# City Council



## **SPECIAL MEETING AGENDA – AMENDED**

Date:12/16/2019Time:4:30 p.m.City Council Chambers701 Laurel St., Menlo Park, CA 94025

## This amended agenda includes a closed session agenda and updates to item D3.

According to City Council policy, all regular meetings of the City Council are to end by midnight unless there is a super majority vote taken by 11:00 p.m. to extend the meeting and identify the items to be considered after 11:00 p.m.

## 4:30 p.m. Closed Session (City Hall - "Downtown" Conference Room, 1st Floor)

Public Comment on these items will be taken before adjourning to Closed Session.

CL1. Public employment (Gov. Code section 54957.) City Attorney recruitment

## Adjourn to Special Meeting

## **Special Meeting**

- A. Call To Order
- B. Roll Call
- C. Pledge of Allegiance
- D. Consent Calendar
- D1. Accept the City Council meeting minutes for November 19, 2019 (Attachment)
- D2. Receive and file the quarterly update on the City Council adopted 2019-20 priorities and work plan (Staff Report #19-281-CC)
- D3. Authorize the release of the biennial community survey (Staff Report #19-275-CC)
- D4. Approval of a memorandum of understanding with the Cable Joint Powers member agencies for the use of JPA PEG funds for qualifying member agencies' capital projects with corresponding grants to the Media Center (Staff Report #19-282-CC)
- D5. Authorize the city manager to execute an agreement with ePlus for replacement of network switches in an amount not to exceed \$109,969.60 (Staff Report #19-279-CC)

## E. Regular Business

E1. Receive an overview of public comments on the notice of preparation and confirm the scope and content of the environmental impact report to be prepared for the proposed Willow Village mixed-use master plan development (Staff Report #19-274-CC)

## F. Informational Items

- F1. Update on the City Council ad hoc subcommittee on City Council Procedure Updates (Staff Report #19-278-CC)
- F2. City Council agenda topics: January 2020 to February 2020 (Staff Report #19-273-CC)

## G. City Manager's Report

## H. City Councilmember Reports

## I. Adjournment

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 Council 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. For appeal hearings, appellant and applicant shall each have 10 minutes for presentations.

If you challenge any of the items listed on this agenda in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Menlo Park at, or prior to, the public hearing.

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.

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 menlopark.org/agenda and can receive email 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: 12/12/2019)

# AGENDA ITEM D-1 City Council



## SPECIAL AND REGULAR MEETING MINUTES

Date: 11/19/2019 Time: 5:30 p.m. City Council Chambers 701 Laurel St., Menlo Park, CA 94025

## 5:30 p.m. State of the City

SC1. Presentation

Mayor Mueller made the presentation at 5:37 p.m.

City Councilmember Carlton arrived at 5:57 p.m.

SC2. Reception

The meeting went to recess for the reception at 6:21 p.m.

## **Special Meeting**

## A. Call To Order

Mayor Mueller called the meeting to order at 6:41 p.m.

B. Roll Call

Present: Carlton, Combs, Nash, Mueller, Taylor Absent: None Staff: City Manager Starla Jerome-Robinson, City Attorney William McClure, City Clerk Judi A. Herren

# C. Pledge of Allegiance

Mayor Mueller led the Pledge of Allegiance.

## D. Commissioner Reports

D1. Library Commission report (Staff Report #19-252-CC)

Library Commission Chair Katie Hadrovic made the presentation (Attachment).

### E. Consent Calendar

- E1. Accept the City Council meeting minutes for October 1, 2019 (Attachment)
- E2. Award a construction contract to Guerra Construction Group, appropriate additional project funding, and adopt Resolution No. 6531 to install a passenger loading zone for the Oak Grove Avenue sidewalk and green infrastructure (for stormwater) improvement project (Staff Report #19-253-CC)

E3. Award a construction contract to Pacific Underground Construction, Inc. for the 2019 water main replacement project for Monte Rosa Drive (Staff Report #19-247-CC)

**ACTION**: Motion and second (Nash/ Taylor) to approve the consent calendar, passed unanimously (Carlton recused from item E3).

# F. Informational Items

- F1. City Council agenda topics: December 2019 to January 2020 (Staff Report #19-240-CC)
- F2. Update on City's implementation of the Federal Communications Commission's new small wireless facility regulations (Staff Report #19-254-CC)

Assistant City Attorney Cara Silver and Deputy City Manager Justin Murphy responded to City Council questions.

The City Council discussed the current ordinance pertaining to private property and not the public right-of-way and the pending ruling from the Ninth Circuit court in June 2020. The City Council received clarification that there are currently no 5-G cell towers in Menlo Park. City Council requested this item be returned as an action item.

# 7:00 p.m. Regular Meeting

## G. Public Comment

• Natalie Zahr requested permission to attempt alternate grade placement for her son; the City Council clarified that the governing board of the Menlo Park City School District is the authority on Ms. Zahar's request (Attachment).

# H. Consent Calendar

H1. Waive the second reading and adopt Ordinance No. 1060 amending Chapter 13.24 [Heritage Trees] of Title 13 [Streets, sidewalks and utilities] (Staff Report #19-255-CC)

City Councilmember Nash pulled item H1. and provided resident Kathy Nueman's letter to the City Council (Attachment).

The City Council expressed the importance of the City using its best efforts to collect and report on urban forest data to ensure the effectiveness of the updated ordinance and the protection of trees is realized.

**ACTION**: Motion and second (Taylor/ Nash) to waive the second reading and adopt Ordinance No. 1060 amending Chapter 13.24 [Heritage Trees] of Title 13 [Streets, sidewalks and utilities], passed unanimously.

# I. Public Hearing

I1. Introduce Ordinance No. <del>1064</del> 1061 to update the transportation impact fee program (Staff Report #19-256-CC)

Acting Transportation Manager Kristiann Choy made the presentation (Attachment).

Mayor Mueller opened the public hearing.

By acclamation, Mayor Mueller closed the public hearing.

The City Council received clarification on potential revenue effects related to adjusting the fee rates for the transportation impact fee program.

**ACTION**: Motion and second (Nash/ Carlton) to introduce Ordinance No. 1061 to update the transportation impact fee program, passed unanimously.

## J. Regular Business

J1. Request for a subdivision ordinance variance to reduce the front setback requirement for a singlefamily residential lot at 180 Elliot Drive (Staff Report #19-257-CC)

Associate Planner Ori Paz made the presentation (Attachment).

Applicant Travis Wood made a presentation (Attachment).

The City Council received clarification on the purpose and origin of the subdivision setback for new lots. City Attorney McClure further clarified that the lots were likely created before the requirement and that this is a unique situation that warrants a variance.

**ACTION**: Motion and second (Nash/ Taylor) to approve the for a subdivision ordinance variance to reduce the front setback requirement for a single-family residential lot at 180 Elliot Drive, passed unanimously.

J2. First reading and introduction of Ordinance No. 1062 amending Title 12 [Buildings and Construction] of the Menlo Park Municipal Code to adopt local amendments to the California Building Standards Code, adopt a Resolution No. 6532 ratifying the Menlo Park Fire Protection District ordinance adopting amendments to the 2019 California Fire Code with modifications, and adopt Resolution No. 6530 to direct fines collected for violations of the construction and demolition recycling ordinance (12.48) to be used for zero waste initiatives (Staff Report #19-250-CC)

Assistant Community Development Director - Building Chuck Andrews and Fire Marshall Jon Johnston made the presentation (Attachment).

The City Council discussed details of the proposed ordinance and continue the ordinance first reading to the December 10 meeting.

## K. City Manager's Report

City Manager Jerome-Robinson announced the grand opening Nealon Park on November 23 at 10 a.m. and the additional City Council meeting on December 16 from 4:30 p.m. – 6:30 p.m.

# L. City Councilmember Reports

None.

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# M. Adjournment

Mayor Mueller adjourned the meeting at 8:26 p.m.



# STAFF REPORT

City Council Meeting Date: Staff Report Number:

12/16/2019 19-281-CC

Consent Calendar:

Receive and file the quarterly update on the City Council adopted 2019-20 priorities and work plan

# Recommendation

Staff recommends the City Council receive and file the quarterly update, as of December 5, 2019, on the City Council's adopted 2019-20 priorities and work plan.

## **Policy Issues**

Staff provides periodic status reports on the City Council's adopted priorities and work plan. The City Council may amend or adjust the adopted priorities or work plan at their discretion; however, the budget document reflects the originally adopted priorities and work plan.

## Background

On March 5, the City Council adopted its 2019-20 priorities and work plan for the organization. The priorities and work plan are an annual effort designed to set clear expectations of staff in the upcoming fiscal year. The most recent work plan report was transmitted to the City Council at their October 1 meeting.

## Analysis

As the final quarterly update of 2019, this memorandum provides a status update on the City Council adopted work plan. A table summarizing the entire work plan on a single page is provided as Attachment A and is supplemented by the updates provided below.

## **Top priorities**

The 2019-20 City Council adopted priorities and work plan designated five projects as top priorities for the year as listed below. The designation of individual work efforts as a "top priority" clarifies that staff may strategically realign limited resources to achieve the stated milestones for priority projects. All top priority projects have a published scope to provide greater transparency around the purpose of the project and major milestones, Attachment B.

 <u>Transportation master plan (Ref #1).</u> In September and October, the focus of the Transportation Master Plan efforts was on gathering community feedback on project priorities through online and in-person open houses reaching more than 1,200 participants. Staff anticipates developing the draft transportation master plan in early 2020, with approval by the City Council to follow. The transportation impact fee nexus study was accepted and first reading of the ordinance to update the fee program was completed in November 2019 with adoption of the ordinance changes and new fee rates scheduled for December 10, 2019. The fee program update is critically important to be complete before the end of 2019 in consideration of California Environmental Quality Act changes to the transportation impacts of new development projects.

- <u>Chilco Street improvement project (Ref #2)</u>. The project includes installation of new sidewalks, protected bike lanes, street restoration, landscaping, utilities, and stormwater bio-retention facilities on Chilco Street between Bayfront Expressway and Hamilton Avenue. Construction began in mid-May. In an effort to minimize traffic impacts, construction activity is limited to weekday nights from 8 p.m. to 6 a.m. and Saturdays from 8 a.m. to 5 p.m. The project has made substantial progress is expected to be completed by early 2020.
- <u>Middle Avenue pedestrian and bicycle rail crossing planning (Ref #3)</u>. On August 27, the City Council approved a preferred location for the proposed pedestrian and bicycle undercrossing. Since that time, staff has continued preparation of the environmental documents and preliminary design plans. Staff anticipates returning to the City Council in January 2020 to certify the environmental document, approve design plans, and initiate the process to amend the 700-800 El Camino Real planned development permit to reduce parking requirements.
- <u>Heritage tree ordinance update (Ref #4).</u> The ordinance was adopted on November 19 with an effective date of July 1, 2020. Staff have been assigned to coordinate implementation efforts scheduled to begin in January 2020 for a period of six months.
- <u>Belle Haven branch library site selection (Ref #5)</u>. This project is on hold pending additional information from Facebook, Inc. regarding an offer to build a new multi-generational community center and library in the Belle Haven neighborhood. The December 10 City Council agenda contains an informational update on the Facebook, Inc. offer.

# Work plan projects

In addition to the top priorities, the City Council identified twelve additional projects for significant work in 2019 as listed below. The designation of an individual work effort as a "work plan project" indicates that the resources necessary to deliver the project scope and major milestones are properly budgeted through the City Council's adopted budget. While budgeted resources may be available to complete the project, staff vacancies and unanticipated workloads may prevent staff from focusing on certain work plan projects.

- <u>Transportation management association (TMA) formation (Ref #6)</u>. Following a kickoff meeting with the City in August 2019, the TMA feasibility study consultant, Steer Group, has been actively engaging local stakeholders and businesses. This outreach is comprised of interviews, in-person 'drop-in' chats with small downtown businesses, and sharing a survey link to gather information and opinions about current commute habits.
- <u>Transportation impact analysis guidelines (ref #7)</u>. Staff is currently working to retain a consultant to assist with updating the City's Transportation Impact Analysis (TIA) Guidelines. Level of service (LOS) is currently the threshold of significance for potential impacts under the California Environmental Quality Act (CEQA) as identified in the City's General Plan Circulation Element and Transportation Impact Analysis guidelines. For Draft Environmental Impact Reports (EIRs) that will be released and circulated for public review after July 1, 2020, transportation impacts on the environment will be required to be analyzed based on vehicle miles traveled (VMT), as the threshold of significance, per the requirements of Senate Bill 743 and the Governor's Office of Planning and Research, which sets CEQA guidelines. Several environmental analyses are underway whereby staff anticipates the Draft EIRs would likely be released after July 1, 2020; thus, necessitating the City's Transportation Division to initiate an update to

the City's TIA Guidelines to include VMT and updates to the Circulation System Assessment (CSA) to be compliant with CEQA because of SB 743. Staff is scheduling a City Council study session for January 14, 2020 to provide background information on this topic and allow the City Council to provide general direction prior to preparing a draft update of the TIA guidelines for City Council consideration and approval. Other work priorities, including the near-term downtown parking strategies (Ref #8 below), will need to be delayed in order to meet this timeframe.

- <u>Near-term downtown parking and access strategies (Ref #8)</u>. Work has been delayed by other project priorities, including a new work effort to update the City's Transportation Impact Analysis Guidelines as summarized in Ref #7 above.
- El Camino Real (ECR)/ Downtown specific plan update (Ref #9).

As part of the last quarterly update, staff outlined potential changes to the Specific Plan that could be processed within the 2019-20 fiscal year. At the October 1 meeting, the City Council did not direct staff to commence work on the proposed revisions. As a separate matter on November 5, the City Council authorized staff to apply for Senate Bill 2 grant funds, which are to be used to promote and accelerate the production of housing. One of the identified potential programs for the funds is to amend the existing regulations in the El Camino Real/Downtown Specific Plan Area that could be barriers to maximizing residential density and development. This work is more focused than the range of topics previously identified and would be consistent with recommendations made by the City Council Subcommittee for Districts 2 to 5. If awarded the funds, staff would return to the City Council in early 2020 with a timeline and next steps. The work would need to be completed/adopted prior to the end of the grant term on June 30, 2022.

• Market affordable housing preservation (Ref #10).

The Below Market Rate (BMR) – Notice of Funding Availability (NOFA) was amended to include the preservation of "naturally affordable" (private ownership) market rate housing as an eligible activity. This type of preservation is accomplished through the acquisition of market rate housing (that is listed for sale) and conversion to deed restricted affordable units. This would ensure that affordability is preserved, prevent displacement of existing lower income tenants and restrict occupancy to income qualified households that meet the City's BMR Guideline preferences. This work plan item was completed and will be supported on a continuing basis.

• Short-term rental ordinance (Ref #11).

The Housing Commission undertook an extensive community outreach process to obtain input on shortterm rentals and regulations from July 2019 through November 2019. Due to new state legislation related to short-term rentals, the Housing Commission will need to consider how it would relate to any proposed regulations at their upcoming January meeting. The Housing Commission is expected to make a recommendation to City Council in early 2020.

• Single-Family residential design review (Ref #12).

Due to competing priorities and staffing resources, work has yet to commence work on this item. The ability to initiate this project will be dependent upon the prioritization of this work in relation to other land use review and/or zoning changes.

• <u>Zero waste ordinance implementation (Ref #13)</u>. Implementation of zero waste requirements for new development in Bayfront Area are expected to begin first quarter of 2020 and will continue to require ongoing staffing resources from the Sustainability Division to implement. Two zero waste projects were delayed due limited sustainability staff resources that were directed to work on the Heritage Tree Ordinance update, Reach Codes, and implementing past City Council approved zero waste policies. The delayed projects include updating the solid waste ordinance for compliance with state mandates and to meet zero waste goals and updating the construction and demolition ordinance.

• Local minimum wage ordinance (Ref #14).

The City Council adopted the local minimum wage ordinance on September 24. Staff has sent letters to all employers in Menlo Park and the local minimum wage webpage has been updated to provide the ordinance and the official notice required of employers. Staff has received three complaints from small business owners regarding the implementation of the ordinance effective January 1, 2020.

• <u>City Council procedures update (Ref #15).</u>

The City Council adopted procedure #CC-19-010 "City Council powers and responsibilities" on November 19. The subcommittee continues its work and is expected to complete their review of current City Council procedures in March 2020.

• Local energy reach code ordinance (Ref #16).

The energy reach code was adopted in September. Education, administrative guide, and implementation preparation to be complete first quarter 2020. City Council to determine the appointed body that will be reviewing appeals with regards to exceptions for gas stoves in restaurants by February 2020.

• Information Technology Master Plan implementation, year 2 (Ref #17).

Firewall replacement project has been completed; printer replacement project has been completed. Cyber security vulnerability assessment results have been reviewed with consultant; next steps are in progress and will continue through June 30, 2020. Land management system replacement is now live, allowing access to online permitting through a soft launch, and all addresses are being validated by GIS. Asset management system has kicked off and information gathering continues.

# Carryover work plan projects from prior year

As part of the annual goal setting session, the City Council received a report of certain projects from previously approved City Council priorities and work plan that were expected to wrap up by June 30, 2019. The following projects remain outstanding and reflect a demand on resources at the expense of other work plan items.

• Citywide communication program development (Ref #18).

The City Manager's Office is recruiting to fill an existing vacancy that will support the communications function. Initial priorities from the communication plan update include a website redesign/replacement, improved email marketing tool and interdepartmental communications coordination and training.

• <u>Public works and community development organizational study (Ref #19).</u> The consultant team, Matrix Consulting, that performed the organizational reviews presented to the City Council on October 29. Staff is expecting the finalized reports from the consultant in mid-December.

- <u>Stanford University 2018 general use permit (GUP) Review (Ref #20).</u> The City Council subcommittee on the Stanford GUP (Nash, Taylor) have been monitoring the progress of the GUP application. The City Council authorized submittal of a letter to the Santa Clara County Board of Supervisors on October 15. Subsequently, Stanford University withdrew its application for the General Use Permit update.
- Parks and recreation facilities master plan (Ref #21). The City Council accepted the Master Plan at their meeting on October 15, 2019. City Council directed staff to identify programmatic and straightforward projects to be included in future budgets, retain a cost estimator to determine costs and design and construction for projects listed as priority recommendations, provide a proposal for issuance of third phase of Measure T bonds as a possible funding strategy for priority recommendations and authorized the City Manager and City Attorney to work with Facebook to prepare an agreement to come back to City Council for approval regarding Facebook's offer to build a multigenerational community center and library.

## **Study Sessions**

As part of the annual goal setting session, the City Council identified certain topics for additional exploration by the City Council at a noticed meeting. At the time it was envisioned that the study session would help to scope the project and solicit community feedback.

• Housing element and new housing law (Ref #22).

On November 5, the City Council conducted a study session to receive an overview of the recently adopted housing legislation and the upcoming 2020 Housing Element process. Council provided general direction to staff to bring back more detailed information regarding the following long range/housing programs as part of the 2020 goal setting session: 1) amend the secondary dwelling unit ordinance for compliance with State law, 2) modify the El Camino Real/Downtown Specific Plan to reduce the barriers of housing production while maintaining the residential capacity specified in the Plan, and 3) commence the 2022 Housing Element update and related work.

• Annexation procedures (Ref #23).

On November 5, the City Council received an informational item outlining staff's work on annexation procedures. Staff is scheduled to meet with San Mateo County officials in December 2019 to being discussions about the reallocation of property taxes to offset operational and capital expenditures resulting from the incorporation of County pockets, specifically the proposed West Menlo Triangle Annexation. Staff will report out to City Council early in 2020 regarding next steps.

- Equity in Education Joint Powers Authority (Ref #24). This study session is on hold pending definition of scope by the City Council.
- <u>Charter city initiative (Ref #25).</u> This study session is on hold pending definition of scope by the City Council.
- <u>Creation of public amenities fund (Ref #26).</u> This study session is on hold pending definition of scope by the City Council.

## Referral to advisory body

As part of the annual goal setting session, the City Council identified certain topics for referral to advisory bodies to develop a project scope. The City Council retains full control over the project scope and timing.

<u>Middle Avenue Caltrain access, San Mateo bike bridge, Olive (Ref #27)</u>. Staff has received a petition to consider time limited parking restrictions on Middle Avenue which will require review by the Complete Streets Commission and the City Council for consideration. Staff will be working with the petitioner, coordinating dates for the Commission and City Council meetings, and identifying the next steps on the paving work on Middle Avenue between Olive Street and San Mateo Drive scheduled for summer 2020.

## New/anticipated work plan efforts

The City Council has provided direction, or is expected to provide direction, on the following items for staff to develop a project scope and return to the City Council for prioritization and budget amendments as necessary. The work load resulting from these additional efforts are expected to far exceed what is reasonably manageable given current work load, service level demands/expectations, and existing staff and contract services. As part of the annual goal setting process, the City Council will be asked to authorize adjustments to current service levels or staffing levels in order to make progress on the new/anticipated work plan efforts in 2020.

- <u>Belle Haven multi-generational community center and library</u>. While details of the offer from Facebook Inc. have yet to be presented to the City Council, it is anticipated that the new facility will require significant resources from almost every department to conduct public engagement on the new facility as well as complete the entitlements and permitting processes, identify interim services during construction, and prepare for future operations.
- <u>Community Development-Planning and Housing</u> These efforts will require significant resources from the planning and housing divisions with support from the City Attorney's Office:
  - Education series on the development and environmental review processes
  - ConnectMenlo community amenities list update
  - Development incentives for housing in the El Camino Real/Downtown Specific Plan area
  - Secondary dwelling unit ordinance update
  - Affordable Housing and Sustainable Communities (AHSC) grant opportunity
  - 2022 Housing Element, zoning code update and related work (e.g. preparation of an Environmental Justice Element, Land Use Element amendments, rezonings, etc.)
- <u>City Manager's Office-Sustainability</u> These efforts will require significant resources from the City's sustainability staff, with support from the City Attorney's Office, Community Development, and Public Works.
  - Climate Action Plan 2.0
  - Community Electric Vehicle Infrastructure Master Plan
  - Consider a reusable food ware ordinance to reduce and divert waste from landfill
  - Update the Solid Waste Ordinance (State mandates and Zero Waste Plan)
  - Update the Construction and Demolition Ordinance (Zero Waste Plan)

## Impact on City Resources

The City Council adopted budget for fiscal year 2019-20 provides sufficient resources necessary to deliver the milestones outlined in each project description in the adopted work plan.

## **Environmental Review**

This action is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines §§ 15378 and 15061(b)(3) as it will not result in any direct or indirect physical change in the environment.

## **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. 2019-20 City Council Priorities and Work Plan, December 5, 2019 update

Report prepared by: Rebecca Lucky, Sustainability Manager Rhonda Coffman, Deputy Community Development Director - Housing Chuck Andrews, Assistant Community Development Director - Building Deanna Chow, Interim Community Development Director Nikki Nagaya, Interim Public Works Director Justin Murphy, Deputy City Manager Nick Pegueros, Assistant City Manager

# 2019-20 City Council Priorities and Work Plan December 5, 2019 update

Dec	ember 5, 2019 update		10	20	) 30	) 40	) 50	60	70 80	90	100
Ref #	Priority projects	Lead Department	0			% 0	Com	plete		1	00
1	Transportation master plan (TMP)	Public Works									
2	Chilco Street improvement project	Public Works									
3	Middle Avenue pedestrian & bicycle rail crossing planning	Public Works									
4	Heritage tree ordinance update	City Manager's Office									
5	Belle Haven Branch Library site selection	Library									
Ref #	Work plan projects	Lead Department	0			% (	Com	plete			00
6	Transportation management association (TMA) formation	Public Works									
7	Transportation impact analysis guidelines	Public works									
8	Near-term downtown parking and access strategies	Public Works									
9	El Camino Real (ECR) / Downtown specific plan update	Community Development									
10	Market affordable housing preservation	Community Development									
11	Short-term rental ordinance	Community Development									
12	Single-Family residential design review	Community Development									
13	Zero waste ordinance implementation	City Manager's Office									
14	Local minimum wage ordinance	City Manager's Office									
15	City Council procedures manual update	City Manager's Office									
16	Local energy reach code ordinance	City Manager's Office									
17	Information Technology Master Plan implementation, year 2	Administrative Services									
Ref #	Carryover work plan projects from prior year	Lead Department	0			% 0	Com	plete		1	00
18	Citywide communication program development	City Manager's Office									
19	Public works & community development organizational study	City Manager's Office									
20	Stanford University 2018 general use permit (GUP) review	City Manager's Office									
21	Parks and recreation facilities master plan	Community Services									
Ref #	Study session topics	Lead Department					Not	tes			
22 23 24 25 26 Ref #	Housing element and new housing law Annexation Procedure - West Menlo Triangle & Menlo Oaks Equity in Education Joint Powers Authority Charter City Initiative Creation of Public Amenities Fund Referral to advisory body	Community Development City Manager's Office City Manager's Office City Manager's Office Administrative Services		/5/2 3D 3D	2019		Not				
27	Middle Ave Caltrain access, San Mateo bike bridge, Olive	Public Works	Dr					er re	view		
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# SPECIAL MEETING AGENDA

Date:12/16/2019Time:4:30 p.m.City Council Chambers701 Laurel St., Menlo Park, CA 94025

# STAFF REPORT RELEASE NOTICE

The Staff Report No. 19-275 for community survey update will be available by 5 p.m. on December 12, 2019.

Members of the public can view electronic agendas and staff reports by accessing the City website at menlopark.org/agenda and can receive email 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 the City Clerk's Office at 650-330-6620. (Posted 12/5/2019.)

City of Menlo Park 701 Laurel St., Menlo Park, CA 94025 tel 650-330-6600 www.menlopark.org

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# AGENDA ITEM D-4 City Manager's Office



# STAFF REPORT

City Council Meeting Date: Staff Report Number:

12/16/2019 19-282-CC

Consent Calendar:

Approval of a memorandum of understanding with the Cable Joint Powers member agencies for the use of JPA PEG funds for qualifying member agencies' capital projects with corresponding grants to the Media Center

## Recommendation

Staff recommends that the City Council approve a memorandum of understanding with the Cable Joint Powers member agencies for the use of JPA members' PEG funds for qualifying capital projects in member jurisdictions with corresponding grants to the Media Center.

## **Policy Issues**

In 2008, the City Council adopted an ordinance establishing a public, educational and governmental (PEG) fee of \$0.88 per residential subscriber per month. The City is required to reauthorize this fee by ordinance at the expiration and renewal of each state video franchise. The proposed ordinance provides for the continued payment of a PEG fee by AT&T and Comcast.

## Background

In 1983, the cities of Menlo Park, Palo Alto, East Palo Alto, the Town of Atherton and portions of unincorporated San Mateo and Santa Clara counties entered into a Joint Exercise of Powers Agreement (JPA) for purposes of obtaining cable television service for residents, businesses and institutions within these jurisdictions. The JPA gives the City of Palo Alto the sole authority to grant and administer the cable franchise process on behalf of its members. Palo Alto, on behalf of the JPA members, provides for such activities as franchise and PEG fee collection, PEG oversight, customer service and the like with respect to all state franchise holders.

The Digital Infrastructure and Video Competition Act of 2006 (DIVCA) went into effect January 1, 2007. DIVCA established a state franchising system administered by the Public Utilities Commission for video service providers. DIVCA allows the City to exact a fee from video service providers with state-issued franchises for public, education and governmental channel purposes. In 2008, the City Council adopted an ordinance, amending Chapter 5.69 of the Menlo Park Municipal Code, to establish a PEG fee of \$0.88 per residential subscriber per month.

At the time, the City had the option of selecting its existing PEG fee of \$0.88 per subscriber or establishing a fee of 1 percent of the video service provider's gross video service revenues. The City adopted the \$0.88 PEG fee because it yielded 30 percent more than the 1 percent fee. DIVCA requires the City to reauthorize the \$0.88 PEG fee by ordinance at the expiration and renewal of each state video franchise. The term of a state franchise is 10 years.

Staff Report #: 19-282-CC

AT&T's State Video Franchise was renewed March 30, 2017. In late 2017, the City Council adopted an ordinance reauthorizing a PEG support fee of \$0.88 per residential subscriber per month that applies to AT and T and Comcast under their respective renewed State video franchises.

Menlo Park and the JPA have designated the Media Center, as their Community Access Organization, to operate and manage PEG channels and to promote PEG access. The Media Center (formerly the Mid-Peninsula Access Corporation) has served in this capacity since the early 1990s. In this role, the Media Center administers the JPA's seven local PEG channels, broadcasts local community programs, provides gavel-to-gavel coverage of local government meetings, offers video production classes and workshops to community members and provides local election coverage. Palo Alto forwards all PEG fee revenues received by JPA members from franchise holders (currently AT&T and Comcast) to the Media Center in support of these services. Federal law restricts the use of PEG fees to capital expenditures and Menlo Park's share of the PEG fee revenues total approximately \$90,000 annually (or 88 cents per subscriber per month).

On May 10, 2016, the Palo Alto auditor issued the Cable Franchise and PEG Fee Audit, which included a finding that the Media Center had been using PEG fees for operating expenses, rather than solely for capital expenses, which is the only use permitted by federal law (the full audit is available as Attachment A). The Palo Alto City Council directed staff to work with the Media Center to correct this practice, preferably in a way that enables the Media Center to continue operations. The Media Center currently placing PEG fees in a restricted account that can only be used for capital expenditures.

On March 12, 2019, staff presented an informational item to the City Council outlining the proposal from Palo Alto that the JPA purchase the Media Center's video production and training facility at 900 San Antonio Road over a 15-20 year period utilizing PEG fees that would then become unrestricted revenue that could be used by the Media Center to ensure continuity of operations. This proposal would potentially require substantial restructuring of the JPA itself and has since been tabled.

During fall 2019, the JPA Working Group developed and discussed an alternative to the facility purchase that would propose the JPA use PEG revenues to pay for appropriate PEG-related expenditures (capital projects) in member jurisdictions. The member agency would provide the Media Center with a grant of unrestricted funds in the amount of the PEG-related capital expenditures. The JPA is now seeking approval of a memorandum of understanding (MOU) among its members to support this use of funds.

# Analysis

Currently, two members have budgeted PEG-related capital projects: 1) Palo Alto City Council Chambers Audio/Video Upgrade project (\$1.7 million budget); and 2) Atherton Town Council Chambers Building Construction project (\$2.9 million budget). The City of Palo Alto plans to issue a design/build solicitation for its project in 2020. PEG funds can be used for the portion of these projects that enable the Joint Powers to provide for, or upgrade to enhance, the cablecasting of government meetings on the government channels (i.e., broadcast systems including cameras, switchers, captioning and supporting equipment; audio visual systems including speakers, microphones, and supporting infrastructure; broadcast lighting; glare reduction film at windows; blackout shades, etc.). The Atherton Town Council Chambers Building project is currently underway and would allow it to begin to televise its City Council meetings on the government channels. Staff is in the process of determining the total value of the qualifying PEG-related expenditures for both the Palo Alto and Atherton projects. The City of East Palo Alto may also have a qualifying project in 2021. PEG funds could also be used for Midpen Media Center PEG capital project needs, if available and not needed for Joint Powers projects.

#### Staff Report #: 19-282-CC

It is expected that the grants to Midpen Media Center would be sufficient to address its budget gap for up to 5 years (in an amount of approximately \$300,000 per year). However, this is expected to be a short-term solution since there is a limited number of qualifying Joint Powers' projects. As the PEG-related projects begin to dwindle, the Joint Powers could revisit the Midpen Media Center facility purchase; as long as PEG fees stay strong and the FCC actions do not significantly affect local PEG channels.

Another option, that is not recommended, involves using Cable Fund reserves to subsidize the Media Center's operating costs for several years. However, this is another short-term solution since Cable Fund resources are limited (available balance of \$714,505 as of December 31, 2017) and there is no ongoing source of revenue to replenish Cable Fund reserves.

Under the proposed arrangement, individual Joint Powers members will use PEG fee revenue for the acquisition or improvement of their own PEG access equipment and facilities. When this happens, the member agency agrees to provide a grant to Midpen Media Center in the same amount as the PEG-related capital expenditures. The MOU includes an "Authorization Form" that will be approved by the City of Palo Alto, as administrator of the Cable JPA, and the member agency. This form will document the member request for use PEG fees and the agreement to contribute a matching sum to Midpen Media Center. Although Comcast and AT&T are required to remit all Joint Powers' PEG fee payments directly to the City of Palo Alto, each jurisdiction has a share of the revenue (based on each member's pro rata share of total JPA area cable subscribers). The Joint Powers members have discussed pooling the PEG revenue to support qualifying projects that may exceed an individual member's share of the revenue. Palo Alto would maintain an accounting of each member's share of the funds to facilitate the availability of funds for all jurisdictions with qualifying PEG-capital projects. The Palo Alto City Council, as the Cable JPA administrator and lead agency, is poised to hear this item in January 2020 and has requested feedback/approval from each member agency.

Future agreements and proposals related to restructuring of the Cable JPA, long-term use of funds and potentially revisiting the building purchase option would come back to the City Council for consideration.

## Impact on City Resources

The JPA receives PEG fee revenue of approximately \$300,000 annually (Menlo Park's share is approximately \$90,000). The new arrangement for the use of PEG fees would not have any resource impact on the City.

## **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 memorandum of understanding (MOU) among Cable Joint Powers members

Report prepared by: Clay J. Curtin, Public Engagement Manager

## MEMORANDUM OF UNDERSTANDING BETWEEN THE MEMBERS OF THE AMENDED AND RESTATED JOINT POWERS AGREEMENT DATED JUNE 9, 2009, RELATING TO THE ADMINISTRATION OF CABLE TELEVISION AND VIDEO FRANCHISES

This Memorandum of Understanding ("MOU") between and amongst the members of the Amended and Restated Joint Powers Agreement dated June 9, 2009, relating to the administration of cable television and video franchises, outlines the general understanding of each member's agreement with respect to the utilization of PEG Fees.

# BACKGROUND

Under the terms of the Amended and Restated Joint Exercise of Powers Agreement, dated June 9, 2009, and as hereinafter may be amended ("JPA Agreement"), by and between the Cities of Palo Alto, East Palo Alto and Menlo Park, the Town of Atherton and the Counties of San Mateo and Santa Clara (collectively, "Joint Powers" or "JPA"), the City of Palo Alto ("CPA") is authorized, on behalf of the JPA members, to administer and enforce the State Franchises awarded to Comcast and AT&T to provide cable and video services within the Franchise Area.

In accordance with California Digital Infrastructure and Video Competition Act of 2006 ("DIVCA"), and the federal Cable Communications Policy Act of 1984, as amended, 47 U.S.C. §§ 521 *et seq.* ("Cable Act"), AT&T and Comcast provide ongoing funding to the JPA members, equivalent to \$0.88 per residential subscriber per month, to support the operation of the public, educational and government ("PEG") channels provided for by the Franchises ("PEG Fee"). Under the JPA Agreement, CPA collects and oversees expenditures of the PEG Fees on behalf of the JPA members.

The JPA designated the Midpeninsula Community Media Center ("Media Center") to operate and administer the PEG channels, and CPA oversees the Media Center's PEG operations on behalf of the JPA members through a contract between CPA and Media Center. Pursuant to the JPA Agreement, CPA has been collecting and remitting all PEG Fees to Media Center for support of the PEG facilities and channels.

Under federal law, PEG Fees may only be used for capital costs associated with PEG access facilities and equipment. Since 2016, the PEG Fee revenue has been placed in a restricted account managed by Media Center (the "PEG Fee Account"). These funds have been accumulating and currently amount to \$1,065,701 as of September 30, 2019.

The JPA members desire to maintain Media Center as the PEG accessprovider for the franchise territory. Media Center needs funding in order to continue providing PEG access facilities, programming and services. Media Center does not have sufficient capital needs at this time eligible for use of the PEG Fees. However, some of the individual JPA members do have capital projects planned that will be eligible for PEG Fee expenditure because they will entail updating and improving their individual capital facilities and equipment related to producing and cablecasting council and other public meetings on PEG channels. In order to make PEG Fees available for individual JPA members' PEG capital projects, to provide Media Center with continued funding to operate and administer the PEG access facilities, equipment and channels, and to comply with federal requirements related to PEG Fees, the JPA members have agreed to utilize the PEG Fees and to contribute other funds to the Media Center's operations, as follows.

## UNDERSTANDING

1) Although Comcast and AT&T are required to remit PEG Fee payments directly to CPA, each jurisdiction has a share of the PEG Fee revenue (based on each JPA member's pro rata share of total JPA area cable subscribers). JPA members have agreed to pool the PEG Fee revenue to support qualifying PEG capital projects that may exceed an individual member's share of PEG Fee revenue. CPA will maintain an accounting of each member's share of the PEG Fee funds to ensure money is available for all jurisdictions that have qualifying PEG-capital projects. However, because PEG Fee funds are limited, not all jurisdictions with qualifying projects may receive the requested amount; the distribution of the funds will depend on availability. Further, if at any time PEG Fees are no longer paid by cable subscribers or PEG Fee revenue is substantially diminished due to changes in federal law or for another reason, the jurisdictions that have utilized the pooled PEG Fee revenue are not required to reimburse the other jurisdictions that have not utilized their share of the PEG Fee funds.

2) Media Center will continue to hold the existing PEG Fee Account, which will be available to fund JPA members' individual PEG-related capital projects on a drawdown basis. CPA shall authorize expenditure of PEG Fees for individual JPA members' PEG-eligible capital projects. Upon being presented with CPA authorization, Media Center shall, within forty-five (45) days, remit the authorized amount from the PEG Fee Account to the individual JPA Member.

3) Anytime a JPA member receives a payment from the PEG Fee Account as described above, it in turn shall pay to Media Center an equivalent amount of money from its local funds (the source of which will be determined by the individual JPA Member but shall not be restricted funds), no later than forty-five (45) days after it receives the PEG Fees from Media Center, which money may be used by Media Center without restriction to support PEG programming. In the interest of supplying Media Center with ongoing revenue, JPA members, in their sole discretion, may agree to provide the authorized expenditure amount to Media Center in advance of their receipt of the PEG Fee payment.

4) Media Center will continue to hold the existing PEG Fee Account until it has been depleted through the expenditure drawdown process described above. All PEG Fee revenue received after the execution date of this MOU will be held in the CPA Cable Fund, on behalf of the Joint Powers, and will be used for PEG-related capital expenditures by the Joint Members or Media Center after the money in the PEG Fee Account is exhausted.

5) CPA may authorize reimbursement to Media Center for any approved actual and documented PEG-eligible capital expenditures it may incur, upon application for such by Media Center.

6) JPA members will use the form (or one substantially similar) attached hereto as Attachment 1 ("PEG Fee Use Authorization and Corresponding Contribution Obligation") to memorialize their respective use of the PEG Fee Account and agreement to contribute an equivalent sum to Media Center. The JPA Working Group shall meet and review the PEG Fee process described in this MOU every 6 months to determine its efficacy, and is authorized to make any adjustments it deems necessary or desirable.

NOW, THEREFORE	, the partie	es have ex	cecuted this	MOU as follows:
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CITY OF PALO ALTO:

Ву: \_\_\_\_\_

Date of Execution:

CITY OF EAST PALO ALTO:

By: \_\_\_\_\_

CITY OF MENLO PARK:

Ву: \_\_\_\_\_

Date of Execution:

TOWN OF ATHERTON:

Ву: \_\_\_\_\_

Date of Execution:

Cable JPA MOU Draft 11/19/19 by City of Palo Alto

# COUNTY OF SANTA CLARA:

Ву: \_\_\_\_\_

Date of Execution:

COUNTY OF SAN MATEO:

Ву: \_\_\_\_\_

Date of Execution:

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# STAFF REPORT

City Council Meeting Date: Staff Report Number:

12/16/2019 19-279-CC

Consent Calendar:

Authorize the city manager to execute an agreement with ePlus for replacement of network switches in an amount not to exceed \$109,969.60

## Recommendation

Staff recommends that the City Council authorize the city manager to execute an agreement with ePlus for the replacement of network infrastructure switches in an amount not to exceed \$109,969.60. This includes a three years of support and maintenance.

## **Policy Issues**

The agreement exceeds the city manager's signing authority in fiscal year 2019-20 and requires City Council approval.

## Background

The last major upgrade of the City's core network switch environment was in 2012. At that time, during the voice over internet protocol (VoIP) phone project, many of the networking switches were replaced. These switches provide networking, and telephony services to the users. The City's network resources, including the entire phone system, depend on reliable access to these switches.

## Analysis

The City's network, computer and telephony topology is built on Cisco network switches. This equipment provides access to the network resources in the datacenter for the users and the entire phone system. Over the years, the equipment has proven to be reliable and trouble free, and staff is trained and qualified to manage this equipment. During a recent review of the Cisco network equipment support and maintenance program, eighteen (18) switches were identified to be end of life in 2020. Cisco will no longer support these switches, and they will need to be replaced with current hardware, software and security releases. The Information Technology Division is making every effort to ensure that all equipment in the data center is current under maintenance and support, and complies with the latest security and networking standards.

The purchase piggybacks the Utah WSCA-NASPO cooperative purchasing organization master price agreement with Cisco Systems, Inc., which the State of California participates and has extended to local governments in order to meet bid requirements and obtain the lowest competitive price (Attachment A.) Cisco Systems, Inc. uses resellers to sell their network switches and support agreements. One of those resellers, ePlus, has provided the City with economical quotes on previous equipment purchases. Information technology division staff negotiated an additional discount with ePlus, reflected in the quote provided expiring December 27, 2019 (Attachment B.) The current fiscal year cost, including all hardware and the first year of support and maintenance is \$96,104.17, plus shipping and handling, an amount to be

determined that staff estimated should not exceed \$1,000.00. The quote includes an additional two years of maintenance and support at a cost of \$12,865.43. The total three year cost will not exceed \$109,969.60.

## Impact on City Resources

The equipment purchase costs and first year of support, \$96,104.17, is included in the fiscal year 2019-20 budget as part of the information technology master plan (ITMP) implementation project. Future years' maintenance costs will be incorporated into operating budgets through the information technology internal service fund.

## **Environmental Review**

This action is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines §§ 15378 and 15061(b)(3) as it does not propose a change that will result in any direct or indirect physical change in the environment.

## **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. State of California participating addendum No. 7-14-70-04 and subsequent Amendment 1 and 2
- B. ePlus technology quote 22436279 dated 11/27/2019

Report prepared by: Sandy Pimentel, Information Technology Manager

Report reviewed by: Lenka Diaz, Administrative Services Director

# STATE OF CALIFORNIA PARTICIPATING ADDENDUM NO. 7-14-70-04

## Data Communications Products and Services Utah WSCA-NASPO Master Price Agreement No. AR233 **Cisco Systems, Inc.**

This Participating Addendum Number 7-14-70-04 is entered into between the State of California, Department of General Services (hereafter referred to as "State" or "DGS") and Cisco Systems, Inc. (hereafter referred to as "Contractor") under the lead State of Utah WSCA-NASPO Cooperative Purchasing Organization (WSCA-NASPO) Master Price Agreement Number AR233.

## 1. Scope

- A. This Participating Addendum covers the purchase of Data Communications Products and Services under the Utah WSCA-NASPO Master Price Agreement Number AR233. The WSCA-NASPO Master Price Agreement is hereby incorporated by reference and shall apply to the purchase of goods and services made under this Participating Addendum.
- B. This Participating Addendum is available for use by all State Departments and California political subdivisions/local governments. A political subdivision/local government is defined as any city, county, city and county, district, or other local governmental body or corporation, including the California State Universities (CSU) and University of California (UC) systems, K-12 schools and community colleges empowered to expend public funds.
- C. Each political subdivision/local government is to make its own determination whether this Participating Addendum and the WSCA-NASPO Master Price Agreement are consistent with its procurement policies and regulations.

## 2. Term

- A. The term of this Participating Addendum shall begin upon signature approval by the State and will end May 31, 2019, or upon termination by the State, whichever occurs first.
- B. Lead State amendments to extend the Master Price Agreement term date are not automatically incorporated into this Participating Addendum. Extension(s) to the term of this Participating Addendum will be through a written amendment upon mutual agreement between the State and the Contractor.

## 3. Mandatory Statewide Contracts

Product and service categories that are available on mandatory California statewide contracts for information technology (IT) hardware cannot be purchased from this Participating Addendum by State Departments without an exemption. State Departments are responsible for obtaining an exemption from DGS prior to issuing a purchase order.

This restriction is not applicable to political subdivisions/local governments.

## 4. Terms and Conditions

Terms and conditions listed below are hereby incorporated by reference and made a part of this Participating Addendum as if attached herein and shall apply to the purchase of goods or services made under this Participating Addendum. These include:

- A. Exhibit A: General Provisions Information Technology, GSPD401IT, effective 11/27/2013, as modified per attached Exhibit A, and on an order by order basis in a Statement of Work for those sections approved by DGS.
- B. Exhibit B: American Recovery and Reinvestment Act (ARRA) Supplemental Terms and Conditions, revised 08/10/09. The supplemental terms and conditions for contracts using ARRA funds apply to the ordering agency. If or when Contractor, as a vendor, is notified by ordering agency that a specific purchase or purchases are being made with ARRA funds, Contractor agrees to comply with the data element and reporting requirements that are legally required of providers of goods and related services. Contractor as it relates to purchases under this Participating Addendum is not a subcontractor or sub grantee, but simply a provider of goods and related services.

## 5. Order of Precedence

In the event of any inconsistency between the articles, attachments, or provisions which constitute this agreement, the following descending order of precedence shall apply:

A. California Participating Addendum Number 7-14-70-04 (including Exhibits A and B).
B. Utah WSCA-NASPO Master Price Agreement Number AR233

### 6. Available Products and Services

This Participating Addendum includes the following product and service categories:

- A. 5.2.1 Data Center Application Services
- B. 5.2.2 Networking Software
- C. 5.2.3 Network Optimization and Acceleration
- D. 5.2.4 Optical Networking
- E. 5.2.5 Routers
- F. 5.2.6 Security
- G. 5.2.7 Storage Networking
- H. 5.2.8 Switches
- l. 5.2.9 Wireless
- J. 5.3.0 Unified Communications\*

\* Non-exempt State Agencies are mandated by policy to utilize the CALNET 3 Statewide Contract(s) to obtain "Required" telecommunications and network services unless otherwise authorized by the Department of Technology.

## 7. Disallowed Products and Services

A. Cloud Computing

Cloud computing elements are not allowed under this Participating Addendum. However if State of California terms and conditions are developed for Software as a Service, Infrastructure as a Service, or Platform as a Service, the State reserves the right to amend this Participating Addendum to include such provisions and related goods and services.

B. These restrictions do not apply to political subdivisions/local governments.

## 8. Price List

- A. Contractor shall submit a Product and Service Schedule (PSS) identifying all products and services offered under this Participating Addendum for the State's approval.
- B. The PSS shall include the following:
  - 1) Manufacturer Part Number or Item Number
  - 2) List Price
  - 3) Minimum Discount off List Price
  - 4) Contract Price
- C. Contractor shall maintain a website dedicated to this Participating Addendum which contains the State-approved PSS.
- D. Contractor shall submit a written notice of price increases/decreases and a revised PSS for the State's approval prior to updating the Contractor's dedicated website for this Participating Addendum.
- E. State-approved PSS will be posted on the State's eProcurement website.

## 9. Equipment Additions/Deletions

- A. Contractor may add or delete equipment introduced or removed from the market by the manufacturer under the following conditions:
  - 1) Equipment is within existing awarded categories under the WSCA-NASPO Master Price Agreement;
  - 2) Contractor has obtained prior approval from the Utah WSCA-NASPO Contract Administrator; and
  - 3) Contractor receives written approval from the California State Contract Administrator.
- B. Contractor shall submit a written notice of equipment additions/deletions and a revised PSS for the State's approval prior to updating the Contractor's dedicated website for this Participating Addendum.
- C. Contractor shall not add new categories or groups of equipment or services under this Participating Addendum that were not originally included in the WSCA-NASPO Master Price Agreement.

## **10. Servicing Subcontractors**

A. Nothing contained in this Agreement or otherwise, shall create any contractual relation between the State and any subcontractors, and no subcontract shall relieve Contractor of its responsibilities and obligations hereunder. Contractor agrees to be fully responsible to the State for the acts and omissions of its subcontractors and of persons either directly or indirectly employed by the Contractor. Contractor's obligation to pay its subcontractors is an independent obligation from the State's obligation to make payments to the Contractor.

B. As the prime contractor, contractor is responsible for reports and fees required by the terms and conditions of the WSCA/NASPO Master Price Agreement and State Participating Addendum.

- C. Subject to the approval of the State, subcontractors may be added on a quarterly basis during the term of the contract. Contractors shall notify the State of any deleted subcontractors or changes to current subcontractors contact information at any time during the contract term.
- D. Contractor shall submit a subcontractor list identifying the company name, address, contact name, phone number and email of authorized subcontractors to the State's Contract Administrator for the State's approval prior to updating its California specific contract website.
- E. State-approved Servicing Subcontractor will be posted on the State's eProcurement website.

## **11. Ordering Agency Responsibilities**

- A. State department and political subdivision/local government use of this Participating Addendum is optional.
- B. A User Instructions guide will be prepared and administered by the State Contract Administrator.
- C. Ordering agencies must follow the Contractor Selection and Request for Offer (RFO) process outlined within the User Instructions guide prior to executing orders against this Participating Addendum.

## 12. Contractor Responsibilities

Contractor must respond to the ordering agency's RFO to be eligible to receive a Purchase Order under this Participating Addendum.

### 13. Invoicing

The State Participating Addendum Number and Ordering Agency Purchase Order Number shall appear on each purchase order and invoice for all purchases placed under this Participating Addendum.

## 14. Usage Reporting

- A. Contractor shall submit usage reports on a monthly basis to the State Contract Administrator for all California entity purchases using the report template attached hereto as Attachment A.
- B. The report is due even when there is no activity.
- C. The report shall be an Excel spreadsheet transmitted electronically to the DGS mailbox at PDWSCA@dgs.ca.gov.
- D. Any report that does not follow the required format or that excludes information will be deemed incomplete. Contractor will be responsible for submitting corrected reports within five business days of the date of written notification from the State.

E. Tax must not be included in the report, even if it is on the purchase order.

F. Reports are due each month as follows:

Repo	orting Period and Due Date	
Jan Due Feb 15	May Due Jun 15	Sep Due Oct 15
Feb Due Mar 15	Jun Due Jul 15	Oct Due Nov 15
Mar Due Apr 15	Jul Due Aug 15	Nov Due Dec 15
Apr Due May 15	Aug Due Sep 15	Dec Due Jan 15

- G. Failure to meet reporting requirements and submit the reports on a timely basis shall constitute grounds for suspension of this contract.
- H. Amendments for term extensions may be approved only if all due reports have been submitted to the State.

# 15. Administrative Fee

- A. Contractor shall submit a check, payable to the State of California, remitted to the WSCA Payment Processing Unit for the calculated amount equal to one percent (0.01) of the sales for the quarterly period.
- B. Contractor must include the Participating Addendum Number on the check. Those checks submitted to the State without the Participating Addendum Number will be returned to Contractor for additional identifying information.
- C. Administrative fee checks shall be submitted to:

State of California Department of General Services, Procurement Division Attention: WSCA Payment Processing 707 3<sup>rd</sup> Street, 2<sup>nd</sup> Floor, MS 2-202 West Sacramento, CA 95605

- D. The administrative fee shall not be included as an adjustment to Contractor's WSCA-NASPO Master Price Agreement pricing.
- E. The administrative fee shall not be invoiced or charged to the ordering agency.
- F. Payment of the administrative fee is due irrespective of payment status on orders or service contracts from a purchasing entity.

Reporting Period	Due Date
JUL 1 to SEP 30	OCT 31
OCT 1 to DEC 31	JAN 31
JAN 1 to MAR 31	APR 30
APR 1 to JUN 30	JUL 31

G. Administrative fee checks are due for each quarter as follows:

H. Failure to meet administrative fee requirements and submit fees on a timely basis shall constitute grounds for suspension of this contract.

# 16. Contract Management

A. The primary Contractor Contract Manager for this Participating Addendum shall be as follows:

Contractor:	Cisco Systems, Inc.
Name:	Mimi Farr
Phone:	(408) 527-2627
E-Mail: Address:	<u>mimnguye@cisco.com</u> ) 170 West Tasman Drive San Jose, CA 95134

B. Should Contractor Contract Manager information change, the Contractor will provide written notice with the updated information to the State Contract Administrator no later than ten business days after the change.

C. The State Contract Administrator for this Participating Addendum shall be as follows:

# STATE OF CALIFORNIA PARTICIPATING ADDENDUM NO. 7-14-70-04 AMENDMENT #1

Data Communications Products and Services Utah NASPO ValuePoint (formerly WSCA-NASPO) Master Price Agreement No. AR233 Cisco Systems, Inc.

The parties hereto mutually agree to amend Participating Addendum Number 7-14-70-04 as follows:

# 1. Usage Reporting:

Update Participating Addendum Section 14 to reflect change to reporting requirement from 'monthly' reporting to 'quarterly' reporting as follows:

Contractor shall submit usage reports on a quarterly basis to the State Contract Administrator for all California entity purchases.

Reports are due each quarter as follows:

Rep	orti	ng Period	Due Date
JAN 1	to	MAR 31	APR 30
APR 1	to	JUN 30	JUL 31
JUL 1	to	SEP 30	OCT 31
OCT 1	to	DEC 31	JAN 31

2. Contract Management:

Update Participating Addendum Section 16 A, with the new Contractor Contract Manager as follows:

Contractor:	Cisco Systems, Inc.
Name:	Gigi Feril
Phone:	(408) 424-0712
Fax:	(408) 608-1729
E-Mail:	aferil@cisco.com
Address:	170 West Tasman Drive San Jose, CA  95134

Update Participating Addendum Section 16 C, with the new State Contract Administrator as follows:

Name:	Terry Muñoz
Phone:	(916) 375-8067
Fax:	(916) 375-4663
E-Mail:	Terry.Munoz@dgs.ca.gov
Address:	State of California Department of General Services Procurement Division 707 Third Street, 2nd Floor, MS 2-202 West Sacramento, CA 95605

Participating Addendum No. 7-14-70-04 Amendment #1 *Cisco Systems, Inc.* 

All other terms and conditions of the Participating Addendum shall remain the same.

IN WITNESS WHEREOF, the parties have executed this Participating Addendum Amendment as of the date of execution by both parties below.

	ating State: OF CALIFORNIA	Contrac Cisco Sy	tor: stems, Inc. /	
By:	Theky .	By:	Im/man 1	
Mame:	Jim Butler	Name:	Phil Lozano	
Title:	Deputy Director	Title:	Director, Finance	,
Date:	February 26, 2016	Date:	FEB 2 2 2016	·.
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# APPROVED BY LEGAL

# **STATE OF CALIFORNIA PARTICIPATING ADDENDUM NO. 7-14-70-04 AMENDMENT NO. 2**

# Data Communications Products and Services Utah NASPO ValuePoint Master Agreement No. AR233 **Cisco Systems, Inc. (Contractor)**

The parties mutually agree to amend the Participating Addendum as follows:

- 1. Agreement is extended from May 31, 2019 to May 31, 2020. Section 2. TERM, Subpart A is revised to read as follows:
  - The term of this Participating Addendum shall begin upon signature approval by the State and end May 31, 2020, or upon termination, whichever occurs first.
- 2. Section 16. CONTRACT MANAGEMENT, Subpart C is amended to read as follows:

The State Contract Administrator for this Participating Addendum shall be as follows:

Name:	Julie Matthews
Phone:	(916) 375-4612
E-Mail:	Julie.Matthews@dgs.ca.gov
Address:	State of California Department of General Services Procurement Division
	707 Third Street, 2nd Floor, MS 2-202 West Sacramento, CA 95605

All other terms and conditions of the Participating Addendum shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Amendment as of the date of execution by both parties below.

#### **STATE OF CALIFORNIA**

epartment of General Services Authorized Signer Signature of 400

Printed Name and Title of Authorized Signer

707 Third Street West Sacramento, CA 95605 Address

### CONTRACTOR

Cisco Systems, Inc. Contractor Name

Signature of

Date Signed

uhárized Signer

MAY 0 6 2019

Authorized Signatory Printed Name and Title of Authorized Signer

170 West Tasman Drive San Jose, CA 95134

Address

# APPROVED BY LEGAL

Page 1 of 1

# ATTACHMENT B

Quote Name:

	Bill To	Ship To	Quotation #:	22436279	
+	CITY OF MENLO PARK	CITY OF MENLO PARK	Order #:		
$e^{\cdot}$			Quotation Date:	11/27/2019	
ePlus	MENLO PARK CA 94002 UNITED STATES	UNITED STATES	Expiration Date:	12/27/2019	
Quotation	FINANCE DEPARTMENT		Client Reference:		
			Account Rep:	Brittani Neff	

Line No.	Quantity	Part Number	MFG	Description	Unit Price	Ext Price
001	1	C9407R-96U-BNDL-E	CISCO	CATALYST 9400 SERIES 7 SLOT, SUP, 2XC9400-LC-48U , DNA-E LIC	7,009.52	7,009.52
002	1	C9400-LC-48P-B	CISCO	CISCO CATALYST 9400 SERIES 2XC9400-LC-48P FOR BUNDLE SELECT	0.00	0.00
003	1	C9400-LC-48P	CISCO	CISCO CATALYST 9400 SERIES 48-PORT POE+ 10/100/1000 (RJ-45)	0.00	0.00
004	4	C9400-PWR-BLANK	CISCO	CISCO CATALYST 9400 SERIES POWER SUPPLY BLANK COVER	0.00	0.00
005	4	C9400-PWR-2100AC	CISCO	CISCO CATALYST 9400 SERIES 2100W AC POWER SUPPLY	777.14	3,108.56
006	1	S9400UK9-1612	CISCO	CISCO CATALYST 9400 XE 16.12 UNIVERSAL	0.00	0.00
007	1	C9400-SUP-1-B	CISCO	CISCO CATALYST 9400 SERIES SUPERVISOR-1 BUNDLE SELECT OPTION	0.00	0.00
008	1	C9400-NW-E	CISCO	CISCO CATALYST 9400 NETWORK ESSENTIAL LICENSE	0.00	0.00
009	4	CAB-US520-C19-US	CISCO	NEMA 5-20 TO IEC-C19 14FT US	0.00	0.00
010	4	C9400-S-BLANK	CISCO	CISCO CATALYST 9400 SERIES SLOT BLANK COVER	0.00	0.00
011	1	NETWORK-PNP-LIC	CISCO	NETWORK PLUG-N-PLAY CONNECT FOR ZERO-TOUCH DEVICE DEPLOYMENT	0.00	0.00
012	1	C9400-LC-48P	CISCO	CISCO CATALYST 9400 SERIES 48-PORT POE+ 10/100/1000 (RJ-45)	0.00	0.00
013	1	C9400-SUP-1	CISCO	CISCO CATALYST 9400 SERIES SUPERVISOR 1 MODULE	0.00	0.00
014	1	C9400-DNA-E	CISCO	CISCO CATALYST 9400 DNA ESSENTIAL TERM LICENSE	0.00	0.00
015	1	C9400-DNA-E-3Y	CISCO	CISCO CATALYST 9400 DNA ESSENTIAL 3 YEAR LICENSE	1,398.10	1,398.10

### Page 2 of 3

016	1	C9400-SSD-240GB	CISCO	CISCO CATALYST 9400 SERIES 240GB M2 SATA MEMORY (SUPERVISOR)	777.14	777.14
017	11	C9200L-24P-4X-E	CISCO	CATALYST 9200L 24-PORT POE+, 4 X 10G, NETWORK ESSENTIALS	1,405.00	15,455.00
018	22	CAB-TA-NA	CISCO	NORTH AMERICA AC TYPE A POWER CABLE	0.00	0.00
019	11	PWR-C5-600WAC/2	CISCO	600W AC CONFIG 5 POWER SUPPLY - SECONDARY POWER SUPPLY	700.00	7,700.00
020	11	NETWORK-PNP-LIC	CISCO	NETWORK PLUG-N-PLAY CONNECT FOR ZERO-TOUCH DEVICE DEPLOYMENT	0.00	0.00
021	11	C9200L-NW-E-24	CISCO	C9200L NETWORK ESSENTIALS, 24-PORT LICENSE	0.00	0.00
022	11	C9200L-DNA-E-24	CISCO	C9200L CISCO DNA ESSENTIALS, 24-PORT TERM LICENSE	0.00	0.00
023	11	C9200L-DNA-E-24-3Y	CISCO	C9200L CISCO DNA ESSENTIALS, 24-PORT, 3 YEAR TERM LICENSE	203.33	2,236.63
024	22	C9200-STACK-BLANK	CISCO	CATALYST 9200 BLANK STACK MODULE	0.00	0.00
025	7	C9200L-48P-4X-E	CISCO	CATALYST 9200L 48-PORT POE+, 4 X 10G, NETWORK ESSENTIALS	2,425.00	16,975.00
026	7	C9200L-NW-E-48	CISCO	C9200L NETWORK ESSENTIALS, 48-PORT LICENSE	0.00	0.00
027	14	C9200-STACK-BLANK	CISCO	CATALYST 9200 BLANK STACK MODULE	0.00	0.00
028	14	CAB-TA-NA	CISCO	NORTH AMERICA AC TYPE A POWER CABLE	0.00	0.00
029	7	C9200L-DNA-E-48	CISCO	C9200L CISCO DNA ESSENTIALS, 48-PORT TERM LICENSE	0.00	0.00
030	7	C9200L-DNA-E-48-3Y	CISCO	C9200L CISCO DNA ESSENTIALS, 48-PORT, 3 YEAR TERM LICENSE	373.33	2,613.31
031	7	NETWORK-PNP-LIC	CISCO	NETWORK PLUG-N-PLAY CONNECT FOR ZERO-TOUCH DEVICE DEPLOYMENT	0.00	0.00
032	7	PWR-C5-1KWAC/2	CISCO	1KW AC CONFIG 5 POWER SUPPLY - SECONDARY POWER SUPPLY	1,050.00	7,350.00
033	36	SFP-10G-SR-S=	CISCO	10GBASE-SR SFP MODULE, ENTERPRISE-CLASS	303.33	10,919.88
034	36	GLC-TE=	CISCO	1000BASE-T SFP TRANSCEIVER MODULE FOR CATEGORY 5 COPPER WIRE	196.25	7,065.00

### Page 3 of 3

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ePlus offers flexible and easy leasing options for your IT equipment. Use leasing to increase y 984-80	our IT acquisition capability, overcome limited budgets, and manage the lifecycle 21 or leasing@eplus.com to receive a lease quote today.	of your assets. Contact an ePlus Leasing Coor	dinator at 1-703-
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Signature: Date:	ePlus Technology Inc	Sub Total (USD): Tax (USD):	82,608.14 7,063.31
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This is a solicitation for an offer and is subject to credit approval. No contract is formed unless order or other offer is received AND ACCEPTED BY OUR OFFICE. If you intend to have your leasing company pay the costs directly, please note that if the Lessor does not pay ePlus for a you will be responsible for payment to ePlus.	chosen	Total (USD):	89,671.45

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#### SPECIAL MEETING AGENDA

Date: 12/16/2019 Time: 4:30 p.m. City Council Chambers 701 Laurel St., Menlo Park, CA 94025

# STAFF REPORT RELEASE NOTICE

The Staff Report No. 19-274 for Start @ 5:15 - Review of Willow Village NOP comments will be available by 5 p.m. on December 12, 2019.

Members of the public can view electronic agendas and staff reports by accessing the City website at menlopark.org/agenda and can receive email 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 the City Clerk's Office at 650-330-6620. (Posted 12/5/2019.)

City of Menlo Park 701 Laurel St., Menlo Park, CA 94025 tel 650-330-6600 www.menlopark.org

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### STAFF REPORT

City Council Meeting Date: Staff Report Number:

12/16/2019 19-278-CC

Informational Item:

Update on the City Council ad hoc subcommittee on City Council Procedure Updates

#### Recommendation

None. As an informational item, this report is intended to update the City Council and members of the public on work completed by the City Council ad hoc subcommittee on City Council Procedure Updates.

#### **Policy Issues**

The City Council adopts procedures governing their operations. The City Council retains full control over its procedures.

#### Background

At their July 15 meeting, the City Council appointed an ad hoc subcommittee (Carlton and Mueller) to work with staff on updates to the City Council procedures manual, staff report No. 19-150-CC, Attachment A. As outlined in the staff report, the ad hoc subcommittee's work would proceed chapter by chapter to replace the previously adopted City Council Procedures manual. At their October 1 meeting, the City Council received a recommendation from the ad hoc subcommittee to adopt City Council Procedure #CC-19-010 – "City Council powers and responsibilities." The City Council requested several revisions and the policy was adopted at the November 12 meeting with several additional edits.

#### Analysis

The resources necessary to coordinate and update the procedures manual were diverted in September and October to focus on other city council priorities and work plan items. Most notably, work on City Council procedures updates was preempted by the adoption and implementation of the local minimum wage ordinance.

In the ad hoc subcommittee's discussion of the City Council procedures, Mayor Mueller expressed a desire to bring forward a "sunshine calendar" procedure for City Council consideration. The primary goal of an open calendar is to promote transparency in public official's conduct of official business. Such transparency is particularly relevant to City Council quasi-judicial public hearings, where behind the scenes conversations (referred to as *ex parte* communication) can sometimes influence decisions. The League of California Cities provides an overview of *ex parte* case law and sample policies in Attachment B. These policies are not required by the Brown Act or Public Records Act, and are designed to provide more transparency than state law.

For reference of a "sunshine calendar" in operation, Attachments B, C and D provide links to the City of San Jose's public calendars of city officials webpage, Mayor Liccardo's public calendar, and the most recent

Staff Report #: 19-278-CC

open government report (July – December 2018.)

The subcommittee will consider the guidance provided by the League of California Cities for public hearings, draw from examples in San Jose and other local governments with open calendar policies for other City Council agenda items and non-agenda item meetings where disclosure may be of value to the community. The ad hoc subcommittee will return with a proposed City Council procedure at the second meeting in January. The city attorney will advise on whether disclosure of *ex parte* communications should be added to the agendas beginning in the new year or if the City Council should adopt a procedure.

#### Impact on City Resources

There is no impact on City resources.

#### **Environmental Review**

This action is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines §§ 15378 and 15061(b)(3) as it will not result in any direct or indirect physical change in the environment.

#### **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. Hyperlink Staff report No. 19-150-CC: menlopark.org/DocumentCenter/View/22124/E4-20190715-City-Council-procedures-manual-CC
- B. Hyperlink "Let's Ex Parte! The Limits and Disclosure Requirements of Ex Parte Communications in the Public Hearing Context": cacities.org/Resources-Documents/Member-Engagement/Professional-Departments/City-Attorneys/Library/2016/Annual-2016/10-2016-Annual\_Calonne\_Lets-Ex-Parte!-The-Limits-a.aspx
- C. Hyperlink City of San Jose public calendars of city officials webpage: sanjoseculture.org/index.aspx?NID=227
- D. Hyperlink Mayor Liccardo's public calendar: outlook.office365.com/owa/calendar/WebCalendarPost@sanjoseca.gov/MayorLiccardoWebCalendar/ca lendar.html
- E. Hyperlink Most recent published City of San Jose Open Government Report (July December 2018): sanjose.legistar.com/LegislationDetail.aspx?ID=3856826&GUID=4E6A013D-FC0E-4F4B-B61E-DE8B42BF2A2D&Options=&Search=

Report prepared by: Judi Herren, City Clerk Nick Pegueros, Assistant City Manager



#### STAFF REPORT

City Council Meeting Date: Staff Report Number:

12/16/2019 19-273-CC

Informational Item:

City Council agenda topics: January 2020 to February 2020

#### Recommendation

The purpose of this informational item is to provide the City Council and members of the public access to the anticipated agenda items that will be presented to the City Council. The mayor and city manager set the City Council agenda so there is no action required of the City Council as a result of this informational item.

#### **Policy Issues**

In accordance with the City Council procedures manual, the mayor and city manager set the agenda for City Council meetings.

#### Analysis

In an effort to provide greater access to the City Council's future agenda items, staff has compiled a listing of anticipated agenda items, Attachment A, through February 25, 2020. The topics are arranged by department to help identify the work group most impacted by the agenda item.

Specific dates are not provided in the attachment due to a number of factors that influence the City Council agenda preparation process. In their agenda management, the mayor and city manager strive to compile an agenda that is most responsive to the City Council's adopted priorities and work plan while also balancing the business needs of the organization. Certain agenda items, such as appeals or State mandated reporting, must be scheduled by a certain date to ensure compliance. In addition, the meeting agendas are managed to allow the greatest opportunity for public input while also allowing the meeting to conclude around 11 p.m. Every effort is made to avoid scheduling two matters that may be contentious to allow the City Council sufficient time to fully discuss the matter before the City Council.

#### **Public Notice**

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

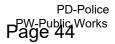
#### Attachments

A. City Council agenda topics: January 2020 to February 2020

Report prepared by: Judi A. Herren, City Clerk

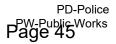
## Tentative City Council Agenda

#	Title	Department	Item type
1	Finance and Audit Committee update	ASD	Committee Report
2	Agree/amend with M-A Cooperative Nursery School lease	CA	Regular
3	Below Market Rate (BMR) - Notice of Funding Availability (NOFA) Issuance	CDD	Consent
4	Newsrack regulations ordinance, first reading	CDD	Regular
5	706 Santa Cruz Ave - mixed use development	CDD	Regular
6	Amendment to conditional development permit for CitizenM Hotel	CDD	Public Hearing
7	Update on short term rental regulation community outreach	CDD	Informational
8	Manzanita Talks	СМО	Presentation
9	San Mateo County Mosquito and Vector Control District appointment	СМО	Committee Report
10	Term of lease for pool operations	СМО	Study Session
11	Update on Belle Haven Multi-generational community center & library	СМО	Informational
12	2019 STEM Winners	СМО	Presentation
13	City Council agenda topics: February 11 2020 – March 10 2020	СМО	Informational
14	City Council agenda topics: February 25 2020 – March 24 2020	СМО	Informational
15	City Council agenda topics: January 21 2020 – February 25 2020	СМО	Informational
16	ConnectMenlo community amenities options, direct staff to initiate review	СМО	Regular
17	Mayor and Sister City Committee honor boy scouts for assistance with the Bizen delegation	СМО	Presentation
18	Midpeninsula Regional Open Space District	СМО	Presentation
19	Minutes: 12/10 and 12/17	СМО	Consent
20	Multi- generational community center	СМО	Regular
21	Sister City Committee recommendation to upgrade Bizen, Japan to full Sister City status	СМО	Consent
22	Sister City Committee update	СМО	Committee Report
23	Update on zero waste plan progress	СМО	Regular
24	Regular meeting schedule ordinance, first reading	CMO, CA	Regular
25	Regular meeting schedule ordinance, second reading and adoption	CMO, CA	Consent
26	Big Lift grant for Belle Haven child development center, resolution adoption	CSD	Consent
27	Approve scope of work for the Ravenswood Avenue railroad crossing project	PW	Regular
28	Follow up on utility undergrounding	PW	Regular



### Tentative City Council Agenda

#	Title	Department	Item type
29	Funding agreements with C/CAG and Caltrans, approve a design-build approach for the project (Haven)	PW	Consent
30	Transportation impact analysis guidelines	PW	Study Session



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