located in the City of Menlo Park, the City does not necessarily have to shoulder the primary responsibility for the implantation of the project. The City will therefore likely be a responsible agency and not the lead.

Next Steps

City staff will continue to work with the City of Redwood City and San Mateo County on the following next steps:

- Review and approval of the scope of work for the design and permitting of the project;
- Development of a project schedule that includes the sequence of events associated with the project, such as required Council / Board actions, acquisition of easements, permitting and construction;
- Scheduling of a meeting with the City and County Managers that includes the City, the City of Redwood City, San Mateo County and the towns of Atherton and Woodside;
- Development of a draft Memorandum of Understanding with USFWS for the use of the ponds as stormwater retention basins;
- Determination of flow contribution to the Canal from each of the agencies as a means of determining a fair share contribution;

- Funding agreement for the cost share of the design, permitting and construction;
- Review of Proposition 84 grant construction completion terms and request for extension;
- Continued discussions with Cargill Inc. and other agencies for the acquisition of easements;
- Determination of Lead Agency for CEQA process;
- Scheduling of kick-off meeting with permitting agencies; and
- Continued discussions with the RWQCB on the water quality sampling requirements.

The Canal Bypass Project was included in the Council's 2016 Work Plan. As discussed previously, however, the project was not part of the Preferred Alternative in the SBSPRP EIS/R. During this time, the project was placed on hold and therefore not included in the Council's 2017 Work Plan. Given the recent developments, however, it would be prudent to add the project to this year's Work Plan. This addition and change would impact the schedule and key milestones of other projects in the Work Plan. Staff will review the Work Plan and assess the impact to other projects.

Staff will return to the Council in the future regarding the need to appropriate funds for the construction of the project and to authorize the City Manager to enter into any applicable agreements.

Public Notice

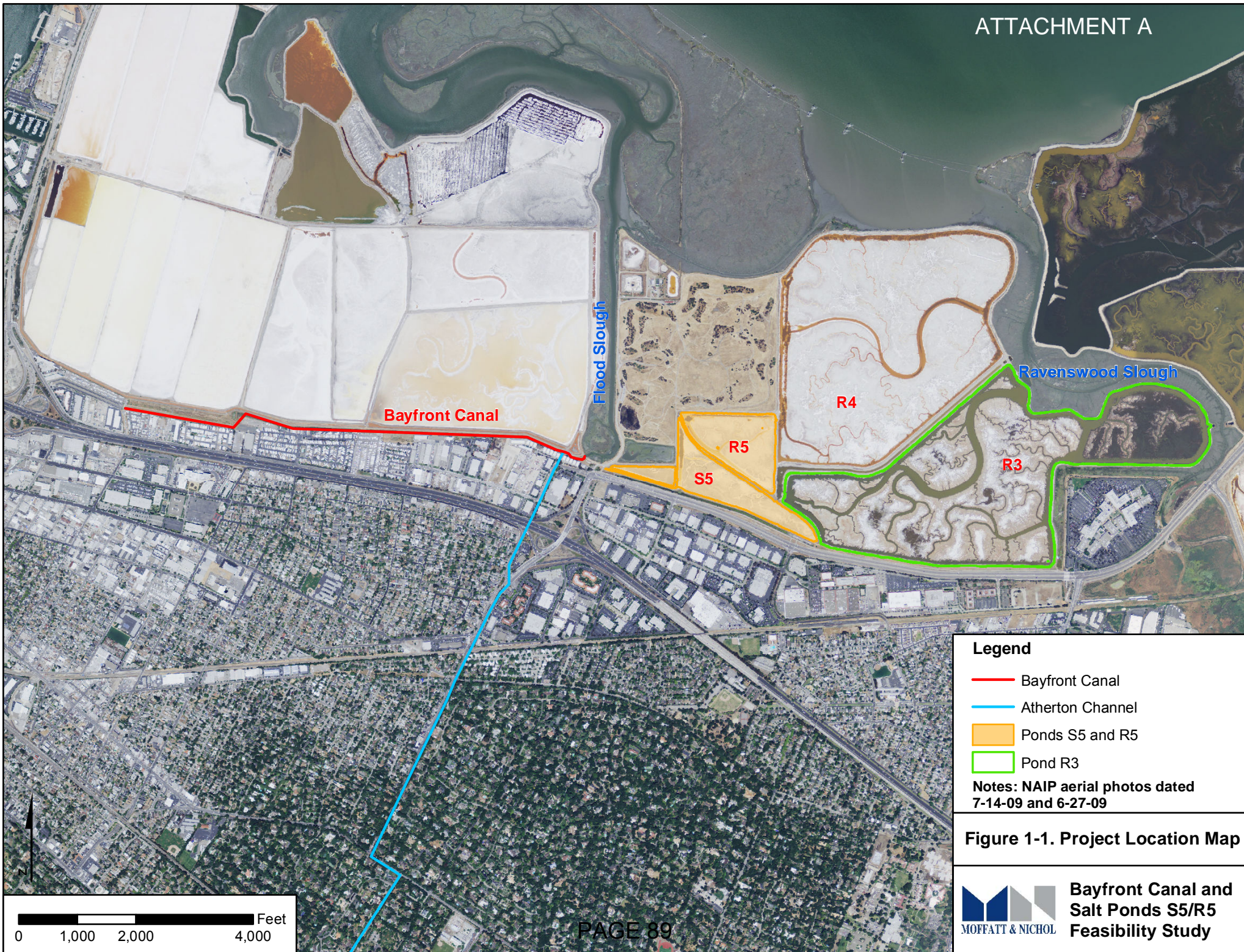
Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

- A. Figure – Project Location
- B. Figure – Bayfront Canal and Ravenswood Pond Complex
- C. Figure – Bayfront Canal Bypass Structure

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

Reviewed by:
Justin Murphy, Public Works Director



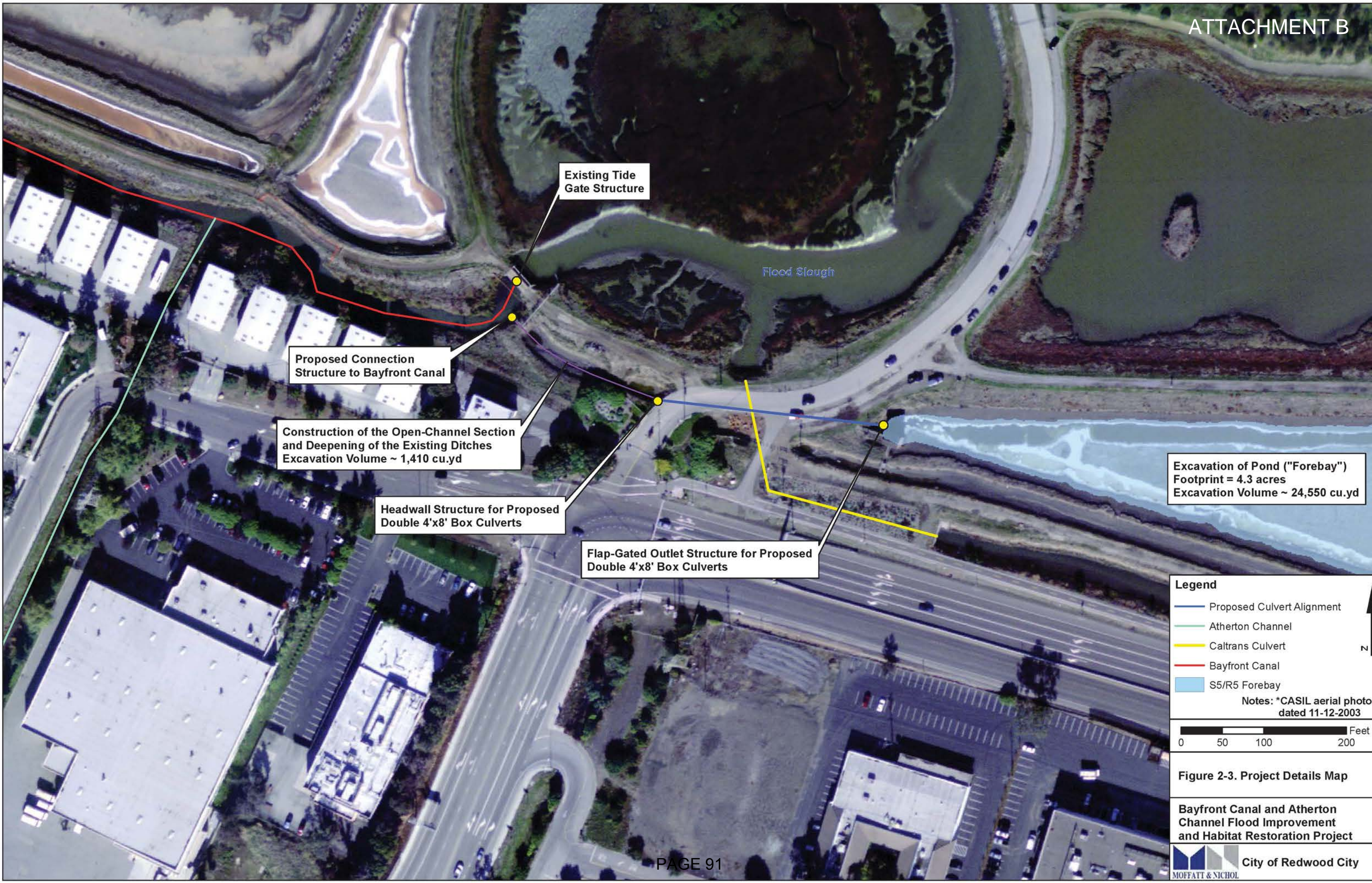
Legend

- Bayfront Canal
- Atherton Channel
- Ponds S5 and R5
- Pond R3

Notes: NAIP aerial photos dated 7-14-09 and 6-27-09

Figure 1-1. Project Location Map

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Existing Tide Gate Structure

Proposed Connection Structure to Bayfront Canal

Construction of the Open-Channel Section and Deepening of the Existing Ditches Excavation Volume ~ 1,410 cu.yd

Headwall Structure for Proposed Double 4'x8' Box Culverts

Flap-Gated Outlet Structure for Proposed Double 4'x8' Box Culverts

Excavation of Pond ("Forebay") Footprint = 4.3 acres Excavation Volume ~ 24,550 cu.yd

Legend

- Proposed Culvert Alignment
- Atherton Channel
- Caltrans Culvert
- Bayfront Canal
- S5/R5 Forebay

Notes: *CASIL aerial photo dated 11-12-2003

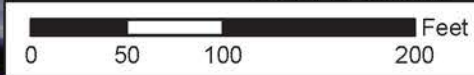
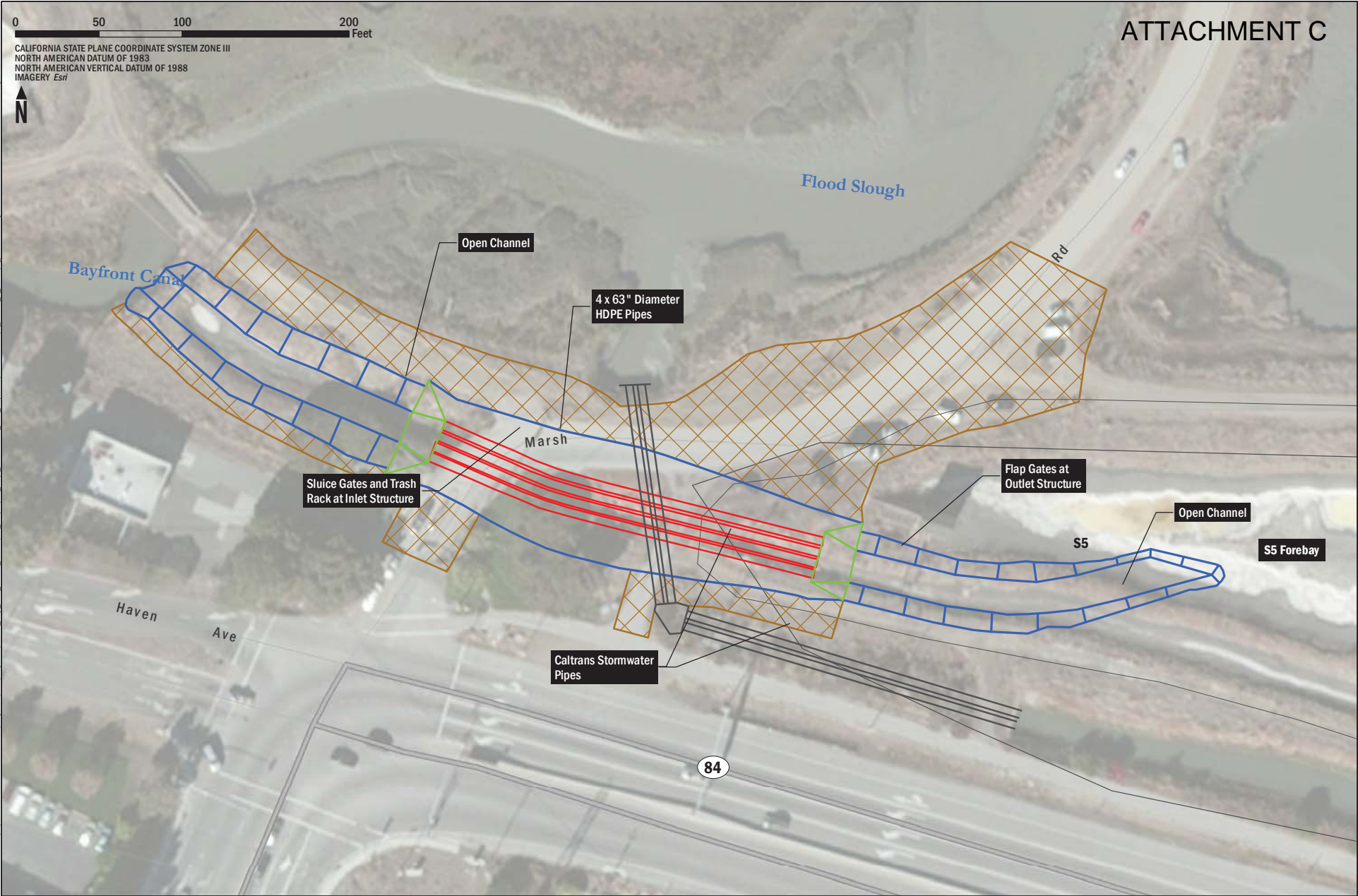


Figure 2-3. Project Details Map

Bayfront Canal and Atherton Channel Flood Improvement and Habitat Restoration Project

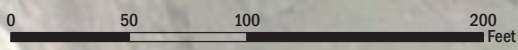
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- LEGEND**
- Proposed new pipes
 - Proposed grading boundary
 - Caltrans culvert
 - Staging areas
 - Proposed concrete structures

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STAFF REPORT

City Council
Meeting Date: 4/18/2017
Staff Report Number: 17-080-CC

Informational Item: Transferable downtown parking permits

Recommendation

This is an informational item and no City Council action is required.

Policy Issues

This item involves a review of the current Downtown Plaza Parking policy.

Background

In January of 2017, the City Council requested information on transitioning the current sticker based downtown parking permits to a transferable placard system. The Police Department in collaboration with the Transportation Division conducted research into this proposal and were able to determine that the downtown parking permit program was originally approved in July of 1979 and has gone through many changes and transformations since that time. During this research, a memorandum was discovered from August 8, 2007 from then Commander Terri Molakides to Reginald Rice, a former Transportation Commissioner. This memo, which is attached, provides a comprehensive history of the Downtown Plaza Parking Permit Program.

It should be noted that there was a period where transferable permits were in use, but the practice was discontinued in 2003 due to a myriad of problems, complaints, deceitful use of permits, high costs, and lack of staffing to adequately operate such a program. According to the attached memo from January of 2003, the system of transferrable permits was discontinued and converted back to the present day sticker permit system.

Analysis

Several Police Department employees who were involved in the transferable permitting system were interviewed about the system and they all expressed concern about the issues that were created when the permits were transferable. A current parking enforcement officer advised that it would take her 3-4 times as long to enforce each plaza due to having to stop her vehicle, get out and check for a permit on the dashboard or other location in a parked vehicle, as opposed to being able to see the permit sticker plainly displayed on a rear bumper. This concern was validated in discussions with former Police Commanders and supervisors overseeing parking enforcement.

We have also explored a technological solution, using license plate information for transferable permits, but this solution would require a real-time portal that permit holders would be forced to use to enter license plates of vehicles using a transferable permit on any given day making it difficult for business owners to maintain and for the Police Department to manage and enforce. That information would have to be

uploaded, real-time to either handheld ticketing devices or parking vehicles would need to be equipped with ALPR (Automated License Plate Reader) devices. This would create an issue of transferable permit holders contesting citations based on their own failure to enter correct license plates into the portal on a timely basis.

Another technological alternative would be to construct “pay gates” at each parking plaza entrance and collecting fees as vehicles left, unless they had a transferable permit. This solution would also be difficult to construct, as circulating through some parking plazas requires using adjacent public roadways and could require multiple transactions before finding a parking space. It is also costly and construction of pay gates would eliminate parking spaces.

Since the options described above are not feasible, if Council directs the Police Department to revert back to transferable permits, new dash mounted placards would have to be designed and the program would need to be administered by a new FTE who would oversee the program. It would also be the recommendation of the Police Department to hire a third Parking Enforcement FTE, based on the extra workload created by enforcing the placard system. Adding these new positions would increase the Police Department budget by approximately \$300,000 annually.

Attachments

- A. August 8, 2007 Memorandum
- B. Sample Letter Sent to Permit Holders

Report prepared by:

Dave Bertini
Police Commander

MENLO PARK POLICE

DATE: August 8, 2007
TO: Mr. Reginald Rice, Transportation Commission
FROM: Terri Molakides, Commander-Special Operations Division
SUBJECT: Parking

History of the Downtown Plaza Parking Permit Program

The Downtown Plaza Permit Program began in July 1979 after Council approved Resolution 3134 establishing a \$20 per month fee for all day parking. Council designated 472 permits be made available for public purchase. The program was designed to create more parking spaces downtown and to move all day parking onto the side streets. The fees from the sale of parking permits were designated to pay for the enforcement costs of the permit program and parking development. Specifically the account was to fund a "parking facilitator," someone who would develop a plan to resolve the downtown parking problems, to pay for development and legal costs to implement the plan and third, to pay for the enforcement costs. The costs described included salary, benefits, vehicle and permit administration costs. Since, Council has increased the number of permits issued to 685 and increased the cost of the permit to \$545 as of July 2007. Over the years the special fund created by the permit program has paid for permit enforcement and other upgrades to the parking plazas. Currently the special fund does not pay for enforcement costs.

The mission of the Police Department in its management of the Parking Service is to provide parking for downtown visitors (retail and business), while creating turnover without crisis or movement into the surrounding residential areas.

Over the years, different methods used in the delivery of the permit program have included stickers, placards and designated permit only parking spaces. For approximately ten years, a transferable laminated placard was issued to permit holders. This allowed the placard to be transferable and handy for the smaller companies who could split permits between part-time employees. Additionally, several permit programs were developed to help special circumstances.

1. These hybrid permit programs included the Beauty Salon Permit Program which cost the salon \$70 per year for all the permits they requested. The permits were for one day only, intended for the salon customer, whose service might extend beyond two hours. Salon customers were the only customer base who had the special parking privilege. This once popular permit decreased from approximately twenty yearly customers to five. Based on Police Department staff advice, Council, on March 25th, 2003 eliminated the program effective June 1, 2003.

Subsequently, two of the permit holders expressed concern to the Police Department about losing the program and based on that concern, current program holders were "grandfathered" for an additional year to June 2004. One of the salon permit holders, Master Styling, agreed to participate on a "parking committee" to first meet in the summer of 2003. This committee, consisted of police staff and various permit holders, discussed the current program and made recommendations to increase its efficiency, effectiveness and usability.

2. A second special program is the Merchant Vehicle Permit Program. This program is for delivery vehicles of businesses located along the parking plazas. This program allows companies to park their vehicles in the plazas for the same annual cost of the plaza permit, and is in addition to the 685 employee permits. This program remains unchanged. Currently there are three such permits issued.
3. The last special program was a one-day temporary permit, which cost \$5.00 per day, for limited use only. It was designed for businesses that had special circumstances such as meetings that would extend beyond the two hour parking limit. At the March 25th, 2003 council meeting, Council approved a realignment of the one-day permit cost to \$8.00 per permit (currently \$10.00) and expanded the availability from special circumstances to unlimited use. The Half-Day permit program was approved by Council and implemented January 1, 2005. The half-day permits were to address the requests of salons and other businesses that wanted more flexibility than an all-day permit for those that just needed to park for 4 hours instead of all day.

Parking Program Evaluation

In the fall of 2002, Police Department staff identified external and internal problems associated with the Plaza Parking Permit Program. Foremost, was an issue of staffing. The police department had one staff member managing the entire program. This staff member also had the responsibility of managing the Property and Evidence Service of the Police Department. This created a vast span of control that sometimes delayed customer response and caused an isolated expertise base. To remedy this staffing concern, on October 1, 2003, the Police Department transferred parking responsibilities to the Records Unit of the Police Department. This offered the public five contacts within the department – five days per week. The move also increased the knowledge of the parking program to four records officers and a supervisor. Beyond the benefits increased staffing brings, this move also allows future automation into the Police Department's Records Management System (Rims).

With the 2002 staff transition, the entire parking program was evaluated. Police staff discovered that with the placard method of permitting, staff was receiving 15-20 calls and formal letters protesting citations per week. The main cause was that people would forget to display their permits and receive a citation. They would expect the citation to be voided, as they owned a permit. This resulted in a no-win situation for the police department as voiding the citations resulted in a lax approach to the placement of permits.

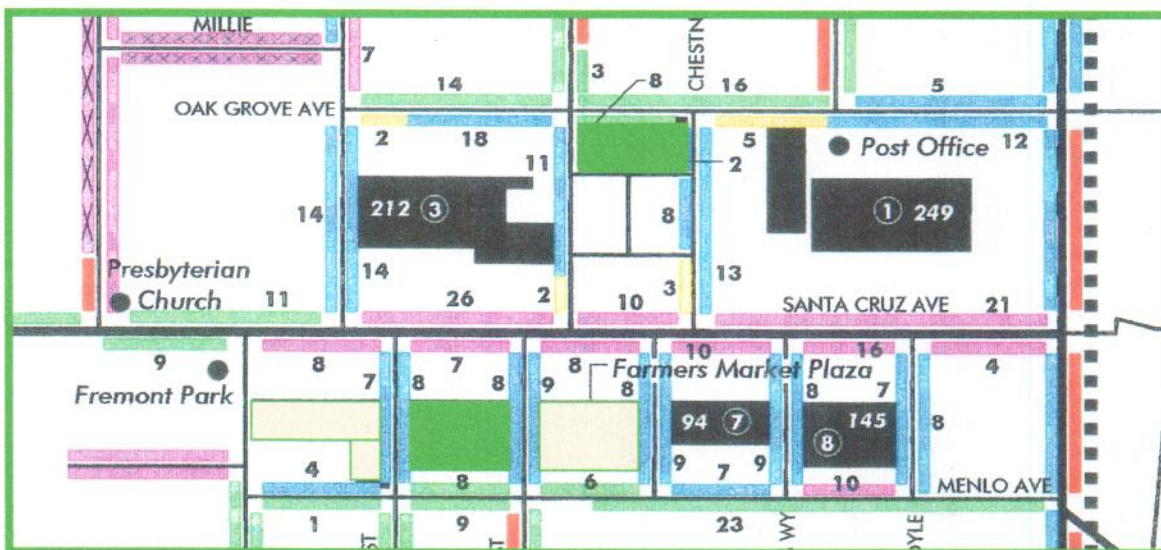
If the request to void a citation was denied, then the permit holder was incensed to have to pay for the citation. Secondly, we determined that some permit holders were sharing permits, in effect gaining two permits for every issued permit, accomplished by trading the permit back and forth during the enforcement period.

Police department staff's response was to research other local departments with like parking facilities. Staff found that all used a fixed permit and the decision was made to change to a fixed sticker system in January of 2003, during the annual renewal process. To implement this change of placard to sticker, the police department sent letters to all permit holders in late November announcing the change and requesting comment from them. The general response we received concerned allowing the permitting of additional personal vehicles and the added cost of permitting the part time employee.

From that feedback, we made allowance for a second personal car to be permitted for an administrative fee (currently \$30.00). We also saw a need to expand the use of temporary permits. When the process was finalized, detailed instructions regarding use and placement was sent to each permit holder with the permits. Department parking officers delivered the permits in person in order to answer any questions or concerns. No time violations were enforced during the month of January to ensure that the permits were in place and all questions regarding process were answered.

After the department began enforcement in February 2003, only one letter of complaint was received. Most permit holders told us that they were satisfied with the new system, as they no longer had to worry about the placement of the placard. Lastly, Police staff approached staff at Ventana Properties, Alain Pinel and Master Styling and asked them to participate in a committee that met in 2004 and reviewed the parking program from the customer's perspective.

Downtown Parking Plaza's



Overnight Parking

Overnight parking is an ordinance that has been in effect since 1964. It was enacted to reduce the number of cars parked in the residential areas of Menlo Park. The problem the ordinance sought to resolve was due to an influx of cars from Stanford students.

Over the years some practices and exemptions were made. The first documentation of issuing "warnings" was found dated in 1975 describing the warning system the Police Department had in place. At that time, each car was given a warning each six months ensuring adequate notice to residents. Police officers, between 2:00 a.m. and 5:00 a.m., issued warnings and citations to their particular "beat" seven days per week. At that time, people who needed to park on the street would call in to the dispatchers, who would advise the beat officer of the parking need, and the car would be exempted from enforcement.

In the 1980's a new department, Code Administration, was created. Code Administration took over code enforcement and parking from the Police Department. Two 20-hour civilian service officers enforced overnight parking. Nightly exemptions grew to 75-100 per night. Dispatchers would take the calls and created a call-in list. Citations were issued electronically.

Soon, the number of calls requesting exemptions became too unwieldy for the solo dispatcher and a tape-recorded line was created. Consequently, the parking officers had to adjust their start time earlier to allow time to transcribe the calls. The Police Department took back administration of code enforcement and parking in the 1990's, but this system remained in place until 2003.

In 2003 the Police Department staff requested a change from the City Council to eliminate the free call-in line and to establish a \$1.00 fee (currently \$2.00). This was requested to increase efficiency and customer service. The CSO was playing back the recorded telephone line and then entering the license plates into an automated citation processor. This took an extended amount of time and errors occurred due to unclear recordings or transposition of numbers by the CSO. Eliminating the call-in line also eliminated the calls and time spent by staff doing research for citations that were issued incorrectly. The Council approved this change and it became effective January 1, 2004. 100 nightly exemptions from enforcement are allowed per calendar year, as was allowed with the call-in line. Extensive public outreach was done via media releases, website updates, notices to parked cars and recordings on the former call-in line.

City of Menlo Park
Police Department
102-05 Parking Management

	FY 2006/07 Actual		FY 2007/08 Budget	
	Overnight Parking	Downtown Parking	Overnight Parking	Downtown Parking
Parking Permits	98,525	377,791	91,000	440,000
Parking Citations	684,834		666,520	
Total Revenue	783,359	377,791	757,520	440,000
Expenditures	357,286	5,237	423,066	12,786
Net Revenue	426,073	372,554	334,454	427,214

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January 29, 2003

During the past year the Police Department experienced an increasing number of complaints from plaza parking permit holders who expressed dissatisfaction with the placard permit system. We interpreted these calls to mean that the Police Department was failing to provide the best customer service possible. Additionally this increase in calls affected the workload and work environment of our reception personnel.

We examined our program and explored those of our neighboring cities with like sized permit programs. Our goal was to provide a manageable permit program that would balance the needs of our business community while providing enough available parking for retail customers and business visitors.

In the end it was decided to return to a sticker decal program. Decals had been the original mode of permitting that was abandoned in the late 1980's due to lack of automation. New technology now will allow us to use sticker decals and obtain our desired program goals.

By ordinance there are 685 annual parking permits available. Additionally, temporary one-day permits at a cost of \$4.00 per day are also available. These non-transferable temporary permits, as with the annual, are available to plaza businesses and their employees only.

Enclosed please find your annual 2003 permit(s). These permits are valid through December 2003. Please affix it to the outside of the rear window, in the lower left corner. Also, please read the enclosed permit guidelines as the improper display or use of a permit could result in a citation. The guidelines are meant to aid in the transition to the new permit system, and to minimize the possibility of misuse or improper permit display.

The permits are designed to be non-transferable, and an adhesive sticker is the best way to ensure this is true. The adhesive sticker will self-destruct if tampered with or removed. If displayed properly, the permit will not damage your vehicle window, and can be permanently removed when necessary.

Please feel free to call us at 650-858-3383 during business hours, Monday thru Thursday, between 7:30 am – 5:30 pm and Fridays 8:00 am – 5:00pm, with any questions you may have. As our hope is to make this a smooth transition for everyone, we welcome your comments and ideas.

Sincerely,

Susan Eldred
Records Supervisor

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STAFF REPORT

City Council
Meeting Date: 4/18/2017
Staff Report Number: 17-092-CC

Informational Item: Update from the Fire District Subcommittee

Recommendation

Staff recommends that the City Council receive and file this report.

Policy Issues

The City of Menlo Park regularly seeks to improve the delivery and cost-effectiveness of services for its residents. The City Council seeks to understand and inform residents of the cost of fire protection and emergency response services provided by the Menlo Park Fire Protection District.

Background

On March 28, 2017, the City Council directed staff to work with the Fire District Subcommittee of Mayor Pro Tem Ohtaki and Councilmember Carlton to develop a list of questions regarding the Menlo Park Fire Protection District's finances, especially those related to the District's proposed development impact fees.

Analysis

Following the City Council meeting on March 28, 2017, staff worked with the City Council's Fire District subcommittee members, and the consultant from BAE Urban Economics to develop a list of questions (Attachment A). These questions were transmitted to the Fire District on April 7, 2017.

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. Questions submitted to the Menlo Park Fire Protection District

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

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Subject: Questions for the Menlo Park Fire Protection District on Proposed Development Impact Fee**From: Menlo Park City Council Subcommittee Liaisons to Fire District****Date: April 7, 2017 (First Batch of Questions)**

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1. Why does the Fire District use only 20 years to amortize CIP funding at \$2.5 million/year (Feb 2016 Nexus Study staff report page 5)? If new stations beginning with the recently opened Station 2 have at least a 30-year useful life, the District has at least 30 years which would generate \$75 million at \$2.5 million/year.
 2. The Feb 2016 Nexus Study staff report Funding of Fee table (page 5) includes the current CIP Fund balance of \$20.8 million (2015 \$22 million CAFR page 22), but why does it not include the District's Apparatus Reserve of \$5 million (2015 CAFR page 22), when apparatus replacement of \$21.4 million is included in the \$82 million capital improvement plan?
 - a. How much each year is contributed to the Apparatus Reserve, and shouldn't that be added to the \$2.5 million/year CIP contribution in the calculations of District resources?
 3. Why is only \$2.5 million per year being allocated to CIP reserve/station rebuilding, when:
 - a. District annual property tax revenue increased from \$30.6 million in 2010 to \$39.4 million in 2015, while expenditures have not increased as much, generating an annual Change in Net Position (which is the operating surplus before annual reserve transfers) of \$11.5 million/year in 2015 according to the 2015 CAFR page 89.
 - b. The \$2.5 million per year does not increase in the Nexus Study even though the District projects 4% annual increase in property tax revenue according to the 2015 CAFR (page 32)?
 - c. Please provide the District's latest projections for property tax revenues and expenditures (5 or 10-year forecast).
 4. What is the projected operating cost of the incremental apparatus needed to cover new development in Menlo Park? For example, how many shifts of 4 firefighters for the additional ladder truck does the District anticipate, and what is the fully-burdened average cost per firefighter?
 5. Will the anticipated incremental property taxes generated by new development in Menlo Park cover the additional operating cost projected above? Is that conclusion according to Muni-Services estimates?
 6. The District states it needs the Impact Fee up-front to fund the station upgrades, but has it considered financing, as is typical for capital improvements? The District, like the City, has a AAA credit rating, and could finance its capital needs.
 7. The proposed Impact Fee schedule (page 24) of the Nexus Study includes fees on residential uses, but the Fire District has said the Fee will only apply to commercial, so please explain.

8. The Impact Fee schedule (page 24) of the Nexus Study proposed an impact fee on Office-R&D of \$572 per 1,000 sq. ft, so the impact fee on 100,000 sq. ft would be \$57,200. How were these rates arrived at?
9. Local media recently reported the Fire District pays firefighters higher than other fire departments. Has the District conducted a compensation study of comparable agencies, and where does the District rank?
10. The District's Governmental Funds (2015 CAFR Chart 16, page 22) show a total balance of \$62.8 million in June 30, 2015. Isn't this the total reserves?
 - a. Since it is reliant primarily on property taxes which are paid twice each year, the District says it needs to maintain high reserves. Shouldn't that amount be one-half of the annual expenditures to reserve for the half-year cash flow gap or roughly \$15 million? What accounts for the other reserves?
11. The District's policy is to depreciate "buildings and site improvements" using a straight-line basis over an estimated useful life between 7 and 50 years (6/30/16 CAFR, Note 1.G, page 56). Please provide the depreciation schedule for the District's "buildings and site improvements" in each of the past 10 fiscal years. If the useful lives used in the depreciation schedule changed in the 10-year timeframe, please explain why the decision was made to modify the depreciation schedule.
12. Was the estimated useful life for buildings truncated, officially or unofficially, to address concerns that "requiring development to pay for infrastructure that is not needed for 20 years may erode the required nexus determination" as expressed in Development Impact Fee guidance to the City Attorneys Department League of California Cities on February 27, 2003?
13. On June 30, 2016, the District's cash and investments were held entirely in "demand deposits with financial institutions" and the Local Agency Investment Fund (LAIF) (6/30/16 CAFR, Note 2, page 61). For each of the past 10 fiscal years, please provide the following data:
 - a. The name of the institution(s) and the type of account(s) (e.g. checking account or savings account) for all funds held in "demand deposits with financial institutions".
 - b. The balance in each account on June 30th for each "demand deposit with financial institutions" and LAIF
 - c. The annualized yield on each account for each "demand deposit with financial institutions" and LAIF
14. Please provide any analysis performed over the past 10-years to assess the benefits of holding the District's total cash and investments, \$72.7 million as of 6/30/16, in low interest bearing accounts as opposed to investments that better protects against the effects of inflation.
15. Provide all Board or committee meeting minutes over the past 10-years that detail the District's careful consideration of efforts to optimize investment income.
16. Provide any and all studies, documents, internal communications pertaining to the recalculation of the District's appropriations limit (Gann limit) that eliminated the need for voter approved appropriations limit overrides.

17. Provide any and all internal communications pertaining to all development fee Nexus studies for impact fees conducted over the past 10-years. Include the cost of conducting the studies and the result of the studies.
18. Provide the District's 5-year fiscal forecast detailing revenue and expenditure assumptions.
19. For the past 10 fiscal years, provide summary accounting for each of the committed, assigned, and unassigned fund balance categories outlined in the General Fund and Capital improvement Capital Projects Fund as detailed in the fund balances schedule (6/30/16 CAFR, Note 12, page 79). For example, detail annual additions to the "Station 1" committed fund balance account in the Capital Improvement Capital Projects Fund as well as annual draws on the fund balance. For draws, detail the general purpose of the draw.
20. Clarify the distinction between the "Equipment Replacement" assigned fund balance and the committed fund balances for apparatus, admin/fire prevention, and stations 1 to 7.
21. The Nexus Study states that the MPFPD's has historically funded capital improvements using the District's General Fund and Certificates of Participation. To what extent does the District expect to have funding available from either of these sources to cover the cost of the improvements identified in the Nexus Study?
22. The fee rates identified in the study are intended to capture the maximum fees that the District could charge under the California Mitigation Fee Act. Has the District conducted any additional analysis to determine whether these fee rates are reasonable based on development feasibility and/or other considerations?
23. Is the District able to serve new development on infill sites any more efficiently than other areas within the District, or are there other differences that allow the District to serve some areas more cost effectively than others?
24. Is there more background available that shows the link between the projected new development and the need for an additional ladder truck, a Fast Response Rescue Squad, and the expansion of Stations 4 and 77?
25. The Nexus Study allocates 50 percent of the cost to expand Stations 4 and 77 to new development. How was this 50 percent factor determined?

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