



SPECIAL AND REGULAR MEETING AGENDA

Date: 5/23/2017
Time: 6:00 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

6:00 p.m. Closed Session (City Hall Administration Building, 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) and unrepresented management

Attendees: City Manager Alex McIntyre, Administrative Services Director Nick Pegueros, Human Resources Manager Lenka Diaz, City Attorney Bill McClure, Labor Counsel Charles Sakai, Labor Counsel Alan Benson, 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

7:00 p.m. Regular Session

A. Call To Order

B. Roll Call

C. Pledge of Allegiance

D. Report from Closed Session

E. Presentations and Proclamations

E1. Proclamation recognizing Public Works Week May 21 through May 25, 2017

F. Commission Reports and Appointments

F1. Housing Commission update on 2-year work plan and housing prioritization

F2. Consider applicants and make an appointment to fill one vacancy on the Complete Street Commission and appoint a Councilmember Liaison (Staff Report# 17-129-CC)

G. Public Comment

Under “Public Comment,” the public may address the City Council on any subject not listed on the agenda. Each speaker may address the City Council once under Public Comment for a limit of three minutes. Please clearly state your name and address or political jurisdiction in which you live. The City Council cannot act on items not listed on the agenda and, therefore, the City Council cannot respond to non-agenda issues brought up under Public Comment other than to provide general information.

H. Study Session

- H1. Update on the Recology Solid Waste Franchise Agreement Negotiations and Rate Structure Study (Staff Report# 17-127-CC)

I. Consent Calendar

- I1. Approve the 2016-18 Housing Commission 2-year work plan and goals (Staff Report# 17-117-CC)
- I2. Adopt a resolution approving a workplan for the development of a Green Infrastructure Plan for Stormwater (Staff Report# 17-113-CC)
- I3. Award a construction contract to Tucker Construction, Inc. for the Belle Haven Child Development Center Kitchen and Restroom Remodel Project (Staff Report# 17-111-CC)
- I4. Authorize the Public Works Director to accept the work performed by O’Grady Paving, Inc. for the Menlo Park-Atherton Pedestrian and Bicycle Improvement Project (Staff Report# 17-120-CC)
- I5. Adopt a resolution of preliminary approval of the Engineer’s Report for the Menlo Park Landscaping Assessment District which proposes an increase to the Tree Assessment by 3% and an increase to the Sidewalk Assessment by 5% for Fiscal Year 2017-18 (Staff Report# 17-114-CC)
- I6. Award a construction contract to Interstate Grading & Paving, Inc. for the 2017 Street Resurfacing Project (Staff Report# 17-112-CC)
- I7. Authorize the City Manager to enter into an agreement with W-Trans for the Transportation Master Plan and Transportation Impact Fee Program and appropriate \$30,000 from the undesignated fund balance of the General Fund (Staff Report# 17-130-CC)
- I8. Authorize the Mayor to sign letters in opposition of AB1250 Counties and Cities: contracts for personal services (Jones-Sawyer) (Staff Report# 17-123-CC)
- I9. Approve salary range for the Sustainability Manager classification (Staff Report# 17-122-CC)
- I10. Authorize the City Manager to sign an amended agreement with Goldfarb and Lipman, LLP for contract legal services related to development projects (Staff Report# 17-124-CC)
- I11. Approve minutes for the City Council meeting of May 2, 2017 (Attachment)

J. Regular Business

- J1. First reading of a Safe City Ordinance; first reading of a Non-Cooperation with Registry Ordinance; adopt a resolution supporting immigration reform (Staff Report# 17-128-CC)

- J2. Appoint a City Council Subcommittee to assist with the potential revisions to the 2016 California Green Building Standards Code - Electric Vehicle Chargers and possible direction on the level of public outreach (Staff Report# 17-110-CC)

K. Informational Items

- K1. Update on the Middle Avenue Pedestrian & Bicycle Rail Crossing Study (Staff Report# 17-115-CC)
- K2. Potential modifications to process to remove limited on-street parking based on safety concerns and restrictions to electric vehicle charging stations (Staff Report# 17-116-CC)
- K3. Update on the PG&E tree removal mitigation plan for the Community Pipeline Safety Initiative (Staff Report# 17-126-CC)
- K4. Update on the draft community zero waste plan (Staff Report# 17-125-CC)

L. Councilmember Reports

- L1. Appoint Director to BAWSCA Board (Attachment)

M. City Manager's Report

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: 5/18/2017)

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:

5/23/2017

Staff Report Number:

17-129-CC

Commission Reports

Consider applicants and make an appointment to fill one vacancy on the Complete Street Commission and appoint a Councilmember Liaison

Recommendation

Staff recommends making an appointment to fill one seat on the Complete Streets Commission and appointing a Councilmember liaison to the Commission.

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

An additional seat on the newly established Complete Streets Commission has become vacant due to the expiring term of Michael Meyer on April 30. Mr. Meyer is eligible to reapply for another term and has submitted his application. In addition to Mr. Meyer, the City Council may consider applicants to the Complete Streets Commission that were not selected during the appointments made at the April 18 City Council meeting. The appointment will be for a four-year term expiring April 2021.

Applicants for consideration are:

- David Gildea
- Evan Goldin
- Jonas Halpren
- Michael Meyer
- Sylvia Smullin

In addition, the City Council should appoint one of its members to serve as liaison to the Complete Streets Commission. Mayor Keith was previously appointed as the Bicycle Commission liaison and Councilmember Carlton was appointed to the Transportation Commission. This process can be done by nomination and vote or by acclamation.

Analysis

Pursuant to City Council Policy CC-01-0004, 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.

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

Applications will be provided to the City Council under separate cover and are available for public viewing at the City Clerk's office.

Report Prepared by:
Pamela Aguilar, City Clerk



STAFF REPORT

City Council

Meeting Date: 5/23/2017
Staff Report Number: 17-127-CC

Study Session: Update on the Recology Solid Waste Franchise Agreement Negotiations and Rate Structure Study

Recommendation

Staff recommends that the City Council provide feedback on the Recology Solid Waste Franchise Agreement Negotiations and the Rate Structure Study update.

Policy Issues

On May 24, 2016, the City Council unanimously confirmed its intent to participate in the process, as a member of the South Bayside Waste Management Authority, to negotiate a potential franchise extension with Recology San Mateo County for collection of solid waste, recycling and organic materials. Additionally, the City Council has previously provided direction to staff to conduct a rate structure study for solid waste services, for which the City Council awarded a contract to R3 Consulting Group, Inc. in June 2016.

Background

Recology Solid Waste Franchise Agreement Negotiations

Menlo Park is one of 12 member agencies of the South Bayside Waste Management Authority (SBWMA, also known as RethinkWaste). SBWMA owns and operates the Shoreway Environmental Center, which receives all of the recyclables, organics and garbage collected within its service area. SBWMA also assists its member agencies with collection and recycling efforts.

SBWMA began a process with its member agencies in 2007 to issue a request for proposals for both the collection contract and the transfer station and recyclable material recovery contract. Recology San Mateo County (Recology) was selected as the collection contractor and entered into franchise agreements with each member agency. Recology initiated its solid waste and recycling collection services Jan. 1, 2011, and the agreement will expire Dec. 31, 2020.

Section 3.03 of the franchise agreement allows for extension of the term of the agreement. It states: During calendar year 2017, the Parties shall meet and confer on the possible extension of the Term. Starting the discussions with Recology well in advance of the expiration of the franchise agreement allows sufficient time for an open request for proposals process if an extension is not successfully negotiated this year.

SBWMA staff has led the negotiations with Recology for the extension of the franchise agreement. If agreement is reached on an extension, each agency will adopt an updated and restated franchise agreement. Without an extension, it will be necessary to issue a request for proposals for the collection services. SBWMA staff presented a recommendation and staff report to the SBWMA Board April 27, 2017. The staff report and supporting documents included here as Attachment A.

As part of the negotiation process, the Board created the Franchise Agreement Extension (FAX) committee with these primary tasks:

- Develop an amended and restated Model Franchise Agreement to be presented to the SBWMA board of directors at the April 27, 2017, meeting
- Obtain and include feedback from the SBWMA Technical Advisory Committee (TAC) at its April 13, 2017, meeting
- Obtain Recology's total revenue requirement (cost) to perform collection services starting in rate year 2021 and establish a compensation adjustment methodology to govern the rate changes in future contract years

Since November, the SBWMA negotiation team held a special TAC meeting in January, seven Franchise Agreement Extension (FAX) committee meetings, and seven negotiation sessions with Recology (several phone meetings were also held between Recology, HFH Consultants and SBWMA staff). In addition, two all-day negotiations sessions were held to finalize negotiations that would ultimately provide:

- Consistency with all existing solid waste, recycling and organics services
- No new-service provider transition pitfalls (i.e., container switch-out, customer service center setup and billing setup, driver route training, hard-rollout a new truck fleet, developing a new rate setting process, and end-of-contract buyouts (e.g., Allied Waste's exit)
- Rate-setting stability/predictability after an initial rate true-up, rate increases are tied to indexes
- SBWMA rates will continue to be in-line with Bay Area communities
- Continued cost savings from collection efficiencies gained by Recology's years of experience
- Sharing of future inflation risk by Recology in their 2021 cost proposal
- Savings of an estimated \$2 million in avoided RFP and contractor-transition costs
- Maintain labor peace by continuing with a known company and management team

Rate Structure Study

Separate from the contract extension discussion and in order to provide more information regarding the City's need to modify its current rate structure, in June 2016 the City engaged R3 Consulting Group, Inc. (R3) to develop a new rate structure that would:

- Collect revenues necessary to meet the annual compensation requirements due to Recology under the existing contract that begin in 2011
- Ensure the revised rate structure would incorporate all operational costs and fees, costs projected by the community zero waste plan (anticipated for City Council consideration in summer 2017) and produce a complete rate table and rate calculation which is understandable to customers and implementable by Recology
- Provide recommendations that forecast rate needs, so that the City Council may adopt a rate structure

and rate table with mechanisms to allow for any necessary future rate adjustments, based on reasonably predicted and planned programs with index-based adjustments.

Through the City's solid waste collection franchise with Recology, the City sets solid waste rates that are charged to residents and businesses. Currently, the City has a steeply inverted rate structure based on volume of garbage collection selected by the customer, which provides a price signal to encourage waste diversion. For residents, there is no separate charge for recycling and organics collection provided as part of the service. Commercial/multifamily customers receive unlimited recycling without additional charge, and they may select organics collection at a rate discounted 50 percent below garbage rates.

The City's primary responsibilities in setting rates is to ensure that the annual revenue requirement due to Recology as set by the SBWMA is met, and that that customers are charged in accordance with the services they receive. Additionally, best practices resulting from recent case law requires cities to thoroughly review rate models and their relationship to the cost of services provided.

The City has not adjusted rates since executing the agreement with Recology in 2012, and as a result current rates charged do not collect revenues required to meet annual compensation due to Recology. This has resulted in an annual shortfall owed to Recology. In 2016, the City paid Recology \$360,000 to cover accrued shortfall amounts for 2013 and 2014, and it is estimated that the current shortfall through 2016 is approximately \$475,000. Furthermore, it is estimated that the City will accrue a shortfall of approximately \$550,000 in 2017. These shortfalls have been covered by the balance in the City's solid waste fund, however the balance has been reduced and will no longer be able to sustain continued coverage of these shortfalls in the future.

Analysis

Recology Solid Waste Franchise Agreement Negotiations

The FAX has recommended an extension to the existing franchise agreement. Key terms of the agreement are summarized in the following sections.

Term

Recology has proposed the option of a 10-year or a 15-year term for the new agreement. After considering the financial benefits of spreading the depreciation cost of a new collection fleet, the FAX committee recommends a 15-year term. At the end of the current contract, Recology's \$36.3 million collection fleet will be fully depreciated however the company has indicated that it can continue to use the vehicles for 2-3 additional years. By agreeing to a 15-year term, and combining the use of the current and new vehicles for a longer term, the member agencies will benefit from reduced depreciation and interest expense (approximately \$1.7 million per year).

Contractor compensation and customer rates

The FAX committee recommends an agreement with a 2021 base contractor's compensation of \$65,330,616 which assumes a 15-year term and includes depreciation expense for the replacement collection vehicles in rate year 2020 of the current agreement. Based on these assumptions and subject to the adjustments described above, the base contractor's compensation would:

- Increase 2.4 percent from 2019 to 2020 (instead of a 7 percent reduction).

- Increase 8.2 percent from 2020 to 2021.
- Thereafter, adjustments would correspond to the changes in the selected indices plus the growth adjustments up to a maximum increase of 5 percent.

By including a portion of future depreciation expense in 2020, extending the term of the Amended and Restated Agreement 15 years instead of 10, and providing a 3-year rolling average for the change in customer subscription levels, SBWMA has already taken steps to mitigate the increase in base contractor's compensation. Menlo Park will utilize its rate stabilization account (if necessary) over the next three years to moderate the impact of the increased collection costs on the rate payers.

Throughout the negotiations process the SBWMA has worked closely with Recology in reviewing the 2013 amended Franchise Agreement to streamline the agreement and make changes to clarify service expectations. The newly amended and restated Franchise Agreement language is approximately 90 percent unchanged and has been reviewed by both the SBWMA and Recology's legal counsel.

Service changes

Residential and commercial customers will not experience any changes to their current collection services, however, there are four minor modifications to the franchise agreement for residential and commercial services, which include:

- **Mixed-use buildings:**
The agreement defines a new class of service, Mixed-use buildings, which contain commercial on the ground floor and residential above. The residential element of mixed-use buildings will receive the services currently provided to multifamily customers and the commercial element shall receive the services currently provided to commercial customers. This building type and other multifamily and commercial customers will also be able to receive bin relocation services (at an additional fee) which may be required due to bin enclosures in underground parking or below-street level locations on the property.
- **Bulky item collection:**
Residential customers will continue to receive up to two bulky item collection services annually without charge, within one week of request, however this service will be capped at 150 per day (Recology makes approximately 120 bulky item collections per day), and if the number of requests exceeds 150 per day, Recology will push out the service date one week.
- **Abandoned waste/illegal dumping collection:**
Member agencies will continue to receive abandoned bulky waste collection services but a cap of 30 pick-ups per day has been established. In the future, when the average number reaches 25 daily events, the SBWMA and Recology will meet to add collection resources and provide additional compensation to Recology or take some other action to respond to the increased demand.
- **Reporting:**
Recology's reporting requirements have been adjusted to align data collection and reporting with SBWMA's collection and customer service goals.

Once the basic franchise agreement has been approved by the SBWMA Board, City staff will initiate negotiations with Recology to discuss and resolve any specific franchise agreement terms unique to Menlo Park.

Rate Structure Study

As part of the City's rate structure study, R3 has completed an initial version of a new rate structure that was developed in consultation with City staff to meet the following "foundational principles" for solid waste rates in Menlo Park:

- Rates should generate revenues needed to cover expenses for the solid waste collection, processing and disposal system and associated City fees;
- Rates should gradually move in the direction of covering the cost of providing services to each of the solid waste subscription sectors of single family residential (SF) and multifamily/commercial (MFD/COM) from rates paid by subscribers in each sector;
- Rates should gradually move in the direction of covering the cost of providing services for each of the waste streams (garbage, recycling and organics) from rates for those specific waste streams;
- Rates should continue to incentivize higher participation in and achievement of diversion via recycling, organics and other non-landfill waste streams; and
- Rates should be able to be easily adjusted annually in accordance with indexed cost adjustments (which are managed and reviewed by SBWMA) for services as well as changes in subscriptions and services levels.

The resultant rate model is data driven, utilizing specific cost, service level, fees and operational figures from Recology and SBWMA to calculate rates for each type of solid waste rate-payer (residential versus multifamily/commercial) and for each waste stream (garbage, recycling and organics). In developing the draft rate model, R3 utilized actual data for the 2017 SBWMA/Recology rate setting process to demonstrate what the effects to rate payers would have been in 2017 had the rate model been implemented in the current rate year.

The following discussion is based on the analysis of rate impacts via the proposed rate model using the 2017 data described above. During summer 2017, R3 will work with City staff, SBWMA and Recology to update the model to include 2018 values; those values are not yet available. Upon finalization of those values, R3 and the City will work to update the rate model and calculate the 2018 proposed rates; R3 will also estimate maximum rates for 2019 through 2022 based on the rate model so that the City could conduct a five-year proposition 218 rate setting process covering rate years 2018 through 2022. At present, it is anticipated that those rates would be posted for 90-day notice of a proposition 218 rate hearing and rate adoption in November 2017.

Single-family residential rates

Table 1 demonstrates how single-family residential monthly rates would have changed in 2017 via R3's proposed methodology, for "bundled" service inclusive of garbage, recycling and organics collection.

Table 1: Comparison of single-family bundled rates – 2016 Actual vs 2017 Model

Waste stream	Garbage container size	2016 bundled monthly rate	2017 bundled monthly rate	Amount of increase
Bundled solid waste collection, processing and disposal service	20 gallon	\$13.99	\$16.89	\$2.90
	32 gallon	\$23.40	\$25.98	\$2.58
	64 gallon	\$55.99	\$58.57	\$2.58
	96 gallon	\$83.72	\$86.30	\$2.58

As shown, single-family residential rates would have increased approximately \$2.58 to \$2.90 per month between 2016 and 2017 had the City adjusted rates to meet the 2017 revenue requirement for Recology via R3’s proposed methodology. This increase would have been primarily due the fact that rates have not increased since 2012. Table 2 shows the rate components making up the bundled monthly rates shown in Table 1.

Table 2: Comparison of single-family rate components – 2016 Actual vs 2017 Model

Waste stream	Container size (collected once weekly)	2016 monthly rate	2017 monthly rate	Increase
Garbage	20 gallon	\$13.99	\$14.31	\$0.32
	32 gallon	\$23.40	\$23.40	-
	64 gallon	\$55.99	\$55.99	-
	96 gallon	\$83.72	\$86.72	-
Recycling	32 gallon	-	\$0.89	\$0.89
	64 gallon	-	\$0.89	\$0.89
	96 gallon	-	\$0.89	\$0.89
Organics	32 gallon	-	\$1.14	\$1.14
	64 gallon	-	\$1.42	\$1.42
	96 gallon	-	\$1.69	\$1.69

Table 2 demonstrates how the new proposed rate structure includes nominal charges related to the provision of recycling and organics collection for single-family customers. Currently, costs related to the provision of these services are not calculated via the City’s rate structure, but in actuality, the costs of collecting and processing recyclables and organics are significant. The proposed rate model includes nominal charge for these services for all customers, as an incremental step toward setting rates in alignment with the costs of providing services. As proposed, single-family customers would see the total bundled rate as shown in Table 1 on their bills.

For the purposes of comparison, Table 3 compares monthly single-family residential rates for each of the SBWMA member agencies. As shown, Menlo Park’s current single-family residential monthly rates for 20- and 32-gallon subscribers (which together comprise 78 percent of single-family subscriptions) are \$7.83 (36 percent) and \$8.41 (26 percent) per month less, respectively than the average monthly rates for other SBWMA member agencies. Monthly rates for 64- and 96-gallon subscribers (which comprise 22 percent of single-family subscriptions) are \$0.66 higher and \$0.17 lower per month than the average of other

SBWMA member agencies.

Table 3: Comparison of current single-family rates by SBWMA member agency				
Member agency	Monthly single-family solid waste rates (based on garbage container size)			
	20 gallon	32 gallon	64 gallon	96 gallon
Atherton	\$27.00	\$55.00	\$102.00	\$152.00
Belmont	\$21.19	\$33.50	\$65.97	\$98.95
Burlingame	\$12.90	\$23.85	\$47.71	\$70.80
East Palo Alto	\$40.77	\$40.77	\$40.77	\$40.77
Foster City	\$13.74	\$22.00	\$44.00	\$66.00
Hillsborough	\$14.67	\$23.22	\$48.51	\$78.12
Menlo Park	\$13.99	\$23.40	\$55.99	\$83.72
North Fair Oaks	\$28.05	\$28.05	\$28.05	\$84.14
Redwood City	\$11.38	\$27.30	\$54.61	\$81.06
San Carlos	\$21.29	\$31.80	\$53.27	\$69.82
San Mateo (City)	\$12.28	\$19.65	\$43.34	\$67.02
San Mateo (County)	\$31.12	\$36.98	\$61.95	\$88.00
West Bay Sanitary	\$27.96	\$40.23	\$73.70	\$110.00
AVERAGE (without Menlo Park)	\$21.82	\$31.81	\$55.33	\$83.89
<i>Menlo Park Over (Under) Average</i>	<i>(\$7.83)</i>	<i>(\$8.41)</i>	<i>\$0.66</i>	<i>(\$0.17)</i>

Multifamily/commercial rates

Multifamily and commercial rates are much more complex than residential rates, with hundreds of rate codes, and hundreds of thousands of combinations of container sizes and collection frequency for garbage, recycling and organics; as such, it is not possible to demonstrate the impacts to these rates in the same way as residential rates. To assess the impact of the proposed rate structure on multifamily/commercial customers, R3 is preparing an analysis of the impact on all such customers, comparing current monthly rates to 2017 monthly rates calculated by the rate structure. R3 will share the results of this analysis during the City Council study session, including quantification of how many multifamily/commercial customers will see significant rates impacts (i.e., greater than 10 percent) as well as the reasons for those rate impacts.

It is worth noting that the proposed rate structure does not yield any increases in monthly rates for multifamily/commercial garbage, and only minimal changes to their organics rates. The largest impacts will be to multifamily/commercial recycling rates, which will include a portion of the cost of providing recycling services. As such, the largest rate increases for multifamily/commercial will be for customers that currently generate large amounts of recyclable waste, but only pay for small amounts of garbage. Finally, it should be noted that the proposed rate structure will greatly simplify the rate model by reducing the number of multifamily and commercial rate codes over time, providing for greater simplicity (and accuracy) of future rate modeling and rate setting processes.

Annual Rate Adjustment Process

The proposed rate model will calculate required rates annually based on financial and subscription data provided by Recology and SBWMA. As a part of the rate setting process in fall 2017, R3 and City staff will calculate 2018 proposed rates based on actual data; maximum rates for 2019 through 2022 anticipated for adoption via this rate setting process will be estimated based on conservative calculations regarding anticipated increases in costs. Actual rates set in years 2019 through 2022 may be up to the maximum amounts set via the rate setting process, or could be lower if the calculation of rates based on data provided to the City results in lower rates need to meet actual revenue requirements.

As previously noted, the proposed rate model will gradually adjust rates over time, moving from the City's current rate model toward a rate model based on the cost of providing solid waste collection, processing, disposal and diversion services. R3 estimates that it will take approximately 10 years to fully implement rates aligned with the cost of providing services via this model. The City could pursue a more aggressive implementation schedule, but that would invariably result in greater short-term rate increases for single-family residential customers.

Impact on City Resources

There are no impacts to City resources at this time. Specific impacts will be discussed when the City Council meets to consider approving any franchise agreement extension or rate adjustments.

Environmental Review

An environmental review is not required for this item.

Public Notice

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

Attachments

A. SBWMA staff report on proposed model franchise agreement

Report prepared by:

Clay J. Curtin, Assistant to the City Manager/Interim Sustainability Manager



STAFF REPORT

To: SBWMA Board Members
From: Joe La Mariana, SBWMA Executive Director
Date: April 27, 2017 Board of Directors Meeting
Subject: Franchise Agreement Extension Committee Findings and Recommendations to Proposed Recology Model Franchise Agreement and Compensation Package

Recommendation

This is an informational report and no action is necessary.

Summary

The Franchise Agreement for Collection Services for Garbage, Recycling and Organic Materials with Recology expires on December 31, 2020. The SBWMA's ad hoc Franchise Agreement Extension (FAX) committee, staff and consultants have negotiated with Recology of San Mateo County (Recology) representatives since November 2016 to arrive at a mutually-agreeable, amended and restated Model Franchise Agreement and cost for service. The proposed agreement extension is for a term of 15-year (through 2025) and will provide the member agencies the same comprehensive high-quality services currently delivered by Recology. This staff report and the attached **FAX Committee's Final Findings and Recommendations Report (Attachment A)** and **Redlined Model Franchise Agreement (Attachment B)** are the outcome of the negotiation process. Because several negotiation points are still being finalized, detailed financial worksheets will be presented and handed out in the May 3rd ½ day workshop and will be discussed at the May 25th Board meeting and distributed by May 18th as part of this board meeting's agenda packet.

Analysis

Staff was tasked to negotiate a restated and amended Model Franchise Agreement and cost for services with Recology. During these negotiations, SBWMA staff worked with the FAX committee, consultants and Recology during numerous meetings to develop these two deliverables for the collection of garbage, recycling and organic materials within the SBWMA service area for 2020 and beyond.

Prior to beginning negotiations, the SBWMA performed two studies to provide important cost and rate background information:

1. ***A Solid Waste Rate Comparison by Jurisdiction Study*** to quantify the SBWMA's rates for garbage, recycling and organics collection compared to the rates that are charged by other Bay Area cities. The study showed that **the SBWMA is currently below the average cost customers are charged for a 32-gallon cart in over 60 Bay Area cities.** This study was conducted by HF&H Consultants in April 2016.

2. ***A Recology Operations Collection Cost Review*** to assess the “reasonableness” of Recology’s cost proposal. The cost review analyzed all aspects of Recology’s operations and compared this against industry norms. The review concluded that **Recology’s total annual cost of operations were “reasonable” and varied by only 5.5% from the consultant’s model and were within the norms of the solid waste industry.** This analysis was performed by Sloan Vasquez Consultants between April 2016 and February 2017. A second review was commissioned with RJ Proto Consultants to peer review the Sloan Vasquez results and provide a second opinion. RJ Proto verified that the original review was accurate and that Recology’s costs of operations were within industry norms.

During the last six months of the negotiation process, the FAX committee, SBWMA staff and consultants have worked closely with Recology to define the cost for services, the rate setting methodology, and an amended and restated Franchise Agreement. The following outlines the results from these discussions.

- **Term:** Recology has proposed the option of a 10-year or a 15-year term for the new Agreement. After considering the financial benefits of spreading the depreciation cost of a new collection fleet, the FAX committee is recommending a 15-year term. At the end of the current contract, Recology’s \$36.3 million collection fleet will be fully depreciated, however, the company has indicated that it can continue to use the vehicles for 2-3 additional years. By agreeing to a 15-year term, and combining the use of the current and new vehicle for a longer term, the member agencies will benefit from a reduction in depreciation and interest expense (approximately \$1.7 million per year) resulting in a 3.4% favorable effect on Recology’s costs when compared to the 10-year option.
- **Compensation:** The FAX committee is recommending an agreement with a 2021 Base Contractor’s Compensation of \$65,330,616 which assumes a 15-year term and the inclusion of depreciation expense for the replacement collection vehicles in rate year 2020 of the Current Agreement. Based on these assumptions, the Base Contractor’s Compensation will:
 - Increase 2.4% from 2019 to 2020 (instead of a ~7% reduction built into the current Agreement).
 - Increase 10.2% from 2020 to 2021.
 - Adjust thereafter per changes in industry indices and service levels changes (capped at 5% increase/year).
- **Rate setting methodology:** This topic has been a focus of the negotiation process with the goal of maintaining rate stability and predictability (specifically, Recology’s compensation and rate setting methodology regarding depreciation of the vehicles, fuel cost indexing, administrative costs (G&A), and adjustments for growth).
- **Amended and Restated Franchise Agreement:** Throughout the negotiations process the SBWMA staff has worked closely with Recology to streamline the Agreement and make changes to clarify service expectations. The newly amended and restated Franchise Agreement language is approximately 90% unchanged and has been reviewed by both the SBWMA’s and Recology’s legal counsel. Though residential and commercial customers will not experience any changes to their current collection services, there are four minor modifications to the Franchise Agreement for residential and commercial services, which include:
 1. **Mixed Use Buildings:** The Agreement defines a new class of service – Mixed Use Buildings which contain commercial on the ground floor and residential above. The commercial element shall receive the services currently provided to commercial customers and the residential element of Mixed Use

Buildings will receive the services currently provided to multi-family customers. This building type and other multifamily and commercial customers will also be able to receive bin relocation services (at an additional fee) which may be required due to the below-street level location of bin enclosures on the property.

2. **Bulky Item Collection:** Residential customers will continue to receive up to two bulky item collection services annually without charge, within one week of request, however this service will be capped at 150 per day (Recology currently provides approximately 120 bulky item collections per day), and if the number of requests exceeds 150 per day, Recology will roll the service date one week.
3. **Abandoned Waste Collection:** Member Agency's will continue to receive abandoned waste collection services but a cap of 30 pick-ups per day has been established (when the average number reaches 25 daily events, the SBWMA and Recology will meet to add collection resources and provide additional compensation to Recology or take some other action to respond to the increased demand).
4. **Reporting:** Recology's reporting requirements have been adjusted to streamline data collection and reporting with the collection and customer service goals.

Background

SBWMA member agencies are currently in the seventh year of a ten-year Franchise Agreement for Collection Services for Garbage, Recycling and Organic Materials with Recology. During this time, feedback provided by Board Members, Member Agency staff, and community members surveyed, has consistently established that Recology has provided a high-level of professional competency during the execution of their operations throughout this period, in addition to the intense three-year pre-service rollout period.

The SBWMA Board of Directors approved the Final Plan and Recommended Process for Supporting Member Agencies with Negotiating a Potential Franchise Agreement Extension with Recology (Plan) on April 28, 2016, which recommended a schedule that, if adhered to, was intended to result in negotiating amendments to each member agency's existing Franchise Agreements with Recology by the end of 2016. The timeline for this plan was adjusted to allow the new Executive Director time to address other urgent contractual matters, to establish a new timeline, and to initiate the Recology negotiation meetings, the FAX committee meetings, and all internal SBWMA staff meetings that were necessary for moving the negotiation process forward.

At the SBWMA Board of Directors' (Board) direction, the FAX committee, Staff and consultants have worked closely with Recology since November 2016 holding a special TAC meeting in January and April, ten FAX committee meetings, seven negotiation sessions with Recology (several phone meetings were also held between Recology, HFH Consultants and SBWMA staff) and two additional all-day negotiations sessions to finalize negotiations. The team was able to obtain and include feedback from the SBWMA Technical Advisory Committee (TAC) at its April 13th meeting.

The final goal of the process is to have the SBWMA Board of Directors approve these documents and for the SBWMA staff to provide assistance to each member agency to coordinate with Recology to finalize the contract language, specific scope of services and the pricing of additional services for their respective agency by December 31, 2017. A RFP process to solicit a new collection services provider will be initiated if the majority of member agencies are not formerly in contract with Recology by December 31, 2017.

The negotiated deal to be considered by the Board provides:

- Consistency with all existing solid waste, recycling and organics services.
- No new-service provider transition pitfalls (i.e., container switch-out, customer service center setup & billing setup, driver route training, hard-rollout a new truck fleet, developing a new rate setting process, and end-of-contract buyouts (e.g. Allied Waste's exit)
- Rate-setting stability/predictability-after an initial rate true-up, rate increases are tied to indexes.
- SBWMA rates will continue to be in-line with Bay Area communities.
- Continued cost savings from collection efficiencies gained by Recology's years of experience.
- Sharing of future inflation risk by Recology in their 2021 Cost Proposal.
- Savings of an estimated \$2 million in avoided RFP and contractor-transition costs.
- Labor peace by continuing with a known company and management team.

Fiscal Impact

Recology's operating costs are anticipated to increase between rate years 2020 and 2021. There are many variables that will occur between 2017 and 2021 that will affect the cost of collection services including inflation, fuel cost, collective bargained labor, new laws, and fleet replacement. Additionally, the specific cost of collection services will vary based on the specific services requested by each member agency and their individual rate-setting philosophy. The FAX committee and Recology have attempted to forecast each cost element and actual costs will be used to determine the final costs that will be implemented in 2021. Note that Collection Services represents approximately 63% of the total costs to provide solid waste management services, and does not include Member Agency fees, disposal & processing costs and SBWMA .Based on certain reasonable assumptions regarding these other costs Customer Rates may increase from 2019 to 2020 by 3.3% and from 2020 to 2021 by 7.8%. Other reasonable assumptions could be made regarding these future fees and the results would be different i.e., the rate impact on any specific Member Agency customer would be affected by its existing rates and any surplus it may be generating (or may have generated) that could be applied to offset these increases.

Attachments:

Attachment A: FAX Committee's Findings and Recommendations

Attachment B: Model Franchise Agreement (DRAFT)—redline version (Available online only at www.rethinkwaste.org)



**FRANCHISE AGREEMENT EXTENSION (FAX) COMMITTEE
FINAL FINDINGS AND RECOMMENDATIONS **DRAFT** REPORT**

610 Elm Street, Suite 202
San Carlos, CA 94070

April 20, 2017

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1. RECOMMENDATION

The South Bayside Waste Management Authority (SBWMA dba RethinkWaste) is close to completing a year-long negotiation process with Recology of San Mateo (Recology), to extend their hauling contract beyond 2020. The following provides the recommendations agreed upon by the SBWMA, Franchise Agreement Extension Negotiation Ad Hoc Committee (FAX), the Technical Advisory Committee (TAC), and the Financial Committee.

1. **Authorize staff to provide the SBWMA Board with a Model Franchise Agreement with Recology San Mateo County (Recology) to provide Recyclable Materials, Organic Materials, and Solid Waste Collection Services for 15-year term of January 1, 2021 through December 31, 2036.** The Model Franchise Agreement will have been mutually agreed upon by SBWMA's TAC/FAX/Staff and Recology, and provided to the Member Agencies for use to finalize their own agreements. The goal of the negotiations process is to pursue a sole source agreement with Recology and not to pursue a public procurement process.
2. Authorize staff to provide the SBWMA Board with a base-cost proposal for all core collection services outlined in the Model Franchise Agreement to be provided to all 12 Member Agency for 2021 (also known as rate year 11).
3. Authorize SBWMA Senior staff to provide technical support with each of our 12 member agencies during their entire negotiation process with Recology as they discuss agency-specific services and costs (beyond the base-cost proposal).
4. Once the Model Franchise Agreement with Recology is accepted by the SBWMA Board, each Member Agency will negotiate with Recology any Member Agency-specific considerations for approval by December 31, 2017.

**First Amended and Restated Joint
Exercise Powers Agreement
SBWMA Article 7.1.1.c:**

*“Entering into or amending
Franchise Agreements for the
operation of the Facilities require
the approval of two-thirds vote of
its members”.*

The SBWMA TAC/FAX Committees and Recology have agreed to the base-cost proposal for all core collection services, and are in the process of finalizing the Model Franchise Agreement. The TAC/FAX/Staff negotiations team recommends moving forward with the current cost proposal because it has been determined that it is a *“good deal”* for the Member Agencies. Nearly every aspect of the cost proposal has been reviewed and was deemed *“reasonable”* and *“within local market pricing”*. However, the team was unable to receive satisfying cost detail from Recology on what their general and administrative (G&A) costs were in this proposal (these costs represent about 16% of the total cost and increase from 2016 to 2021). Although Recology has not provided sufficient detail in this area, the TAC/FAX/Staff team acknowledges that the G&A costs are within the average for the industry and, therefore, should not hold up the Agreement process.

2. EXECUTIVE SUMMARY

Currently the Member Agencies are in the seventh year of a ten-year Franchise Agreement for Collection Services for Garbage, Recycling and Organic Materials with Recology. In anticipation of the Agreement's expiration in 2020, the SBWMA initiated discussions of a contract extension with the company. A starting point for this process was the gathering of stakeholder input from SBWMA Board Members, Member Agency staff, and community members. All groups surveyed expressed a high-level of satisfaction with Recology and concur that the company has consistently provided professional, competent, reliable service in the execution of their collection services. Based on this strong performance and survey response, the SBWMA Board approved a plan and recommended a negotiation process during Spring 2016. The Plan included a key assumption that all Member Agencies intend to participate in a Franchise Agreement extension with Recology by December 31, 2017.

Negotiations Process

As part of the Plan and recommended negotiation process, the Board created the Franchise Agreement Extension committee (FAX) with the primary tasks of:

- **Develop an amended and restated Model Franchise Agreement** to be presented to the SBWMA Board of Directors at the April 27, 2017 meeting.
- **Obtain Recology's total revenue requirement (cost) to perform collection services starting in rate year 2021** and establish a compensation adjustment methodology to govern the rate changes in future contract years.
- **Obtain and include feedback from the SBWMA Technical Advisory Committee (TAC)** at its April 13th meeting.

Since November, the SBWMA negotiation team has held special TAC meetings in January and April, ten FAX committee meetings, seven negotiation sessions with Recology (many phone meetings were also held between Recology, HFH Consultants and SBWMA staff), and two additional all-day negotiations sessions were held on April 4th and 6th to finalize negotiations. This negotiated deal will provide:

- **Consistency with all existing solid waste, recycling and organics services.**
- **No new-service provider transition pitfalls** (i.e., container switch-out, customer service center setup & billing setup, driver route training, hard-rollout of a new truck fleet, developing a new rate setting process, and end-of-contract buyouts (e.g. Allied Waste's exit).
- **Rate-setting stability/predictability** after an initial rate true-up, rate increases are tied to indices.
- **SBWMA rates will continue to be in-line with Bay Area communities.**
- **Continued cost savings from collection efficiencies** gained by Recology's years of experience.
- **Sharing of future inflation risk by Recology** beginning with their 2021 Cost Proposal.
- **Avoidance of an estimated \$2-3 million** in avoided RFP and potential contractor-transition costs.
- **Maintain labor peace** by continuing with a known company and management team.

Prior to the negotiation process, the SBWMA performed two studies to provide important cost and rate background for the negotiation process:

1. ***A Solid Waste Rate Comparison by Jurisdiction Study*** to quantify the SBWMA's rates for garbage, recycling and organics collection compared to the rates that are charged by over 60 other Bay Area cities. The study showed that the SBWMA is currently below the average cost customers are charged for a 32-gallon can each month for surveyed Bay Area cities.
2. ***A Recology Operations Collection Cost Review*** to assess the "reasonableness" of Recology's cost proposal. The cost review analyzed all aspects of Recology's operations and compared this against industry norms. The review by the two consultants concluded that Recology's total annual cost of operations were "reasonable" and varied by only 5.5% from the consultant's model and were within the norms of the solid waste industry.

Term, Compensation, and Rate Setting Methodology

Term: Recology has proposed the option of a 10-year or a 15-year term for the new Agreement. After considering the financial benefits of spreading the depreciation cost of a new collection fleet, the FAX committee is recommending 15-year term. At the end of the current contract, Recology's \$36.3 million collection fleet will be fully depreciated, however, the company has indicated that it can continue to use the vehicles for 2-3 additional years. By agreeing to a 15-year term, and combining the use of the current and new vehicles for a longer term, the member agencies will benefit from a reduction in depreciation and interest expense (approximately \$1.7 million per year, or 3.4% of the total projected cost).

Compensation: The FAX committee is recommending an agreement with a 2021 Base Contractor's Compensation of \$65,303,616 which assumes a 15-year term and the inclusion of depreciation expense for the replacement collection vehicles in rate year 2020 of the Current Agreement. This amount will be adjusted for the change in the cost of fuel and customer subscription levels.

Based on these assumptions and subject to the adjustments described above, the Base Contractor's Compensation would increase approximately 2.4% from 2019 to 2020 (instead of a 7% reduction that would have occurred as depreciation payments ended), and increase approximately 10.2% from 2020 to 2021. The actual increase will depend on several future adjustments. For example:

- The actual 2019 and 2020 Base Contractor's Compensation determined in accordance with the existing Agreement are subject to future changes. Recology forecasted this amount based on historical increases from 2013 to 2017 and arrived at an 8.2% increase. Because that period included an extraordinary "true up" of Base Contractor's Compensation to actual cost in 2013, it is not included in the calculation of the 10.2% increase described above.
- Adjustments to the 2021 Base Contractor's Compensation as described above. A \$1 per gallon increase to the price of fuel results in a \$987,000 (1.5%) increase to Base Contractor's Compensation. A 2% per year increase in customer subscriptions to all lines of business results in a \$1,023,000 (1.6%) increase to Base Contractor's Compensation.

Thereafter, annual adjustments to the Contractor's Base Compensation would correspond to the changes in the indices for wages, benefits, fuel and other expenses plus a growth adjustment up to a maximum increase of 5%.

Customer rates, plus the use of any reserves, are set to equal the Total Customer Billed Revenue. **Total Customer Billed Revenue is comprised of Recology's cost plus Member Agency fees; plus Disposal and Processing costs.** Based on certain reasonable assumptions regarding these fees, the Total Customer Billed Revenue may annually increase from 2018 to 2020 by 3.3% and from 2020 to 2021 by 7.8%. Other reasonable assumptions could be made regarding these future fees and the results would be different - i.e., the rate impact on any specific Member Agency customer would be affected by its existing rates and any surplus it may be generating (or may have generated) that could be applied to offset these increases.

It should be noted there are other factors that will affect the customer rates, which include processing costs and tip fees from these other facilities. The current agreement with Recology for Collection Services represents about two-thirds of the entire waste collection, handling and transportation system costs. Therefore, the remaining costs which are components of our overall system costs are all tied to contracts outside the Franchise Agreement negotiations discussion. For example, in February 2017, the Agency renewed its contract Construction and Demolition materials processing contract so those costs are now known through 2022. The Agency has, however, three other significant materials handling, processing and/or disposal contracts that will expire before 2020. There is no clear understanding of what the negotiations with those contracts will hold, or what the new rates will be.

Rate setting methodology: This topic has been a primary focus of the negotiation process and maintaining rate stability and predictability has been a major goal for the SBWMA (specifically, Recology's compensation and rate setting methodology regarding depreciation of the vehicles, fuel cost indexing, General and Administrative costs (G&A), and adjustments for growth were areas of focus).

Amended and Restated Franchise Agreement

Throughout the negotiations process the SBWMA has worked closely with Recology in reviewing the 2013 amended Franchise Agreement to streamline the agreement and make changes to clarify service expectations. The newly amended and restated Franchise Agreement language is approximately 90% unchanged and has been reviewed by both the SBWMA and Recology's legal counsel. Though residential and commercial customers will not experience any changes to their current collection services, there are four minor modifications to the Franchise Agreement for residential and commercial services:

1. **Mixed Use Buildings:** The agreement defines a new class of service – Mixed Use Buildings - which contain commercial uses on the ground floor and residential uses above. The residential element of Mixed Use Buildings will receive the services currently provided to multi-family customers and the commercial element shall receive the services currently provided to commercial customers. This building type and other multifamily and commercial customers will also be able to receive bin relocation services (at an additional fee) which may be required due to the below-street level location of bin enclosures on the property.

2. **Bulky Item Collection:** Residential customers will continue to receive up to two bulky item collection services annually without charge, within one week of request, however this service will be capped at 150 collections system-wide per day (Recology currently makes approximately 120 bulky item collections per day), and if the number of requests exceeds 150 per day, Recology will roll the service date by one week.
3. **Abandoned Waste Collection:** Member Agencies will continue to receive abandoned bulky waste collection services, but a cap of 30 pick-ups per day has been established. In the future, when the average number reaches 25 daily events, the SBWMA and Recology will meet to add collection resources and provide additional compensation to Recology, or take some other action to respond to the increased demand.
4. **Reporting:** Recology's reporting requirements have been adjusted to align data collection and reporting with the collection and customer service goals.

3. BACKGROUND

SBWMA is in the seventh year of a ten-year Franchise Agreement for Collection Services for Garbage, Recycling and Organic Materials with Recology. During this time, feedback provided by Member Agency staff, SBWMA Board Members and community members surveyed, demonstrated that Recology has consistently provided professional competency in the execution of their operations. As a result of their strong performance, the SBWMA Board finalized a plan and recommended process for negotiations during Spring 2016. This section details the goals of the Recology negotiations and provides background and clarification regarding the plan and recommended process followed.

3.1 Goals of the Collection Services Franchise Agreement Negotiations

Three goals were identified during the planning phases of the Recology negotiation process. These goals were the primary focus of the FAX committee, and include:

- Develop an **amended and restated Model Franchise Agreement** to be presented to the SBWMA Board of Directors at the April 27, 2017 meeting. The Model Franchise Agreement is to serve as a template document for each member agency to further refine and approve.
- Obtain Recology's **Total Revenue Requirement to perform collection services in future rate year 2021, as well as establishing an ongoing compensation adjustment methodology.** Upon SBWMA Board approval of these documents, each member agency is strongly encouraged to immediately work with Recology to finalize the contract language, specific scope of services and the pricing of any added or changed services for their respective agency by December 31, 2017. A RFP process to solicit a new collection services provider will be initiated if at least eight Member Agencies are not formally in contract with Recology by December 31, 2017.
- Obtain and include feedback from the SBWMA Technical Advisory Committee (TAC) at its April 13th meeting.

3.2 Overview of Negotiation Process

The Final Plan and Recommended Process for Supporting Member Agencies with Negotiating a Potential Franchise Agreement Extension with Recology (Plan) was approved by the SBWMA Board of Directors on April 28, 2016, which recommended a schedule that, if adhered to, was intended to result in negotiating amendments to each member agency's existing Franchise Agreements with Recology by the end of 2017. The timeline for this plan was adjusted to allow the new Executive Director, who began in August 2016, time to address other urgent contractual matters, to establish a new timeline (as seen in Attachment A), and to initiate the Recology negotiation meetings, the FAX committee meetings, and all internal SBWMA staff meetings that were necessary for moving the negotiation process forward within the afore mentioned timeline. The Plan included a key assumption that all Member Agencies intended to negotiate a Franchise Agreement extension with Recology and were required to notify SBWMA staff by May 31, 2016 of their intent to participate in the process. All Member Agencies provided their commitment to participate by the deadline.

3.3 Negotiation Team Personnel

SBWMA staff was tasked with developing a team to drive the negotiation process and work closely with the FAX Committee. The FAX Committee was created and approved by the SBWMA Board of Directors, and provides a well-rounded team of senior Member Agency staff for the negotiation process. The following details provide the background on each team.

FAX Committee Formation and Composition

During the April 28, 2016 SBWMA Board of Directors meeting, the Franchise Agreement Extension (FAX) Ad Hoc Committee was formed to represent the interests of the community's rate payers as the SBWMA staff and consultants negotiated with Recology to deliver a new contract. This FAX Committee consists of six members, as presented in Table 1.

Table 1. FAX Committee Team Members

FAX Committee Team Members	
Title	Personnel
City of Belmont, Public Works Director, <i>TAC Chair</i>	Afshin Oskoui
City of East Palo Alto, Finance Director	Brenda Olwin
City of Menlo Park, Environmental Services Manager	Heather Abrams
City of Redwood City, City Manager, <i>FAX Vice Chair</i>	Melissa Stevenson Diaz
City of San Mateo, City Manager	Larry Patterson
County of San Mateo, Public Works Director, <i>FAX Chair</i>	Jim Porter

In addition to these six (6) city representatives, senior SBWMA staff, two industry experts, a leading solid waste industry financial consultant, and the Agency's attorney also participated with this committee to provide technical support throughout the negotiation process.

In February 2017, Heather Abrams left the City of Menlo Park and, thereby, stepped off the FAX Committee. Significant discussion occurred between the SBWMA Board of Directors and FAX committee members regarding their options on how to address this unexpected vacancy. The City Managers from two Member Agencies (Atherton and Menlo Park) each stated their interest in filling the vacancy on the FAX committee. On February 23, 2017, the SBWMA Board of Directors decided to keep the FAX committee at five city representatives and not to add anyone to the FAX committee.

Eight FAX committee meetings were held between December 6, 2016 and March 28, 2017, and one additional joint TAC/FAX meeting was held on April 13, 2017. The primary purpose of this joint meeting was to seek input and feedback on the scope of services to be provided by Recology and provide recommendations to the Negotiation and FAX committees. The TAC/FAX committee reviewed the FAX Committee's Findings and Recommendations prior to consideration by the SBWMA Board at their April 27th meeting.

SBWMA Negotiation Team Members

The SBWMA staff established a Negotiations Team composed of SBWMA staff and consultants who had primary responsibility for direct negotiations with Recology. This team was established to provide continuity, support and expert navigation to the FAX committee during the negotiation process and provide the key deliverables of a draft Model Franchise Agreement and Recology's cost proposal for rate year 2021. These members are shown in Table 2.

Table 2. SBWMA Negotiation Team Members

SBWMA Negotiation Team Members	
Title	Personnel
SBWMA, Executive Director	Joe La Mariana
SBWMA, Sr. Facilities & Major Contracts Mgr.	Hilary Gans
Team Administrative Support	Cyndi Urman, SBWMA, Tracie Bills (SCS Engineers)
Solid Waste Industry Subject Matter Expert	Ron Proto, RJ Proto Consulting
Solid Waste Industry Financial Consultants, Lead Negotiators	Bob Hilton, Tracy Swanborn, Marva Sheehan (HFH Consultants)
SBWMA Attorney	Jean Savaree, ADLC

Recology Negotiation Team Members

The Recology Negotiation Team consists of seven members, as shown in Table 3.

Table 3. Recology Negotiation Team Members

Recology Negotiation Team Members	
Title	Personnel
Vice President, San Mateo/South Bay Region	Mario Puccinelli
General Manager, San Mateo County Division	Mike Kelly
Controller, San Mateo/South Bay Region	Carl Mennie
Administrative Services Manager, San Mateo Division	Tammy Del Bene
Public Affairs Manager, San Mateo Division	Gino Gasparini
Customer Service Manager, San Mateo Division	Jeanette Haskell
Attorney, Recology Corporate	Bryce Giddens

The team's first joint meeting was held as a two-day introductory orientation on November 2 and 3, 2016, with the goal to identify critical discussion points that would shape the scope of the negotiations. These initial two meetings did not include HFH Consultants (their contract was approved in December), Jean Savaree (SBWMA staff and Recology agreed to have an open dialogue prior to attorneys becoming involved), or Bryce Giddens. There were a total of nine, three-hour negotiation meetings and two final eight-hour meetings.

3.4 2016 Rate Survey

The SBWMA contracted HF&H Consultants, LLC (HF&H) to survey the solid waste rates for the jurisdictions located in the Bay Area counties of Alameda, Contra Costa, Marin, Santa Clara and San Mateo. The results of this survey showed that the SBWMA is currently below the Bay Area average cost that is charged to residential customers for a 32 gallon garbage can each month (average cost for a residential 32 gallon garbage can within the SBWMA averages \$32.55 per month (monthly service costs ranged from \$22 - \$55 between jurisdictions) while the Bay Area surveyed averaged is \$33.14 per month (costs ranged from \$24.41 - \$43.75 between jurisdictions). For further information, refer to **Attachment B** which details the rates for each jurisdiction and how they compare to member agency rates.

3.5 Development of Existing Operations Cost Review

The SBWMA engaged Sloan Vasquez McAfee (SVM) in May 2016, to review and assess Recology's 2016 costs, and to develop an Operational Cost Model (pro forma) that provides a cost of service analysis of Recology's cost to deliver services required by their agreement with the SBWMA. The pro forma was used to validate Recology's cost of service for reasonableness. SVM used Recology's actual costs as of 3/31/2016 to develop the pro forma. Recology calculated those costs using 6 months actual costs, October 2015 - March 2016, then projected the remaining 6 months. Where Recology did not provide information, SVM developed estimates based on accounting and financial principles, and their extensive experience and knowledge of the waste industry.

3.6 Two-tiered Peer Review of Current Collections Operations Costs

As a secondary step, a peer review was performed of the SVM pro forma by R.J. Proto Consulting Group (RJP) in order to evaluate its accuracy. After this review, RJP provided findings to SVM, who then developed a restated pro forma which included those findings. RJP reviewed the SVM **Original Pro Forma** and found it was a thorough, well-developed model, drawing numbers, formulas, and calculations from multiple interactive worksheets.

The findings showed the Total Annual Cost of Operations variance between the SVM pro forma and Recology's 2016 Actual Costs of 3/31/16 is -5.5%, (meaning the SVM pro forma costs were 5.5% lower than Recology's 2016 costs as of 3/31/16) and that it was within a reasonable margin of error for this type of analysis. SVM took the findings from RJP's analysis and made changes to the original pro forma, developing a **Restated Pro Forma**. The difference between the original and restated pro forma is mostly due to a pension cost variance which was only 0.5%, or \$146,000 more than Recology Actual costs. SVM also attributed some of the other findings to timing differences. The restated pro forma has a variance of -1.8% meaning the SVM pro forma costs were 1.8% lower than Recology's 2016 actual costs.

The Total Annual Cost of Operations variance between the SVM original and restated pro formas and Recology's Actual Costs as of 3/31/16 ranges between -5.5% to -1.8%. This variance is within a reasonable margin of error for this type of analysis. The results from this analysis can be found in **Attachment C**.

3.7 Member Agency Input

Member Agency input is always highly-valued, and was specifically solicited by staff during the negotiation process in a variety of ways that are identified in this section. This feedback provided the SBWMA Negotiation Team (Team) with clarification on ratepayer satisfaction with Recology's collection services, customer support, and rates. This clarification, in turn, shaped the Team's discussion and deal points for the entire negotiation process with Recology. This stakeholder input process is detailed below.

A. SBWMA TAC Meetings

There were two SBWMA TAC meetings that allowed for participation by each Member Agency during the Recology negotiation process.

- **January 5, 2017:** HF&H Consultants facilitated an agency-wide input session with the TAC and FAX members to identify and rank important discussion points for the Franchise Agreement negotiations. The results from this collaborative dialogue included a Context Map and Mandala Visioning session that provided clarity on the concerns and direction the Member Agencies would like to see. This session was attended by over forty Member Agency representatives. For further detail, see **Attachment D**.
- **April 13, 2017:** A joint TAC and FAX committee meeting was held to provide context, share results and seek feedback on the recommendations by the Negotiation and FAX committee. This meeting was the first glimpse the TAC members had of the proposed changes and compensation package. The feedback was positive regarding the direction of the negotiations and the progress made to date.

The biggest take-away from the meeting was for SBWMA staff to provide a half-day workshop and financial review for the TAC, to be briefed on the Amended and Restated Franchise Agreement, and compensation package. The TAC members believe this would help with understanding the changes and prepare them for the council meeting discussions in May. A second half-day will also be scheduled for early/mid-May to review the financial data and contract language with the Member Agency legal staff. The other feedback provided by TAC members included:

- Upon confirmation of all deal points, provide more detailed financial information to understand all changes in the Amended and Restated Franchise Agreement.
- Confirming public outreach efforts associated with the Master Franchise Agreement should be managed by the Member Agency, as they define their own Amended and Restated Franchise Agreement and rate structure.
- Collaborating on any common negotiating points between the Member Agencies, as they discuss options with Recology, it would be good to identify other Member Agencies that are working on the same topic to try and streamline the negotiation process.
- Providing an outline of all changes in the Amended and Restated Franchise Agreement to make the review easier.

A half day workshop will be held on May 3, 2017 for the TAC representatives and Member Agency staff (those working with Recology and SBWMA when the new contract is executed) to outline changes to the Amended and Restated Model Franchise Agreement and Cost Proposal with Recology. The intent of this workshop is to provide opportunity to ask questions and walk through the details in preparation for the Member Agency City Council meetings during the month of May.

B. SBWMA Member Agency Input Survey: Garbage & Recycling Collection Services

A survey was generated to seek input from Elected Officials in order to understand satisfaction with different services provided by Recology, and to seek feedback on the level of interest for each Member Agency in pursuing new or changed services. These details provided critical insight and guidance for the negotiation process. The survey was distributed to all SBWMA TAC members on December 16, 2016, who then sent the survey to their fellow Elected Officials for feedback. The information was gathered via SurveyMonkey and a response was requested by January 6, 2017. The deadline was extended to January 13 to allow for every Member Agency to respond. All Member Agencies responded. Results of the Survey can be found in **Attachment E**.

C. SBWMA Member Agency Projected Growth Rate Survey

A survey was generated to seek input from all Member Agency Senior Planning staff in order to understand projected development in their service area. This aspect was significant to our discussions throughout the negotiations due to the concerns Recology has stated surrounding their lack of compensation for an increase in accounts due to the growth in commercial and multi-use buildings over the past few years. The survey was distributed to all SBWMA TAC members on January 9, 2017, who then sent the survey to their planning departments for feedback. The

information was gathered via SurveyMonkey and a response was requested by January 27, 2017. All but one Member Agency responded. Results of the Survey can be found in **Attachment F**.

D. Redline Franchise Agreement Submittals

In December 2016, the SBWMA staff provided a redline franchise agreement document to all Member Agency TAC members with the initial intent to seek feedback on any areas that would be a concern. This redline document was provided by Recology as an initial step during the negotiations process. An additional redline document was provided to the Member Agencies on April 20, 2017, which incorporated all feedback from Recology, the FAX committee, Negotiation committee and SBWMA staff.

E. Monthly Board Briefings

The SBWMA Executive Director provided negotiation progress updates to the SBWMA Board of Directors, on the related activities that had been performed during the previous month, including critical highlights of events, and next steps during the negotiation process. These updates were provided to the SBWMA Board on November 17th, 2016; January 26th, 2017; February 23rd, 2017; and March 23rd, 2017.

4. Negotiation Results

This section provides overall results on committee feedback, achievements of negotiating goals and the benefits of the negotiated Recology offer.

4.1 Achievement of Negotiating Goals

Since November, the SBWMA negotiation team held ten FAX Committee Meetings, two special TAC meetings in January and April, seven planned joint negotiation meetings, and also many phone meetings between Recology, HFH Consultants and SBWMA staff to continue moving the process forward to maintain the Board's FAX schedule. Negotiations moved along smoothly, however, Recology's initial cost proposal for the current agreement's last rate year (2020) and the start of the presumed new agreement (2021) known as the "jump-off point" was not in line with Agency expectations, which was to remain under a two digit percent increase. Both parties agreed to hold subsequent final discussions during two all-day meetings that were conducted on April 4th and 6th, 2017. Although the negotiation team experienced a bit of a delay with negotiations, the team was able to obtain and include feedback from the SBWMA Technical Advisory Committee (TAC) at its April 13th meeting, provide an amended and restated Model Franchise Agreement to the SBWMA Board of Directors at the April 27, 2017 meeting, to obtain Recology's total revenue requirement estimated to perform these services in future rate year 2021, and to establish a compensation adjustment methodology. These deliverables are highlighted in Section 5 to follow.

The final goal of the process is to have the SBWMA Board of Directors approve these documents and for the SBWMA staff to provide assistance to each member agency to coordinate with Recology to finalize the contract language, specific scope of services and the pricing of additional services for their respective agency by December 31, 2017. A RFP process to solicit a new collection services provider will be initiated if at least

eight of the Member Agencies are not formally in contract with Recology by December 31, 2017, (in accordance with section 7.1.1.c of the Agency's overarching JPA agreement).

4.2 Benefits of the Negotiated Recology Offer

Recology has been a proven and reliable partner over the last seven years and has provided excellent service to the SBWMA community. The negotiations team recognizes that Recology's cost of operations are similar to other companies (industry experts have verified that Recology's costs are within industry norms) and that no large cost savings are likely to be gained by installing a new collection contractor. Additionally, it is important to recognize that Recology has provided excellent service to the SBWMA community and that there is no guaranty that another service provider will meet the same standards. The FAX committee believes that the negotiated deal to be considered by the SBWMA Board provides:

- Consistency with all existing solid waste, recycling and organics services.
- No new-service provider transition pitfalls (i.e., container switch-out, customer service center setup & billing setup, driver route training, hard-rollout a new truck fleet, developing a new rate setting process, and end-of-contract buyouts (e.g. Allied Waste's exit).
- Rate-setting stability/predictability after an initial rate true-up, rate increases are tied to indices.
- SBWMA rates will continue to be in-line with Bay Area communities.
- Continued cost savings from collection efficiencies gained by Recology's years of experience.
- Sharing of future inflation risk by Recology beginning with their 2021 Cost Proposal.
- Avoidance of an estimated \$2-3 million in avoided RFP and potential contractor-transition costs.
- Labor peace by continuing with a known company and management team.

5. Agreement and Financial Results

This section details the financial impact associated with the agreed upon compensation package and Model Franchise Agreement.

5.1 Amended and Restated Agreement

Over the past few months the SBWMA has worked closely with Recology in reviewing the 2013 amended Franchise Agreement to streamline and make critical changes that will enhance the overall clarity and productivity of the document. This document's language is approximately 90% unchanged and received legal review by both the SBWMA and Recology's legal counsel. It is important to note that, while this document is substantively complete, it still must complete a final, comprehensive legal review. This review will be completed in early May and a final proposed Model Franchise Agreement document will be distributed in the May 25th SBWMA Board agenda packet. (A section-by-section summary of the proposed changes can be seen in Attachment G).

The FAX and TAC committee participants expressed satisfaction with the current scope of services, however, enhancements were requested. The most significant of these included:

- Providing recycling, organic, and bulky waste services to the residential component of mixed use development.
- Improving public education and technical support services to commercial customers.
- Modifying the compensation adjustment methodology to:
 - provide greater stability and predictability;
 - ensure that the allocation of costs fairly affects each Member Agency's rates; and
 - simplify the adjustment process and explanation of rate changes.
- Considering "clean fuel" vehicles when the replacement of the existing fleet occurs.
- Providing reports that are easy to read, useful and not redundant.

Recology also identified areas where it wished to see changes (Note: not all of Recology's requests were accepted). The most significant of these included:

- Increasing the current Base Contractor's Compensation to reflect Recology's actual higher costs of operations (True Up) during the remaining term of the current Agreement.
- Converting to an annual compensation adjustment methodology that adjusts compensation to account for actual costs.
- Adding additional fees to "Attachment Q" that capture the cost of services (e.g., relocation fee).
- Provide a cap and additional compensation for bulky item collection.
- Allowing Recology to retain all revenues from customer billings.
- Reducing the number of performance standards and related liquidated damages.
- Reducing reporting requirements.

The driver for many of Recology's request was, in part, due to their stated decrease in their profitability during the past seven years. Recology has also stated that, if this current trend line were to continue, their division could operate at a loss by this end of the current term of this agreement. The current Recology franchise agreement has compensation based on adjustments using different industry indices (e.g. Consumer Price Index for fuel) and independent of cost factors (e.g. labor rates). **In the last seven years many of the Member Agencies have experienced significant growth in their commercial sector, and this growth was not factored into the current compensation model. As an example, for every new business added, Recology incurs the expense of providing service, but the new revenue is retained by the individual member agencies.** To date, Recology has effectively managed these new and additional costs by evaluating their operations and streamlining efficiencies to make up for any losses, but the company's senior management has stated that they have now hit a point of diminishing returns. The findings outlined in section 3.6 and **Attachment C** of this report provide two levels of independent review corroborating Recology's operational efficiencies.

The following sections describe the results of the negotiations.

Residential and Commercial Services

Residential customers will not experience any changes to their collection services, thus avoiding complaints resulting from the implementation of new services or the change in service providers. Most commercial customers will also not experience any changes to their collection services. A very small sub-set of commercial accounts (Recology has identified about 20 accounts) will need to improve their container access for Recology's workers, or they will be subject to a new container relocation fee due to the special handling that will be required to properly service those units.

There are four primary modifications to the amended and restated Franchise Agreement for residential and commercial services, which include: mixed use building services, bulky item collection, abandoned waste collection and reporting requirements.

Mixed Use Buildings: The residential component of Mixed Use Buildings will receive all services currently provided to multi-family customers (including recycling, organics and bulky item collection) and the commercial element shall receive the services currently provided to commercial customers. This building type and other multifamily and commercial customers will also be able to receive bin relocation services (at an additional fee) which are required due to the below street level location of bin enclosures on the property.

Bulky Item Collection: Residential customers will continue to receive up to two bulky item collection services annually within one week of request, without charge. Currently, approximately 120 bulky item collections occur daily. Once the demand for these services increases to 150 (a 25% increase), Recology can extend the service delivery date by one week. (This was done to align the services with the costs included in Recology's Base Contractor's Compensation.) At such time, the Member Agency, SBWMA and Recology will meet to address whether to add an additional route and compensate Recology; or, take some other action to respond to the increased demand.

Abandoned Waste Collection: Member Agencies will continue to receive abandoned bulky waste collection services at no cost to the agencies or customers. A limit of thirty (30) pick-ups per day has been established, to align the services with the costs included in Recology's Base Contractor's Compensation. When the average number reaches 25 daily events, the SBWMA and Recology will meet to address whether to add collection resources and compensate Recology or take some other action to respond to the increased demand.

Reporting: Reporting requirements have been streamlined, reducing effort in the preparation of the reports, while maintaining the reporting elements.

Compensation and Rate Setting Methodology

The compensation and rate setting methodology discussions took the longest to complete and are, by far, the most critical element to the negotiation process. Major discussions during the meetings contained the rate setting methodology in order to provide stability and predictability, depreciation of the vehicles, fuel cost, administrative costs, and compensation adjustments for growth in the number of accounts. Extensive discussions during the FAX Committee meetings involved the current agreement and any changes that would be made to Recology's compensation. Ultimately, the Amended and Restated Agreement:

- Avoids any increase (or True-Up) during the remaining term of the current Agreement.
- Allows Member Agencies to retain the difference between actual revenues and the Total Customer Billed Revenue (Base Contractor's Compensation plus disposal/processing expense and Member Agency fees).
- Includes two reasonable new "Attachment Q fees" for bin relocation services that are 1) particularly applicable for buildings with below street level bin enclosures, and 2) a charge for agency-specific reporting requirements for Abandoned Waste support services.

Evaluation and agreement upon Recology's initial cost proposal for the current agreement's last rate year (2020) and the start of the presumed new agreement (2021) referred to as the "jump-off point" was negotiated. The agreed upon compensation for 2021 reflects a one-time increase to bring the Base Contractor's Compensation up to Recology's actual costs. It includes an amount for inflation between 2017 and 2021 (@2%) except for fuel expense which reflects 2016 fuel prices. It does not include any increase in the cost of operations from the increase to customer subscription levels experienced since the start of Recology's services. It also includes estimated depreciation and interest expense for the replacement of the existing fleet of collection vehicles.

This agreed upon compensation for 2021 will be adjusted according to a methodology as follows:

- The projected Base Contractor's Compensation will not be adjusted for differences between the assumed and actual inflation rate between 2017 and 2021 with the exception of changes in the fuel price index.
- The Base Contractor's Compensation will not be adjusted for costs arising from collective bargaining agreement changes.
- The Base Contractor's Compensation will be adjusted for changes to fuel prices, based on changes in a Bay Area fuel index.
- The Base Contractor's Compensation will be adjusted annual for changes to subscription levels using a 3-year rolling average of subscription levels to moderate the effect of such changes. The subscription level change for 2021 will reflect service level changes from 2016 to 2020.
- Effective in 2027 through the remaining term, the Base Contractor's Compensation will be adjusted for the difference between the assumed depreciation and interest expense for replacement collection vehicle fleet and the actual expense. (Adjustments by 50% for any depreciation expense increase up to \$700,000 and no adjustment for increase greater than \$700,000; adjustments for change in interest expense from that assumed resulting from the increase in the actual cost of the replacement vehicle fleet.)

The Amended and Restated Agreement maintains incentives for Recology to continue to manage costs and provides stability and predictability of changes to the Base Contractor's Compensation.

- It continues to use published indices to adjust Base Contractor's Compensation, rather than Recology's actual costs. New indices have been selected to more appropriately reflect changes to the Bay Area's costs.
- An annual adjustment to Base Contractor's Compensation for changes to customer subscription levels has been provided. This adjustment uses a 3-year rolling average of customer subscription to moderate fluctuations.
- Only 50% of the increase in depreciation up to \$700,000 resulting from the increase in cost of the replacement collection vehicle fleet is compensated to Recology.
- A new 5% cap on the annual increase to Base Contractor's Compensation has been agreed to by Recology. Any excess amount will roll-forward to the following year to be compensated but such roll-forward amount will still be subject to the 5% cap in the following year. Should the roll-forward amount equal more than 10% of Base Contractor's Compensation, the Agency and Recology shall meet and confer to discuss the Agency's plan to compensate Recology for the roll forward amount during the remaining term of the current Agreement.

The Amended and Restated Agreement modifies the current method of calculating each Member Agency's Base Contractor's Compensation. Currently, total Base Contractor's Compensation is determined and then it is allocated among the Member Agencies. The new method starts with the agreed upon 2021 Total Base Contractor's Compensation and allocates these costs among the Member Agencies. Thereafter, each Member Agency's Base Contractor's Compensation will be adjusted in accordance with the change in the indices and for its own change to customer subscriptions, without regard to any other Member Agency's change to customer subscriptions.

Other Key Terms and Conditions

Other non-financial changes that were made include the discussion of a Public Education and Technical Assistance Plan, and the type of vehicles that may be selected come the new term. Both are outlined below.

Prior to 2021, and every three years thereafter, Member Agencies, the SBWMA and Recology will jointly develop a Public Education & Technical Assistance Plan. The plan will include specific objectives, tasks, performance standards, reporting requirements and costs. This will allow the Plan to be responsive to the then current conditions, local policies and State requirements. Should the Plan require costs beyond those included in the Base Contractor's Compensation, the parties shall meet and confer to agree upon an appropriate compensation amount and the allocation of that amount among the Member Agencies.

Prior to the replacement of the existing fleet of collection vehicles (estimated in year 2023), the Member Agencies, SBWMA and Recology shall agree on the type of replacement vehicles. This will allow the parties to consider current conditions, the then available technologies and their costs, local policies and State requirements. Should the Plan require costs beyond those included in the Base Contractor's Compensation, the parties shall meet and confer to agree upon an appropriate compensation amount and the allocation of that amount among the Member Agencies.

5.2 Financial Considerations

This section outlines financial considerations for the franchise agreement and compensation package. It should be noted that there are other factors that will affect the customer rates, which include processing costs and tip fees. The current agreement with Recology for Collection Services represents about two-thirds of the entire waste collection, handling and transportation system costs. Therefore, the remaining costs which are components of our overall system costs are all tied to contracts outside the Franchise Agreement negotiations discussion.

In February 2017, the Agency renewed its contract Construction and Demolition materials processing contract so those costs are through 2022. The Agency has, however, three other significant materials handling, processing and/or disposal contracts that will expire before 2020. There is no clear understanding of what the negotiations with those contracts will hold, or what the new rates will be. These contracts are identified below in Table 4.

Table 4. SBWMA Major Contract Values

SBWMA Major Contract Values				
Contract	Contract Expires	Tons Per Year	Percent of Total Amount	Annual Contract Value
Zanker C&D Processing Agreement	2017	38,625	37%	\$ 1,588,000
Newby Composting Agreement	2018	50,100		\$ 2,653,000
Recology-Grover Composting Agreement	2020	50,891		\$ 1,817,000
Ox Mountain Disposal Agreement	2019	217,900		\$ 8,960,000
SBR- Shoreway Operations Agreement	2020	471,890		\$ 18,936,513
Recology-Collection Services Agreement	2020	N/A	63%	\$ 58,500,000
Total Solid Waste System Costs:			100%	\$ 92,454,513

Source:2016/17 Budget

Proposed 2021 Compensation and potential Customer Revenue Impacts

The agreed upon 2021 Base Contractor's Compensation is \$65,303,616. It assumes a 15-year term and the inclusion of depreciation expense for the replacement collection vehicles in rate year 2020 of the Current Agreement. Based on these assumptions and subject to the adjustments described above, the Base Contractor's Compensation would:

- Increase 2.4% from 2019 to 2020 (instead of a 7% reduction).

- Increase 10.2% from 2020 to 2021 (+5%, range of 5.2% to 15.2%).
- Thereafter, adjustments would correspond to the changes in the indices plus the growth adjustments up to a maximum increase of 5%.

Because several important deal-points are still being finalized, detailed financial worksheets will be presented and handed out in the May 3rd half-day workshop and will be discussed at the May 25th Board meeting and distributed by May 18th as part of this Board meeting's agenda packet.

Compensation Subject to Adjustment in 2020 to set 2021

Customer rates, plus the use of any reserves, are set to equal the Total Customer Billed Revenue. This is comprised of Recology's Base Compensation (approximately 58% of the total Rates); plus Member Agency fees (~27%); plus Disposal and Processing Fees (~15%). Between 2017 and 2021, Member Agency fees and disposal and processing fees will be adjusted. Based on certain reasonable assumptions regarding these fees, the Total Customer Billed Revenue may increase from 2019 to 2020 by 3.3% and from 2020 to 2021 by 7.8%. Other reasonable assumptions could be made regarding these future fees and the results would be different. The rate impact on any specific Member Agency customer would be affected by its existing rates and any surplus it may be generating (or may have generated) that could be applied to offset these increases.

Methods to Mitigate Rate Increase

By including a portion of future depreciation expense in 2020, extending the term of the Amended and Restated Agreement 15-years instead of 10-years, and providing a 3-year rolling average for the change in customer subscription levels, steps have already been taken to mitigate increases in Base Contractor's Compensation. Additional steps Member Agencies may take include:

- Applying existing reserves to offset the increase.
- Increasing rates between 2017 and 2020 to have a higher base rate in 2019 and, thereby, reduce the amount of the increase to rates in 2020, and to use the excess revenue generated to add to existing reserves or create reserves that can be used to phase in the customer rate increase.
- Changing the rate structure to incorporate rates for recycling services and increase the rates for organic services, to mitigate the increase in garbage rates.



NEGOTIATIONS TIMELINE SCHEDULE



SBWMA Negotiations Schedule December 2016 – April 2017








Date	Time	Meetings	Meeting Location	In Attendance
Nov. 10, 2016	2-4pm	FAX Committee Meeting	San Carlos Library, 2 nd Floor Conference Room A	FAX Committee, SBWMA Negotiation Team
Nov. 17, 2016	2-4pm	SBWMA Board Meeting	San Carlos Library, 2 nd Floor Conference Room A	SBWMA Board and Staff
Dec. 7, 2016	2-4pm	FAX Committee Meeting	San Carlos Library, 2 nd Floor Conference Room A	FAX Committee, SBWMA Negotiation Team
Dec. 14, 2016	2-4pm	Negotiation Team Meeting	San Carlos Library, 2 nd Floor Conference Room B	SBWMA and Recology Negotiation Teams
Jan. 5, 2017	1-4pm	SBWMA TAC/FAX Meeting	City of Belmont EOC Room 1 Twin Pines Lane 2 nd Floor	TAC Members, FAX Members SBWMA Staff, HF&H
Jan. 6, 2017		MEMBER AGENCY SURVEY INPUT DUE		SBWMA Board Members and Alternates, City Managers, TAC Members
Jan. 11, 2017	1:30-4:30pm	Negotiation Team Meeting	San Carlos Library, 2 nd Floor Conference Room B	SBWMA and Recology Negotiation Teams
Jan. 12, 2017	12-2pm	FAX Committee Meeting	San Carlos Library, 2 nd Floor Conference Room A	FAX Committee, SBWMA Negotiation Team
Jan. 23, 2017	1:30-4:30pm	Negotiation Team Meeting	San Carlos Library, 2 nd Floor Conference Room B	SBWMA and Recology Negotiation Teams
Jan. 24, 2017	12-2pm	FAX Committee Meeting	San Carlos Library, 2 nd Floor Conference Room A	FAX Committee, SBWMA Negotiation Team
January 26, 2017	2-4pm	SBWMA Board Meeting	San Carlos Library, 2 nd Floor Conference Room A	SBWMA Board and Staff, Technical Contractors
Feb. 2, 2017	11:30-2:30pm	Negotiation Team Meeting	San Carlos Library, 2 nd Floor Conference Room B	SBWMA and Recology Negotiation Teams
Feb. 6, 2017	12:30-2:30pm	FAX Committee Meeting	San Carlos Library 2 nd Floor Conference Room A	FAX Committee, SBWMA Negotiation Team
Feb 9, 2017	11:30-2:30pm	Negotiation Team Meeting	San Carlos Library, 2 nd Floor Conference Room B	SBWMA and Recology Negotiation Teams

SBWMA Negotiations Schedule December 2016 – April 2017				
Date	Time	Meetings	Meeting Location	In Attendance
Feb. 10, 2017	12 – 2pm	SBWMA Subcommittee prepare redlines	SBWMA Offices	SBWMA Staff
Feb. 13, 2017	N/A	HF&H Franchise Revisions Due to SBWMA		
Feb. 15, 2017	N/A	SBWMA Franchise Revisions Redline Comments due to HF&H		
Feb. 21, 2017	12-2pm	FAX Committee Meeting	San Carlos Library, 2 nd Floor Conference Room A	FAX Committee, SBWMA Negotiation Team
Feb. 22, 2017		Franchise Revisions HF&H Finalize Draft for Distribution to Recology		
February 23, 2017	2-4pm	SBWMA Board Meeting	San Carlos Library, 2 nd Floor Conference Room A	SBWMA Board and Staff, Technical Contractors
Feb. 27, 2017		Franchise Revisions Recology to provide Redline for SBWMA Review		
Feb 28, 2017 Not Held	11:30-2:30pm	Negotiation Team Meeting	San Carlos Library, 2 nd Floor Conference Room B	SBWMA and Recology Negotiation Teams
March 3, 2017		Franchise Revisions HF&H Provides Redline for SBWMA Review		
March 7, 2017		Franchise Revisions SBWMA provides redline comments to HF&H		
Mar. 8, 2017	2-4pm	FAX Committee Meeting	San Carlos City Hall, Room 207	FAX Committee, SBWMA Negotiation Team
March 13, 2017		Franchise Revisions HF&H provides redline for SBWMA Review		

SBWMA Negotiations Schedule December 2016 – April 2017

Date	Time	Meetings	Meeting Location	In Attendance
March 16, 2017		Franchise Revisions Recology provides redline for SBWMA review		
Mar. 20, 2017	1:30-4:30pm	FINAL Negotiation Team Meeting	San Carlos Library, 2 nd Floor Conference Room B	SBWMA and Recology Negotiation Teams
March 23, 2017	2-4pm	SBWMA Board Meeting	San Carlos Library, 2 nd Floor Conference Room A	SBWMA Board and Staff, Technical Contractors
March 24, 2017		Franchise Revisions HF&H or SBWMA Finalize Franchise Agreement		
Mar. 28, 2017	2-4pm	FAX Committee Meeting	San Carlos Library, 2 nd Floor Conference Room A	FAX Committee, SBWMA Negotiation Team
April 4, 2017	All Day	Negotiation Meeting	SBWMA Offices	Partial Recology and SBWMA Negotiation Teams
April 4, 2017	12:15 to 1:30pm	SBWMA Finance Committee Meeting	San Carlos Library, 2 nd Floor Conference Room A	Finance Committee, SBWMA Staff, HF&H
April 5, 2017 Not Needed	2-4pm	FAX Committee Meeting	San Carlos Library 2 nd Floor Conference Room A	FAX Committee, SBWMA Negotiation Team
April 6, 2017	All Day	Negotiation Meeting	SBWMA Offices	Partial Recology and SBWMA Negotiation Teams
April 13, 2017	2-4pm	Joint TAC/FAX Meeting (Final Draft FAX Report Due –Action Item)	San Carlos Library, 2 nd Floor Conference Room A	TAC and FAX Committee Members
April 14, 2017		FAX/TAC Comments Due to SBWMA Staff		
April 18, 2017	12-2pm	FAX Committee Meeting	San Carlos Library 2 nd Floor Conference Room A	FAX Committee, SBWMA Negotiation Team
April 27, 2017	2-4pm	SBWMA Board Meeting (Final FAX Report Due – Action item)	San Carlos Library, 2 nd Floor Conference Room A	SBWMA Board and Staff

KEY:

-  Green – FAX Committee Meetings
-  Gold – Negotiations Meetings
-  Grey – SBWMA Board Meetings
-  Stone– Franchise Agreement Revision Deadlines
-  Lavender – SBWMA Finance Committee Meeting
-  Pink – Member Agency Input Due
-  Light Blue – Combined FAX/TAC Meetings



2016 HF&H SOLID WASTE RATE SURVEY

RethinkWaste Solid Waste Rate Survey

April 2016

Jurisdiction	County	Res. Single-Family				Commercial				Service Info		
		20 Gallon	30-35Gal.	60-64Gal.	90-96Gal.	1YD Bin 1x/week	1YD Bin 3x/week	3YD Bin 1x/week	3YD Bin 3x/week	Rec. Freq.	YW Freq.	Sort
City of Alameda	Alameda	\$30.65	\$38.68	\$63.56	\$88.77	\$147.36	\$450.90	\$442.08	\$1,352.71	Weekly	Weekly	Single
City of Albany	Alameda	\$36.72	\$41.13	\$71.08	\$101.02	\$163.87	\$491.61	\$491.61	\$1,474.83	Weekly	Weekly	Single
City of Berkeley (District 1 & 2)	Alameda	\$23.79	\$38.05	\$76.05	\$114.03	\$151.42	\$426.65	\$419.05	\$1,244.70	Weekly	Weekly	Dual stream
City of Berkeley (District 3) ⁸	Alameda	\$24.82	\$39.62	\$79.18	\$118.75	\$151.42	\$426.65	\$419.05	\$1,244.70	Weekly	Weekly	Dual stream
City of Dublin	Alameda	N/A	\$22.06	\$40.52	\$58.98	\$107.03	\$374.35	\$321.09	\$1,016.53	Weekly	Weekly	Single
City of Emeryville	Alameda	\$10.93	\$18.10	\$36.19	\$54.29	\$107.78	\$323.34	\$323.34	\$970.02	Weekly	Weekly	Single
City of Fremont	Alameda	\$31.21	\$31.89	\$34.99	\$51.47	\$93.09	\$363.24	\$209.26	\$835.91	Weekly	Weekly	Single
City of Livermore	Alameda	\$23.61	\$32.96	\$57.54	\$90.41	\$116.72	\$364.16	\$350.16	\$1,115.62	Weekly	Weekly	Single
City of Newark	Alameda	\$26.89	\$29.89	\$52.94	\$75.97	\$121.12	\$377.91	\$320.45	\$873.90	Weekly	Weekly	Single
City of Oakland	Alameda	\$32.10	\$36.82	\$67.19	\$102.43	\$194.10	\$582.30	\$462.27	\$1,386.81	Weekly	Weekly	Single
City of Piedmont ⁶	Alameda	\$51.39	\$53.99	\$63.42	\$74.71	\$169.43	\$477.82	N/A	N/A	Weekly	Weekly	Single
City of Pleasanton	Alameda	N/A	\$33.80	N/A	\$45.48	\$168.23	\$440.28	\$480.44	\$1,296.58	Weekly	Weekly	Dirty MRF
City of San Leandro	Alameda	\$22.84	\$28.46	\$47.37	\$66.26	\$124.78	\$377.23	\$377.23	\$1,131.68	Weekly	Weekly	Single
City of Union City ¹⁰	Alameda	\$38.41	\$44.93	\$77.58	\$110.18	\$135.44	\$374.10	\$354.94	\$967.33	Weekly	Weekly	Single
Castro Valley Sanitary District	Alameda	\$24.54	\$38.07	\$66.10	\$94.17	\$270.29	\$810.98	\$719.20	\$2,015.49	Weekly	Weekly	Single
Oro Loma Sanitary District (L1)	Alameda	\$12.92	\$21.20	\$37.84	\$54.43	\$130.36	\$303.99	\$317.93	\$838.83	Bi-weekly	Weekly	Single
Oro Loma Sanitary District (L2) ⁹	Alameda	\$11.17	\$19.45	\$36.09	\$52.68	\$130.36	\$303.99	\$317.93	\$838.83	Bi-weekly	Weekly	Single
Oro Loma Sanitary District (L3)	Alameda	\$14.20	\$23.85	\$16.26	\$62.30	\$150.80	\$351.71	\$367.89	\$970.62	Bi-weekly	Weekly	Single
City of Richmond	Contra Costa	\$27.42	\$33.32	\$63.39	\$94.32	\$220.94	\$558.96	\$501.75	\$1,371.68	Bi-weekly	Bi-weekly	Single
City of San Pablo	Contra Costa	\$23.69	\$28.84	\$55.95	\$83.86	\$219.89	\$554.10	\$505.02	\$1,379.20	Bi-weekly	Bi-weekly	Single
City of El Cerrito ⁵	Contra Costa	\$32.40	\$43.00	\$86.40	N/A	\$287.87	\$799.37	N/A	N/A	Weekly	Weekly	Single
City of Hercules	Contra Costa	\$29.47	\$34.60	\$61.01	\$88.21	\$249.76	\$625.90	\$568.13	\$1,545.77	Bi-weekly	Bi-weekly	Single
City of Pinole	Contra Costa	\$27.94	\$33.11	\$58.91	\$85.50	\$247.85	\$626.97	\$572.72	\$1,567.90	Bi-weekly	Bi-weekly	Single
Unincorp.-West Contra Costa	Contra Costa	\$25.72	\$31.40	\$60.14	\$89.59	\$209.99	\$528.19	\$471.06	\$1,281.87	Bi-weekly	Bi-weekly	Single
Town of Fairfax	Marin	\$26.10	\$31.29	\$62.58	\$93.87	\$183.95	\$435.70	\$431.25	\$1,128.85	Weekly	Weekly	Dual stream
RVSD-N (Oak Manor)	Marin	\$23.82	\$38.29	\$77.37	\$117.13	\$207.60	\$622.90	\$622.90	\$1,868.75	Weekly	Weekly	Dual stream
RVSD-N (Sleepy Hollow)	Marin	\$24.59	\$39.54	\$79.86	\$120.91	\$207.60	\$622.90	\$622.90	\$1,868.75	Weekly	Weekly	Dual stream
Town of San Anselmo ³	Marin	\$28.02	\$36.62	\$73.30	\$109.95	N/A	N/A	\$601.01	\$1,803.16	Weekly	Weekly	Dual stream
City of Belvedere ⁸	Marin	\$37.42	\$46.25	\$78.47	\$110.69	\$205.43	\$567.46	N/A	N/A	Weekly	Weekly	Single
City of Novato ⁴	Marin	\$12.09	\$19.33	\$38.64	\$57.98	N/A	N/A	\$251.87	\$624.95	Weekly	Weekly	Single
City of Sausalito ^{5,7}	Marin	N/A	\$36.90	\$73.80	\$110.74	\$145.95	\$437.84	N/A	N/A	Weekly	Bi-weekly	Single
Town of Tiburon ^{5,7}	Marin	\$34.59	\$39.02	\$71.05	\$102.54	\$185.67	\$506.76	N/A	N/A	Weekly	Weekly	Single
Town of Corte Madera ^{5,7}	Marin	\$27.61	\$32.47	\$65.11	\$97.75	\$151.87	\$409.79	N/A	N/A	Weekly	Weekly	Single
City of Mill Valley ^{5,7}	Marin	\$37.73	\$41.61	\$69.47	\$97.28	\$184.28	\$495.92	N/A	N/A	Weekly	Weekly	Single
City of San Rafael	Marin	\$28.80	\$33.88	\$67.76	\$101.64	N/A	N/A	\$418.55	\$1,165.80	Weekly	Weekly	Dual stream
Las Gallinas Valley San Dist- County	Marin	\$25.18	\$29.62	\$59.24	\$88.86	\$212.05	\$636.65	\$429.05	\$1,197.50	Weekly	Weekly	Dual stream
City of Larkspur ⁵	Marin	\$31.64	\$37.22	\$74.44	\$111.66	\$236.30	\$708.70	\$474.57	\$1,244.38	Weekly	Weekly	Dual stream
Town of Ross	Marin	\$27.51	\$32.37	\$64.74	\$97.11	N/A	N/A	\$415.66	\$1,246.84	Weekly	Weekly	Dual stream
County (RVSD-S)	Marin	\$21.92	\$36.29	\$75.50	\$117.75	\$303.45	\$769.35	\$469.30	\$1,232.35	Weekly	Weekly	Dual stream
County - Marin Franchisors' Group	Marin	\$21.61	\$35.78	\$74.47	\$116.13	N/A	N/A	\$473.65	\$1,236.80	Weekly	Weekly	Dual stream
City of Campbell ¹	Santa Clara	\$19.00	\$24.79	\$49.58	\$74.37	\$123.93	\$375.33	\$247.86	\$750.66	Weekly	Weekly	Single

RethinkWaste Solid Waste Rate Survey
April 2016

Jurisdiction	County	Res. Single-Family				Commercial				Service Info		
		20 Gallon	30-35Gal.	60-64Gal.	90-96Gal.	1YD Bin 1x/week	1YD Bin 3x/week	3YD Bin 1x/week	3YD Bin 3x/week	Rec. Freq.	YW Freq.	Sort
City of Cupertino ¹	Santa Clara	N/A	\$24.07	\$48.14	\$72.22	\$140.39	\$421.21	\$224.64	\$673.91	Weekly	Weekly	Single
City of Los Altos	Santa Clara	\$29.25	\$31.50	\$63.00	\$94.50	\$123.59	\$370.79	\$370.78	\$1,112.38	Weekly	Weekly	Single
City of Monte Sereno ²	Santa Clara	\$22.06	\$28.77	\$57.54	\$86.30	\$169.24	\$512.63	\$338.48	\$1,025.26	Weekly	Weekly	Single
City of Mountain View	Santa Clara	\$18.20	\$26.60	\$53.20	\$79.80	\$122.15	\$366.05	\$345.55	\$996.15	Bi-weekly	Bi-weekly	Dual stream
City of Palo Alto	Santa Clara	\$24.30	\$43.75	\$87.51	\$131.26	\$170.04	\$523.20	\$416.38	\$1,322.17	Weekly	Weekly	Single
City of San Jose ³	Santa Clara	N/A	\$32.07	\$64.14	\$96.21	\$166.41	\$476.53	\$499.23	\$1,429.59	Weekly	Weekly	Single
City of Santa Clara	Santa Clara	\$26.11	\$28.11	\$56.23	\$84.34	\$110.31	\$330.94	\$330.94	\$992.82	Weekly	Weekly	Single
City of Sunnyvale	Santa Clara	N/A	\$36.94	\$44.12	\$51.30	\$163.03	\$454.94	\$390.43	\$1,134.45	Weekly	Weekly	Multiple
City of Saratoga ⁴	Santa Clara	\$20.42	\$26.63	\$53.26	\$79.89	\$175.06	\$530.50	\$350.13	\$1,061.01	Weekly	Weekly	Single
Town of Los Altos Hills	Santa Clara	\$27.95	\$38.97	\$77.96	\$116.92	\$98.13	\$206.66	\$153.56	\$359.07	Bi-weekly	Bi-weekly	Single
Town of Los Gatos ⁵	Santa Clara	\$18.63	\$24.41	\$48.83	\$73.24	\$141.92	\$429.95	\$283.85	\$859.90	Weekly	Weekly	Single
Town of Atherton	San Mateo	\$27.00	\$55.00	\$110.00	\$164.00	\$200.00	\$600.00	\$550.00	\$1,650.00	Weekly	Weekly	Single
City of Belmont	San Mateo	\$21.19	\$35.17	\$71.67	\$112.30	\$195.96	\$605.43	\$594.47	\$1,801.27	Weekly	Weekly	Single
City of Burlingame	San Mateo	\$12.90	\$23.85	\$47.71	\$70.80	\$150.52	\$469.60	\$451.53	\$1,408.79	Weekly	Weekly	Single
City of East Palo Alto ³	San Mateo	N/A	N/A	N/A	\$40.77	\$216.17	\$503.33	\$456.71	\$1,164.53	Weekly	Weekly	Single
City of Foster City	San Mateo	\$13.74	\$22.00	\$44.00	\$66.00	\$105.53	\$321.60	\$316.59	\$964.78	Weekly	Weekly	Single
Town of Hillsborough ¹⁴	San Mateo	\$41.30	\$50.80	\$78.90	\$111.80	\$132.00	\$404.38	\$396.00	\$1,214.64	Weekly	Weekly	Single
City of Menlo Park	San Mateo	\$13.99	\$23.40	\$55.99	\$83.72	\$124.69	\$389.04	\$374.08	\$1,219.00	Weekly	Weekly	Single
No. Fair Oaks	San Mateo	\$27.31	\$27.31	\$27.31	\$84.14	\$161.11	\$483.32	\$483.32	\$1,449.96	Weekly	Weekly	Single
City of Redwood City	San Mateo	\$11.38	\$27.30	\$54.61	\$81.06	\$127.63	\$382.89	\$382.89	\$1,148.67	Weekly	Weekly	Single
City of San Carlos	San Mateo	\$20.87	\$31.18	\$52.23	\$68.45	\$121.48	\$379.00	\$378.88	\$1,137.01	Weekly	Weekly	Single
City of San Mateo ¹⁵	San Mateo	\$13.18	\$21.08	\$46.41	\$72.05	\$140.97	\$435.58	\$423.01	\$1,306.79	Weekly	Weekly	Single
Unincorporated County	San Mateo	\$30.21	\$35.90	\$61.95	\$88.00	\$226.22	\$526.73	\$477.99	\$1,218.73	Weekly	Weekly	Single
West Bay Sanitary District	San Mateo	\$23.30	\$37.60	\$73.70	\$110.00	\$227.81	\$683.42	\$481.45	\$1,444.35	Weekly	Weekly	Single
50th Percentile		\$25.00	\$33.04	\$62.58	\$88.82	\$162.07	\$452.92	\$418.80	\$1,216.69			
75th Percentile		\$29.14	\$38.06	\$73.50	\$109.96	\$205.97	\$555.32	\$479.83	\$1,377.32			
SBWMA Average		\$21.36	\$32.55	\$60.37	\$88.70	\$163.85	\$475.72	\$443.61	\$1,317.58			
All City Average		\$25.06	\$33.14	\$61.01	\$89.11	\$168.81	\$478.53	\$417.97	\$1,210.10			

¹ 1 cubic yard containers not available. Rates reflected are for 1.5 cubic yards.

² City has one rate for unlimited residential solid waste collection from customer-provided containers

³ 96 gallon cart is the only available option for Residential.

⁴ Smallest commercial bin is 2 cubic yards.

⁵ Largest commercial bin is 2 cubic yards.

⁶ One cubic yard bin is no longer offered to new customers.

⁷ Rate is for 1, 2, and 3 30 gallon cans in lieu of 60 and 90 gallon cans.

⁸ Berkeley's District 3 pays a fire surcharge on Residential rates.

⁹ OLSL L2 district doesn't provide recycling services to residents. Recycling rates are included in rate for L1 & L3.

¹⁰ Recycling provided by Tri-CED.

¹¹ San Jose residential rate includes loose, in the street yard trimmings; commercial rate is for wet service.

¹² The Newark rate does not include an ACWMA Benchmark Service Information Fee which is included as a separate line item Republic's invoice.

¹³ San Anselmo offers a very low rate for "Intensive Recycling (20 gallon cart Every Other Week -EOW) rate.

¹⁴ Hillsborough includes an additional \$25.00 that is billed on the property tax role.

¹⁵ San Mateo includes an additional Landfill Closure fee and Street Sweeping Fee.



ATTACHMENT C

REVIEW OF CURRENT COLLECTIONS OPERATIONS COSTS

Attachment C



Assessment of Recology's Costs as of 3/31/16

The SBWMA engaged Sloan Vasquez McAfee (SVM), to assess Recology's 2016 costs and to develop a pro forma that provides a cost of service analysis of Recology's cost to deliver services required by their agreement with the SBWMA. The pro forma was used to validate Recology's cost of service for reasonableness.

SVM's pro forma is similar to a financial model that could be used to bid a solid waste and recycling collection contract. SVM used Recology's 2016 Actual Costs as of 3/31/2016 to develop the pro forma. Recology calculates these costs using 6 months actual costs (October 2015 through March 2016) and projects the remaining 6 months. Where Recology did not provide information, SVM developed estimates based on accounting and financial principles, and their extensive experience and knowledge of the waste industry.

As a secondary step, a peer review was performed of the SVM pro forma by R.J. Proto Consulting Group (RJP) in order to evaluate its reasonableness. After this review, RJP provided findings to SVM, who then developed a restated pro forma, which included the findings. A final step was performed by SVM who provided feedback on the new results. The following outlines the findings.

Bottom Line—Total Annual Cost of Operations

The Total Annual Cost of Operations variance between the SVM original and restated pro formas and Recology's Actual Costs as of 3/31/16 ranges between -5.5% to -1.8%. This variance is within a reasonable margin of error for this type of analysis.

Original Pro Forma

RJP reviewed the SVM pro forma and found it to be a well-developed complex model, drawing numbers, formulas, and calculations from multiple interactive worksheets. According to the analysis, there is a slight difference between the SVM pro forma and Recology's 2016 costs as of 3/31/16.

The Total Annual Cost of Operations variance between the SVM pro forma and Recology's 2016 Actual Costs as of 3/31/16 is -5.5%, meaning the SVM pro forma costs were 5.5% lower than Recology's costs. This variance is within a reasonable margin of error for this type of analysis.

The original pro forma highlighted two main variances: Other Direct Costs and Depreciation.

- **Other Direct Costs:** There is slightly more than \$1 million variance between the SVM pro forma and Recology's 2016 actual costs. Recology provided Equipment Operations and Maintenance (Equipment O&M) detail, which included fuel and maintenance costs. Using Recology's Equipment O&M detail, SVM was within -3% of the fuel number, but fell short on maintenance by more than \$1 million. Recology did not provide sufficient detail for SVM to verify Recology's \$2,291,232 maintenance costs. Discussing this with SVM, Recology will need to provide more Equipment O&M detail or they should explain the \$1 million variance.

- Depreciation: Recology calculates depreciated using all the equipment purchased at the beginning of the contract over a 9 year period, the same as the pro forma. However, Recology, has purchased new trucks and containers since the contract started. These new assets are depreciated from the date of purchase to the end of the remaining life of the contract, a shorter time period, which increases depreciation and calculates it differently than the pro forma. In addition, Recology's 2016 Actual Costs report vehicle and containers as leasing costs from Recology, Incorporated. The SVM pro forma assumes depreciation costs and interest expense based on the current asset listing.

Overall, SVM's Original Pro Forma reasonably compares to Recology's 2016 Actual Costs as of 3/31/16, considering the differences listed above.

Restated Pro Forma

After the initial review of the SVM pro forma by RJP, findings were provided to SVM. These findings included:

- Holiday pay calculated at two times the regular wage compared to three times the regular wage as listed in Recology's Collective Bargaining Agreement (CBA) with the Teamsters Union.
- The original pro forma did not include all the pension benefits listed in the CBA. In addition, there was a seven vehicle and a three person headcount difference.

The last two items may be due to a timing difference. RJP used Recology's 2016 Annual Report submitted to the SBWMA, which includes the full year of truck and head counts. SVM used the truck and head counts Recology provided for 2016 as of March 31, 2016 which includes six months actuals and six months projected.

The restated pro forma also highlighted two main variances:

- Total Direct Labor: The increase in Total Direct Labor was due to the increases in holiday pay, pension benefits, and to a lesser extent, headcount.
- Total Allocated Costs: The increase in Total Allocated Cost is directly related to the increase in the General and Administrative Expenses (G&A) and the method SVM used to calculate it. Recology did not provide sufficient detail for SVM to verify Recology's G&A costs. SVM estimated G&A by grossing up Recology's Total Costs by 15%. SVM gave Recology credit for the \$4 million they provided detail for (CBA and Non-CBA Clerical indirect labor and related costs). SVM used their own calculation to estimate CBA and Non-CBA Clerical indirect labor and related costs. The restated pro forma substantially increased total direct labor, which increased G&A costs.

SVM used these findings to make changes to the original pro forma, developing a restated pro forma. SVM then reviewed the results from the restated pro forma and claimed that adding the findings was too aggressive. SVM believes they captured the pension costs in other ways because the variance in Total Direct Labor Related Costs in the Original Pro Forma only 0.5%, or \$146,000 more than Recology Actual costs. SVM also attributed some of the other findings to timing differences.

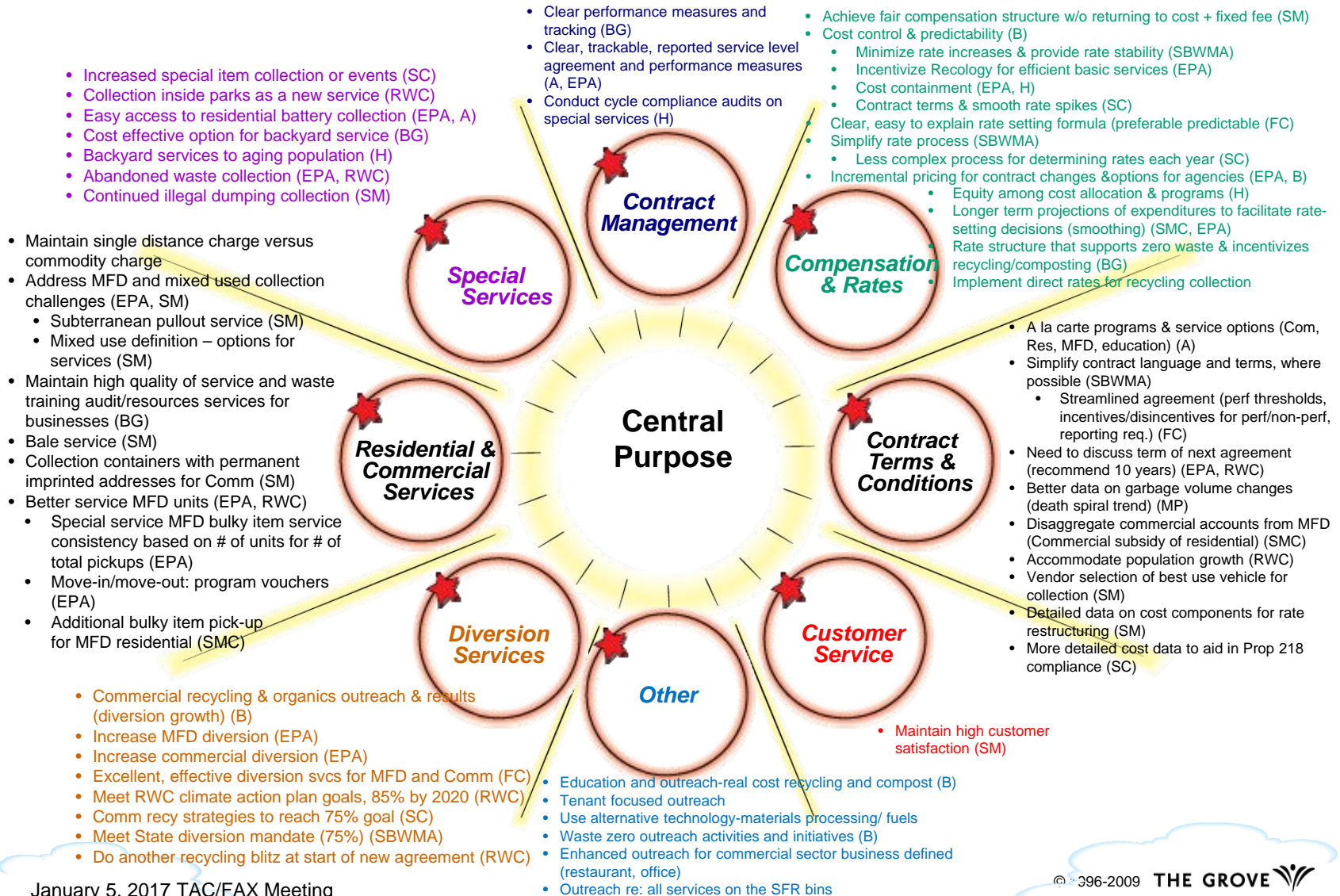
The Restated Pro Forma has a variance of -1.8% meaning the SVM pro forma costs were 1.8% lower than Recology's 2016 actual costs as of 3/31/16. This variance is within a reasonable margin of error for this type of analysis.



TAC/FAX CONTEXT MAP AND MANDALA VISIONING

Rethink Waste (SBWMA) Future Franchise Goals

Legend: Atherton (A) Belmont (B) Burlingame (BG) East Palo Alto (EPA), Foster City (FC) Hillsborough (H) Menlo Park (MP) Redwood City (RWC), San Carlos (SC) San Mateo (SM) San Mateo County (SMC), West Bay Sanitary District (WB)



January 5, 2017 TAC/FAX Meeting

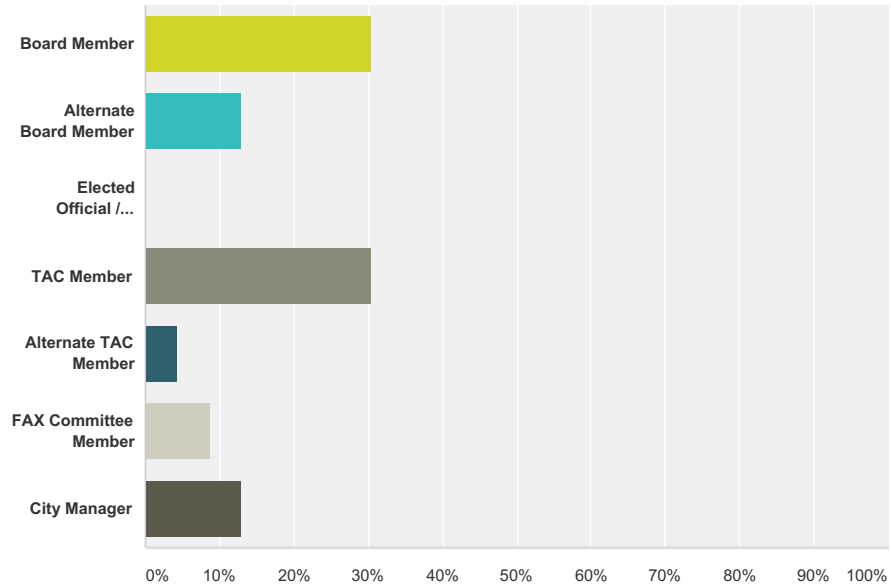
© 1996-2009 THE GROVE



SBWMA MEMBER AGENCY INPUT SURVEY: GARBAGE & RECYCLING COLLECTION SERVICES

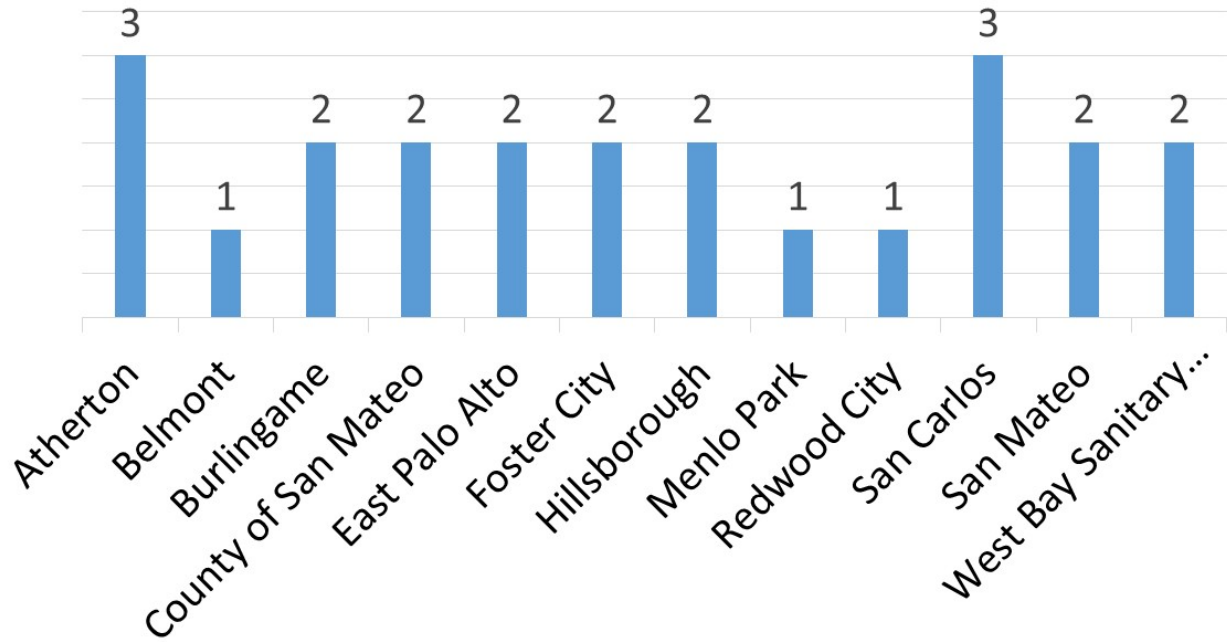
Q1 What is your role with the SBWMA?

Answered: 23 Skipped: 0



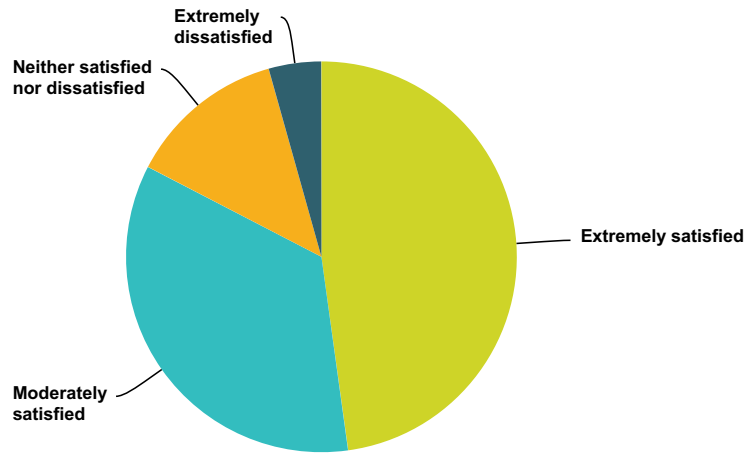
Answer Choices	Responses
Board Member	30.43% 7
Alternate Board Member	13.04% 3
Elected Official / Council Member	0.00% 0
TAC Member	30.43% 7
Alternate TAC Member	4.35% 1
FAX Committee Member	8.70% 2
City Manager	13.04% 3
Total	23

Q2. Which jurisdiction do you represent?



Q3 How satisfied are you with Recology's Collection Services?

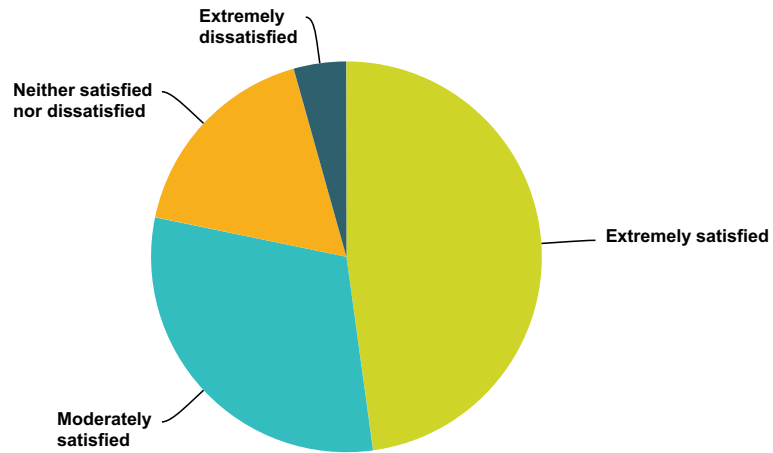
Answered: 23 Skipped: 0



Answer Choices	Responses	
Extremely satisfied	47.83%	11
Moderately satisfied	34.78%	8
Neither satisfied nor dissatisfied	13.04%	3
Moderately dissatisfied	0.00%	0
Extremely dissatisfied	4.35%	1
Total		23

Q4 How satisfied are you with Recology's Customer Service?

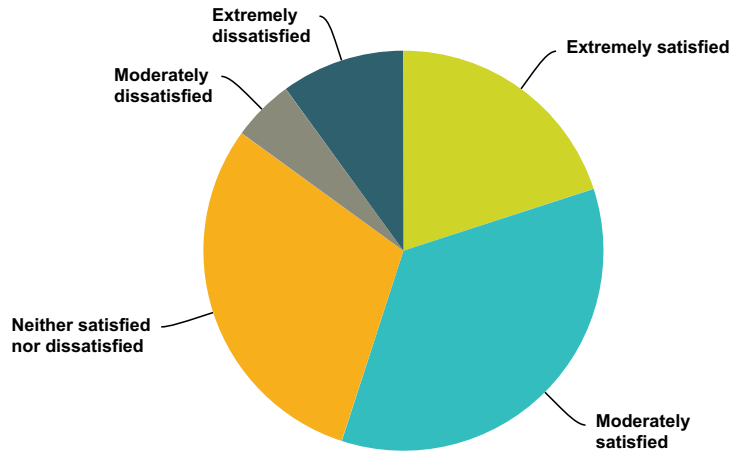
Answered: 23 Skipped: 0



Answer Choices	Responses	
Extremely satisfied	47.83%	11
Moderately satisfied	30.43%	7
Neither satisfied nor dissatisfied	17.39%	4
Moderately dissatisfied	0.00%	0
Extremely dissatisfied	4.35%	1
Total		23

Q5 How satisfied are you with the Abandoned Waste/Illegal Dumping collection provided by Recology?

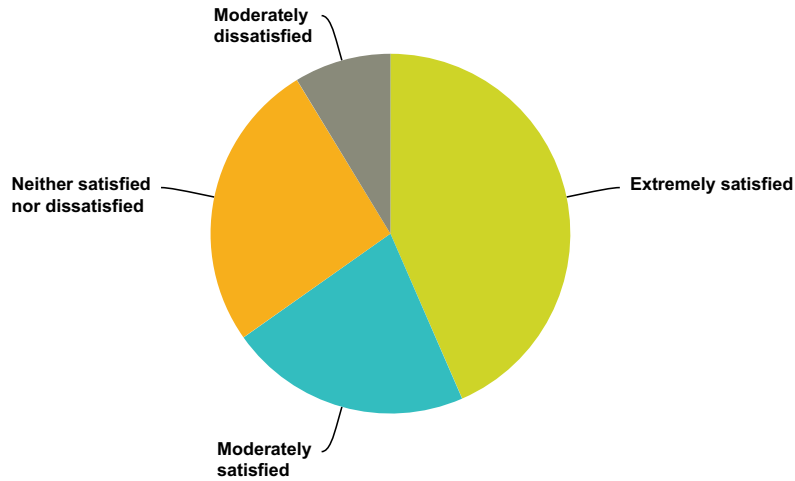
Answered: 20 Skipped: 3



Answer Choices	Responses	
Extremely satisfied	20.00%	4
Moderately satisfied	35.00%	7
Neither satisfied nor dissatisfied	30.00%	6
Moderately dissatisfied	5.00%	1
Extremely dissatisfied	10.00%	2
Total		20

Q6 How satisfied are you with the Bulky Item Collection program provided by Recology?

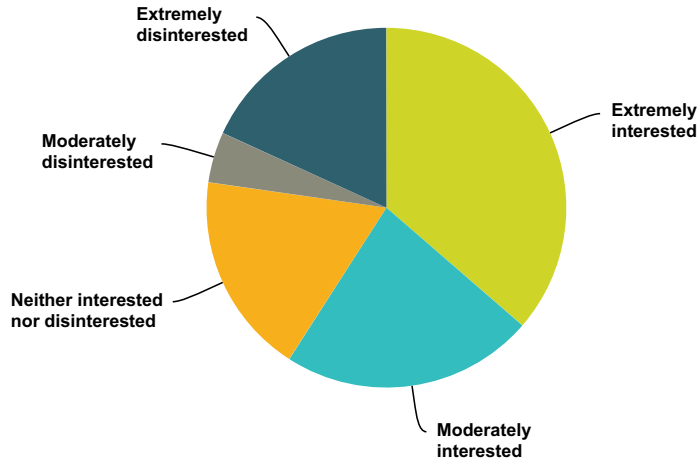
Answered: 23 Skipped: 0



Answer Choices	Responses	
Extremely satisfied	43.48%	10
Moderately satisfied	21.74%	5
Neither satisfied nor dissatisfied	26.09%	6
Moderately dissatisfied	8.70%	2
Extremely dissatisfied	0.00%	0
Total		23

Q7 How interested would you be in expanding the Bulky Item Collection program for Multi-Family Dwellings if there was an (yet to be determined) additional cost?

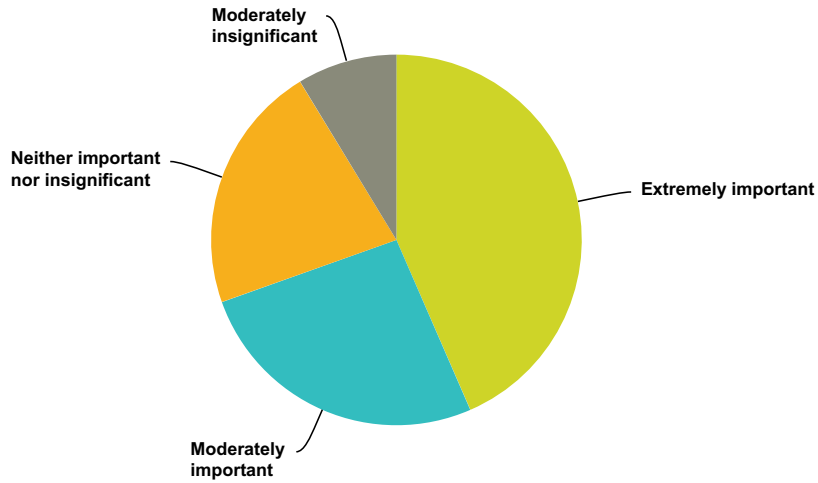
Answered: 22 Skipped: 1



Answer Choices	Responses
Extremely interested	36.36% 8
Moderately interested	22.73% 5
Neither interested nor disinterested	18.18% 4
Moderately disinterested	4.55% 1
Extremely disinterested	18.18% 4
Total	22

Q8 The current program includes the curbside pickup of Household Batteries and Mobile Phones. How important is it to your jurisdiction to have curbside pickup of Household Batteries & Mobile Phones?

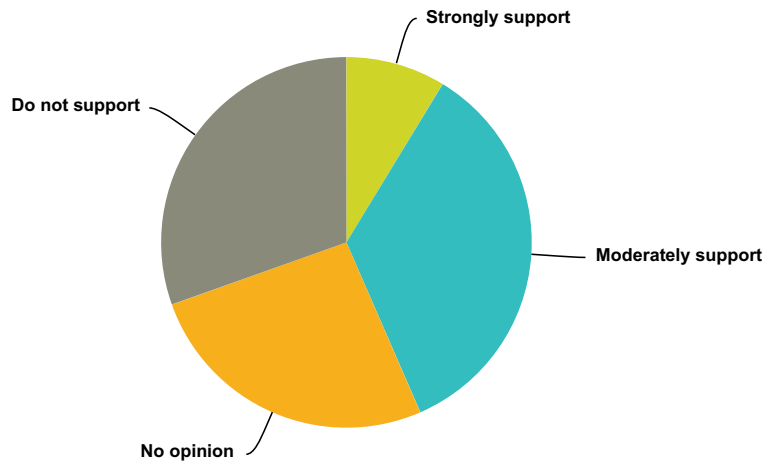
Answered: 23 Skipped: 0



Answer Choices	Responses
Extremely important	43.48% 10
Moderately important	26.09% 6
Neither important nor insignificant	21.74% 5
Moderately insignificant	8.70% 2
Extremely insignificant	0.00% 0
Total	23

Q9 Would you support additional charges for commercial & Multi-Family Dwelling accounts requesting special weekend service?

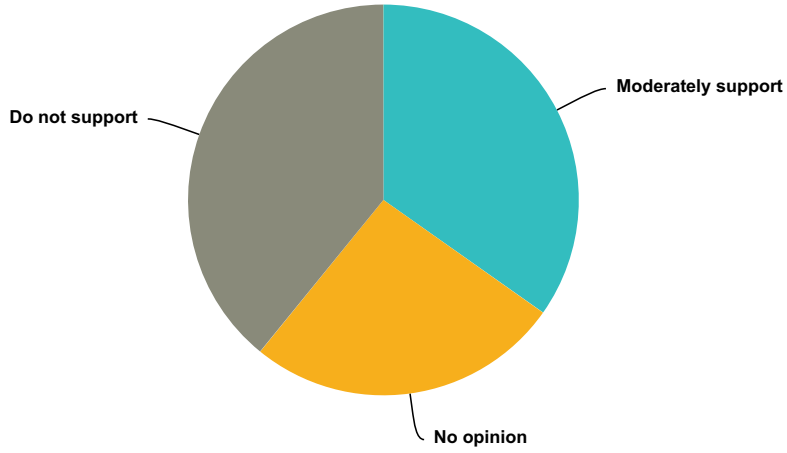
Answered: 23 Skipped: 0



Answer Choices	Responses	
Strongly support	8.70%	2
Moderately support	34.78%	8
No opinion	26.09%	6
Do not support	30.43%	7
Total		23

Q10 Would you support additional charges for residential Backyard Service of recycling and organics containers?

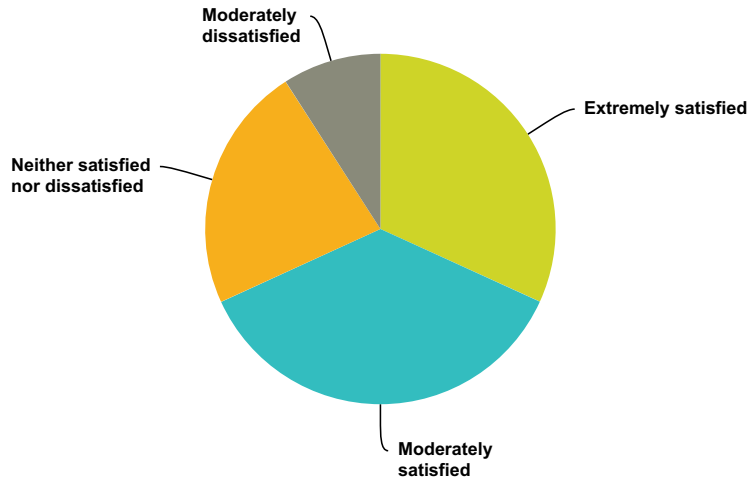
Answered: 23 Skipped: 0



Answer Choices	Responses	
Strongly support	0.00%	0
Moderately support	34.78%	8
No opinion	26.09%	6
Do not support	39.13%	9
Total		23

Q11 How satisfied are you with the recycling programs in your Member Agency?

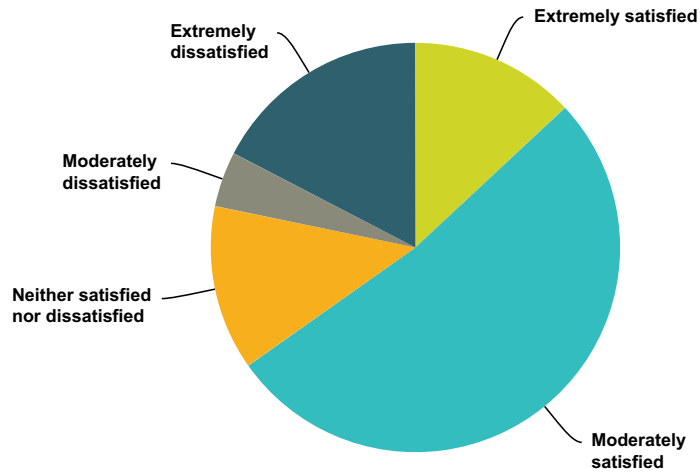
Answered: 22 Skipped: 1



Answer Choices	Responses
Extremely satisfied	31.82% 7
Moderately satisfied	36.36% 8
Neither satisfied nor dissatisfied	22.73% 5
Moderately dissatisfied	9.09% 2
Extremely dissatisfied	0.00% 0
Total	22

Q12 How satisfied are you with the outreach efforts provided by Recology?

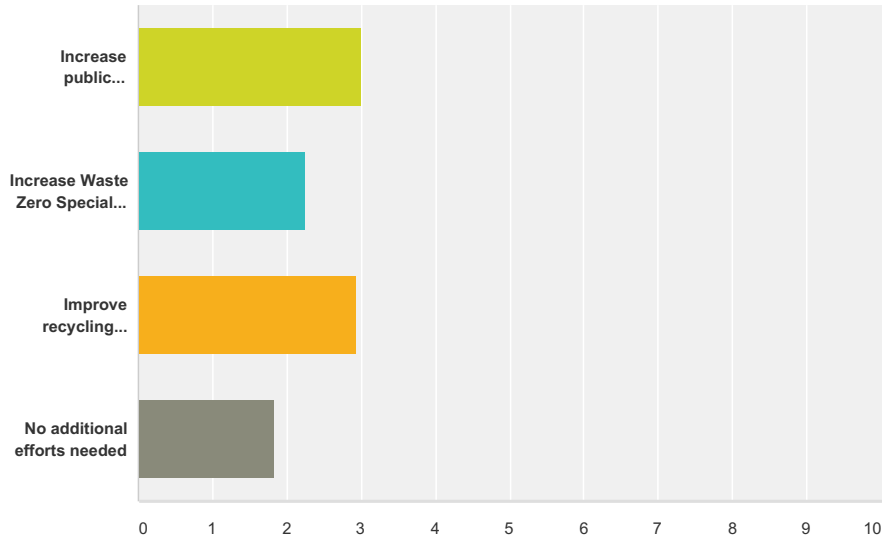
Answered: 23 Skipped: 0



Answer Choices	Responses
Extremely satisfied	13.04% 3
Moderately satisfied	52.17% 12
Neither satisfied nor dissatisfied	13.04% 3
Moderately dissatisfied	4.35% 1
Extremely dissatisfied	17.39% 4
Total	23

Q13 How important are these four program elements to the future collection services in your jurisdiction? Please indicate your preference by rating on a scale of 1-4 (1 being most favorable).

Answered: 23 Skipped: 0



	1	2	3	4	Total	Score
Increase public education and awareness	30.43% 7	47.83% 11	13.04% 3	8.70% 2	23	3.00
Increase Waste Zero Specialist outreach activities	5.00% 1	35.00% 7	40.00% 8	20.00% 4	20	2.25
Improve recycling facility to capture more recyclables	50.00% 11	9.09% 2	27.27% 6	13.64% 3	22	2.95
No additional efforts needed	21.05% 4	5.26% 1	10.53% 2	63.16% 12	19	1.84

Q14 Please add other comments regarding service or contract that you would like considered during the negotiation with Recology

Answered: 15 Skipped: 8



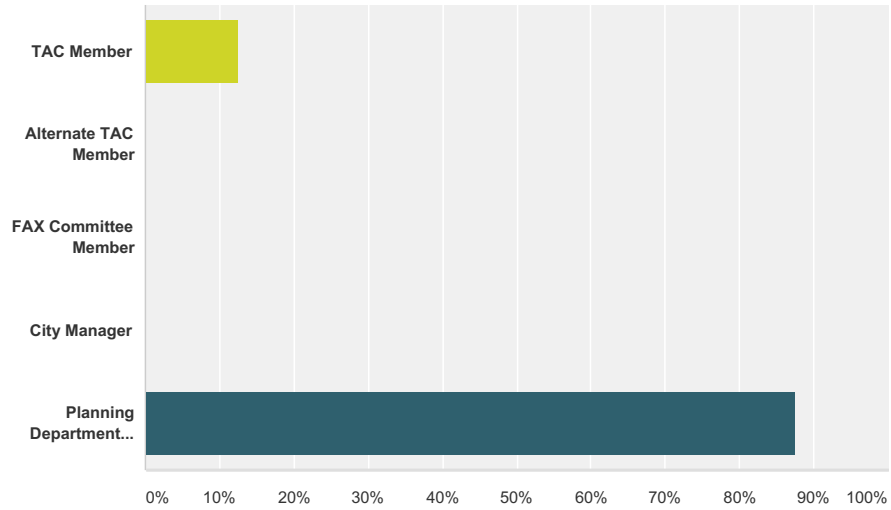
ATTACHMENT F

SBWMA MEMBER AGENCY PROJECTED GROWTH RATE SURVEY

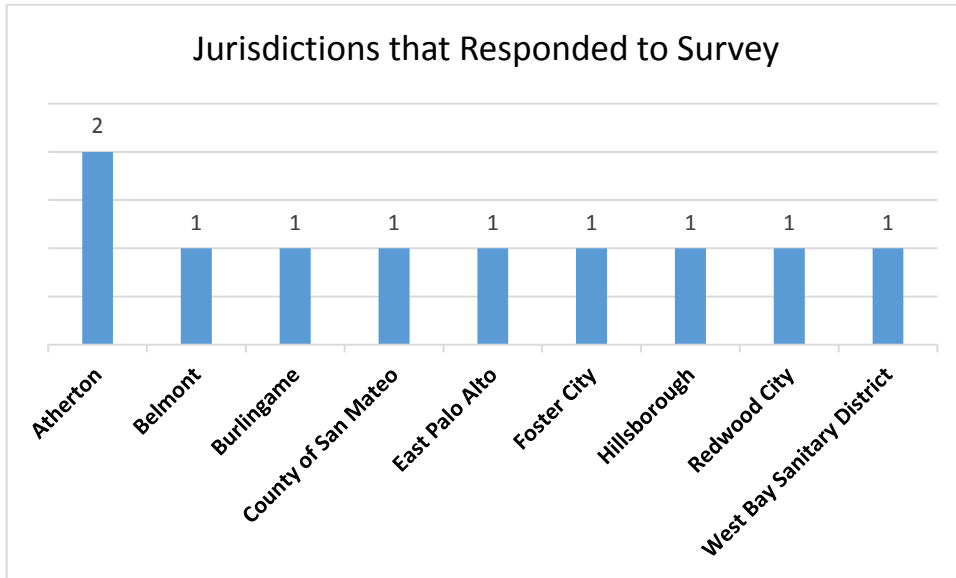
Attachment F

Q1 What is your role with the SBWMA?

Answered: 8 Skipped: 2

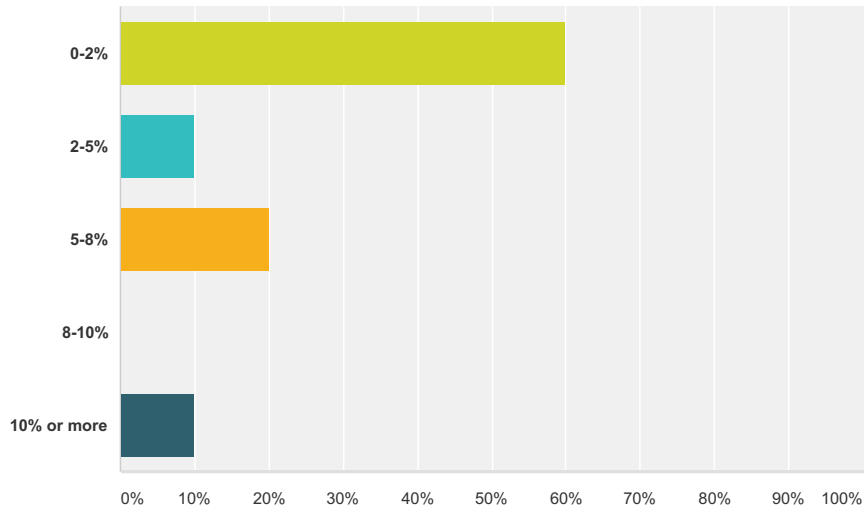


Answer Choices	Responses
TAC Member	12.50% 1
Alternate TAC Member	0.00% 0
FAX Committee Member	0.00% 0
City Manager	0.00% 0
Planning Department Staff	87.50% 7
Total	8



Q3 On average, what was the population growth rate from 2010 to 2016?

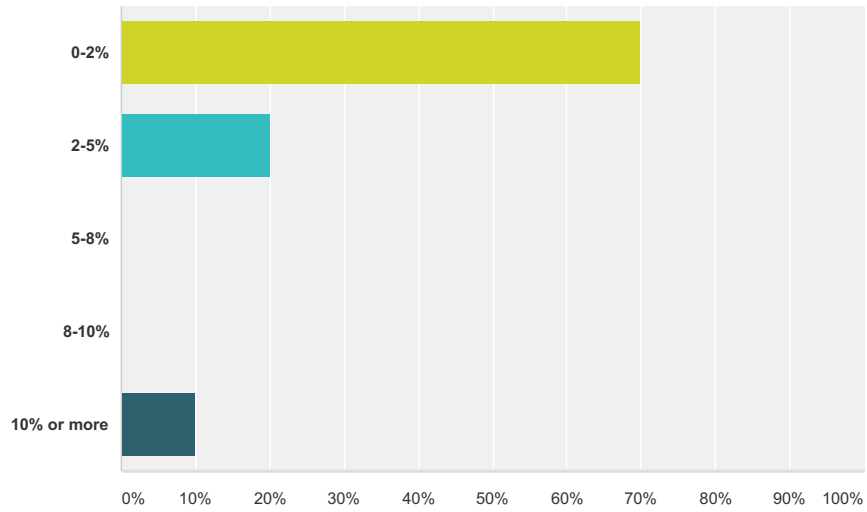
Answered: 10 Skipped: 0



Answer Choices	Responses	
0-2%	60.00%	6
2-5%	10.00%	1
5-8%	20.00%	2
8-10%	0.00%	0
10% or more	10.00%	1
Total		10

Q4 On average, what is the anticipated population growth rate each year from 2020 to 2030?

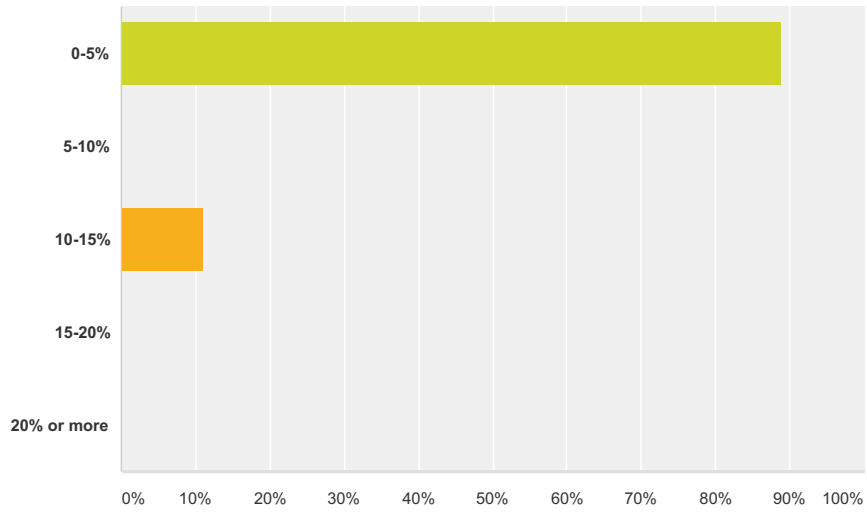
Answered: 10 Skipped: 0



Answer Choices	Responses	Count
0-2%	70.00%	7
2-5%	20.00%	2
5-8%	0.00%	0
8-10%	0.00%	0
10% or more	10.00%	1
Total		10

Q5 What is your current unemployment rate?

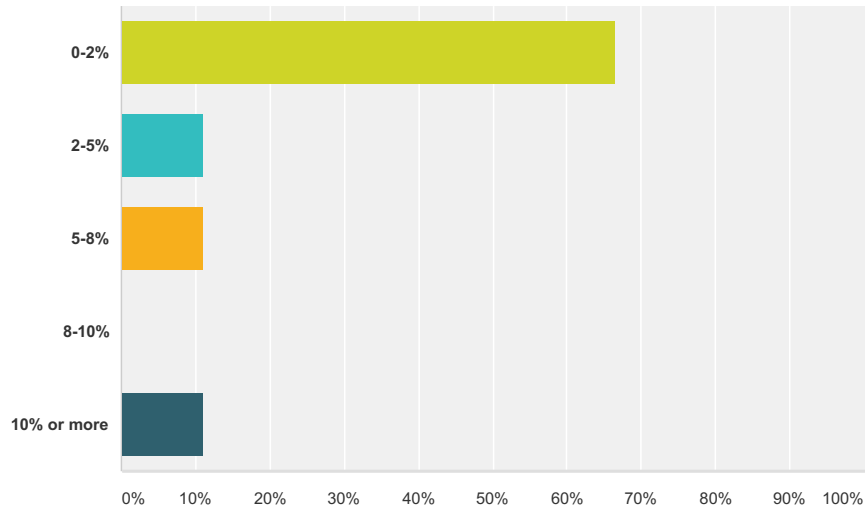
Answered: 9 Skipped: 1



Answer Choices	Responses	Count
0-5%	88.89%	8
5-10%	0.00%	0
10-15%	11.11%	1
15-20%	0.00%	0
20% or more	0.00%	0
Total		9

Q6 On average, what was the commercial growth rate (based on square footage) from 2010 to 2016?

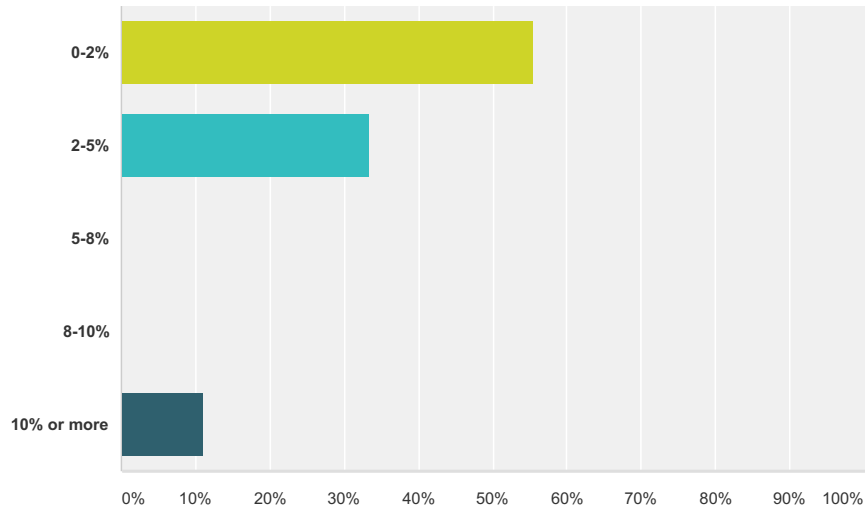
Answered: 9 Skipped: 1



Answer Choices	Responses	
0-2%	66.67%	6
2-5%	11.11%	1
5-8%	11.11%	1
8-10%	0.00%	0
10% or more	11.11%	1
Total		9

Q7 On average, what is the anticipated commercial growth rate (based on square footage) each year from 2020 to 2030?

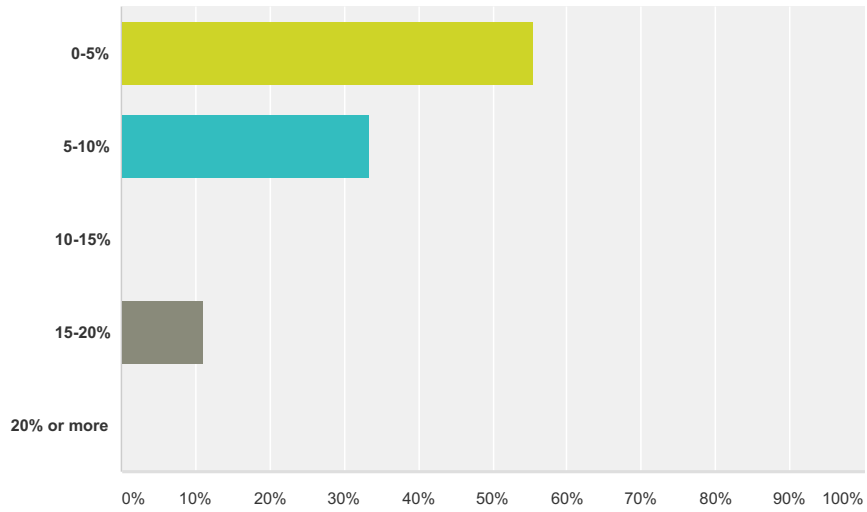
Answered: 9 Skipped: 1



Answer Choices	Responses	
0-2%	55.56%	5
2-5%	33.33%	3
5-8%	0.00%	0
8-10%	0.00%	0
10% or more	11.11%	1
Total		9

Q8 What is your current commercial vacancy rate?

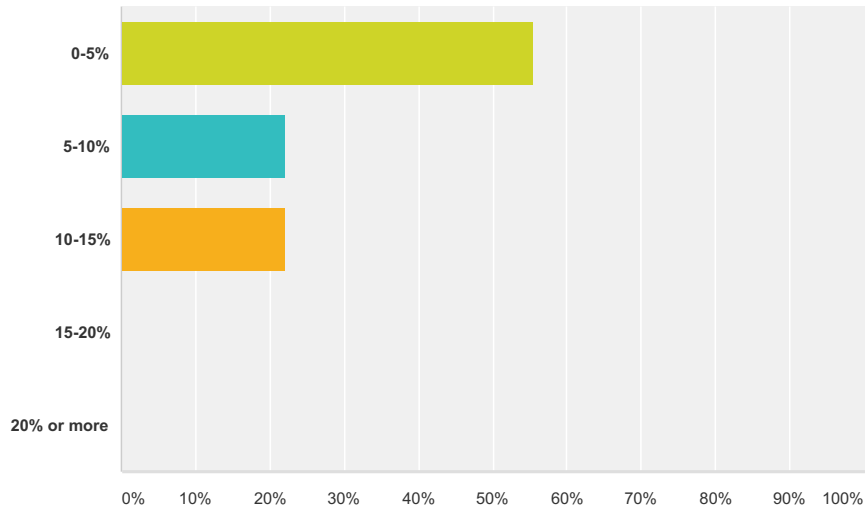
Answered: 9 Skipped: 1



Answer Choices	Responses	Count
0-5%	55.56%	5
5-10%	33.33%	3
10-15%	0.00%	0
15-20%	11.11%	1
20% or more	0.00%	0
Total		9

Q9 What is your anticipated commercial vacancy rate each year from 2020 to 2030?

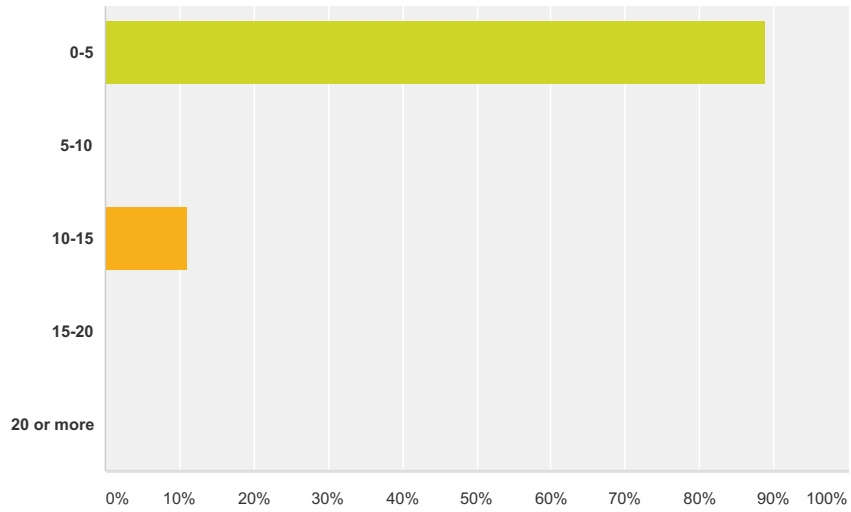
Answered: 9 Skipped: 1



Answer Choices	Responses
0-5%	55.56% 5
5-10%	22.22% 2
10-15%	22.22% 2
15-20%	0.00% 0
20% or more	0.00% 0
Total	9

Q10 On average, how many Mixed Use buildings have been developed from 2010 to 2016?

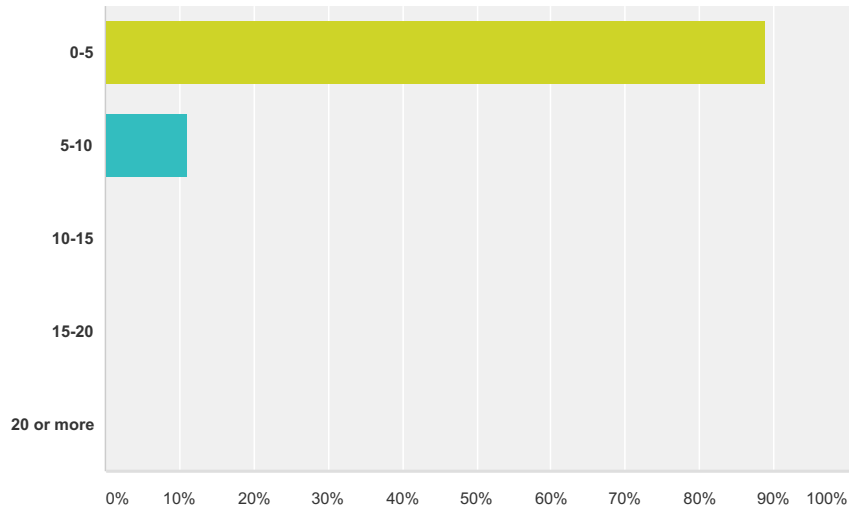
Answered: 9 Skipped: 1



Answer Choices	Responses	Count
0-5	88.89%	8
5-10	0.00%	0
10-15	11.11%	1
15-20	0.00%	0
20 or more	0.00%	0
Total		9

Q11 On average, what is the anticipated number of Mixed Use buildings to be developed each year from 2017 to 2030?

Answered: 9 Skipped: 1



Answer Choices	Responses
0-5	88.89% 8
5-10	11.11% 1
10-15	0.00% 0
15-20	0.00% 0
20 or more	0.00% 0
Total	9

Q12 Please add other comments that you would like for SBWMA to know about the current and potential growth within your city.

Answered: 5 Skipped: 5



SECTION-BY-SECTION SUMMARY OF PROPOSED FRANCHISE AGREEMENT CHANGES

SBWMA/Recology Model Franchise Agreement

Summary of Modifications as of April 6, 2017

Reference	Section Description	Modifications to Model Agreement
Entire Document		<ul style="list-style-type: none"> • Changed “Authority” to SBWMA to be consistent with current use of names. • Integrated changes pursuant to the 2013 First Amendment to the current franchise agreement (2009 Franchise Agreement).
Recitals		<ul style="list-style-type: none"> • Added several recitals describing the process for Amending and Restating the Agreement. • Identified a 15-year term for amended and restated Agreement (in addition to the original 10-year term of the current franchise). • Included references to recent State regulations/legislation (e.g., AB 341, AB 1826, SB 1383).
2.09	Statements and Information In Proposal	Amended this Section to reference Contractor’s proposal submitted as part of this process to amend and restate the Agreement rather than referencing the original 2008 proposal.
2.10	Iran Contracting Certification	Added a new Section for Contractor’s certification related to the Iran Contracting Act of 2010 (California Public Contract Code Section 2203 of the Iran Contracting Act of 2010).
3.01	Effective Date	Amended Effective date to June 30, 2018, which is the date the Agreement becomes binding and enforceable provided that all conditions set forth in Sections 3.04.A and 3.04.B have been satisfied or waived. Note that the services do not commence until January 1, 2021.
3.02	Term	<ul style="list-style-type: none"> • Defined the term of the amended and restated Agreement to be 15 years in addition to the 10-year term of the current 2009 Franchise Agreement for a total of 25 years. • Described that the 2009 Franchise Agreement will govern through December 31, 2020, and that the amended and restated Agreement will govern from and after January 1, 2021.
3.03	Extension of Term	<ul style="list-style-type: none"> • Added provision allowing an extension of up to 5 years (for a total maximum term of 30 years) at Agency’s discretion, but subject to Contractor’s consent. • Specified that if parties do not mutually agree on an extension, an extension of up to 1 year at Agency’s sole discretion will be allowed. The extension would be subject to a meet and confer if Contractor is experiencing a net financial loss in operations under the Agreement. • Indicated that a three year noticing period is required if Agency wants to extend the Term.
3.04A	Conditions to Effectiveness of Agreement	Removed requirement for Contractor to provide a performance bond on June 30, 2018 because Contractor has a valid bond in place under the 2009 Franchise Agreement. Note that a performance bond is required on the Commencement Date (January 1, 2021) pursuant to Section 13.03.
4.02	Limitations to Scope	Amended language to include Recyclable Materials and Organic Materials as materials that may be handled by Persons other than the Contractor when the removal of such materials is an incidental service to landscaping and construction-related services.
5.01	General Collection Services	Amended language as follows: “...new programs that may impact the overall quantity or composition of Solid Waste, <u>Targeted Recyclable Materials, and/or Organic Materials</u> to be Collected by Contractor.”
5.02.A	Single-Family Solid Waste Collection Service	<ul style="list-style-type: none"> • Modified language to generally provide additional clarity and improve organization of the content. • Included language that allows Contractor, on an annual basis, to request reverification of Special Handling Service eligibility from Customer.

Reference	Section Description	Modifications to Model Agreement
5.02.B	Multi-Family Solid Waste Service	<ul style="list-style-type: none"> Modified language to generally provide additional clarity and improve organization of the content. Amended language regarding the service requirements to be provided at no cost to Customers and Long Distance Service and Container Relocation Service to be provided by Contractor <u>upon Customer request</u> for an additional charge. The Long Distance Service is the same as the current Distance Service, but language was amended to more clearly define the service conditions under which this applies. Added new Container Relocation Service and related Attachment Q charge that will allow Contractor to charge <u>Customers that request</u> relocation of their Containers from a location that is not accessible by the Collection vehicles or cannot be safely moved by route personnel, and that requires Contractor to dispatch a special vehicle to relocate the Container. Addressed slope access conditions, which may necessitate Container Relocation Service, if the Customer does not place Containers in an accessible location. Included language on how disputes related to slope, Long Distance Service, and Container Relocation Services will be handled.
5.02.C	Commercial Solid Waste Collection Service	Clarified and streamlined language by referring to relevant sections of the Multi-Family provisions including the above slope, Long Distance Service, and Container Relocation Services.
5.02.D	Agency Solid Waste Collection	<ul style="list-style-type: none"> Clarified and streamlined language by referring to relevant sections of the Multi-Family provisions including the above slope, Long Distance Service, and Container Relocation Services. Removed public recycling Container service from this Section on Solid Waste and added it to Section 5.03.D on Agency Recycling Collection.
5.03	Targeted Recyclable Materials Collection	<ul style="list-style-type: none"> Clarified and streamlined language generally. Deleted requirements that pertained to the initial contract roll-out in 2010, including universal implementation of recycling to all Customers.
5.04	Organics Material Collection	<ul style="list-style-type: none"> For Single-Family, clarified that additional Organic Materials Carts and weekly service thereof is available for an extra charge specified in Attachment Q. Eliminated the option of Customers renting or purchasing their own Containers. Added clarification that standard Organics service for Single-Family is a 96-gallon Cart. Deleted requirements that pertained to initial contract roll-out in 2010. Shifted the start of holiday tree collection from December 26 to January 2. Streamlined language generally by deleting provisions that were redundant with other sections (by referencing the relevant sections).
5.05.A and 5.05.B	Single-Family and Multi-Family Bulky Item Collection Service	<ul style="list-style-type: none"> Added for clarification that Contractor shall provide two Bulky Item Collections at no cost to the Customer annually and shall charge Customers that request additional Bulky Item Collection service at Agency-approved charges in Attachment Q. This clarification allowed for elimination of Section 5.12, Fee for Service Bulky Collection, as it was redundant. Amended acceptable materials to allow residents to set out up to three large items of their choice whereas they were previously limited to one each of appliance, bulky items, or e-scrap (for example, the amended language allows for three appliances). Eliminated requirement that a route supervisor will visit each residence prior to the bulky pick-up to assess the materials. Removed specification of the type of vehicle Contractor shall use, allowing Contractor its choice. Established a maximum "daily limit" of 150 Bulky Item Collection pick-ups for the SBWMA Service Area to align with program costs included in Contractor's Compensation. Included a meet and confer process with SBWMA and Agency when the average number of pick-ups is approaching the daily limit in order to discuss

Reference	Section Description	Modifications to Model Agreement
		strategy on handling increasing number of events. Identified that liquidated damages will not apply when the pick-ups are not scheduled within 10 days due to reaching the maximum number of pick-ups limit.
5.06	Agency Facility On-Call Bulky Item Collection Service	<ul style="list-style-type: none"> Added for clarification that Contractor shall provide one Bulky Item Collection event for each Agency facility at no cost to Agency and may charge for additional events. Amended acceptable materials to allow facilities to set out up to three large items of their choice; whereas, they were previously limited to one each of appliance, bulky items, or e-scrap (for example, the amended language allows for three appliances).
5.07	Confidential Document Destruction Event Service	Amended language to clarify that the SBWMA coordinates these events (not Recology) and Recology will pay up to \$1,200 per year per Member Agency for one event (which is consistent with the 2013 Amendment to the 2009 Franchise Agreement).
5.08	Collection for Large Venues and Events	<ul style="list-style-type: none"> Changed “Events” to “Community Events” to avoid confusion with “events” used in other context in the Agreement and amended related definition in Attachment A. Specified that Contractor services the Agency-sponsored Venues and Community Events listed in Attachment C, which may be modified as part of the Three-Year Public Education Plan (in accordance with Section 7.03.B).
5.09.A	Abandoned Waste Clean Up	<ul style="list-style-type: none"> Established a “daily limit” of 30 abandoned bulky pick-ups per day for the SBWMA service area to align with program costs in Contractor’s Compensation. Included requirement to notify the SBWMA and Agency when the average number of clean-ups reaches 25 daily events and meet and confer to discuss strategy on handling increasing number of events. Clarified that Contractor is only required to Collect the types of materials defined for the On-Call Bulky Item Collection program. Documented that Contractor shall Collect in public right of ways and not be responsible for any Collection of abandoned waste materials that are on private properties or easements where ownership of properties are in question or shared. Included new provision that an Agency has the option of requiring Contractor to interface with an Agency-specific, web-based application for reporting completion of abandoned waste collections. Also identified that Agency shall compensate Contractor on an annual basis for this additional effort in the amount specified in Attachment Q.
5.10	Coats for Kids	Edited language to clarify a 60-day advanced noticing requirement to Agency prior to the start and end date of the program.
5.11	Compost Give-Away	Identified that Contractor shall only attend compost give-away events if their attendance is specifically required in the Three-Year Public Education Plan. Edited other language to provide more clarity.
5.12	Fee for Service On-Call Bulky Collection	By amending Section 5.05 to address fee for service Bulky Item Collection, this Section could be deleted.
5.14	Week Long Agency-Wide Bulky Item Collection	Deleted this entire service requirement because it was not used by Agencies.
5.14	Mixed Use Building	<p>Included new section for Mixed Use Buildings specifying the following services:</p> <ul style="list-style-type: none"> Solid Waste, Recyclables, and Organic Collection services like Commercial Customers; 96-gallons of Recycling capacity per residential unit per week at a minimum; Residential units of Mixed Use Buildings to receive cell phone and battery collection service, recycling totes, and recycling program promotion like Multi-Family Customers; Two on-call Bulky Item Collection pick-ups to be provided at no cost and additional pick-ups at a charge; Recycling technical assistance like Commercial and Multi-Family Customers; and,

Reference	Section Description	Modifications to Model Agreement
		<ul style="list-style-type: none"> Development of a method for coding Mixed Use Buildings in the Contractor's customer service and routing databases to allow for various reports to be generated.
6.02	Limitation on Contamination	<ul style="list-style-type: none"> Acknowledged that recent State regulations/legislation (e.g., AB 341, AB 1826, SB 1383) may impact diversion. Revised Single-Family and Commercial Targeted Recyclable Materials maximum contamination levels in Table 1 to align with the 2013 Amendment to the 2009 Franchise Agreement. Removed the quarterly contamination testing requirements (and related Attachment E-2) since contamination has not been an issue and the quarterly testing process was time consuming and costly. Note that SBWMA still has right to test single loads for contamination. Removed maximum contamination level provisions related to initial contract implementation in 2010. Added clarification in the event an entire load is sorted to determine contamination, then Contractor or its representative shall have the right to be present at, observe, and photograph and video all aspects of the sort (which is consistent with the current rights of Attachment E-1). Deleted Section 6.02.F, Agency-Directed Change in Controlling Contamination, which considered the SBWMA directing a reduction in Contractor's efforts to manage Contamination and SBWMA paying Contractor for the resulting increase in Contamination. Streamlined contract language generally throughout Section 6.02.
6.04	Processing of Other Materials	Added clarification that an Agency request to process additional materials will be a change in scope and may include adjustment of Contractor's Compensation.
7.01.C	Local Office	<ul style="list-style-type: none"> Indicated that if space is not available at SRDC, that Contractor shall provide an office in the SBWMA Service Area and such change will be handled as a change in scope. Revised number of allowable holidays in which the office may close from 2 to 9 holidays.
7.02.A	Customer Service	Same as Section 7.01.C changes.
7.03.B	Three-Year Public Education and Technical Assistance Plan	<ul style="list-style-type: none"> Revised the entire section to specify a collaborative process of developing a Public Education and Recycling Technical Assistance Plan every three years that allows the SBWMA and Contractor flexibility in determining (for the coming three Rate Years) the focus of the education and recycling technical assistance efforts, goal, specific tasks, and reporting needs and how resources and staffing will be used. Reduced the number of Waste Zero Specialist (WZS) from 8 to 6 full-time equivalents as part of the proposed 2021 Contractor's Compensation. Such change is shown in Attachment O. Agreed that future changes in WZS staffing levels can be handled as a change in scope. Acknowledged that reporting requirements will be defined in the three-year plans.
7.03.D and 7.03.E	Public Education Activities	Revised the list of public education activities to be performed by SBWMA and by Contractor to reflect current practice.
7.04.A	Commercial Recycling Program Staff	<ul style="list-style-type: none"> Added requirement that if any Waste Zero Specialist position is unfilled for 90 days, the Contractor and SBWMA shall meet and confer to discuss how to remedy the employment gap. Also, Contractor shall compensate the Agency for the unfilled position as an adjustment to the Contractor's Compensation. Identified that if SBWMA requests to change the number of Waste Zero Specialists, the change will be handled as a change in scope.
7.04.C	Community Events	Added for clarification that Attachment C presents a preliminary list of the Community Events, which may be modified annually through the development of the Three-Year Public Education and Recycling Technical Assistance Plan.

Reference	Section Description	Modifications to Model Agreement
7.04.E	Targeted Commercial Recycling Promotion	Specified that recycling technical assistance and waste assessments shall be performed in accordance with the Three-Year Recycling Technical Assistance Plan.
7.04.I	Mandatory Commercial Recycling Assistance to Agency	Amended to identify need for monitoring and reporting related to AB 341, AB 1826, and other similar applicable law.
7.05	Multi-Family Recycling Promotion	Modified language to generally provide additional clarity as well as to reflect inclusion of promotion and technical assistance related to Organic Materials Collection.
7.06	Waste Generation/Characterization Studies	<ul style="list-style-type: none"> Amended provision to acknowledge that recent State regulations/legislation (e.g., AB 341, AB 1826, SB 1383) may impact diversion. Deleted reference to using quarterly Contamination Levels because the quarterly testing requirement has been removed from the Agreement (See Section 6.02).
7.09	MFD and Commercial Recycling Blitz	Added for clarification that in the event an Agency wants Contractor to host a recycling blitz, the change would be handled as a change in scope.
7.10	Carbon Footprint Measuring	Modified requirement to allow for Contractor to provide information upon request rather than submit annual reporting. Note that Contractor is still required to file emissions data annually with California Climate Action Registry.
7.13	Right of SBWMA to Make Changes to Other Services	<ul style="list-style-type: none"> Established quarterly meeting requirements for Contractor and SBWMA to review progress on the Three-Year Public Education and Recycling Technical Assistance Plan. Added a new section to provide flexibility to the SBWMA to request and increase or decrease the Contractor's scope of services without amendment of the Agreement related to the scope of public education and outreach, recycling technical assistance, waste generation/characterization studies, and program evaluation services. Reserved right to have other parties perform added services if Contractor and SBWMA do not come to agreement on the services.
8.01.A	Collection Hours	<ul style="list-style-type: none"> Added Mixed Use Buildings to Commercial for the purpose of Collection hours. Noted that modifications to Collection hours may be mutually agreed upon.
8.02.B	Servicing Containers and Missed Pick-Ups	Added clarification regarding the additional services Contractor may provide related to Long Distance and Container Relocation Services.
8.02.G	Collection of Excess Materials (Overages)	Indicated that Contractor may assess an overage charge for overages in addition to the two free overage pick-ups per year if the Contractor has notified the Customer by phone or email of the overage collection.
8.02.H	Care of Private Property	Added language that damage to property shall not apply to damage caused by the weight of Contractor's vehicles on public or private roads or driveways. Specified that if a Customer requests Contractor to provide services on-premises that requires driving of Collection vehicles on a private road or driveway, Contractor shall require the Customer or other responsible party to sign a reasonable waiver releasing Contractor from liability for any such damage.
8.03	Unloading Materials at the Designated Transfer and Processing Facility	Added for clarification "other materials (e.g., Batteries, Cell Phones, Used Motor Oil, and Used Motor Oil Filters)" to be unloaded at the SRDC in cooperation with the facility operator.

Reference	Section Description	Modifications to Model Agreement
8.04.A	Vehicle Specification	<ul style="list-style-type: none"> • Stated the need to use an on-board computer system for tracking route information and described general requirements, but removed the specification that “Routeware” must be used. • Described that Contractor will continue to use the current fleet of Collection vehicles and will phase in the purchase of new vehicles. Agreed to adjust the vehicle depreciation and interest expense for actual vehicle acquisition costs to be effective in Rate Year 2027 for a total increase in rate payers’ costs of \$350,000, which reflects a 50/50 share of increased vehicle acquisition costs up to \$700,000 and Contractor’s agreement to pay any additional costs beyond \$700,000 (where such adjustment is describe in Attachment K).
8.04.B.10	Vehicle Specification	Specified that Contractor and SBWMA shall meet and confer before Contractor’s initial purchase of new vehicles to discuss fuel options and agree on fuel choice. Noted that the meet and confer process is not applicable for subsequent vehicle purchases unless Parties agree otherwise.
8.05.B	Container Specifications	<ul style="list-style-type: none"> • Added for clarification that Contractor shall provide Customers with a choice of Container capacities specified in Attachment D, and Customers may select their preferred Container size(s). • Removed the requirement that Containers must be new to recognize that the existing Containers will continue to be used by Customers.
8.05.E	Container Repair and Replacement	Documented that Contractor estimated Container replacement needs and related depreciation and interest expense over the Term, and that these expenses are included in Contractor’s Compensation in the amount specified in Attachment N and K. Stated that Contractor shall not be entitled to any additional compensation for Container replacements purchased during the Term of the Agreement.
8.05.F	Agency Right to Containers	Added clarification regarding Contractor’s obligation to remove Containers in the event the Agency’s does not exercise its right to take ownership of Containers at end of Term.
8.05.G	Lock Service	Included new language describing lock (key) service currently provided by Contractor and Contractor’s right to charge for the service.
8.06.B	Employees of Previous Contractor	Deleted this Section as it was applicable to the initial implementation of the 2009 Franchise Agreement.
8.06.C	Collective Bargaining Agreement	Removed references to “Previous Contractor” and described that Contractor’s Compensation will not be adjusted for wage and benefit costs greater than the adjustments provided though the compensation mechanism in Attachment K (which provides CPI and service level adjustments on wage and benefits).
9.04.C	Reporting Submittal Schedule and Instructions	<ul style="list-style-type: none"> • Clarified requirements that Contractor provide source files for some data. <p>Provided clarification that each quarterly report shall be in lieu of the monthly report for the third month of the relevant quarter.</p>
9.05 / 9.06 / 9.07	Reporting	<ul style="list-style-type: none"> • Streamlined reporting requirements while generally maintaining the same reporting elements. • Added monthly abandoned waste event reporting. • Removed requirement that Contractor shall periodically conduct Multi-Family analysis if Multi-Family Tonnage data is not separately reported. • Removed several public education and outreach reporting requirements and replaced it instead with a statement that reports shall be provided as defined in the then-current Three-Year Public Education and Recycling Technical Assistance Plan. • Included acknowledgement that Agency may request additional information to support reporting related to the AB 939, AB 341, AB 1826, and SB 1383.

Reference	Section Description	Modifications to Model Agreement
11	Contractor's Compensation, Pass-Through Costs, and Rates	Updated language generally in Article 11 to shift Rate Years and dates that related to the 2009 Franchise Agreement to Rate Years and dates relevant to the amended and restated Agreement.
11.02	Determination of Contractor's Compensation	<ul style="list-style-type: none"> Identified that compensation adjustment for Rate Year Eleven (the first Rate Year in the amended and restated Agreement) will involve adjusting Contractor's proposed 2021 compensation to reflect actual changes in service levels and changes in fuel cost indices from 2016 through 2020 (in accordance with Attachment K). Described how compensation will be adjusted in subsequent Rate Years for changes in cost indices and differences in service levels. Documented that the depreciation amount for Rate Year Ten under the 2009 Franchise Agreement shall be adjusted and shall include some depreciation costs related to the new vehicles that will be purchased under the Term of the amended and restated Agreement. This is intended to smooth out rate adjustments from 2019 through 2021.
11.03	Annual Revenue Reconciliation	Amended language to provide clarification on revenues attributable to Attachment Q charges including Agency share of Backyard Collection Service revenues pursuant to the 2013 Amendment to the 2009 Franchise Agreement.
11.05	Special Compensation Review	<ul style="list-style-type: none"> Added language that allows for Contractor to request special compensation review during the regular compensation adjustment process if one or more of the "special" events occur and cause an increase or decrease to Contractor's Compensation by less than 2% for the then-current Rate Year and to compensated Contractor retroactively. Note that current language was retained that states if events cause cost increases or decreases greater than 2%, Contractor can request a special compensation review at any time. Removed language that pertained to Rate Years One and Three under the 2009 Franchise Agreement.
11.07	Rate-Setting Process	Identified that interest payment arrangements associated with revenue reconciliation process shall governed by the July 8, 2015 Memorandum of Understanding between Contractor and SBWMA, which is provided in new Attachment S.
13.03	Faithful Performance Bond	Specified that the CPI to be used in adjusting the amount of the performance bond every two years.
13.06	Indemnification related to Various State Requirements	Amended this Section, which previously focused on the Contractor's indemnification related to AB 939, to be inclusion of indemnification related to AB 939, AB 341, AB 901, AB 1826, AB 1594, SB 1016, SB 1383, and other laws, regulations or permits issued or enforced by the CalRecycle or the LEA. Note that the indemnification is applicable to the extent it relates to Contractor's failure to perform obligations under this Agreement.
14.09.A	Excuse from Performance – Force Majeure	No changes have been made to the language as of this date; however, the Parties are still discussing force majeure language related to labor unrest.
ATTACHMENTS		
Attach A	Definitions, New Definitions	Added several definitions including: 2009 Franchise Agreement, AB 341, AB 1826, Bulky Item Collection, Container Relocation Service, Mixed Use Buildings, Long Distance Service, SB 1383, and Shoreway Recycling and Disposal Facility.
Attach A	Definitions, Minor Clarifications	Provided minor clarifications to the following definitions: Commercial Diversion Level, Food Scraps, Holidays, Holiday Collection Schedule, Overall Diversion, Previous Contractor, Rate Year, Recycling Blitz, Residential Diversion Level, Revenue Requirement, Service Day, Targeted Recyclable Materials

Reference	Section Description	Modifications to Model Agreement
Attach A	Definition, Community Event	Changed "Event" to "Community Event" which means Agency-sponsored or other community events that are one (1) or two (2) days in duration and have up to 10,000 attendees per day. Community Events may include "large events" as defined by AB 939. Removed the specification that it includes any event "that serves an average of at least 2,000 attendees and workers per day, and Agency-sponsored community events."
Attach A	Definition, Contractor's Proposal	Deleted "Contractor's Proposal" as it referred to the original 2007 Recology proposal, which was not needed for the purpose of this Agreement
Attach B	Service Level of Agency Facilities	No changes were made. This is an Agency-specific Attachment to be modified by each Member Agency.
Attach C	Community Events	Clarified that events may be modified through Three-Year Public Education Plan process. Otherwise, no changes were made. This is an Agency-specific Attachment to be modified by each Member Agency.
Attach D	Container Specifications	Amended to reflect current container sizes and colors, eliminated 2009 container costs, and eliminated compactor specifications, as Recology will no longer be providing compactors to customers.
Attach E-1	Contamination Measurement Methodology- Single Loads	No changes were made to this Attachment.
Attach E-2	Contamination Measurement Methodology - Quarterly	This Attachment has been eliminated since contamination has not been an issue and the quarterly testing process was time consuming and costly. Note that SBWMA still has the right to test single loads for contamination pursuant to Attachment E-1 and Section 6.02.
Attach F	Performance Bond	Revised date from 2011 to 2021.
Attach G	Guaranty	Made minor changes to company and contact names and effective date.
Attach H	Delinquent Payment Policy	No changes were made to this Attachment. This is an Agency-specific Attachment to be modified by each Member Agency.
Attach I	Performance Incentives and Disincentives	Amended Attachment I as follows: <ul style="list-style-type: none"> • Eliminated language pertaining to initial contract roll-out in 2010. • Eliminated contamination disincentive language and related payments for contamination since Section 6.02 requires Recology to pay for extra processing for contaminated loads or disposal of contaminated loads • Eliminated Single-Family missed pick-up initial complaints pursuant to 2013 First Amendment to the 2009 Franchise Agreement. • Changed diversion level incentive/disincentive benchmark to be set equal to the average diversion level for the most recent 5 years. • Modified the 90 second maximum hold time provision pursuant to the 2013 First Amendment with additional clarification that measurement and LDs are calculated separately for each quarter. • Established an annual maximum disincentive and incentive payments at \$100,000.
Attach J	Liquidated Damages	Amended to: (i) state that monthly (rather than quarterly) reports shall be generated; (ii) eliminate language that pertained to the initial contract roll-out in 2010; (iii) update Table 2, Monthly Allowances for Each Member Agency for Select Collection Quality Standards allocating total based on the number of current single-family service opportunities.

Reference	Section Description	Modifications to Model Agreement
Attach K	Compensation and Rate Setting Process	<p>Removed and replaced Attachment K to present a simplified adjustment process for Contractor's Compensation. It presents the following:</p> <ul style="list-style-type: none"> • Definition and use of Bay Area cost indices (rather than U.S. indices in the 2009 Franchise Agreement) • Methodology for adjustment of Contractor's proposed 2021 compensation to reflect actual changes in service levels and changes in fuel cost indices from 2016 through 2020 • Methodology for adjustment of Contractor's Compensation for 2022 through the end of the term, which includes adjustments for changes in service levels and changes in four-different cost indices. • Description of how service level changes are calculated annually based on the percentage change in a rolling three-year average of customer subscription levels, which shall be performed separately for customer type and material type. • Inclusion of 5% cap on the annual increase in the Contractor's Compensation with explanation of how the cap is calculated and how the Contractor is made whole in following years. • Method of adjusting depreciation and interest expense to reflect actual acquisition cost of new vehicles to be effective in Rate Year 2027 for a total increase in rate payers' costs of \$350,000, which reflects a 50/50 share of increased vehicle acquisition costs up to \$700,000 and Contractor's agreement to pay any additional costs beyond \$700,000. • Removal of implementation items related to the 2009 Franchise Agreement. • Removal of contamination performance disincentives. • Inclusion of annual CPI adjustment to Attachment Q charges. • Updated language generally to shift Rate Years and dates that related to the 2009 Franchise Agreement to Rate Years and dates relevant to the amended and restated Agreement.
Attach L	Implementation Plan	Deleted Attachment L, Implementation Plan, as it related to the initial contract roll-out in 2010.
Attach M	Agency's Franchise Fee and Other Fees	Added language clarifying that the franchise fee shall be calculated on Gross Revenue Billed and specifying that fixed annual payments shall be adjusted annually by the change in the CPI-U. Note that this is an Agency-specific Attachment to be modified by each Member Agency.
Attach N	2020 Compensation and Ops Stats	Removed and replaced Attachment N to reflect 2021 Contractor's Compensation and operating statistics.
Attach O	List of Contractor's Personnel	Revised staffing chart to: (i) reflect number of personnel projected for 2021; (ii) shift personnel that were non-CBA (collective bargaining agreement) employees in 2009 and are now CBA employees into the CBA category; (iii) rename some categories; (iv) eliminate some positions that are now reflected in the general and administrative costs; and (v) reduce number of Waste Zero Specialists from 8 to 6 full-time positions.
Attach P	Vehicle Specifications	No changes have been made to the language as of this date; however, the Parties are still discussing if it will be revised to reflect specifications for new vehicles during the Term of the amended and restated Agreement.
Attach Q	Additional Services	<p>Removed and replaced Attachment in its entirety making the following modifications:</p> <ul style="list-style-type: none"> • Renamed Attachment from "Unscheduled Services" to "Additional Services". • Changed terminology from Contractor's "costs" to Contractor's "Charges" for services. • Removed annual CPI adjustment to Charges as this is covered by Attachment K. • Grouped services for customers separately from those for Agency.

Reference	Section Description	Modifications to Model Agreement
		<ul style="list-style-type: none"> • Clarified conditions under which certain rates apply and how rates are calculated. • Added two new charges for Container Relocation Service and Agency-specific reporting for abandoned waste collections. • Eliminated recycling cart rental or purchase instead specifying additional recycling cart service for a monthly fee.
Attach R	Secretary's Certificate	Included this new Attachment to document that the Recology representative signing the contract is authorized to do so by the company secretary.
Attach S	Interest Arrangements	Attached July 8, 2015 Memorandum of Understanding between SBWMA and Contractor describing interest payment arrangements related to the annual revenue reconciliation process.



STAFF REPORT

City Council

Meeting Date:

5/23/2017

Staff Report Number:

17-117-CC

Consent Calendar:

Approve the 2016-18 Housing Commission 2-year work plan and goals

Recommendation

Staff recommends that the City Council approve the proposed 2016-18 Housing Commission 2-year work plan.

Policy Issues

The proposed action is consistent with City Council Policy CC-01-0004, Commissions/Committees policies, procedures, roles and responsibilities. Each advisory body has a primary role of advising the City Council on policy matters or reviewing specific issues and carrying out assignments as directed by the City Council or prescribed by law. In addition, the 2017 City Council Work Plan identified "Enhanced Housing Program" as very important for the year.

Background

The Housing Commission is charged primarily with advising the City Council on housing matters including housing supply and housing related problems. Specific focus areas include: Community attitudes about housing (range, distribution, racial, social-economic problems); Programs for evaluating, maintaining, and upgrading the distribution and quality of housing stock in the City; Planning, implementing and evaluating City programs under the Housing and Community Development Act of 1974; Members serve with staff on a loan review committee for housing rehabilitation programs and a first time homebuyer loan program; Review and recommend to the Council regarding the Below Market Rate (BMR) program; Initiate, review and recommend on housing policies and programs for the City; Review and recommend on housing related impacts for environmental impact reports; Review and recommend on State and regional housing issues; Review and recommend on the Housing Element of the General Plan and; The five most senior members of the Housing Commission also serve as the members of the Relocation Appeals.

Every two years Menlo Park Commissions review their respective work plans and update them with new/updated priorities, projects and goals. On August 03, 2016, the Housing Commission started updating their 2 Year Work Plan. Over a series of meetings and subcommittee meetings, the commission edited and refined its work plan. Per the City Council's direction, the Housing Commission concurrently reviewed and developed a recommendation for the prioritization of the 15 housing policies aimed at addressing residential displacement in Menlo Park.

Analysis

The Commission approved the 2016-2018 work plan at the February 1, 2017 meeting. Following a subsequent conversation at the Commission's March 1 meeting, regarding prioritization of anti-displacement policies, referred to the Commission by the City Council, the Chair and Vice Chair felt it

prudent to review the 2 year work plan again to ensure that the work plan and prioritization complement each other and together reflect the goals of the Housing Commission. The work plan compliments the prioritization of anti-displacement housing policies, which will be presented to Council in the near future.

On April 5, 2017, the Commission finalized and adopted its 2016-18 Work Plan (Attachment A) and recommended that the City Council approve it. The Work Plan focuses on four key priority areas:

1. BMR Housing Activities
2. Housing Projects
3. Promote policies that prevent residential displacement, promote affordable housing preservation and encourage affordable housing development.
4. Housing Element Implementation

Impact on City Resources

City staff, from the Housing and Economic Development division, currently serves as liaison to the Housing Commission, attends meetings, prepare agendas, minutes and staff reports, interact with committee members and stakeholders, and provide information as requested by other City staff, other commissions and the City Council regarding the Housing Commission's activities. No additional resources requested at this time. Should the Housing Commission develop projects as part of their work plan that will require more staff time and/or funds, staff will bring those projects to the Council for prioritization.

Environmental Review

This action is not a project under CEQA.

Public Notice

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

Attachments

- A. Proposed Housing Commission Work Plan for 2016-18

Report prepared by:
Meghan Revolinsky, Management Analyst II

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



HOUSING COMMISSION

City Manager's Office
 701 Laurel St., Menlo Park, CA 94025
 tel 650-330-6620
menlopark.org/housingcommision

WORK PLAN 2016-18

Mission Statement	
<p>We are affordable housing advocates.</p> <p>We make recommendations to the City Council on issues related to housing policy, implement Council policy decisions, and represent the City where needed on housing matters.</p> <p>We are a conduit of information out to the community about affordable housing programs and a conduit of information back from the community regarding housing matters to the City Council.</p>	
Committee Members Listing and Term Expirations	
Michele Tate (Chair)	April 30, 2021
Meg McGraw-Scherer (Vice Chair)	April 30, 2020
Julianna Dodick	April 30, 2019
Sally Cadigan	April 30, 2018
Nevada Merriman	April 30, 2021
Priority List	
<p>The Housing Commission has identified the following priorities to focus on during 2016-18:</p>	
<p>1. BMR Housing</p> <ul style="list-style-type: none"> • Activities: <ul style="list-style-type: none"> ○ Monitor and review BMR funds and use. ○ Participate in and advise Council and/or Planning Commission on policy decisions related to BMR. • Trigger: Staff will bring items to the commission for consideration. 	
<p>2. Housing Projects</p> <ul style="list-style-type: none"> • Stay appraised of housing projects in Menlo Park (i.e. CORE, MidPen/Willow, HIP, Habitat) • Action: Lead will include information on activities in update at quarterly commission meetings. 	
<p>3. Given the current housing crisis in the Bay Area and in Menlo Park in particular, promote policies that prevent residential displacement, promote affordable housing preservation, and encourage affordable housing development.</p>	

Specific activities to include:

- Implementation of the Housing Priority table
- Facilitation of the completion of the Nexus Study with the goal to update the current fee schedule and originate a residential impact fee program.
- Promotion of policies that support dispersion and development of affordable units throughout all of Menlo Park.
- Encouragement of the development of housing around transit (reduction of parking requirements, density bonuses, use of City land for housing).
- Promotion of the development of the 4,500 residential units provided for in the General Plan.
- Promotion of the use of City-owned land for affordable housing in general and specifically:
 - a. redevelopment of downtown parking lots to include affordable housing
 - b. redevelopment of existing city facilities to include a mix of uses with affordable housing (i.e. main library, community centers)

4. Housing Element Implementation

Activities:

- Monitor and Review of the Housing Element program implementation.
- Our responsibility is to represent the community in an advisory role and continue to advocate for relevant housing programs, as outlined in the Housing Element, with an emphasis on affordable housing.

Timeframe: Ongoing

Work Plan Worksheet

Step 1 - Review purpose of Commission as defined by Menlo Park Council Policy CC-01-0004

Each advisory body has a primary role of advising the City Council on policy matters or reviewing specific issues and carrying out assignments as directed by the City Council or prescribed by law.

The Housing Commission is charged primarily with advising the City Council on housing matters including housing supply and housing related problems. Specific focus areas include:

- Community attitudes about housing (range, distribution, racial, social-economic problems)
- Programs for evaluating, maintaining, and upgrading the distribution and quality of housing stock in the City
- Planning, implementing and evaluating City programs under the Housing and Community Development Act of 1974
- Members serve with staff on a loan review committee for housing rehabilitation programs and a first time homebuyer loan program
- Review and recommend to the Council regarding the Below Market Rate (BMR) program
- Initiate, review and recommend on housing policies and programs for the City
- Review and recommend on housing related impacts for environmental impact reports
- Review and recommend on State and regional housing issues
- Review and recommend on the Housing Element of the General Plan
- The five most senior members of the Housing Commission also serve as the members of the Relocation Appeals

Step 2 - Develop or review a Mission Statement that reflects that purpose (*Who we are, what we do, who we do it for, and why we do it*)

We are affordable housing advocates.

We make recommendations to the City Council on issues related to housing policy, implement Council policy decisions, and represent the City where needed on housing matters.

We are a conduit of information out to the community about affordable housing programs and a conduit of information back from the community regarding housing matters to the City Council.

Step 3 - Discuss any priorities already established by Council						
2017 City Council Work Plan - Enhanced Housing Program						
Step 4 - Brainstorm goals, projects or priorities of the Committee						
<u>Brainstorm goals, projects or priorities of the Committee</u>	<u>Benefit, if completed</u>	<u>Mandated? by State/local law or by Council direction</u>	<u>Policy change? At Council level</u>	<u>Resources needed for completion Staff or creation of subcommittees</u>	<u>Estimated Completion Time</u>	<u>Measurement Criteria How will we know how we are doing?</u>
BMR Housing	Oversight of compliance with guidelines	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Staff time and Commission meetings	24 Months	Approved BMR Agreements
Housing Element Implementation	In compliance with State requirements	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Funding and Staff time	24 Months	Staff will present actions outlined in the Housing Element's Implementation program
Housing Projects	Continued awareness of upcoming projects	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Staff time (briefs from planning staff on pending projects)	24 Months	Commission knowledge of projects
Community Advocacy for Affordable Housing	More awareness of the need to provide a range of housing opportunities	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Subcommittee	24 Months	More acceptance of affordable housing by the community
Collaborate with area Housing Agencies and Advocates	Access to more resources and ideas	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Subcommittee	24 Months	More communication with area housing agencies and advocates
Housing outreach and support	Explore more effective ways to get housing information to the community	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		24 Months	
Become more involved in educational opportunities:	Housing Commission will continue to develop subject matter expertise and enhance the HC's ability to advise the City Council with regard to funding affordable housing and housing policy.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		24 Months	Join Housing Leadership Council of San Mateo County Attend housing conferences
Become involved in the NOFAs - Have Housing Commission give feedback on language	Solicit a greater number of applications for funding and affordable units	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Subcommittee	12 Months	Review and recommend changes for the 2017 NOFA
Review Annual BMR Report	Advise City Council	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Staff time and Commission meetings	Ongoing	Review and recommend action to Council
Propose a new regular meeting schedule	Facilitate addressing Menlo Park housing needs	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>	Staff time and Commission meetings	Complete	Schedule and hold monthly meetings

		No <input checked="" type="checkbox"/>	No <input checked="" type="checkbox"/>			
Review quarterly reports from Hello Housing	Improve communication of BMR program, provide oversight of contractor	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Staff time	Ongoing	The Commission will review quarterly reports from Hello Housing
Prioritization of Enhanced Housing Program Policies	Allow for public input on prioritization and provide advice Council	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Staff time and Commission meetings	6 Months	Presentation to City Council on recommended prioritization
Review and recommend housing policy action	Allow for public input on policy initiatives and recommend action to Council	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Staff time and Commission meetings	24 months	Presentation to City Council on actions to address residential displacement
		Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>			
		Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>			
		Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>			
		Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>			

Step 5 - Prepare final work plan for submission to the City Council for review, possible direction and approval and attach the worksheets used to determine priorities, resources and time lines.

Step 6 - Once approved, use this plan as a tool to help guide you in your work as an advisory body.

Step 7 - Report out on status of items completed. Provide any information needed regarding additional resources needed or/and to indicate items that will need additional time in order to complete.



STAFF REPORT

City Council

Meeting Date:

5/23/2017

Staff Report Number:

17-113-CC

Consent Calendar:

Adopt a resolution approving a workplan for the development of a Green Infrastructure Plan for Stormwater

Recommendation

Staff recommends that the City Council adopt a resolution (Attachment A) approving a workplan for the development of a Green Infrastructure (GI) Plan for Stormwater.

Policy Issues

The development of a GI Plan is consistent with the following goals and programs:

- Land Use Element Goal LU-7 and Program LU-7.1 :
 - Goal LU-7: Promote the implementation and maintenance of sustainable development, facilities and services to meet the needs of Menlo Park's residents, businesses, workers, and visitors.
 - Program LU-7.1 Green Infrastructure Plan: Develop a Green Infrastructure Plan that focuses on implementing City-wide projects that mitigate flooding and improve storm water quality.
- Circulation Element Goal CIRC-2 and Policy CIRC-2.10:
 - Goal CIRC 2: Increase accessibility for and use of streets by pedestrians, bicyclists, and transit riders.
 - Policy CIRC 2.10: Green Infrastructure. Maximize the potential to implement green infrastructure by:
 - a) Reducing or removing administrative, physical, and funding barriers; b) Setting implementation priorities based on stormwater management needs, as well as the effectiveness of improvements and the ability to identify funding; and c) Taking advantage of opportunities such as grant funding, routine repaving or similar maintenance projects, funding associated with Priority Development Areas, public private partnerships, and other funding sources.

Background

The City is required to regulate pollutants in stormwater runoff per the San Francisco Bay Regional Water Quality Control Board's San Francisco Bay Region Municipal Regional Stormwater National Pollutant Discharge Elimination System Permit (MRP). As part of the MRP Provision C.3.j requirements, the City must develop a Green Infrastructure Plan for Stormwater (Plan) that demonstrates a shift from traditional "gray" storm drain infrastructure, which channels polluted runoff directly into San Francisco Bay (Bay) without treatment, to a more resilient and sustainable storm drain system comprised of "green" infrastructure.

GI is designed to capture, store and treat stormwater using specially designed landscape systems. The focus of Provision C.3.j is for the reduction of pollutants, specifically polychlorinated biphenyls (PCBs) and mercury found in urban runoff. The implementation of PCBs and mercury control measures included in the MRP aim to reduce the amount of pollutants in stormwater to meet the Total Maximum Daily Load (TMDL)

approved by the Environmental Protection Agency for the Bay.

Provisions C.11 and C.12 in the MRP require that Permittees achieve specific reductions in PCBs and mercury found in stormwater runoff by 2020 and 2040. For San Mateo County Permittees, the load reduction requirement for PCBs is 370 grams per year, which must be achieved by June 30, 2020 (the end of the permit term). Of this reduction, 15 grams per year must be reduced through GI. For mercury, San Mateo County Permittees must achieve a load reduction of 6 grams per year by the end of the permit term, all of which must be achieved through GI. The City's Plan shall therefore be designed to collectively achieve these specific reductions in PCBs and mercury in stormwater runoff.

To achieve the pollutant reduction targets, the Plan must do the following in compliance with the MRP:

- Include a mapping and prioritization mechanism to identify and prioritize both private and public green infrastructure project opportunities;
- Identify locations and timeframes for implementing green infrastructure, including numeric targets for retrofitting impervious areas to achieve mandated pollutant load reductions;
- Utilize a regionally consistent process for tracking and mapping completed projects to ensure progress towards meeting the pollutant load reduction targets;
- Include and/or reference design and construction guidelines and standard specifications and details for green infrastructure to guide and enable the completion of projects;
- Integrate with other planning efforts, including updating other relevant City plans policies, codes, and ordinances to incorporate green infrastructure for stormwater management to support the implementation of project opportunities;
- Evaluate long-term funding options, including for design, construction, and long-term operations and maintenance, from the City and other sources;
- Incorporate any necessary legal mechanisms to enable implementation of the plan and projects within and by the City and,
- Include public outreach on development and implementation of the plan.

The Plan must be developed and submitted to the San Francisco Bay Regional Water Quality Control Board in September of 2019. In advance of this deadline, each Permittee's governing body must approve a GI workplan for developing the Plan by June 30, 2017.

Analysis

The GI workplan provides the framework for the development of the Plan. C/CAG and its consultants have worked with its member agencies, including City staff, to develop model GI planning materials, including a template for the workplan. The City's workplan details the various activities necessary for creating a Plan compliant with the MRP requirements, and indicates which aspects will be undertaken by C/CAG and which must be done by the City. The workplan also includes the timeline for the completion of specific tasks to meet the Plan deadline as defined within the MRP. Throughout the development of the Plan, tasks will be reviewed by the GI Technical Advisory Committee (TAC), which consists of staff from the City and other San Mateo County Permittees.

In FY 2016-17, City Council approved a budget for the development of the workplan and Plan of \$100,000. A request for an additional \$100,000 is being made through the budget for FY 2017-18. The budget reflects the time and effort required by staff to develop the Plan and the estimated cost of consultant services to assist in the process. The workplan will be the basis for the scope of work to develop the Plan. As the City adopts the GI workplan and begins the development of the Plan, staff will identify and prioritize both private and public green infrastructure project opportunities.

The implementation of GI will involve the retrofit of existing urbanized areas with systems designed to

capture, store and treat stormwater, such as permeable pavement, bio-retention systems, tree box filters and gravel wetlands. Examples of GI concepts are included as part of Attachment B. Opportunities for GI will be identified through projects in the public right-of-way and partnerships with private developers. GI retrofit opportunities in areas identified to have remnants of PCB and Hg contamination from past practices and activities will have a higher priority since the potential for treatment and pollutant removal will be higher. It is also important to note that the opportunity for the implementation of GI projects in the public right-of-way will arise through the need for transportation improvements. As a result, the development of the Plan will need to be consistent with the goals and objectives of the City's Transportation Master Plan. The City is currently in the process of awarding the contract to develop a Transportation Master Plan to the selected consultant. Included in the scope of work for the Transportation Plan is the incorporation of GI concepts and objectives into the transportation recommendations.

Compliance with the pollutant load reduction requirements set in the MRP through GI will require the retrofit of the infrastructure in the public right-of-way, costs for which may be significant. For this reason, C/CAG and its consultants have been working with the City and the other San Mateo Permittees on estimating the pollutant load reductions from private sites. Under separate MRP requirements, new and redevelopment projects on private property have been mandated to incorporate GI and low impact development through on-site stormwater management since 2005. Projections of future development patterns will be used to estimate how much GI will be implemented on private sites. Once these estimates are known, projections of additional public GI that would be needed to meet the mandated pollutant load reductions will be developed.

C/CAG anticipates initial estimates of public vs. private green infrastructure needs for both short- and long-term load reduction requirements will be available to its member agencies by the end of June. This information will inform the overall development of the City's Plan as well as those of other San Mateo County Permittees. In addition, these findings will impact discussions about the long-term implementation costs associated with GI. The costs and potential funding options will be discussed in future reports to the City Council.

Provisions in the MRP include the incorporation of green infrastructure requirements in the City's planning documents to ensure implementation. In 2016, the City Council adopted the General Plan Land Use and Circulation Elements. Included as Program LU-7.1 is the development of a Green Infrastructure Plan to improve stormwater quality and mitigate flooding. Through the development of the Plan, staff will review and assess the need to update or amend pertinent planning documents to ensure that GI is incorporated City-wide. Updates on this effort will be provided to the City Council as the Plan is developed.

Impact on City Resources

In FY 2016-17, City Council approved \$100,000 in funding for the development of the GI workplan and Plan. It is estimated that the cost to develop the Plan over the next few years will amount to \$200,000. The recommendation to approve an additional \$100,000 from the General Capital Fund will be presented as part of the FY 2017-18 budget.

As discussed earlier, the implementation of GI projects will require funding. Included in the workplan is the evaluation of funding sources. The San Mateo Countywide Water Pollution Prevention Program, which was created in partnership with C/CAG and the City, has a draft "Potential Funding Source Analysis and Recommendations." This document will serve as the starting point for the identification of potential sources of funding for the implementation of GI projects. In addition, the scope of work developed as part of the GI workplan might include the consideration of establishing a nexus to support implementation of a stormwater infrastructure impact fee.

Environmental Review

The City Council's adoption of the proposed resolution is categorically exempt from the California Environmental Quality Act under guideline 15307 (Actions by Regulatory Agencies for Protection of Natural Resources).

Public Notice

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

Attachments

- A. Resolution and Green Infrastructure Plan Workplan
- B. Examples of Green Infrastructure for Stormwater Projects and Concepts

Report prepared by:
Azalea Mitch, City Engineer

Reviewed by:
Justin Murphy, Public Works Director

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
APPROVING A WORKPLAN TO DEVELOP A GREEN INFRASTRUCTURE PLAN FOR STORMWATER IN
ACCORDANCE WITH PROVISION C.3.J. OF THE MUNICIPAL REGIONAL PERMIT**

WHEREAS, the San Francisco Bay Regional Water Quality Control Board’s Municipal Regional Permit (MRP) regulates stormwater discharges from municipal storm drain systems throughout San Mateo County, including the City of Menlo Park; and

WHEREAS, Provision C.3.j of the MRP requires each permittee to develop a Green Infrastructure Plan for Stormwater that demonstrates how permittees will gradually shift from traditional “gray” storm drain infrastructure—which channels polluted runoff directly into receiving waters without treatment—to a more resilient and sustainable storm drain system comprised of “green” infrastructure, which captures, stores and treats stormwater; and

WHEREAS, the MRP also requires that Green Infrastructure Plans for Stormwater be collectively designed to achieve specific reductions in mercury and PCBs (polychlorinated biphenyls) within specific time horizons; and

WHEREAS, all permittees under the MRP are required to approve by June 30, 2017 a workplan for developing a Green Infrastructure Plan for Stormwater; and

WHEREAS, the City/County Association of Governments of San Mateo County (C/CAG) has been working with its member agencies, including City of Menlo Park staff members, to develop model green infrastructure planning documents, including a model workplan; and

WHEREAS, the attached workplan details the required tasks to develop a Green Infrastructure Plan for Stormwater compliant with MRP requirements, including those aspects that will be implemented by C/CAG and those by local agencies; and

WHEREAS, the City of Menlo Park is committed to complying with requirements of the MRP; and

WHEREAS, it is the intent of the City of Menlo Park to allocate sufficient resources to ensure timely development of a Green Infrastructure Plan for Stormwater in accordance with MRP requirements;

BE IT AND IT IS HEREBY FURTHER RESOLVED BY the City of Menlo Park approves the attached workplan for developing a Green Infrastructure Plan for Stormwater.

I, PAMELA AGUILAR, City Clerk of the City of Menlo Park, do hereby certify that the above and foregoing Resolution was duly and regularly passed and adopted at a meeting by said City Council on the 23 day of May, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City Council on this 23 day of May, 2017.

PAMELA AGUILAR, CMC
City Clerk

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GREEN INFRASTRUCTURE PLAN FOR STORMWATER WORKPLAN

Green Infrastructure Plan Workplan

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Green Infrastructure Plan Workplan

I.0 Introduction

The City is required to regulate pollutants in stormwater runoff per the San Francisco Bay Regional Water Quality Control Board's San Francisco Bay Region Municipal Regional Stormwater National Pollutant Discharge Elimination System Permit (MRP). As part of the MRP Provision C.3.j requirements, the City must develop a Green Infrastructure Plan (Plan) that demonstrates a shift from traditional "gray" storm drain infrastructure, which channels polluted runoff directly into San Francisco Bay (Bay) without treatment, to a more resilient and sustainable storm drain system comprised of "green" infrastructure.

Green Infrastructure (GI) is designed to capture, store and treat stormwater using specially designed landscape systems. The focus of Provision C.3.j is for the reduction of pollutants, specifically polychlorinated biphenyls (PCBs) and mercury found in urban runoff. The implementation of PCB and mercury control measures included in the MRP aim to meet the wasteload allocations required by the Total Maximum Daily Load (TMDL) approved by the Environmental Protection Agency for the Bay. The City's Plan must therefore be designed to collectively achieve specific reductions in PCBs and mercury in stormwater runoff by 2020 and 2040, per Provisions C.11 and C.12 in the MRP. The City shall identify and prioritize opportunities in the public right-of-way where GI may be feasible to implement.

The following provides an annotated outline for the development of the Plan's Workplan. This Workplan will layout the specific tasks that need to be implemented in order for the City to complete the preparation of the various components of the Plan, and the timeline for their completion by the deadlines defined within the MRP. Per the MRP requirements, the Workplan and Plan must be approved and adopted by the City by June 30, 2017 and September 30, 2019, respectively.

II.0 Statement of Purpose

The Plan is intended to describe how the City will change, over time, infrastructure that directs runoff directly into storm drains and receiving waters to GI that slows runoff by dispersing it to vegetated areas, harvests and uses runoff, promotes infiltration and evapotranspiration, and uses bioretention and other GI practices to treat stormwater runoff. In addition, the introduction to Provision C.3.j states what the Plan must achieve the following:

"The Plan is intended to serve as an implementation guide and reporting tool during this and subsequent Permit terms to provide reasonable assurance that urban runoff TMDL wasteload allocations (e.g., for the San Francisco Bay mercury and PCBs TMDLs) will be met, and to set goals for reducing, over the long term, the adverse water quality impacts of urbanization and urban runoff on receiving waters. For this Permit term, the Plan is being required, in part, as an alternative to expanding the definition of Regulated Projects prescribed in Provision C.3.b to include all new and redevelopment projects that create or replace 5,000 square feet or more of impervious surface areas and road projects that just replace existing impervious surface area. It also provides a mechanism to establish and implement alternative or in-lieu compliance options

Green Infrastructure Plan Workplan

for Regulated Projects and to account for and justify Special Projects in accordance with Provision C.3.e.

The Plan shall also identify means and methods to prioritize particular areas and projects within each Permittee's jurisdiction, at appropriate geographic and time scales, for implementation of green infrastructure projects. Further, it shall include means and methods to track the area within each Permittee's jurisdiction that is treated by green infrastructure controls and the amount of directly connected impervious area. As appropriate, it shall incorporate plans required elsewhere within this Permit, and specifically plans required for the monitoring of and to ensure appropriate reductions in trash, PCBs, mercury, and other pollutants."

III.0 Required Green Infrastructure Plan Elements

Elements of the Plan will be developed with support from the San Mateo Countywide Water Pollution Prevention Program (SMCWPPP), which was created in partnership with the City/County Association of Governments (C/CAG) and the City. Throughout the development of the Plan, tasks will be reviewed by the GI Technical Advisory Committee (TAC) and the City, along with the other San Mateo County Permittees.

The Plan Elements are as follows:

- A. Prioritization and mapping of GI potential and planned projects
- B. Develop process for tracking and mapping completed projects
- C. Develop overall GI guidelines, standard specifications, and design details
- D. Develop requirements for design of projects to meet hydromodification sizing requirements or other accepted sizing requirements
- E. Planning document update, summary of updates, and workplan for future plans
- F. Workplan for completion of prioritized projects
- G. Evaluation of funding options
- H. Adopt other policies, ordinances, and/or other legal mechanisms to ensure Plan implementation
- I. Conduct outreach and education with public, staff, and elected officials
- J. Report on GI planning efforts

The following sections provide a breakdown of the specific tasks proposed to develop the Plan and its elements.

Green Infrastructure Plan Workplan

A. Prioritization and Mapping of GI Potential and Planned Projects

This work covers three provisions for the GI Plan as defined in the MRP:

- Provision C.3.j.i.(2)(a): *A mechanism (e.g., the San Francisco Estuary Institute's GreenPlanIT tool or another tool) to prioritize and map areas for potential and planned projects, both public and private, on a drainage-area-specific basis, for implementation over the following time schedules, which are consistent with the timeframes for assessing load reductions specified in the MRP Provisions C.11. and C.12.*

- (i) By 2020;
- (ii) By 2030; and
- (iii) By 2040.

The mechanism shall include criteria for prioritization (e.g. specific logistical constraints, water quality drivers (e.g. TMDLs), opportunities to treat runoff from private parcels in retrofitted street right-of-way) and outputs (e.g. maps, project lists) that can be incorporated into the Permittee's long-term planning and capital improvement processes.

- Provision C.3.j.i. (2)(b): *Outputs from the mechanism described above, including, but not limited to, the prioritization criteria, maps, lists, and all other information, as appropriate. Individual project-specific reviews completed using these mechanisms are not required to be submitted with the Plan, but shall be made available upon request.*
- Provision C.3.j.i. (2)(c): *Targets for the amount of impervious surface, from public and private projects, within the Permittee's jurisdiction to be retrofitted over the following time schedules, which are consistent with the timeframes for assessing load reductions specified in Provisions C.11. and C.12.*

As part of the Workplan, a number of tasks associated with the development of this Plan Element have been identified. These are summarized in the table below.

Green Infrastructure Plan Workplan

TABLE A – Tasks for the Prioritization and Mapping of GI Potential and Planned Projects

	Tasks	SMCWPPP Support	Timeframe
A.1	Work with SMCWPPP to develop GIS-based modeling tool for use in mapping, prioritizing, and phasing of potential and planned projects.		
A.1.1	Provide data for drafting of San Mateo County Stormwater Resources Plan (SRP).	Prepare Draft SRP.	Work began in the second half of FY 15-16. Draft SRP review complete.
A.1.2	Support SMCWPPP development of tool during preparation of the Reasonable Assurance Analysis (RAA) to address mercury and PCBs TMDL implementation.	Further develop tool through the RAA process.	Review data input and results of tool, end of 2017.
A.1.3	Begin using web-based GIS tool ¹ for on-going tracking of GI implementation and to support MRP annual reporting.	Support per member agency request.	Tool to be available in 2017 for on-going use.
A.2	Develop prioritization criteria for GI project opportunities.		
A.2.1	Review preliminary criteria established as part of the SRP.	Prepare draft preliminary criteria.	Review draft SRP, task completed first half of FY 16-17.
A.3	Develop mapping and associated database of GI project opportunities with information needed to perform a prioritization assessment of the opportunities.		
A.3.1	Review methodology for new and redevelopment land area, and possible refinements to public property and public streets potential for GI	Develop methodology and initial land area estimate	TAC review in December 2016.
	A.3.2 Review revised estimate of new and redevelopment area, and draft any refinements to property and public streets potential	Revise land use estimate	TAC review in February 2017.
A.3.1	Review refined mapping and database developed through the RAA, if needed.	Revise mapping and database, if needed.	Initial refinement complete in Feb/March 2017. Potential additional refinement finalized by June 2017.
A.4	Develop phasing plan for GI project opportunities consistent with timeframes of required Mercury and PCB load reductions, by 2020, by 2030, and by 2040; building from the work in identifying potential projects to achieve target load reductions and target amounts of impervious surface, from public and private projects, to be retrofitted over the same time schedule.		
A.4.1	Review volume/sediment capture goals to meet TMDL implementation milestones established through RAA.	Draft capture goals.	RAA finalized by end of June 2017.

¹ As currently planned, this tool would allow for viewing of mapping and data. This tool will be accessible via the internet, and will not require a local GIS platform for a Member Agency to view GIS layers.

Green Infrastructure Plan Workplan

Tasks	SMCWPPP Support	Timeframe
A.5	Define the methodology for integration of the GI project opportunities phasing plan into Permittee's long-term planning and capital improvement plans and processes. This should include projects that are intended to be implemented following the current permit term; those that are intended to be implemented to achieve the 2030 and 2040 load reduction targets. ²	
A.5.1	Review draft model methodology.	Prepare draft methodology. Review 1 st quarter FY 17-18.
A.5.2	Review and finalize model methodology.	Refine methodology. Review and comment on final draft, early November 2017. Accept final model methodology, December 2017.
A.6	Develop and integrate into GI Plan for adoption.	Begin 2nd quarter FY 17/18 and complete for inclusion in Annual Report submittal of September 30, 2019

² The workplan for completion of prioritized projects, those to be completed by 2020, is included in section F below, related to Provision C.3.j.i.(2)(j) of the MRP.

Green Infrastructure Plan Workplan

B. Develop Process for Tracking and Mapping Completed Projects

This work covers needs of Provision C.3.j.i.(2)(d) of the MRP:

A process for tracking and mapping completed projects, public and private, and making the information publically available.

As part of the Workplan, a number of tasks associated with the development of this Plan Element have been identified. These are summarized in the table below.

TABLE B – Tasks for the Development of a Process for Tracking and Mapping Completed Projects

	Task	SMCWPPP Support	Timeframe
B.1	Work with SMCWPPP through GI TAC to identify model methodology for mapping and finalizing database information for projects as they are completed.	Develop publicly accessible element of web-based mapping and data tool.	July through mid-October 2017.
B.2	Identify Permittee-specific department/division responsibilities for mapping and finalizing database information as projects are completed.	Support per member agency request.	December 2017 and February 2018.
B.3	Permittees implement pilot period of mapping and database management. During this period the public “portal” of the web-based mapping and data tool will also be piloted.	Support per member agency request.	Mid-February thru mid-May 2018.
B.4		Peer and SMCWPPP review of pilot period mapping and database revisions.	Late May 2018.
B.5		Refine web-based tool for use by member agencies.	June 2018.
B.6	Permittees’ refine and implement tracking procedures, defined under Item A above, and SMCWPPP refines the public “portal”.	Support per member agency request.	Start FY 18-19 and continue through permit term (December 31, 2020).

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C. Develop Overall GI Guidelines, Standard Specifications, and Design Details

This work covers two provisions for the Plan as defined in the MRP:

- Provision C.3.j.i.(2)(e): *General guidelines for overall streetscape, and project design and construction so that projects have a unified, complete design that implements the range of functions associated with the projects. ...The guidelines should call for the Permittee to coordinate, for example, street improvement projects so that related improvements are constructed simultaneously to minimize conflicts that may impact green infrastructure.*
- Provision C.3.j.i.(2)(f): *Standard specifications and, as appropriate, typical design details and related information necessary for the Permittee to incorporate green infrastructure into projects in its jurisdiction.*

As part of the Workplan, a number of tasks associated with the development of this Plan Element have been identified. These are summarized in the table below.

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TABLE C – Tasks for the Development of GI guidelines, Standard Specifications, and Design Details

Member Agency Task	SMCWPPP Support	Timeframe
C.1 Work with SMCWPPP through GI TAC to develop model San Mateo countywide guidelines, standard specifications, and design details, the <i>San Mateo County Model Green Infrastructure Guidelines and Standards</i> , to implement the range of functions associated with projects, such as: street use for stormwater management and treatment; safe pedestrian travel; use as public space; for bicycle, transit, and vehicle movement; and as locations for urban forestry. These will also include identification of needs and model procedures for coordinated and consistent plan review of private projects, scoping and design for public projects, provisions for public/private implementation and maintenance agreements, and operations and maintenance.		
C.1.1 Review model guidelines and standards reference documents memorandum.	Research reference documents, prepare memorandum.	August and September 2016 review of memorandum complete.
C.1.2 Review proposed reorganization of model guidelines and standards approach.	Prepare proposed approach.	Feedback at December 2016 TAC Meeting.
C.1.3 C1.3 Review revised scope and schedule for SMCWPPP preparation of model document	Prepare revised scope and schedule	January 2017.
C.1.4 Review draft samples of guidelines and standards sections and provide comments to SMCWPPP.	Prepare draft samples.	February 2017.
C.1.5 C.1.5 Participate in GI TAC workshop to give direction on approach for full model guidelines and standards, refinements to approach, level of detail, etc. based on review sample guidelines and standards	Facilitate GI TAC Workshop	February 2017.
C.1.6 Review full TAC draft of model guidelines and standards and provide comments to SMCWPPP.	Prepare draft model documents.	June 2017.
C.1.7 Approve final comprehensive draft of the model guidelines and standards.	Prepare final model documents.	November 2017.
C.2 Revise existing guidelines, standard specifications, design details, departmental procedures, etc. as needed given the implementation approach for specific Permittees.		
C.2.1 Use web-based platform, provided by SMCWPPP as jurisdiction resource for revising various guidelines and standards documents. ³	Support per member agency request.	November 2017 thru February 2018.
C.2.2 Provide feedback to SMCWPPP regarding utility of web-based resource platform.	Revise model documents, as needed.	By end of February 2018.
C.2.3 Finalize Permittee specific development of guidelines and standards; Permittees may choose to adopt the model guidelines and standards.	Support per member agency request.	Start mid-May 2018 and finish approval/adoption by September 30, 2019.

³ The concept is to make it a resource that would provide access to the model language documents and to also serve as a clearing house for documents that are prepared by Member Agencies. This would be similar to the “21 Elements: Housing Element Update Kit” website (21elements.com)

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D. Develop Requirements for Design of Projects to Meet Hydromodification Sizing Requirements or Other Accepted Sizing Requirements

This work covers needs of Provision C.3.j.i.(2)(g) of the MRP:

...projects be designed to meet the treatment and hydromodification sizing requirements in Provisions C.3.c. and C.3.d. For street projects not subject to Provision C.3.b.ii. (i.e., non-Regulated Projects), Permittees may collectively propose a single approach with their Green Infrastructure Plans for how to proceed should project constraints preclude fully meeting the C.3.d sizing requirements.

As part of the Workplan, a number of tasks associated with the development of this Plan Element have been identified. These are summarized in the table below.

TABLE D – Tasks for the Development of Requirements for the Design of Projects to Meet Hydromodification Sizing Requirements or Other Accepted Sizing Requirements

	Member Agency Task	SMCWPPP Support	Timeframe
D.1	Work through SMCWPPP and its GI TAC to coordinate with the BASMAA Development Committee's work on a single approach for how to proceed should project constraints preclude fully meeting the C.3.d sizing requirements.		
D.1.1	Review BASMAA draft recommendations on single approach, <u>not related</u> to hydromodification, through SMCWPPP GI TAC; provide comments to BASMAA and their consultant.	Provide GI TAC with comments on BASMAA draft single approach.	SMCWPPP review, est. April 2017. TAC review, est. May 2017.
D.1.2	Review BASMAA draft recommendations on single approach, <u>related</u> to hydromodification, through SMCWPPP GI TAC; provide comments to BASMAA and their consultant.	Provide GI TAC with comments on BASMAA draft single approach.	SMCWPPP review, est. mid-March thru April 2018. TAC review, est. May 2018.
D.1.3	Integrate final single approach from BASMAA into GI Plan.	Support per member agency request.	Begin in est. August 2018.

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E. Planning Document Update, Summary of Updates, and Workplan for Future Plans

This work covers the needs of two provisions of the MRP:

- Provision C.3.j.i.(2)(h): *A summary of the planning documents the Permittee has updated or otherwise modified to appropriately incorporate green infrastructure requirements... Permittees are expected to complete these modifications as a part of completing the Green Infrastructure Plan, and by not later than the end of the permit term.*
- Provision C.3.j.i.(2)(i): *To the extent not addressed above [in (h)], a workplan identifying how the Permittee will ensure that green infrastructure and low impact development measures are appropriately included in future plans (e.g., new or amended versions of the kinds of plans listed above).*

Current Progress

The City adopted the Open Space, Conservation, Noise and Safety Elements in May 21, 2013. As part of the Safety Policies and Implementing Programs Goal S1 - Assure a Safe Community, the Flood Control, Tsunami and Dam Safety Policies were developed. Policy S1.27 relates to stormwater pollution:

- S1.27 Regional Water Quality Control Board (RWQCB) Requirements. Enforce stormwater pollution prevention practices and appropriate watershed management plans in the RWQCB general National Pollutant Discharge Elimination System requirements, the San Mateo County Water Pollution Prevention Program and the City's Stormwater Management Program. Revise, as necessary, City plans so they integrate water quality and watershed protection with water supply, flood control, habitat protection, groundwater recharge, and other sustainable development principles and policies.

In 2014, the City began the ConnectMenlo General Plan and M-2 Area Zoning Update, a multi-year comprehensive process that represents a vision for a live/work/play environment in the 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. On November 29, 2016, the City Council certified the ConnectMenlo Environmental Impact Report and approved the General Plan Land Use and Circulation Elements.

The Land Use Element includes a regional land use framework for context, discusses the overall City's land use composition and defines the General Plan land use designations and goals, policies and programs. The General Plan Land Use Element reflects the existing pattern of land use in the City and embodies the community's vision and also encourages healthy and sustainable living, both economically and environmentally. The goals, policies and programs establish the City as a leader in sustainable development through conservation of resources.

As part of this process, the City developed the following Land Use Element goal and program:

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- GOAL LU-7: Promote the implementation and maintenance of sustainable development, facilities and services to meet the needs of Menlo Park's residents, businesses, workers, and visitors.
- Program LU-7.I Green Infrastructure Plan: Develop a Green Infrastructure Plan that focuses on implementing City-wide projects that mitigate flooding and improve storm water quality.

The Circulation Element describes the City's vision for a transportation system that aims to meet a range of users and travel modes. The development of a GI program for the public right-of-way will therefore require the evaluation of opportunities associated with transportation improvement projects. As part of the General Plan update process, the City incorporated the following Circulation Element goal and program to facilitate the implementation of GI:

- Goal CIRC 2: Increase accessibility for and use of streets by pedestrians, bicyclists, and transit riders.
- Policy CIRC 2.10: Green Infrastructure. Maximize the potential to implement green infrastructure by: a) Reducing or removing administrative, physical, and funding barriers; b) Setting implementation priorities based on stormwater management needs, as well as the effectiveness of improvements and the ability to identify funding; and c) Taking advantage of opportunities such as grant funding, routine repaving or similar maintenance projects, funding associated with Priority Development Areas, public private partnerships, and other funding sources.

While the City has already included the development of a GI Plan under its planning documents through the General Plan Update / Land Use and Circulation Elements, the need for another update or the incorporation of the GI Plan as a supplement to the General Plan will be evaluated. The tasks associated under this GI Element are summarized in the table below.

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TABLE E – Tasks for the Planning Document Update, Summary of Updates, and Workplan for Future Plans

	Member Agency Task	SMCWPPP Support	Timeframe
E.1	Work through SMCWPPP through the GI TAC to develop model planning document update language.		
E.1.1	Permittees provide existing planning documents to SMCWPPP for review.	Document and review planning documents.	Task complete.
E.1.2	Review draft model plan update materials from SMCWPPP.	Prepare model plan update report.	Begin review and comment December 2016.
E.1.3	Begin utilizing final model planning update materials to revise Permittee-specific documents; see below for further details.	Finalize model plan update report. Support per member agency request.	June 2017.
E.2	Make modifications to Permittee-specific planning documents.		
E.2.1	Make needed modifications to planning documents that are currently being updated or created, <u>for other purposes</u> , during the preparation of development of model language, to the extent feasible.	Support per member agency request.	Work of priority/in-progress plans can begin in January 2017 using draft model language and complete for inclusion in the GI Plan. ⁴
E.2.2	Draft modifications or updates to each existing planning document, needing this effort, to appropriately incorporate green infrastructure requirements.	Support per member agency request.	Start in June 2017 and complete with enough time to allow for public review and approval/adoption process.
E.2.3	Take modified or updated planning documents through necessary public review and approval/adoption processes; see below related to future planning documents.	Support per member agency request.	Begin in Fall 2017 (or sooner) and complete prior to end of the permit term (December 31, 2020).
E.3	Develop a summary of planning documents that have been updated or modified to incorporate green infrastructure requirements and improvements.		
E.3.1	Draft summary of modifications made to planning documents as they move through the approval/adoption process, and integrate into Green Infrastructure Plan.	Support per member agency request.	Begin during or before FY 17-18 and complete “these modifications as a part of completing the Green Infrastructure Plan, and by not later than the end of the permit term”. ^{5, 6}

⁴ GI Plan is to be completed by June 30, 2019 and submitted as part of 2019 Annual Report by September 30, 2019, and the end of the permit term is December 31, 2020.

⁵ Provision C.3.j.i.(2)(h) of the MRP, page 46.

⁶ GI Plan is to be completed by June 30, 2019 and submitted as part of 2019 Annual Report by September 30, 2019, and the end of the permit term is December 31, 2020.

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Member Agency Task	SMCWPPP Support	Timeframe
E.4 Develop a workplan for on-going integration of language to incorporate green infrastructure requirements in future planning documents.		
E.4.1 Work with SMCWPPP through the GI TAC to develop model language for appropriate policies and/or procedures to ensure language is integrated into future documents.	Develop Model Language.	TAC review April 2017.
E.4.2 Draft Permittee-specific policies and/or procedures.	Support per member agency request.	Start in June 2017 and complete with enough time to allow for public review and approval/adoption process.
E.4.3 Take Permittee-specific policies and/or procedures through necessary public review and approval/adoption processes.	Support per member agency request.	Begin in Fall 2017 (or sooner) and complete for inclusion in the GI Plan. ²
E.4.4 Summarize Permittee-specific policies and/or procedures and their approval/adoption in Permittee's GI Plan.	Support per member agency request.	Begin in Fall 2017 (or sooner) and complete for inclusion in the GI Plan. ²

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F. Workplan for Completion of Prioritized Projects

This work covers needs of Provision C.3.j.i.(2)(j) of the MRP:

A workplan to complete prioritized projects identified as part of a Provision C.3.e Alternative Compliance program or part of Provision C.3.j Early Implementation.

This work is likely primarily an individual member agency effort. But potential for SMCWPPP technical support will be determined through further discussions with the Green Infrastructure TAC and as other GI Plan and MRP tasks are developed in greater detail; this might include development of a model workplan for implementation of prioritized projects. Specific to the Alternative Compliance provision, it is not clear at this point which, if any, member agencies will be utilizing an alternative compliance program. This will be determined as work continues on other tasks.

As part of the Workplan, a number of tasks associated with the development of this Plan Element have been identified. These are summarized in the table below.

TABLE F – Tasks for the Development of a Workplan for the Completion of Prioritized Projects

	Member Agency Task	SMCWPPP Support	Timeframe
F.1	Determine need for SMCWPPP support to member agencies for this task.		
F.1.1	Discussions at GI TAC regarding potential for support and definition of scope, if needed.	Prepare for and facilitate GI TAC discussions.	Discuss with TAC during April 2017 TAC Meeting.
F.2	Preparation of Permittee-specific workplan to complete prioritized projects.		
F.2.1	Develop and integrate into GI Plan for adoption.	To be determined.	Begin during FY 17-18 and complete for inclusion in the GI Plan. ⁷

⁷ GI Plan is to be completed by June 30, 2019 and submitted as part of 2019 Annual Report by September 30, 2019, and the end of the permit term is December 31, 2020.

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G. Evaluation of Funding Options

This work covers needs of Provision C.3.j.i.(2)(k) of the MRP:

An evaluation of prioritized project funding options, including, but not limited to: Alternative Compliance funds; grant monies, including transportation project grants from federal, State, and local agencies; existing Permittee resources; new tax or other levies; and other sources of funds.

SMCWPPP has a draft “Potential Funding Source Analysis and Recommendations” study that can serve as a starting point for this work area. The scope of this effort will be developed through discussions with the GI TAC. This might include consideration of establishing a nexus to support implementation of a stormwater infrastructure impact fee.

As part of the Workplan, a number of tasks associated with the development of this Plan Element have been identified. These are summarized in the table below.

TABLE G – Tasks for Evaluating Funding Options

	Member Agency Task	SMCWPPP Support	Timeframe
G.1	Determine need for SMCWPPP support to member agencies for this task.		
G.1.1	Discussions with GI TAC regarding potential for support and definition of scope.	Prepare for and facilitate GI TAC discussions.	Discuss with TAC during February and May 2017 TAC Meetings.
G.1.2	Begin efforts on this work item.	To be determined.	Begin during FY 17-18.
G.2	Preparation of Permittee-specific evaluation of funding options for inclusion in each Permittee’s Green Infrastructure Plan.		
G.2.1	Develop and integrate into GI Plan for adoption.	Support per member agency request.	Begin during FY 17-18 and complete for inclusion in the GI Plan. ⁸

⁸ GI Plan is to be completed by June 30, 2019 and submitted as part of 2019 Annual Report by September 30, 2019, and the end of the permit term is December 31, 2020.

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H. Adopt Other Policies, Ordinances, and/or Other Legal Mechanisms to Ensure Green Infrastructure Plan Implementation

This work covers the needs of Provision C.3.j.i.(3) of the MRP:

(3) Adopt policies, ordinances, and/or other appropriate legal mechanisms to ensure implementation of the Green Infrastructure Plan in accordance with the requirements of this provision.

The extent of this work is undetermined at this point, as is the potential need for SMCWPPP support to member agencies. The scope of this effort will be developed through discussions with the GI TAC.

As part of the Workplan, a number of tasks associated with the development of this Plan Element have been identified. These are summarized in the table below.

TABLE H – Tasks for the Adoption of Other Policies, Ordinances, and/or Other Legal Mechanisms to Ensure Plan Implementation

	Member Agency Task	SMCWPPP Support	Timeframe
H.1	Determine need for SMCWPPP support to member agencies for this task.		
H.1.1	Discussions with GI TAC regarding potential for support and definition of scope.	Prepare for and facilitate GI TAC discussions.	Discuss with TAC during January 2017 and May 2017 TAC Meeting.
H.1.2	Begin implementing SMCWPPP support on this work item.	To be determined.	During FY 17-18 in coordination with development of draft model planning update materials.
H.2	Preparation and adoption of Permittee-specific policies, ordinances, and/or other legal mechanisms to ensure Green Infrastructure Plan implementation.		
H2.1	Develop and integrate into GI Plan for adoption.	Support per member agency request.	Begin during FY 17-18 and complete for inclusion in the GI Plan. ⁹

⁹ GI Plan is to be completed by June 30, 2019 and submitted as part of 2019 Annual Report by September 30, 2019, and the end of the permit term is December 31, 2020.

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I. Conduct Outreach and Education with Public, Staff and Elected Officials

This work covers the needs of Provision C.3.j.i.(4) of the MRP:

- (4) Conduct outreach and education in accordance with the following:*
 - (a) Conduct public outreach on the requirements of this provision, including outreach coordinated with adoption or revision of standard specifications and planning documents, and with the initiation and planning of infrastructure projects. Such outreach shall include general outreach and targeted outreach to and training for professionals involved in infrastructure planning and design.*
 - (b) Train appropriate staff, including planning, engineering, public works maintenance, finance, fire/life safety, and management staff on the requirements of this provision and methods of implementation.*
 - (c) Educate appropriate Permittee elected officials (e.g., mayors, city council members, county supervisors, district board members) on the requirements of this provision and methods of implementation.*

SMCWPPP is working with their outreach consultant to develop a Five-Year Public Education and Outreach Strategic Plan that is currently in draft form. Elements of the draft public outreach plan are currently being implemented such as distribution of public information through social media, newsletters, and related public events and other efforts throughout the county, such as sea level rise planning. Training of member agency staff will occur through GI TAC meetings and working sessions, and likely additional workshops such as the June 13th C.3 workshop. The scope of this training effort and education of elected officials will be further developed through discussions with the GI TAC.

As part of the Workplan, a number of tasks associated with the development of this Plan Element have been identified. These are summarized in the table below.

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TABLE I – Tasks for Conducting Outreach and Education with Public, Staff and Elected Officials

	Member Agency Task	SMCWPPP Support	Timeframe
I.1	I.1 Conduct public outreach through the efforts being defined in the Five-Year Public Education and Outreach Strategic Plan.		
I.1.1	Review and finalize the Five-Year Public Education and Outreach Strategic Plan.	Prepare draft and final strategic plan.	FY 17/18.
I.1.2	Implement the Five-Year Public Education and Outreach Strategic Plan as a coordinated SMCWPPP and member agency effort.	On-going support of member agency efforts. Implementation of countywide efforts.	Currently and throughout the permit period.
I.2	Determine scope of SMCWPPP efforts in supporting training of member agency staff, and implement support.		
I.2.1	Discussions with GI TAC regarding potential for support and definition of scope.	Prepare for and facilitate GI TAC discussions.	Discuss with TAC during May 2017 TAC Meetings.
I.2.2	Implement support of training of member agency staff.	On-going support of member agency efforts. Implementation of countywide efforts.	FY 17-16.
I.3	Determine scope of SMCWPPP efforts in supporting educating member agency elected officials, and implement support.		
I.3.1	Discussions with GI TAC regarding potential for support and definition of scope.	Prepare for and facilitate GI TAC discussions.	Discuss with TAC during May 2017 TAC Meetings.
I.3.2	Implement support of education of member agency elected officials.	On-going support of member agency efforts. Implementation of countywide efforts.	Begin in 4 th quarter of FY 16-17.

Green Infrastructure Plan Workplan

J. Report on GI Planning Efforts

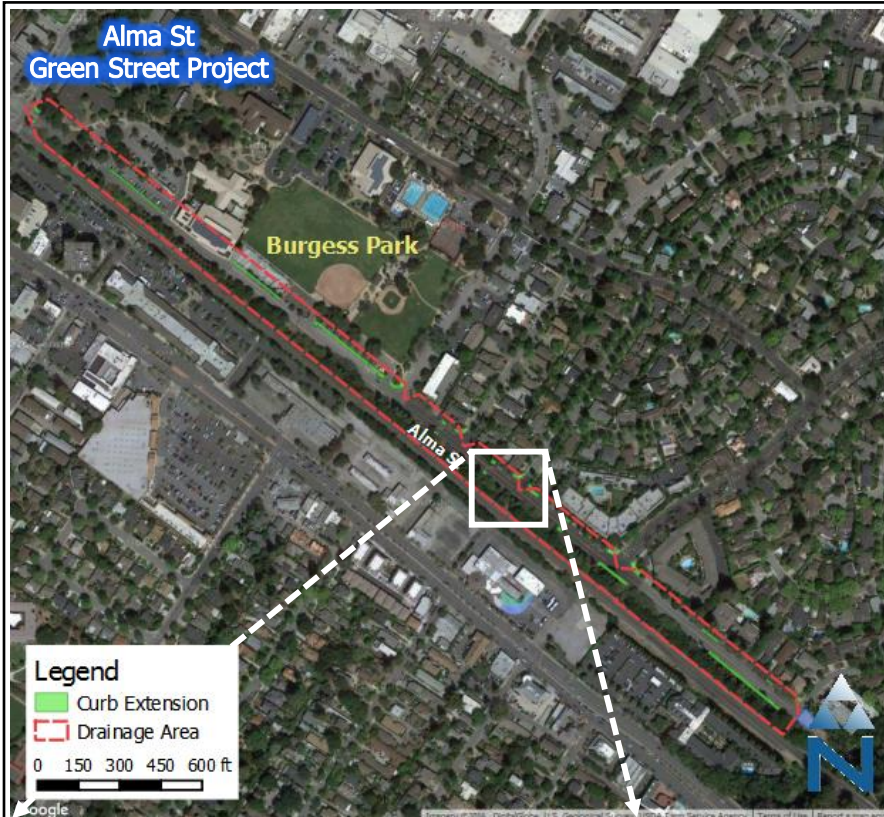
This work covers the needs of Provision C.3.j.i.(5) of the MRP: *(5) Report on Green Infrastructure Planning*; and several other provisions and related GIP Workplan elements discussed earlier in this outline.

As part of the Workplan, a number of tasks associated with the development of this Plan Element have been identified. These are summarized in the table below.

TABLE J – Tasks for Reporting on GI Planning Efforts

Member Agency Task	SMCWPPP Support	Timeframe
J.1 Each Permittee shall submit documentation in the 2017 Annual Report that its framework or workplan for development of its Green Infrastructure Plan was approved by its governing body, mayor, city manager, or county manager.	Support per member agency request.	Complete GIP Workplans by June 30, 2017 and submit as part of 2017 Annual Report by September 30, 2017.
J.2 Each Permittee shall submit its completed Green Infrastructure Plan with the 2019 Annual Report.	Support per member agency request.	Complete by June 30, 2019, and submit by September 30, 2019 as part of 2019 Annual Report.
J.3 Each Permittee shall submit documentation of its legal mechanisms to ensure implementation of its Green Infrastructure Plan with the 2019 Annual Report. [related to Provision C.3.j.i.(3), see section H above.]	Support per member agency request.	Complete by June 30, 2019, and submit as part of 2019 Annual Report by September 30, 2019.
J.4 Each Permittee shall submit a summary of its outreach and education efforts in each Annual Report.	Support per member agency request.	Complete and submit by September 30 th of each permit term year: 2016 through 2020.

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Site Information

Jurisdiction	City of Menlo Park
Street Name	Alma St
Bounding Streets	Ravenswood Ave / E Creek Dr
Street Typology	Low-Density Residential
Capture Area (acres)	11.17
Impervious Area (%)	50
85 th Percentile Rainfall (in)	0.75
Generated Runoff (ac-ft)	0.35

Site Description:

The proposed project consists of green street improvements along Alma Street between Ravenswood Avenue and East Creek Drive, near San Francisquito Creek. The street segment is approximately 3,500 feet long and is a low-density residential street. Curb extensions are recommended as the primary treatment type. The street is relatively wide and curb extensions can be implemented while retaining adequate space for walkways, bike paths, and driving lanes. Street parking near the park can be converted from angled to parallel parking spaces so to provide additional area for stormwater capture.

The proposed improvements would capture 100% of the 85th percentile runoff volume (0.35 ac-ft) while providing flood risk mitigation, community enhancement, increased property values, and other multiple benefits.

DISCLAIMER: All elements of this conceptual design are planning-level. Locations of opportunities for placement of green infrastructure shown in the map are preliminary and subject to further site assessment and design. Percent imperviousness is based on best professional judgement. All design assumptions/parameters and cost estimates must be re-evaluated during the detailed design process.



Curb Extension at Pedestrian Crossing

Design Summary

Green Infrastructure Type	Design Width (ft)	Design Length (ft)	Capture Volume (ac-ft)
Bioretention (Curb Extension)	4	2,020	0.35

Cost Estimate

DESCRIPTION	QUANTITY	UNIT	UNIT COST	TOTAL
Excavation/Hauling	1,500	CY	\$50.00	\$75,000
Bioretention	8,080	SF	\$25.00	\$202,000
Curbs and Gutters	2,020	LF	\$17.25	\$35,000
CONSTRUCTION SUBTOTAL				\$312,000
Planning (20%), Mobilization (10%), Design (30%), Contingency (25%)				\$265,000
TOTAL COST				\$577,000

Concept for a Green Street Retrofit for Stormwater Capture
 Site: Alma Street (City of Menlo Park)



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STAFF REPORT

City Council

Meeting Date:

5/23/2017

Staff Report Number:

17-111-CC

Consent Calendar:

Award a construction contract to Tucker Construction, Inc. for the Belle Haven Child Development Center Kitchen and Restroom Remodel Project

Recommendation

Staff recommends that the City Council:

- 1) Award a construction contract to Tucker Construction, Inc. in the amount of \$66,416 for the Belle Haven Child Development Center (BHCDC) Kitchen and Restroom Remodel Project (Project) and authorize a total construction budget of \$88,900 that includes staff time and contingencies.
- 2) Appropriate \$88,900 in unassigned fund balance in the General Capital Improvement Fund for the Project.

Policy Issues

The Project is consistent with the City Council's goal of maintaining and enhancing the City's municipal infrastructure and facilities and is included in the City Council's 2017 Work Plan (No. 27).

Background

The BHCDC provides high quality, State licensed full time child development services to 96 children ranging in ages between three and five years old. The facility was constructed in 1998 and consists of 4 classrooms with adjoining restrooms, 3 kitchens, a multi-purpose room and a central office area. The facility has only received minor repair and maintenance since it was originally constructed. Nineteen years of constant, year-round use have taken their toll, especially in areas exposed to water, such as the hand washing station in each classroom. This Project involves renovating the hand washing stations in each of the four classrooms, replacing the two toilets in each restroom with age appropriate fixtures and remodeling the two kitchens. The work includes the installation of new sinks, faucets, counter tops, drinking fountains, drawers and drawer fronts, garbage disposals, toilets with flush valves. It also provides new electrical circuits in each kitchen to convert the existing gas ranges to electric units.

Analysis

This Project is scheduled to start in early July 2017 and will coincide with the beginning of the summer session when enrollment is lower. The low enrollment will facilitate a phased approach and the closing of each classroom and associated restroom for approximately one week. Each kitchen will be closed for approximately two weeks. The closure will be staggered to allow for one kitchen to be available at all times. The overall Project duration is expected to take five weeks.

During the Project, Facilities Staff will take advantage of the closure and will replace the original carpet and

vinyl tile flooring in each classroom, restroom and kitchen as well as the painting of each classroom. This additional work will be done under separate contracts which will be managed by Facilities staff. To minimize BHDC operations, the flooring replacement and painting are being coordinated with Community Services staff.

Between April 10, 2017 and May 9, 2017, Staff solicited bids through the informal bid process from three contractors. The lowest bidder was Tucker Construction, Inc., with a bid amount of \$66,416 (Attachment A). Staff has verified the background and references of the contractor, and is satisfied with their past performance. Construction is scheduled to begin early July and will be completed in approximately five weeks. With a 15% contingency and management and inspection, the total project budget is \$88,900.

Impact on City Resources

The project is included in the City Manager's proposed budget, however the opportunity to execute the contract before City Council action on the budget affords the benefit of constructing the project this summer during a period of lower enrollment thereby minimizing the impact to child care operations. Sufficient unassigned fund balance exists in the General Capital Improvement Fund to award the contract in fiscal year 2016-17, with construction commencing on June 28, 2017. The recommendation is therefore that the City appropriate \$88,900 in unassigned fund balance in the General Capital Improvement Fund. The construction contract budget consists of the following:

Cost Category	Amount
Construction contract	\$66,416
Contingency (15%)	\$10,000
Management and Inspection	\$12,484
Total Construction	\$88,900

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

Belle Haven Child Development Center Improvement Project

	COMPANY	BID
1	Tucker Construction, Inc.	\$66,415.40
2	Fehl Construction	\$71,413.40
3	Grilli & Quevedo Builders	\$75,313.40

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STAFF REPORT

City Council

Meeting Date:

5/23/2017

Staff Report Number:

17-120-CC

Consent Calendar:

Authorize the Public Works Director to accept the work performed by O'Grady Paving, Inc. for the Menlo Park-Atherton Pedestrian and Bicycle Improvement Project

Recommendation

Staff recommends that the City Council authorize the Public Works Director to accept the work performed by O'Grady Paving, Inc. for the Menlo Park-Atherton Pedestrian and Bicycle Improvement Project.

Policy Issues

The Project was included in the 2016 City Council Work Plan (Item #63). Acceptance by the City Council of the completion of the work begins the one-year construction warranty period.

Background

In 2012, under the City of Menlo Park's Safe Routes to School (SR2S) Program, the City developed a comprehensive Valparaiso SR2S plan to address safety concerns for children and families that use Valparaiso Avenue and surrounding streets to travel to and from nearby schools. The Project was developed under the Valparaiso SR2S plan.

In 2012-13, the City and the Town of Atherton jointly applied for and received a grant fund from the Metropolitan Transportation Commission (MTC) OneBayArea Grant (OBAG) Program. The grant fund is intended to fund the construction of the Project.

On November 20, 2015, the City received the Program Supplement Agreement No. 016-N (Agreement) from Caltrans, the agency responsible for administering the grant fund for the Federal government. The City Council authorized the acceptance of the grant at their January 12, 2016 meeting, and a bid request for the construction of the Project was publicly advertised on February 19, 2016.

On June 7, 2016, the City Council awarded a contract to O'Grady Paving, Inc. in the amount of \$379,650 with an authorized construction contract budget of \$436,600. The project consisted of the installation of:

- Continuous asphalt concrete (AC) pathway and Americans with Disabilities Act (ADA) compliant curb ramps on the south side of Valparaiso Avenue between Pulitzer Drive and University Drive
- Rectangular Rapid Flash Beacon (RRFB) crosswalk systems and red curb treatments on Valparaiso Avenue at Elder Avenue and Sacred Heart Schools Main Entrance
- Speed feedback signs on Valparaiso Avenue; eastbound near Robert S Drive and westbound near Hoover Street
- Audible pedestrian signal system at six signalized intersections along El Camino Real: Cambridge Avenue, Middle Avenue, Roble Avenue, Menlo Avenue, Oak Grove Avenue, and Valparaiso Avenue

In coordination with San Mateo County, concurrent with this Project, the City also installed green treatments in the existing bicycle lanes on Glenwood Avenue, Middlefield Road, and Valparaiso Avenue.

Analysis

The work for the Menlo Park-Atherton Pedestrian and Bicycle Improvement Project has been completed in accordance with the plans and specifications. A notice of completion will be filed with San Mateo County accordingly. The contract was completed within the approved construction budget.

Contractor: O'Grady Paving, Inc.
2513 Wyandotte Street
Mountain View, CA 94303

Impact on City Resources

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

Construction Contract Budget	
Construction contract	\$379,650
Contingency	\$56,950
Total Construction Budget	\$436,600

Construction Expenditures	
Construction Contract	\$368,484.00
Change orders	\$41,073.20
Total Construction Expenditure	\$409,557.20

The construction cost of this Project is reimbursable through the One Bay Area Grant award the City received for this Project.

Environmental Review

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

Public Notice

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

Attachments

None

Report prepared by:
Rene Punsalan, Associate Civil Engineer

Report reviewed by:
Michael Zimmermann, Senior Civil Engineer



STAFF REPORT

City Council

Meeting Date:

5/23/2017

Staff Report Number:

17-114-CC

Consent Calendar:

Adopt a resolution of preliminary approval of the Engineer's Report for the Menlo Park Landscaping Assessment District which proposes an increase to the Tree Assessment by 3% and an increase to the Sidewalk Assessment by 5% for Fiscal Year 2017-18

Recommendation

Staff recommends that the City Council:

1. Adopt a resolution of preliminary approval of the Engineer's Report for the Landscaping Assessment District (District) for Fiscal Year (FY) 2017-18, which proposes an increase to the tree assessment by 3% and an increase to the sidewalk assessment by 5% (Attachment A);
2. Adopt a resolution of Intention to order the levy and collection of assessments for the District for FY 2017-18 pursuant to the Landscaping and Lighting Act of 1972 (Attachment B) and;
3. Set the date for the Public Hearing for June 20, 2017.

Policy Issues

If the City Council does not order the levy and collection of assessments, the impact on City resources would be \$813,123.95 (the total amount of the proposed tree and sidewalk assessments).

Background

The District provides funding for the maintenance of street trees, street sweeping and sidewalk repairs due to street tree root damage throughout the City.

Tree Maintenance

Between 1960 and 1982, the City had a three person tree crew to care for City parks, medians, and street trees. At that time, the tree crew trimmed street trees, as requested by residents. There was no specific long-term plan in place to address tree maintenance. As the street trees grew, it took considerably more effort per tree to provide proper care and the City did not have the resources to keep up with the required maintenance needs.

The voters approved Measure N in 1982 as an advisory measure to the City Council regarding formation of the City District. The District was formalized in 1983 to provide proper street-tree maintenance. Programmatic changes have occurred over the past 32 years to address new regulations and maintain the existing tree canopy. Proper care of the tree canopy continues to be identified as a priority by property owners, the Environmental Quality Commission and the Council.

In 1998, the City expressed concern regarding the declining health of the trees, of which 80 percent were classified as mature trees. Due to the lack of City resources to maintain older trees, there was a growing concern that most of the street trees would fail around the same time. Consequently, the City moved forward in adopting proactive measures to minimize the risk of failure by replacing mature unhealthy trees with younger healthier trees.

In 1998 the City went through a Proposition 218 ballot measure which was approved by voters. The approval of the ballot measure resulted in an increased assessment and reduction of the tree trimming/evaluation schedule to once every five years from once every seven years. In addition, in FY 2008-09 a reforestation program was implemented with a portion of the District funds.

City Tree-Damaged Sidewalk Repair

As trees mature, their extensive network of roots inevitably break through the sidewalk resulting in uplift. Without a proactive sawcutting and/or sidewalk removal and replacement program, the sidewalks will continue to deteriorate and become tripping hazards and more costly to repair over time.

Prior to 1990, property owners and the City split the cost of repairing damaged sidewalks by City street trees. Each year the City entered into individual agreements with approximately 200 property owners to conduct these repairs. The annual cost was a financial burden to some residents on fixed incomes and burdensome for the City to administer; therefore, an assessment for sidewalk repair was established in 1990 to make the program more cost-effective and efficient to operate.

Analysis

Each fiscal year the assessments will be levied and the City Council must direct the preparation of an Engineer's Report, budgets, and proposed assessments. The Engineer's Report establishes the foundation and justification for the continued collection of the landscape assessments for FY 2017-18. On January 10, 2017, the City Council adopted a Resolution describing the improvements and directing the preparation of an Engineer's Report for the District for FY 2017-18. In developing the Engineer's Report, staff and the consultant reviewed the existing budget and operating needs to maintain street trees and sidewalk repair requirements at the current level of service. The report describes in detail the incorporation of the proposed budget and the method used for apportioning the total assessment among properties within the District. This method involves identifying the benefit received by each property in relation to a single family equivalent (SFE). The proposed budgets and findings from the Engineer's Report are described below.

Tree Maintenance Assessment

WCA Tree Services Maintenance Contract

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

On September 10, 2014, the City approved a new five year contract with WCA for the tree maintenance. Under the contract terms, compensation for the work is based on prevailing wages determined by the State's Department of Industrial Relations (DIR). However, in August 2015, DIR created a new laborer classification for tree maintenance work and issued a prevailing wage determination. The new prevailing

wages resulted in a 52% to 105% increase in wages for WCA. To offset the new State requirements, WCA last year requested a 31% price adjustment to the unit costs for the tasks included in the 2014 contract. Last year the Council authorized the City Manager to amend the existing contract with WCA and adjust the rates by 31%. For FY 2017-18, WCA has agreed to keep the same rates as last year.

The Tree Maintenance Program expenditures include the contract for grid tree pruning services, debris removal (includes street sweeping), general operating expenses, vehicle and equipment maintenance and the salaries and benefits associated with the staff time required to manage the program and work on street trees. Additional tree care required due to the drought and increasing prevailing wage costs associated with the tree pruning contract, in particular, have resulted in higher expenditures projected for FY 2017-18. As shown in Table 1, the estimated expenses are greater than the revenue. However, a fund balance of approximately \$269,000 is projected to be carried over from 2016-17. The fund balance is primarily the result of vacancies in the tree program. Over the year, the tree section has had two vacancies. To account for this factor, staff is only recommending a three percent increase to the tree portion of the assessment.

Table 1 – Tree Maintenance Assessments Proposed FY 2017-18 Budget	
Projected Beginning Fund Balance	\$269,185.75
Estimated Revenues:	
Tree Assessment Revenue	\$606,875.06
General Fund Contribution	\$223,000.00
Measure M Funds	\$145,000.00
Total	\$974,875.06
Estimated Expenses:	
Street Tree Maintenance	\$709,288.20
Debris Removal	\$199,673.00
Administration & County Assessment Fees	\$127,269.00
Total	\$1,036,230.20
Projected Ending Fund Balance	\$207,830.61

Table 2 below summarizes the proposed rates for parcels with and without street trees. The assessment for properties without street trees, but that have a direct benefit due to their close proximity to parcels with street trees, is 50% of the tree assessment.

Table 2 - Annual Tree Assessment Rates Proposed FY 2017-18 (3% increase)		
Property Type	Properties with Trees	Properties without Trees
Single-family	\$67.11 per Parcel	\$33.56 per Parcel
R-2 Zone, in use as single-family	\$67.11 per Parcel	\$33.56 per Parcel
Condominium/ Townhouse	\$60.40 per Unit	\$30.20 per Unit
	\$301.99 max. per Project	\$151 max. per Project
Other Multi-family	\$53.69 per Unit	\$26.84 per Unit
	\$268.44 max. per Project	\$134.22 max. per Project

Table 2 - Annual Tree Assessment Rates Proposed FY 2017-18 (3% increase)		
Property Type	Properties with Trees	Properties without Trees
Commercial	\$67.11 per 1/5 acre	\$33.56 per 1/5 acre
	\$335.55 max. per Project	\$167.78 max. per Project
Industrial	\$67.11 per 1/5 acre	\$33.56 per 1/5 acre
	\$335.55 max. per Project	\$167.78 max. per Project
Parks, Educational	\$67.11 per Parcel	\$33.56 per Parcel
Miscellaneous, Other	\$0.00 per Parcel	\$0.00 per Parcel

Sidewalk Assessment

The Sidewalk Repair Program includes sidewalk, curb, gutter and parking strip repair and replacement due to damage cause by street trees. The program has a \$300,000 budget. The program is broken into two separate contracts, one for sidewalk saw cutting (\$100,000) and the other for sidewalk replacement (\$200,000). Under the saw cutting program, the City retains a contractor to address minor tripping hazards, which are fixed by performing horizontal sawcuts rather than removing the entire sidewalk section. Since the City adopted this approach, it has reduced the need for complete concrete removal, which has resulted in significant cost savings. As a result, the City has been able to perform the necessary repairs without the need to increase the sidewalk assessment since the rates were established in 1990.

For the sidewalk replacement program, the City Council awarded a multi-year contract to Golden Bay Construction on November 11, 2015. However, the annual sidewalk replacement needs exceed the budget of \$200,000 and a back log of requests has occurred. To address the sidewalk replacement needs that are backlogged and perform additional work that staff receives annually, a budget increase from \$300,000 to \$400,000/year over the next five years is needed. As part of the City’s 2017-18 Capital Improvement Program budget, staff has proposed this increase. Staff is recommending a five percent increase to the sidewalk repair assessment to start addressing the program backlog in 2017-18. It is expected that the backlog would be completed in 4-5 years at this funding level. At this assessment level in the future, it is expected that the fund would be able to pay for the annual calls staff receives on tripping hazards once the backlog is completed.

Table 5 – Sidewalk Assessments Proposed FY 2017-18 Budget		
Projected Beginning Fund Balance		\$64,390.00
Estimated Revenues:		
	Sidewalk Assessment Revenue	\$206,248.89
	General Fund Contribution	\$200,000.00
	Total	\$470,638.89
Estimated Expenses:		
	Sidewalk, Curb, Gutter, Parking Strip Repair / Replacement	\$400,000
Projected Ending Fund Balance		\$70,638.89

Assessment

The assessments are subject to an annual adjustment based on the Engineering News Record Construction Cost Index (CCI) for the San Francisco Bay Area. The maximum authorized assessment rate

for FY 2017-18, based on current and accumulated unused CCI increases reserved from prior years, \$107.59 per SFE benefit unit for tree maintenance and \$48.04 per SFE benefit unit for sidewalk maintenance. These increases would be legally permissible without additional ballot proceedings. The estimated budget in the Engineer’s Report proposes assessments for FY 2017-18 to be levied at a rate below, the allowable maximum described above: \$67.11 per SFE for tree maintenance and \$30.13 per SFE for sidewalk maintenance. The sidewalk assessment has not been increased since it was formed in 1990 and the tree assessment has been increased twice over the last five years. The comparison assessments for single family residents with City trees and sidewalks levied in FY 2016-17 and the proposed rates for FY 2017-18 are shown below:

Sidewalk Assessment (annual, per SFE)			
FY 2016-17 Rate	Percent Increase	FY 2017-18 Rate	Increase
\$28.70	5%	\$30.13	\$1.43

Tree Assessment (annual, per SFE)			
FY 2016-17 Rate	Percent Increase	FY 2017-18 Rate	Increase
\$65.16	3%	\$67.11	\$1.95

While the ongoing cost of maintenance of trees and sidewalks has significantly increased, since the inception of the district the City has been conservative with rate increases and will continue to do so. Incremental rate increases combined with monies allocated from the general fund ensures the maintenance program remains proactive while maintaining a balanced funding approach.

If the Council approves the attached resolutions, staff will publish legal notice of the assessment Public Hearing at least ten days prior to the hearing, which is tentatively scheduled for June 20, 2017. Once the assessments are confirmed and approved, the levies will be submitted to the County Auditor/Controller for inclusion onto the property tax roll for FY 2017-18.

Approval of Engineer’s Report

SCI Consulting Group has completed the preliminary Engineer’s Report (Attachment C) for the District, which includes the District’s proposed FY 2017-18 budget. The budget covers tree maintenance, the City’s street sweeping program, and the sidewalk repair program. The report describes in detail the method used for apportioning the total assessment among properties within the District. This method involves identifying the benefit received by each property in relation to a single-family home.

Expenses for the program are covered by revenue from property tax assessments, non-assessment funds, and contributions from the City (primarily from the General Fund), and unspent funds from prior years.

Impact on City Resources

Funding for the entire tree-maintenance, street sweeping and sidewalk-repair programs under the District come from a variety of sources, including the carryover of unspent funds from prior years, annual tax assessment revenues, and contributions from the General Fund. If the Council does not order the rate increase, levy and collection of assessments, the impact on City resources would be \$813,123.95 (the total amount of the proposed tree and sidewalk assessments).

Environmental Review

Environmental review under the California Environmental Quality Act (CEQA) is not required for this action.

Public Notice

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

Attachments

- A. Resolution of Preliminary Approval of the Engineer's Report
- B. Resolution of Intention to Order the Levy and Collection of Assessments
- C. Engineer's Report dated May 2017

Report prepared by:
Ebby Sohrabi, Senior Civil Engineer

Report reviewed by:
Nicole H. Nagaya, Assistant Public Works Director

RESOLUTION NO.

**RESOLUTION OF PRELIMINARY APPROVAL OF THE ENGINEER'S
REPORT FOR THE CITY OF MENLO PARK LANDSCAPING DISTRICT
FOR FISCAL YEAR 2017-18**

WHEREAS, on the 10th day of January, 2017, the Menlo Park City Council did adopt Resolution No. 6361, describing improvements and directing preparation of the Engineer's Report for the City of Menlo Park Landscaping District (District) for Fiscal Year 2017-18, pursuant to provisions of Article XIID of the California Constitution and the Landscaping and Lighting Act of 1972, in said City and did refer the proposed improvements to SCI Consulting Group and did therein direct SCI Consulting Group to prepare and file with the Clerk of said City a report, in writing, all as therein more particularly described, under and in accordance with Section 22565, *et. seq.*, of the Streets and Highways Code and Article XIID of the California Constitution; and

WHEREAS, said SCI Consulting Group prepared and filed with the City Clerk of said City a report in writing as called for in Resolution No. 6361 and under and pursuant to said Article and Act, which report has been presented to this Council for consideration; and

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

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

1. That the plans and specifications for the existing improvements and the proposed new improvements to be made within the District contained in said report, be, and they are hereby, preliminarily approved;
2. That the Engineer's estimate of the itemized and total costs and expenses of said improvements, maintenance, and servicing thereof, and of the incidental expenses in connection therewith, contained in said report be, and each of them is hereby, preliminarily approved;
3. That the diagram showing the exterior boundaries of the District referred to and described in said Resolution No. 6361 and the lines and dimensions of each lot or parcel of land within said District as such lot or parcel of land is shown on the County Assessor's maps for the fiscal year to which the report applies, each of which lot or parcel of land has been given a separate number upon said diagram, as contained in said report be, and it is hereby, preliminarily approved;

4. That the proposed continued assessment of the total amount of the estimated costs and expenses of the proposed improvements upon the several lots or parcels of land in said District in proportion to the estimated benefits to be received by such lots or parcels, respectively, from said improvements including the maintenance or servicing, or both, thereof, and of the expenses incidental thereto, as contained in said report be, and they are hereby, preliminarily approved; and
5. That said report shall stand as the Engineer's Report for the purpose of all subsequent proceedings to be had pursuant to said Resolution No. 6361.

I, Pamela I. Aguilar, City Clerk of Menlo Park, do hereby certify that the above and foregoing Council Resolution was duly and regularly passed and adopted at a meeting by said Council on the 23 of May, 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 23 of May, 2017.

Pamela I. Aguilar, CMC
City Clerk

RESOLUTION NO.

RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK TO ORDER THE CONTINUATION AND COLLECTION OF ASSESSMENTS FOR THE CITY OF MENLO PARK LANDSCAPING DISTRICT FOR FISCAL YEAR 2017-18 PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972

WHEREAS, pursuant to Resolution No. 6361 describing improvements and directing the preparation of the Engineer's Report for Fiscal Year 2017-18 for the City of Menlo Park Landscaping District, adopted on January 10, 2017, by the City Council of Menlo Park; and

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

WHEREAS, by said Resolution No. 6361, which said report has been submitted and preliminarily approved by this Council in accordance with said Article and Act.

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

1. In its opinion, the public interest and convenience require, and it is the intention of this Council, to order the continuation and collection of assessments for Fiscal Year 2017-18 pursuant to the provisions of Article XIID of the California Constitution and the Landscaping and Lighting Act of 1972, Part 2, Division 15 of the Streets and Highways Code of the State of California, for the construction or installation of the improvements, including the maintenance or servicing, or both, thereof, more particularly described in Exhibit A hereto attached and by reference incorporated herein;
2. The cost and expense of said improvements, including the maintenance or servicing, or both, thereof, are to be made chargeable upon the assessment district designated as "City of Menlo Park Landscaping District" (District) the exterior boundaries of which District are the composite and consolidated area as more particularly described on a map thereof on file in the office of the Clerk of said City, to which reference is hereby made for further particulars. Said map indicates by a boundary line the extent of the territory included in the District and the general location of said District;
3. Said Engineer's Report prepared by SCI Consulting Group, preliminarily approved by this Council, and on file with the Clerk of this City, is hereby referred to for a full and detailed description of the improvements, the boundaries of the

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

4. The authorized maximum assessment rates for the District include an annual adjustment by an amount equal to the annual change in the Engineering News Record Index, not to exceed 3.00 percent per year, plus any uncaptured excesses. Assessment rates for the tree portion of the assessments are proposed to increase during Fiscal Year 2017-18 by 3.00%. Including the authorized annual adjustment, the maximum authorized assessment rate for street tree maintenance for Fiscal Year 2017-18 is \$107.59 per single family equivalent benefit unit, and the assessment rate per single family equivalent benefit unit for Fiscal Year 2017-18 is \$67.11 which is less than the maximum authorized rate. Assessment rates for the sidewalk repairs portion of the assessments are proposed to increase during Fiscal Year 2017-18 by 5.00%. Including the authorized annual adjustment, the maximum authorized assessment rate for sidewalk maintenance for Fiscal Year 2017-18 is \$48.04 per single family equivalent benefit unit, and the assessment rate per single family equivalent benefit unit for Fiscal Year 2017-18 is \$30.13, which is less than the maximum authorized rate;
5. Notice is hereby given that Tuesday, the 20th day of June, 2017, at the hour of 7:00 o'clock p.m., or as soon thereafter as the matter may be heard, in the regular meeting place of said Council, Council Chambers, Civic Center, 701 Laurel Street, Menlo Park, California, be, and the same are hereby appointed and fixed as the time and place for a Public Hearing by this Council on the question of the continuation and collection of the proposed assessment for the construction or installation of said improvements, including the maintenance and servicing, or both, thereof, and when and where it will consider all oral statements and all written protests made or filed by any interested person at or before the conclusion of said hearing, against said improvements, the boundaries of the assessment district and any zone therein, the proposed diagram or the proposed assessment, to the Engineer's estimate of the cost thereof, and when and where it will consider and finally act upon the Engineer's Report;
6. The Clerk of said City is hereby directed to give notice of said Public Hearing by causing a copy of this resolution to be published once in *The Daily News*, a newspaper circulated in said City, and by conspicuously posting a copy thereof upon the official bulletin board customarily used by the City for the posting of notices, said posting and publication to be had and completed at least ten (10) days prior to the date of public hearing specified herein; and
7. The Office of the Assistant Public Works Director of said City is hereby designated as the office to answer inquiries regarding any protest proceedings to be had herein, and may be contacted during regular office hours at the Civic

Center, 701 Laurel Street, Menlo Park, California, 94025, or by calling (650) 330-6740.

I, Pamela I. Aguilar, City Clerk of Menlo Park, do hereby certify that the above and foregoing Council Resolution was duly and regularly passed and adopted at a meeting by said Council on the 23 day of May, 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 23 day of May, 2017.

Pamela I. Aguilar, CMC
City Clerk

Exhibit A

City of Menlo Park Landscaping District

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



CITY OF
MENLO PARK

CITY OF MENLO PARK
LANDSCAPING ASSESSMENT DISTRICT

ENGINEER'S REPORT

FISCAL YEAR 2017-18

MAY, 2017

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

ENGINEER OF WORK:
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CITY OF MENLO PARK

MENLO PARK CITY COUNCIL

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

CITY MANAGER

Alex D. McIntyre

ASSISTANT PUBLIC WORKS DIRECTOR

Ruben Niño

CITY CLERK

Pamela Aguilar

CITY ATTORNEY

Bill McClure

ENGINEER OF WORK

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

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INTRODUCTION

ASSESSMENT BACKGROUND

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

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

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

ASSESSMENT PROCESS

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

ENGINEER'S REPORT AND CONTINUATION OF ASSESSMENTS

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

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

The maximum authorized assessment rate, as increased each year by the change in the ENR Index, is the maximum assessment rate that can be levied in the given fiscal year without approval from property owners in another assessment ballot proceeding. In fiscal year 1998-99, the assessments were levied at the maximum rate for that fiscal year. Since this first fiscal year after the ballot proceeding, the assessments for tree maintenance have been levied below the maximum authorized rate, and the assessment rate for sidewalk repairs has not been increased above the original rate.

From December 2015 to December 2016, the ENR Index increased 4.07 percent. The maximum amount assessments can be increased annually is the ENR Index plus any uncaptured excess reserved from prior years, to a maximum increase to the ENR not to exceed 3%.

Based on accumulated excess reserves from prior years, the maximum authorized rates for fiscal year 2017-18 are \$107.59 for trees and \$48.04 for sidewalks without another ballot proceeding. (No additional ballot proceeding is required because the maximum authorized assessment rates, including the annual adjustments in these rates, were approved in the 1998 ballot proceeding. The actual rate levied in any given fiscal year can be revised up, with an annual maximum increase of 3%, or down, by any amount that does not cause the actual rates levied to exceed the maximum authorized assessment rates.)

The City reduced the assessment rate for tree maintenance in fiscal year 2000-01 and increased the assessment rate in fiscal years 2002-03, 2005-06 through 2009-10, and 2014-15. In other fiscal years it was not necessary to increase the rate, due to sufficient reserve funds carried forward from prior fiscal years, combined with general benefit contributions. For fiscal year 2017-18 the proposed assessments for tree maintenance are proposed to increase 3% from fiscal year 2016-17, and the assessments for sidewalk maintenance are proposed to increase 5% (which includes some uncaptured excess reserved from prior years) from fiscal year 2016-17. The proposed rates are \$67.11 per Single Family Equivalent (SFE) for tree maintenance and \$30.13 per SFE for sidewalk maintenance. The comparison of actual rates levied in fiscal year 2016-17 and the proposed rates for fiscal year 2017-18 are shown below.

Sidewalk Maintenance

FY 2016-17 Rate	ENR Increase Applied	FY 2017-18 Rate	\$ Increase
\$28.70	5%	\$30.13	\$1.43

Tree Maintenance

FY 2016-17 Rate	ENR Increase Applied	FY 2017-18 Rate	\$ Increase
\$65.16	3%	\$67.11	\$1.95

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

Following the minimum 10 day time period after publishing the notice, a public hearing is held for the purpose of allowing public testimony about the proposed continuation of the assessments. This hearing is currently scheduled for June 20, 2017. At this hearing, the Council will consider approval of a resolution confirming the continuation of the assessments for fiscal year 2017-18. If so confirmed and approved, the assessments will be submitted to the County Auditor/Controller for inclusion on the property tax roll for Fiscal Year 2017-18.

LEGAL ANALYSIS

PROPOSITION 218

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

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

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

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

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

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

DAHMS V. DOWNTOWN POMONA PROPERTY

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

BONANDER V. TOWN OF TIBURON

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

BEUTZ V. COUNTY OF RIVERSIDE

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

GOLDEN HILL NEIGHBORHOOD ASSOCIATION V. CITY OF SAN DIEGO

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

COMPLIANCE WITH CURRENT LAW

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

This Engineer's Report is consistent with *Beutz*, *Dahms* and *Greater Golden Hill* because the Improvements will directly benefit property in the Assessment District and the general

benefits have been explicitly calculated and quantified and excluded from the Assessments. The Engineer's Report is consistent with *Bonander* because the Assessments have been apportioned based on the overall cost of the Improvements and proportional special benefit to each property.

PLANS & SPECIFICATIONS

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

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

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

METHOD OF ASSESSMENT

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

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

DISCUSSION OF BENEFIT

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

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

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

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

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

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

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

- Proximity
- Expanded or improved access
- Views

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

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

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

BENEFIT FACTORS

The special benefits from the Improvements are further detailed below:

PROXIMITY TO IMPROVED LANDSCAPED AREAS WITHIN THE ASSESSMENT DISTRICT

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

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

ACCESS TO IMPROVED LANDSCAPED AREAS WITHIN THE ASSESSMENT DISTRICT

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

IMPROVED VIEWS WITHIN THE ASSESSMENT DISTRICT

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

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

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

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

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

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

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

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

ENHANCED DESIRABILITY OF THE PROPERTY

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

REDUCED LIABILITY FOR LANDSCAPE MAINTENANCE

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

GENERAL VS. SPECIAL BENEFIT

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

The City's maintenance of street trees and sidewalk facilities provides a general benefit to the community and to the general public to some degree. The measure of this general benefit is the enhancement of the environment and safety provided to the greater public at large. This general benefit can be measured by the proportionate amount of time that the City's sidewalks and street trees are used and enjoyed by the greater public at large¹. It is reasonable to assume that approximately 1/4 or 25% of the usage and enjoyment of the improvements is by the greater public. Therefore, approximately 25% of the benefits conferred by the improvements are general in nature.

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

The City's total budget for maintenance and improvement of its trees and sidewalk facilities is \$1,436,230. Of this total budget amount, the City will contribute \$200,000 from sources other than the assessments for sidewalk repair and \$368,000 for street tree maintenance. These contributions by the City equate to approximately 39.5% of the total budget for maintenance and more than offset the cost of the general benefits resulting from the improvements.

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

METHOD OF ASSESSMENT

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

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

ASSESSMENT APPORTIONMENT - STREET TREES

PROPERTIES WITH STREET TREES

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

Properties with more than one residential unit are designated as multi-family residential properties. These properties benefit from the improvements in proportion to the number of dwelling units that occupy each property and the relative number of people who reside in multi-family residential units compared to the average number of people who reside in a single-family home. The population density factors for the County of San Mateo from the 1990 US Census (the most recent data available when the Assessment was established) are depicted below. The SFE factors for condominium, townhouse, and multi-family parcels, as derived from relative dwelling unit population density, are also shown below.

FIGURE 1 – RESIDENTIAL ASSESSMENT FACTORS

<i>Property Type</i>	<i>Total Population</i>	<i>Occupied Households</i>	<i>Persons per Household</i>	<i>SFE Factor*</i>
Single Family Residential	412,685	140,248	2.94	1.0
Condominium/Townhouse	54,284	19,331	2.81	0.9
Multi-Family Residential	158,004	65,981	2.39	0.8

Source: 1990 Census, San Mateo County

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

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

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

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

PROPERTIES WITHOUT STREET TREES

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

ASSESSMENT APPORTIONMENT - SIDEWALK PROGRAM

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

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

ASSESSMENT APPORTIONMENT - OTHER PROPERTIES

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

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

APPEALS AND INTERPRETATION

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

FIGURE 2 – TREE MAINTENANCE ASSESSMENTS

<i>Property Type</i>	<i>2017-18 Assessment Rates</i>	
Parcels with Trees		
Single Family	\$67.11	(per Parcel)
R-2 Zone, in use as single family	\$67.11	(per Parcel)
Condominium/Townhouse	\$60.40	(per Unit, \$301.99 max. per Project)
Other Multi-family	\$53.69	(per Unit, \$268.44 max. per Project)
Commercial	\$67.11	(per 1/5 acre, \$335.550 max. per Project)
Industrial	\$67.11	(per 1/5 acre, \$335.550 max. per Project)
Parks, Educational	\$67.11	(per Parcel)
Miscellaneous, Other	\$0.00	(per Parcel)
Parcels without Trees		
Single Family	\$33.56	(per Parcel)
R-2 Zone, in use as single family	\$33.56	(per Parcel)
Condominium/Townhouse	\$30.20	(per Unit, \$151 max. per Project)
Other Multi-family	\$26.84	(per Unit, \$134.22 max. per Project)
Commercial	\$33.56	(per 1/5 acre, \$167.78 max.)
Industrial	\$33.56	(per 1/5 acre, \$167.78 max.)
Parks, Educational	\$33.56	(per Parcel)
Miscellaneous, Other	\$0.00	(per Parcel)

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

<i>Property Type</i>	<i>2017-18 Assessment Rates</i>	
Parcels with Trees		
Sidewalks, curbs, gutters	\$30.13	(per Parcel)
Parking strips and gutters	\$30.13	(per Parcel)
Curbs and/or gutters only	\$20.19	(per Parcel)
No improvements	\$9.94	(per Parcel)
Miscellaneous, Other	\$0.00	(per Parcel)
Parcels without Trees		
Parcels with or without improvements	\$9.94	(per Parcel)
Miscellaneous, Other	\$0.00	(per Parcel)

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

ASSESSMENT

WHEREAS, on January 10, 2017 the City Council of the City of Menlo Park, County of San Mateo, California, pursuant to the provisions of the Landscaping and Lighting Act of 1972 and Article XIID of the California Constitution (collectively "the Act"), adopted its Resolution Initiating Proceedings for the Levy of Assessments within the Landscaping Assessment District;

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

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

The amount to be paid for said improvements and the expense incidental thereto, to be paid by the Landscaping Assessment District for the fiscal year 2017-18 is generally as follows:

FIGURE 4 – SUMMARY COST ESTIMATE

	<i>F.Y. 2017-18 Budget</i>
Street Tree Program	\$709,288
Street Sweeping	\$199,673
Sidewalk Program	\$400,000
Incidental Expenses	\$127,269
TOTAL BUDGET	\$1,436,230
Plus:	
Projected Fund Balance	\$269,186
Less:	
City Contribution for General Benefits	(\$568,000)
Contribution from Carry-Over Fund Balances	(\$324,292)
NET AMOUNT TO ASSESSMENTS	\$813,124

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

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

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

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

Based on the preceding annual adjustments, the maximum assessment rate for Fiscal Year 2016-17 was \$104.46 for tree maintenance and \$46.64 for Sidewalk maintenance. The change in the ENR from December 2015 to December 2016 was 4.07%. Therefore, the maximum authorized assessment rate for Fiscal Year 2017-18 has been increased from \$104.46 to \$107.59 per single family equivalent benefit unit for tree maintenance, and from \$46.64 to \$48.04 per single family equivalent benefit unit for sidewalk maintenance. However, the estimate of cost and budget in this Engineer's Report proposes assessments for fiscal year 2017-18 at the rate of \$67.11 per single family equivalent benefit unit for tree maintenance, which is less than the maximum authorized assessment rate and is a 3% increase over the rate assessed in the previous fiscal year. The proposed assessment rate for fiscal year 2017-18 for sidewalk maintenance is \$30.13 per single family equivalent benefit unit, which is also less than the maximum authorized assessment rate and is a 5% increase over the rate assessed in the previous fiscal year.

Property owners in the Assessment District, in an assessment ballot proceeding, approved the initial fiscal year benefit assessment for special benefits to their property including the

ENR adjustment schedule. As a result, the assessment may continue to be levied annually and may be adjusted by up to the maximum annual ENR adjustment without any additional assessment ballot proceeding. In the event that in future years the assessments are levied at a rate less than the maximum authorized assessment rate, the assessment rate in a subsequent year may be increased up to the maximum authorized assessment rate without any additional assessment ballot proceeding.

Each parcel or lot of land is described in the Assessment Roll by reference to its parcel number as shown on the Assessor's Maps of the County of San Mateo for the fiscal year 2017-18. For a more particular description of said property, reference is hereby made to the deeds and maps on file and of record in the office of the County Recorder of said County.

I hereby place opposite the Assessor Parcel Number for each parcel or lot within the Assessment Roll, the amount of the assessment for the fiscal year 2017-18 for each parcel or lot of land within the said Landscaping Assessment District.

May 10, 2017

Engineer of Work



By _____
John W. Bliss, License No. C52091



FIGURE 5 – ENGINEER'S COST ESTIMATE, FISCAL YEAR 2017-18

A. Tree Maintenance		
Salaries & Benefits	\$360,370.20	
Operating Expense	\$38,418.00	
Fixed Assets & Capital Outlay	\$4,500.00	
Vehicle & Equipment Maintenance	\$15,000.00	
Professional Services (Tree Spraying, Tree Trimming, Misc.)	\$291,000.00	
Subtotal - Tree Maintenance		<u>\$709,288.20</u>
B. Debris Removal		
Salaries & Benefits	\$52,239.00	
Operating Expense	\$2,434.00	
Street Sweeping Contract	\$145,000.00	
Subtotal - Debris Removal		<u>\$199,673.00</u>
C. Sidewalk, Curb, Gutter, Parking Strip Repair/Replacement		
Construction Costs	\$400,000.00	
Design & Inspection	\$0.00	
Subtotal - S/W,C,G, & PS Repair/Replace		<u>\$400,000.00</u>
Subtotal Tree/Debris/Reforestation/Sidewalk		<u>\$1,308,961.20</u>
D. Incidentals		
Indirect Costs & Administration	\$112,269.00	
County Collection Fees	\$15,000.00	
Subtotal - Incidentals		<u>\$127,269.00</u>
Total Cost		<u>\$1,436,230.20</u>

Engineer's Cost Estimate, Fiscal Year 2017-18 (continued)

Projected Fund Balance	\$269,185.75
Tree Maintenance Ending Fund Balance	(\$259,902.00)
Less General Fund Contribution	(\$223,000.00)
Measure M	(\$145,000.00)
Sidewalk Fund Ending Balance	(\$64,390.00)
Less General Fund CIP Contribution to Sidewalk Fund	(\$200,000.00)
Net to Assessment	\$813,123.95

Revenue

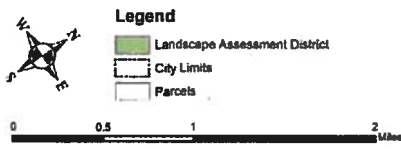
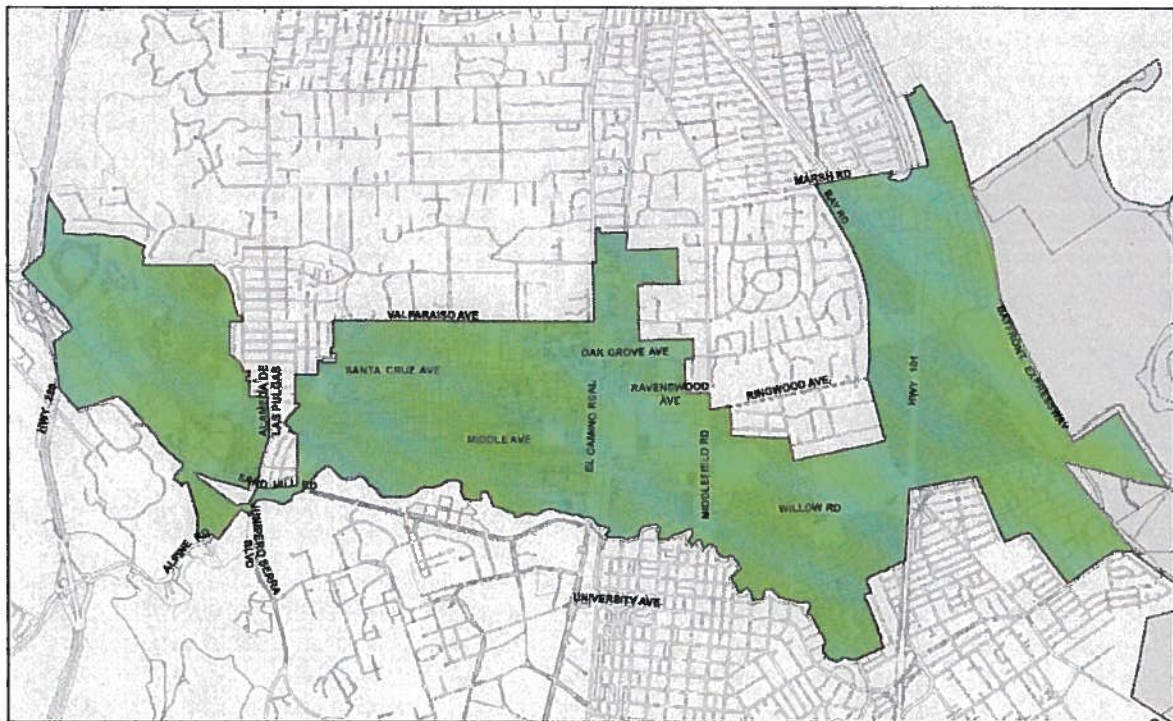
Single Family Equivalent Benefit Units - Trees	9,042.99									
Single Family Equivalent Benefit Units - Sidewalks	6,845.30									
	<table border="0"> <tr> <td></td> <td align="center"><u>2017/18</u></td> <td align="center"><u>2016/17</u></td> </tr> <tr> <td>Assessment Rate for Tree Fund/ SFE</td> <td align="right">\$67.11</td> <td align="right">\$65.16</td> </tr> <tr> <td>Assessment Rate for Sidewalk Fund/ SFE</td> <td align="right">\$30.13</td> <td align="right">\$28.70</td> </tr> </table>		<u>2017/18</u>	<u>2016/17</u>	Assessment Rate for Tree Fund/ SFE	\$67.11	\$65.16	Assessment Rate for Sidewalk Fund/ SFE	\$30.13	\$28.70
	<u>2017/18</u>	<u>2016/17</u>								
Assessment Rate for Tree Fund/ SFE	\$67.11	\$65.16								
Assessment Rate for Sidewalk Fund/ SFE	\$30.13	\$28.70								
Revenue for Tree Fund	\$606,875.06									
Revenue for Sidewalk Fund	\$206,248.89									
Total Revenue *	\$813,123.95									

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

ASSESSMENT DIAGRAM

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

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



City of Menlo Park Landscape Assessment District



APPENDIX A – ASSESSMENT ROLL, FY 2017-18

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

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STAFF REPORT

City Council

Meeting Date:

5/23/2017

Staff Report Number:

17-112-CC

Consent Calendar:

Award a construction contract to Interstate Grading & Paving, Inc. for the 2017 Street Resurfacing Project

Recommendation

Staff recommends that the City Council award a construction contract to Interstate Grading & Paving, Inc. in the amount of \$4,144,605, including the base bid and add alternate, for the 2017 Street Resurfacing Project (Project) and authorize a total construction budget of \$5,050,000 that includes staff time, materials testing and contingencies.

Policy Issues

The Project is consistent with the City Council goal of maintaining and enhancing the City's municipal infrastructure and facilities.

Background

The City is responsible for maintaining a total of 96.2 miles of streets. To analyze and identify street sections within the City's network that are most in need of maintenance and rehabilitation, the City uses a Pavement Management System (PMS) that is approved by the Metropolitan Transportation Commission (MTC). As part of this process, MTC consultants inspect and assess the condition of the City's streets every two years and recommend the reconstruction / resurfacing of specific sections. For 2017, the Project includes the reconstruction / resurfacing of 30 street sections found to be in poor condition. Each street section will be milled, overlaid with asphalt and restriped. While not identified as part of the PMS process, the Project also includes three additional street sections that require pavement restoration. These include sections along Independence Drive, Warner Range Avenue and Santa Cruz Avenue between University Drive and Olive Street. The Santa Cruz Avenue work is being included as an alternate. In total, the Project includes the restoration of 33 street sections (Attachments A).

Analysis

The bid package for the Project was advertised on April 27, 2017. On May 16, 2017, three bids were submitted and opened. The lowest base bid was received from Interstate Grading & Paving, Inc. at an amount of \$3,545,255 (Attachment B). In addition to the scope of work for the base bid, staff is also recommending the award of the Add Alternate for an additional \$599,350 to include the pavement restoration on Santa Cruz Avenue from University Avenue to Olive Street. The total construction Project budget, with contingency, management, inspection and testing is \$5,050,000. Staff has verified the background and references of the contractor, and it is satisfied with its past performance. Construction is anticipated to begin in June and will extend through fall 2017.

Impact on City Resources

There is sufficient funding in the project under Highway User's Tax and Construction Impact Fee funds to award this project.

Cost Category	Amount
Construction contract	\$4,144,605
Contingency (15%)	\$621,690
Management, Inspection & Testing	\$283,705
Total Construction	\$5,050,000

Environmental Review

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

Public Notice

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

Attachments

- A. 2017 Street Resurfacing Project – List of Project Streets
- B. Bid Summary

Report prepared by:

Rodolfo Ordonez, Associate Engineer

Michael Zimmermann, Senior Civil Engineer

Reviewed by:

Azalea Mitch, City Engineer

2017 STREET RESURFACING PROJECTLIST OF PROJECT STREETS

St Map Number	St Name	From	To
1	Alice Ln.	University Dr.	End
2	Almanor Ave.	Ivy Dr.	Newbridge Ave.
3	Bay Laurel Dr.	San Mateo Dr.	Hermosa Way
4	Burgess Dr.	Laurel St.	Alma St.
5	Campbell Ln.	Branner Dr.	Campbell Ln. (end)
6	Campo Bello Ct.	Campo Bello Ln.	Campo Bell Ct. (end)
7	Chilco St.	Ivy Dr. (Henderson)	Newbridge Ave. (Windermere)
8	College Ave.	University	El Camino Real
9	Cotton St.	Cotton Pl.	Middle Ave.
10	Del Norte Alley	Del Norte Ave.	End of Alley
11	Fanita Way	Oakdell Dr.	Fanita Way (end)
12	Garden Ln.	San Mateo Dr. NW (end)	San Mateo Dr. SE (end)
13	Green St.	Menalto Ave.	City Limits
14	Haight St.	Menalto Ave.	North End of Haight St.
15	Hamilton Ave.	Almanor Ave.	Chilco St.
16	Harkin Ave.	Altschul Ave.	City Limits
17	Harmon Dr.	Bay Rd.	Lorelei Ln.
18	Independence Dr.	Beginning of 100 Independence Dr. Approximately 1,230± ft. Northwe St. of Chrysler Dr.	Chrysler Ave.
19	Kent Pl.	Waverley St.	Kent Place (end)
20	Lassen Dr.	Whitney Dr.	196' South of Whitney Dr.
21	Linfield Pl.	Linfield Dr.	Linfield Pl.
22	Menlo Ave.	University Dr.	We St. End
23	Oak Knoll Ln.	Oak Dell Dr.	School Driveway
24	Pineview Ln.	Elder Ave.	End
25	Santa Cruz Service Rd.	Orange Ave.	Olive St.
26	Scott Dr.	Marsh Rd.	Bohannon Dr.
27	Sevier Ave.	Pierce Rd.	Newbridge St.
28	Sharon Park Dr.	Sand Hill Rd.	Sharon Rd.
29	Sunrise Ct.	Campo Bello Ln.	Sunrise Ct. (end)
30	Timothy Ln.	Bay Rd.	Peggy Ln.
31	Warner Range Ave.	Sharon Park Dr.	Monte Rosa Dr.
32	Waverley St.	Linfield Dr.	Laurel St.

¹Note: Santa Cruz Ave. is "Alternatel Work"

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BID SUMMARY

Bid Proposal - 2017 Street Resurfacing Project

Bid Opening: Tuesday, May 16, 2017 at 2:00 pm

	COMPANY	Base Bid	Add Alternate	Total
1	Interstate Grading and Paving, Inc. *	\$3,545,255	\$599,350	\$4,144,605
2	G. Bortolotto & Co., Inc.	\$3,597,782	\$525,810	\$4,123,592
3	O'Grady Paving, Inc.	\$3,682,550	\$622,450	\$4,305,000

* Award is based on the lowest base bid.

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STAFF REPORT

City Council
Meeting Date: 5/23/2017
Staff Report Number: 17-130-CC

Consent Calendar: **Authorize the City Manager to enter into an agreement with W-Trans for the Transportation Master Plan and Transportation Impact Fee Program and appropriate \$30,000 from the undesignated fund balance of the General Fund**

Recommendation

Staff recommends the City Council authorize the City Manager to enter into an agreement with Whitlock & Weinberger Transportation, Inc. (W-Trans) consultant to develop the Transportation Master Plan and Transportation Impact Fee Program in the amount of \$400,000 and appropriate \$30,000 from the undesignated fund balance of the General Fund to complete this Project.

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).

On April 18, 2017, the Council received an informational update on the consultant selection process, identifying Whitlock & Weinberger Transportation Consultants (W-Trans) as the selected consultant team.

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, Dyett & Bhatia, BKF Engineers, Iteris, Enviroissues, and Alta Planning & Design, 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.

Scope of Work

The key tasks included in the scope of work are as follows:

1. Project Initiation
2. Transportation Information Summary
3. Community Engagement (1)
4. Identify Performance Metrics and Prioritization Criteria
5. Initial Strategies and Recommendations

6. Community Engagement (2)
7. Transportation Master Plan
8. Transportation Impact Fee Update
9. Meetings and Project Administration

Each task is described more detail in the scope of work, included in Attachment A.

Project Implementation

Developing the Transportation Master Plan involves a significant outreach component to engage residents, schools, property owners and other stakeholders to identify goals and infrastructure modifications within the City. As described in the scope of work, two major points of community engagement are proposed using a number of different methods (including online and in person strategies). Proposed as part of the engagement process is the use of an online open house, to mimic the questions, activities and input sought at the in-person meetings. This strategy has been successfully used for other master planning projects recently in Washington State, and provides an opportunity for residents to participate on their own schedules and around work, family or other conflicts that may otherwise limit participation at a community workshop. Additionally, soliciting input at events where residents are already attending, such as community or school fairs, and conducting on the ground “walk-shops” to identify specific neighborhood issues and improvement opportunities, are also proposed.

One of the first steps in the project will be to identify the City’s goals for transportation facilities ultimately to be approved by the City Council. The goals and vision, building on foundational policies adopted in the Connect Menlo Circulation Element, will guide the later tasks of identifying performance metrics, prioritization criteria, and specific projects to be included in the Plan. A proposed project schedule is also included in Attachment A.

Impact on City Resources

Funding for the project was included in the City’s fiscal year 2016-17 capital improvement program budget in the amount of \$250,000. In addition to the Transportation Master Plan budget, a prior project from fiscal year 2015-16 to assess regional transportation improvements on the Dumbarton Corridor has approximately \$135,000 remaining. The staff time needed to continue to support the ongoing work in the Dumbarton Corridor in the coming year is anticipated to require approximately \$35,000; the remaining \$100,000 balance is proposed to be allocated to the Transportation Master Plan development. Further, the Transportation Master Plan will incorporate recommendations and guidelines for the development of green infrastructure for stormwater; the development of the work plan for green infrastructure is also on the Council agenda for May 23, 2017. The Green Infrastructure Plan was included in the City’s fiscal year 2016-17 capital improvement program budget in the amount of \$100,000. Since the Master Plan will incorporate green infrastructure concepts, \$20,000 from the Green Infrastructure Plan budget is proposed to be allocated to this effort. In total, the available funds for this project are \$370,000.

As discussed at the City Council Goal Setting on January 27, 2017, staff worked with the consultant team to prepare a comprehensive scope of work and emphasized the importance of maintaining the aggressive 18-month schedule. Because staff directed the consultant team to keep the schedule a priority, the consultant has identified a number of teaming partners, as described above, to provide sufficient resources to the project and provide the necessary expertise to respond to the issues anticipated to arise. In addition, the scope provides necessary flexibility, as it is expected that the project will need to evolve throughout the course of the plan development to respond to community feedback received through the process.

Therefore, the cost of the proposed scope of work is \$340,000. In addition, staff recommends a 25 percent contingency for the project, with a requested total budget of \$400,000, exceeding the initial budget of \$370,000 by \$30,000. The contract cost breakdown is as follows:

Transportation Master Plan and Transportation Impact Fee Program Update	
Consultant Contract Amount	\$340,000
Contingency (25%)	\$60,000
Total Budget	\$400,000

Staff is requesting an appropriation of \$30,000 from the undesignated fund balance of the General Fund to complete this Project.

Environmental Review

The Council authorization to enter into an agreement for the development of the Transportation Master Plan is not a project under the California Environmental Quality Act (CEQA) Guidelines. Future project actions will comply with environmental review requirements under CEQA.

Public Notice

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

Attachments

- A. Scope of Work, Schedule and Fee Proposal

Report prepared by:
Nicole H. Nagaya, Assistant Public Works Director



Scope of Work

This Scope of Work outlines the proposed tasks, roles, and specific deliverables to provide Menlo Park with a Transportation Master Plan (TMP) that provides a detailed vision, set goals, performance metrics, and an implementation strategy. The TMP will bridge the gap between several high level policy documents and the individual mitigation measures recommended in development studies, creating one unified plan. The TMP will incorporate a robust public engagement component so that the priorities established in the plan reflect both need as well as the community's vision.

TASK1: Project Initiation

1.1 Project Kick-Off Meeting

W-Trans will meet with City staff, key stakeholders identified by the City, and/or a Steering Committee/Technical Advisory Committee to discuss the final scope of work and project schedule, establish communication protocols, coordinate preparation activities, and collect studies, data, and other information that will be used throughout the project. During the kick-off, W-Trans will conduct a brainstorming session to clarify key roles, schedules, and the community engagement strategy.

1.2 Final Scope of Work and Project Schedule

Based on the discussions at the project kick-off meeting and follow-up correspondence, W-Trans will work with the City to finalize the Scope of Work and Project Schedule, including the Community Engagement Schedule.

Deliverables:

- i. Meeting Notes
- ii. Final Scope of Work
- iii. Project Schedule

TASK 2: Transportation Information Summary

The W-Trans Team will review transportation-related studies under three categories and briefly summarize the needs, opportunities and recommendations identified in these studies. The purpose of this task is to reconcile the various recommendations, identify any policy conflicts, and bring the information to a common point in time (2017).

The three categories are:

- i. Concurrent projects such as the Citywide Safe Routes to School Program, the Willows Complete Streets Plan, and the Middle Avenue Pedestrian/Bicycle Rail Crossing Project;
- ii. Relevant state/regional requirements that would apply to the City for future consideration (SB 743, e.g.);
- iii. Recent transportation-related studies conducted for the City, including:
 - Plan Bay Area 2040
 - C/CAG San Mateo County Transportation Plan
 - Connect Menlo Circulation Element
 - Downtown Parking Study
 - Dumbarton Rail Corridor Alternatives Study

-
- Dumbarton Transportation Corridor Study
 - Grand Boulevard Initiative
 - Menlo Park El Camino Real/Downtown Specific Plan
 - Menlo Park Circulation System Assessment
 - Menlo Park 2005 Comprehensive Bicycle Development Plan
 - Menlo Park El Camino Real Corridor Study
 - Menlo Park 2009 Sidewalk Master Plan
 - Menlo Park Transportation Impact Fee
 - Ravenswood Avenue Railroad Crossing Study
 - San Mateo 101 Managed Lanes Project
 - 2020 Peninsula Gateway Corridor Study
 - US 101/Willow Road Interchange Reconstruction Project
 - Willow Road Transportation Improvement Options (Study Session Staff Report, 8/23/16)
 - Development Project Transportation Impact Analyses, such as:
 - 500 El Camino Real
 - 1300 El Camino Real
 - Commonwealth Corporate Center
 - Facebook Campus Expansion Project
 - Menlo Gateway

The W-Trans Team will compile and summarize existing and Year 2040 data and transportation operating conditions as noted for the following areas:

Vehicle Traffic: We will compare 2014 and 2017 traffic counts provided by the City to analyze historical data and establish trends. We will then summarize existing and cumulative 2040 AADT, a.m. and p.m. peak hour turning movement counts, collision data, intersection and roadway operations (delay, LOS). No new traffic counts or quantitative analysis are assumed. The list of study intersections and roadway segments will be the same as that in the ConnectMenlo document.

Safety: We will contact MPPD to get collision data and compile the most recent 5-year set of reported collisions in Menlo Park. We will map all high crash location intersections and segments.

Heavy Vehicles/Trucks: We will compile known truck volumes and composition (i.e. % truck mix) as available and identify existing designated truck routes (using data and information in ConnectMenlo).

Bicycles: Starting with the Menlo Park Comprehensive Bicycle Development Plan and the Downtown Specific Plan documents, we will identify any changes that have been implemented or recommended since 2005. Gaps in the bicycle network will be identified. We will compare 2014 and 2017 bicycle counts provided by the City to analyze historical data and establish trends. No new field inventory or counts are assumed.

Pedestrians: Starting with the Menlo Park Sidewalk Master Plan and the Downtown Specific Plan documents, we will identify any changes that have been implemented or recommended since 2009. We will compare 2017 pedestrian counts to any prior counts provided by the

City, and analyze historical data and establish trends. Gaps or needed improvements in the pedestrian network will be identified. No new field inventory or counts are assumed.

Parking: We will summarize the parking inventory and utilization data in downtown Menlo Park from prior documents.

Transit: We will identify all transit services and key stops in Menlo Park. To the extent that information is available, we will compile CalTrain, SamTrans, Dumbarton Express (AC Transit), and City shuttle ridership trends in the City. Future planned transit services will be noted.

Transportation Infrastructure Projects: We will summarize the status of major transportation infrastructure projects in Menlo Park.

Land Use: We will assess if the trip distribution and gateway information from the City's 2009 Circulation System Assessment is still valid. To do this, we will research the trip distribution patterns in the current C/CAG travel forecast model, and look at other relevant data (employment surveys, census data, etc.)

Following the assembly of the information outlined above, The W-Trans Team will prepare and circulate for comment a draft Transportation Conditions technical memorandum for review and comment.

Deliverables:

- i. Draft Transportation Conditions Technical Memorandum

TASK 3: Public Engagement (1)– Defining the Vision and Goals

The W-Trans Team will facilitate a range of community engagement tools and events to solicit feedback from City residents, business owners, and other stakeholders in the following areas:

- opportunities and challenges with the existing transportation system
- their vision for Menlo Park's near- and long-term transportation system, and
- specific policies, goals, or actions they would like to see advanced through the TMP

As part of this task, with each subtask we will explain the purpose of a TMP and how it fits in within the various city documents (i.e., General Plan, TIF, etc).

3.1 Project Branding

D&B will develop a logo, color palette, and graphic styles definition for the project consistent with the City's graphic guidelines so that all products produced have a consistent look and feel, and so that the project is recognizable to the public. The logo and styles will be used on outreach materials, the project website (to be hosted by the City), and the final Plan.

3.2 Online Engagement

EnviroIssues will develop an online "open house" and survey, before the in-person outreach begins. The objective of the survey at this stage will be to solicit input on ideas, priorities, and vision. The survey question and supporting materials will be provided by W-Trans and D&B, and will mimic questions and activities posed at the in-person events. Comments will be tracked using the EnviroLytical public involvement tracking software. EnviroIssues will provide a brief summary report and synthesis of comments gathered in the online forum and survey.

3.3 Pop-Up Outreach (2)

D&B will design, attend and host activities at up to two public meetings at various venues throughout Menlo Park, with locations and audiences at Staff's choosing. For example, these could be at a Farmers' Market, Menlo Summerfest, an open house held at a school, library, or other ongoing public event. The online survey would be advertised at these events, as well as made available for participants to fill out at the event, on tablets or similar.

3.4 Road Show Materials

So that staff can extend the reach of public input beyond what the consultant team can attend, D&B will provide "road show" outreach materials to staff that can be used at other events. This way, a similar set of questions can be asked and input can be collected in the same format.

3.5 Neighborhood Walk-Shops (3)

D&B will design and host up to three neighborhood "walk-shops"—walking tours of neighborhoods focusing on local transportation issues and opportunities. The "walk-shops" will be designed to be about two-hours in length and would take place on a summer/early fall weekday evening (e.g. 5-7 p.m.) or a weekend morning. Locations and routes will be determined with City staff input (i.e., one east, one central, and one west).

Optional Tasks:

3A Community-wide Workshop

We could organize a standard workshop as an optional task at this stage of the project. An alternative (for the same budget) would be to do one pop-up event instead of two, two walk-shops instead of three, and then one community-side traditional workshop.

3B Speaker Series

W-Trans will organize and lead an educational/speaker series. Speakers could be transportation staff and officials in the area, company TDM representatives, elected officials, or others. There could be individual speakers or panel discussions that cover one or more topics, such as:

- Regional Transportation - what's happening in San Mateo County?
- Transit and TDM – How can we reduce trips local trips in Menlo Park?
- Self-Driving Cars – What will this mean for Menlo Park?
- Through Traffic vs. Regional Traffic – Why do we have congestion?

Deliverables:

- i. Meeting materials and notes
- ii. Materials for City-hosted Project Website and Social Media
- iii. Survey and Results Memo
- iv. Education and Outreach Materials for Tasks 3.1 to 3.5
- v. Draft Transportation Vision and Goals Statement

TASK 4: Identify Performance Metrics and Prioritization Criteria

W-Trans will identify a draft list of performance metrics and prioritization criteria to be used to evaluate alternatives. The metrics and criteria will consider industry standard operational considerations as well as conditions particular to Menlo Park. The initial list, which can be modified in consultation with the Steering Committee/TAC and City staff, may include the following:

- safety (based on collision data analysis)
- corridor travel time and speed
- intersection level of service
- pedestrian network connectivity, crossing facilities and/or level of activity
- bicycle network connectivity, volumes and/or level of stress
- transit services
- costs
- prioritization criteria to facilitate project ranking and phasing

Deliverable:

- i. Draft and Final Performance Metrics and Prioritization Criteria Memo

TASK 5: Initial Strategies and Recommendations

Based on the City’s transportation vision, stakeholder input, and the assessment of existing and future conditions, The W-Trans Team will develop a preliminary set of near- and long-term transportation improvement strategies. We anticipate these strategies will include the following items:

5.1 Capacity and Operational Improvements

These will be focused at intersections, on local roadways, and on regional roadways to accommodate anticipated growth and minimize cut-through traffic on residential streets across all modes of transportation. The W-Trans team will also identify operational deficiencies based on the data review in Task 2, along with system gaps, conflicts, pinch points, and other barriers to seamless and safe movement by all modes. We will illustrate these as a “gap analysis.” Particular consideration will be given to policies that influence the demand for driving.

As part of this task, we will incorporate green infrastructure concepts in three ways:

- i. Recommend guidelines for the integration of green and transportation infrastructure, using previously published or developed details and concepts;
- ii. Identify locations and develop mapping where green infrastructure can be incorporated into transportation projects;
- iii. Develop concept sketches for specific combinations of green and transportation infrastructure.

Traffic operations, vehicular congestion and safety analysis will be performed to test the efficacy of potential improvements, through better signal timing, revised lane utilization, additional linkages, improvements to roadway geometry, construction of additional capacity, or other structural or non-structural improvements. We will use the ConnectMenlo Vistro Model as the basis for testing improvements, and will use other tools (such as the C/CAG model) if needed. The analysis year will be the same as the General Plan so that we can test with and without improvement scenarios in a common year.

5.2 Roadway Classification Design Details

Using background information and concepts that were developed as part of ConnectMenlo, we will provide cross-sections for each street classification showing sample widths and facilities.

5.3 Updated Bicycle network

Alta and W-Trans will work to identify a comprehensive bicycle network and present infrastructure and programmatic strategies to resolve network gaps and enhance bicycling comfort and safety. These may not only resolve facility gaps but intersection delays, needed lighting, conflicting vehicle movements, and information and wayfinding gaps. We will examine best practice examples from around the region and the country and evaluate how they can be applied in Menlo Park. Alta will also complete a Levels of Traffic Stress (LTS) analysis, ranking streets from low stress (LTS 1, suitable for children) to high stress (LTS 4, suitable only to 'strong and fearless' bicyclists). We will use a simple, hierarchical approach to network coding to facilitate this process. We will focus on critical network changes that often create the most stress for bicyclists and pedestrians, such as lane drops at intersections and lack of protection for turns. We will illustrate how stress barriers create areas of disconnectivity and islands along what otherwise may be low-stress roadways.

5.4 Updated Sidewalk Master Plan

Alta and W-Trans will consider several elements to update the Sidewalk Master Plan into a Pedestrian Master Plan. We will identify priority pedestrian areas, taking into account common pedestrian concerns such as access to schools, commercial areas, transit/rail stations, and similar, as well as information from the Downtown Specific Plan and other relevant plans. We will work with the City to identify the top priorities for this analysis. We will overlay information on pedestrian counts and pedestrian safety data to understand how these priority pedestrian areas (and the whole city street network) performs. Finally, we will identify a range of improvement types, including sidewalk completion, crossing improvements, urban design elements (building frontages and streetscapes), amenities (benches, street furniture), and landscaping and aesthetics.

5.5 Parking supply, demand, and operational strategies

We will incorporate information and recommendations from the Downtown Parking Study.

5.6 Transit, Shuttle and TDM Programs

We will review future transit plans (regional and local) that will affect Menlo Park, as well as the potential for community-based options to address identified needs and opportunities. We will identify major gaps in current and future planned transit services, and provide examples of current transit service between key points in Menlo Park to illustrate usability (or lack thereof).

As part of this task we will also summarize some of the current shuttle and TDM programs in Menlo Park and discuss how those interact with other transit services. The need and potential benefits of citywide shuttle improvements or the development of a Transportation Management Association (TMA) will be assessed based on the findings in this task.

5.7 Modifications to Designated Truck Routes

We will incorporate information and recommendations from the ConnectMenlo report.

5.8 Draft Strategies and Recommendations Working Paper

We will identify the strategies and recommendations, including phasing (i.e. near-term, long-term), define the specific activities, implementing partners, preliminary cost estimates, and potential funding/financing options. Recommendations will be shown graphically as much as possible (i.e. concept plans, simple layouts that can clearly relay complex ideas).

Deliverables:

- i. Draft Strategies and Recommendations Working Paper

TASK 6: Public Engagement (2)– Options, Strategies and Recommendations

The W-Trans Team will facilitate a second round of public engagement to seek feedback on the options and strategies developed as a result of the visioning and development of initial strategies. A variety of tools and methods will be used to solicit feedback from City residents, business owners, and other stakeholders on the preliminary strategies and recommendations before drafting the TMP.

6.1 Online Survey/Open House #2

EnviroIssues will set up a second online survey/open house, similar to that developed in Task 3, to solicit feedback from the public on various options and strategies. The online tool will be set up prior to the in-person open house and will utilize content developed by W-Trans and D&B. Results from the online engagement will be summarized in a short report.

6.2 Community Open House

Preliminary strategies and recommendations will be shared with the community at an open house. Following a short presentation, participants will be invited to visit various “stations” that present different concepts or topics, designed to share ideas and solicit feedback. Input gathered at the open house will inform the refinement of the strategies and recommendations to be included in the Draft TMP.

Deliverables:

- i. Meeting materials and notes
- ii. Online Survey and Results Memo
- iii. Community Open House Education and Outreach Materials

TASK 7: Transportation Master Plan

The W-Trans Team will prepare an Administrative Draft Menlo Park Transportation Master Plan that incorporates each element noted above. The Administrative Draft Transportation Master Plan will be provided to City staff electronically for review and comment. Upon receipt of comments, a Draft TMP will be prepared for review by the Complete Streets Commission and the City Council. A Final Menlo Park TMP will be prepared incorporating comments by decision making bodies.

Working with W-Trans, D&B will design the TMP to be engaging, user-friendly, and accessible, emphasizing maps, graphics and other images. The document will be prepared following the basic graphic style established in Task 3. We will create a layout template and sample pages to review with staff, which will then be revised based on comments before the final document layout is prepared.

The TMP will include the vision, goals, performance metrics, and analysis of each mode in separate chapters, implementation plan, and financing strategy.

Deliverables:

- i. Administrative Draft TMP (electronic)

-
- ii. Draft TMP (electronic)
 - iii. Final Transportation Plan (5 hard copies & all electronic files)

TASK 8: Transportation Impact Fee (TIF) Update

The Menlo Park Transportation Impact Fee will be updated upon completion and adoption of the TMP, including recommended projects and fee estimates.

8.1 Research Transportation Impact Fee Programs

W-Trans will research “alternative” TIF programs that go beyond LOS. VMT or trip based programs and make a recommendation to City staff regarding the appropriate approach for Menlo Park. We will submit a research memo for discussion.

Note – the following subtasks 8.2-8.4 are based on a “traditional” TIF and a vehicle trips analysis. If an alternative approach is used to prepare the TIF, then these tasks and associated fee estimate will be modified at that time.

8.2 Trip Generation and Improvement Measures

The number of daily, a.m. and p.m. peak hour trips to be generated under cumulative conditions will be taken from the ConnectMenlo documentation. The data will be summarized, along with a description of the intersections, roadways or other facilities impacted, and their recommended improvement measures from the TMP.

8.3 Cost Estimation

Planning level cost estimates will be developed for each improvement measure. If a measure was previously identified in the TIF or Downtown Plan Supplemental TIF, and not yet built or funded but still included in the TMP, then we will update the information as accordingly. We will confirm with City staff that no outside funding is anticipated for any of these projects, such as developer fees, grants or Caltrans-funded projects. If there is other funding for any project, we will deduct the amount as needed from the cost estimate. The cost estimates will include unit costs for specific elements, but will not include detailed design or CAD drawings of the improvements. All estimates and assumptions will be documented.

8.4 Impact Fee Structure

An impact fee structure based on daily and/or peak hour trips will be developed that would provide a fee per trip. The fee will be based on the total cost estimate of all improvements, and not a subset of the total amount, with a goal of collecting adequate monies to fund all of the mitigation measures.

8.5 TIF Reports (Draft, Final)

A Draft Transportation Impact Fee Report will be prepared that details all of the data utilized, assumptions applied, procedures followed, results and recommendations, with appropriate tables and appendices. This report will provide the City with the information needed to establish the basis of the fee as well as the fee itself. One Draft TIF Report is assumed.

Comments on the Draft TIF Report will be addressed and a Final TIF Report will be prepared. One Final Report is assumed.

Deliverables:

- i. Research Memo of alternative approaches to TIF programs
- ii. Draft TIF (electronic)
- iii. Final TIF (electronic)

TASK 9: Meetings and Project Administration

We anticipate a series of in-person meetings with City staff and a Steering Committee/Technical Advisory Committee (TAC), as well as ongoing project coordination via conference calls, video conferencing, e-mail or other means.

Project Schedule

1. Project Initiation	June 2017
2. Transportation Information Summary	June –July 2017
3. Public Engagement (1)	July - September 2017
4. Identify Performance Metrics/Prioritization Criteria	September 2017
5. Initial Strategies and Recommendations	September – December 2017
6. Public Engagement (2)	January 2018
7. Admin Draft TMP	February 2018
Draft TMP	March 2018
Final TMP	April 2018
8. Transportation Impact Fee	April– June 2018
9. Meetings	Ongoing

City of Menlo Park Transportation Master Plan and Traffic Impact Fee Update
W-Trans Team Budget

TASK	Total Dollars	W-Trans						Dyett & Bhatia						Environ Issues						LICF						Alta						Bottomley			Ikeris		Total Hours	Expenses Misc																							
		S Weinberger Principal	M Spencer PM	Senior Eng	Senior Eng	Eng Assoc	Eng Asst	Tech/Admin	S Martin Principal	Associate	Planner II	Planner I	GIS/Computer	Graphics	Project Asst	K DeLeuw Associate II	Associate I	Creative Studio Associate III	Creative Studio Associate II	J O'Flaherty Principal	J Mansfield PM	Engineer II	H Lough Principal	J Knowles PM	F Proulx Senior Analyst	E Tracy Planner	Z Robinson GIS	T Bottomley Principal/PM	Technical	Assistant	R Shin Principal	J McNeill Senior Eng																													
Task 1 Task 1 - Project Initiation																																																													
1.1 Kick-Off Meeting	\$6,517.00	55,107	4	6					3						4					2		2	2														23	\$250																							
1.2 Final Scope of Work and Project Schedule		\$1,410		6																																																									
Task 2 Task 2 - Transportation Information Summary																																																													
2.1 Review, Reconcile and Summarize	\$26,290.00	\$30,540		12	32	16	16	8												3	3	1	8	8	20	32																																			
2.2 Draft Transportation Conditions Memo		\$5,750		6	20	4	4	8																																																					
Task 3 Task 3 - Public Engagement & Re-Crafting the Vision & Goals																																																													
3.1 Project Branding	\$42,073.00	\$1,965	2	2	2				1																																																				
3.2 Online Engagement		\$8,408		2	4				16		20	2	16	4		7	16	21	15																																										
3.3 Pop Up Outreach (2)		\$12,260		6	6				2		4	2	6	2																																															
3.4 Road Show Materials		\$2,280		1	1				2			2	12	8																																															
3.5 Neighborhood Walk-Shops (3)		\$17,140		12	12				24	12		36	2	12	8																																														
Task 4 Task 4 - Capacity Performance Metrics & Prioritization Criteria																																																													
4.1 Define Metrics & Criteria	\$6,205.00	\$1,820	2	6	8		8																																																						
4.2 Draft and Final Memos		\$2,385	1	2	8		2	4																																																					
Task 5 Task 5 - Initial Strategies and Recommendations																																																													
5.1 Capacity & Operational Improvements	\$132,995.00	\$66,985		28	8	60	90	110	4											16	64	70	1	4		8										40		503																							
5.2 Roadway Classification Design Details		\$11,680			8																							24	40	12								84	\$100																						
5.3 Updated Bicycle Network		\$13,125	4																																																										
5.4 Updated Sidewalk Master Plan		\$11,675	4																				4	22	10	38	20													98	\$75																				
5.5 Parking Supply, Demand & Operational Strategies		\$2,700		4			8	8	4														4	22		38	20													28	\$75																				
5.6 Transit, Shuttle & TDM Strategies		\$30,260		12		12	40	8	4																															20																					
5.7 Modifications to Designated Truck Routes		\$1,610		2			8	4	4																																																				
5.8 Draft Strategies & Recommendations Working Paper		\$14,780	4	12		40	8	8	40																																																				
Task 6 Task 6 - Public Engagement 2 - Options, Strategies & Recommendations																																																													
6.1 Online Survey/Open House	\$14,050.00	\$5,900		2		2									6	16	10	10																						46	\$60																				
6.2 Community Open House		\$8,150		6	4				8		12	12		16	4																									62	\$30																				
Task 7 Task 7 - Transportation Master Plan																																																													
7.1 Admin Draft TMP	\$32,995.00	\$22,325	4	24	24	12	20	40	8	2			24	4																																															
7.2 Draft TMP		\$7,115	2	12				12	1	1			2	2																																															
7.3 Final TMP		\$3,555	2	4				4	1	1			2	2																																															
Task 8 Task 8 - Transportation Impact Fee Update																																																													
8.1 Research Memo on TIF Programs	\$16,550.70	\$4,150		8			16	4																																																					
8.2 Trip Generation & Improvement Measures		\$2,780		4			16																																																						
8.3 Cost Estimation		\$15,000			8																																																								
8.4 Impact Fee Structure		\$3,740		12			8																																																						
8.5 TIF Reports (Draft, Final)		\$30,882	4	16			28	8	8																																																				
Task 9 Task 9 - Meetings and Project Administration																																																													
9.1 Meetings	\$23,434.00	\$13,634	4	24			16								8	10																																													
9.2 Project Administration		\$9,800		2	12			4												2	8	4																																							
		\$32,094																																																											
COLUMN TOTAL -->		38.0	343.0	24.0	267.0	262.0	196.0	144.0	64.0	16.0	38.0	68.0	8.0	84.0	28.0	23.0	42.0	31.0	25.0	18.0	84.0	78.0	13.0	58.0	18.0	104.0	72.0	24.0	40.0	12.0			62.0	68.0	288.0	\$7,720																									
DOLLAR AMOUNT -->		\$8,935	\$87,105	\$5,040	\$38,045	\$30,130	\$20,580	\$13,880	\$12,480	\$2,080	\$4,140	\$6,800	\$780	\$7,360	\$2,080	\$5,825	\$4,264	\$4,185	\$3,000	\$4,050	\$16,280	\$11,700	\$1,180	\$40,150	\$2,610	\$9,880	\$7,260	\$4,800	\$4,200	\$800		\$15,300	\$14,520	\$0	\$7,720																										
		TOTAL AMOUNT																																																											
		538,489																																																											

W-Trans	\$172,335	51.2%
Dyett & Bhatia	\$35,850	10.7%
Env/Wo/Issues	\$15,294	4.5%
BPK	\$32,130	9.5%
Alta	\$33,380	9.9%
Bottomley	\$9,900	2.9%
Ikeris	\$30,020	8.9%
Expenses	\$7,720	2.3%
Total	\$338,489	100.0%





STAFF REPORT

City Council

Meeting Date:

5/23/2017

Staff Report Number:

17-123-CC

Consent Calendar:

Authorize the Mayor to sign letters in opposition of AB1250 Counties and Cities: contracts for personal services (Jones-Sawyer)

Recommendation

Authorize the Mayor to sign letters in opposition of AB1250 (Jones-Sawyer) (Attachment A).

Policy Issues

The City Council comments on state legislation that may affect the City or affect the City's ability to provide services.

Background

AB 1250 relates to contracts for personal services for Counties and Cities. The legislation would place new requirements on how the City could contract for these services. AB 1250 places substantial burdens on local agencies by limiting local government's ability to contract for services. At the time of the writing of this staff report, AB 1250 is currently in committee and has not been released. On May 3, 2017 a letter was sent to Assemblymember Gonzalez-Fletcher on behalf of Mayor Kirsten Keith in order meet the deadline for letters to be considered at the Assembly Appropriations Committee hearing on May 10, 2017 (Attachment B).

Analysis

AB 1250 in the State Assembly places substantial burdens on local agencies by limiting government's ability to contract for services.

Local government in California has an extensive history of meeting service delivery challenges with creativity and innovation. Unique local challenges and limited budgets have, for example, fueled innovative efforts to obtain expertise and provide high quality public service through contract services. City employees provide many services, while specialized and technical services may be provided through professional and service contracts, particularly in times of peak workload and with projects of significant complexity.

AB 1250 eliminates local agency hiring discretion by limiting a local agencies' ability to utilize a contract for the sole purpose of cost savings through lowering salaries and benefits. This creates a significant hurdle to Menlo Park and like cities with financial limitations.

Specifically, AB 1250 requires that the agency provide an orientation to contracted employees. Last year, AB 2835 (Cooper) which mandated that public employers must provide an orientation to their own employees was tagged at \$350 million in ongoing costs by the California Department of Finance. Having a

local agency provide an additional orientation to non-City employees creates significant cost and logistical concerns. Additionally, there are significant privacy concerns about posting full names, job titles and salaries of non-city employees. AB 1250 would require a city to create a new, fully searchable database that must be posted on the City website which will include substantive and sensitive information including the names, job titles, salary of each contracted employee (and subcontractors) and services of the contract, the name of the agency department or division of the City that manages the contract.

Furthermore, AB 1250 would require the City, before entering a contract or renewing a contract, to perform a full economic analysis of the potential impacts of outsourcing. AB 1250 mandates cities to conduct a full environmental impact analysis caused by contracting for the services. Further, the measure forces cities to conduct an annual audit of each contract and prohibits cities from renewing or granting a new contract before the report is released and considered by the City Council. Finally, AB 1250 applies joint and severally liability for employment law violations arising from performance of the contractor as well as torts committed by the contractor or any of its subcontractors in the course of providing services under the contract would place overly restrictive requirements on cities and potentially open that agency up to litigation.

The workload, privacy concerns, costs and litigation created by this measure places a significant burden on nearly every City department and would create a de facto ban on virtually all contracting services. As such, City Council approval of the opposition letter is requested.

The League of the California Cities is opposed to the Bill and has provided a sample letter for the City to send in opposition of AB1250. A draft letter is included as Attachment A. The intent is to address the letters to the appropriate Committee Chairs based on the status of the legislation at the time of sending the letter.

Impact on City Resources

Because the City contracts for a variety of services and may further contract in the future, AB 1250 would have a significant fiscal impact on the City's finances. At this time, the impact is not quantifiable.

Environmental Review

Environmental review is not required for this agenda 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. Draft letter in opposition of AB1250
- B. Mayor's letter sent on May 3, 2017

Report prepared by:
Chip Taylor, Assistant City Manager



May 3, 2017

Assemblymember Gonzalez Fletcher
State Capitol
P.O. Box 942849
Sacramento, CA 94249

RE: Assembly Bill (AB) 1250

Dear Assemblymember Gonzalez Fletcher,

The City of Menlo Park must respectfully oppose Assembly Bill (AB) 1250, which effectively eliminates almost all contracting services for cities and counties.

Although our concerns range from fundamental local control discretion to increased and unnecessary reporting requirements, for purposes of the Assembly Appropriations committee our CITY OF CITY will be focused on fiscal objections.

As amended, AB 1250 still requires that the agency provide an orientation to contracted employees. Last year, AB 2835 (Cooper) which mandated that public employers must provide an orientation to their own employees was tagged at \$350 million in ongoing costs by the California department of Finance. This year there have been various proposals that would apply prescriptive employer mandates for employee orientations—a guaranteed cost-driver for local governments. Having a local agency provide an additional orientation to non-city employees creates significant cost and logistical concerns.

Further, AB 1250 would require a city to create a new, fully searchable database that must be posted on the city website which includes:

- The names, job titles, salary of each contracted employee (and subcontractors).
- The services of the contract, the name of the agency department or division of the city who manages the contract.
- The amount paid to the contract including the total projected cost of the contract for all fiscal years and the funding source.
- The total number of “full time equivalent” employees being contracted out.

There is no direction in the measure on who must update this information or how

often this information must be updated; this in itself will create significant costs in staff time and increased workload.

Apart from the inherent cost drivers with this provision, our members have expressed privacy concerns about posting full names, job titles and salaries of non-city employees. This will set the scenario whereby a contracted or subcontracted (non-city) employee will have a strong avenue for a right to privacy lawsuit. The costs associated with this type of litigation will be significant.

Additionally, this measure would require a city, before entering a contract or renewing a contract, to perform a full cost-benefit analysis which include the potential impacts of outsourcing, including the impact on local businesses if consumer spending power is reduced (among other factors). AB 1250 mandates a city conduct a full environmental impact analysis caused by contracting for the services. Further, the measure forces a city to conduct an annual audit of each contract and prohibits a city from renewing or granting a new contract before the report is released and considered by the council.

Although language was taken to pass the cost to the potential contractor and/or the awarded contractor local agencies believe that companies will simply build in these additional costs into their contracts which yields the same result as if the City simply pays for the cost-benefit analysis. Moreover, it is unclear how a local agency could even assess the cost of the cost-benefit analysis to a prospective contractor. This would only create further confusions and create a chilling effect on prospective contractors from bidding for a service.

The cost drivers noted above only compound existing constitutional limitations on cities to raise additional revenue. Thus, cities are in no position to have their flexibility further curtailed.

The workload, privacy concerns, costs and litigation created by this measure places an overwhelming and significant burden on nearly every city department and would create a de facto ban on virtually all contracting services.

For these reasons City of Menlo Park Opposes Assembly Bill 1250.

Sincerely,

Kirsten Keith
Mayor

CC: California State Assembly, Representative Marc Berman
California State Senate, Senator Jerry Hill



May 3, 2017

The Honorable Lorena Gonzalez-Fletcher
Chair, Assembly Appropriations Committee
California State Assembly
State Capitol Building, Room 2114
Sacramento, CA 95814

RE: AB 1250 (Jones-Sawyer) Counties and Cities: Contracts for Personal Services

Dear Assemblymember Gonzalez-Fletcher:

As Mayor of the City of Menlo Park, I am opposed to AB 1250 (Jones-Sawyer) because it seeks to severely limit options for city and county agencies to determine the most appropriate solution to providing efficient and effective public service, by establishing significant and costly obstacles for city and county contracting for personal services.

AB 1250 would eliminate the consideration of contracting for cities and counties, which will not necessarily result in cost savings and could even result in higher costs. AB 1250 sets up a process for cities and counties to follow when seeking to contract for these services including, but not limited to accounting, waste hauling, street cleaning, wastewater treatment, legal services etc. that is so onerous for the contracting agency to satisfy that it will effectively discourage the agency from even attempting the process.

Cities and counties have a long history of addressing service delivery challenges with creativity, self-reliance and innovation. Limited budgets create further challenges to local governments that can sometimes be addressed through using outside vendors to provide services. AB 1250 limits the tools and resources the cities and counties rely upon to provide public services within their means.

For these and other reasons, I OPPOSE AB 1250.

Sincerely,


Kirsten Keith
Menlo Park Mayor

CC: The Honorable Reggie Jones-Sawyer, Assembly District 59
Members, Assembly Appropriations Committee
Luke Reidenbach, Consultant, Assembly Appropriations Committee
Camille Wagner, Legislative Secretary, Office of Governor Edmund G. Brown Jr.
California State Assembly, Representative Marc Berman
California State Senate, Senator Jerry Hill



STAFF REPORT

City Council

Meeting Date:

5/23/2017

Staff Report Number:

17-122-CC

Consent Calendar:

Approve salary range for the Sustainability
Manager classification

Recommendation

Staff recommends that the City Council approve the Sustainability Manager's salary range and direct staff to include the new salary range in the annual Resolution to Amend the City's Salary Schedule.

Policy Issues

In accordance with the City personnel rules and regulations, the City Council is required to adopt changes to the City's Salary Schedule.

Background

In late January, the City's Sustainability Manager position became vacant and management conducted a review of the position's responsibilities and role in fulfilling City Council work plan initiatives. Management's review concluded that the Sustainability Manager position is essential to the City's ability to carry out effective sustainability initiatives. The review further concluded that the Sustainability Manager, as a member of the City Manager's Office reporting directly to the Assistant City Manager, should be classified as an unrepresented management position with a commensurate salary. To enact this change, management has carried out the required process with the City's bargaining units to designate the position as a member of the unrepresented management group. The final required step to enacting the change and then fill the position is City Council approval of an amended salary range for the classification.

Analysis

The Sustainability Manager, as a position within the City of Menlo Park and other local government agencies, does not have the same traditionally established role and relative organizational position as other job classifications. As a result, placing it within the organizational structure has proven somewhat more difficult than those other established positions and, combined with its steadily increasing job requirements, has resulted in its movement between departments over time. Based on factors including managerial responsibilities and organizational position, scope of duties, and the competitive market, the position currently most closely aligns with that of the Housing and Economic Development Manager and should therefore share the same salary range.

Managerial Responsibilities and Organizational Position

The Sustainability Manager performs as a division head in the City Manager's Office, reporting directly to the Assistant City Manager and supervising division staff. The organizational position within the City Manager's Office necessarily requires this division head to exercise independent judgement with extremely

limited oversight due to the size and responsibilities of the department. The closest analogue within the City is that of the Housing and Economic Development division, with a similar span of control and relative position given its comparable number of staff, diffuse responsibilities, and reporting structure within the City Manager's Office.

Scope of Duties

The Sustainability Manager leads a number of high priority environmental efforts and interfaces directly with residents, elected Commissioners, and other agencies. This position has purview over initiatives including the Community Zero Waste Policy, Heritage Tree ordinance update, and Climate Action Plan activities; direct support for and liaison duties to the Environmental Quality Commission; and coordination and support for community sustainability events such as Earth Day celebrations, the Native and Drought-tolerant Plants Workshop, and household hazardous waste collections. Combined with the City's current and projected commitment to sustainability measures and the environment, this breadth of responsibility and high visibility make the position commensurate with other unrepresented management positions.

Competitive Market

During the Classification and Compensation study completed in early 2016 by an independent consultant, Koff & Associates, the Sustainability Manager position was found to have only two comparable matches in the labor market. The low number of comparable positions is driven by the relative newness of sustainability efforts in local government and by a wide range of responsibilities and reporting structures within comparator agencies. As a consequence, Koff & Associates concluded that there exists "insufficient data" to set the classification's compensation based on market survey. For purposes of the Classification and Compensation study, only closely aligned positions were deemed to be matches, but given the unique circumstances of the Sustainability Manager position, it is appropriate to consider a wider range of positions in other comparable organizations to fully understand the market.

To further explore the compensation for comparable classifications outside of the labor market defined for the Koff & Associates survey, staff expanded the labor market and reviewed six similar positions in other agencies. The conclusion of staff's additional analysis is that there was no clear trend in terms of requirements, confirming the difficulty encountered by Koff & Associates during the Classification and Compensation study. Top salaries averaged \$132,700 with a range of \$55,400 and standard deviation of \$22,300, reflecting the many combinations of complexity, span of control, and staffing. Notably, all of the positions had higher maximum salaries than the current maximum salary for the Sustainability Manager at the City of Menlo Park. Similarly, requirements ranged from 1 year experience and no supervisory duties to 8 years of experience and 5 years of supervision, closely tracking with the commensurate salaries. The requirements for the position at the City of Menlo Park are approximately at the midpoint of this group, implying that a commensurate midpoint compensation is necessary to adequately attract and retain talented individuals to the position.

Conclusion

The Sustainability Manager is currently designated an unrepresented management classification but the salary remains unchanged from the range negotiated by the City's supervisory unit (American Federation of State, County, and Municipal Employees, Local 829), a maximum salary of \$111,081, when the classification was represented by that unit. As a part of unrepresented management, the position serves "at-will" and is subject to merit based salary increases on an open range. Given the aforementioned managerial duties, the complexity and breadth of responsibilities, and the average salary of the surrounding market, the Sustainability Manager salary range is most appropriately aligned with the Housing and Economic Development Manager salary range. Staff now recommends the annual salary range of Sustainability Manager be set at \$110,963 – 138,704. If approved by the City Council, the new salary range will be included in the City Council's annual adoption of the salary schedule at the last City Council meeting of the

Staff Report #: 17-122-CC

fiscal year, June 20, 2017.

Impact on City Resources

This action results in no change in the City's authorized full-time equivalent employees or the operating budget for fiscal year 2016-17.

Environmental Review

No environmental review is required.

Public Notice

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

Attachments

Report prepared by:
Dan Jacobson, Management Analyst II

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STAFF REPORT

City Council

Meeting Date:

5/23/2017

Staff Report Number:

17-124-CC

Consent Calendar:

Authorize the City Manager to sign an amended agreement with Goldfarb and Lipman, LLP for contract legal services related to development projects

Recommendation

Staff recommends that the Council authorize the City Manager to sign an amended master professional services agreement through fiscal year 2017-18 up to the budgeted amount with Goldfarb & Lipman, LLP (Goldfarb and Lipman) for contract legal services related to development projects.

Policy Issues

The Community Development Department currently utilizes the legal services of Goldfarb and Lipman when the City Attorney has a conflict of interest with a particular project due to proximity to his firm's office. Project examples include Station 1300, Alma Street Office and the El Camino Real/Downtown Specific Plan. An extension and increase in the amount of the agreement would allow for the continuation of the timely processing of development and planning projects.

Background

The Department has contracted with Goldfarb and Lipman since 2010, primarily with Barbara Kautz, to provide legal assistance on development related issues. The most recent agreement was entered into on May 9, 2016 under the City Manager's signing authority to provide legal services related to Station 1300, as well as to address a code compliance issue. The existing contract will expire on June 30, 2017 and has reached the dollar cap of the City Manager's signing authority.

Analysis

Under the current contract, Goldfarb & Lipman has provided contract legal services for Station 1300. In this capacity, their services included the review of environmental documents, providing legal advice regarding land use issues, attendance at public meetings and assistance in the development of findings, resolutions and other documents as needed to process the application. They have also advised the City on matters related to nuisance complaints for certain businesses on Haven Avenue. Staff anticipates the need for similar services in future years.

Given the continuing need for these services to ensure that projects in the pipeline can be processed in a timely manner, staff is requesting that the Council authorize the City Manager to sign an amended master professional services agreement through fiscal year 2017-18 up to the budgeted amount with Goldfarb and Lipman. Both the current FY 2016-17 budget and proposed FY 2017-18 budget have sufficient funds for this proposed contract. There is at present an approximately \$13,000 invoice that needs to be approved for

this vendor related to their assistance on the Station 1300 project. The invoice is covered under the current FY 2016-17 budget but exceeds the City Manager's signing authority.

Impact on City Resources

The FY 2016-17 budget of \$152,277 and proposed 2017-18 budget of \$100,000 for legal services is sufficient to fully cover this proposed agreement. In general, expenditures for development related costs are fully recovered through fees charged to project applicants.

Environmental Review

This action would not be considered a project under the California Environmental Quality Act (CEQA), and no CEQA analysis is therefore required.

Public Notice

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

Attachments

None

Report prepared by:
Mark Muenzer, Assistant Community Development Director



SPECIAL AND REGULAR MEETING MINUTES - DRAFT

Date: 5/2/2017
Time: 6:00 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

6:00 p.m. Special Meeting

Call To Order

Mayor Pro Tem Ohtaki called the Special Meeting to order at 6:06 p.m.

Councilmembers Carlton and Mueller were present. Mayor Keith and Councilmember Cline were absent.

Study Session

SS1. Pension liabilities study session with John Bartel of Bartel & Associates ([Presentation](#))

Administrative Services Director Nick Pegueros introduced the item. John Bartel made a presentation.

7:00 p.m. Regular Session

A. Call To Order

Mayor Pro Tem Ohtaki called the Regular Session to order at 7:11 p.m.

B. Roll Call

Present: Carlton, Cline (arrived at 7:15 p.m.), Mueller, Ohtaki

Absent: Keith

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

C. Pledge of Allegiance

The pledge of allegiance was led by Chiefs for the Day Jack and Sophia Preston.

D. Presentations and Proclamations

D1. Proclamation for Bike to Work Day: May 19, 2017 ([Attachment](#))

Bicycle Commission Chair Bill Kirsch accepted the proclamation.

D2. Proclamation for National Water Safety Month ([Attachment](#))

E. Public Comment

- Donna DiBonaventura spoke regarding PACE financing
- Sara Faulder spoke regarding Oak Grove bike lanes
- Pat White spoke regarding road safety, development, and against a sanctuary city ordinance
- Jim Lewis gave an update on the activities of the Menlo Park Historical Association ([Handout](#))
- Bo Crane spoke presented space needs of the Menlo Park Historical Association ([Handout](#))

F. Consent Calendar

- F1. Authorize the Public Works Director to accept the work performed by Maggiora Bros. Drilling, Inc. for the Well Drilling Project at the Corporation Yard ([Staff Report #17-094-CC](#))
- F2. Award a construction contract to Los Loza Landscaping for the Nealon Park Field Improvements Project ([Staff Report #17-100-CC](#))
- F3. Award a construction contract to Stoloski and Gonzalez, Inc. for the Water Main Replacement Project ([Staff Report #17-101-CC](#))
- F4. Authorize the Public Works Director to accept the work performed by Traffic Development Services, Inc. for the Sand Hill Road Traffic Signal Modification Project ([Staff Report #17-098-CC](#))

Public Works Director Justin Murphy responded to a Council inquiry regarding detection at traffic signals.

- F5. Adopt a resolution implementing a Water Conservation Plan consistent with the end of the drought emergency ([Staff Report #17-099-CC](#))

Councilmember Carlton commended staff and the public on its efforts.

- F6. Authorize the Mayor to sign letters of support to the California Legislation for Senate Bill 65 (Hill and Low) and 698 (Hill), dealing with marijuana consumption while driving and marijuana impairment while driving ([Staff Report #17-104-CC](#))

ACTION: Motion and second (Cline/Carlton) to approve all items on the Consent Calendar passes 4-0-1 (Mayor Keith is absent)

G. Regular Business

- G1. Authorize the City Manager to execute agreements for cost sharing with the Bohannon Development Company, approve a \$6.2 million budget and appropriate funding for the Chrysler Pump Station ([Staff Report #17-096-CC](#)) ([Presentation](#))

Public Works Director Justin Murphy and Engineering Services Manager/City Engineer Azalea Mitch made a presentation.

ACTION: Motion and second (Cline/Carlton) to authorize the City Manager to execute agreements for cost sharing with the Bohannon Development Company, approve a \$6.2 million budget and appropriate funding for the Chrysler Pump Station passes 4-0-1 (Mayor Keith is absent)

- G2. Receive the Information Technology Master Plan and approve implementation recommendations ([Staff Report #17-103-CC](#))

Administrative Services Director Nick Pegueros made a presentation.

ACTION: Motion and second (Cline/Ohtaki) to receive the Information Technology Master Plan and approve implementation recommendations passes 4-0-1 (Mayor Keith is absent).

- G3. Evaluate and continue the herbicide free park program ([Staff Report #17-106-CC](#)) ([Presentation](#))

Public Works Director and Public Works Superintendent Brian Henry made a presentation.

ACTION: Motion and second (Carlton/Mueller) to continue the herbicide free park program passes 4-0-1 (Mayor Keith is absent).

H. Informational Items

- H1. Update on the Emergency Water Supply Wells 2&3 ([Staff Report #17-097-CC](#))

- H2. Update on water system staffing and contract services ([Staff Report #17-102-CC](#))

- H3. Update on City Council Work Plan ([Staff Report #17-108-CC](#))

- H4. Quarterly financial review of General Fund Operations as of March 31, 2017 ([Staff Report #17-109-CC](#))

- H5. Review of the City's Investment Portfolio as of March 31, 2017 ([Staff Report #17-095-CC](#))

- H6. Update on status of potential revisions to the 2016 California Green Building Standards Code - Electric Vehicle Chargers ([Staff Report #17-107-CC](#)) ([Presentation](#)) ([Staff Handout](#))

Assistant City Manager Chip Taylor made a brief presentation on this item.

Public Comment:

- Diane Bailey spoke in support of staff's recommendation

The City Council directed staff to bring this item back to form a subcommittee to work on the draft ordinance and gather stakeholder feedback and support

The following Informational Items were continued from the April 18, 2017 City Council meeting:

- H7. Update on the Bayfront Canal Bypass Project ([Staff Report #17-081-CC](#))

- H8. Update on the Transportation Master Plan consultant selection process ([Staff Report #17-083-CC](#))

- H9. Transferrable downtown parking permits ([Staff Report #17-080-CC](#))

Police Commander Dave Bertini responded to Council questions regarding.

H10. Funding agreement for creating a 4th police unit ([Staff Report #17-087-CC](#))

Public Comment:

- Kyra Brown, Youth United for Community, spoke regarding racial profiling and the political implications of accepting corporate funding
- JT Paraji spoke regarding racial profiling, over policing of undocumented immigrants

Police Commander Tony Dixon responded to Council questions regarding racial profiling data and procedures.

H11. Update from the Fire District Subcommittee ([Staff Report #17-092-CC](#))

Public Comment:

Pamela Jones spoke regarding the subcommittee's questions to the District and considering the community's input on Station 77.

I. Councilmember Reports

There was no report.

J. City Manager's Report

City Manager McIntyre reported that a consent item will be brought to the City Council at a future meeting authorizing a letter opposing AB1250.

City Manager McIntyre reported that street parking on south side of Oak Grove will be completely removed and half of the parking on the north side will be removed.

Councilmember Carlton mentioned that today is Mayor Pro Tem Ohtaki's birthday.

K. Adjournment

Mayor Pro Tem Ohtaki adjourned the meeting at 9:47 p.m.

Pamela Aguilar, CMC
City Clerk



STAFF REPORT

City Council

Meeting Date:

5/23/2017

Staff Report Number:

17-128-CC

Regular Business:

First reading of a Safe City Ordinance; first reading of a Non-Cooperation with Registry Ordinance; adopt a resolution supporting immigration reform

Recommendation

Staff recommends that the City Council consider the following:

1. Introduce an ordinance adding Chapter 2.58, Safe City, to the Menlo Park Municipal Code to limit cooperation with Immigrations and Customs Enforcement (ICE)
2. Introduce an ordinance adding Chapter 2.60, Non-Cooperation with Registry, to prohibit use of city resources to gather sensitive information to provide to a national registry
3. Adopt a resolution supporting immigration reform

Policy Issues

The policy issues for the City Council to consider are the extent to which the Council wishes to codify the City's position relative to immigration and sensitive information provided in the two ordinances and whether to adopt the position as identified in the resolution supporting immigration reform.

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. At that meeting, the Council also considered an ordinance proposed by Council Member Mueller prohibiting the use of city resources to aid the creation of a registry based upon religious beliefs. The Council directed staff to return with additional information, a sanctuary and national registry ordinance, and a welcoming city resolution.

On April 18, 2017, the City Council received an update on the status of various federal, state and local activity regarding sanctuary cities. The Council unanimously approved a welcoming city resolution. The Council also considered a sanctuary city and national registry ordinance, but directed staff to return with two separate ordinances and with specific modifications.

This staff report will focus on the items in the ordinance that were of concern at the last Council meeting and the changes that have been made in response. It will also identify input received from the members of the subcommittee (Mayor Keith and Council Member Mueller) formed to assist staff in the preparation of the ordinance revisions. For further background related to sanctuary cities, please refer to the previous staff reports which include a more in depth discussion of issues surrounding federal immigration law and the Executive Order.

Analysis

On April 25, 2017, Judge Orrick issued an order granting a nationwide temporary injunction prohibiting the federal government from enforcing the Executive Order. The Executive Order provided that jurisdictions that fail to comply with all applicable federal immigration laws (often referred to as sanctuary cities) would not be eligible to receive federal grants, except as necessary for law enforcement purposes. Although some news sources indicate Attorney General Sessions will likely appeal the order, to date no appeal has been filed.

Safe City Ordinance

The Council should consider the desired terminology for the ordinance. The previous draft provided three options that the Council could choose from to identify the ordinance: (1) sanctuary city, (2) safe city, or (3) city of refuge. The Council did not provide specific direction at the last meeting on terminology. Mayor Keith expressed a preference for the term safe city, which is the term that is currently identified in the draft ordinance attached to the staff report. Council Member Mueller also provided a fourth alternative for the title of the ordinance -- ICE Cooperation. The specific terminology is a policy decision for the Council.

The next element of the ordinance that was the subject of significant discussion at the last Council meeting was Section 2.58.010(D), which included an exception to allow law enforcement to inquire about immigration status when it was necessary to the investigation or an element of the crime reported. Eliminating the exception may allow individuals to feel safer during interactions with law enforcement; however, the exception does not mandate the sharing of information with federal immigration officials. Upon request of Mayor Keith, the exception is proposed for removal in its entirety. The subcommittee did agree to remove the second half of the phrase: "or it is an element of the crime being reported." The Police Department expressed some concern that limiting their investigations in this manner may make it difficult to adequately investigate (and prosecute) certain crimes, such as hate crimes. The City Attorney's office has reached out to the District Attorney to discuss this section of the draft ordinance and the clause at issue and will report at the meeting any information learned relevant to the Council's discussion.

In Section 2.58.020, the title has been revised to more accurately reflect the two-part substance of the section. Subsection (A) focuses on how the city will respond to federal criminal warrants. Subsection (B) focuses on how the city will respond to civil immigration detainer requests (often referred to as holds or hold requests). Subsection (B) provided that the city would not cooperate with hold requests, except in certain limited circumstances, such as when the individual has been convicted of a serious or violent felony. At the previous meeting, Mayor Keith requested that those exceptions be considered for removal in their entirety. To aid the Council in its deliberations on the text of the ordinance, the following information may be helpful:

1. Government Code Section 7282.5(a) includes that law enforcement officials shall have discretion to cooperate with hold requests only under certain listed circumstances. Those listed circumstances include the serious or violent felonies that are included in the draft ordinance. The listed circumstances also include additional criminal offenses such as possession or sale of controlled substances or felony driving under the influence. In subcommittee discussions, Council Member Mueller suggested that the city rely on Government Code Section 7282.5(a) with the exception of subsection (a)(5). A copy of Government Code Section 7282.5 is attached for your information. The Government Code would be the default in the absence of a more restrictive local ordinance.

If the City Council were to select Council Member Mueller's approach, Section 2.58.020(B), beginning with the second sentence, would read: "Notwithstanding the foregoing, the City may

cooperate with an ICE civil detainer requests only under the circumstances identified in Government Code Section 7282.5(a)(1) - (4) and (6).” In the alternative, if the more limited circumstances remain in the ordinance, Council Member Mueller has suggested changing five years to seven years in Section 2.58.020(B)(2) and that change is reflected in the attachments to the staff report.

2. Santa Clara County Policy 3.54 relating to civil immigration detainer requests includes exceptions for serious or violent felonies. A copy of Santa Clara’s policy is attached to this staff report for your reference.
3. San Francisco’s Ordinance, Chapter 12I, Civil Immigration Detainers, also includes exceptions for when local officials may communicate with federal immigration officials. Those exceptions are outlined in Section 12.I.3 and include conviction for a violent felony. A copy of San Francisco’s ordinance is attached for your information.
4. Senate Bill (SB) 54, California Values Act, also includes exceptions. Section 7284.6(b)(4) allows responding to a request from federal immigration authorities for a person who is serving a term for a conviction of a misdemeanor or felony offense or has a current or prior conviction for a violent felony. A copy of the current version of SB 54 is attached to the staff report for your information.

It should also be noted, that 8 USC Section 1373 provides that a local government entity “may not 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, lawful or unlawful, of any individual.” Allowing exceptions as the state and other local agencies have done, rather than prohibiting all communication, makes the ordinance more defensible. The same is true relative to the choice of “may” over “shall not” in Police Department Policy 428.

As mentioned above, the direction of the Council was to separate the registry ordinance from the sanctuary ordinance. Any language that was relevant only to the registry element of the previous draft ordinance has been removed. Also, the word “solely” has been deleted everywhere it appeared in the draft ordinance. Finally, the language limiting the remedy to employee discipline has been removed at the request of Council Member Mueller.

Non-Cooperation with Registry Ordinance

This ordinance is now limited to the language that was in the Immigration and Sensitive Information ordinance that was related to using city resources to collect sensitive information to create a national registry. The ordinance is now titled Non-Cooperation with Registry. Like the sanctuary ordinance, this ordinance no longer contains the remedy limitation. No other substantive changes have been made.

Resolution Supporting Immigration Reform

At the request of Council Member Ohtaki, attached for the Council’s consideration is a resolution supporting immigration reform. The resolution urges Congress to enact comprehensive immigration reform which addresses: (1) earned legal residency accompanied by a clear path to citizenship; (2) the future immigration of families and workers; (3) improved immigration enforcement and border security that is consistent with our nation’s values; and (4) a funding stream to address the entire fiscal impacts on state governments.



Other

A number of public comments have focused on the concern that ICE can call the jail and obtain information regarding the release date of inmates and have requested the city to take a position that providing such information should be prohibited. The California Public Records Act (Government Code Section 6250 et. Seq.) requires release of this information to anyone requesting it, including ICE, and therefore a prohibition in the ordinance is not recommended as it would not be consistent with state law.

Impact on City Resources

Given that adopting the proposed ordinance may result in the city being deemed a sanctuary city, there may be a loss of federal funding as a result of the implementation of the Executive Order. However, at this time there is a preliminary injunction preventing the enforcement of the Executive Order. While that injunction is in place, the federal government is prohibited from withholding funds from sanctuary cities.

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. Redline from Immigration and Sensitive Information Ordinance
- B. Ordinance of the City Council of the City of Menlo Park Adding a Chapter 2.58 [Sanctuary City/Safe City/City of Refuge] to Title 2 [Administration and Personnel] of the Menlo Park Municipal Code
- C. Redline from Immigration and Sensitive Information Ordinance
- D. Ordinance of the City Council of the City of Menlo Park Adding Chapter 2.60 [Non-Cooperation with Registry] to Title 2 [Administration and Personnel] of the Menlo Park Municipal Code
- E. Resolution of the City Council of the City of Menlo Park Supporting Immigration Reform
- F. Government Code Section 7282.5
- G. Santa Clara County Policy 3.54
- H. San Francisco's Ordinance, Chapter 12I, Civil Immigration Detainers
- I. Senate Bill (SB) 54, California Values Act

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

ORDINANCE NUMBER _____

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK ADDING CHAPTER 2.58 [~~SAFE CITY~~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** (~~safe city/city of refuge~~) 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 [~~Safe City~~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 ~~SAFE CITY~~IMMIGRATION AND SENSITIVE INFORMATION

2.58.010 ~~Sanctuary City~~ (Safe City/~~City of Refuge~~)

2.58.020 Federal Criminal Warrants and Civil Immigration Detainer Requests

~~2.58.030 Prohibitions Regarding Sensitive Information for Registry~~

~~2.58.0340 Use of City Funds Prohibited~~

~~2.58.0540 Compliance; No Private Right of Action~~

2.58.010 ~~Sanctuary City (Safe City/City of Refuge)~~

- 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 (safe city/city of refuge)~~ 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~~.

2.58.020 Federal Criminal Warrants and 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 immigration 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~~ seven 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.~~

~~2.58.030~~ **2.58.0340 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.~~
- ~~3.1. Identifying, investigating, arresting, detaining or continuing Identify, investigate, arrest, detain or continue 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.

- 4.2. ~~Assisting or participating~~ Assist or participate in any immigration enforcement operation or joint operation or patrol that is focused ~~solely~~ on the enforcement of federal immigration laws.
- 5.3. ~~Arrest, detain or continue~~ Arresting, detaining or continuing to detain a person in the absence of a valid criminal warrant based ~~solely~~ on any civil immigration detainer request.
- 6.4. ~~Notifying~~ Notify federal authorities about the release or pending release of any person for immigration purposes.
- 7.5. ~~Providing~~ Provide 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.

2.58.0450 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 ____ day of ~~April~~May, 2017.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Mayor

ATTEST:

Pamela Aguilar, City Clerk

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ORDINANCE NUMBER _____

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO
PARK ADDING CHAPTER 2.58 [SAFE CITY] 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 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.

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

Chapter: 2.58 SAFE CITY

- 2.58.010 Safe City**
- 2.58.020 Federal Criminal Warrants and Civil Immigration Detainer Requests**

2.58.030 Use of City Funds Prohibited
2.58.040 Compliance; No Private Right of Action
2.58.010 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 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 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.

2.58.020 Federal Criminal Warrants and 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 immigration 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 seven 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 related to the enforcement of civil immigration laws, the City shall not give ICE agents access to individuals.

2.58.030 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. Identify, investigate, arrest, detain or continue to detain a person in the absence of a valid criminal warrant 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.
2. Assist or participate in any immigration enforcement operation or joint operation or patrol that is focused on the enforcement of federal immigration laws.
3. Arrest, detain or continue to detain a person in the absence of a valid criminal warrant based on any civil immigration detainer request.
4. Notify federal authorities about the release or pending release of any person for immigration purposes.
5. Provide 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.

2.58.040 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.

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 ____ day of May, 2017.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Mayor

ATTEST:

Pamela Aguilar, City Clerk

ORDINANCE NUMBER _____

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK ADDING CHAPTER 2.6058 ~~[IMMIGRATION AND NON-COOPERATION WITH REGISTRY 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.D.~~ The City has limited resources and those resources should be expended to provide local public services, not aid in the creation of a national registry based on sensitive information, including but not limited to racial, ethnic, religious or national background enforcement of federal immigration laws.

~~F.E.~~ 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.F.~~ The City now wishes to enact an this 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~~ or participate in creating a national registry based on sensitive information.

SECTION 2. ADDITION OF CODE. Chapter 2.6058 ~~[Immigration and Non-Cooperation with Registry Sensitive Information]~~ is hereby added to Title 2 [Administration & Personnel] of the Menlo Park Municipal Code to read as follows:

Chapter: 2. ~~6058~~ **NON-COOPERATION WITH REGISTRY** ~~IMMIGRATION AND SENSITIVE INFORMATION~~

- 2.58.010 ~~Sanctuary City (City of Refuge/Safe City) Purpose~~
~~2.58.020 Federal Civil Immigration Detainer Requests~~
 2.58.0230 Prohibitions Regarding Sensitive Information for Registry
 2.58.0340 Use of City Funds Prohibited
 2.58.0450 Compliance; No Private Right of Action

2.58.010 **Sanctuary City (City of Refuge/Safe City) Purpose**

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. The purpose of this chapter is 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 create or participate in creating a national registry based on sensitive information, including but not limited to racial, ethnic, religious or national background.

- ~~A. 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.~~
- ~~B. 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.~~

~~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.~~

~~2.58.020 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.~~

2.58.030020 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.

2.58.040030 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 sensitive 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 or other sensitive information specifically used to identify individuals ~~solely~~ on the basis of ~~their~~

- ~~religious beliefs, race, or nation of descent sensitive information.~~
2. ~~Detain, relocate or intern~~ ~~Detaining, relocating or intern~~ any individual based upon their religious beliefs, race, ~~or~~ nation of descent ~~or other sensitive information.~~
 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.

2.58.050040 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 ___ day of ~~April~~May, 2017.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Mayor

ATTEST:

Pamela Aguilar, City Clerk

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ORDINANCE NUMBER _____

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO
PARK ADDING CHAPTER 2.60 [NON-COOPERATION WITH
REGISTRY] 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. The City has limited resources and those resources should be expended to provide local public services, not aid in the creation of a national registry based on sensitive information, including but not limited to racial, ethnic, religious or national background.
- E. 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.
- F. The City now wishes to enact this ordinance 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 create or participate in creating a national registry based on sensitive information.

SECTION 2. ADDITION OF CODE. Chapter 2.60 [Non-Cooperation with Registry] is hereby added to Title 2 [Administration & Personnel] of the Menlo Park Municipal Code to read as follows:

Chapter: 2.60 NON-COOPERATION WITH REGISTRY

- 2.58.010 Purpose**
- 2.58.020 Prohibitions Regarding Sensitive Information for Registry**
- 2.58.030 Use of City Funds Prohibited**

2.58.040 Compliance; No Private Right of Action**2.58.010 Purpose**

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. The purpose of this chapter is 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 create or participate in creating a national registry based on sensitive information, including but not limited to racial, ethnic, religious or national background.

2.58.020 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 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.

2.58.030 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 sensitive information regarding an individual's religious belief, race, nation of descent or other sensitive information for the purpose of providing information to a national registry or national database specifically used to identify individuals on the basis of sensitive information.
 2. Detain, relocate or intern any individual based upon their religious beliefs, race, nation of descent or other sensitive information.
- 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.

2.58.040 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.

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 twenty-third day of May, 2017.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Mayor

ATTEST:

Pamela Aguilar, City Clerk

RESOLUTION NO.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
SUPPORTING IMMIGRATION REFORM**

WHEREAS, the United States is predominantly a nation of immigrants that draws strength from the diversity of its residents; and

WHEREAS, hardworking persons who aspire to become citizens of the United States have contributed to the prosperity of the State of California in extraordinary ways through the years; and

WHEREAS, the operation of a strong and vibrant democracy is likely to be impeded unless all men and women, regardless of their race, creed, color, ethnicity or birthplace, can participate meaningfully in the political process with full rights and the equal protection attendant thereto; and

WHEREAS, we believe in the human dignity of all residents of the United States, regardless of their immigration status, and recognize the importance of the many contributions that immigrants have made to the social and economic fabric of California; and

WHEREAS, a comprehensive approach to fixing our broken immigration system would strengthen the economy of our state and our nation, and would free aspiring citizens to make even greater contributions to our communities, our state and our nation; and

WHEREAS, we support immigration reform that keeps families together, upholds our values as a nation, promotes economic growth and provides long-term solutions to the current problems resulting from our immigration system; and

WHEREAS, comprehensive immigration reform must include a significant reduction in the often unreasonable wait times and arbitrary rules that keep families separated from their loved ones; and

WHEREAS, comprehensive immigration reform must include a realistic pathway to citizenship for all hardworking and taxpaying aspiring citizens who live in this country and meet reasonable requirements; and

WHEREAS, the reform of our nation's immigration system must occur in a thoughtful manner which builds the strength and unity of working people, and guarantees the same rights, obligations and basic fairness for all workers, no matter their country of birth or origin; and

WHEREAS, comprehensive immigration reform must include a new temporary worker program that provides for strict compliance with the labor standards and wage and hour

requirements of the United States, portability of work visas so that workers may change jobs and the ability of workers to petition for permanent residency; and

WHEREAS, Congress's failure to update our high-skilled immigration system over the past few decades have allowed too many low wage staffing companies to use the visa in an inappropriate manner; and

WHEREAS, highly-skilled immigrants create new American jobs, raise wages for native-born workers and contribute enormously to growing our economy and Congress should expand the number of H-1B visas offered while reforming the system to protect American workers; and

WHEREAS, we also need to eliminate the green card backlog to help high-skilled immigrants further contribute and become citizens, and create a startup visa to make our country more competitive in the modern global economy; and

WHEREAS, comprehensive immigration reform must provide a mechanism for aspiring citizens who have grown up in this country to become citizens and be better able to fully contribute to our joint future; and

WHEREAS, the enforcement provisions which accompany comprehensive immigration reform must restore respect for the law by promoting strict adherence to our nation's values, including due process, civil and human rights, accountability and proportionality; and

WHEREAS, the focus of law enforcement, both within and at the borders of the United States, should be to prevent criminals, and those persons attempting to enter the country for the purpose of doing harm to this nation, from entering or remaining in the United States; and

WHEREAS, comprehensive immigration reform must include a funding stream to address the entire spectrum of fiscal impacts that will be experienced by state governments as a result of programs for guest workers, earned legalization and increases in the number of immigrants; and

WHEREAS, our federal elected officials must create an immigration process that strengthens our nation's economy and allows aspiring citizens to continue making contributions to our communities, our state and our nation.

NOW, THEREFORE BE IT RESOLVED, that the City of Menlo Park, acting by and through its City Council, having considered and been fully advised in the matter and good cause appearing therefore do hereby urge Congress to enact comprehensive immigration reform as outlined in this resolution which addresses: (1) earned legal residency accompanied by a clear path to citizenship; (2) the future immigration of families and workers; (3) improved immigration enforcement and border security that is

consistent with our nation's values; and (4) a funding stream to address the entire fiscal impacts on state governments; and

BE IT FURTHER RESOLVED, that the City Clerk prepare and transmit a copy of this resolution to the President of the United States, the Vice President of the United States as the presiding officer of the United States Senate, the Speaker of the House of Representatives and each member of the California Congressional Delegation.

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 23rd day of May, 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 23rd day of May, 2017.

Pamela Aguilar, CMC
City Clerk

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Proposed Legislation

West's Annotated California Codes
Government Code (Refs & Annos)
Title 1. General
Division 7. Miscellaneous
Chapter 17.1. Standards for Responding to United States Immigration and Customs Enforcement
Holds (Refs & Annos)

West's Ann.Cal.Gov.Code § **7282.5**

§ **7282.5**. Cooperation with federal immigration officials; detainment based upon immigration hold; conditions

Effective: January 1, 2014

Currentness

(a) A law enforcement official shall have discretion to cooperate with federal immigration officials by detaining an individual on the basis of an immigration hold after that individual becomes eligible for release from custody only if the continued detention of the individual on the basis of the immigration hold would not violate any federal, state, or local law, or any local policy, and only under any of the following circumstances:

(1) The individual has been convicted of a serious or violent felony identified in subdivision (c) of Section 1192.7 of, or subdivision (c) of Section 667.5 of, the Penal Code.

(2) The individual has been convicted of a felony punishable by imprisonment in the state prison.

(3) The individual has been convicted within the past five years of a misdemeanor for a crime that is punishable as either a misdemeanor or a felony for, or has been convicted at any time of a felony for, any of the following offenses:

(A) Assault, as specified in, but not limited to, Sections 217.1, 220, 240, 241.1, 241.4, 241.7, 244, 244.5, 245, 245.2, 245.3, 245.5, 4500, and 4501 of the Penal Code.

(B) Battery, as specified in, but not limited to, Sections 242, 243.1, 243.3, 243.4, 243.6, 243.7, 243.9, 273.5, 347, 4501.1, and 4501.5 of the Penal Code.

(C) Use of threats, as specified in, but not limited to, Sections 71, 76, 139, 140, 422, 601, and 11418.5 of the Penal Code.

(D) Sexual abuse, sexual exploitation, or crimes endangering children, as specified in, but not limited to, Sections 266, 266a, 266b, 266c, 266d, 266f, 266g, 266h, 266i, 266j, 267, 269, 288, 288.5, 311.1, 311.3, 311.4, 311.10, 311.11, and 647.6 of the Penal Code.

(E) Child abuse or endangerment, as specified in, but not limited to, Sections 270, 271, 271a, 273a, 273ab, 273d, 273.4, and 278 of the Penal Code.

(F) Burglary, robbery, theft, fraud, forgery, or embezzlement, as specified in, but not limited to, Sections 211, 215, 459, 463, 470, 476, 487, 496, 503, 518, 530.5, 532, and 550 of the Penal Code.

(G) Driving under the influence of alcohol or drugs, but only for a conviction that is a felony.

(H) Obstruction of justice, as specified in, but not limited to, Sections 69, 95, 95.1, 136.1, and 148.10 of the Penal Code.

(I) Bribery, as specified in, but not limited to, Sections 67, 67.5, 68, 74, 85, 86, 92, 93, 137, 138, and 165 of the Penal Code.

(J) Escape, as specified in, but not limited to, Sections 107, 109, 110, 4530, 4530.5, 4532, 4533, 4534, 4535, and 4536 of the Penal Code.

(K) Unlawful possession or use of a weapon, firearm, explosive device, or weapon of mass destruction, as specified in, but not limited to, Sections 171b, 171c, 171d, 246, 246.3, 247, 417, 417.3, 417.6, 417.8, 4574, 11418, 11418.1, 12021.5, 12022, 12022.2, 12022.3, 12022.4, 12022.5, 12022.53, 12022.55, 18745, 18750, and 18755 of, and subdivisions (c) and (d) of Section 26100 of, the Penal Code.

(L) Possession of an unlawful deadly weapon, under the Deadly Weapons Recodification Act of 2010 (Part 6 commencing with Section 16000) of the Penal Code).

(M) An offense involving the felony possession, sale, distribution, manufacture, or trafficking of controlled substances.

(N) Vandalism with prior convictions, as specified in, but not limited to, Section 594.7 of the Penal Code.

(O) Gang-related offenses, as specified in, but not limited to, Sections 186.22, 186.26, and 186.28 of the Penal Code.

(P) An attempt, as defined in Section 664 of, or a conspiracy, as defined in Section 182 of, the Penal Code, to commit an offense specified in this section.

(Q) A crime resulting in death, or involving the personal infliction of great bodily injury, as specified in, but not limited to, subdivision (d) of Section 245.6 of, and Sections 187, 191.5, 192, 192.5, 12022.7, 12022.8, and 12022.9 of, the Penal Code.

(R) Possession or use of a firearm in the commission of an offense.

(S) An offense that would require the individual to register as a sex offender pursuant to Section 290, 290.002, or 290.006 of the Penal Code.

(T) False imprisonment, slavery, and human trafficking, as specified in, but not limited to, Sections 181, 210.5, 236, 236.1, and 4503 of the Penal Code.

(U) Criminal profiteering and money laundering, as specified in, but not limited to, Sections 186.2, 186.9, and 186.10 of the Penal Code.

(V) Torture and mayhem, as specified in, but not limited to, Section 203 of the Penal Code.

(W) A crime threatening the public safety, as specified in, but not limited to, Sections 219, 219.1, 219.2, 247.5, 404, 404.6, 405a, 451, and 11413 of the Penal Code.

(X) Elder and dependent adult abuse, as specified in, but not limited to, Section 368 of the Penal Code.

(Y) A hate crime, as specified in, but not limited to, Section 422.55 of the Penal Code.

(Z) Stalking, as specified in, but not limited to, Section 646.9 of the Penal Code.

(AA) Soliciting the commission of a crime, as specified in, but not limited to, subdivision (c) of Section 286 of, and Sections 653j and 653.23 of, the Penal Code.

(AB) An offense committed while on bail or released on his or her own recognizance, as specified in, but not limited to, Section 12022.1 of the Penal Code.

(AC) Rape, sodomy, oral copulation, or sexual penetration, as specified in, but not limited to, paragraphs (2) and (6) of subdivision (a) of Section 261 of, paragraphs (1) and (4) of subdivision (a) of Section 262 of, Section 264.1 of, subdivisions (c) and (d) of Section 286 of, subdivisions (c) and (d) of Section 288a of, and subdivisions (a) and (j) of Section 289 of, the Penal Code.

(AD) Kidnapping, as specified in, but not limited to, Sections 207, 209, and 209.5 of the Penal Code.

(AE) A violation of subdivision (c) of Section 20001 of the Vehicle Code.

(4) The individual is a current registrant on the California Sex and Arson Registry.

(5) The individual is arrested and taken before a magistrate on a charge involving a serious or violent felony, as identified in subdivision (c) of Section 1192.7 or subdivision (c) of Section 667.5 of the Penal Code, a felony punishable by imprisonment in state prison, or any felony listed in paragraph (2) or (3) other than domestic violence, and the magistrate makes a finding of probable cause as to that charge pursuant to Section 872 of the Penal Code.

(6) The individual has been convicted of a federal crime that meets the definition of an aggravated felony as set forth in subparagraphs (A) to (P), inclusive, of paragraph (43) of subsection (a) of Section 101 of the federal Immigration and Nationality Act (8 U.S.C. Sec. 1101), or is identified by the United States Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

(b) If none of the conditions listed in subdivision (a) is satisfied, an individual shall not be detained on the basis of an immigration hold after the individual becomes eligible for release from custody.

Credits

(Added by Stats.2013, c. 570 (A.B.4), § 2.)

Notes of Decisions containing your search terms (0)

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West's Ann. Cal. Gov. Code § **7282.5**, CA GOVT § **7282.5**

Current with urgency legislation through Ch. 9 of 2017 Reg.Sess

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3.54 CIVIL IMMIGRATION DETAINER REQUESTS (Adopted 10-18-11)

It is the policy of Santa Clara County (County) to honor civil detainer requests from the United States Immigration and Customs Enforcement (ICE) by holding adult inmates for an additional 24-hour period after they would otherwise be released in accordance with the following policy, so long as there is a prior written agreement with the federal government by which all costs incurred by the County in complying with the ICE detainer shall be reimbursed:

- (A) Upon written request by an Immigration Customs and Enforcement (ICE) agent to detain a County inmate for suspected violations of federal civil immigration law, the County will exercise its discretion to honor the request if one or more of the following apply:
 - (1) The individual is convicted of a serious or violent felony offense for which he or she is currently in custody.
 - (a) For purposes of the policy, 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 5 years of the request, whichever is later.
 - (a) If the individual has been convicted of a homicide crime, an immigration detainer request will be honored regardless of when the conviction occurred.
 - (b) This subsection also applies if the Santa Clara County Department of Corrections has been informed by a law enforcement agency, either directly or through a criminal justice database, that the individual has been convicted of a serious or violent offense which, if committed in this state, would have been punishable as a serious or violent felony.
- (B) In the case of individuals younger than 18 years of age, the County shall not apply a detainer hold.
- (C) Except as otherwise required by this policy or unless ICE agents have a criminal warrant, or County officials have a legitimate law enforcement purpose that is not related to the enforcement of immigration laws, ICE agents shall not be given access to individuals or be allowed to use County facilities for investigative interviews or other purposes, and County personnel shall not expend County time or resources responding to ICE inquiries or communicating with ICE regarding individuals' incarceration status or release dates.

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San Francisco Administrative Code

CHAPTER 12I: CIVIL IMMIGRATION DETAINERS

- Sec. 12I.1. Findings.
- Sec. 12I.2. Definitions.
- Sec. 12I.3. Restrictions on Law Enforcement Officials.
- Sec. 12I.4. Purpose of this Chapter.
- Sec. 12I.5. Semiannual Report.
- Sec. 12I.6. Severability.
- Sec. 12I.7. Undertaking for the General Welfare.

SEC. 12I.1. FINDINGS.

The City and County of San Francisco (the "City") is home to persons of diverse racial, ethnic, and national backgrounds, including a large immigrant population. The City respects, upholds, and values equal protection and equal treatment for all of our residents, regardless of immigration status. Fostering a relationship of trust, respect, and open communication between City employees and City residents is essential to the City's core mission of ensuring public health, safety, and welfare, and serving the needs of everyone in the community, including immigrants. The purpose of this Chapter 12I, as well as of Administrative Code Chapter 12H, is to foster respect and trust between law enforcement and residents, to protect limited local resources, to encourage cooperation between residents and City officials, including especially law enforcement and public health officers and employees, and to ensure community security, and due process for all.

The United States Immigration and Customs Enforcement ("ICE") is responsible for enforcing the civil immigration laws. ICE's programs, including Secure Communities and its replacement, the Priority Enforcement Program ("PEP"), seek to enlist local law enforcement's voluntary cooperation and assistance in its enforcement efforts. In its description of PEP, ICE explains that all requests under PEP are for voluntary action and that any request is not an authorization to detain persons at the expense of the federal government. The federal government should not shift the financial burden of federal civil immigration enforcement, including personnel time and costs relating to notification and detention, onto local law enforcement by requesting that local law enforcement agencies continue detaining persons based on non-mandatory civil immigration detainers or cooperating and assisting with requests to notify ICE that a person will be released from local custody. It is not a wise and effective use of valuable City resources at a time when vital services are being cut.

ICE's Secure Communities program (also known as "S-Comm") shifted the burden of federal civil immigration enforcement onto local law enforcement. S-Comm came into operation after the state sent fingerprints that state and local law enforcement agencies had transmitted to the California Department of Justice ("Cal DOJ") to positively identify the arrestees and to check their criminal history. The FBI would forward the fingerprints to the Department of Homeland Security ("DHS") to be checked against immigration and other databases. To give itself time to take a detainee into immigration custody, ICE would send an Immigration Detainer – Notice of Action (DHS Form I-247) to the local law enforcement official requesting that the local law enforcement official hold the individual for up to 48 hours after that individual would otherwise be released ("civil immigration detainers"). Civil Immigration detainers may be issued

without evidentiary support or probable cause by border patrol agents, aircraft pilots, special agents, deportation officers, immigration inspectors, and immigration adjudication officers.

Given that civil immigration detainers are issued by immigration officers without judicial oversight, and the regulation authorizing civil immigration detainers provides no minimum standard of proof for their issuance, there are serious questions as to their constitutionality. Unlike criminal warrants, which must be supported by probable cause and issued by a neutral magistrate, there are no such requirements for the issuance of a civil immigration detainer. Several federal courts have ruled that because civil immigration detainers and other ICE "Notice of Action" documents are issued without probable cause of criminal conduct, they do not meet the Fourth Amendment requirements for state or local law enforcement officials to arrest and hold an individual in custody. (*Miranda-Olivares v. Clackamas Co.*, No. 3:12-cv-02317-ST *17 (D.Or. April 11, 2014) (finding that detention pursuant to an immigration detainer is a seizure that must comport with the Fourth Amendment). See also *Morales v. Chadbourne*, 996 F. Supp. 2d 19, 29 (D.R.I 2014); *Villars v. Kubiowski*, No. 12-cv-4586 *10-12 (N.D. Ill. filed May 5, 2014).)

On December 4, 2012, the Attorney General of California, Kamala Harris, clarified the responsibilities of local law enforcement agencies under S-Comm. The Attorney General clarified that S-Comm did not require state or local law enforcement officials to determine an individual's immigration status or to enforce federal immigration laws. The Attorney General also clarified that civil immigration detainers are voluntary requests to local law enforcement agencies that do not mandate compliance. California local law enforcement agencies may determine on their own whether to comply with non-mandatory civil immigration detainers. In a June 25, 2014, bulletin, the Attorney General warned that a federal court outside of California had held a county liable for damages where it voluntarily complied with an ICE request to detain an individual, and the individual was otherwise eligible for release and that local law enforcement agencies may also be held liable for such conduct. Over 350 jurisdictions, including Washington, D.C., Cook County, Illinois, and many of California's 58 counties, have already acknowledged the discretionary nature of civil immigration detainers and are declining to hold people in their jails for the additional 48 hours as requested by ICE. Local law enforcement agencies' responsibilities, duties, and powers are regulated by state law. However, complying with non-mandatory civil immigration detainers frequently raises due process concerns.

According to Section 287.7 of Title 8 of the Code of Federal Regulations, the City is not reimbursed by the federal government for the costs associated with civil immigration detainers alone. The full cost of responding to a civil immigration detainer can include, but is not limited to, extended detention time, the administrative costs of tracking and responding to detainers, and the legal liability for erroneously holding an individual who is not subject to a civil immigration detainer. Compliance with civil immigration detainers and involvement in civil immigration enforcement diverts limited local resources from programs that are beneficial to the City.

The City seeks to protect public safety, which is founded on trust and cooperation of community residents and local law enforcement. However, civil immigration detainers and notifications regarding release undermine community trust of law enforcement by instilling fear in immigrant communities of coming forward to report crimes and cooperate with local law enforcement agencies. A 2013 study by the University of Illinois, entitled "Insecure Communities: Latino Perceptions of Police Involvement in Immigration Enforcement," found that at least 40% of Latinos surveyed are less likely to provide information to police because they fear exposing themselves, family, or friends to a risk of deportation. Indeed, civil immigration detainers have resulted in the transfer of victims of crime, including domestic violence victims, to ICE.

The City has enacted numerous laws and policies to strengthen communities and to build trust between communities and local law enforcement. Local cooperation and assistance with civil immigration enforcement undermines community policing strategies.

In 2014, DHS ended the Secure Communities program and replaced it with PEP. PEP and S-Comm share many similarities. Just as with S-Comm, PEP uses state and federal databases to check an individual's

fingerprints against immigration and other databases. PEP employs a number of tactics to facilitate transfers of individuals from local jails to immigration custody.

First, PEP uses a new form (known as DHS Form I-247N), which requests notification from local jails about an individual's release date prior to his or her release from local custody. As with civil immigration detainers, these notification requests are issued by immigration officers without judicial oversight, thus raising questions about local law enforcement's liability for constitutional violations if any person is overdetrained when immigration agents are unable to be present at the time of the person's release from local custody.

Second, under PEP, ICE will continue to issue civil immigration detainer requests where local law enforcement officials are willing to respond to the requests, and in instances of "special circumstances," a term that has yet to be defined by DHS. Despite federal courts finding civil immigration detainers do not meet Fourth Amendment requirements, local jurisdictions are often unable to confirm whether or not a detention request is supported by probable cause or has been reviewed by a neutral magistrate.

The increase in information-sharing between local law enforcement and immigration officials raises serious concerns about privacy rights. Across the country, including in the California Central Valley, there has been an increase of ICE agents stationed in jails, who often have unrestricted access to jail databases, booking logs, and other documents that contain personal information of all jail inmates.

The City has an interest in ensuring that confidential information collected in the course of carrying out its municipal functions, including but not limited to public health programs and criminal investigations, is not used for unintended purposes that could hamper collection of information vital to those functions. To carry out public health programs, the City must be able to reliably collect confidential information from all residents. To solve crimes and protect the public, local law enforcement depends on the cooperation of all City residents. Information gathering and cooperation may be jeopardized if release of personal information results in a person being taken into immigration custody.

In late 2015, Pedro Figueroa, an immigrant father of an 8-year-old U.S. citizen, sought the San Francisco Police Department's help in locating his stolen vehicle. When Mr. Figueroa went to the police station to retrieve his car, which police had located, he was detained for some time by police officers before being released, and an ICE agent was waiting to take him into immigration custody immediately as he left the police station. It was later reported that both the Police Department and the San Francisco Sheriff's Department had contact with ICE officials while Mr. Figueroa was at the police station. He spent over two months in an immigration detention facility and remains in deportation proceedings. Mr. Figueroa's case has raised major concerns about local law enforcement's relationship with immigration authorities, and has weakened the immigrant community's confidence in policing practices. Community cooperation with local law enforcement is critical to investigating and prosecuting crimes. Without the cooperation of crime victims – like Mr. Figueroa – and witnesses, local law enforcement's ability to investigate and prosecute crime, particularly in communities with large immigrant populations, will be seriously compromised.

(Added by Ord. [204-13](#), File No. 130764, App. 10/8/2013, Eff. 11/7/2013; amended by Ord. [96-16](#), File No. 160022, App. 6/17/2016, Eff. 7/17/2016)

(Former Sec. 12I.1 added by Ord. 391-90, App. 12/6/90; amended by Ord. 409-97, App. 10/31/97; Ord. 38-01, File No. 010010, App. 3/16/2001; repealed by Ord. 171-03, File No. 030422, App. 7/3/2003)

SEC. 12I.2. DEFINITIONS.

"Administrative warrant" means a document issued by the federal agency charged with the enforcement of the Federal immigration law that is used as a non-criminal, civil warrant for immigration purposes.

"Eligible for release from custody" means that the individual may be released from custody because one of the following conditions has occurred:

- (a) All criminal charges against the individual have been dropped or dismissed.

- (b) The individual has been acquitted of all criminal charges filed against him or her.
- (c) The individual has served all the time required for his or her sentence.
- (d) The individual has posted a bond, or has been released on his or her own recognizance.
- (e) The individual has been referred to pre-trial diversion services.
- (f) The individual is otherwise eligible for release under state or local law.

"Civil immigration detainer" means a non-mandatory request issued by an authorized federal immigration officer under Section 287.7 of Title 8 of the Code of Federal Regulations, to a local law enforcement official to maintain custody of an individual for a period not to exceed 48 hours and advise the authorized federal immigration officer prior to the release of that individual.

"Convicted" means the state of having been proved guilty in a judicial proceeding, unless the convictions have been expunged or vacated pursuant to applicable law. The date that an individual is Convicted starts from the date of release.

"Firearm" means a device, designed to be used as a weapon, from which is expelled through a barrel, a projectile by the force of an explosion or other form of combustion as defined in Penal Code Section 16520.

"Law enforcement official" means any City Department or officer or employee of a City Department, authorized to enforce criminal statutes, regulations, or local ordinances; operate jails or maintain custody of individuals in jails; and operate juvenile detention facilities or maintain custody of individuals in juvenile detention facilities.

"Notification request" means a non-mandatory request issued by an authorized federal immigration officer to a local law enforcement official asking for notification to the authorized immigration officer of an individual's release from local custody prior to the release of an individual from local custody. Notification requests may also include informal requests for release information by the Federal agency charged with enforcement of the Federal immigration law.

"Personal information" means any confidential, identifying information about an individual, including, but not limited to, home or work contact information, and family or emergency contact information.

"Serious Felony" means all serious felonies listed under Penal Code Section 1192.7(c) that also are defined as violent felonies under Penal Code Section 667.5(c); rape as defined in Penal Code Sections 261, and 262; exploding a destructive device with intent to injure as defined in Penal Code Section 18740; assault on a person with caustic chemicals or flammable substances as defined in Penal Code Section 244; shooting from a vehicle at a person outside the vehicle or with great bodily injury as defined in Penal Code Sections 26100(c) and (d).

"Violent Felony" means any crime listed in Penal Code Section 667.5(c); human trafficking as defined in Penal Code Section 236.1; felony assault with a deadly weapon as defined in Penal Code Section 245; any crime involving use of a firearm, assault weapon, machine gun, or .50 BMG rifle, while committing or attempting to commit a felony that is charged as a sentencing enhancement as listed in Penal Code Sections 12022.4 and 12022.5.

(Added by Ord. [204-13](#), File No. 130764, App. 10/8/2013, Eff. 11/7/2013; amended by Ord. [96-16](#), File No. 160022, App. 6/17/2016, Eff. 7/17/2016)

(Former Sec. 12I.2 added by Ord. 391-90, App. 12/6/90; amended by Ord. 278-96, App. 7/3/96; Ord. 409-97, App. 10/31/97; Ord. 38-01, File No. 010010, App. 3/16/2001; repealed by Ord. 171-03, File No. 030422, App. 7/3/2003)

SEC. 12I.3. RESTRICTIONS ON LAW ENFORCEMENT OFFICIALS.

(a) Except as provided in subsection (b), a law enforcement official shall not detain an individual on the basis of a civil immigration detainer after that individual becomes eligible for release from custody.

(b) Law enforcement officials may continue to detain an individual in response to a civil immigration detainer for up to 48 hours after that individual becomes eligible for release if the continued detention is consistent with state and federal law, and the individual meets both of the following criteria:

(1) The individual has been Convicted of a Violent Felony in the seven years immediately prior to the date of the civil immigration detainer; and

(2) A magistrate has determined that there is probable cause to believe the individual is guilty of a Violent Felony and has ordered the individual to answer to the same pursuant to Penal Code Section 872.

In determining whether to continue to detain an individual based solely on a civil immigration detainer as permitted in this subsection (b), law enforcement officials shall consider evidence of the individual's rehabilitation and evaluate whether the individual poses a public safety risk. Evidence of rehabilitation or other mitigating factors to consider includes, but is not limited to: the individual's ties to the community, whether the individual has been a victim of any crime, the individual's contribution to the community, and the individual's participation in social service or rehabilitation programs.

This subsection (b) shall expire by operation of law on October 1, 2016, or upon a resolution passed by the Board of Supervisors that finds for purposes of this Chapter, the federal government has enacted comprehensive immigration reform that diminishes the need for this subsection (b), whichever comes first.

(c) Except as provided in subsection (d), a law enforcement official shall not respond to a federal immigration officer's notification request.

(d) Law Enforcement officials may respond to a federal immigration officer's notification request if the individual meets both of the following criteria:

(1) The individual either:

(A) has been Convicted of a Violent Felony in the seven years immediately prior to the date of the notification request; or

(B) has been Convicted of a Serious Felony in the five years immediately prior to the date of the notification request; or

(C) has been Convicted of three felonies identified in Penal Code sections 1192.7(c) or 667.5(c), or Government Code sections 7282.5(a)(2) or 7282.5(a)(3), other than domestic violence, arising out of three separate incidents in the five years immediately prior to the date of the notification request; and

(2) A magistrate has determined that there is probable cause to believe the individual is guilty of a felony identified in Penal Code sections 1192.7(c) or 667.5(c), or Government Code sections 7282.5(a)(2) or 7282.5(a)(3), other than domestic violence, and has ordered the individual to answer to the same pursuant to Penal Code Section 872.

In determining whether to respond to a notification request as permitted by this subsection (d), law enforcement officials shall consider evidence of the individual's rehabilitation and evaluate whether the individual poses a public safety risk. Evidence of rehabilitation or other mitigating factors to consider includes, but is not limited to, the individual's ties to the community, whether the individual has been a victim of any crime, the individual's contribution to the community, and the individual's participation in social service or rehabilitation programs.

(e) Law enforcement officials shall not arrest or detain an individual, or provide any individual's personal information to a federal immigration officer, on the basis of an administrative warrant, prior deportation order, or other civil immigration document based solely on alleged violations of the civil provisions of immigration laws.

(f) Law enforcement officials shall make good faith efforts to seek federal reimbursement for all costs incurred in continuing to detain an individual, after that individual becomes eligible for release, in response each civil immigration detainer.

(Added by Ord. [204-13](#), File No. 130764, App. 10/8/2013, Eff. 11/7/2013; amended by Ord. [96-16](#), File No. 160022, App. 6/17/2016, Eff. 7/17/2016)

(Former Sec. 12I.3 added by Ord. 391-90, App. 12/6/90; amended by Ord. 409-97, App. 10/31/97; Ord. 38-01, File No. 010010, App. 3/16/2001; repealed by Ord. 171-03, File No. 030422, App. 7/3/2003)

SEC. 12I.4. PURPOSE OF THIS CHAPTER.

The intent of this Chapter 12I is to address requests for non-mandatory civil immigration detainers, voluntary notification of release of individuals, transmission of personal information, and civil immigration documents based solely on alleged violations of the civil provisions of immigration laws. Nothing in this Chapter shall be construed to apply to matters other than those relating to federal civil immigration detainers, notification of release of individuals, transmission of personal information, or civil immigration documents, based solely on alleged violations of the civil provisions of immigration laws. In all other respects, local law enforcement agencies may continue to collaborate with federal authorities to protect public safety. This collaboration includes, but is not limited to, participation in joint criminal investigations that are permitted under local policy or applicable city or state law.

(Added by Ord. [204-13](#), File No. 130764, App. 10/8/2013, Eff. 11/7/2013; amended by Ord. [96-16](#), File No. 160022, App. 6/17/2016, Eff. 7/17/2016)

(Former Sec. 12I.4 added by Ord. 391-90, App. 12/6/90; amended by Ord. 409-97, App. 10/31/97; Ord. 38-01, File No. 010010, App. 3/16/2001; repealed by Ord. 171-03, File No. 030422, App. 7/3/2003)

SEC. 12I.5. SEMIANNUAL REPORT.

By no later than July 1, 2014, the Sheriff and Juvenile Probation Officer shall each provide to the Board of Supervisors and the Mayor a written report stating the number of detentions that were solely based on civil immigration detainers during the first six months following the effective date of this Chapter, and detailing the rationale behind each of those civil immigration detainers. Thereafter, the Sheriff and Juvenile Probation Officer shall each submit a written report to the Board of Supervisors and the Mayor, by January 1st and July 1st of each year, addressing the following issues for the time period covered by the report:

(a) a description of all communications received from the Federal agency charged with enforcement of the Federal immigration law, including but not limited to the number of civil immigration detainers, notification requests, or other types of communications.

(b) a description of any communications the Department made to the Federal agency charged with enforcement of the Federal immigration law, including but not limited to any Department's responses to inquires as described in subsection 12I.5 and the Department's determination of the applicability of subsections 12I.3(b), 12I.3(d) and 12I.3(e).

(Added by Ord. [204-13](#), File No. 130764, App. 10/8/2013, Eff. 11/7/2013; amended by Ord. [96-16](#), File No. 160022, App. 6/17/2016, Eff. 7/17/2016)

(Former Sec. 12I.5 added by Ord. 391-90, App. 12/6/90; amended by Ord. 304-92, App. 9/29/92; Ord. 409-97, App. 10/31/97; Ord. 38-01, File No. 010010, App. 3/16/2001; repealed by Ord. 171-03, File No. 030422, App. 7/3/2003)

SEC. 12I.6. SEVERABILITY.

If any section, subsection, sentence, clause, phrase, or word of this Chapter 12I or its application, is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter 12I. The Board of

Supervisors hereby declares that it would have passed this Chapter 12I and each and every section, subsection, sentence, clause, phrase, and word not declared invalid or unconstitutional without regard to whether any other portion of this Chapter 12I would be subsequently declared invalid or unconstitutional.

(Added by Ord. [204-13](#), File No. 130764, App. 10/8/2013, Eff. 11/7/2013)

(Former Sec. 12I.6 added by Ord. 391-90, App. 12/6/90; amended by Ord. 409-97, App. 10/31/97; Ord. 38-01, File No. 010010, App. 3/16/2001; repealed by Ord. 171-03, File No. 030422, App. 7/3/2003)

CODIFICATION NOTE

1. So in Ord. [204-13](#).

SEC. 12I.7. UNDERTAKING FOR THE GENERAL WELFARE.

In enacting and implementing this Chapter 12I the City is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

(Added by Ord. [204-13](#), File No. 130764, App. 10/8/2013, Eff. 11/7/2013)

(Former Sec. 12I.7 added by Ord. 391-90, App. 12/6/90; amended by Ord. 38-01, File No. 010010, App. 3/16/2001; repealed by Ord. 171-03, File No. 030422, App. 7/3/2003)

SEC. 12I.8.

(Added by Ord. 391-90, App. 12/6/90; amended by Ord. 409-97, App. 10/31/97; Ord. 38-01, File No. 010010, App. 3/16/2001; repealed by Ord. 171-03, File No. 030422, App. 7/3/2003)

SEC. 12I.10.

(Added by Ord. 391-90, App. 12/6/90; amended by Ord. 38-01, File No. 010010, App. 3/16/2001; repealed by Ord. 171-03, File No. 030422, App. 7/3/2003)

SEC. 12I.11.

(Added by Ord. 391-90, App. 12/6/90; amended by Ord. 38-01, File No. 010010, App. 3/16/2001; repealed by Ord. 171-03, File No. 030422, App. 7/3/2003)

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SB-54 Law enforcement: sharing data. (2017-2018)

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Date Published: 03/30/2017 04:00 AM

AMENDED IN SENATE MARCH 29, 2017

AMENDED IN SENATE MARCH 06, 2017

AMENDED IN SENATE MARCH 01, 2017

AMENDED IN SENATE JANUARY 24, 2017

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

SENATE BILL

No. 54

Introduced by Senator De León

(Principal coauthors: Senators Atkins, [Beall](#), Pan, and Wiener)

(Principal coauthors: Assembly Members Bonta, Chiu, Cooper, Gomez, Levine, ~~and Reyes~~
[Reyes](#), and [Santiago](#))

December 05, 2016

An act to add Chapter 17.25 (commencing with Section 7284) to Division 7 of Title 1 of the Government Code, to repeal Section 11369 of the Health and Safety Code, and to add Sections 3058.10 and 3058.11 to the Penal Code, relating to law ~~enforcement, and declaring the urgency thereof, to take effect immediately.~~ [enforcement.](#)

LEGISLATIVE COUNSEL'S DIGEST

SB 54, as amended, De León. Law enforcement: sharing data.

Existing law provides that when there is reason to believe that a person arrested for a violation of specified controlled substance provisions may not be a citizen of the United States, the arresting agency shall notify the appropriate agency of the United States having charge of deportation matters.

This bill would repeal those provisions.

Existing law provides that whenever an individual who is a victim of or witness to a hate crime, or who otherwise can give evidence in a hate crime investigation, is not charged with or convicted of committing any crime under state law, a peace officer may not detain the individual exclusively for any actual or suspected immigration violation or report or turn the individual over to federal immigration authorities.

This bill would, among other ~~things,~~ [things and subject to exceptions](#), prohibit state and local law enforcement agencies, including school police and security departments, from using resources to investigate, interrogate,

detain, detect, or arrest persons for immigration enforcement purposes, as specified. The bill would require, within 3 months after the effective date of the bill, the Attorney General, in consultation with the appropriate stakeholders, to publish model policies limiting assistance with immigration enforcement to the fullest extent possible for use by those entities for those purposes. The bill would require all public schools, public libraries, health facilities operated by the state or a political subdivision of the state, and courthouses to implement the model policy, or an equivalent policy. The bill would state that all other organizations and entities that provide services related to physical or mental health and wellness, education, or access to justice, including the University of California, are encouraged to adopt the model policy. The bill would require a law enforcement agency that chooses to participate in a joint law enforcement task force, as defined, to submit a report every 6 months to the Department of Justice, as specified. The bill would require the Attorney General, within 14 months after the effective date of the bill, and twice a year thereafter, to report on the types and frequency of joint law enforcement task forces, and other information, as specified, and to post those reports on the Attorney General's Internet Web site. The bill would require the Board of Parole Hearings or the Department of Corrections and Rehabilitation, as applicable, to notify ~~the Federal Bureau of Investigation United States Immigration and Customs Enforcement~~ of the scheduled release on parole or postrelease community supervision, or rerelease following a period of confinement pursuant to a parole revocation without a new commitment, of all persons confined to state prison serving a current term for the conviction of a violent ~~felony, and would authorize the sheriff to notify the Federal Bureau of Investigation of the scheduled release of a person confined to county jail for a misdemeanor offense who has a prior conviction for a violent felony, as specified.~~ or serious felony, or who has a prior conviction for a violent or serious felony.

This bill would state findings and declarations of the Legislature relating to these provisions.

By imposing additional duties on public schools, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

~~This bill would declare that it is to take effect immediately as an urgency statute.~~

Vote: two-thirdsmajority Appropriation: no Fiscal Committee: yes Local Program: yes

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

SECTION 1. Chapter 17.25 (commencing with Section 7284) is added to Division 7 of Title 1 of the Government Code, to read:

CHAPTER 17.25. Cooperation with Federal Immigration Authorities

7284. This chapter shall be known, and may be cited, as the **California Values Act**.

7284.2. The Legislature finds and declares the following:

(a) Immigrants are valuable and essential members of the California community. Almost one in three Californians is foreign born and one in two children in California has at least one immigrant parent.

(b) A relationship of trust between California's immigrant community and state and local agencies is central to the public safety of the people of California.

(c) This trust is threatened when state and local agencies are entangled with federal immigration enforcement, with the result that immigrant community members fear approaching police when they are victims of, and witnesses to, crimes, seeking basic health services, or attending school, to the detriment of public safety and the well-being of all Californians.

(d) Entangling state and local agencies with federal immigration enforcement programs diverts already limited resources and blurs the lines of accountability between local, state, and federal governments.

(e) State and local participation in federal immigration enforcement programs also raises constitutional concerns, including the prospect that California residents could be detained in violation of the Fourth Amendment to the

United States Constitution, targeted on the basis of race or ethnicity in violation of the Equal Protection Clause, or denied access to education based on immigration status.

(f) This act seeks to ensure effective policing, to protect the safety, well-being, and constitutional rights of the people of California, and to direct the state's limited resources to matters of greatest concern to state and local governments.

7284.4. For purposes of this chapter, the following terms have the following meanings:

(a) "California law enforcement agency" means a state or local law enforcement agency, including school police or security departments.

(b) "Civil immigration warrant" means any warrant for a violation of federal civil immigration law, and includes civil immigration warrants entered in the National Crime Information Center database.

(c) "Federal immigration authority" means any officer, employee, or person otherwise paid by or acting as an agent of United States Immigration and Customs Enforcement or United States Customs and Border Protection, or any division thereof, or any other officer, employee, or person otherwise paid by or acting as an agent of the United States Department of Homeland Security who is charged with immigration enforcement.

(d) "Health facility" includes health facilities as defined in Section 1250 of the Health and Safety Code, clinics as defined in Sections 1200 and 1200.1 of the Health and Safety Code, and substance abuse treatment facilities.

(e) "Hold request," "notification request," "transfer request," and "local law enforcement agency" have the same meaning as provided in Section 7283. Hold, notification, and transfer requests include requests issued by United States Immigration and Customs Enforcement or United States Customs and Border Protection as well as any other federal immigration authorities.

(f) "Immigration enforcement" includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, and also includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry, or reentry to, or employment in, the United States, ~~including, but not limited to, violations of Section 1253, 1324c, 1325, or 1326 of Title 8 of the United States Code.~~ States. "Immigration enforcement" does not include either of the following:

(1) Efforts to investigate, enforce, or assist in the investigation or enforcement of a violation of Section 1326(a) of Title 8 of the United States Code that may be subject to the enhancement specified in Section 1326(b)(2) of Title 8 of the United States Code and that is detected during an unrelated law enforcement activity.

(2) Transferring an individual to federal immigration authorities for a violation of Section 1326(a) of Title 8 of the United States Code that is subject to the enhancement specified in Section 1326(b)(2) of that title if the individual has been previously convicted of a violent felony listed in subdivision (c) of Section 667.5 of the Penal Code.

(g) "Joint law enforcement task force" means a California law enforcement agency collaborating, engaging, or partnering with a federal law enforcement agency in investigating, interrogating, detaining, detecting, or arresting persons for violations of federal or state crimes.

(h) "Judicial warrant" means a warrant based on probable cause and issued by a federal judge or a federal magistrate judge that authorizes federal immigration authorities to take into custody the person who is the subject of the warrant.

(i) "Public schools" means all public elementary and secondary schools under the jurisdiction of local governing boards or a charter school board, the California State University, and the California Community Colleges.

(j) "School police and security departments" includes police and security departments of the California State University, the California Community Colleges, charter schools, county offices of education, schools, and school districts.

7284.6. (a) California law enforcement agencies shall not do any of the following:

(1) Use agency or department moneys, facilities, property, equipment, or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, including, but not limited to, any of the following:

(A) Inquiring into ~~or collecting information about~~ an individual's immigration ~~status, except as required to comply with Section 922(d)(5) of Title 18 of the United States Code.~~ status.

(B) Detaining an individual on the basis of a hold request.

(C) Responding to requests for notification ~~or transfer requests.~~ by providing release dates or other information unless that information is available to the public.

(D) Providing information regarding a person's release date unless that information is available to the public.

~~(D)~~

(E) Providing ~~or responding to requests for nonpublicly available~~ personal information about an individual, including, but not limited to, ~~information about the person's release date, home address, the individual's home address~~ or work address ~~for immigration enforcement purposes.~~ unless that information is available to the public.

~~(E)~~

(F) Making arrests based on civil immigration warrants.

~~(F)~~

(G) Giving federal immigration authorities access to interview ~~individuals~~ an individual in agency or department ~~custody for immigration enforcement purposes.~~ custody, except pursuant to a judicial warrant, and in accordance with Section 7283.1.

~~(G)~~

(H) Assisting federal immigration authorities in the activities described in Section 1357(a)(3) of Title 8 of the United States Code.

~~(H)~~

(I) Performing the functions of an immigration officer, whether pursuant to Section 1357(g) of Title 8 of the United States Code or any other law, regulation, or policy, whether formal or informal.

(2) Make agency or department databases, including databases maintained for the agency or department by private vendors, or the information therein other than information regarding an individual's citizenship or immigration status, available to anyone or any entity for the purpose of immigration enforcement. Any agreements in existence on the date that this chapter becomes operative that conflict with the terms of this paragraph are terminated on that date. A person or entity provided access to agency or department databases shall certify in writing that the database will not be used for the purposes prohibited by this section.

(3) Place peace officers under the supervision of federal agencies or employ peace officers deputized as special federal officers or special federal deputies except to the extent those peace officers remain subject to California law governing conduct of peace officers and the policies of the employing agency.

(4) Use federal immigration authorities as interpreters for law enforcement matters relating to individuals in agency or department custody.

(5) Transfer an individual to federal immigration authorities unless authorized by a judicial warrant or for a violation of Section 1326(a) of Title 8 of the United States Code that is subject to the enhancement specified in Section 1326(b)(2) of Title 8 of the United States Code and the individual has been previously convicted of a violent felony listed in subdivision (c) of Section 667.5 of the Penal Code.

(b) ~~Nothing~~ Notwithstanding the limitations in subdivision (a), nothing in this section shall prevent any California law enforcement agency from doing any of the following:

(1) Responding to a request from federal immigration authorities for information about a specific person's criminal history, including previous criminal arrests, convictions, and similar criminal history information accessed through the California Law Enforcement Telecommunications System (CLETS), where otherwise permitted by state law.

(2) Participating in a joint law enforcement task force, so long as the primary purpose of the joint law enforcement task force is not immigration enforcement, as defined in subdivision (f) of Section ~~7284.4.~~ 7284.4,

and participation in the task force by the California law enforcement does not violate any local law or policy of the jurisdiction in which the agency is operating.

(3) Making inquiries into information necessary to certify an individual who has been identified as a potential crime or trafficking victim for a T or U Visa pursuant to Section 1101(a)(15)(T) or 1101(a)(15)(U) of Title 8 of the United States Code or to comply with Section 922(d)(5) of Title 18 of the United States Code.

(4) Responding to a notification request from federal immigration authorities for a person who is serving a term for the conviction of a misdemeanor or felony offense and has a current or prior conviction for a violent felony listed in subdivision (c) of Section 667.5 of the Penal Code or a serious felony listed in subdivision (c) of Section 1192.7 of the Penal Code, provided that response would not violate any local law or policy.

(c) If a California law enforcement agency chooses to participate in a joint law enforcement task force, it shall submit a report every six months to the Department of Justice, as specified by the Attorney General. ~~The reporting agency or the Attorney General may determine a report, in whole or in part, is not a public record for purposes of the California Public Records Act pursuant to subdivision (f) of Section 6254 to prevent the disclosure of sensitive information, including, but not limited to, an ongoing operation or a confidential informant.~~ The report shall detail for each task force operation, the purpose of the task force, the federal, state, and local law enforcement agencies involved, the number of California law enforcement agency personnel involved, a description of arrests made for any federal and state crimes, and a description of the number of people arrested for immigration enforcement purposes. The reporting agency or the Attorney General may determine a report, in whole or in part, shall not be subject to disclosure pursuant to subdivision (f) of Section 6254, the California Public Records Act, to the extent that disclosure of a particular item of information would endanger the safety of a person involved in an investigation or would endanger the successful completion of the investigation or a related investigation.

(d) The Attorney General, within 14 months after the effective date of the act that added this section, and twice a year thereafter, shall report on the types and frequency of joint law enforcement task forces. The report shall include, for the reporting period, assessments on compliance with paragraph (2) of subdivision (b), a list of all California law enforcement agencies that participate in joint law enforcement task forces, a list of joint law enforcement task forces operating in the state and their purposes, the number of arrests made associated with joint law enforcement task forces for the violation of federal or state crimes, and the number of arrests made associated with joint law enforcement task forces for the purpose of immigration enforcement by all task force participants, including federal law enforcement agencies. The Attorney General shall post the reports required by this subdivision on the Attorney General's Internet Web site.

(e) Notwithstanding any other law, in no event shall a California law enforcement agency transfer an individual to federal immigration authorities for purposes of immigration enforcement or detain an individual at the request of federal immigration authorities for purposes of immigration enforcement absent a judicial ~~warrant.~~ **warrant, except as provided in paragraph (4) of subdivision (b).** This subdivision does not limit the scope of subdivision (a).

(f) This section does not prohibit or restrict any government entity or official from sending to, or receiving from, federal immigration authorities, information regarding the citizenship or immigration status, lawful or unlawful, of an individual pursuant to Sections 1373 and 1644 of Title 8 of the United States Code.

7284.8. The Attorney General, within three months after the effective date of the act that added this section, in consultation with the appropriate stakeholders, shall publish model policies limiting assistance with immigration enforcement to the fullest extent possible consistent with federal and state law at public schools, **public libraries**, health facilities operated by the state or a political subdivision of the state, courthouses, Division of Labor Standards Enforcement facilities, and shelters, and ensuring that they remain safe and accessible to all California residents, regardless of immigration status. All public schools, health facilities operated by the state or a political subdivision of the state, and courthouses shall implement the model policy, or an equivalent policy. All other organizations and entities that provide services related to physical or mental health and wellness, education, or access to justice, including the University of California, are encouraged to adopt the model policy.

7284.10. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 2. Section 11369 of the Health and Safety Code is repealed.

SEC. 3. Section 3058.10 is added to the Penal Code, to read:

3058.10. (a) The Board of Parole Hearings, with respect to inmates sentenced pursuant to subdivision (b) of Section 1168, or the Department of Corrections and Rehabilitation, with respect to inmates sentenced pursuant to Section 1170, shall notify ~~the Federal Bureau of Investigation~~ **United States Immigration and Customs Enforcement** of the scheduled release on parole or postrelease community supervision, or rerelease following a period of confinement pursuant to a parole revocation without a new commitment, of all persons confined to state prison serving a **current** term for the conviction ~~of of, or who have a prior conviction for,~~ a violent felony listed in subdivision (c) of Section ~~667.5. 667.5 or a serious felony listed in subdivision (c) of Section 1192.7.~~

(b) The notification shall be made at least 60 days prior to the scheduled release date or as soon as practicable if notification cannot be provided at least 60 days prior to release. The only nonpublicly available personal information that the notification may include is the name of the person who is scheduled to be released and the scheduled date of release.

~~SEC. 4. Section 3058.11 is added to the Penal Code, to read:~~

~~3058.11.(a) Whenever any person confined to county jail is serving a term for the conviction of a misdemeanor offense and has a prior conviction for a violent felony listed in subdivision (c) of Section 667.5 or has a prior felony conviction in another jurisdiction for an offense that has all the elements of a violent felony described in subdivision (c) of Section 667.5, the sheriff may notify the Federal Bureau of Investigation of the scheduled release of that person, provided that no local law or policy prohibits the sharing of that information with either the Federal Bureau of Investigation or federal immigration authorities.~~

~~(b) The notification may be made up to 60 days prior to the scheduled release date. The only nonpublicly available personal information that the notification may include is the name of the person who is scheduled to be released and the scheduled date of release.~~

~~SEC. 5.~~ **SEC. 4.** If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

~~SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:~~

~~Because changes in federal immigration enforcement policies require a statewide standard that clarifies the appropriate level of cooperation between federal immigration enforcement agents and state and local governments as soon as possible, it is necessary for this measure to take effect immediately.~~



STAFF REPORT

City Council

Meeting Date:

5/23/2017

Staff Report Number:

17-110-CC

Regular Business:

Appoint a City Council Subcommittee to assist with the potential revisions to the 2016 California Green Building Standards Code - Electric Vehicle Chargers and possible direction on the level of public outreach

Recommendation

Staff recommends that the City Council appoint two of its members to the City Council Subcommittee to provide staff guidance on the changes to the requirements for electric vehicle chargers and possible direction on the level of public outreach.

Policy Issues

The adoption of more stringent requirements for electrical vehicle chargers would be considered a local amendment to the 2016 California Green Building Standards Code, and would require the City Council to adopt an ordinance at a future meeting.

Background

On May 2, 2017, the City Council discussed an information item related to potential revisions to the 2016 California Green Buildings Standards Code (CALGreen) related to electric vehicle (EV) chargers. The information item stemmed from the City Council's interest in expanding the EV charger regulations citywide and further increasing the requirements beyond what had been recently adopted as part of the General Plan and M-2 Area zoning update. Those changes became effective on April 28, 2017. The May 2, 2017 staff report provided background information and an overview of the potential changes that staff would be bringing forward for the Council's review at a future meeting, and is referenced as Attachment A. At the meeting, the Council expressed a desire for more community vetting and directed to staff to return with additional information regarding the process and potential workload impacts.

Analysis

The intent of this item is to appoint two City Council members to serve on a subcommittee related to potential changes related to EV charger requirements in the City. The term would be limited, depending on the extent of outreach effort selected by Council, and members would provide guidance as staff works with stakeholders to help determine appropriate and feasible requirements in the City.

Process

Staff has developed a three-tier outreach process for the review and modification of the EV charger ordinance in the tables below. The Council may choose one, two or all three steps to be included, but each additional tier would add time as they are sequential and not concurrent efforts. Estimated timeframes have

been provided and are staff’s best estimate at this time. Because the former changes to the EV charger requirements were only applied to the M-2 Area, much of the City may not have followed the previous sustainability discussions held as part of ConnectMenlo. Engaging with the broader Menlo Park community will be an important component of the overall process. Therefore, depending on the input that is received and/or other competing priorities, the timelines from what is shown below could be extended.

Table 1 shows the basic level of outreach with one stakeholder meeting between the subcommittee, staff and stakeholders. This meeting would primarily be an opportunity to explain the proposed changes to the stakeholders. Stakeholders would provide feedback to the City Council during the City Council meetings.

Table 1: Tier 1 EV Charger Revisions Work Plan		
Task	Timeframe	Notes
KICK-OFF		
Initial staff meeting with Council Subcommittee to receive direction on proposed changes	1 month	
TIER 1		
	+1.5 months	
Conduct meeting with subcommittee and community stakeholders to explain proposed changes		Key stakeholders will be identified by the subcommittee and staff.
NEXT STEPS		
City Council review and introduction of ordinance	+1 - 1.5 month	
City Council adopts ordinance/second reading	+2 weeks	
TOTAL	Approximately 4-5 months	

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Table 2 shows the second tier of outreach. Tier 2 would include everything in Tier 1, but would include additional outreach in the form of a community meeting/deep dive, which would allow input from the community on the proposed changes to the EV charger requirements. The additional meeting would add approximately two months to the process.

Table 2: Tier 2 EV Charger Revisions Work Plan		
Task	Timeframe	Notes
Conduct broader outreach meeting/deep dive to receive input from the community on the proposed changes	+2 - 2.5 months	This task would likely require a citywide mailer and/or other mass communication distribution
Follow up meeting between staff and subcommittee to debrief from community meeting and receive guidance from subcommittee to prepare draft ordinance		
TOTAL	Approximately 7 months	

Table 3 builds off of Tier 2 and identifies an additional outreach step. In the Tier 3 work plan, staff would present the draft ordinance to the Environmental Quality Commission and the Planning Commission for their review and feedback. This step would add approximately three months.

Table 3: Tier 3 EV Charger Revisions Work Plan		
Task	Timeframe	Notes
Present proposed draft ordinance to the Environmental Quality Commission and Planning Commission prior to Council review	+3 months	No additional outreach is anticipated following the Commission meetings. Comments from the Commissions will be transmitted to the Council for review, unless the subcommittee wishes to incorporate changes prior to the Council's review of the item.
Follow up meeting between staff and subcommittee to determine if any additional revisions are needed based upon Commission feedback		Optional
TOTAL	Approximately 8-10 months	

In total, staff estimates that the three-tiered process could result in an eight to ten month effort. However, this timeline does not consider the additional staff time and resources needed for future “clean up” to the Zoning Ordinance to remove the previously-adopted EV charger requirements, which would become outdated if revisions are adopted. As part of the proposed work plan, staff would also seek to work with the Peninsula Conflict Resolution Center (PCRC) who was a key partner in meeting facilitation during the ConnectMenlo process.

Workload Implications

The proposed revisions to the EV charger requirements were not previously identified during the Council's goal setting session earlier this year, and therefore, have not been factored into staff's workload. While staff can make adjustments to prioritize work on the EV charger ordinance, the Council's 2017 work plan will be impacted. The items affected include work on three Housing Element implementation programs, which were identified as 'extremely important' for responding to the development needs of private residential and commercial property owners. More specifically, the housing programs include:

- a) Amend the Zoning Ordinance to be consistent with State law and limit the loss of existing residential units or the conversion of existing units to commercial space (Program H2.C);
- b) Amend the Zoning Ordinance to modify R-2 zoning to tie floor area to dwelling units to minimize underutilization of R-2 zoned lots and maximize unit potential, unless unique features of a site prohibit additional units being constructed (Program H2.C); and
- c) Adopt an Anti-Discrimination Ordinance to prohibit discrimination based on the source of a person's income or the use of rental subsidies, including Section 8 and other rental programs (Program H1.G).

In addition, the review of development applications would also be impacted. This delay will be further compounded by the recent loss of a senior planner until the position is filled and the new person is brought up to speed. While the Planning and Building Divisions will be the most impacted by the proposed work, coordination with staff from Environmental Programs and the City Manager's Office would also be needed, and their workload could also be affected by the proposed work on the EV charger ordinance revisions.

Next Steps

In order to proceed with the ordinance amendments, the City Council should appoint two members to serve on the Council subcommittee. The Council may wish to provide direction to staff on the desired level of public outreach or alternatively, the subcommittee can provide this direction to staff at the initial coordination meeting. The work flow and timeline would generally follow what has been outlined in Tables 1 to 3, depending on the level of outreach, and staff will keep the subcommittee informed of any changes.

Impact on City Resources

Staff time spent on researching and drafting the ordinance would be absorbed by the General Fund.

Environmental Review

The adoption of the proposed local amendment is not a project that has the potential for causing a significant effect on the environment and therefore is not subject to review under the California Environmental Quality Act (CEQA).

Public Notice

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

Attachments

- A. [May 2, 2017 City Council information item on EV chargers \(https://www.menlopark.org/DocumentCenter/View/14287\)](https://www.menlopark.org/DocumentCenter/View/14287)

Report prepared by:
Deanna Chow, Principal Planner

Report reviewed by:
Arlinda Heineck, Community Development Director

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STAFF REPORT

City Council

Meeting Date:

5/23/2017

Staff Report Number:

17-115-CC

Informational Item:

Update on the Middle Avenue Pedestrian & Bicycle Rail Crossing Study

Recommendation

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

Policy Issues

The project is consistent with policies stated in the 2016 General Plan Circulation Element. These policies seek to maintain a safe, efficient, attractive, user-friendly circulation system that promotes a healthy, safe, and active community and quality of life throughout Menlo Park and is included in the City Council's 2017 Work Plan (No. 51).

Background

On November 10, 2015, the San Mateo County Transportation Authority (TA) issued a call for projects for the Measure A Pedestrian and Bicycle Program. In response to the call for projects, the City of Menlo Park (City) requested \$490,000 in Measure A funds with a 30 percent local match of \$210,000 for the Project. The application for the project was approved by City Council on December 15, 2015. On July 20, 2016, the TA programmed funds for the Project from the Measure A Grade Pedestrian and Bicycle Program for the Project.

The Project was included in the City's Capital Improvement Plan (CIP) for Fiscal Year (FY) 2016-17. Prior to this phase of the project, a location study was conducted by the City and after considering numerous factors, including feedback from community meetings and the consultant retained on the project, proximity to desirable destinations, relative costs, projected usage by the community, convenience and accessibility, the Middle Avenue location was selected as the crossing location and was included as part of the El Camino Real and Downtown Specific Plan.

As identified in the El Camino Real and Downtown Specific Plan, the Project would be constructed adjacent to the Stanford University property along El Camino Real and is dependent on their property being redeveloped. Stanford University has submitted an application to redevelop its property Middle Plaza, at 500 El Camino Real, with a focal point being a publicly accessible plaza at Middle Avenue. An important community feature of the Middle Plaza will be its integration with the pedestrian promenade along El Camino Real and its role as a linking element to the crossing of the Caltrain railroad tracks. Stanford University has also agreed to make a significant contribution towards construction of the crossing.

On March 14, 2017, the City Council authorized the City Manager to enter into an agreement with AECOM for services related to the Middle Avenue Pedestrian & Bicycle Crossing Study (Project). The agreement was executed on April 6, 2017. The Project is critical to provide greater east-west connectivity, as the Caltrain railroad tracks are both a real and perceived barrier. This new crossing would improve connectivity

for neighborhoods on both sides of the Caltrain tracks with City amenities, and access to public transit and downtown Menlo Park. It would encourage the use of alternative modes of transportation and contribute to a healthier Menlo Park.

The consultant's scope of work for this Project phase consists of project management and coordination; data collection and analysis with preparation of an existing conditions report; community engagement; identification and development of grade separation conceptual designs; evaluation of grade separation conceptual designs and selection of preferred alternative; environmental clearance and documentation; 30 percent design documents; and final project report. The community engagement process includes three public outreach meetings, one Complete Streets commission meeting, one City Council meeting for selection of crossing alternative, three-dimensional graphic renderings, and extensive communications with the various stakeholders.

Analysis

The project's first community meeting was held on May 4th, 2017. Community members were able to learn more about the project, obtain answers to their questions, choose their preferred crossing type (overcrossing or undercrossing), and provide their input before the engineering design begins. Outreach for the meeting included: postcard mailers (6,000+), Nextdoor posts, City Council Weekly Digest article, changeable message board notification, directional posters, and emails to the Menlo Park School District and Menlo Park Chamber of Commerce. There were approximately 50 community members, including five Complete Streets Commissioners and two City Council members in attendance. The key outcomes of the meeting included:

- Majority of the community members expressed support for the undercrossing, with two attendees in support for an overcrossing.
- Many community members expressed concerns about access to and from the Middle Crossing, citing the lack of bicycle facilities along Middle Avenue between University Ave and El Camino Real and existing conditions at the Middle Avenue and El Camino Real intersection which make it difficult for pedestrians and bicyclists to cross El Camino Real.
- Multiple community members expressed interest in changing the location from Middle Avenue to Cambridge Avenue, a location previously evaluated as part of the location study.

The next steps in the project include developing crossing alternatives based on design constraints (right-of-way, utility and geotechnical conflicts, access requirements, etc.) and community feedback. Given that there was little support for an overcrossing, staff would move forward with continued evaluation of undercrossing options. At this time, the project scope of work does not include evaluation of alternative crossing locations, such as Cambridge Avenue. It should be noted that grant funding for the Project was awarded based on an application and scope of work specific to the Middle Avenue Crossing location, and changing the location also would require approval by funding partners and a change in the funding agreement for the Project.

In addition, the project scope of work includes the evaluation of access connections to the Middle Crossing. The consultant will be developing drawings for pedestrian and bicycle crossing safety improvements on Alma Street and at the El Camino Real & Middle Avenue intersection including integration of the future Middle Plaza. To further improve east-west connectivity, staff will also be evaluating potential Class II (Bike Lanes) and Class III (Bike Route) bike facilities along Middle Avenue, and will complete community outreach through the Project community meetings. As identified in the El Camino Real and Downtown Specific Plan, the installation of Class II (Bike Lane) facility would require removal of on-street parking from at least one side of the street.

The second community meeting will be held in Fall 2017, and the main focus will be to present crossing alternatives, potential crossing connection improvements and obtain community input. Following the second community meeting, staff would present the refined alternatives to the Complete Streets Commission. Crossing alternatives will be revised based on community feedback and will be brought forward to the City Council for selection of a preferred crossing alternative to advance to the environmental and design phases.

Key milestones are summarized below:

Key Project Milestones	
Second Community Meeting	Fall 2017
Complete Streets Commission Meeting	Fall 2017
Preferred Crossing Alternative Selection by City Council	Late 2017/Early 2018
Third Community Meeting	Spring 2018
Project Completion (i.e., alternative selection, 30% design, environmental clearance and final project report)	Summer 2018

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:
Octavio Duran Jr., Assistant Engineer

Report reviewed by:
Kristiann Choy, Senior Transportation Engineer

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STAFF REPORT

City Council

Meeting Date:

5/23/2017

Staff Report Number:

17-116-CC

Informational Item:

Potential modifications to process to remove limited on-street parking based on safety concerns and restrictions to electric vehicle charging stations

Recommendation

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

Policy Issues

Changes to the City's Municipal Code are policy considerations that require City Council authorization.

Background

The City regularly receives requests to install "no parking" zones from residents, businesses and institutions. Per the Menlo Park Municipal Code Section 11.24.025, "The transportation manager is authorized to designate a no parking zone and to paint the curbs red within six feet (6') of a driveway if the transportation manager determines that cars parked within such distances are causing an obstruction of the driveway or are interfering with reasonable ingress and egress from the driveway." The City Council can designate "no parking" zones and other parking restrictions beyond 6 feet. The Transportation Commission has typically provided advisory recommendations to the City Council on parking Restrictions. Staff anticipate the Complete Streets Commission will now provide that role.

In 2016, an increased number of parking removal requests were received by staff (Attachment A). This has resulted in additional staff time developing staff reports and public notifications along with additional Transportation Commission and Council time reviewing the items which ultimately has resulted in a slower implementation time. Based on this information, staff has identified the need to streamline the process in efforts to reduce staff, Commission, and Council review and expedite implementation, improving roadway safety.

The current process is outlined below:

1. Staff receives and reviews request
2. Staff conducts field investigation and analysis
3. Staff prepares notification to residents/property owners (varies by request, but typically postcards sent to residents, property owners within 500', 2 weeks minimum notice) prior to the Complete Streets Commission
4. Staff prepares staff report and presents recommendations to Complete Streets Commission
5. Staff prepares notification to residents/property owners (varies by request, but typically postcards sent to residents, property owners within 500', 2 weeks minimum notice) prior to the City Council
6. Staff prepares staff report and presents recommendations to City Council
7. City council considers staff recommendation
8. If approved, staff implements change

Implementation from the time staff begins the review varies by request, but with the current process is typically at least four to six months. The timeline is also dependent on available Complete Streets Commission and Council meeting dates.

In addition to the “no parking” zone and timed parking restrictions process, staff has received concerns from a Complete Streets Commissioner, the Police Department and residents regarding the lack of turnover at electric vehicle charging stations. Issues include electric vehicles parked at charging stations without active charging or vehicles over-staying parking time limits while charging at the parking plazas. Electric vehicle charging stations are currently provided in parking plaza 2 downtown and at Burgess Park. The City is continuing to evaluate the potential for additional charging locations through future projects.

Analysis

“No Parking” Zone and Timed Parking Restriction Installation Process

Staff compiled a list of “no parking” and parking restriction zone installation requests that went to Council and were approved by Council from 2005 to present. Based on the list, Attachment A, 21 out of 40 (52%) of these no parking changes involve five parking spaces or less.

Staff identified potential process improvements to increase efficiency and better allocate staff, Commission and Council time. The Transportation Commission reviewed the proposal and provided feedback at their March 8, 2017 and April 12, 2017 meetings. The Transportation Commission expressed the desire to keep the Commission meetings as part of the process to allow for greater public input and community notification, but saw the benefits in modifying the process.

The proposed modifications are based on safety concerns and are limited in the number of parking spaces considered in each request. Safety concerns include parked vehicles adjacent to driveways intersections and crosswalks that are obstructing visibility, interfering with reasonable ingress and egress, or obstructing safe bike lane travel requiring striping adjustments. Separate from these safety concerns, timed parking restrictions are recommended to be included as part of the proposed process modifications. These safety concerns and timed parking restrictions are described below.

“No Parking” Zone Installation due to Sight Distance at Intersections, Crosswalks, and Driveways

In response to requests due to poor visibility, staff conducts a field investigation at each location and performs a sight distance study to develop a sight triangle or sight lines in accordance with the American Association of State Highway Transportation Officials (AASHTO) “A Policy on Geometric Design of Highways and Streets.” The triangle area, represents the minor road driver’s view of the intersecting roadway or driveway, including vehicles, pedestrians and bicyclists, and should be clear of obstructions to allow the driver to decide when to enter or cross the intersection. Any object at a height above the elevation of the adjacent roadways that would obstruct the driver’s view should be removed or lowered, if practical. The triangle leg lengths are based on the stopping sight distance of the major-road, calculated based on speed, to allow drivers sufficient sight distance to anticipate and avoid collisions. Similarly, unobstructed sight lines at crosswalks based on stopping sight distance allow motorists and pedestrians to detect each other in time to avoid a collision.

“No Parking” Zone Installation due to Access Issues

In response to access requests, staff conducts a field investigation and uses turning templates for vehicles in accordance with the American Association of State Highway Transportation Officials (AASHTO) “A Policy on Geometric Design of Highways and Streets” to determine the path of a vehicles requiring driveway/roadway access. Based on the turning templates, there are times vehicles must make multiple

maneuvers due to the narrow roadway widths, tight driveway radii, or proximity of parked vehicles. In order to minimize the number of maneuvers required, “no parking” zones may be recommended adjacent to the area of concern. In addition to alleviating driveway access issues, “no parking” zones may provide increased visibility for all roadway users.

“No Parking” Zone Installations for Bike Lane Safety Adjustments

A recent case where parking removal was needed to make striping adjustments to reduce vehicles encroaching into a bike lane was at Santa Cruz Avenue and University Drive. Staff observed that as westbound vehicles traverse through the intersection, the through lane shifted to the left and some vehicles encroached partially into the bike lane. Removing the parking space within the intersection was needed to provide a clear path of travel for bicyclists traversing simultaneously through the intersection with vehicles. This route is heavily used by students bicycling to Hillview Middle School, located farther west on Santa Cruz Avenue. Although not a common case, it is anticipated there will be similar situations where minor adjustments could be needed to increase safety.

Timed Parking Restrictions

In addition to the list above, timed parking restrictions requests involving five vehicles or less, outside of downtown, and three spaces or less within downtown, are recommended to be included as part of the proposed process. Example requests include: loading zones, passenger loading zones, and time restrictions near schools.

Proposed Process

Staff recommends modifying the “no parking” zone installation process by delegating to the Complete Streets Commission authorization to designate “no parking” zones based on sight distance issues and access issues:

- Up to five spaces for roadways outside of the area designated as the “Downtown/Station Area” in the El Camino Real/Downtown Specific Plan
- Up to three spaces for roadways within the area designated as the “Downtown/Station Area” in the El Camino Real/Downtown Specific Plan

The “Downtown/Station Area” is approximately bounded by Menlo Avenue, Oak Grove Avenue, University Drive and Alma Street. The descriptions below highlight the types of requests that are proposed to be included in staff’s authorization, which pose potential safety issues and can benefit from a more expedited implementation. In addition to “no parking” zone installations, staff and the Transportation Commission recommended timed parking restrictions be included as part of the proposed process and authorization extension.

A concept for a revised approval process for the described requests based on Transportation Commission feedback is described below.

1. Staff receives and reviews request
2. Staff conducts field investigation and analysis
3. Staff prepares notification to residents/property owners (varies by request, but typically postcards sent to residents, property owners within 500’, 2 weeks minimum notice) prior to the Complete Streets Commission meeting summarizing the proposed modifications
4. Staff prepares staff report and presents recommendations to Complete Streets Commission
5. Complete Streets Commission considers staff recommendation
6. If approved, staff implements change

With this modified parking restriction process, the approval process could be completed at the Commission level. Following the proposed process could result in reducing implementation time (by at least a month in most cases). While the proposed process modifications could result in reducing implementation time, additional time savings could be attained if authorization is extended to City staff. It should also be noted that all parking requests falling within the proposed limits in 2016 were approved by the Transportation Commission as regular business items and by City Council on consent.

On April 12, 2017, the Transportation Commission unanimously passed a motion 4-0-0-2, with Commissioners Levin and Walser absent, to recommend the City Council approve a City ordinance modifying the parking restriction process as proposed by staff for “No Parking” zones and timed parking restriction installations.

Although the Transportation Commission recommended their decisions to be final as part of the proposed parking process, all other commissions with delegated authority have an identified appeal process to City Council. Staff expects to include an appeal process consistent with other City Commission authority unless the City Council directs otherwise.

Fire District Staging Requirements

On occasion, the Menlo Park Fire Protection District requires on-street parking to be removed to provide emergency access to the property. With redevelopment of smaller parcels with higher buildings especially in the downtown area, the only space available for a fire staging area is located on street along the project’s frontage and may require removal of the parking spaces. In these cases, the on-street parking removal would be required for a development project to receive Fire District approval. To help facilitate the development approval process, the process for parking removal to comply with Fire District requirements is proposed to be reconsidered. Since these projects are typically reviewed in public meetings for the Planning Commission, these parking restrictions would be evaluated in the context of the development project, without requiring a separate approval process for the parking changes. Staff recommends the Planning Commission or City Council action, as required by the project approval process, serve to approve parking changes.

Electric Vehicle Charging Station Restrictions

In addition to the proposed parking changes, the Transportation Commission provided feedback to request formalizing parking restrictions on electric vehicle charging stations to encourage the turnover of vehicles, allowing others to use the stations. Since there is no ordinance in place to address the use of electric vehicle charging stations, the Police Department cannot cite vehicles not actively charging. Palo Alto and other cities have begun implementing time restrictions to encourage turnover and similar actions are recommended for consideration in Menlo Park. For example, Palo Alto currently prohibits vehicles from parking in electric vehicle charging stations for longer than three hours. Menlo Park does not currently charge for electric vehicle charging station use in public parking spaces.

On April 12, 2017, the Transportation Commission unanimously passed a motion 4-0-0-2, recommending establishing a City ordinance requiring electric vehicles to be actively charging while adhering to the parking restrictions established in the parking lot and imposing a fine of \$100.00 for each violation. Staff will bring this recommendation to the City Council, with the exception of a specific citation fee. Citation fees are determined by the Menlo Park Police Department.

Next Steps

To implement a new process and to place parking restrictions on electric vehicle charging stations, amendments to the Municipal Code would be required. Following this information item, staff will bring the

parking restriction process and electric vehicle restriction recommendations with proposed Municipal Code changes to City Council for consideration at a future meeting.

Public Notice

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

Attachments

A. "No Parking" Zone and Timed Parking Restriction Installations Approved by City Council (2005-Present)

Report prepared by:
Octavio Duran Jr., Assistant Engineer

Report reviewed by:
Nicole H. Nagaya, Assistant Public Works Director

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**“No Parking” Zone and Timed Parking Restriction Installations Approved by
City Council (2005-Present)**

Street Name	Date	Action	Approx # of Spaces
Chilco St	1/24/2017	No Parking	15
Hamilton Ave	8/30/2016	No Parking	3
Hamilton Ave	8/30/2016	Timed Restriction	6
Santa Cruz Avenue	8/30/2016	No Parking	2
Curtis Way	8/30/2016	No Parking	1
Middle Avenue	6/7/2016	No Parking	3
Menlo Avenue	6/7/2016	No Parking	2
Oak Grove Avenue	6/7/2016	No Parking	3
Sharon Road	6/7/2016	No Parking	2
Constitution Drive	1/26/2016	No Parking	50+
Independence Drive	1/26/2016	No Parking	50+
Chrysler Drive	1/26/2016	No Parking	15
Haven Avenue	10/20/2015	No Parking	50+
Santa Cruz Avenue	6/2/2015	No Parking	10+
Santa Cruz Avenue	12/16/2014	No Parking	3
San Mateo Drive	5/6/2014	Timed Restriction	20
Newbridge Street	4/29/2014	No Parking (bus stop)	16
Monte Rosa	4/29/2014	No Parking (bus stop)	4
Laurel Street	12/10/2013	Timed Restriction	30+
Hamilton Ave	8/27/2013	Emergency Vehicles	4
Altschul Avenue	7/19/2011	Timed Restriction	8
Sharon Road	7/19/2011	Timed Restriction	8
Alma Street	7/20/2010	No Stopping	50+
Hamilton Avenue	4/6/2010	No Parking	3
Encinal Avenue	4/6/2010	No Parking	4
Sharon Road	1/26/2010	No Parking	1
Buckthorn Way	10/1/2009	No Parking	7
O'Brien Drive	6/16/2009	No Parking	1
Oak Grove Avenue	9/23/2008	Timed Restriction	17
Marcussen Drive	9/4/2008	Timed Restriction	48
Monte Rosa Drive	11/27/2007	No Parking	3
El Camino Real	9/25/2007	No Parking	6
Coleman Avenue	11/28/2006	Timed Restriction	13
Santa Cruz Avenue	10/10/2006	No Parking	2
Willow Road	9/26/2006	Timed Restriction	3
Stone Pine Lane	2/28/2006	No Parking	2
O'Brien Drive	1/31/2006	No Parking	2
Creek Drive	11/15/2005	No Parking	35
Menalto Ave	9/13/2005	No Parking	2
Kelly Court	5/24/2005	No Parking	4

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STAFF REPORT

City Council

Meeting Date:

5/23/2017

Staff Report Number:

17-126-CC

Informational Item:

Update on the PG&E tree removal mitigation plan for the Community Pipeline Safety Initiative

Recommendation

Staff recommends the City Council receive this informational report.

Policy Issues

Menlo Park's long history of protecting and valuing its trees was codified with the adoption of the City's heritage tree ordinance in 1979. 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.

Background

Pacific Gas and Electric Company provides natural gas to communities throughout our region. In 2012, the California Public Utilities Commission approved PG&E's pipeline safety enhancement plans which address a number of key areas that would improve the safety and reliability of their natural gas transmission system.

At its Aug. 25, 2015, regular meeting, the City Council received a presentation on the safety initiative. This PG&E program focuses on improving community safety by addressing potential risks to its gas transmission pipelines, specifically trees and brush located over or adjacent to gas transmission pipelines that would require monitoring, pruning and/or removal. When trees pose a safety concern and are identified to be removed, PG&E offers options such as tree replacement, landscape restoration and/or in lieu payments.

At its Jan. 25, 2017, regular meeting, the Environmental Quality Commission heard a presentation from PG&E representatives on the preliminary results of a pipeline survey which identified trees that may pose a safety concern to pipelines or that restrict pipeline access within Menlo Park. PG&E agreed to work with staff to further assess any potential safety issues and formulate a proposal to mitigate, remove, restore or replace trees near the pipelines, as needed.

At its April 19, 2017, regular meeting, the Environmental Quality Commission unanimously voted to accept the PG&E tree removal mitigation plan for the Community Pipeline Safety Initiative with the assurance from the City Attorney that the plan will not set a precedent or limit the City's ability to set penalty and compliance valuations for enforcement of the City's Heritage Tree Ordinance.

PG&E held its first of five neighborhood answer centers on May 8, 2017, to provide an opportunity for residents to stop by and ask questions about the plan. Further public outreach in the coming weeks includes additional safety letter mailings and door-to-door outreach beginning the week of June 5, 2017, to homes and businesses adjacent to the planned work.

Analysis

PG&E operates under the exclusive jurisdiction of the California Public Utilities Commission, which governs the operation and maintenance of gas pipeline facilities in California. The California Public Utilities Commission has approved the Community Pipeline Safety Initiative and sanctions the removal of all trees that pose a potential risk that could threaten the safety of the gas pipeline and the local community.

PG&E staff surveyed vegetation above and around their pipelines and initially identified over 900 trees within Menlo Park that fell into this category. PG&E representatives have been working with city staff and property owners to identify which trees are 1) too close to a gas pipeline and must be removed for safety reasons, 2) trees that are far enough away from the pipeline that they can remain in place for now with ongoing monitoring at the property owner's discretion.

On Feb. 27, 2017, Environmental Quality Commissioner Scott Marshall and city staff participated in a tree tour with PG&E representatives in order to review some of the public/street trees that were located too close a pipeline and would need to be removed for safety reasons.

Of the trees assessments completed, approximately 236 were public/street trees and over 700 were trees located on private property. Of the public/street trees, 100 were found to be unacceptable and in need of removal. Of the private property trees, approximately 265 (93 heritage trees and 172 non-heritage trees) were found to be unacceptable.

Tree Assessment Results		
	Public/street trees	Private property trees
Manageable	136	~435
Unacceptable	100	~265
Still pending	-	-
TOTAL	236	~700

For mitigation of the unacceptable trees, which must be removed for safety reasons, city staff has negotiated with PG&E and has determined that compensation as outlined below from PG&E would be acceptable and provide the City the most flexibility in replacing and managing trees for the ultimate preservation and enhancement of the community's tree canopy.

Mitigation payment proposal

PG&E has provided a proposal including in lieu fees (Attachment A) to mitigate the removal of trees under the Community Pipeline Safety Initiative program. The City shall receive payment for public/street trees removed for safety reasons at \$1,500 per tree (equaling \$150,000). Payments to the City for private property trees located too close to a pipeline, which the property owner chooses not to replace, would be \$1,000 per heritage tree and \$500 per non-heritage tree (up to a maximum of \$177,500). These payments are to be used to establish a Tree Fund to help preserve and enhance the local tree canopy.

Impact on City Resources

If accepted, this plan would provide no less than \$150,000 and up to a total of \$327,500 for projects to be funded from a newly established Tree Fund that would be used to preserve and enhance the city's tree canopy.

Public Notice

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

Attachments

A. May 15, 2017, tree removal mitigation proposal from PG&E

Report prepared by:

Clay J. Curtin, Assistant to the City Manager/Interim Sustainability Manager

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May 15, 2017

Brian Henry
Public Works Superintendent
City of Menlo Park
701 Laurel Street
Menlo Park, CA 94025

Subject: Information requested regarding Community Pipeline Safety Initiative

Dear Mr. Henry:

On behalf of Pacific Gas and Electric Company (PG&E), thank you for working with us to help improve emergency access and prevent damage to the natural gas transmission pipelines serving your community. We appreciate the opportunity for ongoing dialogue around this important gas safety work and the City's shared commitment to public safety. As requested, this letter provides an update on PG&E's outreach to the community for the planned city-owned and private property safety work.

Proposed Mitigation for Gas Safety Work

We understand how important trees are to the City and your residents. To be sure we are only removing those trees that pose a safety concern, PG&E conducted an in-depth review of all trees located near the gas transmission pipeline in the City of Menlo Park. The review identified 100 city-owned trees that are located too close to the gas pipeline and need to be replaced for safety reasons.

PG&E is also assessing approximately 700 trees on private property that are located near the pipeline. More than 400 of these trees are far enough away from the pipe that they can remain in place with ongoing monitoring, at the property owners' discretion. Approximately 265 trees, including around 93 heritage trees, are located too close to the pipeline and will need to be replaced for safety reasons. PG&E is working with property owners to share what we know about the safety risks and, together, develop a joint path forward. To date, PG&E has reached agreements with 48 private property owners and is working with approximately 12 remaining owners to discuss a path forward. In addition, 50 private property owners have trees on their property located far enough away from the pipeline that may remain in place with ongoing monitoring, which the property owners have elected to do.

Per our discussion, PG&E will:

- Provide mitigation of \$1,500 for each city-owned tree that is being removed for safety reasons (equaling a total of \$150,000) to the City for the establishment of a reforestation fund to help preserve the local canopy.
- Work collaboratively with property owners on plans to address trees that are located too close to the pipeline on private property.
 - For each tree that needs to be removed for safety reasons, PG&E offers the property owner a replacement tree or in-lieu payment to be used towards the purchase of a new tree or other landscaping.
- Provide the City with mitigation of \$1,000 for each heritage tree and \$500 for each non-heritage tree located too close to the pipeline that the property owner chooses not to replace on private property (at a maximum of \$177,500).

- Coordinate with city staff to be sure we are meeting the objectives of the local ordinance for any heritage tree removals.
- Conduct all tree removal and restoration work at no cost to the City or property owner.

Standards Guiding Our Work

All of PG&E's gas safety efforts, including the Community Pipeline Safety Initiative, are under the jurisdiction of the California Public Utilities Commission (Attachment A). This work is part of our responsibility to provide safe and reliable gas service to our customers, and to address any potential safety concern that we have identified. In addition, PG&E has submitted two utility standards to the Commission to address vegetation and structures near natural gas transmission pipelines, based on third-party guidance and industry best practice (Attachments B and C).

Community Outreach

It is important to us that the community is informed about this gas safety work, and has an opportunity to ask questions and provide feedback. Additional information on our outreach plan, as well as sample communication materials, is attached for your reference (Attachment D). In early May, our local customer outreach team hosted five neighborhood answer centers near the planned gas safety work at the following locations:

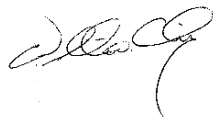
- Starbucks at Sharon Heights Shopping Center (5/8 and 5/12)
- The Willows Market (5/10 and 5/11)
- Oil Changers on Willow Road (5/13)

We spoke with nearly 100 local community members, sharing information and answering questions about the gas safety work in Menlo Park and the greater Bay Area, as well as other PG&E programs. In the coming weeks, we will be conducting door-to-door outreach to homes and businesses adjacent to the planned safety work and customer outreach specialists will be onsite during the work to provide information and answer questions as needed.

Next Steps

As discussed, PG&E will move forward with submitting information to the City for the necessary encroachment permits, which will include traffic control plans and details on stump grinding and wood chipping, as applicable. We appreciated Commissioner Marshall taking the time to join us on a site visit in late February, and look forward to attending the May 23 City Council meeting. In the meantime, please feel free to reach out to me at the phone number or email below if you have any questions.

Sincerely,



Bill Chiang
Public Affairs Representative
Pacific Gas and Electric Company
Phone: 1-650-339-1627
Email: william.chiang@pge.com



Grant Guerra
Senior Counsel

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Fax: (415) 973-5520
Email: GxGw@pge.com

January 23, 2017

William L. McClure
City Attorney
1100 Alma Street, Suite 210
Menlo Park, CA 94025

Re: PG&E's Community Pipeline Safety Initiative in the City of Menlo Park

Dear Mr. McClure:

On behalf of Pacific Gas and Electric Company (PG&E), thank you for working with us to help ensure first responders and safety crews have access to gas transmission pipelines in an emergency or for critical maintenance work. We appreciate the opportunity for ongoing dialogue around how this important gas safety program will be implemented in the city of Menlo Park, in partnership with community leaders and local residents.

As previously discussed with city staff, the Community Pipeline Safety Initiative is part of PG&E's ongoing gas safety efforts, which are under the jurisdiction of the California Public Utilities Commission (CPUC). We have a responsibility to provide safe and reliable gas service to our customers, and to address any potential risk that could threaten the safety of the gas pipeline and the local community. We are working closely with the community to ensure this safety work is done in a manner that respects the needs of the community while protecting public safety.

While PG&E is not required to submit tree removal permits for work related to this community gas safety program, we will continue to work closely with city staff to develop a plan that meets the objectives of your local tree preservation ordinance while balancing the need for community safety. We will complete tree removal permits for administrative purposes and offer replacement trees consistent with the ratio specified in the local ordinance. We will also obtain ministerial encroachment permits and/or building permits associated with this gas safety work and offer mitigation.

Per your request, attached to this letter please find sample case law regarding the operation and maintenance of PG&E gas transmission pipelines. Thank you again for your assistance.

Very truly yours,

A handwritten signature in blue ink, appearing to be "GG", is written over the typed name.

Grant Guerra

ATTACHMENT A

I. THE CONSTITUTION AND SUPPORTING CASE LAW ON EXCLUSIVE JURISDICTION OF THE CALIFORNIA PUBLIC UTILITIES COMMISSION OVER THE OPERATION AND MAINTENANCE OF GAS PIPELINE FACILITIES

The California Constitution vests in the Commission exclusive power and authority with respect to “all matters cognate and germane to the regulation of public utilities.” (Cal. Const., art. XII, § 5; *Pacific Tel & Tel. v. Eshleman* (1913) 166 Cal. 640, 652-660.) The Constitution, moreover, explicitly prohibits municipalities from regulating “matters over which the Legislature grants regulating power to the Commission.” (Cal. Const., art. XII, § 8.)

PG&E’s gas pipeline facilities are regulated under the Commission’s General Order 112-E, which contains the Commission’s requirements governing the location, design, construction, testing, operation and maintenance of gas pipeline systems. The stated purpose of GO 112-E is:

. . . to establish, in addition to the Federal Pipeline Safety Regulations, minimum requirements for the design, construction, quality of materials, locations, testing, operations and maintenance of facilities used in the gathering, transmission and distribution of gas and in liquefied natural gas facilities to safeguard life or limb, health, property and public welfare and to provide that adequate service will be maintained by gas utilities operating under the jurisdiction of the commission. (GO 112-E, Subpart A, § 102.1.)

The Commission in its Decision 94-06-014, 55 Cal.P.U.C.2d 87 announced its intention to fully preempt local regulation relating to the construction of public utility facilities. The Commission stated it “has authority over construction for utility purposes carried out by public utilities subject to its jurisdiction” and has “restated its exclusive jurisdiction over the location and construction of public utility facilities in numerous decisions.” (D.94-06-014, 55 Cal.P.U.C.2d 87, at 10-12.) In addition to the Constitutional authority cited above, “[t]he Commission is authorized by statute to ‘do all things which are necessary and convenient in the exercise’ of its power. (Public Utilities Code § 701.) In particular, the Commission can make orders governing the services, equipment, physical property, and safety devices used by public utilities. (Public Utilities Code §§ 761, 762, 768.)” (*Id.*, at 11.) The Commission stated:

The question of whether local agencies are pre-empted from regulating the construction or installation of utility facilities is answered in § 8 of Article XII of the California Constitution, which states in pertinent part: “A city, county, or other public body may not regulate matters over which the Legislature grants regulatory power to the Commission.” PU Code § 761 clearly vests in the Commission regulatory authority over the methods and means of locating and constructing public utility equipment and facilities.

(*Id.*, at 11-12.)

II. THE COMMISSION HAS PREEMPTED ALL LOCAL REGULATION OF PUBLIC UTILITY FACILITIES IN MATTERS OF STATEWIDE CONCERN

California courts have repeatedly found that discretionary (as opposed to ministerial) regulation by local governments is preempted by the Commission's jurisdiction because the construction, design, and operation of public utility facilities are matters of statewide concern. In *Pacific Telephone and Telegraph Co. v. City and County of San Francisco* (1959) 51 Cal.2d 766, the California Supreme Court held that the right and obligation to construct and maintain telephone lines had become matters of statewide concern and therefore the City of San Francisco could not exclude telephone lines from certain streets based on its assertion that the regulation of utility lines in public streets was a "municipal affair." (*Id.*, at 774.) Likewise, in *California Water and Telephone Co. v. County of Los Angeles* (1967) 253 Cal.App.2d 16, the appellate court stated that "the construction, design, operation and maintenance of public water utilities is a matter of statewide concern." (*Id.* at 30.) Hence, that court found the County's water ordinance to be void since the local legislation (based on the police power) was pre-empted by the authority vested in the Commission.

Local legislation in conflict with general law is void. Conflicts exist if the ordinance duplicates, contradicts, *or enters an area fully occupied by general law, either expressly or by legislative implication.* If the subject matter or field of the legislation has been fully occupied by the state, there is no room for supplementary or complementary local legislation, even if the subject otherwise one properly characterized as a 'municipal affair.'

(253 Cal.App.2d at 27 (emphasis added).)

Although the Commission has adopted GO 112-E governing the construction of gas transmission facilities, state preemption applies even where the CPUC has not adopted regulations expressly addressing the facilities at issue. In *San Diego Gas & Electric Co. v. City of Carlsbad* (1998) 64 Cal.App.4th 785, the Court addressed the City of Carlsbad's effort to enforce a local floodplain ordinance to regulate dredging performed by the public utility. The City argued that it should have concurrent jurisdiction over the dredging because the CPUC had not taken any action to regulate in this area, and because dredging was not an essential utility facility or activity. The court rejected this argument, holding that the city's floodplain ordinance was impliedly preempted by the constitutional and statutory scheme granting power to the Commission. According to the court, even though the Commission had not expressly exercised this power, the power still resided in the CPUC. (*See also Harbor Carriers, Inc. v. City of Sausalito* (1975) 46 Cal.App.3d 773, 774.)

Furthermore, courts have specifically confirmed that utility vegetation management programs falls within the exclusive jurisdiction of the CPUC. (*Sarale v. Pacific Gas & Electric Co.*, (2010) 189 Cal. App. 4th 225, 232 (Cal. App. 3d Dist.) (the law "safeguards the commission's ability to implement statewide safety protocols from being undermined by an unworkable patchwork of conflicting determinations regarding what constitutes necessary or proper management of power lines.").)

Gas Pipeline Encroachment Management

SUMMARY

This utility standard establishes the roles and responsibilities and the requirements for managing vegetation and structures encroachments of Pacific Gas and Electric Company (Company or PG&E) natural gas transmission (GT) pipeline facilities operating over 60 pounds per square inch gauge (psig).

With limited exception, this utility standard does not apply to commercial agricultural land use areas such as orchards or vineyards.

TARGET AUDIENCE

All personnel responsible for patrolling, leak survey, Transmission gas pipeline operations and maintenance (GPO&M), pipeline engineering and design, integrity management (IM), and GT vegetation management.

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REQUIREMENTS

1 General

1.1 This utility standard extends the continued commitment of PG&E to public safety and safe operational practices to manage the vegetation and structures encroachments near the gas pipeline. This commitment includes the following:

1. Reducing risk to pipeline integrity occurring from the presence of vegetation near the pipeline and structural intrusions in the right-of-way (ROW).

Gas Pipeline Encroachment Management

1.1 (continued)

2. Providing safe access to Company natural gas pipeline facilities in order to conduct pipeline O&M activities required by regulatory code, for the following:
 - Leak surveys
 - Patrolling
 - Inspections
 - Testing
 - Pipeline repairs
 - Pipeline replacements
3. Clearing obstructions in pipe zone allowing access to safely operate, maintain, and respond in the event of an emergency.
4. Creating a line-of-sight corridor of the pipe zone. This gives the ability for aerial or foot patrol, leak survey, GPO&M, and the public to locate the GT pipeline without vegetation obstructions.
5. Emphasizing pipeline markings.
6. Increasing public awareness and presence of pipeline facility locations.
7. Reducing damage to the pipeline from excavation on or near the pipeline.
8. Enhancing the ability of emergency responders to identify and access pipeline facilities.
9. Eliminating or mitigating the negative impact of vegetation (e.g., roots) and structures (e.g., buildings and carports) on underground natural gas pipelines.
10. Conducting vegetation management operations in a safe, effective manner, AND in conformity with all federal and state laws, regulations, and permit conditions, with special attention to addressing environmental concerns.

2 Roles and Responsibilities

- 2.1 Patrol personnel provide approval when determining an exemption for removal of trees, vegetation, or structural encroachments.
- 2.2 Leak survey personnel provide approval when determining an exemption for removal of trees, vegetation, or structural encroachments.

Gas Pipeline Encroachment Management

2.3 GT vegetation management personnel:

- Identify locations where incompatible vegetation exists AND schedule the work to be in compliance with this standard and associated procedure.
- Using the site-specific risk analysis, determine the threat level of trees near the GT pipeline, per [Utility Procedure TD-4490P-03, "Vegetation Encroachment Site-Specific Risk Analysis."](#)
- Maintain vegetation within the GT ROW, in compliance with this standard.

2.4 Integrity management (IM) personnel:

- Perform the full site-specific risk analysis per [TD-4490P-03](#).
- Perform the risk prioritization and analysis used in determining the threat level of structural encroachments near the GT pipeline, per [Utility Procedure TD-4490P-05, "Structural Encroachments Risk Analysis."](#)
- Provide support when determining an exemption for removal of trees, vegetation, or structural encroachments.

2.5 Transmission GPO&M personnel identify vegetation and structural encroachments impeding work being performed.

2.6 Pipeline engineering and design personnel adheres to this standard when creating engineering designs for new construction.

3 Vegetation Control Zones

3.1 Vegetation Zone Design

The vegetation zone design sets the requirements of permitted vegetation within the Pipe Safety zone, Border zone, and Outer zone. This allows the landscape to incorporate an environmentally balanced gradual transition ("feather cut") from the pipe zone as it moves outward to the border zone. This design avoids severe transitions ("hard cuts") on the Pipe Zone and expands to the outer edges beyond the pipe zone ("border zone.")

[Figure 1, "Illustration of the Pipe Zone and Border Zone."](#) shows the relationship of the trees and foliage in the pipe zone and border zone, and the manner prescribed to create a "feather cut" to the edge of the border zone.

Gas Pipeline Encroachment Management

3.1 (continued)

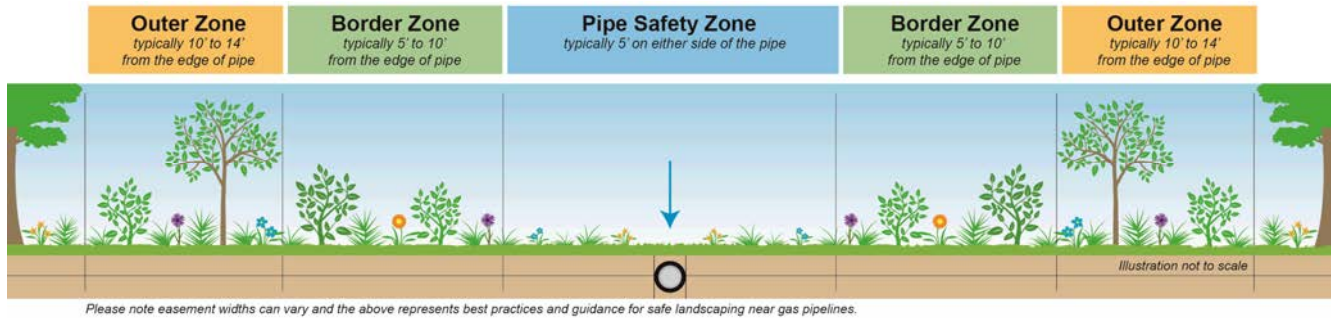


Figure 1. Illustration of the Pipe Safety Zone and Border Zone

NOTE

A pipeline may not always be located in the center of the easement.

1. The vegetation control zone consists of the following 3 zones:
 - a. The **Pipe Safety Zone** area around the pipe extends from the edge of the pipe 5 feet (ft) to the border zone.
 - (1) Per the criteria in [Section 3.2](#), any trees and vegetation (e.g. brush or shrubs) obstructing the line of sight and access to the pipeline must be removed AND are not permitted to be planted in the pipe zone.
 - (2) Lawns, flowers, low-profile grasses, and low-growing plants are permitted within the pipe zone.
 - b. The **Border Zone** extends from the edge of the pipe zone out an additional 5 ft on each side of the pipeline. Per the criteria in [Section 3.2](#), incompatible vegetation found in the Border Zone include the following:
 - Trees and vegetation exceeding 8 inches (in.) in diameter, OR of a species likely to exceed 8 in. in diameter at breast height (DBH) at maturity at 4.5 ft above ground, AND the trunk or main branch is more than 5 ft to 10 ft from the outer edge of the pipeline, must be removed AND not permitted to be planted in the border zone.
 - c. The **Outer Zone** extends from the edge of the border zone out an additional 4 ft on each side of the pipeline.
 - Trees, exceeding 36 in. in DBH, OR of a species likely to grow to and exceed 36 in. in DBH at maturity, AND the trunk or main branch is 10 ft to 14 ft from the outer edge of the pipeline, must be removed AND are not permitted to be planted in the outer zone.

Gas Pipeline Encroachment Management

3.2 Tree Risk Management

1. WHEN application of [Section 3.1](#) requirements cannot be met,

THEN GT vegetation management personnel AND IM personnel must conduct a risk assessment to determine the threat levels of vegetation within the pipe safety zone.

2. GT vegetation management personnel must assess the location of the tree in question, as it relates to vehicular access, to assign the correct risk assessment model as follows:

- a. IF the tree meets ALL of the following criteria:

- Located on franchise location (public rights-of-way such as City/County roads and highways but not freeways), AND adjacent to road,
- Located on private location AND an emergency vehicle can drive within 25 ft of the tree,
- Located within 25 ft of parking lot, trail, or any drivable area,
- Does not restrict access for emergency vehicles,

THEN use the IM site-specific risk analysis (otherwise known as the integrity management model) per [TD-4490P-03](#).

- b. IF the tree meets ALL of the following criteria:

- Located on private location in a customer backyard,
- Located on private location and is more than 25 ft from drivable access point,
- Location obstructs emergency access vehicles,

THEN use the site-specific risk analysis (otherwise known as the private property assessment model) per [TD-4490P-03](#).

Gas Pipeline Encroachment Management

4 Structures Control

4.1 All structures located in the ROW are considered an encroachment.

NOTE

Vegetation encroachments are addressed in [TD-4490P-03](#).

1. IF the structure interferes with pipeline maintenance activities OR causes a delay in accessing its pipeline facilities in an emergency,

THEN the following must be completed per [GO-112F 143.5, "Encroachments:"](#)
 - a. The Company determines, within 90 days after discovering the encroachment, whether the structural encroachment can be resolved within 180 days.
 - IF the structural encroachment can NOT be resolved within 180 days,

THEN the Company submits a plan to resolve the encroachment to the CPUC,

AND creates a Corrective Action Program (CAP) item to address the encroachment assigned to land management.
 - b. IF the Company does not submit a plan, AND the structural encroachment is NOT resolved within 180 days of discovery,

THEN the Company isolates AND discontinues service to the section of pipeline on which the encroachment exists.
 - c. The Company must provide written notice of any service discontinuance to the CPUC 30 days prior to discontinuing the service.
2. IF IM personnel determine the encroachment does not interfere with O&M, does not endanger the facilities, AND does not compromise the safety of the public,

THEN the Company land management personnel may enter into an encroachment agreement with the property owner. The agreement must comply with [California Public Utility Code \(CPUC\), Section 851](#) and [General Order 69-C](#).
 - General Order 69-C Summary

CPUC General Order 69-C sets forth the type and nature of real property rights a public utility may convey without further approval of the CPUC. Specifically, it authorizes public utilities to grant easements, licenses, and permits for the use or occupancy of operating property.

Gas Pipeline Encroachment Management

4.2 Permissible Structures Found in the Border Zone

Construction of buildings and structures is restricted by the terms of the easements creating the ROW; however, there are times when some types of structures may be acceptable.

- Personnel identifying encroachment contact land management personnel for assistance in determining if a structure or use is acceptable within the Border Zone.

4.3 Refer to [TD-4490P-05](#), for performing risk prioritization and analysis in determining the threat level of structural encroachments within the ROW.

5 Permissible Uses of ROW

5.1 The following uses are typically permitted within ROW boundaries:

- Some patios or concrete slabs (subject to limits)
- Flower beds, vegetable gardens, lawns, low shrubbery, and certain crops
- Livestock grazing
- Some sports and game fields, parks, and golf courses (subject to limits)

6 Prohibited Uses of ROW

6.1 The following are examples of prohibited uses within the ROW boundaries:

- Buildings, structures, foundations, overhanging roofs and balconies, garden sheds, or signs
- Wells, swimming pools, or boreholes
- Storage of flammable materials, heavy equipment, or bulk goods
- Burning materials, such as waste, scrap lumber, or slash
- Pile-driving or blasting

6.2 See exemption process as described below in [Section 7](#) and refer to [TD-4490P-05](#), regarding the detailed site-specific risk analysis process.

Gas Pipeline Encroachment Management

7 Exemption Process

- 7.1 Exemptions for removal of trees, vegetation, or structural encroachments must document the following in writing:
1. Justification for the exemption.
 2. Approval from IM, Patrols, AND Leak Survey.
- 7.2 The exemption document must be reviewed and approved by Director of IM or their designees in Electronic Document Routing System (EDRS).

8 Exemptions for Environmentally Sensitive Areas

- 8.1 Exemptions in environmentally sensitive areas, such as an endangered species habitat, an area of historical or cultural significance, OR similar designations are determined as follows:
1. On a case-by-case basis.
 2. The following conditions must exist prior to allowing the trees and other vegetation to remain:
 - a. The pipeline depth of cover is greater than 20 ft.
 - b. A walking path is available above the pipeline.
- 8.2 IF the conditions listed in Section 8.1 exist,
THEN the trees and vegetation may remain.
OTHERWISE the exemption must follow the approval process outlined in Section 7.

9 Outside the Vegetation Control Zones

- 9.1 Patrols, vegetation management, and GT O&M personnel take appropriate action to identify, assess, AND mitigate the potential risks of trees and vegetation located outside the vegetation control zones that are capable of producing limbs and roots impacting the pipeline integrity.
- Identify trees in poor health (hazard trees) for the risk of falling and potential damage to exposed portions of pipeline (e.g., stream crossings).
- 9.2 Company personnel must reach a written agreement with the property owners before the removal OR trimming of vegetation, trees, or limbs outside the easement.

10 Record Retention Requirements

- 10.1 Retain records per the Record Retention Schedule.

END of Requirements

Gas Pipeline Encroachment Management

DEFINITIONS

Border zone: An area extending from the edge of the pipe zone out an additional 5.

Corridor: A tract of land forming a passageway.

Diameter at breast height (DBH): A standard method of expressing the diameter of the trunk or bole of a standing tree at a height of 4.5 ft from the ground.

Easement: The limited right to make use of property owned by another. Pipeline ROW is documented in a written easement. The easement may grant the right to install and maintain a pipeline across another person's property. The rights and restrictions are usually defined in the easement document. The easement is usually recorded to provide notice of the rights and restrictions that apply to the property, even when it transferred or sold.

Encroachment: Anything located on or near the pipeline that would either pose integrity management risk, hinder maintenance activities, OR cause a lengthy delay in accessing pipeline facilities during an emergency.

Pipe zone: An area around the pipeline extending from the edge of the pipe on either side out 5 ft. to the border zone.

Right-of-way (ROW): The right to cross property to go to and from another parcel. The ROW may be a specific grant of land or an "easement," which is a right to pass across another's land.

Transmission line: A pipeline, other than a gathering line, that meets ANY one of the following criteria:

1. Transports gas from a transmission line, gathering line, or storage facility to any of the following:
 - a. Distribution Center.
 - b. Storage Facility.
 - c. Large Volume Customer that is not downstream of a Distribution Center.
2. Operates at or above a hoop stress of 20% SMYS, OR is upstream of a segment of pipe operating at or above a hoop stress of 20% SMYS.
3. Transports gas within a storage field.

Tree(s): Any plant life with a measureable DBH as defined in [TD-4490P-03](#), Appendix A or by vegetation management personnel.

Vegetation: All plant life in a particular region taken as a whole.

Gas Pipeline Encroachment Management

IMPLEMENTATION RESPONSIBILITIES

This utility standard will be communicated via a Gas Technical Document Management (TDM) Communications Monday morning email announcement.

Supervisors will tailboard with the impacted audience to communicate the publication and changes in the standard.

Vegetation Management will set up a WebEx session with the target audience to discuss changes to this utility standard.

GOVERNING DOCUMENT

NA

COMPLIANCE REQUIREMENT / REGULATORY COMMITMENT

[Code Of Federal Regulations \(CFR\), Title 49, "Transportation," Part 192—Transportation Of Natural And Other Gas By Pipeline: Minimum Federal Safety Standards, Subpart L, "Operations."](#)

[49 CFR Part 192, Subpart M, "Maintenance"](#)

[49 CFR Part 192, Subpart O, "Gas Transmission Pipeline Integrity Management"](#)

[CPUC, Section 851](#)

[CPUC General Order 69-C, "Easements on Property of Public Utilities Resolution No. L-230"](#)

[GO-112F 143.5, "Encroachments"](#)

REFERENCE DOCUMENTS

Developmental References:

NA

Supplemental References:

[Utility Procedure TD-4490P-03, "Vegetation Encroachment Site-Specific Risk Analysis"](#)

[Utility Procedure TD-4490P-05, "Structural Encroachments Risk Analysis"](#)

APPENDICES

NA

ATTACHMENTS

NA

Gas Pipeline Encroachment Management

DOCUMENT REVISION

Utility Standard TD-4490S, "Gas Pipeline Rights-of-way Management," Rev. 2, issued 11/2014.

DOCUMENT APPROVER

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DOCUMENT OWNER

Patrick Espiritu, Gas Engineer, Associate, Gas Standards and Procedures

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REVISION NOTES

Where?	What Changed?
Section 2	Added Roles and Responsibilities section.
Section 3	Updated the risk assessment models.
Section 4	Added reference to TD-4490P-05, which details the process for performing risk prioritization and analysis in determining the threat levels of structural encroachments within the ROW.
Section 4.1.2	Added new GO-112F requirements for submitting plans to the CPUC.
Section 6	Added reference to TD-4490P-05.
Section 7	Added Integrity Management, Patrols, and Leak Survey to provide approvals in the exemption process.
Section 8.1.2	Added requirements for exemptions for environmentally sensitive areas.
Definitions	Updated definition of encroachment.

Structural Encroachment Risk Analysis

SUMMARY

This utility procedure describes the process how Pacific Gas and Electric Company (PG&E or Company) performs risk prioritization and analysis to determine threat levels of structural encroachments within the right-of-way (ROW).

Level of Use: Informational Use

TARGET AUDIENCE

Transmission integrity management (IM) personnel, and Gas pipeline operations and maintenance (GPO&M) personnel.

Land rights management personnel are included for procedure awareness.

SAFETY

Performing this procedure will not raise the risk of a specific hazard to personnel, public, or equipment.

BEFORE YOU START

All personnel performing the duties of this utility procedure must complete annual transmission integrity management program (TIMP) training.

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4	Action Requirements or Recommendations	5

Structural Encroachment Risk Analysis

PROCEDURE STEPS

1 General

NOTE

In some instances, it may not be necessary to remove all structural encroachments from the ROW as described in [Utility Standard TD-4490S, "Gas Pipeline Encroachment Management."](#)

1.1 GPO&M personnel perform the following:

1. All structural encroachment management operations:
 - In a safe and effective manner.
 - In accordance with all federal and state laws, regulations and permit conditions.
 - With special attention to environmental concerns.
2. Minimize risk of pipeline damage by managing structural encroachments near gas transmission facilities.
3. Ensure appropriate pipeline maintenance can be performed.
4. Maintain unobstructed access to Company natural gas pipeline facilities for emergency response and pipeline operations and maintenance (O&M) activities.

2 Data Collection

2.1 IM personnel complete the following:

1. Collect the following minimum data required for structural encroachment risk analysis:
 - The encroachment classification as described in [Section 3.1](#).
 - The horizontal distance from the encroachment to the pipeline centerline.
 - Pipeline depth of cover (DOC)
2. Collect the following additional data as needed for analysis when determining recommendations per [Section 4](#):
 - IM assessment history.
 - Construction practices used to install the encroachment.
 - Depth of the encroachment (conservative assumptions may be used).

Structural Encroachment Risk Analysis

3 Initial Screening

- 3.1 IM personnel classify each encroachment for screening, as indicated in Table 1, "Encroachment Classifications," which represents the majority of encroachments PG&E personnel encounter.

Table 1. Encroachment Classifications

Classification	Description
P-1	Utility poles and guy wires.
P-2	Fence posts, bollards, sign posts, and shallowly embedded structures (less than 36 in.).
P-3	Uninhabited structures not breaking the ground (e.g. barns, sheds, patios, above ground pools, occupied areas).
P-4	Uninhabited structures with deeper foundations or depths of structure footing greater than 36 in. but less than 60 in; such as warehouses, below ground pools, or loading docks.
P-5	Inhabited structures.

1. IF an encroachment does not appear to fit any of the classifications above,
THEN the IM subject matter expert further assesses the encroachment's risk, to determine where it fits within the screening process.

Structural Encroachment Risk Analysis

- 3.2 Use the classification and the minimum data required as specified in [Section 2.1](#), to determine the initial risk level of each encroachment with impacted occupancy count (IOC) per Table 2, "Encroachment Screening Process."

Table 2. Encroachment Screening Process

LIKELIHOOD OF POTENTIAL COATING OR MECHANICAL DAMAGE	CONSEQUENCE									
	P-3, IOC = 0	P-3, IOC > 0	P-2, IOC = 0	P-4, IOC = 0	P-2, IOC > 0	P-1, IOC = 0	P-4, IOC > 0	P-5, IOC > 0	P-1, IOC > 0	
Distance is < 2 ft AND DOC is < 3 ft.	LOW	LOW-MEDIUM	MEDIUM		HIGH					
Distance is < 2 ft AND DOC is 3 ft to 5 ft.	LOW	LOW-MEDIUM		MEDIUM			HIGH			
Distance is < 2 ft AND DOC is > 5 ft	LOW	LOW-MEDIUM				MEDIUM		HIGH		
Distance is 2 to 5 ft AND DOC is < 3 ft.	LOW		LOW-MEDIUM				MEDIUM			
Distance is 2 to 5 ft and DOC is 3 ft to 5 ft.	LOW			LOW-MEDIUM			MEDIUM			
Distance is 2 to 5 ft AND DOC is > 5 ft.	LOW				LOW-MEDIUM					
All classifications with distance away from pipe > 5 ft AND at all DOC.	LOW									

NOTE: P-5, IOC equals 0: This scenario cannot exist since P-5 are habitable structures

- 3.3 IM personnel make associated decisions OR take additional action for each encroachment as described for the appropriate initial risk level.

1. Low risk

IF the IOC is equal to zero AND there is very low likelihood of mechanical damage,

THEN the encroachment may remain within the ROW.

Structural Encroachment Risk Analysis

3.3 (continued)

2. Low to medium risk

IF normal operation and maintenance (O&M) measures are in place AND one of the following is true:

- The IOC is greater than zero AND there is no pipeline integrity threat.
- The IOC is equal to zero AND there is low likelihood of a pipeline integrity threat.

THEN the encroachment may remain within the ROW.

3. Medium risk

IF one of the following is true:

- The IOC is equal to zero AND there is a potential for mechanical damage.
- The IOC is greater than zero AND there is low likelihood of mechanical damage.

THEN additional data must be collected as described in [Section 4.1](#).

4. High risk

IF the IOC is greater than zero AND there is a likelihood of potential mechanical damage,

THEN the encroachment must be removed UNLESS the mechanical damage is validated to not exist.

4 Action Requirements or Recommendations

4.1 IF initial screening result is a “medium risk,”

THEN IM personnel complete additional data collection or analysis, including indirect inspection (closed interval survey, alternating current voltage gradient, and direct current voltage gradient), to determine whether the encroachment may cause any of the following mechanical damage to the pipeline:

- Coating damage
- Metallic contact with pipeline
- Damage to pipeline

Structural Encroachment Risk Analysis

- 4.2 IF indirect inspection yields a result of mechanical damage not likely to exist,
THEN perform the following steps (the encroachment may remain):
1. O&M personnel continue to monitor the encroachment through appropriate processes for pipeline patrol and emergency response according to [Utility Procedure TD-4412P-07, "Patrolling Gas Pipelines."](#)
 2. IM personnel evaluate the encroachment for potential use of additional mitigation measures.
- 4.3 IF indirect inspection cannot be accomplished due to the interference from the encroachment,
OR appropriate processes for pipeline patrol and emergency response cannot be established at a specific encroachment site,
THEN IM elevates the site to eliminate the threat, pursues the removal of encroachment AND validates that mechanical damage to the pipe did not occur.
- 4.4 IF indirect inspection yields a result of mechanical damage likely to exist,
THEN perform the following steps:
1. O&M personnel, construction personnel, or both, must stabilize OR remove the encroachment before excavating.
 2. O&M personnel, construction personnel, or both, must excavate the pipeline to identify any coating or pipeline damage.
 3. IF the pipeline requires repair,
THEN O&M personnel, construction personnel, facilities IM program personnel (Pipeline services), or any combination, must follow the instructions of [Utility Procedure TD-4100P-05, "Selection of Steel Gas Pipeline Repair Methods,"](#) as appropriate.

END of Instructions

Structural Encroachment Risk Analysis

DEFINITIONS

Alternating current voltage gradient (ACVG): Inspection technique including a series of above ground measurements of voltage gradients resulting from current pickup and discharge points at holidays. Capable of locating holidays on the pipeline.

Closed interval survey (CIS): Inspection technique including a series of above ground pipe-to-soil potential measurements taken at predetermined increments of several feet along the pipeline and used to provide information on the effectiveness of the cathodic protection system.

Depth of cover (DOC): The vertical distance measured from the ground surface to the top of the pipeline.

Direct current voltage gradient (DCVG): Inspection technique including a series of above ground measurements of voltage gradients resulting from current pickup and discharge points at holidays. Capable of locating holidays on the pipeline.

Encroachment: Anything located on or near the pipeline that would either pose integrity management risk, hinder maintenance activities, OR cause a lengthy delay in accessing pipeline facilities during an emergency.

Impacted Occupancy Count (IOC): Total occupancy value for all structures or outside occupied areas within the potential impact radius (PIR) circles of an individual pipeline section, as determined through processes within the Transmission Asset Knowledge and Integrity Management department.

Indirect inspection technology (IIT): Inspection techniques including a series of above ground survey techniques (ACVG, DCVG, CIS) taken at predetermined increments of several feet along the pipeline and used to provide information on the condition of the pipelines protective coating.

Right-of-way (ROW): The right to cross property to go to and from another parcel. The ROW may be a specific grant of land or an "easement," which is a right to pass across another's land.

IMPLEMENTATION RESPONSIBILITIES

This utility procedure will be communicated via a Gas Technical Document Management (TDM) Communications Monday morning email announcement.

Transmission IM will provide Web ex sessions to target audience to reinforce the current process and communicate the publication of new procedure.

GOVERNING DOCUMENT

[Utility Standard TD-4490S, "Gas Pipeline Encroachment Management"](#)

Structural Encroachment Risk Analysis

COMPLIANCE REQUIREMENT / REGULATORY COMMITMENT

[Code of Federal Regulations \(CFR\), Title 49, Transportation, Part 192—Transportation of Natural and other Gas by Pipeline: Minimum Federal Safety Standards, Subpart O, “Gas Transmission Pipeline Integrity Management”](#)

REFERENCE DOCUMENTS

Developmental References:

NA

Supplemental References:

[Utility Procedure TD-4100P-05, “Selection of Steel Gas Pipeline Repair Methods”](#)

[Utility Procedure TD-4412P-07, “Patrolling Gas Pipelines”](#)

APPENDICES

NA

ATTACHMENTS

NA

DOCUMENT REVISION

NA

DOCUMENT APPROVER

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REVISION NOTES

Where?	What Changed?
All	This is a new utility procedure documenting this process for the first time; however this process is currently being used.



Overview

Pacific Gas and Electric Company’s (PG&E) top priority is the safety of our customers and the communities we live in and serve. As part of this commitment to safety, we are checking the area above and around our natural gas transmission pipelines to help ensure safety crews are able to get to the pipe in case of an emergency or for critical maintenance work. When items like trees and structures are located too close to the gas pipeline and pose a safety concern, we work with the City or private property owner to discuss tree replacement and landscaping options that preserve the beauty of the area while keeping the community safe.

Community Outreach

It is important to us that our customers get answers to their questions and have an opportunity to provide feedback. We have tailored our outreach plan to help ensure the local community is aware of the upcoming gas safety work. Our outreach for Menlo Park includes the following:

Timing	Outreach	Description
July and December 2015	Gas safety newsletters	Mailed regional gas safety newsletters to residents near the gas transmission pipeline
September and November 2015	Private property gas safety letter	Mailed letters to private property customers with gas safety work proposed for their property
April 24, 2017	Answer center invitations	Mailed invitations to surrounding residents regarding upcoming answer centers where they can ask questions and learn more about the proposed gas safety work
Week of May 8	Answer centers	Hosted neighborhood answer centers to share information and answer questions about proposed gas safety work: <ul style="list-style-type: none"> • Starbucks at Sharon Heights Shopping Center (2) • The Willows Market (2) • Oil Changers on Willow Road (1)
Week of May 22	Answer center follow-up and gas safety letters	<ul style="list-style-type: none"> • Follow-up with answer center attendees, as needed • Mail letter about PG&E’s gas safety programs to residents within proximity to a gas transmission pipeline • Mail letter regarding upcoming gas safety work
Week of June 5	Door-to-door outreach	Canvass adjacent residential and commercial locations to provide fact sheets and answer questions regarding upcoming work
Week of June 12	Onsite during gas safety work	Provide onsite support during gas safety work to answer questions as needed
Week of July 24	Thank you letter	Mail thank you letters to residents and provide guidance for safe uses near gas pipelines

Please note the above timing is approximate and subject to change.

Learn More

For more information, please contact PG&E Customer Outreach Specialist Emily Sloan at [1-650-737-2001](tel:1-650-737-2001) or by email at emily.sloan@pge.com. Additional information on PG&E’s gas safety efforts can also be found at pge.com/GasSafety.

Together

BUILDING A BETTER CALIFORNIA



IN THIS ISSUE

- Removing obstacles and threats to pipelines



- Meet the San Mateo County team



- Local leaders speak out on safety



PG&E Working with Communities in San Mateo County to Enhance Gas Safety and Ensure Pipeline Access

PG&E IS INVESTING MORE THAN \$5 BILLION THIS YEAR TO ENHANCE PIPELINE

safety and strengthen gas and electrical infrastructure across northern and central California. In San Mateo County, PG&E is undertaking a series of gas pipeline safety initiatives and working with local communities to ensure they are aware of the ongoing work and its importance to public safety.

PG&E has recently completed upgrades to natural gas pipelines across San Mateo County. The upgrades to the transmission lines will increase service reliability and enhance public safety for the growing San Mateo County area.

CONTINUED ON PAGE 2 →

New Safety Initiative to Provide Faster Emergency Response Access

SAN MATEO COUNTY RESIDENTS

may see more blue PG&E trucks on the road in coming months as the company undertakes a new community gas safety initiative designed to ensure first responders and PG&E emergency response crews can more quickly get to natural

CONTINUED ON PAGE 3 →



Planning to dig? Call 811 before you dig, and PG&E will come out to mark the approximate location of underground lines, pipes and cables, so you'll be able to dig safely. PG&E's 811 program is just another step we're taking to ensure the safety of our gas system in your community.



SAFE  RELIABLE  AFFORDABLE  CLEAN



Meet the San Mateo County Team

All of us pictured here are proud to call the San Mateo County area home. At PG&E, the communities we serve are where we live and work too. So when we go to work to build the safest gas system in the nation, we're doing it for your family—and ours. Across San Mateo County, we work every day to improve safety and strengthen reliability in our community. Here are just some of the highlights of the gas safety work PG&E and the San Mateo County team have completed recently:



From left: David Cuevas, Gas Field Representative; Sergio Salinas, Gas Crew Foreman; An Lam, Senior Gas Engineer; Russel Chin, Gas Service Representative; Alonzo Lopez, Gas Crew Leader.

A SAFER GAS SYSTEM— THE FACTS:

SURVEYED all 6,750 miles of gas transmission pipeline

REPLACED more than 125 miles of gas transmission pipeline

INSTALLED more than 200 new automated safety valves throughout the system

VALIDATED the maximum operating pressure on all 6,750 miles of gas transmission pipelines



PG&E WORKING WITH COMMUNITIES IN SAN MATEO COUNTY TO ENHANCE GAS SAFETY

CONTINUED FROM PAGE 1

Harold Schapelhouman, Menlo Park Fire Protection District Fire Chief said, "PG&E's community-based gas safety initiatives will help keep San Mateo County residents and our first responders safe."

PG&E's gas safety work in San Mateo County includes replacing pipelines, installing new automated safety valves and using innovative technology to test and monitor the integrity of gas pipelines.

PG&E's suite of gas pipeline safety programs is allowing the company and the customers it serves in San Mateo County to identify and address any potential safety concerns before they become an issue.

Learn more about PG&E's gas safety work at pge.com/GasSafety.

NEW SAFETY INITIATIVE TO PROVIDE FASTER EMERGENCY RESPONSE ACCESS

CONTINUED FROM PAGE 1

gas transmission lines in the event of an emergency or natural disaster.

As part of the work coming to the San Mateo County area, PG&E crews have already conducted a mile-by-mile analysis of San Mateo County's natural gas transmission pipeline system. And PG&E has identified structures, sheds, trees and shrubbery that experts believe pose threats to the safety and integrity of gas pipelines.

collaboratively with local residents to remove the structures or trees that pose potential threats to public safety. If PG&E does remove any trees, the company will work with property owners and local communities to replace trees at PG&E's expense.



Trees can prevent emergency response crews from getting to the pipeline in an emergency.

Pipeline experts...and local first responders agree that replacing certain trees will help prevent gas leaks and speed up emergency response times.

Industry pipeline experts who reviewed PG&E's safety practices and local first responders agree that removing trees and structures over PG&E gas pipelines will reduce the risks to the pipeline and speed up response times in the event of a leak.

In instances when removing trees is required, local PG&E representatives will be working

Safety Technology Innovations Include New Leak-Detecting Car



PG&E WAS THE FIRST UTILITY

in the world to use the vehicle-mounted Picarro Surveyor™ instruments that are approximately 1,000 times more sensitive than traditional leak detection equipment.

PG&E worked with Silicon Valley-based Picarro to develop technology that uses GPS to pinpoint even the most miniscule natural gas leak.

Since 2010, PG&E has reduced the backlog of minor, non-hazardous leaks by 99%. This effort is a result of a redefined leak management program, which includes using cutting edge leak detection technology

NEW TECHNOLOGY has helped PG&E to achieve a

99%
REDUCTION

in minor gas leaks since 2010

that is mobile-based as well as new streamlined and more efficient work procedures.

"We're making every effort to ensure that PG&E is the safest utility in the United States," said Nick Stavropoulos, PG&E's executive vice president of gas operations. "Utilizing innovations in technology are key to making that happen."

Pacific Gas and Electric Company

PO Box 77000

San Francisco, CA 94105

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Together, Building
a Better California

pge.com/GasSafety

Hear What Local Leaders Are Saying About Safety



**AMY
BUCKMASTER**

*President & CEO,
Redwood City-
San Mateo County
Chamber of
Commerce*

"San Mateo County is thriving, in part because of the gas and electric infrastructure powering our progress. PG&E has remained committed to upgrading our infrastructure to protect public safety. The men and women of PG&E are working hard to serve our community."



**HAROLD
SCHAPELHOUMAN**

*Fire Chief,
Menlo Park
Fire Protection
District*

"PG&E's community-based gas safety initiatives will help keep San Mateo County residents and our first responders safe. As a fire chief, I know that response times in an emergency are critical and clearing obstructions to gas pipelines will help speed response times and save lives."



**ADRIENNE
ETHERTON**

*Executive
Director,
Sustainable
San Mateo
County*

"Sustainable San Mateo County is dedicated to the long-term health of our local environment and economy, and PG&E has been a committed partner in fulfilling our mission. We support their ongoing efforts to improve gas safety in our community for generations to come."

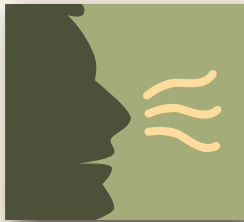
Together

BUILDING A BETTER CALIFORNIA



IN THIS ISSUE

- Learn steps to help detect a possible gas leak



- Right tree, right place



- Local leaders speak out on safety



Working to Improve Emergency Access

AT PG&E, we are committed to the safety of our customers and the communities where they live and work. In San Mateo County, part of that commitment to safety includes making sure the area above a natural gas transmission line is clear of structures or trees that could block access for firefighters and safety crews in an emergency or natural disaster.



PG&E's Community Pipeline Safety Initiative works collaboratively with residents and community leaders to identify and replace any trees or structures located above the natural gas line to help ensure first responders and utility crews can quickly get to the pipeline and make it safe in an emergency.

Right Tree, Right Place: Proper Tree and Site Selection



THE BENEFITS of planting trees are abundant: they keep homes cool by providing shade, enhance property values and clean the air. If the right tree is not planted in the right

The need to keep the area above the pipeline clear is similar to that of the area in front of a fire hydrant. We all know and understand the importance of never parking in the red zone in front of fire hydrants. While fire trucks don't need to regularly access the hydrant, when they do, they need immediate, unblocked access.

CONTINUED ON PAGE 2 →

CONTINUED ON PAGE 3 →



SAFE



RELIABLE



AFFORDABLE



CLEAN

San Mateo County Leaders Speak Out on Safety

“Thrive, the Alliance of Nonprofits for San Mateo County, is committed to strengthening the economic and social health of San Mateo County, and PG&E is one of our strongest supporters. In addition to delivering some of the cleanest and most affordable energy



in the nation, PG&E has demonstrated a proactive commitment to safety and helping all of our communities thrive”

—**PORCIA CHEN SILVERBERG**

EXECUTIVE DIRECTOR, THRIVE

“PG&E’s gas pipeline safety work is vitally important to first responders and the neighborhoods we work to protect across the Peninsula. Ensuring first responders can easily access gas pipelines in the event of an emergency is necessary to public safety and the upgrade work being performed.”

—**JOHN HEALY**

FIRE CHIEF FOR BELMONT, FOSTER CITY AND CITY OF SAN MATEO



“The work PG&E is doing now to improve gas safety will help our first responders



better access pipelines in the event of an emergency.”

—**SCOTT JALBERT**

FIRE CHIEF FOR THE SAN MATEO COUNTY FIRE DEPARTMENT AND THE COASTSIDE FIRE PROTECTION DISTRICT

RIGHT TREE, RIGHT PLACE ...

CONTINUED FROM PAGE 1

place, however, it can cause public safety issues and power outages. In fact, more than 90 percent of tree-caused outages come from healthy trees and branches that fall or grow into power lines.

“Trees are a vital part of California’s natural beauty, and PG&E appreciates the many benefits they offer to communities,” said Patrick Hogan, vice president of asset management, PG&E. “In addition to beautifying property, cooling homes and cleaning the air, the right tree—planted in the right place—can help improve public safety by keeping areas above pipelines clear for first responders and our crews, reducing the likelihood that branches or limbs will contact an energized power line.”

Tips to Ensure the Right Tree is Planted in the Right Place

- When planting near gas or electric lines, only use the appropriate plants. You can learn more about planting the right tree in the right place by visiting <http://selecttree.calpoly.edu>.
- Call 8-1-1 at least two days before planting trees or landscaping, to have underground power lines and other utilities marked.
- Keep all trees, people and equipment away from electric power lines, including the lines from the pole to your home.
- If hiring a specialist to assist with tree care—whether that be trimming, removal or planting—do not have them work on trees within 10 feet of high voltage lines. Only PG&E’s OSHA certified contractors can work on trees within 10 feet of high voltage lines.
- You can email RightTreeRightPlace@pge.com for a free copy of PG&E’s *A Selection and Planting Guide to Small Trees Near Distribution Lines*.

WORKING TO IMPROVE EMERGENCY ACCESS

CONTINUED FROM PAGE 1

Similarly, during a natural disaster or other emergency, trees or structures located over or around an underground pipe can delay access by emergency response crews. Pipeline safety experts and local first responders agree that keeping the area around gas pipelines safe and clear will speed up response times in the event of a gas leak. In an emergency, every second counts.

In situations when a tree or structure needs to be replaced for safety reasons, the local PG&E team will work closely with customers to replace the item.

In situations when a tree or structure needs to be replaced for safety reasons, the local PG&E team will work closely with customers to replace the item at a safe distance from the pipe while maintaining—and, in some instances, enhancing—the area’s unique character and beauty.

We’re committed to working together with our customers and community leaders to answer their questions and make sure they fully understand why this community gas safety work is so important. The safety of our customers, their families and our employees will always be our number one priority.

For more information on PG&E’s Community Pipeline Safety Initiative, you can visit pge.com/GasSafety.

New Automated Gas Safety Valves Speed Emergency Response to Gas Leaks

Valve automation is one component of PG&E’s system-improvement efforts. The valve automation program improves PG&E’s ability to quickly shut off the flow of gas in the event of a significant change in pressure.

Valves can be opened or closed from PG&E’s newly designed Gas Control Center, instead of requiring an employee to travel to the site to manually open or close the valve. Valves allow us to stop the flow of gas immediately to reduce damage during an emergency and allow community firefighters and police to respond more quickly.

Your awareness and actions can be critical to the safety of your home and community. Please report any signs of a gas leak immediately by calling 1-800-743-5000 and use these simple steps below to help detect a possible gas leak.

SIGHT



Be aware of dirt spraying in the air, continual bubbling in a pond or creek and dead or dying vegetation in an otherwise moist area.

SMELL



We add a distinctive, sulfur-like rotten egg odor to natural gas, so you can detect even small amounts.

SOUNDS



Pay attention to hissing, whistling or roaring sounds coming from underground or from a gas appliance.

Pacific Gas and Electric Company

PO Box 77000

San Francisco, CA 94105

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Together, Building
a Better California

pge.com/GasSafety



"At PG&E, we are committed to protecting public safety and the environment. As an arborist, part of my job is to make sure our efforts to provide safe and reliable energy are always done in an environmentally friendly and sustainable way."

CHRIS HUGHES
Certified Arborist





«Date»

«Customer Name»

«Mail Address»

«Mail City, Mail State Mail Zip»

We will be calling you soon about important gas safety work to help ensure first responder safety access.

RE: Your Property at «Site Address», «Site City»

Dear «Customer Name»:

Nothing is more important to us than the safety of you, your family, and the community.

As you may know, as part of PG&E's Community Pipeline Safety Initiative, we are looking at the area above and around natural gas transmission pipelines to be certain that first responders, including firefighters and our own emergency response crews, have safe, immediate access to the pipeline in the event of an emergency or natural disaster.

Keeping You Safe and Answering Your Questions

During our recent safety review, **we noticed items, such as a trees, brush, sheds, and other obstacles, above the gas transmission pipeline that runs on or near your property that are located too close to the pipeline.** When left unaddressed, these items could prevent immediate access in an emergency and potentially cause damage to the pipe.

We completely understand you may have questions, and we're here to answer all of them. **I will be calling you within the next few days to share more information about this safety work and answer any questions you may have.**

We know how important trees are to you and your neighbors. They matter to our environment, our employees, and the customers we proudly serve. Our goal is to replace any trees that need to be moved, and to restore the beauty of your home, property and the community.

Working With You

We are committed to working together and finding a shared solution that ensures these items are placed a safe distance away from the pipe. Most importantly, these items will be replaced and/or restored at PG&E's expense. Above all, be assured that we will only move forward with planned safety work once we have reached an agreement together.

Again, if you have any questions please call or email me at any time. My direct contact information is below. I look forward to meeting with you soon.

Thank you,

«Land Agent Name»

Community Pipeline Safety Initiative
Pacific Gas and Electric Company

«Phone Number»

«Email Address»

- Para ayuda en español por favor llame al: **1-800-660-6789**
- 要用粵語/國語請求協助, 請致電: **1-800-893-9555**
- Kung kailangang makipag-usap sa nakakasalita ng Tagalog, tumawag sa: **1-800-743-5000**
- Để được giúp đỡ bằng tiếng Việt, xin gọi: **1-800-298-8438**

Learn More

For more information about our safety efforts to maintain the area above the pipeline, please visit our website at pge.com/GasSafety. Enclosed is a brochure describing additional steps we are taking to ensure the continued safe operation of the pipeline serving your community.



**Pacific Gas and
Electric Company**[®]

Pronto le estaremos llamando con relación a trabajos importantes de seguridad en las tuberías de gas para ayudar a que exista un acceso seguro al personal de respuesta ante emergencias.

Estimado vecino:

Nada es más importante para nosotros que la seguridad de usted, de su familia y de la comunidad.

Es probable que usted sepa que como parte de la Iniciativa Comunitaria de Seguridad en las tuberías de gas de PG&E, estamos revisando el área que se encuentra por encima y alrededor de las tuberías de transmisión de gas natural, con el fin de cerciorarnos de que el personal de respuesta ante emergencias, incluidos los bomberos y nuestras propias cuadrillas de respuesta en casos de emergencia, cuenten con un acceso seguro e inmediato a la tubería de gas si llegara a presentarse un emergencia o desastre natural.

Lo mantenemos seguro y contestamos sus preguntas

Durante nuestra reciente evaluación de seguridad, **identificamos objetos tales como árboles, arbustos, cobertizos, y otros obstáculos que se encuentran por encima de la tubería de transmisión de gas que pasa a través o cerca de su propiedad, y están ubicados muy cerca de la tubería.** Si no se hace algo al respecto, estos objetos podrían impedir el acceso inmediato durante una emergencia y ocasionar daños a la tubería de gas.

Comprendemos perfectamente que usted pueda tener preguntas y estamos a sus órdenes para contestarlas en su totalidad. **Le estaré llamando en los próximos días para proporcionarle más información acerca de estos trabajos de seguridad y contestar cualquier pregunta que pueda tener.**

Sabemos lo importante que son los árboles para usted y sus vecinos. Son importantes para nuestro medio ambiente, nuestros empleados y los clientes a quienes orgullosamente servimos. Nuestra meta es reemplazar los árboles que necesiten ser reubicados y restaurar la belleza de su hogar, propiedad y la comunidad.

Colaboramos con usted

Estamos comprometidos en trabajar conjuntamente y encontrar una solución compartida que permita que estos objetos estén ubicados a una distancia segura de la tubería de gas. Y lo más importante, el costo de reemplazar o restaurar estos objetos correrá por cuenta de PG&E. Sobre todo, tenga la plena confianza de que sólo daremos inicio al trabajo de seguridad planificado una vez que hayamos llegado a un acuerdo mutuo.

Una vez más, si tiene alguna pregunta por favor llame o envíeme un email en cualquier momento.

Mi información de contacto se encuentra a continuación. Espero tener el gusto de reunirme con usted pronto.

Gracias,

«Land Agent Name»
Community Pipeline Safety Initiative
Pacific Gas and Electric Company
«Phone Number»
«Email Address»

- Para ayuda en español por favor llame al: **1-800-660-6789**
- 要用粵語/國語請求協助, 請致電: **1-800-893-9555**
- Kung kailangang makipag-usap sa nakakasalita ng Tagalog, tumawag sa: **1-800-743-5000**
- Để được giúp đỡ bằng tiếng Việt, xin gọi: **1-800-298-8438**

Más información

Si desea obtener más información acerca de nuestros esfuerzos para dar mantenimiento al área que se encuentra por encima de las tuberías de gas, por favor visite nuestro sitio web en pge.com/GasSafety. Adjunto, se encuentra un folleto que describe otras medidas que estamos tomando para el funcionamiento seguro y constante de la tubería de gas que brinda servicio a su comunidad.



**Pacific Gas and
Electric Company®**

«Date»

«CUSTOMER_NAME»
OR CURRENT OCCUPANT
«MAILING_ADDRESS2»
«MAILING_ADDRESS»
«MAILING_CITY», «MAILING_STATE» «MAILING_ZIP»

**PG&E invites you to
neighborhood answer
centers to learn more
about upcoming gas
safety work in your
community.**

Dear «Customer_Name»,

As part of Pacific Gas and Electric Company's (PG&E) commitment to providing customers with the safest and most reliable gas system in the nation, you may have seen us in your neighborhood. In addition to our regular pipeline safety work, in every community we are checking the area above and around our natural gas transmission pipelines to help ensure immediate access for first responders in the event of an emergency, and prevent damage to the pipe.

Join Us at a Neighborhood Answer Center

It's important to us that our customers know about all of the safety work we are doing in Menlo Park and have the opportunity to ask questions and provide input. Please join us at one of our upcoming answer centers to learn more about PG&E's pipeline safety programs and planned safety work in your neighborhood. All interested community members are invited to drop in anytime during the answer centers.

<p>Monday, May 8 7:30 a.m. to 10:30 a.m. Starbucks 325 Sharon Park Drive Menlo Park, Calif. 94025</p>	<p>Friday, May 12 7:30 a.m. to 10:30 a.m. Starbucks 325 Sharon Park Drive Menlo Park, Calif. 94025</p>
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Upcoming Gas Safety Work

PG&E recently reviewed structures, trees and brush located near the gas pipeline in Menlo Park. When these items are located too close to a gas transmission pipeline, they can threaten safety by blocking emergency access for first responders and preventing our crews from performing important maintenance work. For any tree or structure that needs to be replaced for safety reasons, PG&E works with the property owner to develop a plan that protects public safety while preserving the character and natural beauty of the area. This may include planting a new tree at a safe distance from the pipeline and other landscape restoration.

Learn More

If you have questions about our ongoing gas safety efforts or the upcoming safety work in your community, please contact me at the phone number or email address listed below. More information is also available at pge.com/GasSafety.

We look forward to working together on this important gas safety work, and hope to see you at one of our answer centers.

Sincerely,

Emily Sloan
Customer Outreach Specialist
Pacific Gas and Electric Company
Phone: 1-650-737-2001
Email: emily.sloan@pge.com

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Quick Facts

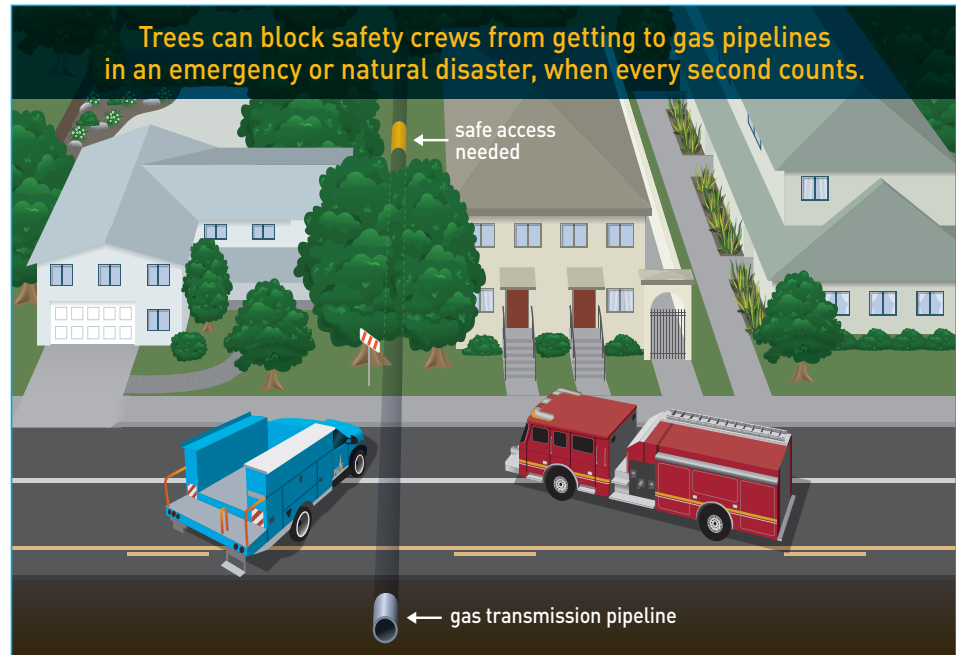
- PG&E's top priority is the safety of our customers and their families.
- Items like trees and bushes located too close to the pipeline can delay safety crews from getting to the pipeline in an emergency and making it safe.
- PG&E has been working closely with the City of Menlo Park to assess the area above the pipeline.
- Certain trees and bushes along Sand Hill Road between Highway 280 and Santa Cruz Avenue will need to be replaced for safety reasons.
- This gas safety work is scheduled to begin Summer 2017 and will take approximately three weeks to complete.
- There will be no interruption to your gas or electric service.

Learn More

- If you have questions about this upcoming gas safety work, please contact Emily Sloan at [1-650-737-2001](tel:1-650-737-2001) or by email at emily.sloan@pge.com.
- For more information about PG&E's pipeline safety programs, please visit our website at pge.com/GasSafety.

Sand Hill Road

Pacific Gas and Electric Company's (PG&E) top priority is the safety of our customers and communities. As part of this commitment to safety, we are checking the area above and around our natural gas transmission pipelines to help ensure immediate access for first responders and prevent damage to the pipe.



Items like trees and bushes can delay emergency response crews from quickly accessing the pipeline. Working closely with the City of Menlo Park, PG&E's gas safety experts conducted an in-depth review of the area above the gas transmission pipeline in the community. The results of the review were shared with the City and it was determined that some trees and bushes are located too close to the gas pipeline and need to be replaced for safety reasons.

Work Schedule

This gas safety work is scheduled to begin Summer 2017 along Sand Hill Road between Highway 280 and Santa Cruz Avenue. Work will be conducted Monday through Friday and is expected to take approximately three weeks to complete.

What to Expect

During this gas safety work, residents can expect the following:

- PG&E and contractor trucks parked in the area
- Traffic and pedestrian safety cones and signs marking the work area
- Use of mechanical and hand equipment/noise from the equipment
- Wood being run through a chipper and reused, or debris hauled off-site
- Minor traffic delays due to partial lane closures

Thank you for your cooperation and patience during this gas safety work.



**Pacific Gas and
Electric Company®**

«Date»

«CUSTOMER_NAME»
OR CURRENT OCCUPANT
«MAILING_ADDRESS2»
«MAILING_ADDRESS»
«MAILING_CITY», «MAILING_STATE» «MAILING_ZIP»

**PG&E invites you to
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Dear «Customer_Name»,

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Join Us at a Neighborhood Answer Center

It's important to us that our customers know about all of the safety work we are doing in Menlo Park and have the opportunity to ask questions and provide input. Please join us at one of our upcoming answer centers to learn more about PG&E's pipeline safety programs and planned safety work in your neighborhood. All interested community members are invited to drop in anytime during the answer centers.

<p>Wednesday, May 10 3:00 p.m. to 6:00 p.m. The Willows Market 60 Middlefield Road Menlo Park, Calif. 94025</p>	<p>Thursday, May 11 2:00 p.m. to 5:00 p.m. The Willows Market 60 Middlefield Road Menlo Park, Calif. 94025</p>
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Upcoming Gas Safety Work

PG&E recently reviewed structures, trees and brush located near the gas pipeline in Menlo Park. When these items are located too close to a gas transmission pipeline, they can threaten safety by blocking emergency access for first responders and preventing our crews from performing important maintenance work. For any tree or structure that needs to be replaced for safety reasons, PG&E works with the property owner to develop a plan that protects public safety while preserving the character and natural beauty of the area. This may include planting a new tree at a safe distance from the pipeline and other landscape restoration.

Learn More

If you have questions about our ongoing gas safety efforts or the upcoming safety work in your community, please contact me at the phone number or email address listed below. More information is also available at pge.com/GasSafety.

We look forward to working together on this important gas safety work, and hope to see you at one of our answer centers.

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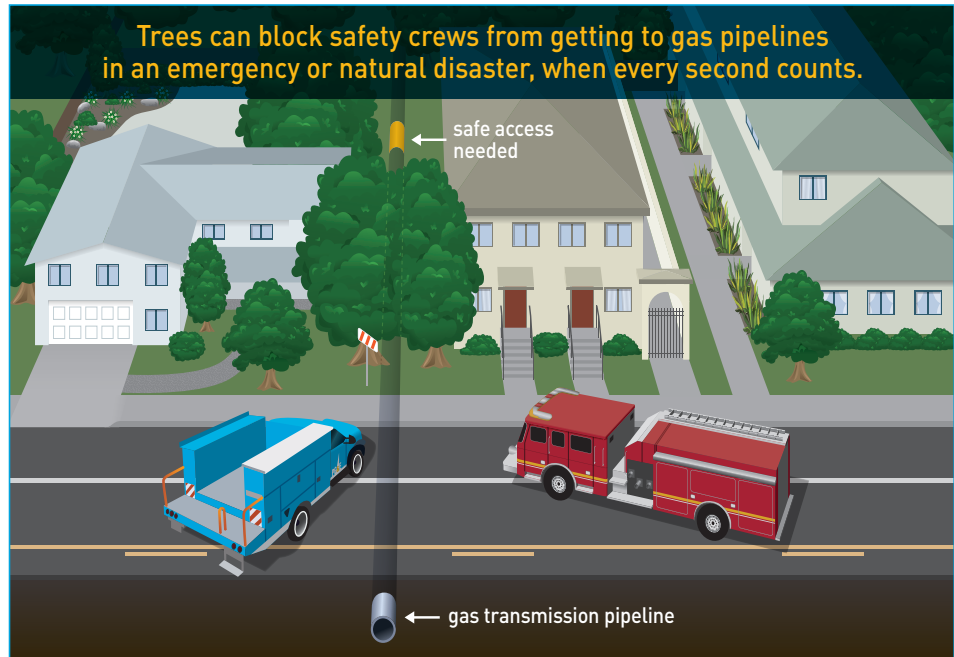
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- Items like trees and bushes located too close to the pipeline can delay safety crews from getting to the pipeline in an emergency and making it safe.
- PG&E has been working closely with the City of Menlo Park to assess the area above the pipeline.
- Certain trees and bushes along Middlefield Road between Ringwood Avenue and Willow Road will need to be replaced for safety reasons.
- This gas safety work is scheduled to begin Summer 2017 and will take approximately two weeks to complete.
- There will be no interruption to your gas or electric service.

Learn More

- If you have questions about this upcoming gas safety work, please contact Emily Sloan at [1-650-737-2001](tel:1-650-737-2001) or by email at emily.sloan@pge.com.
- For more information about PG&E's pipeline safety programs, please visit our website at pge.com/GasSafety.

Middlefield Road

Pacific Gas and Electric Company's (PG&E) top priority is the safety of our customers and communities. As part of this commitment to safety, we are checking the area above and around our natural gas transmission pipelines to help ensure immediate access for first responders and prevent damage to the pipe.



Items like trees and bushes can delay emergency response crews from quickly accessing the pipeline. Working closely with the City of Menlo Park, PG&E's gas safety experts conducted an in-depth review of the area above the gas transmission pipeline in the community. The results of the review were shared with the City and it was determined that some trees and bushes are located too close to the gas pipeline and need to be replaced for safety reasons.

Work Schedule

This gas safety work is scheduled to begin Summer 2017 along Middlefield Road between Ringwood Avenue and Willow Road. Work will be conducted Monday through Friday and is expected to take approximately two weeks to complete.

What to Expect

During this gas safety work, residents can expect the following:

- PG&E and contractor trucks parked in the area
- Traffic and pedestrian safety cones and signs marking the work area
- Use of mechanical and hand equipment/noise from the equipment
- Wood being run through a chipper and reused, or debris hauled off-site
- Minor traffic delays due to partial lane closures

Thank you for your cooperation and patience during this gas safety work.



**Pacific Gas and
Electric Company®**

«Date»

«CUSTOMER_NAME»
OR CURRENT OCCUPANT
«MAILING_ADDRESS2»
«MAILING_ADDRESS»
«MAILING_CITY», «MAILING_STATE» «MAILING_ZIP»

**PG&E invites you to a
neighborhood answer
center to learn more
about upcoming gas
safety work in your
community.**

Dear «Customer_Name»,

As part of Pacific Gas and Electric Company's (PG&E) commitment to providing customers with the safest and most reliable gas system in the nation, you may have seen us in your neighborhood. In addition to our regular pipeline safety work, in every community we are checking the area above and around our natural gas transmission pipelines to help ensure immediate access for first responders in the event of an emergency, and prevent damage to the pipe.

Join Us at a Neighborhood Answer Center

It's important to us that our customers know about all of the safety work we are doing in Menlo Park and have the opportunity to ask questions and provide input. Please join us at our upcoming answer center to learn more about PG&E's pipeline safety programs and planned safety work in your neighborhood. All interested community members are invited to drop in anytime during the answer center.

Saturday, May 13
8:30 a.m. to 11:30 a.m.
Oil Changers
944 Willow Road
Menlo Park, Calif. 94025

Upcoming Gas Safety Work

PG&E recently reviewed structures, trees and brush located near the gas pipeline in Menlo Park. When these items are located too close to a gas transmission pipeline, they can threaten safety by blocking emergency access for first responders and preventing our crews from performing important maintenance work. For any tree or structure that needs to be replaced for safety reasons, PG&E works with the property owner to develop a plan that protects public safety while preserving the character and natural beauty of the area. This may include planting a new tree at a safe distance from the pipeline and other landscape restoration.

Learn More

If you have questions about our ongoing gas safety efforts or the upcoming safety work in your community, please contact me at the phone number or email address listed below. More information is also available at pge.com/GasSafety.

We look forward to working together on this important gas safety work, and hope to see you at our answer center.

Sincerely,

Emily Sloan
Customer Outreach Specialist
Pacific Gas and Electric Company
Phone: 1-650-737-2001
Email: emily.sloan@pge.com

- Para ayuda en español por favor llame al: **1-800-660-6789**
- 要用粵語/國語請求協助, 請致電: **1-800-893-9555**
- Kung kailangang makipag-usap sa nakakasalita ng Tagalog, tumawag sa: **1-800-743-5000**
- Để được giúp đỡ bằng tiếng Việt, xin gọi: **1-800-298-8438**



Quick Facts

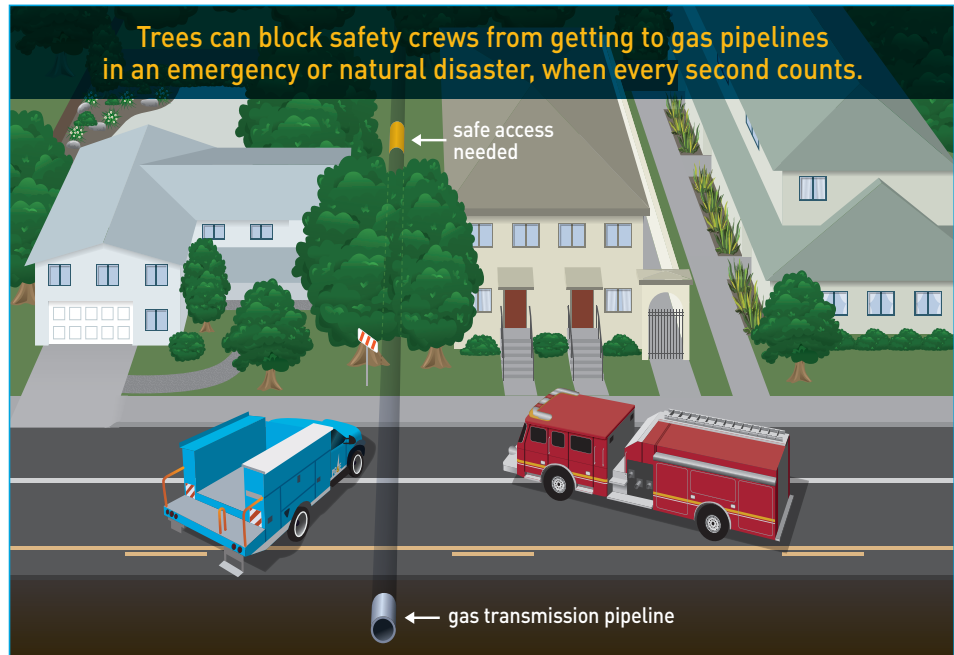
- PG&E's top priority is the safety of our customers and their families.
- Items like trees and bushes located too close to the pipeline can delay safety crews from getting to the pipeline in an emergency and making it safe.
- PG&E has been working closely with the City of Menlo Park to assess the area above the pipeline.
- Certain trees and bushes along Van Buren Road between Iris Lane and Bay Road will need to be replaced for safety reasons.
- This gas safety work is scheduled to begin Summer 2017 and will take approximately one week to complete.
- There will be no interruption to your gas or electric service.

Learn More

- If you have questions about this upcoming gas safety work, please contact Emily Sloan at [1-650-737-2001](tel:1-650-737-2001) or by email at emily.sloan@pge.com.
- For more information about PG&E's pipeline safety programs, please visit our website at pge.com/GasSafety.

Van Buren Road

Pacific Gas and Electric Company's (PG&E) top priority is the safety of our customers and communities. As part of this commitment to safety, we are checking the area above and around our natural gas transmission pipelines to help ensure immediate access for first responders and prevent damage to the pipe.



Items like trees and bushes can delay emergency response crews from quickly accessing the pipeline. Working closely with the City of Menlo Park, PG&E's gas safety experts conducted an in-depth review of the area above the gas transmission pipeline in the community. The results of the review were shared with the City and it was determined that some trees and bushes are located too close to the gas pipeline and need to be replaced for safety reasons.

Work Schedule

This gas safety work is scheduled to begin Summer 2017 along Van Buren Road between Iris Lane and Bay Road. Work will be conducted Monday through Friday and is expected to take approximately one week to complete.

What to Expect

During this gas safety work, residents can expect the following:

- PG&E and contractor trucks parked in the area
- Traffic and pedestrian safety cones and signs marking the work area
- Use of mechanical and hand equipment/noise from the equipment
- Wood being run through a chipper and reused, or debris hauled off-site
- Minor traffic delays due to partial lane closures

Thank you for your cooperation and patience during this gas safety work.

«Date»

PG&E is doing gas safety work in your neighborhood. Please contact us with any questions.

«CUSTOMER_NAME»
Or Current Occupant
«MAILING_ADDRESS2»
«MAILING_ADDRESS»
«MAILING_CITY», «MAILING_STATE» «MAILING_ZIP»

Dear «Customer_Name»,

As part of Pacific Gas and Electric Company's (PG&E) commitment to keeping our customers and communities safe, you may have seen us working in your neighborhood.

In addition to our regular pipeline safety work, in every community we are looking at the area above and around the natural gas transmission lines to be certain that first responders, including firefighters and our own emergency response crews, have safe, immediate access to the pipeline in the event of an emergency or natural disaster.

Working Together to Improve Community Safety

When trees, bushes and structures are located too close to the gas pipeline, they can threaten safety because they can block emergency access and prevent our crews from performing important safety work. We are working together with the local community to ensure any items are placed a safe distance from the pipeline and the area is restored.

This work is just one of many gas safety efforts currently underway, including:

- **Pipeline Inspection** using high-tech devices to look for signs of corrosion and other weakness, and hydrostatic pressure testing to verify pipeline's strength and safe operating pressure
- **Valve Automation** to allow faster response times during emergencies
- **Pipeline Retrofits** to ensure we can properly perform internal inspections
- **Leak Surveying** with advanced laser-detection technology, by foot, vehicle, air and even by boat

Ask Questions or Learn More

If you have any questions or to learn more about our pipeline safety work in your neighborhood, please contact **your local PG&E representative Emily Sloan at 1-650-737-2001 or emily.sloan@pge.com**. More information can also be found online at pge.com/GasSafety, or in the enclosed brochure.

We appreciate your patience and cooperation as we work together to make your community safer. Thank you.

Sincerely,



Frank Salguero
Peninsula Division Senior Manager
Pacific Gas and Electric Company

Como parte del compromiso de Pacific Gas and Electric Company (PG&E) con la seguridad de nuestros clientes y comunidades, usted nos puede haber visto trabajando en su vecindario. Además de nuestro mantenimiento preventivo destinado a la seguridad de la tubería de gas, en todas las comunidades estamos evaluando el área que se encuentra por encima y alrededor de las tuberías de transmisión de gas natural, con el fin de cerciorarnos de que el personal de respuesta ante emergencias, incluidos los bomberos y nuestras propias, cuenten con un acceso seguro e inmediato a la tubería de gas, si llegara a presentarse una emergencia o desastre natural.

Cuando los árboles, arbustos y estructuras están situados muy cerca de la tubería de gas, pueden representar una amenaza para la seguridad, dado que pueden obstruir el acceso de emergencia e impedir que nuestras cuadrillas lleven a cabo importantes tareas de seguridad. Estamos trabajando en conjunto con la comunidad local a fin de asegurarnos de que todos los objetos sean colocados a una distancia segura de la tubería de gas y que el área sea restaurada.

Estas labores son apenas uno de los diversos esfuerzos que se están llevando a cabo actualmente para incrementar la seguridad relacionada con el gas. Si tiene alguna pregunta o desea obtener información adicional acerca de las obras para reforzar la seguridad de la tubería de gas en su comunidad, por favor llámenos al **1-877-259-8314**. Puede encontrar más información en Internet en **pge.com/GasSafety**, o en el folleto que se adjunta. Agradecemos su paciencia y cooperación mientras trabajamos para la seguridad de su comunidad.

Pacific Gas and Electric Company (PG&E) 承諾保障用戶和社區安全，為此，您可能曾在居住所在區域看過我們施工。除了定期維護管路安全之外，我們會在各個社區檢查天然煤氣輸送管上方和四周區域，以確保當緊急事故或天災發生時，包括消防員和本公司緊急應變小組在內的第一線應變人員能即刻安全抵達管路所在之處。

若樹木、樹叢或建築物太靠近煤氣輸送管，可能會阻擋緊急通道，妨礙應變小組進行重要的安全作業，進而造成安全威脅。因此，我們正與當地社區密切合作，確保這些障礙物都被移開，與輸送管保持安全距離。

這項作業只是我們正在進行的多項煤氣安全措施之一。若您對我們在您居住社區的管路安全作業有任何疑問，或想瞭解更多資訊，請撥打我們的電話：**1-877-259-8314**。您亦可瀏覽我們的網站 **pge.com/GasSafety**，或參閱內附小冊以瞭解更多資訊。非常感謝您的耐心配合，讓我們攜手打造更安全的社區。

Là một phần trong cam kết của Công Ty Pacific Gas and Electric (PG&E) đảm bảo an toàn cho khách hàng và cộng đồng của chúng tôi, quý vị có lẽ đã nhìn thấy chúng tôi làm việc trong khu phố của quý vị. Tại mỗi cộng đồng, ngoài các hoạt động thường xuyên để giữ đường ống an toàn, chúng tôi cũng quan sát các khu vực ở trên và xung quanh các đường ống dẫn khí đốt để đảm bảo rằng các nhân viên ứng phó khẩn cấp, bao gồm nhân viên cứu hỏa và các đội ứng phó khẩn cấp của chúng tôi, có thể tiếp cận các đường ống ngay tức thời và an toàn khi có trường hợp khẩn cấp hay thiên tai.

Khi cây cối, bụi rậm và các vật cấu trúc nằm quá gần đường ống dẫn khí, có thể đe dọa sự an toàn vì các vật này có thể chặn lối vào khẩn cấp và gây trở ngại cho các đội ứng phó của chúng tôi trong việc thực hiện công tác an toàn thiết yếu. Chúng tôi đang làm việc với cộng đồng địa phương để đảm bảo bất kỳ vật nào cũng được đặt cách đường ống một khoảng cách an toàn và khu vực được phục hồi.

Công việc này chỉ là một trong nhiều những nỗ lực đảm bảo an toàn về khí đốt hiện đang được thực hiện. Nếu quý vị có bất kỳ thắc mắc nào hay muốn biết thêm về công tác an toàn đường ống của chúng tôi trong khu phố của quý vị, vui lòng gọi cho chúng tôi qua số **1-877-259-8314**. Quý vị có thể tìm thêm thông tin chi tiết qua trực tuyến tại **pge.com/GasSafety**, hay trong tập thông tin đính kèm. Chúng tôi hoan nghênh sự kiên nhẫn và hợp tác của quý vị khi chúng ta cùng làm việc với nhau để cho cộng đồng của quý vị an toàn hơn.

Kung kailangang makipag-usap sa nakakasalita ng Tagalog, tumawag sa: **1-800-743-5000**.

«Date»

«CUSTOMER_NAME»
Or Current Occupant
«MAILING_ADDRESS2»
«MAILING_ADDRESS»
«MAILING_CITY», «MAILING_STATE» «MAILING_ZIP»

Dear «Customer_Name»,

Nothing is more important to us than the safety of the customers and communities we proudly serve.

In addition to making sure that the pipeline is operating safely, in every community PG&E is also looking at the area above and around the natural gas transmission pipelines to be certain that first responders, including firefighters and our own emergency response crews, have safe, immediate access to the pipeline in the event of an emergency or natural disaster.

Working Together

When located too close to the pipeline, items like trees and brush can threaten safety because they can block emergency access and potentially cause damage to the pipe. That's why we are working closely with the local community to ensure these items are placed at a safe distance. This can include planting new trees and other landscape restoration to preserve the beauty of the community while keeping you, your family and the community safe.

Upcoming Gas Safety Work

In the next few weeks, **PG&E crews are scheduled to begin gas safety work in your area. Our crews will be replacing trees or bushes that are located too close to the pipeline and restoring the area.** If you have any questions about this project, please contact:

Emily Sloan at 1-650-737-2001 or by email at emily.sloan@pge.com

For more information about our ongoing gas safety work, please visit our website at **pge.com/GasSafety** or call us at **1-877-259-8314**.

Thank you for your patience and cooperation as we work together to make our communities safer. Again, if you have any questions, please reach out to us at any time.

Sincerely,



Frank Salguero
Peninsula Division Senior Manager
Pacific Gas and Electric Company



Be Safe. Dig Safe. Damage from excavation is the most common cause of pipeline accidents. Before you begin any landscaping work, always call 811 at least two business days in advance. With one free call to 811, PG&E will send a crew to mark our underground gas and electric facilities before you begin work, helping you plan a safe project.

Nada es más importante para Pacific Gas & Electric (PG&E) que la seguridad de los clientes y las comunidades a las que orgullosamente servimos. Además de verificar que la tubería de gas funcione de manera segura, en todas las comunidades también estamos evaluando el área que se encuentra por encima y alrededor de las tuberías de transmisión de gas natural, con el fin de cerciorarnos de que el personal de respuesta ante emergencias, incluidos los bomberos y nuestras propias cuadrillas de respuesta de emergencia, cuenten con un acceso seguro e inmediato a la tubería de gas, si llegara a presentarse un emergencia o desastre natural.

Cuando objetos tales como árboles y arbustos se encuentran ubicados muy cerca de la tubería de gas, pueden atentar contra la seguridad, obstruir el acceso de emergencia y potencialmente, ocasionar daños a la tubería. Es por esto que estamos trabajando de forma estrecha con la comunidad local para asegurarnos de que estos objetos estén colocados a una distancia segura. Esto puede incluir plantar nuevos árboles y otro tipo de restauración de jardinería ornamental para preservar la belleza del área, mientras que se a la comunidad segura.

En las próximas semanas, cuadrillas de PG&E tienen programado iniciar labores para reforzar la seguridad de las tuberías de gas en su área. Nuestras cuadrillas reemplazarán árboles o arbustos que estén situados muy cerca de la tubería y restaurarán el área. Si tiene alguna pregunta sobre este proyecto, por favor llámenos al **1-877-259-8314**. Muchas gracias por su paciencia y su cooperación mientras trabajamos para la seguridad de la comunidad.

對 Pacific Gas & Electric (PG&E) 而言，沒有任何事比確保用戶和社區的安全更為重要。除了確保管路安全運作之外，我們也在各個社區檢查煤氣輸送管上方和四周區域，以確保當緊急事故或天災發生時，包括消防員和本公司緊急應變小組在內的第一線應變人員能即刻安全抵達管路所在之處。

若樹木、樹叢或建築物太靠近煤氣輸送管，可能會阻擋緊急通道並損害管路，造成安全威脅。因此，我們正與當地社區密切合作，確保這些障礙物都被移開，與輸送管保持安全距離。相關的作業可能包括種植新樹和進行其他景觀復原工作，希望在確保社區安全的同時，能維護該區的美麗樣貌。

未來幾週，PG&E 工程小組將在您的區域展開煤氣安全作業。小組人員會把太靠近輸送管的樹木或樹叢移開，並於事後將此區復原。如對此項目有任何疑問，請撥打我們的電話：**1-877-259-8314**。謝謝您的耐心配合，讓我們攜手打造更安全的社區。

Đôi với Pacific Gas & Electric (PG&E) không có gì quan trọng hơn sự an toàn của các khách hàng và các cộng đồng mà chúng tôi rất tự hào được phục vụ. Tại mỗi cộng đồng, ngoài việc đảm bảo các đường ống đang hoạt động an toàn, chúng tôi cũng quan sát các khu vực ở trên và xung quanh các đường ống dẫn khí đốt để đảm bảo rằng để đảm bảo rằng các nhân viên ứng phó khẩn cấp, bao gồm nhân viên cứu hỏa các đội ứng phó khẩn cấp của chúng tôi, có thể tiếp cận các đường ống ngay tức thời và an toàn khi có trường hợp khẩn cấp hay thiên tai.

Khi ở quá gần đường ống, các vật như cây cối và bụi rậm có thể đe dọa đến sự an toàn vì chúng có thể chặn lối vào khẩn cấp và gây nguy cơ làm hư hỏng đường ống. Đó là lý do vì sao chúng tôi đang làm việc chặt chẽ với cộng đồng địa phương nhằm đảm bảo các vật này được đặt ở một khoảng cách an toàn. Việc này có thể bao gồm việc trồng các cây mới và tái lập cảnh quan khác nhằm gìn giữ vẻ đẹp của khu vực trong khi vẫn đảm bảo cộng đồng được an toàn.

Trong vài tuần tới, các đội của PG&E đã được lên lịch khởi động công tác an toàn về khí đốt trong khu vực của quý vị. Các đội của chúng tôi sẽ thay thế các cây hay bụi rậm nằm quá gần đường ống và sẽ tái tạo lại khu vực. Nếu quý vị có bất kỳ thắc mắc nào về dự án này, vui lòng gọi cho chúng tôi qua số **1-877-259-8314**. Xin cảm ơn quý vị đã kiên nhẫn hợp tác để chúng ta cùng chung tay làm việc vì một cộng đồng an toàn hơn.

Kung kailangang makipag-usap sa nakakasalita ng Tagalog, tumawag sa: **1-800-743-5000**.

**Working to enhance
gas safety in your
community.**

Sorry we missed you.

Please see enclosed materials
for more information.

**Lamentamos no
haberlo encontrado.**

Para más información,
por favor lea el material incluido.



**Together, Building
a Better California**

*PG&E refers to Pacific Gas and Electric Company, a subsidiary of PG&E Corporation.
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«Date»

«CUSTOMER_NAME»

Or Current Occupant

«MAILING_ADDRESS2»

«MAILING_ADDRESS»

«MAILING_CITY», «MAILING_STATE» «MAILING_ZIP»

Thank you for your patience and cooperation during PG&E's recent gas safety work in your neighborhood. Please read this letter for more information.

Dear «Customer_Name»,

On behalf of Pacific Gas and Electric Company (PG&E), I would like to thank you for your patience and understanding during our recent gas safety work in your neighborhood. Every day, we are working to build the safest and most reliable gas system for you, your family and the communities we serve. It is thanks to your cooperation that first responders and emergency response crews will now be able to quickly access the pipeline in the event of an emergency or natural disaster.

Keeping the area above the gas pipeline clear of items that could delay emergency access means a safer community for you and your neighbors as well as our employees. In the future, you will continue to see PG&E crews working in your neighborhood to ensure the ongoing delivery of safe and reliable electric and gas service.

For more information about how you can help keep your community safe and beautiful, please see the enclosed guidance on landscaping near underground gas pipelines. More information can also be found by visiting pge.com/GasSafety or calling us at **1-877-259-8314**.

If you have any questions or feedback on the experience you had with our work, please do not hesitate to contact me at the phone or email below. You may also receive a survey from us over the next couple of weeks, and we hope you will take the time to share your thoughts with us.

Thank you again for your support of this important gas safety work.

Sincerely,

Emily Sloan
Customer Outreach Specialist
Pacific Gas and Electric Company
Phone: 1-650-737-2001
Email: emily.sloan@pge.com

- Para ayuda en español por favor llame al: **1-800-660-6789**
- 要用粵語/國語請求協助, 請致電: **1-800-893-9555**
- Kung kailangang makipag-usap sa nakakasalita ng Tagalog, tumawag sa: **1-800-743-5000**
- Để được giúp đỡ bằng tiếng Việt, xin gọi: **1-800-298-8438**



Be Safe. Dig Safe.

Before you begin any landscaping work, always call **811** at least two business days in advance. With one free call to **811**, PG&E will send a crew that can mark our underground gas and electric facilities before you begin work, helping you plan a safe project.

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STAFF REPORT

City Council

Meeting Date:

5/23/2017

Staff Report Number:

17-125-CC

Informational Item:

Update on the draft community zero waste plan

Recommendation

Staff recommends the City Council receive this informational report on the draft community zero waste plan.

Policy Issues

Development of a community zero waste plan is identified in both the 2016 and 2017 City Council Work Plans and funding for this plan was included in the fiscal year 2016-17 Capital Improvement Program budget. This is also consistent with the City's five-year Climate Action Plan strategy and will help in achieving the City Council's adopted target of reducing citywide greenhouse gas emissions by 27 percent by 2020, from 2005 levels.

Background

Following a competitive proposal process, the City selected R3 Consulting Group, Inc., and began the process of developing a community zero waste plan in August 2016.

As approved by City Council, two projects: 1) zero waste plan, and 2) rate structure study were combined under one contract. This allows for the zero waste plan implementation to be incorporated into the anticipated costs, helps with strategically phasing in additional parts of the program and ensures the funding is in place to meet current and future obligations.

Zero waste is generally defined as 90 percent overall diversion of non-hazardous materials from both landfill and incineration, resulting in discarded materials being reduced, reused, recycled or composted. The zero waste plan will guide our implementation of residential, commercial and municipal programs to help us achieve our zero waste goal.

The project team conducted stakeholder outreach to obtain input on potential new and expanded programs to be included in the city's community zero waste plan. There were two workshops, an online survey and additional stakeholder meetings and follow up phone calls with representatives from the environmental community, property managers, service providers, faith organizations, school community, business groups and regional agencies.

Based on this input, the project team developed a revised list of zero waste strategy options. The final list of recommended policies, programs and infrastructure enhancements is included in the draft community zero waste plan (Attachment A).

The draft community zero waste plan was presented to the Environmental Quality Commission on May 17, 2017. The Environmental Quality Commission applauded the City for its efforts on the community zero waste strategy to meet the needs of our growing community. The Commission supported the direction and

intent of the draft plan. The Commission voted 5-0-2 (DeCardy and Smolke absent) to recommend that the City Council, in an effort to realize the greatest impact from city funds dedicated to the plan, consider accelerating the implementation of the following initiatives:

- No. 7: Universal recycling and composting
- No. 8: Increased recycling requirements for construction and demolition (C&D) waste
- No. 16: Mandatory sorting of self-hauled waste at Shoreway Environmental Center
- No. 17: Mandatory participation in recycling and composting programs

The Commission selected these initiatives based on the cost-effectiveness, total tons of waste diverted and staffing resources required. The Commission believes the City may get better outcomes by concentrating on these high-impact initiatives that focus on the underperforming waste generating sectors, namely multifamily and commercial entities. In addition, the Commission recommends that outreach efforts focus on these sectors.

Analysis

Potential diversion

Menlo Park has the opportunity to significantly increase its citywide diversion rate through the implementation of the new and expanded policies, programs and infrastructure improvements.

In 2015, the City's franchise diversion rate (based on materials collected by Recology) was 56 percent. To estimate the diversion potential of each of the zero waste strategies, the project team developed a diversion model. The model uses waste composition data for each generator sector (single-family, multifamily, commercial, C&D, self-haul) to estimate tons by material type by sector. The model then applies an estimated capture rate (the percentage of the material type estimated be diverted) to the tons to derive the potential diversion tons associated with each strategy. The capture rates were developed from research of comparable programs and educated estimates. The model predicts that implementation of the zero waste strategies would result in a 70 percent franchise diversion rate. Additional regional programs, such as mixed waste processing, would assist the City in reaching 73 percent franchised diversion, and potentially beyond.

Greenhouse gas emission reduction

If these zero waste strategies were to be fully implemented, approximately 13,700 metric tons of carbon dioxide (Attachment B) could be avoided through recycling and composting currently landfilled waste materials. Additional carbon emissions could be achieved through source reduction of nonrecoverable materials and reuse activities.

This is equivalent to:

- Removing annual emissions from 2,790 passenger vehicles
- Conserving 1,491,273 gallons of gasoline
- Conserving 552,206 cylinders of propane used for home barbeques
- Conserving 71 railway cars of coal
- Conserving 867 households' annual energy consumption
- Conserving 17,155 barrels of oil

The Waste Reduction Model (WARM) was used to calculate the estimated amount of greenhouse gas emission reduction. WARM was created by the U.S. Environmental Protection Agency to help solid waste planners and organizations estimate greenhouse gas emission reductions from several different waste management practices. The model calculates emissions in metric tons of carbon dioxide equivalent

(MTCO₂E) and metric tons of carbon equivalent (MTCE) across a wide range of material types commonly found in municipal solid waste.

Economic analysis

Costs for implementing the zero waste strategies were developed by estimating the number of staff or contractor hours that would be needed to develop and maintain each program, the outreach materials (training, materials, advertising, promotional flyers, promotional kits, outreach campaign) needed for each program and the capital costs for upgrades at the Shoreway Environmental Center, to be shared throughout the service area

The project team used the following assumptions:

- The average, fully-burdened hourly rate used for estimating staff costs is \$68 per hour
- \$15 each for training materials
- \$500 each for newspaper advertising
- \$2 each for promotional flyers
- \$50 each for promotional kits
- \$2,000 for an outreach campaign
- \$2 million to add optical sorting equipment to the recyclables processing at Shoreway Environmental Center (Menlo Park's share would be \$200,000 based on its proportionate share of the materials)
- \$500,000 to add upgrades to the Shoreway Environmental Center's self-haul area (Menlo Parks' share would be \$50,000)
- Costs would be annualized over a 10-year planning period

These assumptions were used to project the annual estimated costs for each program. Based on the estimated diversion tons, the costs per ton diverted were also projected. Based on the 9,058 single family, multifamily and commercial customers in the City, full implementation of all the zero waste strategies could result in an approximate \$0.85 per month increase in the monthly rates. Other funding mechanisms may also be considered.

Implementation plan timeline and strategies

These zero waste strategies could be implemented over a 10-year period from 2018 through 2027. The implementation timeframe is divided into three phases:

- Short-term 2018-2020
- Medium-term 2021-2024
- Long-term 2025-2027

Timing for the development of new programs is subject to the City's budget process, contract extensions with Recology or new contracts with another service provider, and potential upgrades to the Shoreway Environmental Center. For planning purposes, it is anticipated that the zero waste strategies will be implemented in the following sequence.

Short-term zero waste strategies

The following strategies would be implemented over a three-year period from 2018 through 2020 and subject to the City's budget process. Most of these strategies could be implemented by City staff and some may be incorporated into their current duties. However, full implementation of these strategies would require more staff or contractor resources (approximately 0.5 full-time equivalent).

- Recycling ambassadors and door-to-door outreach
- Outreach, education and technical assistance for construction and demolition generators
- Outreach to elementary and secondary schools

- Outreach to faith-based organizations
- Support for reuse, repair, leasing or sharing efforts
- Promote reusable bottles and bottle filling stations

Medium-term zero waste strategies

The medium-term strategies would be implemented during the four years from 2021 through 2024. Two of these strategies would require changes to the City's franchise agreement and would be subject to negotiation. Several are City policies that require one-time staff support and others are ongoing programs that require annual staffing support (approximately 0.5 full-time equivalent). One strategy (expanding the list of curbside recyclables) would require upgrades to the Shoreway facility, which would be shared with all of the communities in the service area.

- Universal recycling and composting collection service
- Increase recycling requirements in construction and demolition ordinance
- Additional commercial technical assistance
- Expanded bulky item recycling collection
- Expanded list of curbside recyclables
- Participating partners program
- Zero waste event requirements
- Material bans of products or packaging
- Textile recycling

Long-term zero waste strategies

The long-term strategies would be implemented during the three years from 2025 through 2027. These include City policies that would require one-time staff support and one strategy that would require upgrades to the Shoreway facility, which would be shared with all of the communities in the service area.

- Mandatory sorting of self-hauled waste at Shoreway Environmental Center
- Mandatory participation in recycling and composting programs
- Require all projects to direct construction and demolition materials to designated facilities
- Rate structure that incentivizes waste prevention
- Mandatory recycling percentage

Impact on City Resources

Implementation costs would be paid out of the City's Solid Waste Fund. Full implementation of the one-time policies and program startup activities over the 10-year planning period would require approximately 3,500 staff hours spread over the 10-year period. Ongoing program implementation would require 2,200 staff hours annually. This along with the capital costs amounts to approximately \$921,375 over the 10 year term of the plan. The zero waste strategies are anticipated to be implemented gradually over time. Impact on rates would be incremental and would result in a rate impact of about \$0.85 per customer per month.

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 Community Zero Waste Plan

Staff Report #: 17-125-CC

B. Draft Community Zero Waste Plan Cost and GHG Reduction Estimates

Report prepared by:

Clay J. Curtin, Assistant to the City Manager/Interim Sustainability Manager

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Community Zero Waste Plan

SUBMITTED TO:

City of Menlo Park

Acknowledgements

The City of Menlo Park's zero waste plan was created through the collaboration of City staff, R3 Consulting Group, Inc., and sub-consultants Abbe & Associates, LLC and Cascadia Consulting Group. Together, these parties form the zero waste plan project team.

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1 Executive summary

Introduction

The City of Menlo Park has taken several actions in recent years to promote environmental practices and policies. In 2009 the City Council approved Menlo Park's Climate Action Plan to assist the City in meeting or exceeding the emission reduction targets of AB 31 (California's Global Warming Solutions Act of 2006). The Climate Action Plan is a "living document" that provides strategies for reducing local greenhouse gas emissions, including the adoption of a zero waste plan. Menlo Park continues to make strides as a leader in sustainability through the development of this zero waste plan to help guide the community in diverting its waste from landfill disposal, effectively managing resources to their highest and best use while reducing waste at the source.

Goal statement

Reduce landfilled materials generation to 3.1 pounds per person per day and achieve at least 73 percent diversion of franchised waste from landfill disposal by 2035. These goals are based on increases in rates of recovery for divertible materials to reach zero waste, or 90 percent capture of recoverable materials in the City's waste stream by 2035. See Menlo Park zero waste goals and milestones in Table 1.

Table 1: Zero waste goals and milestones

Menlo Park Zero Waste Goals					
Goal	2015	2020	2025	2030	2035
1 - Franchised Diversion (Franchised Waste % Diversion)	56%	61%	65%	69%	73%
2 - Per Capita Disposal (CalRecycle PPD)	5.0	4.5	4.0	3.5	3.1
Goals Based On Increases In Rates of Recovery for Divertible Materials					
Capture Rates of Recoverable Materials (Cascadia Modeling)	70%	75%	80%	85%	90%
Estimated Amounts of Landfill Disposal					
Franchised Disposal (Generation Static, Nearest 100 Tons)	16,600	15,000	13,300	11,800	10,200
Total Disposal (Population Static, Nearest 100 Tons)	30,200	27,200	24,100	21,300	18,600

Zero waste strategies

Menlo Park's zero waste plan serves as a guiding document for the implementation of waste reduction policies, programs and infrastructure enhancements that will support the City in diverting resources from landfill disposal. These zero waste strategies build upon Menlo Park's achievements in waste reduction and reinforce waste diversion practices. Please see Section 5 for more information. Table 2 on the following page provides a summary of recommended zero waste strategies and target waste generation sectors by category.

Table 2: Zero waste strategy recommendations by category

Item #	Zero waste strategy	Recommendation	Target sectors
Category: Program/collection service enhancements			
10	Expanded bulky item recycling collection	Offer expanded large item pickup service that includes hard to recycle materials such as mattresses, textiles, carpet, window glass and large metal items.	commercial, multifamily, single family
11	Expanded list of curbside recyclables	Expand the types of materials accepted in curbside recycling.	commercial, multifamily, single-family
9	Additional commercial technical assistance	Additional commercial technical assistance to supplement Recology staff. Prioritize largest commercial generators for technical assistance.	commercial
3	Outreach to elementary and secondary schools	Encourage local schools, and the school community, to recycle and compost at home, support school "share tables" for extra food, and target cafeteria waste reduction.	commercial
4	Outreach to faith-based organizations	Encourage houses of worship and congregations to recycle and compost.	commercial
2	Outreach, education and technical assistance for construction and demolition generators	Encourage construction and demolition generators to reuse and recycle.	self-haul
12	Participating partners program	Partner with and promote organizations that accept or collect items for reuse, repair, recycling or composting in Menlo Park (including participating partner window decal).	commercial, multifamily, single-family
19	Rate structure that incentivizes waste prevention	Modify the customer rate structure to incentivize recycling, composting and source reduction.	commercial, multifamily, single-family
1	Recycling ambassadors and door-to-door outreach	Identify key community members and elected officials to help spread the message to recycle; organize door-to-door outreach for residential customers and in the business community.	commercial, multifamily, single-family

Table 2: Zero waste strategy recommendations by category

Item #	Zero waste strategy	Recommendation	Target sectors
15	Textile recycling	Start a textile recycling program. For example, promote and partner with Goodwill and others to offer more drop-off locations.	single-family
7	Universal recycling and composting collection service	Provide universal recycling and composting collection services to all commercial and multifamily customers who have trash collection.	commercial, multifamily
Category: City action/policy initiatives			
8	Increase recycling requirements in construction and demolition ordinance	Increase construction and demolition diversion requirements, for example 75 percent of all materials or 100 percent of all readily recyclable materials.	self-haul
17	Mandatory participation in recycling and composting programs	Mandate that waste generators participate in recycling and composting programs.	commercial, multifamily, single-family
20	Mandatory diversion percentage	Mandate a minimum diversion percentage for businesses and multifamily.	commercial, multifamily
14	Material bans of products or packaging	Additional bans of specified products or packaging.	commercial, multifamily, single-family
6	Promote reusable bottles and bottle filling stations	Promote alternatives to bottled water, including an ordinance requiring new buildings that have drinking fountains to provide bottle filling stations.	commercial
18	Require all projects to direct construction and demolition materials to designated facilities	Require all projects that generate construction and demolition debris to direct materials to designated facilities with guaranteed minimum recycling rates.	self-haul
5	Support for reuse, repair, leasing or sharing efforts	Support materials diversion from landfill via Repair Café or Fix It Clinics, car share, tool lending library and workshops.	commercial, multifamily, single-family
13	Zero waste event requirements	Require special events to have recycling and compostable materials collection.	commercial
Category: Facilities and infrastructure			

Table 2: Zero waste strategy recommendations by category

Item #	Zero waste strategy	Recommendation	Target sectors
16	Mandatory sorting of self-hauled waste at Shoreway Environmental Center	Change Shoreway Environmental Center operational practices to ensure that all self-hauled waste is sorted for maximum recovery.	self-haul

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Landfill diversion potential of zero waste strategies

In 2015, Menlo Park generated 5.0 pounds of landfilled material per person per day and the City's franchise diversion rate was 56 percent. To estimate the diversion potential of each of the zero waste strategies, the project team developed a diversion model. The model predicts that implementation of the zero waste strategies would result in a 70 percent franchise diversion rate, and reduce the amount of waste sent to landfill by approximately 8,500 tons. See Section 6 for more information and a breakdown of the additional diversion potential for each zero waste strategy.

Other measures may be needed at the national, statewide and local level in order for the City to reach its zero waste goals. Additional diversion can be achieved through the South Bayside Waste Management Authority's implementation of mixed waste processing and other regional waste reduction initiatives, which can be supported by social marketing efforts to further reduce waste in Menlo Park. Together, these initiatives will assist the City in reaching its goal of 73 percent diversion by 2035.

Estimates of Greenhouse Gas Reduction

The Environmental Protection Agency's Waste Reduction Model (WARM) was used to estimate greenhouse gas reductions resulting from the implementation of this zero waste plan. WARM estimates that the emission of approximately 13,000 metric tons of carbon dioxide would be avoided by recycling and composting currently landfill, yet recoverable, waste materials captured through zero waste strategies. This is equivalent to the annual emissions from 2,790 passenger vehicles or 867 household's annual energy consumption. Additional carbon emissions could be achieved through source reduction of non-recoverable materials and reuse activities.

Implementation costs

Table 3 on the following page provides a summary of zero waste strategy implementation costs and timeframes. Costs for implementing the zero waste strategies were developed by estimating:

- The number of staff or contractor hours that would be needed to develop and maintain each program;
- The outreach materials (training, materials, advertising, promotional flyers, promotional kits, outreach campaign) needed for each program; and
- The capital costs for upgrades at the Shoreway Environmental Center, to be shared throughout the service area.

Based on the 9,058 single family, multifamily and commercial customers in the City, full implementation of all the zero waste strategies could result in an approximate \$0.85 per month increase in the monthly rates. Other funding mechanisms may also be considered. Please see Section 8 for more information.

Timeline

Timing for the development of new programs is subject to the City's budget process, contract extensions with Recology or new contracts with another service provider, and potential upgrades to the Shoreway Environmental Center. For planning purposes, it is anticipated that the zero waste strategies will be implemented in the following sequence over a 10 year period: Short-term (2018-2020), Medium-term (2021-2024), and Long-term (2025-2027). See Section 9 for details. The remaining years leading up to the 2035 milestone date for achieving zero waste allow time for program participation to grow as a cultural shift occurs in Menlo Park,

implemented policies to take full effect, programs and progress to be reassessed, and new strategies to arise as conditions change.

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Table 3: Implementation timeframe and estimated cost

Item #	Zero waste strategy	Implementation timeframe			Full implementation
		Short-term 2018-2020	Medium-term 2021-2025	Long-term 2026-2027	
1	Recycling ambassadors and door-to-door outreach	X			X
2	Outreach, education and technical assistance for C&D generators	X			X
3	Outreach to elementary and secondary schools	X			X
4	Outreach to faith-based organizations	X			X
5	Support for reuse, repair, leasing or sharing efforts	X			X
6	Promote reusable bottles and bottle filling stations	X			X
7	Universal recycling and composting collection service		X		X
8	Increase recycling requirements in C&D ordinance		X		X
9	Additional commercial technical assistance		X		X
10	Expanded bulky item recycling collection		X		X
11	Expanded list of curbside recyclables		X		X
12	Participating partners program		X		X
13	Zero waste event requirements		X		X
14	Material bans of products or packaging		X		X
15	Textile recycling		X		X
16	Mandatory sorting of self-hauled waste at Shoreway Environmental Center			X	X
17	Mandatory participation in recycling and composting programs			X	X
18	Require all projects to direct C&D materials to designated facilities			X	X
19	Rate structure that incentivizes waste prevention			X	X
20	Mandatory diversion percentage			X	X
	One-time hours	250	1,750	1,500	3,500
	Annual hours	900	1,300	0	2,200
	Annualized cost (capital and one-time labor annualized over a 10-year planning period)	\$70,938	\$134,063	\$19,125	\$224,126
	Cost per customer per month	\$0.65	\$1.23	\$0.18	\$0.85

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2 Background

This section provides an overview of current conditions in Menlo Park, including solid waste programs and policies, partnerships and facilities. The City’s achievements in diversion by sector and overall trends in disposal are also presented.

Solid waste franchised collection services

Recology San Mateo County is the City’s franchised waste hauler and provides many solid waste services to Menlo Park’s residents and businesses. Recology also conducts outreach and education in the community, provides technical assistance to multifamily and commercial customers, and assists in the implementation of state solid waste legislative requirements. A summary of Recology’s collection services in Menlo Park is included in Table 4.

Table 4: Recology franchised solid waste collection services

Services	Single-family	Multifamily	Commercial ¹
Landfill trash	X	X	X
Recyclable materials	X	X	X
Compostable materials	X	X	X
Used batteries and cell phones	X	X	
Used motor oil and oil filters	X		
Large item pickup ²	X	X	
Holiday tree collection	X	X	

City leadership

Menlo Park currently has several City-led initiatives in place to promote diversion of waste from the landfill, engage with community members on recycling and provide a strong foundation for the implementation future zero waste strategies. The following list highlights key policies and programs.

City facility diversion

The City leads by example through participation in recycling and composting programs. The franchised hauler provides desk-side and other interior recycling and compostable materials collection containers for use in City facilities, and staff are educated on best practices to divert materials from landfill disposal.



Environmentally preferable purchasing policy

In 2014, the City implemented a new environmentally preferable purchasing (EPP) policy to address the environmental impacts of the City’s purchasing practices, including its contribution to waste reduction and recycling.

¹ The collection of commercial source separated recycling and compostable materials, and non-putrescible waste placed in roll-off containers, is non-exclusive under the franchise agreement.
² Single family customers are limited to 2 pickups per year, and property managers may schedule large item pickups, at no additional charge. Large item pickup service is available to businesses for a fee.

Outreach and education

The City distributes quarterly solid waste billing inserts to its residents. Solid waste-related topics covered in recent years include, but are not limited to, the following: household hazardous waste collection, monthly compost giveaways and promotion of document shredding and e-waste collection events.

Paper shredding and e-waste collection events

The City works with Recology to organize two paper shredding and e-waste collection events per year. These events are free to residents and businesses with proof of address in Menlo Park.

Polystyrene foodware ban

The City Council adopted San Mateo County's polystyrene foodware ordinance in 2012. The ordinance applies to all food vendors in the city and prohibits restaurants, delis, cafes, markets, fast-food establishments, vendors at fairs, and food trucks from dispensing prepared food in polystyrene containers labeled as No. 6.

Reusable bag ordinance

In 2013, the City Council adopted San Mateo County's reusable bag ordinance, mandating a minimum charge of 10 cents per recycled paper bag or reusable bag provided at checkout. As of Jan. 1, 2015, the minimum charge increased to 25 cents per recycled paper or reusable bag.

Construction and demolition debris recycling

The municipal code, Chapter 12.48 entitled Recycling and Salvaging of Construction and Demolition Debris, requires that covered projects divert 60 percent of construction and demolition (C&D) debris from the landfill.

Partnerships

Menlo Park is one of 12 public agencies that form the South Bayside Waste Management Authority (SBWMA or RethinkWaste) in San Mateo County. RethinkWaste's primary goal is to provide cost effective waste reduction, recycling and solid waste programs to Menlo Park and other member agencies through franchised collection services and partnerships with other organizations.

As a part of RethinkWaste, the city benefits from a number of programs and services, including contract management of the city's franchise agreement with Recology of San Mateo County (Recology), a local recycling center and Materials Recovery Facility (MRF) owned by RethinkWaste and operated by South Bay Recycling, and several public education and outreach programs. Public education programs include tours of the MRF, Earth Day and America Recycles Day events, compost giveaways and more.

Recology is also a key partner in providing materials diversion programs and educating the Menlo Park community on recycling, composting and waste reduction. Under the City's franchise agreement, Recology has exclusive franchise rights to residential and commercial trash, City waste collection and residential compostable materials and recycling.³ The "three stream system" forms the core of the solid waste programs that residents and business engage with on a daily basis. Recology recycling coordinators offer technical assistance to help

³ The collection of commercial source separated recycling and compostable materials, and non-putrescible waste placed in roll-off containers, is non-exclusive under the franchise agreement.

commercial and multifamily customers divert more materials and conduct site visits to identify opportunities for increasing diversion.

Recology's collection services are supplemented by additional programs and events offered by the City, RethinkWaste and the County of San Mateo (County). The County produces model ordinances, manages waste diversion programs and conducts public education efforts, which are available to and benefit the residents and businesses of Menlo Park. RecycleWorks (the public education program run by the county) runs composting workshops on a countywide basis, which the City also promotes to its residents. In addition, the City also actively promotes its own diversion programs, engaging its residents in the achievement of higher levels of waste diversion.

Shoreway Environmental Center

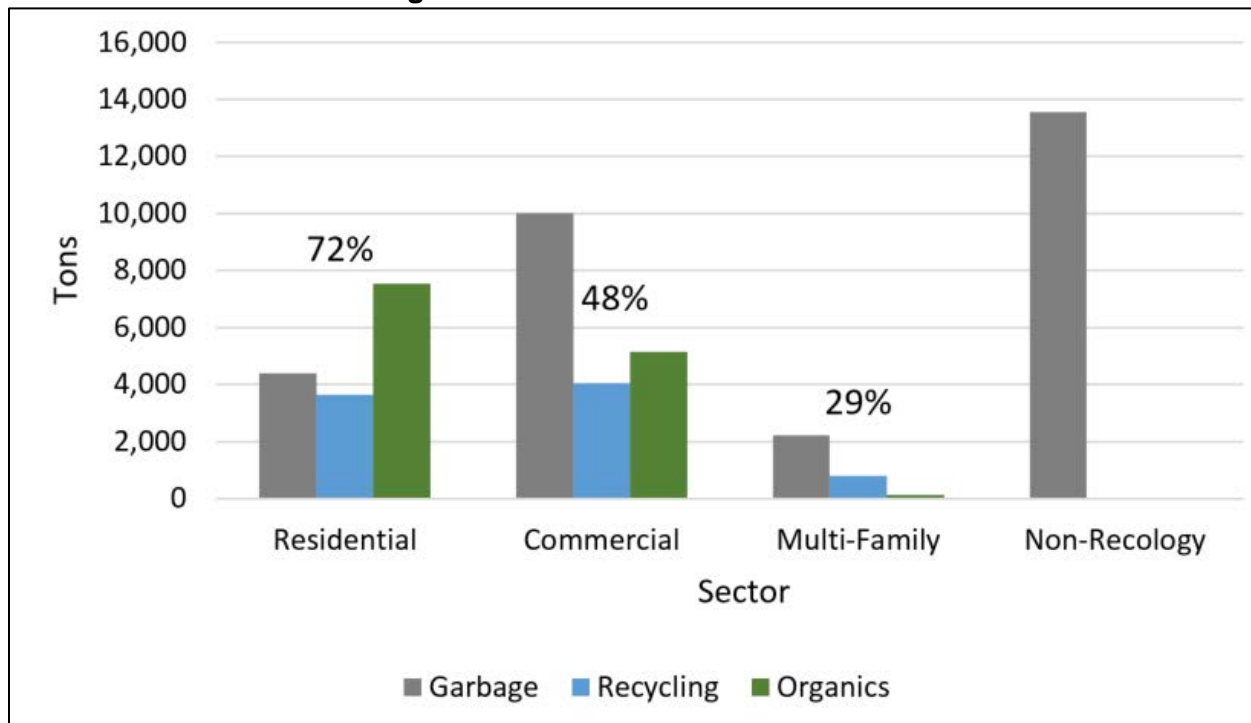
The Shoreway Environmental Center is a state-of-the-art recycling and transfer station facility. It also offers residents and businesses of Menlo Park a convenient option to drop-off materials for recycling or disposal, and offers SBWMA service area residents free compost year-round. Several potential facility enhancements are outlined in RethinkWaste's Long Range Plan, including a mixed waste processing system, transfer station expansion, MRF single stream processing equipment and building expansion, office space for RethinkWaste, a public meeting space and other upgrades.



Menlo Park diversion achievements

Figure 1, provides a snapshot of Menlo Park’s 2015 landfill trash, recycling and compostable material tons. Notable is the very high tonnage from Menlo Park that does not pass through Recology. This tonnage will be discussed in the Construction and Demolition Recycling and Non-Recology Disposal section.

Figure 1: 2015 Diversion across sectors



Residential

Under the residential recycling and compost collection services provided by Recology, in 2015 residents diverted 11,170 tons of their sector’s total waste stream (15,537 tons) from landfill, representing 72 percent diversion before processing.⁴ This is the highest diversion rate of all Menlo Park generator groups and is an achievement that speaks to the high participation and engagement of its residents.

Commercial

The Menlo Park commercial sector continues to increase the amount of materials it recycles. Based on Recology data, in 2015 businesses recycled over 1,300 tons more than they did just five years ago, an increase of 35 percent. Approximately 93 percent of commercial and multifamily landfill trash customers recycle with Recology, and the remainder of these customers either do not generate more than four cubic yards of landfill trash per week, or recycle with another provider. Overall, the commercial sector diverted 48 percent of its waste from landfill disposal in 2015. Business and multifamily participation in recycling and composting programs is also driven by new state legislation, AB 341 (mandatory commercial recycling) and AB 1826 (mandatory commercial organics recycling).

⁴ Some materials collected in recycling and compost carts can’t be diverted and go to landfill after processing.

Multifamily

Successfully engaging the multifamily sector to participate in diversion programs is a challenge, especially for compostable materials.⁵ In 2015, only 29 percent of the materials generated in the multifamily sector was diverted, with compostable materials representing just 4 percent of that total. Recycling in the multifamily sector is more successful, and the total tons recycled has increased by 287 tons over the period 2011-2015. High turnover in multifamily residences can contribute to an ongoing need for outreach, education and follow-up.

Self-haul

There is also a substantial amount of non-franchised waste being delivered to landfills across California and allocated by the haulers to the City. This waste can be hauled by customers directly to transfer stations or landfills, or it might be hauled by non-franchised haulers other than Recology.

Trends in disposal

The State of California Integrated Waste Management Act (AB 939) of 1989 established a system of reporting for landfill disposal, enabling jurisdictions to track disposal trends over time. It also mandated 50 percent reduction in disposal tons (tons being sent to landfill) by the year 2000, a goal tracked through the establishment of a base level of disposal. This level was set by Senate Bill 1016 in 2008 as a “pounds per person per day” measure, and remains a useful method for tracking disposal trends in a jurisdiction over time.

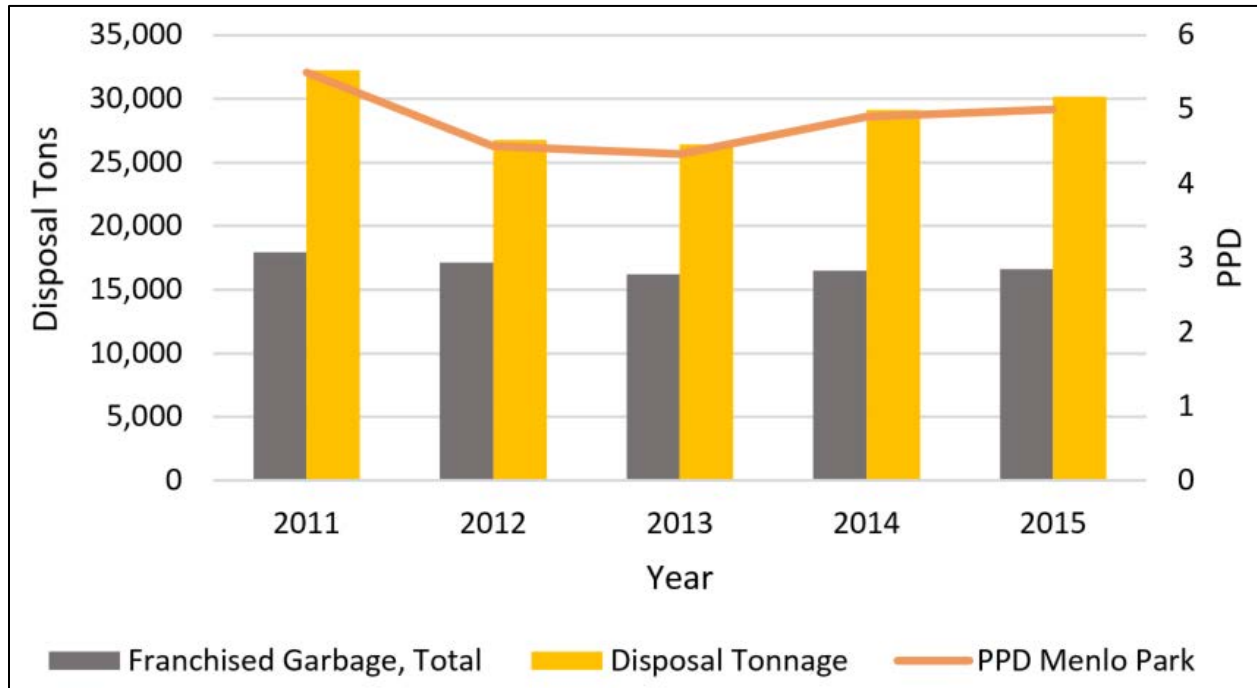


Figure 2 displays the trends in disposal tonnage in Menlo Park as tracked by the State of California Disposal Reporting System. Also included in this figure is the franchised landfill trash (i.e., garbage) collected by Recology. The difference between the two is landfill trash hauled by independent actors such as Menlo Park residents and businesses engaged in self-haul, and non-franchised waste haulers. Over the period depicted in the chart, “pounds per person per day” goes up slightly and franchised landfill trash remains relatively stable. In 2015, Menlo Park produced 5.0 pounds per person per day of waste, a diversion rate equivalent of 67 percent.

Figure 2: Menlo Park Disposal and “Pounds Per Person Per Day” Over Time

⁵ This problem is not unique to Menlo Park: several Bay Area communities have low multi-family sector diversion rates. This sector represents both great challenge and opportunity for diverting waste from being landfilled.

3 Service opportunities

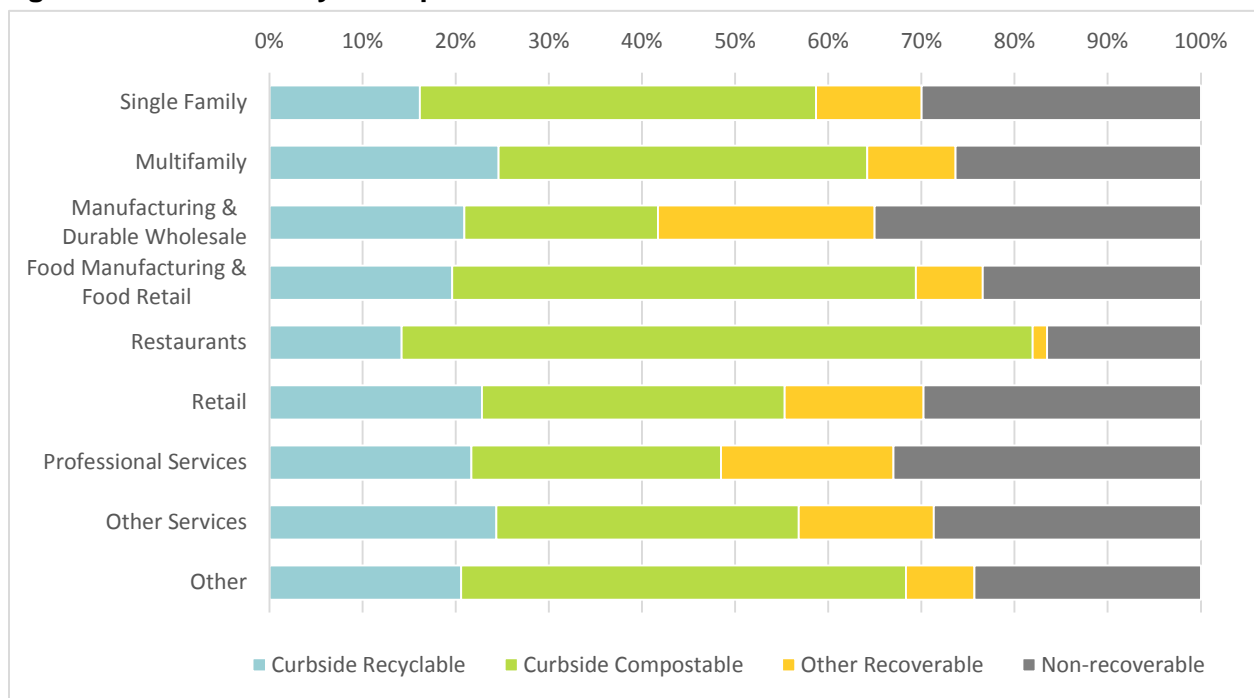


This section provides recommendations for the City to consider when negotiating with its solid waste hauler to enhance service offerings. These potential changes could be implemented under a future franchise agreement, or amendment to the current franchise agreement.

Opportunities for solid waste collection service enhancements

Based on waste composition data modeling for the City of Menlo Park, commercial and multifamily sectors represent substantial opportunity for additional waste diversion. See Figure 3 for an overview of the recoverability of disposed materials. This waste modeling guides the following recommendations solid waste collection service enhancements.

Figure 3: Recoverability of disposed materials



Franchise commercial and multifamily recycling and composting collection

Currently, the hauling of commercial source separated recyclable materials and compostable materials is non-exclusive under the franchise agreement with Recology, and the actual amount of materials collected is greater than what is captured by the Recology collection tonnage data.⁶ An agreement with the City’s franchised hauler that defines commercial recycling and compostable material as exclusive franchised materials would ensure more accurate and consistent reporting of commercial sector diversion.⁷ It would also give the City more control over the handling of these materials from the point of collection to the designated processing facility to maximize recovery.

Accurate tracking of commercial sector recycling and compostable material collections is necessary to measure progress toward achieving zero waste, and current non-Recology collections should be counted toward commercial sector diversion. The City could instigate its own regulation of non-franchised commercial recycling haulers, however, negotiating with Recology is likely a better alternative in terms of City staff time and resources.

Mandatory recycling and composting participation

The City’s solid waste ordinance could be updated to engage the business community and multifamily properties in the diversion of recyclable and compostable materials. Doing so will set the expectation that these sectors contribute to the attainment of Menlo Park’s zero waste goals, and allow the City to more effectively collaborate with its franchised hauler on commercial and multifamily recycling and compostable material diversion.

⁶ RethinkWaste passed an ordinance that requires commercial recycling haulers to report the amounts and types of materials collected for recycling. However, non-compliance remains a barrier for gathering data on these recycling activities in Menlo Park and other Member Agencies.
⁷ Such an agreement would likely exclude temporary “roll-off” containers.

To avoid token compliance and acknowledge the dynamic change in materials generation as the city progresses toward zero waste, it is advised that the subscription requirement specify that each commercial generator subscribe to a level of service that is sufficient to handle the volume of recyclable materials and compostable materials generated or accumulated on the premises. Alternatively, businesses or multifamily customers may self-haul their recyclables and/or compostable materials to a facility for diversion as long as they can demonstrate their compliance with the ordinance. Should the City's franchised waste hauler be granted the exclusive collection of commercial recyclable and compostable materials, the ordinance could be structured and implemented as follows:

- Annually, work with the franchised hauler to identify all commercial generators subject to the ordinance and review subscription data to confirm whether all subject commercial generators are compliant;
- Review franchised hauler subscription data to confirm whether all commercial generators are compliant with the ordinance requirements.
- Notify commercial generators who do not subscribe to the required collection services with the franchised hauler of the requirement to subscribe or self-haul recyclable and compostable materials. Those commercial generators who do not subscribe to the required services with the franchised hauler but who can produce evidence of legitimate self-haul of recyclable materials and compostable materials will be deemed compliant, whereas those who cannot will be deemed noncompliant.
- Work with the franchised hauler to conduct site visits with select commercial generators each year, covering all commercial generators every five years, in order to document whether commercial generators participate in the required recycling and compostable material collection programs (not just subscribe) and are therefore in compliance.
- Annually, work with any noncompliant commercial generators in order to bring them into compliance with the ordinance requirements by providing outreach, education, and technical assistance to facilitate compliance.
- Commercial generators shall be responsible for ensuring and demonstrating compliance with ordinance requirements within 30 days of notification of noncompliance. Failure to demonstrate compliance would be cause for enforcement.

A municipal code update would also allow the City to address changes in state legislation in support of compliance, namely AB 939 (state diversion requirement/goal), AB 341 (mandatory commercial recycling), AB 1826 (mandatory commercial organics recycling) and AB 1594 (green waste as alternative daily cover for diversion credit ban).

Universal recycling and composting collection service

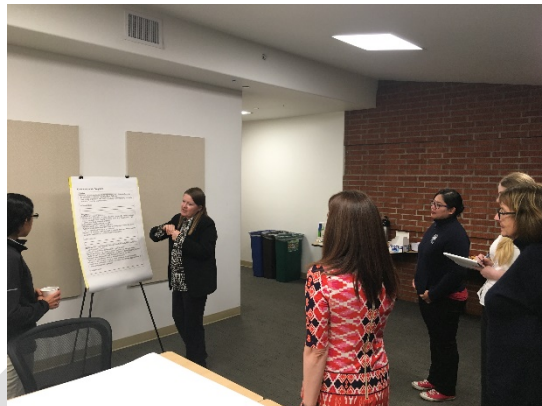
To achieve even higher levels of diversion in the commercial and multifamily sectors, the City could consider negotiating for universal provision of recycling and composting collection services under a future solid waste franchise agreement. This would provide all commercial and multifamily waste generators easy access to diversion programs as part of their solid waste service, supporting greater program participation and ultimately greater diversion of materials from landfill disposal.

Other service enhancement opportunities

These opportunities and other potential new service enhancements requiring franchised hauler collaboration are discussed in Section 5.

4 Community planning process

The City of Menlo Park conducted stakeholder outreach to obtain input on potential new and expanded programs to be included in the community zero waste plan. The City held two public workshops, conducted a community survey and engaged the Environmental Quality Commission to contribute to the development of this zero waste plan. The project team also conducted additional stakeholder meetings and follow-up phone calls with representatives from the environmental community, property managers, service providers, faith-based organizations, school community, business groups and regional agencies.



Workshop 1 – Policies, programs and infrastructure

During Workshop 1, held Nov. 2, 2016, the project team highlighted some of the City’s existing programs and policies, including the polystyrene foodware ordinance and reusable bag ordinance. The team also identified potential new service opportunities, in addition to policy and program options in support of zero waste. Posters were placed around the room identifying additional potential diversion opportunities for the different generator sectors: single family residential, multifamily residential, commercial, self-haul and construction and demolition (C&D). Participants in the workshop reviewed the potential options for diverting more waste from landfill disposal and suggested the types of additional information needed to refine the selections.

Workshop 2 – Zero waste strategy options

During Workshop 2, held Dec. 5, 2016, the workshop participants reviewed a refined list of options, including estimates for diversion potential and cost ranges for implementation. Based on this input, and input from additional stakeholder meetings and follow up calls, the project team developed a revised list of zero waste strategy options that was presented to City staff for their review. The final list of recommended policies, programs and infrastructure enhancements is detailed in Section 5.

5 Zero waste strategies

Program/collection service enhancements

Expanded bulky item recycling collection

Twice per year, Recology San Mateo County offers pickup of large or bulky household items from single family home customers for no additional charge. Property managers can also schedule large item pickups for multifamily properties. Residents may set out:

- Two cubic yards of bagged/boxed solid waste
- One large appliance (such as a washing machine, dryer, refrigerator or freezer)
- One bulky item (such as a mattress, couch or tires)
- Electronic scrap (such as a TV, computer or computer monitor)

Appliances, tires, mattresses and e-waste are diverted from disposal. Most of the other bulky items collected by Recology are landfilled.

For this strategy, the Bulky Item program would change focus to encourage diversion of more materials from landfill disposal. The City would contract with Recology to expand the list of materials acceptable for recycling, including items that are hard to recycle through the curbside program. These materials could include:

- Scrap metal
- Window glass
- Carpet
- Textiles

This program could also potentially be extended to businesses at no additional cost, and structured similarly to the multifamily building service.

The City could also partner with a number of reuse entities (thrift stores, repair shops, and nonprofits such as Goodwill Industries and Salvation Army) to repair, reuse, and resell appropriate bulky items that are currently being landfilled. The City would enter into service contracts with reuse partners to define operating procedures, service requirements and performance standards, and to establish program parameters to ensure that the bulky-item reuse program is closely coordinated with the bulky-item collection program operated by Recology, and does not impede Recology operations.

The City would continue to encourage residents to donate bulky items through charitable organizations and thrift stores. An additional component of this program would include City sponsorship of, or promotion for, neighborhood and/or apartment complex swap meets or garage sales to encourage residents to donate, rather than discard, reusable bulky items. Recology's costs for collection should not be significantly impacted. Instead of transporting solid waste to the transfer station for disposal, Recology would deliver recyclable materials for processing. The reuse organizations would be expected to collect materials for resale without compensation from the City.

Some upfront staff resources are needed for negotiating the service agreements and for annual monitoring of the program.

Targeted generators include all single family residential, multifamily and commercial customers.

Expanded list of curbside recyclables

Recyclable materials collected from residents and businesses in the City are delivered to the Shoreway Environmental Center in San Carlos. Shoreway is owned by the South Bayside Waste Management Authority (RethinkWaste) and operated by South Bay Recycling. Materials targeted for recycling include: glass bottles and jars; metal cans, lids and foil and small pieces of scrap metal; plastic bottles, tubs, clamshells, cups and berry baskets; paper bags, cardboard, office paper, junk mail and magazines.





Some materials that have recycling markets are not currently processed at Shoreway. One option for increasing diversion would be to add additional types of materials that can be placed into the recycling cart; including aseptic containers (such as juice boxes or soup boxes), plastic film (including produce bags and packaging overwrap), rigid plastics (such as toys and laundry baskets), expanded polystyrene blocks and textiles.

Under this program, the City would work with RethinkWaste to add recyclable materials with local markets for recycling to the list of materials that can be collected. It is possible that more processing equipment, such as optical sorters, would be needed to process additional material types. However, these costs would be shared throughout the service area.

Some upfront staff resources are needed for negotiating the service agreements, and for potential upgrades to the recyclables processing line at Shoreway.

Targeted generators include all single family residential, multifamily and commercial customers.

Additional commercial technical assistance

Currently Recology Waste Zero staff respond to requests from their customers in Menlo Park and assist them to increase recycling services. Recology conducts a minimum of 100 waste assessments every three years.

This program would provide enhanced technical assistance to commercial customers to help them initiate or expand recycling and waste reduction practices. The City would publicize the program and encourage businesses to use this free service to increase recycling wherever feasible; participation in the program may also help them lower their disposal costs.

Technical assistance would include conducting on-site waste assessments to identify target materials for recycling and waste reduction, providing contact information for securing recycling equipment, training custodial and operations staff, and distributing appropriate outreach materials describing best practices for setting up or expanding recycling services for different types of businesses. Trained staff would help to minimize or overcome various obstacles to recycling faced by commercial customers (space constraints, labor and sorting requirements, lack of information or training, etc.). Additionally, enhanced technical assistance would encourage more commercial customers to set up an effective recycling program that is suited to their place of business, whether it be a large office complex, bar, restaurant, factory, warehouse, shopping center, small retail store or other type of commercial site. This program provides additional support to businesses, target the largest waste generators, and complement the outreach and education services currently offered through Recology.

A significant amount of staff or contractor resources would be needed to provide this technical assistance (approximately 0.5 full-time equivalent). However, this program has the potential to be very effective in increasing diversion.

Targeted generators include all commercial customers.

Outreach to elementary and secondary schools



Public schools in Menlo Park are not currently part of the City's collection program and contract separately with collection service providers (Recology South Bay and Recology Peninsula Services). Currently, they do not get the same level of support that other commercial customers receive through Recology San Mateo County. Providing outreach and technical assistance to public and private schools in Menlo Park can help to reinforce recycling and composting messaging that students can carry home to their families.

The school community provides unique access to the families within the City that may otherwise be difficult to reach. A strong school program can reinforce behavior change (as children often tell their parents how to recycle and compost). Notably, school programs are the most successful when they are aligned with the practices that students have at home.

There is a wealth of environmental curriculum available to schools and teachers, but schools have a distinct need for technical assistance to meaningfully reduce trash. This can also be complemented through service-learning where students participate in the greening of their schools.

Existing outreach and education programs (including San Mateo County's Green Star Schools, Cool the Earth, California Education and the Environment Initiative Curriculum, CalRecycle Closing the Loop Curriculum, and others) can supplement and enhance student learning. Direct technical assistance would encourage local schools and the larger school community to recycle and compost at home, support school "share tables" for extra food, and target cafeteria waste reduction.

Some staff or contractor resources would be needed to provide support to the schools in Menlo Park (approximately 0.1 full-time equivalent).

Targeted generators are public and private schools, students and their families, and school staff.

Outreach to faith-based organizations

Churches and faith-based organizations can provide direct access to community members for engagement and education on waste reduction and recycling. Greening the house of worship can also lead to the greening of the congregation. People are more likely to change habits if they attempt to do so with friends and neighbors, introduce change a little at a time with support and encouragement provided along the way, and see leaders in the community taking steps as well. Reaching out to faith-based organizations can help the organization and its members reduce waste sent to landfill, benefiting the wider Menlo Park community and the environment.

Under this program, the City could provide direct technical assistance to faith-based organizations and support them in the development of green teams, as well as encouraging them to work with their networks to pursue zero waste.

Some staff or contractor resources would be needed to provide support to the faith-based organizations in Menlo Park (approximately 0.1 full-time equivalent).

Targeted generators are churches and other faith-based organizations, including their congregations.

Outreach, education and technical assistance for C&D Generators

City municipal code requires that construction projects divert 60 percent of construction and demolition (C&D) debris from landfill. In 2015, the City began implementing GreenHalo, an online database which allows contractors and City staff to track and verify whether the amount of recycled materials comply with the City's C&D recycling ordinance. Weight tickets are uploaded by the contractor and checked by the building inspector for compliance. However, recoverable C&D remains a large component of the City disposal stream and much of this material could be diverted from disposal.

Under this program, the City would provide direct technical assistance to encourage project sponsors and stakeholders to initiate effective recycling and waste reduction practices during construction and demolition activities. The City would also undertake targeted education and outreach on how to reduce and reuse C&D materials by promoting activities such as salvage, deconstruction, and construction techniques that minimize waste.

Some staff or contractor resources would be needed to provide support to the C&D generators in Menlo Park (approximately 0.1 full-time equivalent).

Targeted generators include self-haul and C&D generators.

Participating partners program

Many retailers are willing to take back materials for reuse or recycling (including used motor oil, fluorescent lamps, batteries, paint, corks and hangers) and numerous organizations exist that focus on repair and reuse (including thrift stores, consignment stores, and electronics and appliance repair stores).

Under this program, the City would partner with and promote local organizations that accept or collect items for reuse, repair, recycling or composting. Partner organizations would be recognized and provided with



a window decal indicating participation in the program. The participating partners would be advertised on the City's website and its other publications.

Through this program, the City would:

- Encourage a local "ecology of commerce" for promoting the sale of reusable items in the area
- Encourage the marketing of used lumber, building materials, compost products and used appliances through major home repair, hardware stores and nurseries
- Encourage the marketing of used furniture through furniture stores

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- Facilitate development of a network of repair and refurbishing businesses or nonprofits to upgrade materials and products that are collected through large-scale reuse programs to attain a higher price in retail activities
- Promote retailers that are willing to take back materials for reuse, recycling or composting

Some staff or contractor resources would be needed to recruit and recognize the participating partners (approximately 0.05 full-time equivalent).

Targeted generators include all single family residential, multifamily and commercial customers.

Rate structure that incentivizes waste prevention

Currently, the majority of what customers pay for solid waste collection services is based on the size of their landfill trash bin and frequency of pickup. This approach encourages customers to take advantage of recycling and composting collection services provided at no extra charge or at a subsidized rate. Under this program, the City would modify the customer rate structure to incentivize recycling, composting and source reduction. The result could be that customers are rewarded for reducing the total amounts of recyclable materials, compostable materials, and landfill trash that they generate, and are incentivized to divert more materials from landfill disposal.

To complement this type of rate structure and further incentivize waste reduction, the City could investigate offering smaller solid waste carts and/or less than weekly solid waste collection.

Some upfront staff resources are needed for researching alternatives and developing alternative rate structures.

Targeted generators include all single family residential, multifamily and commercial customers.

Recycling ambassadors and door-to-door outreach

This program takes a community based social marketing approach to outreach and education. It can be easy for customers to ignore outreach and solicitations from service providers or staff, however, it is hard for them to say “no” to their friends and neighbors. For this program, the City would identify key community members and elected officials to help spread the message to recycle and organize door-to-door outreach for residential customers and in the business community.

A good example of this approach is the “Miss Alameda Says, “Compost!” program in the City of Alameda. Miss Alameda ran for Miss California in 2011 and then volunteered her time going door-to-door at restaurants to encourage them to participate in the City’s compostable materials collection program. The results were highly successful and all the restaurants contacted agreed to participate. The program grew to include student volunteers assisting in going door-to-door at multifamily buildings. Miss Alameda also provides assemblies and training at schools.

In Castro Valley, the “Green Hearts” program



recruits and trains volunteer community members to support the outreach and education at public events.

While the program would be volunteer-based, it would require staff or contractor resources to recruit, train and organize the volunteers (approximately 0.1 full-time equivalent).

Targeted generators include all single family residential, multifamily and commercial customers.

Textile recycling

Textiles are a sizable component of the disposal stream, and a contaminant in the recycling collection system. For this program the City can explore:

- Collection of textiles through the bulky-item collection program
- Addition of clean, bagged textiles in the recycling collection program
- No-cost collection service to get textiles and other reusable items to a charity or textile processor
- Promotion and partnerships with Goodwill and others to offer more drop-off locations, and/or quarterly curbside collection

Some upfront staff resources are needed for evaluating options and negotiating the service agreements.

Targeted generators are single family residential customers.

Universal recycling and composting collection service

Currently, commercial and multifamily customers can subscribe to service through Recology for recycling and composting collection, or choose another service provider. An analysis of service level data provided by Recology indicates that many commercial and multifamily customers have opted out of composting collection and are not being adequately serviced.



Through this program, the City would provide universal recycling and composting collection services to all commercial and multifamily customers who have landfill trash collection through its agreement with Recology (i.e., any customer that signs up to receive landfill trash collection would automatically receive recycling and composting collection service). This approach can be very effective in ensuring that all customers are in compliance with mandatory state requirements. It is similar to the approach that the City implemented for all single family customers where households receive recycling, compost and solid waste collection services.

Some upfront staff resources are needed for negotiating the service agreements.

Targeted generators are multifamily and commercial customers.

City action/policy initiatives

Increase recycling requirements in construction and demolition ordinance

Currently, the City's construction and demolition ordinance requires construction projects to divert 60 percent of construction and demolition materials. Many construction and demolition materials, including concrete, asphalt, wallboard, wood, metal, plastic and glass are readily recyclable and the increased capture of these materials to prevent their landfill disposal represents an important opportunity for achieving additional diversion. For this program, the City would increase the construction and demolition diversion requirements, for example 75 percent of all materials or 100 percent of all readily recyclable materials would be required to be diverted from disposal. As a point of comparison, the City of Oakland requires that all new construction, all demolition projects, commercial projects valued at \$50,000 or more recycle 100 percent of asphalt and concrete and 65 percent of the remaining waste generated.

Some upfront staff resources are needed for updating the construction and demolition ordinance.

Targeted generators are self-haul and construction and demolition generators.

Mandatory participation in recycling and composting programs

State law requires all multifamily (five units or more) and commercial businesses generating over four cubic yards of solid waste per week must have recycling collection. In addition, increasingly strict thresholds are being phased in that require multifamily and commercial businesses to also have compostable material collection service. However, small multifamily and commercial generators, and residential customers, are not subject to these requirements. The City could implement mandatory requirements in order to motivate all residential, commercial, institutional, and public agency generators to separate recyclable and compostable materials from the waste they generate at their homes or places of business, and place it in the appropriate container for collection and greater diversion.

This program would:

- Consider a future requirement for mandatory recycling (goal of significantly reducing recyclables in the trash via subscription to and participation in recycling programs) for single family, multifamily and commercial customers
- Consider a future requirement for mandatory composting (goal of significantly reducing organics in the trash via subscription to and participation in composting programs) for single family, multifamily and commercial customers

To consider a case study, the City of San Carlos enacted a mandatory commercial and multifamily recycling and composting ordinance in 2010. Enforcement of the ordinance is a three-step process: issuance of a courtesy notice, issuance of a warning notice, and issuance of a violation notice. The City has the authority to impose administrative penalties of up to \$500 per violation. Businesses in San Carlos were very supportive of the City's efforts to move from a voluntary to a mandatory recycling program. Very few enforcement actions have been necessary.

Some upfront staff resources are needed to develop a mandatory participation ordinance and ongoing resources would be required to conduct an annual outreach program. Targeted generators include all single family, multifamily and commercial customers.

Mandatory diversion percentage



While single family generators have achieved 72 percent diversion of waste from landfill in Menlo Park, the commercial sector is at 48 percent and the multifamily sector is at 29 percent. This program would mandate a minimum diversion percentage for businesses and multifamily such as 50 percent and 75 percent by specific milestone dates. This program could be implemented along with universal rollout of recycling and compostable materials collection services to all multifamily and commercial customers. Diversion rates would be monitored and, if needed, enforcement measures could be triggered based on mandatory participation requirements.

These policies could be implemented in the following sequence:

- Monitoring of state requirements - all multifamily customers and commercial customers with four cubic yards of solid waste or more required to have compost collection service by 2019
- Universal rollout of recycling and compost collection service to all multifamily and commercial customers by 2021
- Monitoring of diversion percentages, if 50 percent not reached by 2025, mandatory participation requirements enacted
- Monitoring of diversion percentages, if 75 percent not reached by 2030, enforcement measures enacted

Some upfront staff resources are needed to develop a mandatory recycling percentage ordinance and ongoing resources would be required to conduct an annual outreach program. Targeted generators are multifamily and commercial customers.

Material bans of products or packaging

The City has enacted bans of specific problem waste materials:

- Polystyrene foodware ordinance, enacted in 2012, prohibits food vendors, including restaurants, delis, cafes, markets, fast-food establishments, vendors at fairs and food trucks, from dispensing prepared food in polystyrene containers labeled as No. 6
- Reusable bag ordinance, enacted in 2013, bans the distribution of plastic bags at retail stores and requires retailers to charge 25 cents per bag for the distribution of reusable bags or paper bags

This program would consider additional bans of specified products or packaging. For example, Santa Cruz County has banned the sale of all polystyrene foam products including cups, plates, bowls, coolers and similar products at all retail stores. The San Luis Obispo Waste Management Authority has developed a model ordinance that would restrict distribution of plastic straws at restaurants unless a customer requests one. Some upfront staff resources are needed to develop additional product or packaging bans and ongoing resources would be required to conduct an annual outreach program.



Targeted generators include all single family residential, multifamily and commercial customers.

Promote reusable bottles and bottle filling stations

Menlo Park residents and businesses have access to high quality tap water. However, bottled water is often purchased for drinking water away from home. While plastic water bottles are recyclable, the Container Recycling Institute estimates that 85 percent are either disposed or littered.

This program would promote alternatives to bottled water, including an ordinance requiring new buildings that have drinking fountains to provide bottle filling stations. Other jurisdictions have adopted ordinances to reduce waste from plastic water bottles by promoting source reduction, supporting a cultural shift. In 2013, the Santa Clara County board of supervisors adopted an ordinance that provided local amendments to the California Plumbing Code requiring bottle filling stations wherever drinking fountains are required in new buildings.

Some upfront staff resources are needed for developing the water bottle filling station ordinance.

Targeted generators are commercial generators.

Require all projects to direct construction and demolition materials to designated facilities

Currently, builders must comply with the City's construction and demolition recycling ordinance by submitting reports and receipts documenting 60 percent recycling for their projects. Going forward, the City could require all projects that generate construction and demolition debris to direct materials to designated facilities with guaranteed minimum recycling rates. Many communities in the region already register or certify recycling rates by facility (including the cities of San Jose and San Francisco). This approach could simplify and expedite the reporting requirements. Use of designated facilities could also maximize recovery by ensuring that construction and demolition materials are processed effectively, as independently verified by the City via a facility certification process.

Some upfront staff resources are needed for updating the construction and demolition ordinance.

Targeted generators are self-haul and construction and demolition generators.

Support for reuse, repair, leasing or sharing efforts



Many products and pieces of equipment can be reused or repaired. However, residents and businesses often do not have the knowledge or skills to repair broken items, and would benefit from coaching or could be directed to reuse and repair services.

Repair Cafés or Fixit Clinics are models of free events organized by volunteers to repair things together. In the place where a Repair Café or Fixit Clinic is located, participants have access to tools, materials, and coaches to help make needed repairs on clothes, furniture, electrical appliances, bicycles, appliances, toys, etc. Participants bring their broken items from home or places of business. Working with the

specialists they can start making their repairs and/or lend a hand on someone else's repair job.

The City can also promote the "sharing economy" where owners rent or lend tools, equipment, and other items that are seldom used and can be shared.

This program would support materials diversion from landfill through repair and reuse:

- Promote reuse and repair for residents and businesses with web-based directories (e.g., e-Bay, Craigslist and FreeCycle.org), utility bill inserts and cooperative advertisements
- Promote local antique and thrift stores, repair shops and local electronic equipment, furniture and appliance resellers including a brochure/website listing where these are located
- Support organizations that can sponsor quarterly repair workshops
 - Connect with Boy Scouts, Girl Scouts, and other service clubs to organize workshops
 - Help recruit volunteer "fixers"
 - Recruit appropriate free venue
 - Promote repair workshops

Ongoing staff or contractor resources and outreach materials would be needed to support reuse outreach and repair events (approximately 0.05 full-time equivalent).

Targeted generators include all single family residential, multifamily and commercial customers.

Zero waste event requirements

Special events provide a unique opportunity for the City to demonstrate to its residents, businesses, and visitors how to practice zero waste concepts. Through its contract with the City, Recology provides recycling, compost and trash collection at public events and venues in the City possibly including:

- Downtown block parties (3 per year)
- Egg hunts
- Fourth of July Celebration
- Summer concerts (8 per year)
- Kite Day
- Summerfest
- Breakfast with Santa
- Earth Day
- Seasonal community cleanup events (2 per year)

Under this program, the City would require event organizers of all events that require a permit to arrange for recycling and compost



collection service, require all vendors to use only recyclable and compostable materials, provide education and environmental awareness, and provide adequate recycling staff or volunteers at the event.

The City would also provide technical assistance to public and private venues and events to support waste reduction and recycling.

Some upfront staff resources are needed for developing the zero waste event ordinance and ongoing staff or contractor resources would be needed to support event organizers (approximately 0.05 full-time equivalent).

Facilities and infrastructure

Mandatory sorting of self-hauled waste at Shoreway Environmental Center

A significant amount of material in the City's disposal stream comes from self-haul generators. Out of the 30,000 tons of materials disposed in 2015, 45 percent is handled by self-haul generators, including construction and demolition generators and individual residents and businesses. This program would address the self-hauled materials that are delivered to the Shoreway Environmental Center.

Materials delivered by self-haul customers are often highly recoverable, including:

- Materials leftover from construction projects (dimensional lumber and wood, gypsum wallboard and other construction and demolition materials)
- Traditional recyclables (metal, paper, plastic and glass)
- Compostable materials (yard trimmings, food, and other compostable organics)
- Bulky items (furniture, carpet and mattresses).

Different material types require different handling approaches in order to maximize diversion. For example, an effective means of diverting mixed construction and demolition materials is through a sort line. Materials are unloaded by self-haul customers and placed on a conveyor belt by facility operations staff. Workers at sorting stations recover recyclable construction and demolition materials, including wood, paper, rigid plastic and wallboard. Both the Davis Street Transfer Station in San Leandro and SF Recycling & Disposal operate sort lines for self-haul materials separately from their C&D sort lines for commercial construction and demolition materials. Both facilities are able to recycle 50 to 70 percent of materials processed through the self-haul sort lines.

Alternatively, self-haul customers could separate their materials to achieve higher diversion from landfill disposal. For example, all self-haul customers at the Cold Canyon Resource Recovery Park in San Luis Obispo are directed to bunkers for separating materials. Customers are required to separate their materials or pay a surcharge. As a result, 97 percent of customers elect to self-separate.



Shoreway also has a free drop-off center for a wide variety of materials, including batteries, paint, scrap metal and small appliances. However, many self-haul customers bypass the drop-off center and go directly to the tipping area. An emerging trend in design at transfer stations is to conduct all separation and processing after the fee gate. This allows transfer station staff to monitor and assist in appropriate

sorting of materials and provides a more stable funding mechanism as facilities transition to higher diversion rates.

This program would be a joint project to change Shoreway operational practices to ensure that all self-hauled waste is sorted for maximum recovery, either through on-site processing or self-separation. Under this program, the City would work with RethinkWaste to add features to the self-haul area for increased diversion of self-haul materials at Shoreway. It is possible that additional processing equipment, such as processing lines, would be needed to process additional material types. However, these costs would be shared throughout the service area. Some upfront staff resources are needed for negotiating the service agreements, and for potential upgrades to the self-haul area at Shoreway.

Targeted generators are self-haul generators.

Regional considerations and social marketing

The zero waste strategies outlined are leadership opportunities the City can take to directly impact waste diversion activities in the community. As a RethinkWaste member agency, Menlo Park will also benefit from wider regional efforts to reduce waste, such as the JPA's implementation of its Long Range Plan. Included in the Long Range Plan are Shoreway infrastructure enhancements, model solid waste ordinances, extended producer responsibility, and an every other week garbage collection pilot. In addition, the City should also consider the importance of social marketing for increasing participation in diversion program. RethinkWaste's future mixed waste processing program, and example social marketing strategies the City could implement to support a cultural shift and enhance zero waste strategy implementation, are discussed later in this plan.

Mixed waste processing

Mixed waste processing is included in RethinkWaste's long range plan for potential future program implementation. The City should continue to monitor RethinkWaste's plans to implement mixed waste processing at the Shoreway facility, as this may be a potential avenue for additional diversion.

The long range plan notes that the mixed waste processing system will recover recyclables and organics from residential and commercial (including multifamily) waste. Such a program could yield approximately 1,500 tons of additional diversion for Menlo Park, which would enable the City to reach its zero waste goal of 73 percent franchised diversion by 2035 as shown by diversion modeling (Section 6).

Targeted outreach and education on problematic materials

Targeted outreach and education to raise awareness about particular materials that tend to be disposed incorrectly would bring current efforts into focus, assisting residents in proper sorting of waste into landfill trash, recycling and compost carts. To start, proper sorting of paper and compostable materials could be emphasized to reduce the amount of material sent to landfill. Other communities, such as the City of Livermore, have used this strategy and report positive results. Moreover, the results are easily measurable through the periodic monitoring of this sector's waste stream compositions, by checking the contents of carts, or conducting more detailed waste audits. The franchised hauler is well-positioned to partner with City on such an effort, both through its outreach and education work in the community and ability to monitor and report on changes.

Comparative basis education on progress

Communicating the results of diversion progress and waste stream composition monitoring is another method that helps focus outreach and motivate behavior change, particularly when data are presented on a comparative basis. Strategies like StopWaste's benchmark services and Pacific Gas and Electric's bill inserts that compare energy usage to similar nearby homes are based on studies that show people pay attention to how they compare to others and are motivated to change (and maintain high achievement) when they receive feedback on their performance.

In the context of zero waste, comparing the service level of a customer's home, multifamily complex or business to the average sector service level, and/or the preferred zero waste service level, could be valuable. Comparisons of waste stream composition, waste stream generation, and other key metrics could also be used in alignment with the City's zero waste goals.

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6 Additional potential diversion analysis

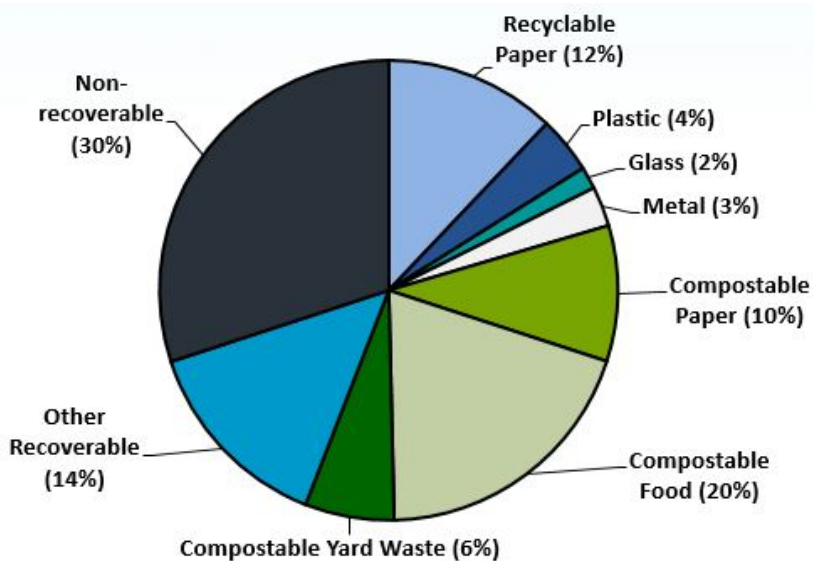
Menlo Park has the opportunity to significantly increase its citywide diversion rate through the implementation of the new and expanded policies, programs and infrastructure.

In 2015, the City's franchise diversion rate (based on materials collected by Recology) was 56 percent. To estimate the diversion potential of each of the zero waste strategies, the Project Team developed a diversion model. The model uses waste composition data for each generator sector (single family, multifamily, commercial, construction and demolition, self-haul) to estimate tons by material type by sector.⁸

The model then applies an estimated capture rate (the percentage of the material type estimated be diverted) to the tons to derive the potential diversion tons associated with each strategy. The capture rates were developed from research of comparable programs and educated estimates. The model predicts that implementation of the zero waste strategies would result in a 70 percent franchise diversion rate. Regional programs, such as mixed waste processing, would assist the City in reaching 73 percent franchised diversion, and potentially beyond.

Table 5 lists the estimated capture rate for each zero waste strategy and the resulting potential diversion tons.

Figure 4: Materials in Menlo Park Trash



⁸ The diversion model is based on landfilled waste composition data for the City of Menlo Park prepared by Cascadia Consulting Group.

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Table 5: Estimated capture rate and diversion tons

Item #	Zero waste strategy	Additional potential diversion					Targeted material capture rate
		Single-family	Multifamily	Commercial	Self-haul	Total all sectors	
Short-term 2018-2020							
1	Recycling ambassadors and door-to-door outreach	130	70	290		490	5%
2	Outreach, education and technical assistance for construction and demolition generators				360	360	5%
3	Outreach to elementary and secondary schools			50		50	1%
4	Outreach to faith-based organizations			50		50	1%
5	Support for reuse, repair, leasing or sharing efforts	3	2	5		10	1%
6	Promote reusable bottles and bottle filling stations			1		1	1%
Mid-term 2021-2025							
7	Universal recycling and composting collection service		180	740		920	13%
8	Increase recycling requirements in C&D ordinance				790	790	11%
9	Additional commercial technical assistance			630		630	11%
10	Expanded bulky item recycling collection	20	10	100		130	5%
11	Expanded list of curbside recyclables	20	10	90		120	10%
12	Participating Partners Program	30	20	70		120	1%
13	Zero waste event requirements			50		50	1%
14	Material bans of products or packaging	10	10	20		40	1%
15	Textile recycling	6				6	3%
Long-term 2026-2027							
16	Mandatory sorting of self-hauled waste at Shoreway				1,130	1,130	15%
17	Mandatory participation in recycling and composting programs	280	160	630		1070	11%
18	Require all projects to direct C&D materials to designated facilities				860	860	12%
19	Rate structure that incentivizes waste prevention	220	130	480		830	11%
20	Mandatory diversion percentage		160	630		790	11%
	TOTAL	720	750	3,840	3140	8,450	
	RethinkWaste Long Range Plan: mixed waste	400	200	900		1500	15%

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7 Greenhouse Gas Emission Reduction

If these zero waste strategies were to be fully implemented, approximately 13,000 metric tons of carbon dioxide could be avoided through recycling and composting currently landfilled waste materials. This is the equivalent to the annual emissions from 2,790 passenger vehicles, conserving 867 households' annual energy consumption, or conserving 17,155 barrels of oil. See Table 6 for more information. Additional carbon emissions could be achieved through source reduction of nonrecoverable materials and reuse activities.

Table 6: Greenhouse Gas Emission Reduction

Total change in MTCO ₂ E: (13,253)	Total change in energy use (99,673) million BTU	Total change in MTCO: (3,614)
This is equivalent to...		
Removing annual emissions from 2,790 passenger vehicles		
Conserving 1,491,273 gallons of gasoline		
Conserving 552,206 cylinders of propane used for home barbecues		
Conserving 71 railway cars of coal		
Conserving 867 households' annual energy consumption		
Conserving 17,155 barrels of oil		

The Waste Reduction Model (WARM) was used to calculate the estimated amount of greenhouse gas emission reduction. WARM was created by the U.S. Environmental Protection Agency to help solid waste planners and organizations estimate greenhouse gas emission reductions from several different waste management practices. The model calculates emissions in metric tons of carbon dioxide equivalent (MTCO₂E) and metric tons of carbon equivalent (MTCE) across a wide range of material types commonly found in municipal solid waste.

8 Economic Analysis

Costs for implementing the zero waste strategies were developed by estimating:

- The number of staff or contractor hours that would be needed to develop and maintain each program
- The outreach materials (training, materials, advertising, promotional flyers, promotional kits, outreach campaign) needed for each program
- The capital costs for upgrades at the Shoreway Environmental Center, to be shared throughout the service area

The project team used the following assumptions:

- The average, fully-burdened hourly rate used for estimating staff costs is \$68 per hour.
- One-time costs are annualized over a 10-year planning period

Outreach materials cost:

- \$15 each for training materials
- \$500 each for newspaper advertising
- \$2 each for promotional flyers
- \$50 each for promotional kits
- \$2,000 for an outreach campaign

Capital costs for upgrades at Shoreway Environmental Center cost:

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- \$2 million to add optical sorting equipment to the recyclables processing. Menlo Park's share would be \$200,000 based on its proportionate share of the materials.
- \$500,000 to add upgrades to the self-haul area. Menlo Parks' share would be \$50,000.
- Costs would be annualized over a 10-year planning period

These assumptions were used to project the annual estimated costs for each program. Based on the estimated diversion tons, the costs per ton diverted were also projected. Based on the 9,058 single family, multifamily and commercial customers in the City, full implementation of all the zero waste strategies could result in an approximate \$0.85 per month increase in the monthly rates. Other funding mechanisms may also be considered.

Table 7 provides the cost estimates for the zero waste strategies.

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Table 7: Zero waste strategy cost estimates

Item #	Zero waste strategy	One-time hours	Annual hours	Annual labor cost	Annual outreach	Capital	Total annual cost	Annual tons diverted	Dollars per ton diverted
Short-term 2018-2020									
1	Recycling ambassadors and door-to-door		200	\$13,500	\$4,000		\$17,500	490	\$36
2	Outreach, education and technical assistance for C&D generators		200	\$13,500	\$1,500		\$15,000	360	\$42
3	Outreach to elementary and secondary schools		200	\$13,500	\$500		\$14,000	50	\$280
4	Outreach to faith-based organizations		200	\$13,500	\$500		\$14,000	50	\$280
5	Support for reuse, repair, leasing or sharing efforts		100	\$6,750	\$2,000		\$8,750	10	\$870
6	Promote reusable bottles and bottle filling stations	250		\$1,688			\$1,688	1	\$1,814
Medium-term 2021-2025									
7	Universal recycling and composting collection	250		\$1,688			\$1,688	920	\$2
8	Increase recycling requirements in C&D	250		\$1,688			\$1,688	790	\$2
9	Additional commercial technical assistance		1,000	\$67,500	\$7,500		\$75,000	630	\$119
10	Expanded bulky item recycling collection	250	100	\$8,438			\$8,438	130	\$65
11	Expanded list of curbside recyclables	250		\$1,688		\$200,000	\$21,688	120	\$181
12	Participating partners program		100	\$6,750	\$2,000		\$8,750	120	\$73
13	Zero waste event requirements	250	100	\$8,438	\$3,000		\$11,438	50	\$228
14	Material bans of products or packaging	250		\$1,688	\$2,000		\$3,688	40	\$92
15	Textile recycling	250		\$1,688			\$1,688	6	\$303
Long-term 2026-2027									
16	Mandatory sorting of self-hauled waste at Shoreway Environmental Center	250		\$1,688		\$50,000	\$6,688	1130	\$6
17	Mandatory participation in recycling and composting programs	250		\$1,688	\$2,000		\$3,688	1070	\$3
18	Require all projects to direct C&D materials to designated facilities	250		\$1,688			\$1,688	860	\$2
19	Rate structure that incentivizes waste prevention	500		\$3,375			\$3,375	830	\$4
20	Mandatory recycling percentage	250		\$1,688	\$2,000		\$3,688	790	\$5
Total		3,500	2,200		\$27,000	\$250,000		8,447	

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9 Implementation Plan

These zero waste strategies could be implemented over a 10-year period from 2018 through 2027. The implementation timeframe is divided into three phases:

- Short-term 2018-2020
- Medium-term 2021-2024
- Long-term 2025-2027

Timing for the development of new programs is subject to the City's budget process, contract extensions with Recology or new contracts with another service provider, and potential upgrades to the Shoreway Environmental Center. For planning purposes, it is anticipated that the zero waste strategies will be implemented in the following sequence.

Short-term zero waste strategies

The following strategies would be implemented over a three-year period from 2018 through 2020 and subject to the City's budget process. Most of these strategies could be implemented by City staff and some may be incorporated into their current duties. However, full implementation of these strategies would require more staff or contractor resources (approximately 0.5 full-time equivalent).

Ongoing programs

- Recycling ambassadors and door-to-door outreach
- Outreach, education and technical assistance for construction and demolition generators
- Outreach to elementary and secondary schools
- Outreach to faith-based organizations
- Support for reuse, repair, leasing or sharing efforts

Policies requiring one-time staff support

- Promote reusable bottles and bottle filling stations

Medium-term zero waste strategies

The medium-term strategies would be implemented during the four years from 2021 through 2024. Two of these strategies would require changes to the City's franchise agreement and would be subject to negotiation. Several are City policies that require one-time staff support and others are ongoing programs that require annual staffing support (approximately 0.5 full-time equivalent). One strategy (expanding the list of curbside recyclables) would require upgrades to the Shoreway facility, which would be shared with all of the communities in the service area.

Franchise-related

- Universal recycling and composting collection service
- Expanded bulky item recycling collection

Ongoing programs

- Additional commercial technical assistance
- Participating partners program
- Zero waste event requirements
- Textile recycling

Policies requiring one-time staff support

- Increase recycling requirements in construction and demolition ordinance

- Material bans of products or packaging

Shoreway Environmental Center facility upgrades

- Expanded list of curbside recyclables

Long-term zero waste strategies

The long-term strategies would be implemented during the three years from 2025 through 2027. These include City policies that would require one-time staff support and one strategy that would require upgrades to the Shoreway facility, which would be shared with all of the communities in the service area.

Policies requiring one-time staff support

- Mandatory sorting of self-hauled waste at Shoreway Environmental Center
- Mandatory participation in recycling and composting programs
- Require all projects to direct construction and demolition materials to designated facilities
- Rate structure that incentivizes waste prevention
- Mandatory recycling percentage

Implementation plan resources

Full implementation of the one-time policies and program startup activities over the 10-year planning period would require approximately 3,500 staff hours spread over the 10-year period. Ongoing program implementation would require 2,200 staff hours annually. This along with the capital costs amounts to approximately \$921,375 over the 10 year term of the plan. The zero waste strategies are anticipated to be implemented gradually over time. Impact on rates would be incremental and could result in a rate impact of about \$0.85 per customer per month.

Zero waste strategy	Category	Implementation timeline	One-time hours	Labor annualized over 10 years	Annual hours	Annual labor cost	Annual outreach	Capital	Capital annualized over 10 years	Total annual cost	Annual tons diverted	Dollars per ton diverted	Dollars per ton diverted rounded to nearest \$5	Total change in GHG emissions (MTCO ₂)
Recycling ambassadors and door-to-door outreach	Program/collection service enhancements	Short-term 2018-2020			200	\$13,500	\$4,000			\$17,500	490	\$36	\$35	957
Outreach, education and technical assistance for C&D generators	Program/collection service enhancements	Short-term 2018-2020			200	\$13,500	\$1,500			\$15,000	360	\$42	\$40	357
Outreach to elementary and secondary schools	Program/collection service enhancements	Short-term 2018-2020			200	\$13,500	\$500			\$14,000	50	\$280	\$280	119
Outreach to faith-based organizations	Program/collection service enhancements	Short-term 2018-2020			200	\$13,500	\$500			\$14,000	50	\$280	\$280	119
Support for reuse, repair, leasing or sharing efforts	City action/policy initiatives	Short-term 2018-2020			100	\$6,750	\$2,000			\$8,750	10	\$870	\$870	4
Promote reusable bottles and bottle filling stations	City action/policy initiatives	Short-term 2018-2020	250	25		\$1,688				\$1,688	1	\$1,814	\$1,815	1
Universal recycling and composting collection service	Program/collection service enhancements	Medium-term 2021-2025	250	25		\$1,688				\$1,688	920	\$2	\$2	1,897
Increase recycling requirements in C&D ordinance	City action/policy initiatives	Medium-term 2021-2025	250	25		\$1,688				\$1,688	790	\$2	\$2	786
Additional commercial technical assistance	Program/collection service enhancements	Medium-term 2021-2025			1000	\$67,500	\$7,500			\$75,000	630	\$119	\$120	1,341
Expanded bulky item recycling collection	Program/collection service enhancements	Medium-term 2021-2025	250	25	100	\$8,438				\$8,438	130	\$65	\$65	286
Expanded list of curbside recyclables	Program/collection service enhancements	Medium-term 2021-2025	250	25		\$1,688		\$200,000	\$20,000	\$21,688	120	\$181	\$180	47
Participating partners program	Program/collection service enhancements	Medium-term 2021-2025			100	\$6,750	\$2,000			\$8,750	120	\$73	\$75	197
Zero waste event requirements	City action/policy initiatives	Medium-term 2021-2025	250	25	100	\$8,438	\$3,000			\$11,438	50	\$228	\$230	122
Material bans of products or packaging	City action/policy initiatives	Medium-term 2021-2025	250	25		\$1,688	\$2,000			\$3,688	40	\$92	\$90	NA
Textile recycling	Program/collection service enhancements	Medium-term 2021-2025	250	25		\$1,688				\$1,688	6	\$303	\$305	NA
Mandatory sorting of self-hauled waste at Shoreway	Facilities and infrastructure	Long-term 2026-2027	250	25		\$1,688		\$50,000	\$5,000	\$6,688	1130	\$6	\$5	1,175
Mandatory participation in recycling and composting programs	City action/policy initiatives	Long-term 2026-2027	250	25		\$1,688	\$2,000			\$3,688	1070	\$3	\$5	2,061
Require all projects to direct C&D materials to designated facilities	City action/policy initiatives	Long-term 2026-2027	250	25		\$1,688				\$1,688	860	\$2	\$2	858
Rate structure that incentivizes waste prevention	Program/collection service enhancements	Long-term 2026-2027	500	50		\$3,375				\$3,375	830	\$4	\$5	1,782
Mandatory recycling percentage	City action/policy initiatives	Long-term 2026-2027	250	25		\$1,688	\$2,000			\$3,688	790	\$5	\$5	1,612
		TOTALS	3500	350	2200		\$27,000	\$250,000			8,447			13,721
		Short-term 2018-2020	250		900	\$62,438	\$8,500			\$70,938	961			
		Medium-term 2021-2025	1750		1300	\$99,563	\$14,500			\$134,063	2,806			
		Long-term 2026-2027	1500		0	\$10,125	\$4,000			\$19,125	4,680			

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FEB 09 2017

February 7, 2017

The Hon. Kirsten Keith, Mayor
 City of Menlo Park
 701 Laurel St.,
 Menlo Park, CA 94025

Subject: Appointment of a Director to the Boards of the Bay Area Water Supply & Conservation Agency and the Bay Area Regional Water System Financing Authority

Dear Mayor Keith,

Your four-year term of Kirsten Keith on the board of directors of the Bay Area Water Supply & Conservation Agency (BAWSCA) will end on June 30, 2017, as will your term on the Bay Area Regional Water System Financing Authority (RFA). Action by your agency must be taken promptly.

The enabling acts for both agencies allow the city to reappoint its director for an unlimited number of terms or to appoint a new director at the end of each term. The appointment will be for a four-year term. Hence, whoever is appointed will have a term that ends on June 30, 2021.

The enabling acts for both agencies require that a vacancy on their boards be filled no later than 90 days from the date the vacancy occurs. As applied, the statutes require action by your Council no later than September 30, 2017.

However, we encourage your agency to make the appointments before June 30, effective July 1, 2017, so that a quorum of both boards can be ensured and so that your agency is continuously represented.

Statutory qualifications:

- The appointee must be a resident of, and a registered voter in, the City.
- He or she may, but need not, be a member of your City Council.

Mechanics of the appointment process:

- The appointments must be made at a public meeting of the City Council and be properly agendized.
- The appointments must be made by action of the full City Council, rather than by unilateral action of the Mayor.
- The appointments do not need to be memorialized in a resolution; a motion duly passed and recorded in the minutes of the meeting is sufficient.

Agendize for May 2017

- A copy of the record of the council actions making the appointment should be sent to BAWSCA. The oaths of office must be administered prior to the appointee's first meeting as a director on the BAWSCA and RFA Boards.

The two questions most frequently asked about an appointment are:

- Should the appointee be an elected member of the appointing agency's governing board?
- Should the same person be appointed to the boards of both agencies?

Both of these are matters of policy left entirely to the discretion of your council. I offer the following observations, based on BAWSCA's experience over the past fourteen years, for whatever use they may be.

- The great majority of cities and districts which are participants in BAWSCA and the RFA do select a member of their city council or governing board to serve on the BAWSCA and RFA boards.

One advantage of appointing a currently serving or former elected member of your council to the board is the stature that his or her presence gives BAWSCA in its dealings with San Francisco, regulatory agencies and legislators. Another is the familiarity and experience he or she already has in addressing policy matters for the City. The governing body of each individual agency is, of course, in the best position to evaluate these, and other relevant considerations.

- With no exceptions, cities and districts have appointed the same individual to both the BAWSCA and RFA boards.

Appointing one person to represent the City on both boards offers an advantage because, although the two agencies have distinct roles, they are closely related. The familiarity with the issues gained through service on one board will be useful in participating on the other. Additionally, having the same person appointed to both boards assures greater continuity in presenting your agency's perspective.

Please see that your council places this matter on an agenda for action by the end of June 30, 2017. I may be reached at (650) 349-3000 if you have any questions.

Sincerely,



Nicole Sandkulla
Chief Executive Officer/General Manager

cc: Pam Lowe, BAWSCA Water Management Representative
Ruben Nino, Alternate BAWSCA Water Management Representative

OATH OF OFFICE
FOR
MEMBER OF BOARD OF DIRECTORS
BAY AREA WATER SUPPLY AND CONSERVATION AGENCY

I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

Signature

* * * * *

Sworn to and subscribed before me this ____ day of _____, 2017.

Signature

Name: _____

Title: _____

OATH OF OFFICE
FOR
MEMBER OF BOARD OF DIRECTORS
SAN FRANCISCO BAY AREA
REGIONAL WATER SYSTEM FINANCING AUTHORITY

I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

Signature

* * * * *

Sworn to and subscribed before me this ____ day of _____, 2017.

Signature

Name: _____

Title: _____