



SPECIAL MEETING AGENDA

Date: 4/21/2020

Time: 7:00 p.m.

Regular Meeting Location: GoToWebinar.com – ID# 961-495-339

NOVEL CORONAVIRUS, COVID-19, EMERGENCY ADVISORY NOTICE

On March 19, 2020, the Governor ordered a statewide stay-at-home order calling on all individuals living in the State of California to stay at home or at their place of residence to slow the spread of the COVID-19 virus. Additionally, the Governor has temporarily suspended certain requirements of the Brown Act. For the duration of the shelter in place order, the following public meeting protocols will apply.

Teleconference meeting: All members of the City Council, city staff, applicants, and members of the public will be participating by teleconference. To promote social distancing while allowing essential governmental functions to continue, the Governor has temporarily waived portions of the open meetings act and rules pertaining to teleconference meetings. This meeting is conducted in compliance with the Governor Executive Order N-25-20 issued March 12, 2020, and supplemental Executive Order N-29-20 issued March 17, 2020.

- How to participate in the meeting
 - Submit a written comment online:
menlopark.org/publiccommentApril21 *
 - Record a comment or request a call-back when an agenda topic is under consideration:
Dial 650-474-4071 *
 - Access the special meeting real-time online at:
joinwebinar.com – Regular Meeting ID 961-495-339

*Written and recorded public comments and call-back requests are accepted up to 1 hour before the meeting start time. Written and recorded messages are provided to the City Council at the appropriate time in their meeting. Recorded messages may be transcribed using a voice-to-text tool.

- Watch special meeting:
 - Cable television subscriber in Menlo Park, East Palo Alto, Atherton, and Palo Alto:
Channel 26
 - Online:
menlopark.org/streaming

Note: City Council closed sessions are not broadcast online or on television and public participation is limited to the beginning of closed session.

Subject to Change: Given the current public health emergency and the rapidly evolving federal, state, county and local orders, the format of this meeting may be altered or the meeting may be canceled. You may check on the status of the meeting by visiting the City's website www.menlopark.org. The instructions for logging on to the webinar and/or the access code is subject to change. If you have difficulty accessing the webinar, please check the latest online edition of the posted agenda for updated information (menlopark.org/agenda).

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.

Regular Session ([GoToWebinar.com](https://www.gotowebinar.com) – ID# 961-495-339)

A. Call To Order

B. Roll Call

C. 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.

D. Consent Calendar

- D1. Accept the City Council meeting minutes for March 10, 26, and 27, 2020 ([Attachment](#))
- D2. Authorize the city manager to enter into an agreement with EKI Environment & Water, Inc. to develop the 2020 urban water management plan ([Staff Report #20-084-CC](#))
- D3. Waive second reading and adopt Ordinance No. 1067 requiring safe storage of firearms in residences ([Staff Report #20-079-CC](#))
- D4. Adopt Resolution No. 6555 approving the list of projects eligible for fiscal year 2020-21 funds from Senate Bill 1: The Road Repair and Accountability Act of 2017 ([Staff Report #20-085-CC](#))
- D5. Award a construction contract to Paris Construction Company for the police department records counter remodel ([Staff Report #20-086-CC](#))
- D6. Approve waiver of late penalties for transient occupancy tax collected between January 1, 2020 and March 31, 2020 if remitted by July 31, 2020 ([Staff Report #20-081-CC](#))
- D7. Request for a subdivision ordinance variance to reduce the front setback requirement for a single-family residential lot at 11 Greenwood Place ([Staff Report #20-089-CC](#))
- D8. Approve California Office of Emergency Services Form 130 designating agents necessary to provide for all matters pertaining to State and Federal Emergency Management Agency reimbursements ([Staff Report #20-083-CC](#))

E. Regular Business

- E1. Confirmation of next steps on the Belle Haven community center and library project ([Staff Report #20-091-CC](#))

- E2. Consider postponing interviews and appointments of all advisory bodies until City facilities reopen ([Staff Report #20-078-CC](#))
- E3. Award a construction contract to Interstate Grading & Paving, Inc. for the Santa Cruz and Middle Avenues street rehabilitation project and appropriate \$410,000 in additional funding ([Staff Report #20-090-CC](#))
- E4. Update the City Council and public on COVID-19 health emergency and the City's response ([Attachment](#))

F. Informational Items

- F1. Annual review of Taser program for the period beginning April 1, 2019 and ending April 1, 2020 ([Staff Report #20-080-CC](#))
- F2. Annual review of data captured by Automated License Plate Readers for the period beginning April 1, 2019 through April 1, 2020 ([Staff Report #20-087-CC](#))
- F3. City Council agenda topics: May 2020 to June 2020 ([Staff Report #20-068-CC](#))
- F4. Employee engagement survey results ([Staff Report #20-082-CC](#))
- F5. Pilot public art project update ([Staff Report #20-088-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 by request by emailing the city clerk at jaherren@menlopark.org. 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: 4/17/2020)



SPECIAL AND REGULAR MEETING MINUTES – DRAFT

Date: 3/10/2020
Time: 6:00 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

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.

6:00 p.m. Special Session

Mayor Taylor called the meeting to order at 6:07 p.m.

A. Presentations and Proclamations

A1. "My Community" youth poster exhibition

Mayor Taylor announced the item was held in the Main Library.

A2. Facebook community benefits update

This item was continued to a future meeting.

B. Study Session

B1. Discuss City Council policies and procedures

Assistant City Manager Nick Pegueros made the presentation (Attachment).

The City Council directed staff to include language to the following procedures:

- Speaking for the City: When a City Councilmember is called upon as an alternate to serve as a voting member on an outside agency body, the primary member is responsible for providing meeting materials to the alternate.
- City Council communication with staff: Include "through the city manager or their designee".
- Conducting business at a late hour: Change to 10:30 p.m. from 11 p.m.
- Other guidelines direction: Limited public comment donation to two members of the public. Update public comment time duration to two minutes and add language to the agenda. Review City Council procedure annually at the first meeting in January.
- Remove procedural language: defer to source such as Robert's Rules of order or Rosenbergs.

The City Council requested that staff return with a report on policy modifications. The City Council disbanded the ad hoc subcommittee on procedures. The City Council received clarification on a sunshine policy.

7:00 p.m. Regular Session

C. Call To Order

Mayor Taylor called the meeting to order at 7:04 p.m.

D. Roll Call

Present: Carlton, Nash, Mueller, Taylor
Absent: Combs
Staff: City Manager Starla Jerome-Robinson, Interim City Attorney Cara Silver, City Clerk Judi A. Herren

E. Pledge of Allegiance

Mayor Taylor led the Pledge of Allegiance.

F. Public Comment

- Bill Kirsch spoke on the safety of pedestrians on El Camino Real at Ravenswood Avenue, Oak Grove Avenue, and Santa Cruz Avenue (Attachment).

Mayor Taylor reordered the agenda.

K. City Councilmember Reports

City Councilmember Carlton reported out on the National League of Cities conference.

City Councilmember Mueller reported out on the Board of Supervisors meeting.

City Councilmember Nash reported on the community meeting by Home for All, Caltrain Local Policymakers group, Black History month at Senior Center, training on how to be an effective peninsula clean energy board member, and Housing Commission meeting.

Mayor Taylor announced the annual advisory body recruitment through April 3.

G. Consent Calendar

City Councilmember Carlton pulled item G5.

G1. Accept the City Council meeting minutes for January 14 and February 11, 2020 ([Attachment](#))

G2. Authorize the city manager to execute a second amendment to the renewable lease agreement at 871A and 871B Hamilton Avenue (Neighborhood Service Center) ([Staff Report #20-060-CC](#))

Mayor Taylor requested at the end of the amendment term to revisit the usage of the facilities.

G3. ~~Adopt Resolution No. 6548 proposing to abandon public right-of-way adjacent to 100-110 Terminal Avenue~~

Adopt Resolution No. 6548 proposing to abandon public right-of-way and public utility easements adjacent to and within 100-110 Terminal Avenue ([Staff Report #20-058-CC](#))

- G4. Award a construction contract to Saviano Company Inc. for the reconstruction of Nealon Park tennis courts project ([Staff Report #20-057-CC](#))
- G5. Designate the Environmental Quality Commission as appeal board for nonresidential kitchens requesting use of gas-fueled appliances ([Staff Report #20-054-CC](#))

The City Council discussed the workloads of the Environmental Quality Commission and Planning Commission and directed staff to return with a review of the process after 18-months.

ACTION: Motion and second (Mueller/ Carlton) to designate the Environmental Quality Commission as appeal board for nonresidential kitchens requesting use of gas-fueled appliances, passed 4-0-1 (Combs absent).

- G6. Adopt Resolution No. 6547 approving to enter into San Mateo County operational area building safety inspection program mutual aid agreement ([Staff Report #20-050-CC](#))
- G7. Approve the permanent neighborhood traffic plan measures for Baywood Avenue, Clover Lane, Blackburn Avenue, McKendry Drive and Marmona Drive ([Staff Report #20-056-CC](#))
- Susan Ribaldo spoke on concerns of the speed of the transportation master plan process and in support of the proposed traffic plan measures.
 - Mary Ratner spoke in support of the proposed traffic plan measures.
- G8. Authorize the Mayor to sign a letter of support and the city manager to submit an application with the county of San Mateo for the Stanford recreation mitigation fund ([Staff Report #20-059-CC](#))

ACTION: Motion and second (Mueller/ Carlton) to approve the consent calendar, except item G5., passed 4-0-1 (Combs absent).

H. Regular Business

- H1. Receive a progress report on Menlo Park's tenant relocation assistance program administered by Samaritan House and provide direction on the next steps ([Staff Report #20-055-CC](#))

Deputy Community Development Director - Housing Rhonda Coffman made the presentation.

Assistant Director of Programs and Services with Samaritan House C. LaTrice Taylor made a presentation.

The City Council directed staff to repurpose the fund to expand it to include emergency rental assistance including to those impacted by COVID-19.

ACTION: Motion and second (Mueller/ Carlton) to amend Resolution No. 6496 by retaining \$112,000 in the fund, include COVID-19 declarations, and incorporate guidelines as directed by City Council, passed 4-0-1 (Combs absent).

- H2. Introduction and first reading of Ordinance No. 1067 requiring safe storage of firearms in residences

([Staff Report #20-052-CC](#))

Interim City Attorney Cara Silver made the presentation (Attachment).

- Leah Elkins, representing Moms Demand Action, spoke on concerns regarding the penalties.
- Michael Palmer spoke in opposition of the ordinance.
- Paige Viotti spoke in support of the proposed ordinance.
- Virginia Chaug Kiraly spoke in support of the proposed ordinance.

The City Council discussed and received clarification on fines and penalties. The City Council expressed a need to communicate with residents before the ordinance goes into effect.

ACTION: Motion and second (Mueller/ Nash) to introduction Ordinance No. 1067 requiring safe storage of firearms in residences, with amendment to replace misdemeanor violation with a civil penalty as contained in presentation slide passed 4-0-1 (Combs absent).

I. Informational Items

11. City Council agenda topics: March 2020 to May 2020 ([Staff Report #20-049-CC](#))

City Council discussed adding a column to the attachment to identify the agenda item's relationship to the City Council work plan.

J. City Manager's Report

City Manager Jerome-Robinson announced the City Council meeting on March 11.

L. Adjournment

Mayor Taylor adjourned the meeting at 8:39 p.m.

Judi A. Herren, City Clerk



EMERGENCY MEETING MINUTES – DRAFT

Date: 3/20/2020
Time: 5:30 p.m.
Teleconference
701 Laurel St., Menlo Park, CA 94025

NOVEL CORONAVIRUS, COVID-19, EMERGENCY ADVISORY NOTICE

On March 19, 2020, the Governor ordered a statewide stay-at-home order calling on all individuals living in the State of California to stay at home or at their place of residence to slow the spread of the COVID-19 virus. Additionally, the Governor has temporarily suspended certain requirements of the Brown Act. For the duration of the shelter in place order, the following public meeting protocols will apply.

Legislative body teleconference participation: This meeting will be conducted in compliance with the Governor’s Executive Order N-25-20 issued March 12, 2020, and supplemental Executive Order N-29-20 issued March 17, 2020, temporarily waiving portions of the Brown Act and modifying teleconference requirements. All members of the legislative body will be participating by teleconference.

How to Submit Remote Public Comments: In light of the stay-at-home order, the City encourages public members to participate by providing remote public comments. To provide the safest environment for members of the public to participate in public meetings during the COVID-19 emergency, public comment can be submitted in writing via: menlopark.org/publiccommentMarch20 up to one hour before the scheduled meeting time.

Public teleconference participation: Members of the public may participate by teleconference, as well as submit public comments in advance. Note: Public teleconference participation is not permitted during closed session discussion items. To submit public comments on agenda items remotely, see below.

Phone number call in: 650-503-4130

Subject to Change: Given the current public health emergency and the rapidly evolving federal, state, county and local orders, the format of this meeting may be altered or the meeting may be canceled. You may check on the status of the meeting by visiting the City’s website www.menlopark.org.

Public Comment on these items will be taken before adjourning to closed session.
 (see also “How to Submit Remote Public Comments” above)

Closed Session (City Hall - “Downtown” Conference Room, 1st Floor)

A. Call To Order

Mayor Taylor called the meeting to order.

Roll Call

B. Roll Call

Present: Carlton, Combs, Nash, Mueller, Taylor

Absent: None

Staff: City Manager Starla Jerome-Robinson, Assistant City Manager Nick Pegueros, Interim City Attorney Cara Silver, Administrative Services Director Lenka Diaz, Human Resources Manager Theresa DellaSanta

C. Closed Session

- C1. Closed session conference with labor negotiators pursuant to Government Code §54957.6 regarding labor negotiations with the American Federation of State, County, and Municipal Employees Local 829 (AFSCME) and Confidential employees; Service Employees International Union Local 521 (SEIU); Menlo Park Police Sergeants Association (PSA); Menlo Park Police Officers' Association (POA); and Unrepresented Management.

Attendees: City Manager Starla Jerome-Robinson, Assistant City Manager Nick Pegueros, Deputy City Manager Justin Murphy, Interim City Attorney Cara Silver, Administrative Services Director Lenka Diaz, Human Resources Manager Theresa DellaSanta

No reportable actions.

- C2. Threat to Public Services or Facilities (Government Code § 54957) Consultation with:

City of Menlo Park Director of Emergency Services and Interim City Attorney

No reportable actions.

D. Adjournment

Mayor Taylor adjourned the meeting at 6:35 p.m.

Judi A. Herren, City Clerk



SPECIAL MEETING MINUTES – DRAFT

Date: 3/26/2020
Time: 5:00 p.m.
GoToWebinar.com – ID# 611-715-403

NOVEL CORONAVIRUS, COVID-19, EMERGENCY ADVISORY NOTICE

On March 19, 2020, the Governor ordered a statewide stay-at-home order calling on all individuals living in the State of California to stay at home or at their place of residence to slow the spread of the COVID-19 virus. Additionally, the Governor has temporarily suspended certain requirements of the Brown Act. For the duration of the shelter in place order, the following public meeting protocols will apply.

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- How to participate in the meeting
 - Submit a written comment online:
menlopark.org/publiccommentMarch26 *
 - Record a comment or request a call-back when an agenda topic is under consideration:
 Dial 650-474-4071 *
 - Access the meeting real-time online at:
joinwebinar.com – Meeting ID 611-715-403

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 Channel 26
 - Online:
menlopark.org/streaming

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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.

Special Meeting

A. Call To Order

Mayor Taylor called the meeting to order at 5:14 p.m.

B. Roll Call

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

C. Pledge of Allegiance

Mayor Taylor led the Pledge of Allegiance.

D. Presentations and Proclamations

D1. Proclamation: Recognizing the importance of the 2020 Census ([Attachment](#))

Mayor Taylor read the proclamation ([Attachment](#)).

E. Public Comment

- Erin Stevenson wrote in opposition of the halt on construction ([Attachment](#)).
- Garrett Walton requested permission to resume the renovation work at Sharon Green Apartments ([Attachment](#)).
- Jen Wolosin commented on the close proximity of the testing sites (tents) at the Menlo medical building to the Linfield Oaks neighborhood.

F. Consent Calendar

City Councilmember Nash pulled items F2., F3., and F6.

F1. Accept the City Council meeting minutes for February 25, March 3, 16, and 19 2020 ([Attachment](#))

F2. Adopt Resolution No. 6551 amending the Menlo Park tenant relocation assistance program administered by Samaritan House to include tenant rental assistance related to COVID-19 and other circumstances ([Staff Report #20-063-CC](#))

The City Council discussed proposed changes included in a public comment from resident Karen Grove and the timing impacts of having the Housing Commission review the item. The City Council discussed their desire to expedite the program amendments as presented and asked that staff bring back the additional recommendations (from Grove) at a meeting in the near future for their consideration. Interim City Attorney Silver provided clarification on legal concerns of proposed changes.

ACTION: Motion and second (Carlton/ Combs) to adopt Resolution No. 6551 amending the Menlo Park tenant relocation assistance program administered by Samaritan House to include tenant rental assistance related to COVID-19 and other circumstances, and direct staff to return updated version to the City Council, passed unanimously.

F3. Adopt a Resolution No. 6552 approving the sustainable vehicle fleet policy and address recommendations No. 1 and No. 2 in the San Mateo County grand jury report titled “Electric Vehicle Adoption in the Cities and County of San Mateo” ([Staff Report #20-067-CC](#))

- Janelle London wrote in support of the sustainable vehicle fleet policy (Attachment).

The City Council discussed and received clarification on the suggested baseline data and installation policy. The City Council also received confirmation that installation projects and purchasing would return to the City Council for approval.

ACTION: Motion and second (Nash/ Combs) to adopt a Resolution No. 6552 approving the sustainable vehicle fleet policy and address recommendations No. 1 and No. 2 in the San Mateo County grand jury report titled “Electric Vehicle Adoption in the Cities and County of San Mateo”, add a five-percent annual reduction from a baseline year, which would be 2018/19, and amend policy to add additional electronic vehicle charging infrastructure as appropriate in light of economic and resource constraints at time of purchase, passed unanimously.

F4. Approval of amended and restated joint powers agreement for the San Francisquito Creek Joint Powers Authority ([Staff Report #20-064-CC](#))

F5. Receive and accept the 2019 Housing Element Annual Progress Report and the annual housing successor report ([Staff Report #20-065-CC](#))

F6. Receive and file the investment portfolio review as of December 31, 2019 ([Staff Report #20-066-CC](#))

The City Council received confirmation that the Finance and Audit Committee members received the report and did not provide comment.

ACTION: Motion and second (Nash/ Taylor) to receive and file the investment portfolio review as of December 31, 2019, passed unanimously.

ACTION: Motion and second (Combs/ Carlton) to accept the consent calendar, except items F2., F3., and F6., passed unanimously.

G. ~~Regular Business~~

Mayor Taylor announced the removal of item G1.

~~G1. Consideration of an urgency ordinance to shelter the homeless~~

H. Informational Items

H1. City Council agenda topics: April 2020 to June 2020 ([Staff Report #20-062-CC](#))

H2. City Council and commission/committee annual attendance report for March 2019–February 2020 ([Staff Report #20-053-CC](#))

I. City Manager's Report

City Manager Jerome-Robinson reported out on the City's efforts to work with the Farmers Market. Jerome-Robinson also announced the closed session scheduled for March 27 at 9 a.m.

J. City Councilmember Reports

City Councilmember Carlton commented on the resources provided by the National League of Cities and information provided by the interim city attorney regarding stimulus packages provided to larger cities. Carlton also reported on the postponement of the Sister City Committee Japan trip scheduled for June.

City Councilmember Mueller reported out on the daily COVID-19 calls with city officials.

Mayor Taylor reported out on the San Mateo County Board of Supervisor meeting.

K. Adjournment

Mayor Taylor adjourned the meeting at 6:33 p.m.

Judi A. Herren, City Clerk



EMERGENCY MEETING MINUTES – DRAFT

Date: 3/27/2020
Time: 9:00 a.m.
Teleconference

NOVEL CORONAVIRUS, COVID-19, EMERGENCY ADVISORY NOTICE

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 - Submit a written comment online:
menlopark.org/publiccommentMarch27 *
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Closed Session (Teleconference)

A. Call To Order

Mayor Taylor called the meeting to order.

B. Roll Call

Present: Carlton, Combs, Nash, Mueller, Taylor
 Absent: None
 Staff: City Manager Starla Jerome-Robinson, Assistant City Manager Nick Pegueros,

Interim City Attorney Cara Silver, Administrative Services Director Lenka Diaz,
Human Resources Manager Theresa DellaSanta

C. Closed Session

- C1. Closed session conference with labor negotiators pursuant to Government Code §54957.6 regarding labor negotiations with the American Federation of State, County, and Municipal Employees Local 829 (AFSCME) and Confidential employees; Service Employees International Union Local 521 (SEIU); Menlo Park Police Sergeants Association (PSA); Menlo Park Police Officers' Association (POA); and Unrepresented Management.

Attendees: City Manager Starla Jerome-Robinson, Assistant City Manager Nick Pegueros, Deputy City Manager Justin Murphy, Interim City Attorney Cara Silver, Administrative Services Director Lenka Diaz, Human Resources Manager Theresa DellaSanta

No reportable actions.

D. Adjournment

Mayor Taylor adjourned the meeting at 11:35 a.m.

Judi A. Herren, City Clerk



STAFF REPORT

City Council
Meeting Date: 4/21/2020
Staff Report Number: 20-084-CC

Consent Calendar: **Authorize the city manager to enter into an agreement with EKI Environment & Water, Inc. to develop the 2020 urban water management plan**

Recommendation

Staff recommends that the City Council authorize the city manager to enter into an agreement with EKI Environment & Water, Inc. (EKI) not to exceed \$83,000 to develop the 2020 urban water management plan which includes the water shortage contingency plan.

Policy Issues

The Urban Water Management Planning Act, as codified in Section 10610 of the California Water code passed by the California legislation in 1983, requires urban water suppliers having more than 3,000 service connections to develop an urban water management plan (UWMP) every five years to address changing conditions related to water sources, water availability, water demands, and water reliability for the next 20 years. In 1991, the State added requirements to include a water shortage contingency plan (WSCP) as part of the UWMP to outline the urban water supplier's response and plan for changes or shortages in water supplies. Compliance with the Act is necessary to be eligible for State grants, loans and drought assistance.

Background

Menlo Park Municipal Water (MPMW) supplies water to approximately half of the City's residences and businesses through 4,400 service connections (Attachment A). MPMW's sole water supply is purchased from the San Francisco Public Utilities Commission (SFPUC) for MPMW's two distinct service areas - the Sharon Heights area, and the area north and east of El Camino Real. In June 2016, the City Council adopted the 2015 UWMP (Attachment B) which is also available on the City's website. The 2020 UWMP must be adopted by July 1, 2021.

Analysis

On January 30, staff issued a request for proposal (RFP) to develop the UWMP. Staff received two proposals, one from EKI for \$75,354 and one from Infrastructure Engineering Corporation for \$105,000. Staff is recommending EKI for the following reasons:

- EKI prepared Menlo Park's 2015 UWMP, as well as two major project-specific water supply assessments (WSAs), and is well aware of the water demands, water supply, and challenges that the City faces as a water supplier in the Bay Area.
- EKI has extensive experience supporting water resources planning efforts including the development of UWMPs, WSCPs, and water conservation strategic plans for water retailers throughout the Bay Area and California. EKI also prepared 2015 UWMPs and associated WSCPs for other Bay Area Water Supply &

Conservation Agency (BAWSCA) members including Burlingame, East Palo Alto, Redwood City, Foster City and Westborough Water District.

- EKI is participating in the development of California’s Department of Water Resources (DWR) 2020 UWMP guidebook and DWR workgroups related to the development of the standards that will become the annual water use objectives starting in 2023. EKI also advises clients on the evolving water conservation regulations related to California’s Making Water Conservation a California Way of Life initiative, including assisting clients with understanding the developing regulations and their implications.

A summary of the scope of work is shown below. EKI’s detailed scope of work is included as Attachment C.

Table 1: Scope of work	
Task	Description
1	Review available information and conduct initial meetings with City staff
2	Project water demands <ul style="list-style-type: none"> Water system description Population estimates (current and future) Water demand estimates (current and future) Conduct workshop #1 for City staff and stakeholders as identified by the City
3	Water supply availability and water conservation planning <ul style="list-style-type: none"> Water supply estimates Water conservation (historic, current and projected) Conduct workshop #2 for City staff and stakeholders as identified by the City
4	Senate Bill x7-7 (*see note below) compliance, supply reliability and water shortage contingency planning <ul style="list-style-type: none"> Per capita water usage analysis (Senate Bill x7-7) Evaluation of supply versus demand Water shortage contingency planning Conduct workshop #3 for City staff and stakeholders as identified by the City
5	Prepare and submit administrative draft UWMP
6	City Council study session
7	Prepare public review draft UWMP Attend City Council public hearing
8	Prepare and file final UWMP
9	Project management and outreach
10	Attendance of other meetings and trainings (optional)

- The Water Conservation Act of 2009 (also known as Senate Bill X7-7 or SB X7-7) is a California state law that requires the state to reduce urban water consumption by 20 percent by the year 2020.

Next steps

The estimated schedule to develop the UWMP is shown below. The three workshops identified are for City staff and stakeholders (e.g., SFPUC, BAWSCA, other BAWSCA agencies, San Mateo County and other local agencies,) as identified by the City, who have information and can provide insight on the workshop topic to help develop the 2020 UWMP.

Table 2: Estimated schedule	
Date	Description
May 2020	Kickoff meeting
September 2020	Workshop #1 – projected water demands
November 2020	Workshop #2 – water supply availability and water conservation planning
February 2021	Workshop #3 – Senate Bill x7-7 compliance, supply reliability and water shortage contingency planning
March 2021	Administrative draft UWMP available City Council study session
May 2021	Public review draft UWMP available City Council public hearing to adopt final UWMP

Impact on City Resources

The fiscal year 2019-20 adopted budget includes \$140,000 to develop the UWMP, funded by the water fund. The total estimated consultant contract cost is \$83,000 which includes a 10 percent contingency and does not include Task 10 (optional attendance of other meetings or trainings).

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

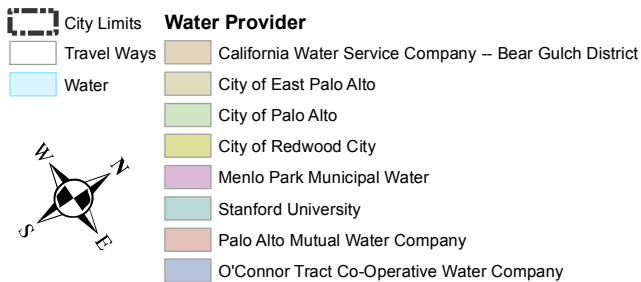
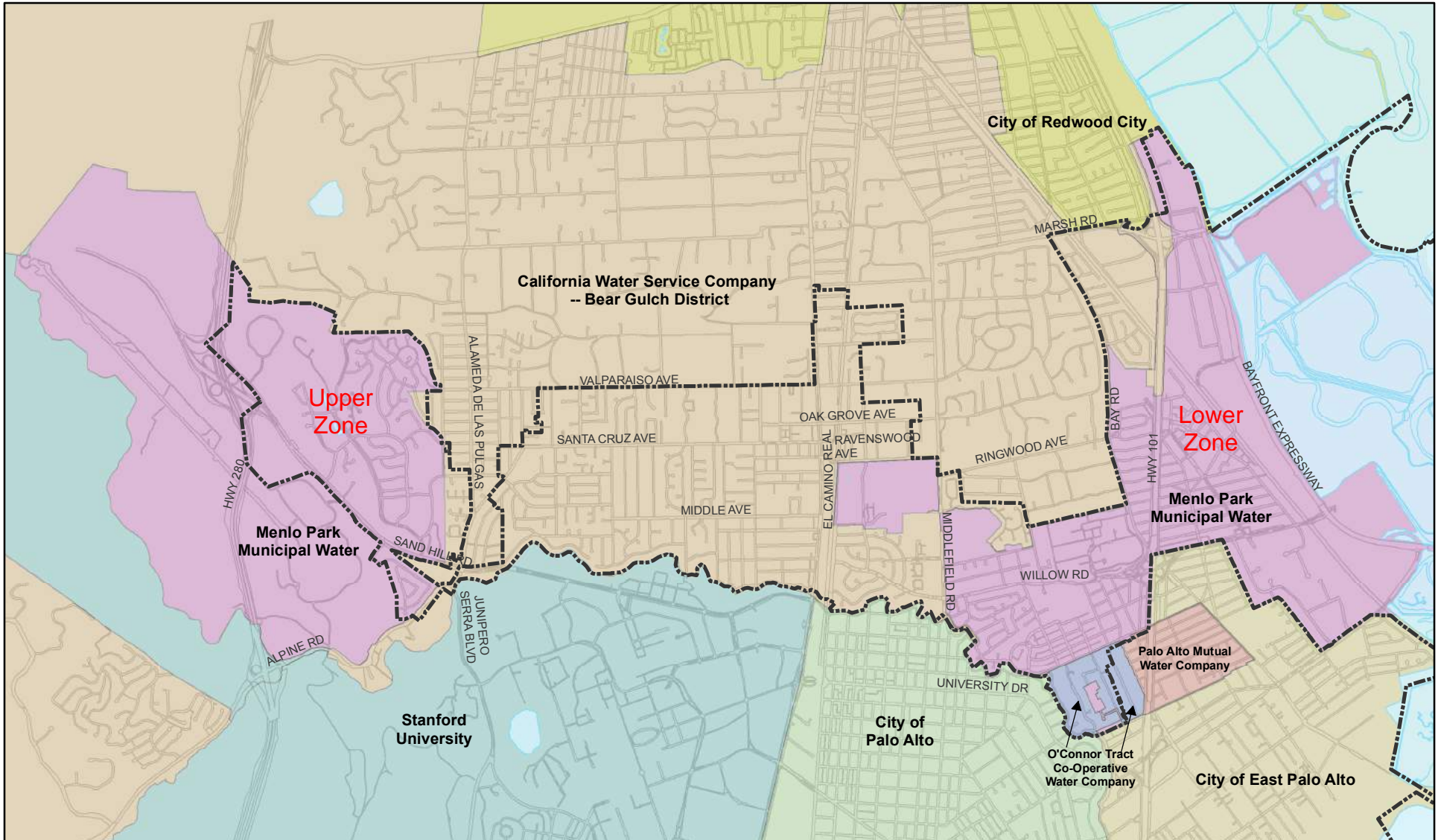
Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

- A. MPMW service area
- B. Hyperlink – 2015 UWMP:
menlopark.org/DocumentCenter/View/10111/2015-Urban-Water-Management-Plan?bidId=
- C. EKI’s scope of work

Report prepared by:
Pam Lowe, Senior Civil Engineer

Report reviewed by:
Christopher Lamm, Assistant Public Works Director



Water Agencies Within and Surrounding Menlo Park



Scope of Work

EKI proposes the following scope of work to assist City staff with developing its 2020 UWMP.

Task 1 – Review of Available Information and Initial Meetings

Specific information will be required for the 2020 UWMP regarding water demands and supplies, coordination efforts, water conservation, and compliance with Senate Bill x7-7. Prior to the kick-off meeting, EKI will review the City's 2015 UWMP and relevant changes and updates in the 2020 UWMP Act and DWR guidance.¹ EKI will provide the City with a tabular summary of the additional data and information needs and will work with City staff to identify when the relevant information is likely to become available. The table will be organized by UWMP section so the intended use of the data and the manner in which the data will be included in the UWMP is clear.

At the kick-off meeting, EKI and City staff will discuss UWMP requirements, project goals, opportunities, scheduling constraints, information needs, roles, responsibilities, and expectations. A key topic for discussion will be the project schedule to ensure efficient development of the UWMP in coordination with others and the timing of available data and information, as needed. EKI will prepare a detailed project schedule that will include: (1) a timeline for the City staff to submit data; and (2) a detailed timeline for the preparation of the 2020 UWMP, including project milestones.

A meeting with the City Planning staff will also be scheduled to ensure coordination between the 2020 UWMP and the City's implementation of the 2016 General Plan and other planning efforts. Input received from City Planning staff will be used to support review of demand projections to be provided by BAWSCA under Task 2.

Task 1 Deliverables

- Project kick-off meeting, with agenda and meeting notes
- Task-based project schedule, updated as needed

Task 2 – Prepare for and Attend Workshop #1 – Projected Water Demands

Task 2 includes preparing information regarding water system demand projections and summarizing the key results for presentation to City staff in a working meeting. Due to its dependency on 2020 water use information and population data, Senate Bill x7-7 water usage analysis will be completed as part of Task 4.

Subtask 2.1 Water System Description

Based on information provided or approved by the City, the characteristics of City's water service area including the water system, average rainfall, average temperature, demographics, water use sectors, and service area will be updated. This task assumes that EKI can largely build from the information and format included in the 2015 UWMP work effort.

Subtask 2.2 Current and Future Population Estimates

Per prior UWMP efforts, we have assumed that we will rely on information provided by the City, the 2010 Census data, California Department of Finance data, and/or DWR's population tool to estimate current population.

A major focus of the 2015 UWMP preparation was to coordinate with the City's then planning efforts and include development projections associated with the 2016 General Plan Update (i.e., "ConnectMenlo"). EKI anticipates that most of the future population and employment projections in the 2015 UWMP can be re-used. However, as the 2016 General Plan Update is now being implemented, EKI will work with City staff to incorporate any updated

¹ DWR is currently planning to release the 2020 UWMP Guidebook at the end of 2020; however, Ms. Wuelfing is a member of the workgroup tasked with developing the Guidebook, and will therefore have the most up-to-date information possible throughout the UWMP development.

information on the timing of major new developments into the future population and employment projections as well as any other relevant information provided by the City or the Association of Bay Area Governments (ABAG).

EKI will also review population and employment projections incorporated in the DSS Model that is anticipated to be provided by BAWSCA and assess whether they accurately reflect the 2016 General Plan Update and other City planning documents and information (e.g. water supply assessments, specific plans, etc.).

Subtask 2.3 Current and Future Water Demand Estimates

It is anticipated that the City will provide EKI with complete water use records in total and by customer sector between 2015 and 2020², as well as information related to distribution system losses, based on validated annual reports. EKI will review these demand data (on a per unit and per capita basis). We will compare the results to the assumptions included in the DSS Model that is anticipated to be provided by BAWSCA, including the assumptions regarding indoor vs. outdoor water use and water loss, and will alert the City of any discrepancies. The appropriate water demand factors will then be applied³ to projections of population and employment growth to estimate future water demands in five-year increments through 2045. Current and future water demands will be presented by customer classes, including distribution system losses.

Subtask 2.4 Conduct City Workshop #1

City Workshop #1 will include a presentation of the information identified above and will consist of an approximately one- to two-hour meeting with appropriate staff and stakeholders as identified by the City. During City Workshop #1, EKI will obtain input regarding the presentation of initial findings and guidance from the City on how to include the information in the Administrative Draft UWMP.

Task 2 Deliverables:

- Draft demand projections including descriptions of methodology and information related to sector-specific water use, indoor/outdoor water use, and water loss
- Workshop #1 agenda and minutes

Task 3 – Prepare for and Attend Workshop #2 – Water Supply Availability and Water Conservation Planning

Task 3 includes preparing information regarding water system supply projections as well as information regarding the City's water conservation measures.

Subtask 3.1 Water Supply Estimates

To the extent appropriate, the 2020 UWMP will incorporate information regarding the source, nature, and projected availability of the City's current water supplies. As part of this task, EKI will rely on information provided by the City and assess supply availability for: (1) supplemental future water supplies in development (e.g., implementation of the Sharon Heights recycled water project and development of recycled water for the ConnectMenlo area); (2) policies that incentivize non-potable water use such as the City's onsite reuse requirements in the 2016 General Plan and water budget guidelines⁴; (3) current and anticipated use of groundwater, including development of emergency supply wells; (4) availability and constraints of the City's existing SFPUC allocation; (5) potential water quality issues and/or potential effects of water quality on management strategies; and (6) any current or planned future water projects or water transfers.

² If the City selects a calendar year basis for UWMP reporting, EKI will complete current water demand estimates using 2014 through 2019 for Task 1, and update the analyses using calendar year 2020 billing data when it becomes available.

³ Future demand modeling may be conducted within or external to the DSS Model, depending on City preference. EKI has the ability to do either.

⁴ March 2018 City Council Meeting Agenda: <https://www.menlopark.org/DocumentCenter/View/17064/G7---Water-Budget-03272018?bidId=>

To correspond with the water demand evaluation, EKI will analyze the City's non-SFPUC water supply in five-year increments for the next 25 years for both normal and drought years under this task. Because of the anticipated timing of some information (e.g., SFPUC reliability), dry year supply reliability for the City's SFPUC allocation will be assessed under Task 4.

Subtask 3.2 Evaluation of Historic, Current and Projected Future Water Conservation

EKI will work with City staff to incorporate appropriate water conservation information into the 2020 UWMP based on the revised Demand Management Measure (DMM) framework required per Assembly Bill 2067 and CWC §10631. EKI has assumed that records of the City's historical and projected future water conservation programs and actions will be available from the City, specifically with respect to:

- Water waste prevention ordinances;
- Metering;
- Conservation pricing;
- Public education and outreach;
- Programs to assess and manage distribution system real loss;
- Water conservation program coordination and staffing support; and
- Other DMMs that have a significant impact on water use as measured in GPCD, including innovative measures, if implemented.

Subtask 3.3 Conduct City Workshop #2

City Workshop #2 will include a presentation of the information identified above and will consist of an approximately one- to two-hour meeting with appropriate staff and stakeholders as identified by the City. During City Workshop #2, EKI will obtain input regarding the presentation of initial findings and guidance from the City on how to include the information in the Administrative Draft UWMP.

Task 3 Deliverables:

- Draft supply projections including descriptions of methodology and water source quality, availability, and reliability
- Draft description of current and future water projects and/or water transfers
- Draft DMM summary
- Workshop #2 agenda and minutes

Task 4 – Prepare for and Attend Workshop #3 – Senate Bill x7-7 Compliance, Supply Reliability, and Water Shortage Contingency Planning

Task 4 includes UWMP analyses dependent on information anticipated to be made available in late 2020 or early 2021. This includes preparing information regarding the Senate Bill x7-7 water usage analysis, the City's water supply reliability, as well as information regarding water shortage contingency planning.

Subtask 4.1 Senate Bill x7-7 Per-Capita Water Usage Analysis

Pursuant to Senate Bill x7-7, the City's 2020 UWMP will need to provide the City's water use relative to its 2020 water use target. In 2015, the City was well below its Senate Bill x7-7 interim target of 229 GPCD, with actual water use of approximately 158 GPCD. The City's gross per capita water use data for Fiscal Year 2017-2018 was approximately 167 GPCD, per the most recent BAWSCA Annual Survey. Assuming this level of per capita demands holds generally constant or decreases, the City appears to be in full compliance with its Senate Bill x7-7 target for 2020 of 204 GPCD and limited additional analysis will be required. EKI assumes that DWR's population tool will be used to estimate 2020 population for its Senate Bill x7-7 water use analysis.

Subtask 4.2 Evaluation of Supply Versus Demand

Based on information provided by SFPUC and BAWSCA, EKI will evaluate supply reliability and/or constraints of the City's existing SFPUC allocation (e.g. related to the impacts of the SWRCB's Bay Delta Plan and pending Settlement Agreements). With this information and the information compiled under Task 3 for other supply sources, EKI will compare the City's total projected water supply to projected water demand in five-year increments for the next 25 years, for normal, dry, and multiple dry years. To the extent that there are significant shortfalls or uncertainties identified, EKI will bring these issues to the City's attention so that they can be addressed prior to drafting the Administrative Draft UWMP.

Subtask 4.3 Water Shortage Contingency Planning

As part of this task, EKI will update the City's existing WSCP for inclusion in the 2020 UWMP per CWC §10632 and reflect:

- The significant strides the City and its customers have made in recent years in terms of water conservation (i.e., demand hardening);
- The local public policy interests in how water shortages are allocated;
- The mechanisms by which the necessary cutbacks can be realized;
- The potential impacts of the projected cutbacks on the City revenues and staffing and the local economy; and
- The lead time required to implement specific actions during a water shortage (e.g., adding additional meter readers in order to move to more frequent billing).

EKI has assumed that common language will be provided through BAWSCA to address the new drought risk assessment (DRA) requirement to assess water supply reliability (or vulnerability) for a period of drought lasting five consecutive water years (CWC §10635(b)).

It should be noted that the changes to CWC §10632 requirements for WSCPs are significant, and the DWR Guidance on these changes has yet to be developed. We have assumed the level of effort necessary to complete this task. Should the level of effort to meet the requirements be greater than anticipated based on the Guidance as it is developed, EKI will communicate and work with the City to identify the best approach to address this issue.

Subtask 4.5 Conduct City Workshop #3

City Workshop #3 will include a presentation of the information identified above and will consist of a one- to two-hour meeting with appropriate staff and stakeholders as identified by the City. During City Workshop #3, EKI will obtain input regarding the presentation of initial findings and guidance from the City on how to include the information in the Administrative Draft UWMP.

Task 4 Deliverables:

- Evaluation of compliance with SB x7-7 2020 water use target
- Draft supply versus demand projection comparisons
- Updated WSCP
- Workshop #3 agenda and minutes

Task 5 – Prepare and Submit One Administrative Draft UWMP

Based upon the results of Tasks 1 through 4, EKI will prepare an Administrative Draft UWMP. EKI will provide five (5) bound paper copies and electronic versions (PDF and Word) to City staff for review and comment. Following a 30-day City review period, EKI will meet with key City staff to discuss comments and agree on an approach to modify the Administrative Draft UWMP.

Based on our experience with the 2015 UWMP development process, electronic versions are often sufficient for staff administrative review. EKI will discuss with City staff whether hard copies could be eliminated to streamline document production and reduce paper waste.

Task 5 Deliverables:

- Administrative Draft UWMP (5 hard copies and 2 electronic copies [PDF and Word versions])
- Administrative Draft City Workshop agenda and minutes

Task 6 – City Council Study Session

EKI will conduct a study session with the City Council prior to the issuance of a Public Draft UWMP. The study session will allow City staff to present information to, and receive feedback from, the City Council. The study session will consist of a presentation that summarizes the information presented during the workshops and the Administrative Draft UWMP, as modified to reflect the City's comments.

Task 6 Deliverables:

- Presentation materials (e.g., handouts and presentations)

Task 7 – Prepare Public Review Draft UWMP and Attend City Council Public Hearing

After the study session, EKl will meet with City staff to discuss the preferred manner for incorporating the City Council's comments into the Public Draft UWMP. Based on this meeting, EKl will prepare the Public Review Draft UWMP and provide five (5) bound paper copies and electronic versions (PDF and Word) of the Public Draft UWMP for City staff. Following a 30-day review period, EKl will communicate with key City staff to discuss comments received by the City as a result of external review and to agree on an approach to modify the Public Draft UWMP. EKl will attend and present at the public hearing when final adoption of the UWMP is being considered.

Task 7 Deliverables:

- Public Draft UWMP (5 hard copies, 2 electronic copies [PDF and Word versions])
- Presentation materials (e.g., handouts and presentations)

Task 8 – Preparation and Filing of Final UWMP

As appropriate, EKl will incorporate comments received on the Public Draft UWMP and at the public hearing into a Final 2020 UWMP, as well as the City Council's resolution to adopt the 2020 UWMP. Within 30 days of City Council adoption, EKl will forward the Final 2020 UWMP on the City's behalf to DWR, the California State Library, and the San Mateo County Library. The Final 2020 UWMP will be delivered, including supporting documentation to the City in the following formats: six (6) paper copies of the final 2020 UWMP; electronic versions of the final 2020 UWMP in PDF and Word format; and electronic files in GIS and Excel formats.

Task 8 Deliverables:

- Final UWMP (6 hard copies, 2 electronic copies [PDF and Word versions]) and supporting documents
- Final submittal to DWR

Task 9 – Project Management and Outreach

EKI will provide project management and consultation services to the City throughout the UWMP development process. This task includes coordination and communications with the City staff and general consultation and technical project management services by EKl, including the preparation of invoices and progress reports. It is anticipated that regular, brief conference calls with the City will also occur throughout the duration of the project.

This task also includes support for public outreach elements of the UWMP, including: (1) drafting the coordination letters and notices required by CWC Sections 10621(b); Section 10620(d)(2); and Section 10642; and (2) engaging stakeholders as directed by the City in City Workshops and Draft Review Meetings.

Task 9 Deliverables

- Monthly invoices and task-based progress status reports
- Draft and final versions of all outreach letters, notices, and other materials

Task 10 – Optional Attendance of Other Meetings and Trainings

At the request of the City, EKI will be available to attend the following optional workshops and/or meetings:

- Up to two (2) training sessions offered by DWR regarding 2020 UWMP preparations. It is assumed that EKI will attend with or in lieu of City staff to ensure that the City's 2020 UWMP is prepared in accordance with the DWR guidelines.
- Up to two (2) meetings with BAWSCA and the member agencies to review the DWR 2020 UWMP Guidebook, the common language sections, SFPUC supply reliability projections, and other elements for regional coordination purposes. It is assumed that EKI will attend with or in lieu of City staff to ensure that the City's 2020 UWMP can leverage the regional information, as appropriate. Based on our experience during the 2020 UWMP process, we expect that these will be two-hour meetings.

As the scope of this effort is difficult to precisely define, for costing purposes we have assumed that EKI will be available to participate in such meetings as requested by the City, to be compensated as additional work on an hourly basis as needed.



STAFF REPORT

City Council

Meeting Date:

4/21/2020

Staff Report Number:

20-079-CC

Consent Calendar:

Waive second reading and adopt Ordinance No. 1067 requiring safe storage of firearms in residences

Recommendation

Staff recommends that the City Council waive second reading and adopt Ordinance No. 1067 requiring the safe storage of firearms in a residence (Attachment A.)

Policy Issues

This ordinance was brought forward pursuant to City Council direction.

Background

The county of San Mateo has developed a uniform ordinance for addressing concerns of safe storage of firearms. The County adopted this ordinance in February 2019 but it only applies to homes located in the unincorporated County. The County is encouraging all San Mateo County cities to adopt similar ordinances. On March 10, the City Council conducted a first reading on a safe storage ordinance. The City Council generally supported the ordinance but directed the City Attorney to modify the penalty provision by downgrading the criminal penalty from a misdemeanor to an infraction and to add an escalated civil penalty provision.

Analysis

The attached ordinance updates the penalty provision contained in Section 8.33.030 and also modifies Section 1.12.010 of the Municipal Code to clarify that any violation of the safe storage ordinance shall be an infraction, rather than a misdemeanor. Infractions are punishable by fines, not jail time. At the City Council's direction, the ordinance contains a graduated penalty schedule as follows:

- First offense \$50
- Second offense \$200
- Third offense \$500

Impact on City Resources

Enforcement of this ordinance is not expected to result in significant additional 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. Proposed safe storage of firearms Ordinance No. 1067

Report prepared by:
Cara Silver, Interim City Attorney

ORDINANCE NO. 1067

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK TO ADD CHAPTER 8.33 [STORAGE OF FIREARMS], AND AMENDING CHAPTER 8.32 [GUNS] TO TITLE 8 [PEACE, SAFETY AND MORALS], OF THE MENLO PARK MUNICIPAL CODE TO REQUIRE THE SAFE STORAGE OF FIREARMS IN A RESIDENCE

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

SECTION 1. FINDINGS AND DETERMINATIONS.

- A. Having a loaded or unlocked gun in the home is associated with an increased risk of gun-related injury and death. According to a 2008 report published in the New England Journal of Medicine, living in a home where guns are kept increased an individual's risk of death by homicide by between 40% and 170%. Similarly, a 2004 national study determined that the presence of guns in the home increased an individual's risk of death by homicide by 90%; and
- B. Firearm injuries have a significant public health impact. According to a 2015 study, researchers conservatively estimate that gun violence costs the American economy at least \$229 billion every year, including \$8.6 billion in direct expenses such as those for emergency and medical care. In California, the direct costs of hospital use for firearm assault injuries alone was estimated at \$87.4 million in 2010. 65% of these costs were borne by taxpayers; and
- C. Children are particularly at risk of injury and death from firearms when firearms are not safely secured in their own homes or in homes they visit. According to national data, children and young adults (24 years of age and under) constitute 38% of all firearm deaths and non-fatal injuries. More than 75% of guns used in suicide attempts and unintentional injuries of children and young adults (0- 19 years of age) were stored in the residence of the victim, a relative, or a friend. 89% of accidental shooting deaths among children occur in the home, and most of these deaths occur when children are playing with an unsecured loaded gun in their parents' absence; and
- D. Applying trigger locks or using lock boxes when storing firearms in the home reduces the risk of firearm injury and death. Keeping a firearm locked when it is not being carried ensures that it cannot be accessed and used by others without the owner's knowledge or permission. This simple measure significantly decreases the risk that the gun will be used to commit suicide, homicide, or inflict injury, whether intentionally or unintentionally. Safe storage measures have a demonstrated protective effect in homes with children and teenagers where guns are stored; and
- E. More local community action is needed to prevent gun violence. In San Mateo County, there have been 301 gun-related deaths over the past 10 years. According to data collected in 2018 by the Citizens for a San Mateo County Gun Buy Back from participants at two separate gun buy back events, a majority of respondents reported "hiding [the gun] in a discrete location" and/or "keeping it unloaded" as a safety measure, even though these methods are not generally considered safe storage. A large number of respondents (27% in May 2018 and 60% in December 2018) reported that they

surrendered the firearms for “safety reasons,” and nearly half of respondents indicated that they did not know how to properly store an inherited firearm.

SECTION 2. ADDITION OF CODE. Chapter 8.33, [Storage of Firearms] of Title 8 [Peace, Safety and Morals] is hereby added to read as follows:

Chapter 8.33

STORAGE OF FIREARMS

Sections:

- 8.33.010 Definitions
- 8.33.020 Safe storage of firearms in a residence required
- 8.33.030 Penalty

8.33.010 Definitions

(a) For the purpose of this Chapter, “Firearm” means a firearm as defined in California Penal Code, Section 16520.

(b) “Locked Container” means a Locked Container, as defined in California Penal Code, Section 16850, listed on the California Department of Justice Bureau of Firearms roster of approved firearm safety devices. For purposes of this chapter, a Locked Container does not include a bag or other container made of fabric or other penetrable material, such as a regular purse, backpack, or gym bag.

(c) “Residence” means any structure intended or used for human habitation, including, but not limited to houses, condominiums, rooms, accessory dwelling units, motels, hotels, SRO’s, time shares, recreational vehicles, and other vehicles where human habitation occurs.

(d) “Trigger lock” means a trigger lock that is listed on the California Department of Justice’s roster of approved firearms safety devices and that is identified as appropriate for that firearm by reference to either the manufacturer and model of the firearm or to the physical characteristics of the firearm that match those listed on the roster for use with the device under Penal Code section 23635.

8.33.020 Safe storage of firearms in a residence required

(a) Except when carried on the person, no person shall keep a Firearm in any Residence unless the Firearm is stored in a Locked Container or is disabled with a Trigger Lock.

(b) To encourage reporting of lost or stolen Firearms, a person who complies with California Penal Code section 25250 by reporting the loss or theft of a Firearm they own or possess to a local law enforcement agency within five days from the time they knew or reasonably should have known the Firearm had been lost or stolen shall not be prosecuted for violation of subsection (a).

8.33.030 Penalty

A violation of this section shall be an infraction and/or subject to civil penalties as set forth below:

- (a) Violation an infraction. A person who violates this chapter shall be guilty of an infraction.
- (b) Civil Penalties. The City may assess escalating administrative penalties in accordance with the schedule below or in an amount or as adopted by City Council resolution, whichever amount is greater:
 - First offense \$50
 - Second offense \$200
 - Third offense \$500
- (c) Each violation shall be deemed a distinct and separate offense.

SECTION 3. AMENDMENT OF CODE. Section 1.12.010 [Penalty for violations] of Chapter 1.12 [General Penalty] of Title 1 [General Provisions] is hereby amended to read as follows:

1.12.010 Penalty for violations.

It is unlawful for any person to violate any provision or to fail to comply with any of the requirements of this code.

- (a) Misdemeanor. Except as otherwise provided by this code or state law, any person violating any of the provisions or failing to comply with any of the mandatory requirements of this code is guilty of a misdemeanor. Unless a different penalty is provided by this code, any person convicted of a misdemeanor shall be punishable by a fine of not more than one thousand dollars or by imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment.
- (b) Infraction. This code provides that violations of Sections 7.04.020, 7.04.030 and 7.04.040 of Chapter 7.04 Garbage and Rubbish Disposal; Chapter 7.30 Smoking, Regulated or Prohibited; 8.06 Noise; 8.07 Leaf Blowers; 8.20 Storage in Yards; Section 8.28.130 of Chapter 8.28, Parks and Recreation; 8.33 [Storage of Firearms]; 8.40 Open Containers; 8.44 Signs—Public Property/Elections; 11.60 Abandoned, Wrecked, Dismantled or Inoperative Vehicles; 11.62 Repair of Vehicles; and 16.92 Signs—Outdoor Advertising; and Title 9 Animals, except as specifically stated in such Title, are infractions. Unless a different penalty is provided by this code, any person convicted of an infraction for a violation of this code shall be punished upon a first conviction by a fine not exceeding fifty dollars, for a second conviction for the violation of the same section of this code within a period of one year from the date of the first violation by a fine not exceeding two hundred dollars, and for a third conviction for the violation of the same section of this code within a period of one year from the date of the first violation by a fine not exceeding five hundred dollars. Any violation of a section of this code in excess of three violations of the same section within a period of one year from the date of the first violation, shall be a misdemeanor.
- (c) Separate Offense. Each person is guilty of a separate offense for each and every day during any portion of which any violation of any provision of this code is committed, continued or permitted by such person and shall be punished accordingly.

(d) Public Nuisance. In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this code is a public nuisance and may be summarily abated as such by the city. Each day that such condition continues shall be regarded as a new and separate offense.

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. SEVERABILITY. If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.

SECTION 6. EFFECTIVE DATE AND POSTING. This Ordinance shall become effective 30 days after the date of its adoption and shall be posted within the City in three public places.

INTRODUCED on the tenth day of March, 2020.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of said City Council on the twenty-first day of April, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Cecilia Taylor, Mayor

ATTEST:

Judi A. Herren, City Clerk



STAFF REPORT

City Council

Meeting Date:

4/21/2020

Staff Report Number:

20-085-CC

Consent Calendar:

Adopt Resolution No. 6555 approving the list of projects eligible for fiscal year 2020-21 funds from Senate Bill 1: The Road Repair and Accountability Act of 2017

Recommendation

Staff recommends that the City Council adopt Resolution No. 6555 approving the list of projects eligible for fiscal year 2020-21 funds from Senate Bill 1: The Road Repair and Accountability Act of 2017 (SB 1.)

Policy Issues

The action is consistent with the City Council's goal of maintaining and enhancing the City's municipal infrastructure and facilities. Furthermore, the 2016 general plan circulation element (circulation element) includes policies that seek to provide and maintain a safe, efficient, attractive, user-friendly intermodal circulation system. The circulation element promotes a healthy, safe and active community and quality of life throughout Menlo Park and increases accessibility for the use of streets by pedestrians, bicyclists and transit riders. The projects identified in this staff report are consistent with these policies.

Background

Senate Bill 1 (SB1), the Road Repair and Accountability Act of 2017 (RRAA Revenue) enacted into law April 28, 2017, created a \$54 billion investment projected to fund road, bridge and freeway repair projects throughout the state over the next decade. The Act also known as the "Gas Tax" increases gasoline and diesel taxes and vehicle fees having gone into effect November 1, 2017. The investment is to be evenly allocated between cities, counties and the state's highway system. Roughly, per the latest State published information from early 2020, \$1.8 billion in annual revenue to fund local road repairs and programs, transportation infrastructure improvements, and for the expansion of pedestrian and bicycle routes network specifically as follows:

Table 1		
Revenue category	Amount/year	Use of revenue - description
Repairs to local streets and roads	\$1.5 billion	Addresses years of unfunded road maintenance, rehabilitation and critical safety projects. Invests in “complete streets” projects uniquely tailored to the needs, preferences and functions of the people who live there
Matching funds for local agencies	\$200 million	Supports the investment cities and counties have made in their own regions through voter-approved transportation tax measures--local partnership program (LPP)
Bike and pedestrian projects	\$100 million	Increases funding of the Active Transportation Program (ATP) to build or convert more bike paths, crosswalks and sidewalks
Local planning grants	\$25 million	Addresses community needs by providing support for planning that may have previously lacked funding. Eligible projects include road maintenance, rehabilitation, safety projects, railroad grade separations, complete street components (e.g., active transportation, bicycle and pedestrian, drainage and stormwater capture projects) and traffic control devices. However, projects that address basic maintenance and safety components should be prioritized

As of December 2019, the City had received \$338,234 for fiscal year 2019-20 of the projected \$583,743 funding. Funds are provided on a monthly basis starting in July through the SB1 Road Maintenance and Rehabilitation Act (RMRA.) For fiscal year 2020-21, the City was anticipated to receive projected revenues of \$675,960. COVID-19 is expected to have impacts to gasoline sales and subsequent funding distributed through this program for fiscal year 2019-20 and future years. The full extent of the financial impact will not be known until the California Department of Finance releases revised revenue estimates in May.

Analysis

The intent of SB 1 is to provide additional needed funding for deferred roads and streets maintenance projects and not to replace the existing levels of general revenue spending by the City on such projects. As such, SB 1 requires that the City maintain “general fund” spending for road maintenance projects. As defined by the legislation, general fund expenditures are “any unrestricted funds that the City or county may expend at its discretion, including vehicle in-lieu tax revenues and revenues from fines and forfeitures, expended for street, road and highway purposes...” This maintenance of effort requirement must be no less than the average of the general fund spending in fiscal year 2009-10, 2010-11 and 2011-12.

In order to receive SB 1 funds, the City must submit annually a list of proposed eligible projects adopted by resolution, to the California Transportation Commission (CTC.) Failure to submit an eligible project list to the CTC would result in forfeiture of the monthly apportionments. The list must include the project description, its location, schedule and an estimate of the projects useful life. For fiscal year 2020-21, the CTC must receive a list of planned project expenditures by May 1. Per the program funding requirements, a resolution that includes the proposed SB 1 list of projects must be passed by City Council on an annual basis. At the time of publishing this staff report, the CTC is anticipating extending this deadline in light of COVID-19 responses, but no definitive timeline has been issued. Staff recommends proceeding with City Council action on the resolution to ensure the City can remain eligible to receive SB 1 funds.

The City is responsible for maintaining a street network that has a total of 96.2 miles through its street preventive maintenance and resurfacing programs, for the development of transportation and drainage

safety projects, and for sustaining and expanding its pedestrian and bicycle networks. Based on the SB 1 program requirements, the 2020 street preventive maintenance project (e.g., slurry seals) has been allocated to receive fiscal year 2020-21 SB 1 funding.

To generate the project list of street sections for asphalt maintenance, the City utilizes a computer-based pavement management system, StreetSaver®, developed by the Metropolitan Transportation Commission (MTC.) The program is a management tool that helps in allocating available project funding in the most cost efficient manner by analyzing the street network condition, project cost estimate, available funding, and the type of maintenance intervention needed at each street segment to meet the community priorities for transportation investment. Exhibit A of the attached resolution includes a detailed list of street sections to be rehabilitated by the project (Attachment A.)

Impact on City Resources

With the approval of the proposed resolution, the City would be eligible for SB 1 funding. The assigned project is an improvement that the City Council funds through the budget process. As described above, SB 1 would provide funding in the estimated amount of \$675,960 for fiscal year 2020-21.

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 has no potential for resulting in any direct or indirect physical change in the environment. The 2020 street preventative maintenance project would be evaluated under CEQA at the time of the bid award.

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 No. 6555

Report prepared by:
Rodolfo Ordonez, Associate Engineer

Reviewed by:
Chris Lamm, Assistant Public Works Director

RESOLUTION NO. 6555**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
APPROVING THE LIST OF PROJECTS ELIGIBLE FOR FISCAL YEAR 2020-
21 FUNDS FROM THE ROAD REPAIR AND ACCOUNTABILITY ACT (SB 1)**

WHEREAS, Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and signed into law by the Governor in April 2017 in order to address the significant multimodal transportation funding shortfalls statewide; and

WHEREAS, SB 1 includes accountability and transparency provisions that will ensure the residents of our City are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year (FY); and

WHEREAS, the City must adopt by resolution a list of projects proposed to receive fiscal year funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB 1, which must include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement; and

WHEREAS, the City, will receive and estimated \$675,960 in RMRA funding in FY 2020-21 from SB 1; and

WHEREAS, this is the third year in which the City is receiving SB 1 funding and will enable the City to continue essential road maintenance and rehabilitation projects, safety improvements, and increasing access and mobility options for the traveling public that would not have otherwise been possible without SB 1; and

WHEREAS, the City has undertaken public outreach to ensure public input into our community's transportation priorities; and

WHEREAS, the City used its pavement management program to develop the SB 1 project list to ensure revenues are being used on the most high-priority and cost-effective projects that also meet the community priorities for transportation investment; and

WHEREAS, the funding from SB 1 will help the City maintain and rehabilitate streets, roads and drainage, throughout the City this year and many other similar projects into the future; and

WHEREAS, the 2018 California statewide Local Streets and Roads Needs Assessment found that the City streets and roads are in a good condition and this revenue will help increase the overall quality of the road system and over the next decade will bring our streets and roads into a very good condition; and

WHEREAS, the SB 1 project list and overall investment in our local streets and roads infrastructure with a focus on basic maintenance and safety, investing in complete streets infrastructure, and using cutting-edge technology, materials and practices, will have significant positive co-benefits statewide.

NOW THEREFORE BE IT RESOLVED, that the City of Menlo Park, acting by and through its City Council, finds as follows:

1. The foregoing recitals are true and correct.
2. The FY 2020-21 list of projects planned to be funded with RMRA revenues include the projects in "Exhibit A."

I, Judi Herren, City Clerk of Menlo Park, do hereby certify that the above and foregoing City Council Resolution was duly and regularly passed and adopted at a meeting by said City Council on the twenty-first day of April, 2020, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this twenty-first day of April, 2020

Judi A. Herren, City Clerk

Exhibit A - Planned project for road maintenance and rehabilitation account (RMRA) fiscal year 2020-21 revenues

Table 1A: Menlo Park streets included in the 2020 street preventive maintenance project						
Project description: Project consists of preventive maintenance to extend service life of the City's street network						
Item	Street name	Project location - begin cross street	Project location - end cross street	Estimated start date	Estimated completion date	Estimated useful life in years
1	Adams Ct.	Adams Dr.	End of Adams Ct.	6/2020	10/2020	5 to 7
2	Almanor Av.	Pierce Rd.	Newbridge St.	6/2020	10/2020	5 to 7
3	Anderson Wy.	Campbell Ln. WB	Campbell Ln. EB	6/2020	10/2020	5 to 7
4	Arnold Wy.	Durham St.	O'Keefe St.	6/2020	10/2020	5 to 7
5	Bay Rd.	Greenwood Dr.	Hedge Rd.	6/2020	10/2020	5 to 7
6	Branner Dr.	136' N/O Campbell Ln.	Campbell Ln.	6/2020	10/2020	5 to 7
7	Castle Wy.	Windsor Dr.	End of Castle Wy.	6/2020	10/2020	5 to 7
8	Christopher Wy.	Bay Rd.	Lorelei Ln.	6/2020	10/2020	5 to 7
9	Coleman Av.	Willow Rd.	Santa Monica Av.	6/2020	10/2020	5 to 7
10	Cotton St.	Santa Cruz Av.	Middle Av.	6/2020	10/2020	5 to 7
11	Crest Ln.	Warner Range Av.	Monte Rosa Dr.	6/2020	10/2020	5 to 7
12	Donohoe St.	Menalto Av.	City Limit	6/2020	10/2020	5 to 7
13	Durham St.	Laurel Av.	Menalto Av.	6/2020	10/2020	5 to 7
14	Encinal Av.	El Camino Real	Railroad Crossing	6/2020	10/2020	5 to 7
15	Felton Dr.	Encinal Av. S. End	Encinal Av. N. End	6/2020	10/2020	5 to 7
16	French Ct.	Oak Ct.	End of French Ct.	6/2020	10/2020	5 to 7
17	Hamilton Ct.	Hamilton Av.	End	6/2020	10/2020	5 to 7
18	Henderson Av.	Newbridge St.	Ivy Dr.	6/2020	10/2020	5 to 7

19	Hobart St.	Santa Cruz Av.	Middle Av.	6/2020	10/2020	5 to 7
20	Homewood Pl.	Lindfield Dr.	End of Homewood Pl.	6/2020	10/2020	5 to 7
21	Klamath Dr.	Trinity Dr.	Siskiyou Dr.	6/2020	10/2020	5 to 7
22	La Loma Dr.	Bellair Wy.	Tioga Dr.	6/2020	10/2020	5 to 7
23	Lassen Dr.	Whitney Dr.	Trinity Dr.	6/2020	10/2020	5 to 7
24	Linfield Dr.	Sherwood Wy.	Laurel St.	6/2020	10/2020	5 to 7
25	Menlo Oaks Dr.	Pierce Rd.	Newbridge St.	6/2020	10/2020	5 to 7
26	Monte Rosa Dr.	Siskiyou Dr.	Sharon Park Dr.	6/2020	10/2020	5 to 7
27	Nash Av.	Santa Monica Av.	Santa Margarita Av.	6/2020	10/2020	5 to 7
28	Newbridge St.	Henderson Av.	Market Pl / Pierce Rd.	6/2020	10/2020	5 to 7
29	Oak Av.	Olive St.	Brandon Wy.	6/2020	10/2020	5 to 7
30	Oak Ct.	Woodland Av.	1500' NW Woodland Av.	6/2020	10/2020	5 to 7
31	O'Keefe St.	Willow Rd.	Laurel St.	6/2020	10/2020	5 to 7
32	Ryans Ln.	Crane St.	Chestnut St.	6/2020	10/2020	5 to 7
33	San Andreas Dr.	Santa Monica Av.	End of San Andreas Dr.	6/2020	10/2020	5 to 7
34	San Clemente Av.	Santa Monica Av.	End of San Clemente Dr.	6/2020	10/2020	5 to 7
35	San Mateo Dr.	Middle Av.	End of San Mateo Dr.	6/2020	10/2020	5 to 7
36	Spruce Av.	El Camino Real/City Limit	End of Spruce Av.	6/2020	10/2020	5 to 7
37	Theresa Ct.	Bay Rd.	End of Theresa Ct.	6/2020	10/2020	5 to 7
38	Trinity Dr.	Lassen Dr.	Klamath Dr.	6/2020	10/2020	5 to 7
39	Van Buren Rd.	Sonoma Av.	End of Van Buren Rd.	6/2020	10/2020	5 to 7
40	White Oak Dr.	Lemon St.	Oak Knoll Ln.	6/2020	10/2020	5 to 7
41	Whitney Ct.	Whitney Dr.	End of Whitney Ct.	6/2020	10/2020	5 to 7

42	Whitney Dr.	Lassen Dr.	Trinity Dr.	6/2020	10/2020	5 to 7
43	Windermere Dr.	Ivy Dr.	Newbridge St.	6/2020	10/2020	5 to 7

STAFF REPORT



City Council
Meeting Date: 4/21/2020
Staff Report Number: 20-086-CC

Consent Calendar: **Award a construction contract to Paris Construction Company for the police department records counter remodel**

Recommendation

Staff recommends that the City Council award a construction contract to Paris Construction Company and approve contingencies not to exceed \$130,000, for the police department records counter remodel project.

Policy Issues

The proposed action is consistent with the City’s purchasing policies. The contract amount exceeds the city manager’s authority and requires City Council approval.

Background

Most police agencies in the state have a records function that serves the public on a face-to-face basis. It is an industry best practice to have a partition separating the public-facing lobby from records employees and dispatchers to ensure everyone’s safety. Most police departments in San Mateo County have a protective glass partition between records and the public in line with these best practices. This proposed project would retrofit the Police lobby with such a partition, including a glass partition above the counter level and reinforced panels below the counter level. In addition to these changes, the project would update the lobby and publicly-accessible restrooms to be compliant with the Americans with Disabilities Act (ADA) requirements.

The City’s capital improvement program first identified the need for funds for this project in fiscal year 2014-15. The project was funded in fiscal year 2017-18 as part of the minor remodeling efforts funded in the buildings (minor) program in the capital improvement plan. Staff initiated this project in early 2020 as staffing resources allowed, as described further below.

Analysis

On January 16, staff issued a bid for the police department records counter remodel to attain informal bids from three contractors (Gonsalves & Stronck Construction, Paris Construction and Novo Construction.) The scope of work included removing existing countertop, panels, and all other construction elements associated with the existing records counter, providing the specified labor, materials, equipment and furnishings, and making ADA upgrades to the existing lobby and restroom.

In response to the bid, February 7, staff received responses from two of those three qualified construction firms, as shown in Table 1. Paris Construction submitted the lowest bid at \$99,149. Staff determined the

low bidder is experienced and has a good understanding of the project scope of work, and therefore recommends awarding the contract to Paris Construction.

Table 1: Police department record counter remodel construction cost proposals	
Contractors	Bid amount
Gonsalves & Stronck Construction	\$270,507
Paris Construction	\$99,149

Impact of City Resources

This project is funded in the City’s capital improvement program (CIP) as part of the City buildings (minor) programmatic category. The estimated total construction cost would be \$130,000, based on the breakdown in Table 2:

Table 2: Police department record counter remodel cost estimates	
Items	Amount
Contractor proposal amount	\$99,149
Contingency (20%)	\$19,830
Construction administration	\$11,021
Total cost of recommendation	\$130,000

The proposed 2019-2020 budget and available carry-over balance is sufficient to fund this project.

Environmental Review

This project is categorically exempt pursuant to California Environmental Quality Act (CEQA) Guidelines §§ 15301(d) 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:
Arian Khosravian, Project Manager

Staff Report #: 20-086-CC

Report reviewed by:

Karen Pachmayer, Senior Civil Engineer

Christopher T. Lamm, Assistant Public Works Director



STAFF REPORT

City Council
Meeting Date: 4/21/2020
Staff Report Number: 20-081-CC

Consent Calendar: **Approve waiver of late penalties for transient occupancy tax collected between January 1, 2020 and March 31, 2020, if remitted by July 31, 2020**

Recommendation

The recommendation is that City Council waive late penalties for transient occupancy tax (TOT or hotel tax) collected between January 1, 2020 and March 31, 2020, if remitted by July 31, 2020.

Policy Issues

Chapter 3.16.070 of the Menlo Park Municipal Code (MPMC) specifies remittance of TOT and states:

Each operator shall, on or before the last day of the month following the close of each calendar quarter, [...] make a return to the tax administrator [...] of the total rents charged and received and the amount of tax collected for transient occupancies.

Chapter 3.16.080 specifies penalties in the form of interest and states:

- (a) Original Delinquency. Any operator who fails to remit any tax imposed by this chapter within the time required shall pay a penalty of ten percent of the amount of the tax in addition to the amount of the tax.
- (b) Continued Delinquency. Any operator who fails to remit any delinquent remittance on or before a period of thirty days following the date on which the remittance first became delinquent shall pay a second delinquency penalty of ten percent of the amount of the tax in addition to the amount of the tax and the ten percent penalty first imposed.
[...]
- (d) Interest. In addition to the penalties imposed, any operator who fails to remit any tax imposed by this chapter shall pay interest at the rate of one percent per month or fraction thereof on the amount of the tax, exclusive of penalties, from the date on which the remittance first became delinquent until paid.
- (e) Penalties Merged with Tax. Every penalty imposed and such interest as accrues under the provisions of this section shall become a part of the tax herein required to be paid.

Background

The stay-at-home order related to the novel coronavirus (COVID-19) public health emergency has resulted in drastically reduced hotel occupancy rates, creating uncertainty for operators within the City of Menlo Park. The City has received several requests to defer TOT payment in order to maintain liquidity. TOT collected between January 1, 2020 and March 31, 2020, is due to the City by April 30, 2020, or subject to the aforementioned penalties unless those penalties are temporarily suspended.

Analysis

As a general tax, the City is due the TOT collected by hotel operators for short-term stays of 30 days or less. As a matter of operational concern, the City has sufficient liquidity in its cash and investment portfolio to operate for at least six months without receiving these collections. The City would forego any interest earned on the receipts during the time of deferral. Due to the extremely low rates on investments currently available to the City under its investment policy, using the local area investment fund (LAIF) daily rate of 1.73 percent as of March 31, 2020, such an impact is extremely limited. With estimated collections of \$1.50 million, the estimated foregone earnings are under \$6,500.

In the event that a hotel operator ceases operations due to insolvency, the City does bear some risk of loss. In such a case, the City would make a claim to those TOT collections as part of the bankruptcy proceedings.

Impact on City Resources

The impact on investment earnings is estimated to be \$6,500 or less for the duration of the waiver period.

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

None.

Report prepared by:
Dan Jacobson, Assistant Administrative Services Director



STAFF REPORT

City Council
Meeting Date: 4/21/2020
Staff Report Number: 20-089-CC

Consent Calendar: Request for a subdivision ordinance variance to reduce the front setback requirement for a single-family residential lot at 11 Greenwood Place

Recommendation

Staff recommends that the City Council approve the request for a variance to modify the subdivision ordinance front setback to allow the construction of portions of a new two-story, single-family residence in the R-1-U (single family urban residential) zoning district, at 11 Greenwood Place. The recommended actions are included in Attachment A.

Policy Issues

Each variance request is considered individually. The City Council should consider whether the required subdivision ordinance variance findings can be made for the proposal.

Background

Subdivision ordinance variance

The majority of the development regulations governing what can be built, and where, on a property are found within the zoning ordinance. However, other titles of the Municipal Code may also affect the development of a project site. Title 15, the subdivision ordinance, specifies that for lots on a curve, where the radius of the curve is less than 100 feet, the front setback shall extend to the point at which the width of the lot outside the setback meets the minimum lot width for the zoning district. Staff developed a subdivision ordinance front setback handout to aid in illustrating this requirement to applicants (Attachment D.) A request to build within the subdivision ordinance front setback, as proposed for the new residence at 11 Greenwood Place, requires a variance from the subdivision ordinance. The ordinance specifies that the City Council is the deciding body for such variance requests, whereas the Planning Commission is the acting body for variance requests from the zoning ordinance.

Previous Planning Commission review

On March 23, the Planning Commission reviewed a request for a use permit to demolish an existing single-story, single-family residence and construct a new two-story, single-family residence on the lot, which is substandard with respect to lot depth and area in the R-1-U zoning district. The proposed project is described in more detail in the project description section of this report. The Planning Commission voted 3-2-1-1 (with Commissioners DeCardy and Doran opposed, Commissioner Kahle recused and Commissioner Tate absent) to approve the use permit with additional conditions to use wood-clad windows instead of vinyl windows for the new residence, and to lower the height of the proposed

residence by 1 foot. In the same vote, the Commission also recommended that the City Council approve the requested Subdivision Ordinance front setback variance. The dissenting Commissioners expressed a preference that the height of one gable of the proposed residence be lowered by an additional foot. However, the gable as approved would be below the maximum height permitted by the ZONING ORDINANCE and would comply with all development regulations. The dissenting Commissioners did not express opposition to the subdivision ordinance variance request. The March 23, Planning Commission staff report is available as Attachment B, and the draft minutes are available as Attachment C.

The use permit included a condition of approval which specifies that the use permit would not be active unless the City Council approves the variance request. If the City Council does not approve the variance request, the use permit would be nullified and a revised project would need to be submitted that complies with the subdivision ordinance setback requirement. That revised project could require Planning Commission review of a new use permit.

Analysis

Project description

The subject property is located on the southern end of the Greenwood Place cul-de-sac, in the Suburban Park neighborhood. The surrounding homes also have an R-1-U zoning designation. In addition, other lots on the curved portion of the cul-de-sac are also regulated by the Subdivision Ordinance front setback requirement.

The applicant is proposing to construct a new two-story, single-family residence with an attached one-car garage. The proposed residence would be a three-bedroom, three-bathroom home, with a typical layout of the bedrooms on the second floor and most of the shared spaces on the main level. The front-loading, one-car garage and an uncovered parking space located outside the required front and side yards would address the residence's off-street parking requirement. Residences in the vicinity are a mixture of older and newer single-family homes. The older residences are generally single-story, while the newer residences are generally two stories in height with attached front-loading garages. A variety of architectural styles are present in the neighborhood, including craftsman, ranch and modern. The proposed project would conform to the development standards of the R-1-U zoning district. More details about the project, including the parcel and project attributes and project plans can be found in Attachment B.

Variance request

As part of this proposal, the applicant is requesting a variance to modify the required subdivision ordinance front setback from 43.5 feet to approximately 21.8 feet to allow portions of the first and second stories of the proposed residence to be constructed within the required front setback. The applicant has provided a variance request letter that is included in Attachment C and outlines the applicant's justification for the proposed variance. The required variance findings are evaluated below. All findings are required to be met in order for a subdivision ordinance variance to be granted.

- A. That any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the same vicinity;

The applicant has indicated that the request would not constitute a special privilege, in part due to the fact that the zoning ordinance minimum front setback of 20 feet would be met. Staff finds that the implementation of the development regulations would meet the first finding, by preventing special privilege. Adjacent residences have garages and front facades located approximately 22 feet from the front property line in a development pattern similar to the proposed residence.

- B. That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict literal application of this title is found to deprive subject property of privileges enjoyed by other properties in the vicinity;

In their letter, the applicant describes the site characteristics, highlighting that the subdivision ordinance front setback would preclude construction on the first 43.5 feet of the average 91.4-foot deep lot. When the 20-foot required rear setback is subtracted from the remaining buildable area, there is approximately 27.9 feet of depth to construct a residence. Staff recognizes the lot shape, specifically the narrow angle of the side property lines from the curved frontage results in a significantly greater subdivision ordinance front setback, which is a special circumstance of properties with these attributes. Limitations on the buildable area through application of the subdivision ordinance front setback deprives the subject property of development potential that a wider lot with a curved frontage or a typical rectangular lot would enjoy.

- C. That under the circumstances of this particular case, the variance, rather than the sections at issue in this title, actually carries out the spirit and intent of this title.

The applicant states that the variance is necessary to ensure an egalitarian implementation of development regulations, with the desire to have a front setback similar to other lots in the R-1-U district. To this end, they have prepared a design that would meet all the development regulations for the R-1-U zoning district. The subdivision ordinance was adopted for “the purpose of promoting the public health, safety, convenience and general welfare...” and staff believes that this finding can be made due to the fact that the zoning ordinance regulations would be met and the variance would allow the proposed residence to fit within the development pattern of adjacent residences and other properties in the R-1-U zoning district.

Staff believes the scale and location of the proposed residence on the lot would be consistent with the neighboring properties and the overall neighborhood. As outlined in the above section, staff believes that the variance request to allow construction of the residence within the front setback established by the subdivision ordinance is justifiable.

Correspondence

Before the Planning Commission hearing, one item of correspondence was submitted in support of the proposal, and two items of correspondence were submitted requesting changes to the design of the proposed residence. The requested design changes were addressed through conditions added to the use permit by the Planning Commission. No correspondence was submitted following the use permit approval and subdivision ordinance variance recommendation by the Planning Commission. As such, this item has been placed on the City Council consent calendar.

Impact on City Resources

The project sponsor is required to pay planning, building and public works permit fees, based on the City's master fee schedule, to fully cover the cost of staff time spent on the review of the project.

Environmental Review

The project is categorically exempt under Class 3 (Section 15303, "New Construction or Conversion of Small Structures") of the current California Environmental Quality Act (CEQA) Guidelines.

Public Notice

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting. Public notification also consisted of publishing a notice in a local newspaper.

Attachments

- A. Recommended actions
- B. Hyperlink: Planning Commission staff report, March 23 – menlopark.org/DocumentCenter/View/24556/F2_11-Greenwood-PI-Staff-Report?bidId=
- C. Hyperlink: Draft Planning Commission minutes, March 23 – menlopark.org/DocumentCenter/View/24773/20200323-PC-Draft-Minutes
- D. Hyperlink: Subdivision Ordinance Front Setback Handout – menlopark.org/DocumentCenter/View/12768/Subdivision-Ordinance-Front-Setback

Disclaimer

Attached are reduced versions of maps and diagrams submitted by the applicants. The accuracy of the information in these drawings is the responsibility of the applicants, and verification of the accuracy by City Staff is not always possible. The original full-scale maps, drawings and exhibits are available for public viewing at the Community Development Department.

Exhibits to Be Provided at Meeting

None.

Report prepared by:
Tom Smith, Senior Planner

Report reviewed by:
Deanna Chow, Interim Community Development Director

11 Greenwood Place – Attachment A: Recommended Actions

LOCATION: 11 Greenwood Place	PROJECT NUMBER: PLN2019-00081	APPLICANT: Alejandro and Caroline Goyen	OWNER: Alejandro and Caroline Goyen
PROPOSAL: Request for a use permit to demolish an existing one-story, single-family residence and construct a new two-story residence on a substandard lot with regard to minimum lot depth and area in the R-1-U (Single Family Urban Residential) district. The proposal includes a request for a variance to build within the required 43-foot, six inch front setback established by the Subdivision Ordinance. One heritage white birch tree has been requested for removal as part of the proposal.			
DECISION ENTITY: City Council	DATE: April 21, 2020	ACTION: TBD	
VOTE: TBD (Carlton, Combs, Mueller, Nash, Taylor)			
ACTION:			
<ol style="list-style-type: none"> 1. Make a finding that the project is categorically exempt under Class 3 (Section 15303, “New Construction or Conversion of Small Structures”) of the current California Environmental Quality Act (CEQA) Guidelines. 2. Make the following findings as per Section 15.32.020 of the Subdivision Ordinance pertaining to the granting of a variance to permit an approximately 21.8-foot front setback for the proposed residence: <ol style="list-style-type: none"> a. That the variance shall be subject to review relative to the development regulations for the R-1-U zoning district and other requirements of the Zoning Ordinance and that the standard conditions of approval will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the same vicinity; b. That the shape of the lot constitutes a special circumstances applicable to the subject property, and that the strict literal application of this title is found to deprive subject property of privileges enjoyed by other properties in the vicinity, specifically the developable area would be excessively limited by the 43.5-foot front setback; c. That the proposed size and location of the new residence would comply with the standard Zoning Ordinance setback requirements and follow the development pattern of the subject zoning district and therefore the variance, rather than the sections at issue in this title, actually carries out the spirit and intent of this title. 3. Approve the Subdivision Ordinance variance to permit a 21.8-foot front setback for the proposed residence. 4. The use permit approved by the Planning Commission on March 23, 2020 as case number PLN2019-00081 shall become effective upon approval of the Subdivision Ordinance variance by the City Council. 			



STAFF REPORT

City Council Meeting Date: 4/21/2020
Staff Report Number: 20-083-CC

Consent Calendar: **Approve California Office of Emergency Services Form 130 designating agents necessary to provide for all matters pertaining to State and Federal Emergency Management Agency reimbursements**

Recommendation

The recommendation is that City Council approve the California Office of Emergency Services (Cal OES) Form 130 designating agents necessary to provide for all matters pertaining to State and Federal Emergency Management Agency (FEMA) reimbursements.

Policy Issues

This request is consistent with standard grant processes and is procedural in nature.

Background

The novel coronavirus (COVID-19) resulted in a public health emergency in the local area, State, and country.

Analysis

The proclamation of local emergency and subsequent stay-at-home order related to the COVID-19 public health emergency has resulted in increased costs to the City in the form of increased cleaning supply and personal protective equipment (PPE) purchases and increased personnel costs related to the emergency operations center (EOC.) Some of these costs may be reimbursable by Cal OES or FEMA. City Council approval of the Cal OES Form 130, Attachment A, which designates representatives responsible for filing and providing information to FEMA and Cal OES on behalf of the City is required.

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. Designation of applicant's agent resolution for non-state agencies

Report prepared by:

Dan Jacobson, Assistant Administrative Services Director

**DESIGNATION OF APPLICANT'S AGENT RESOLUTION
FOR NON-STATE AGENCIES**

BE IT RESOLVED BY THE _____ OF THE _____
(Governing Body) (Name of Applicant)

THAT _____, OR
(Title of Authorized Agent)

_____, OR
(Title of Authorized Agent)

(Title of Authorized Agent)

is hereby authorized to execute for and on behalf of the _____, a public entity
(Name of Applicant)
established under the laws of the State of California, this application and to file it with the California Governor's Office of Emergency Services for the purpose of obtaining certain federal financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act.

THAT the _____, a public entity established under the laws of the State of California,
(Name of Applicant)
hereby authorizes its agent(s) to provide to the Governor's Office of Emergency Services for all matters pertaining to such state disaster assistance the assurances and agreements required.

Please check the appropriate box below:

- This is a universal resolution and is effective for all open and future disasters up to three (3) years following the date of approval below.
- This is a disaster specific resolution and is effective for only disaster number(s) _____

Passed and approved this _____ day of _____, 20 _____

(Name and Title of Governing Body Representative)

(Name and Title of Governing Body Representative)

(Name and Title of Governing Body Representative)

CERTIFICATION

I, _____, duly appointed and _____ of
(Name) (Title)

_____, do hereby certify that the above is a true and correct copy of a
(Name of Applicant)

Resolution passed and approved by the _____ of the _____
(Governing Body) (Name of Applicant)

on the _____ day of _____, 20 _____.

(Signature)

(Title)

Cal OES Form 130 Instructions

A Designation of Applicant's Agent Resolution for Non-State Agencies is required of all Applicants to be eligible to receive funding. A new resolution must be submitted if a previously submitted Resolution is older than three (3) years from the last date of approval, is invalid or has not been submitted.

When completing the Cal OES Form 130, Applicants should fill in the blanks on page 1. The blanks are to be filled in as follows:

Resolution Section:

Governing Body: This is the group responsible for appointing and approving the Authorized Agents.
Examples include: Board of Directors, City Council, Board of Supervisors, Board of Education, etc.

Name of Applicant: The public entity established under the laws of the State of California. Examples include: School District, Office of Education, City, County or Non-profit agency that has applied for the grant, such as: City of San Diego, Sacramento County, Burbank Unified School District, Napa County Office of Education, University Southern California.

Authorized Agent: These are the individuals that are authorized by the Governing Body to engage with the Federal Emergency Management Agency and the Governor's Office of Emergency Services regarding grants applied for by the Applicant. There are two ways of completing this section:

1. **Titles Only:** If the Governing Body so chooses, the titles of the Authorized Agents would be entered here, not their names. This allows the document to remain valid (for 3 years) if an Authorized Agent leaves the position and is replaced by another individual in the same title. If "Titles Only" is the chosen method, this document must be accompanied by a cover letter naming the Authorized Agents by name and title. This cover letter can be completed by any authorized person within the agency and does not require the Governing Body's signature.
2. **Names and Titles:** If the Governing Body so chooses, the names **and** titles of the Authorized Agents would be listed. A new Cal OES Form 130 will be required if any of the Authorized Agents are replaced, leave the position listed on the document or their title changes.

Governing Body Representative: These are the names and titles of the approving Board Members.
Examples include: Chairman of the Board, Director, Superintendent, etc. The names and titles **cannot** be one of the designated Authorized Agents, and a minimum of two or more approving board members need to be listed.

Certification Section:

Name and Title: This is the individual that was in attendance and recorded the Resolution creation and approval.
Examples include: City Clerk, Secretary to the Board of Directors, County Clerk, etc. This person **cannot** be one of the designated Authorized Agents or Approving Board Member (if a person holds two positions such as City Manager and Secretary to the Board and the City Manager is to be listed as an Authorized Agent, then the same person holding the Secretary position would sign the document as Secretary to the Board (not City Manager) to eliminate "Self Certification.")

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

Meeting Date: 4/21/2020
Staff Report Number: 20-091-CC

Regular Business: Confirmation of next steps on the Belle Haven community center and library project

Recommendation

Staff recommends that the City Council confirm the next steps on the Belle Haven community center and library project consisting of the following:

- Pursue meetings (likely virtual) with the public, Planning Commission and City Council over the next three months as outlined below.
- Solidify the plan for interim services as outlined below.

Policy Issues

This generous offer to build a new public facility in the Belle Haven neighborhood provides an exciting opportunity for the community for generations to come. On multiple occasions over the past few months, the City Council has established this project as one of the City's top priorities.

Background

In October 2019, Facebook announced its intent to collaborate with the community and the City to build a new multigenerational community center and library on the site of the current Onetta Harris Community Center (OHCC,) Menlo Park Senior Center and Belle Haven Youth Center located at 100-110 Terminal Avenue. On December 10, 2019, staff provided an informational item staff report to provide an update to City Council while awaiting a written offer. In addition, the City Council appointed City Councilmembers Carlton and Taylor to an ad hoc subcommittee on this project. On December 16, 2019, Facebook submitted its offer for the City Council's consideration.

On January 28, the City Council approved a resolution of intent to collaborate with Facebook and accept the offer (Attachment A.) On February 11, City Council conducted a study session to discuss current service levels and directed staff regarding changes to the preliminary recommendations. On February 25, City Council approved the interim service levels, appropriated \$1 million for interim services, waived purchasing requirements and expressed a willingness to convene special City Council meetings with 24-hour noticing related to any potential contracts in excess of the city manager's spending authority of \$75,000.

On March 10, the City Council initiated the process to abandon public utilities easements and a portion of Terminal Avenue currently occupied by Kelly Park, the Menlo Park Senior Center and the Belle Haven pool. The next steps in the abandonment process involve review by the Planning Commission May 18 and City Council June 23 per March 10 resolution (Attachment B.)

On April 7, the City Council voted unanimously to re-affirm the project as a top priority. On April 14, the City Council received an Informational Item on the project.

Information related to the project is available on the City-maintained webpage (Attachment C.)

Analysis

This staff report serves as an update on the project in the context of the COVID-19 emergency and an opportunity for the City Council to confirm next steps regarding the project. Estimates in this staff report are presented based on the best information available at this time. The continued and/or long-term impacts of COVID-19 are challenging to predict.

Since the shelter-in-place order began, staff and the Facebook team have been able to continue working remotely on technical aspects of the project in anticipation of future public meetings. Facebook continues to express a full commitment to the project while understanding the need to re-evaluate how best to keep the community involved through the project review process.

Staff also met with the City Council subcommittee on two occasions to keep them apprised of the project's progress and to seek guidance on two specific aspects, namely 1) the timeline and general steps for completing the project review this summer, and 2) the conceptual plan for implementing interim services while the building is under construction.

Project timeline and review process

Since January 2020, the aspirational goal has been to complete the project approvals and agreement by June 2020. Given the impacts of COVID-19, the new goal is July 2020. The details of the project review timeline are outlined below. By meeting a July 2020 target, construction could likely begin in February 2020. This would mean that the City would need to cease operations in the existing facilities by mid-December in order to fully decommission and empty the buildings. The estimated construction timeline is 18 to 24 months.

In order to meet the new July 2020 goal for City Council action on the overall project, staff recommends the following meeting schedule:

- May 11 – Planning Commission study session (in lieu of the previously scheduled but canceled study session item for March 23)
- May 18 – Planning Commission review of vacation and abandonment of a portion Terminal Avenue and public utility easements
- Late May/early June – City Council review of a term sheet to summarize the contents of the more detailed agreement
- June 23 – City Council review of vacation and abandonment
- June – Planning Commission public hearing to make a recommendation
- July – City Council public hearing on agreement, project and CEQA determination

Interim services plan

Staff recommends the following plan for providing interim services, starting in January 2021.

Senior services

- Locate the program in existing rooms in the Arrillaga Family Recreation Center, which would result in reduced access to certain rooms for the other programs/uses from 8 a.m. to 3 p.m. on weekdays.
- Consider potential minor modifications to kitchen if needed for county health department compliance.
- Increase transportation offering to the Civic Center Campus (Burgess Park) for Menlo Park seniors.

- Explore installation of portables or some other improvement on Burgess Campus for summer camps in 2021 and likely 2022.

Recreation classes

- Accommodate demand through existing or expanded offerings at the various facilities on Civic Center (Burgess Park) campus.
- Modify the program free structure on a pilot basis to encourage participation of Menlo Park residents interested in classes regardless of ability to pay.
- Increase transportation options between the Belle Haven neighborhood and the Civic Center (Burgess Park) campus through an activity shuttle.
- Explore possible enhancement to existing spaces in the main library or Arrillaga Family Gymnastics Center for community meeting rooms or other programming.

After school child care

- Explore partnership with Beechwood School to install temporary portables on its campus to house the program

Staff believes that this plan could be potentially achieved within the target service levels and budget established by the City Council February 25. Upon completion of discussions with Beechwood School, staff will return to the City Council with more detailed information for final approval.

Community outreach and public engagement

City staff and the Facebook team are committed to finding opportunities for public input on the project. Given the current pandemic, opportunities for engagement may not necessarily take the traditional form of in person gatherings. Aside from the public meetings on the project listed above, additional engagement could occur through focused outreach to residents, community members and facility user groups through online surveys, video webinars and a telephone town hall.

Impact on City Resources

Staff estimates the value of the offer at approximately \$40 million. Staff estimates that the inclusion of the reconstruction of the pool in the project could require approximately \$7.4 million in additional funding. Staff is in the process of identifying cost estimates for transitional services, staff time, certain soft costs and furnishings, fixtures and equipment not included in Facebook's offer and project ad-ons to meet City goals for such features as sustainability, resiliency and site aesthetics. As part of the City Council's review of the fiscal year 2020-21 budget, it would be important to consider the magnitude of the staff commitment to deliver this project on the requested timeline. In addition, staff is in the process of identifying various funding options for the City's share of the project costs including existing budget appropriations already dedicated to the project and new appropriations from the recreation in lieu funds, Measure T recreation bond funds, and the general 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 will not result in any direct or indirect physical change in the environment. The proposed building is a project under CEQA and staff believes that the project is eligible for a Class 2 exemption for the replacement of existing facilities. The final CEQA determination will occur later in the process.

Public Notice

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting. In addition, the City sent electronic notices via Nextdoor, Facebook and directly to project email and text update subscribers from the project page (Attachment C.)

Attachments

- A. Resolution 6537 approved January 28
- B. Resolution 6548 approved March 10
- C. Hyperlink – project page: menlopark.org/bellehaven

Report prepared by:
Justin Murphy, Deputy City Manager

RESOLUTION NO. 6537**RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK TO COLLABORATE WITH FACEBOOK, INC. FOR THE CONSTRUCTION OF A NEW COMMUNITY CENTER AND LIBRARY IN THE BELLE HAVEN NEIGHBORHOOD**

WHEREAS, on December 16, 2019, the City Council of the City of Menlo Park received a proposal from Facebook Inc. proposing to explore funding and development of a new multi-generational community center and library located in Menlo Park's Belle Haven neighborhood, replacing existing community center, senior center, youth center, pool house, and library facilities; and

WHEREAS, the proposal outlines a two-phase project schedule, with Phase One occurring over six months, from January to June 2020, and Phase Two occurring over two years, from July 2020 to July 2022, with a goal of starting construction through demolition of existing facilities in January 2021; and

WHEREAS, the proposal requests that the City Council designate this project as a priority project and direct staff to prioritize timely project approvals and plan check / permitting reviews; and

WHEREAS, Phase One would include obtaining the necessary City approvals for the design of the project and the City and Facebook, Inc. entering into an agreement that documents project development details related to design, construction, financing, operations, and maintenance for the project; and

WHEREAS, Phase Two of the proposal would result in the completion of construction documents, permitting, and construction of the building; and

WHEREAS, the intent of the proposal is to design a building to meet the parameters of a California Environmental Quality Act (CEQA) Class 2 categorical exemption as a replacement of existing facilities; and

WHEREAS, the project is anticipated to receive input from the Library Commission and Parks and Recreation Commission and approvals from the Planning Commission and City Council; and

WHEREAS, a community public engagement plan for the project, a joint effort between Facebook, Inc., City staff, and the City Council ad hoc subcommittee, was presented to the City Council on January 28, 2020, outlining the level of public engagement by project component and the role of City Council advisory bodies and community in the project approval process; and

WHEREAS, the proposal outlines that the City will be responsible for relocating existing programs into temporary facilities for the duration of construction and will be responsible for the future programming of the facility; and

WHEREAS, the proposal outlines that the City will be responsible for all costs related to project approvals, permitting, plan checking and inspections, and for all ongoing operations and maintenance costs of the facility; and

WHEREAS, the City entered into an agreement with Noll and Tam Architects for the design of the Belle Haven branch library; and

WHEREAS, the City intends to revise the scope of work with Noll and Tam Architects for design assistance on the project to provide expertise on programmatic requirements, performance criteria, and act as an Owner's representative, as needed; and

WHEREAS, the City intends to seek funding for the replacement of the Belle Haven pool for inclusion as part of the project; and

WHEREAS, the City will retain the right to name the facility and will develop a process to determine the name of the facility.

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 declare its intent to collaborate with Facebook Inc. for the construction of a new community center and library in the Belle Haven neighborhood with the following clarifications and actions:

1. Accept the proposal from Facebook, Inc. for the construction of a new community center and library in the Belle Haven neighborhood.
2. Designate the project as a priority project and direct staff to prioritize timely project approvals, plan check and permitting reviews.
3. Direct staff to develop a draft agreement with Facebook, Inc. that documents project development details related to design, construction, financing, operations, and maintenance for the City Council's consideration.
4. Accept the public engagement outline for the project presented to the City Council on January 28, 2020 identifying the level of public engagement the role City Council advisory bodies and the community, as a joint effort with Facebook and led by the City.
5. Revise the scope of work with Noll and Tam for design assistance on the project to provide expertise on programmatic requirements, performance criteria, and act as a subject matter expert, as needed up to the current contract amount of \$160,000.
6. Direct staff to identify a project budget and recommend contracting authority modifications specific to this project for items not included in the offer.
7. Amend the fiscal year 2019-20 budget to merge the Belle Haven Branch Library project and the Belle Haven Youth Center Improvement project into a single Belle Haven community center and library project.
8. Direct staff to seek or identify funding for the replacement of the Belle Haven pool for inclusion as part of the project for the City Council's consideration.
9. Direct City staff and the City Council ad hoc subcommittee to develop a community process, including a timeline, to determine the name of the new multipurpose, multigenerational facility while reflecting history.
10. Direct staff to evaluate and propose specific environmental, sustainability, and resiliency goals for the project in order to understand project cost implications and tradeoffs.

I, Judi A. Herren, City Clerk of Menlo Park, do hereby certify that the above and foregoing City Council Resolution was duly and regularly passed and adopted at a meeting by said City Council on the twenty-eighth day of January, 2020, by the following votes:

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AYES: Carlton, Mueller, Nash, Taylor

NOES: None

ABSENT: None

ABSTAIN: None

RECUSED: Combs

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this twenty-eighth day of January, 2020.



Judi A. Herren, City Clerk

RESOLUTION NO. 6548

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
DECLARING THE INTENTION OF SAID CITY TO ABANDON PUBLIC RIGHT-
OF-WAY AND PUBLIC UTILITY EASEMENTS ADJACENT TO AND WITHIN
100-110 TERMINAL AVENUE**

WHEREAS, the City Council of the City of Menlo Park has considered the abandonment of Public right-of-way and public utility easements adjacent to and within 100-110 Terminal Avenue, as shown in Exhibit A, which is attached and made apart thereto; and

WHEREAS, the Planning Commission is scheduled to review the proposed abandonment for consistency with the City's general plan at its meeting on May 18, 2020; and

WHEREAS, the City Council will hold a public hearing on June 23, 2020 at approximately 7 p.m. as required by law to determine whether said public right-of-way and public utility easements shall be abandoned.

NOW, THEREFORE, BE IT RESOLVED, that a resolution of intention of the City Council of the City of Menlo Park does hereby propose the abandonment of public right-of-way and public utility easements adjacent to and within 100-110 Terminal Avenue.

I, Judi A. Herren, 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 City Council on the tenth day of March, 2020 by the following votes: Motion and second (Mueller/Carlton) to approve the consent calendar, except item G5., passed 4-0-1.

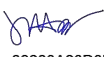
AYES: Carlton, Mueller, Nash, Taylor

NOES: None

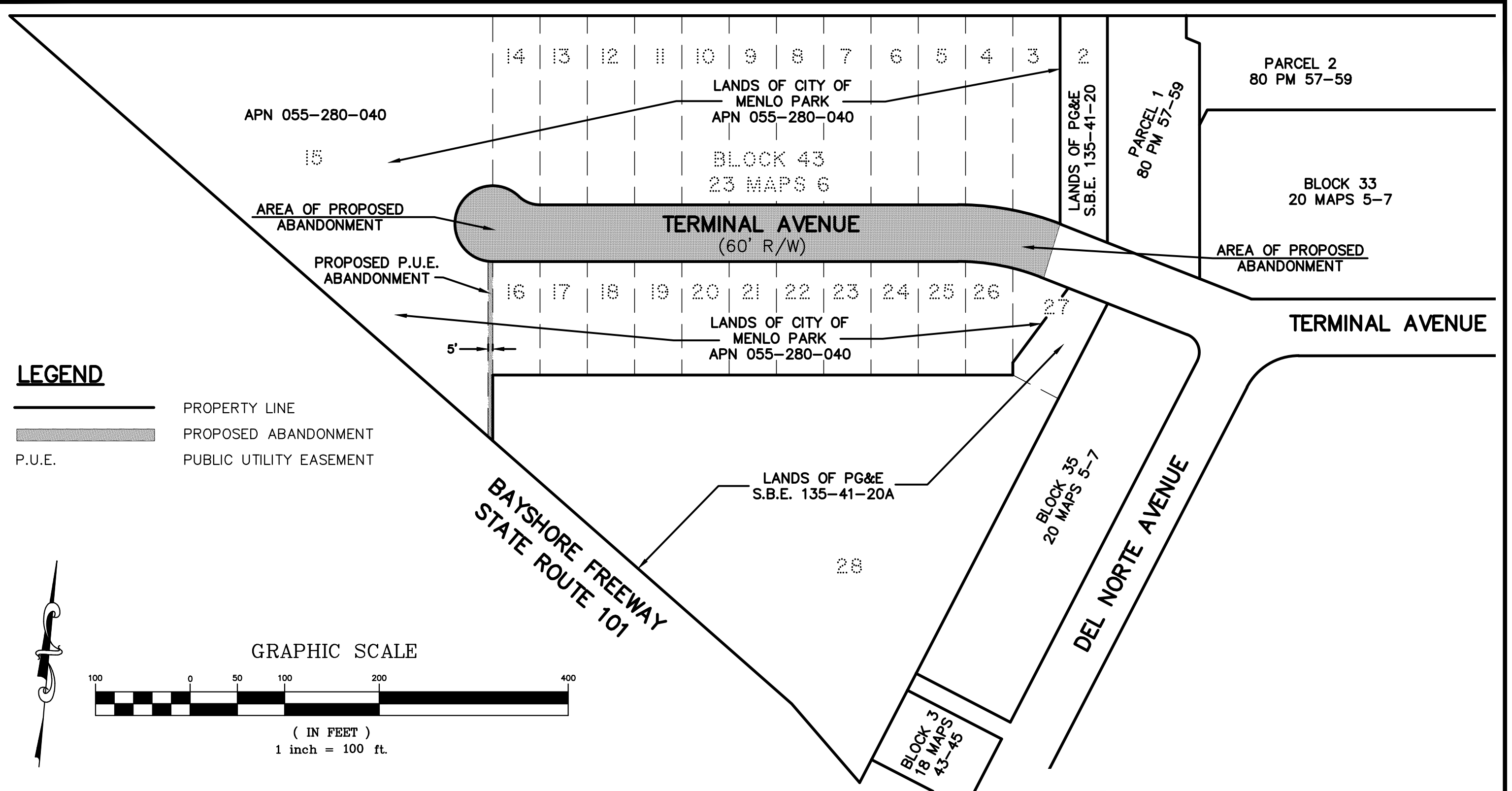
ABSENT: Comb

ABSTAI: None

IN WITNESS THEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this tenth day of March, 2020.

DocuSigned by:

39280A20D0BE491...

Judi A. Herren, City Clerk



MacLEOD AND ASSOCIATES
CIVIL ENGINEERING • LAND SURVEYING
965 CENTER STREET • SAN CARLOS • CA 94070 • (650) 593-8580

RIGHT-OF-WAY & P.U.E. ABANDONMENT EXHIBIT
FOR PROPOSED ABANDONMENT OF
**PORTION OF TERMINAL AVENUE
AND A PUBLIC UTILITY EASEMENT**
MENLO PARK SAN MATEO COUNTY CALIFORNIA



PREPARED FOR: MENLO PARK PUBLIC WORKS DEPARTMENT	
DRAWN BY: DJK	DESIGNED BY: ---
CHECKED BY: DGM	DATE: 03-10-20
SCALE: 1"=100'	DRAWING NO. 4705-ROW



STAFF REPORT

City Council

Meeting Date: 4/21/2020

Staff Report Number: 20-078-CC

Regular Business: Consider postponing interviews and appointments of all advisory bodies until City facilities reopen

Recommendation

Staff recommends postponing interviews and appointments of all advisory bodies until City facilities reopen.

Policy Issues

City Council Policy CC-19-004 (Attachment A) establishes the policies, procedures, roles and responsibilities for the City's appointed commissions and committees, including the manner in which commissioners are selected. The City Council is the appointing body for all commissions/committees and members serve at the pleasure of the City Council. All appointments and reappointments shall be made at a regularly scheduled City Council meeting, and require an affirmative vote of not less than a majority of the City Council present.

Background

Annually, staff conducts a recruitment to fill commission/committee vacancies that exist due to commissioners being termed out, unexpected vacancies, and regular terms ending April 30, with the exception of the Sister City Committee expiring October 1 per City Council direction March 3. The recruitment period typically involves a 1-2 month period of advertisements and announcements. Incumbent commissioners who were terming out were informed of their ability to apply for reappointment.

On March 19, the Governor ordered a statewide stay-at-home order calling on all individuals living in the State of California to stay at home or at their place of residence to slow the spread of the COVID-19 virus. On March 11, the City Council declared a local emergency, Resolution No. 6550, to address the COVID-19 pandemic and closed all City facilities and postponed all advisory body meetings until City facilities reopened.

Table 1 details the current vacancies and applications received. Please note that some applicants applied for multiple advisory bodies, therefore if they are selected to serve on one, they will not be eligible for others (e.g., if Complete Streets (CSC) applicant is appointed to CSC, the number of applicants decreases by one to six other bodies.)

Table 1: Vacancies to applicants		
Advisory body	No. of vacancies	No. of applications received
Complete Streets Commission (CSC)*	3	1
Environmental Quality Commission (EQC)*	2	3
Finance and Audit Committee (FAC)*	2	3
Housing Commission (HC)*	1	1
Library Commission (LC)*	3	2
Parks and Recreation Commission (PRC)*	2	4
Planning Commission (PC)*	2	5
San Mateo County Mosquito and Vector Control District (SMCMVCD)	1	0
Sister City Committee (SCS)	1	1

* advisory bodies with multiple applications from one applicant

Analysis

Pursuant to City Council Policy CC-19-004, 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 applicants are verified by the city clerk’s office. In addition, the City Council’s policy states that the selection/appointment process shall be conducted before the public at a regularly scheduled meeting of the City Council.

The recruitment period was open from February 12 through April 3. Advertising in print (newspaper), City’s website, online (Almanac), Facebook, and through the staff liaisons of the advisory bodies and City Council. On March 30 the application deadline was extended to April 10. At this time, the City has not received enough applications to fill all vacancies.

City Council consideration and direction is being requested for the following:

- Postpone recruitment, interviews, and appointments of all advisory bodies until City facilities reopen and advisory body meetings resume
 - Extend all member terms through July 31
 - Retain current chairs and co-chairs until after appointments
 - Keep recruitment open through June 5 and continue advertising through multiple media’s
 - Planning Commission interviews June 23
 - All advisory body appointments July 14

OR

- Conduct interviews and appointments now
 - Close recruitment
 - Extend all member terms through May 31
 - Planning Commission interviews May 12 (or schedule a special meeting before May 26)
 - All advisory body appointments May 26



Impact on City Resources

Staff support for commissions and funds for recruitment advertising are provided in the annual budget.

Public Notice

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

Attachments

A. City Council Policy CC-19-004

Report prepared by:
Judi A. Herren, City Clerk

COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

City Council Procedure #CC-19-004

Effective 6/5/2019

Resolution No. 6477



<p>Purpose</p>
<p>To define policies and procedures and roles and responsibilities for Menlo Park appointed commissions and committees.</p>
<p>Authority</p>
<p>Upon its original adoption, this policy replaced the document known as “Organization of Advisory Commissions of the City of Menlo Park.”</p>
<p>Background</p>
<p>The City of Menlo Park currently has eight active Commissions and Committees. The active advisory bodies are: Complete Streets Commission, Environmental Quality Commission, Finance and Audit Committee, Housing Commission, Library Commission, Parks and Recreation Commission, Planning Commission, and the Sister City Committee. Those not specified in the City Code are established by City Council ordinance or resolution. Most of these advisory bodies are established in accordance with Resolution 2801 and its amendments. Within specific areas of responsibility, 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.</p> <p>Seven of the eight commissions and committees listed above are advisory in nature. The Planning Commission is both advisory and regulatory and organized according to the City Code (Ch. 2.12) and State statute (Government Code 65100 et seq., 65300-65401).</p> <p>The City has an adopted Anti-Harassment and Non-Discrimination Policy (CC-95-001), and a Travel and Expense Policy (CC-91-002), which are also applicable to all advisory bodies.</p>
<p>Policies and Procedures</p>
<p><u>Relationship to City Council, staff and media</u></p> <ul style="list-style-type: none"> • Upon referral by the City Council, the commission/committee shall study referred matters and return their recommendations and advise to the City Council. With each such referral, the City Council may authorize the City staff to provide certain designated services to aid in the study. • Upon its own initiative, the commission/committee shall identify and raise issues to the City Council's attention and from time to time explore pertinent matters and make recommendations to the City Council. • At a request of a member of the public, the commission/committee may consider appeals from City actions or inactions in pertinent areas and, if deemed appropriate, report and make recommendations to the City Council. • Each commission/committee is required to develop an annual work plan which will be the foundation for the work performed by the advisory body in support of City Council. The plan, once finalized by a majority of the commission/committee, will be formally presented to the City Council for direction and approval no later than September 30 of each year and then reported out on by a representative of the advisory body at a regularly scheduled City Council meeting at least annually, but recommended twice a year. The proposed work plan must align with the City Council's adopted work plan. When modified, the work plan must be taken to the City Council for approval. The Planning Commission is exempt from this requirement as its functions are governed by the Menlo Park municipal code (Chapter 2.12) and State law (Government Code 65100 et seq., 65300-65401). • Commissions and committees shall not become involved in the administrative or operational matters of City departments. Members may not direct staff to initiate major programs, conduct large studies or establish department policy. City staff assigned to furnish staff services shall be available to provide general staff assistance, such as preparation of agenda/notice materials and minutes, general review of

COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

City Council Policy #CC-01-0004
Effective 6/5/2019

2

department programs and activities, and to perform limited studies, program reviews, and other services of a general staff nature. Commissions/Committees may not establish department work programs or determine department program priorities. The responsibility for setting policy and allocating scarce City resources rests with the City's duly elected representatives, the City Council.

- Additional or other staff support may be provided upon a formal request to the City Council.
- The staff liaison shall act as the commission/committee's lead representative to the media concerning matters before the commission/committee. Commission/Committee members should refer all media inquiries to their respective liaisons for response. Personal opinions and comments may be expressed so long as the commission/committee member clarifies that his or her statements do not represent the position of the City Council.
- Commission/Committee members will have mandatory training every two years regarding the Brown Act and parliamentary procedures, anti-harassment training, ethics training, and other training required by the City Council or State Law. The commission/committee members may have the opportunity for additional training, such as training for chair and vice chair. Failure to comply with the mandatory training will be reported to the City Council and may result in replacement of the member by the City Council.
- Requests from commission/committee member(s) determined by the staff liaison to take one hour or more of staff time to complete, must be directed by the City Council.

Role of City Council commission/committee liaison

City Councilmembers are assigned to serve in a liaison capacity with one or more city commission/committee. The purpose of the liaison assignment is to facilitate communication between the City Council and the advisory body. The liaison also helps to increase the City Council's familiarity with the membership, programs and issues of the advisory body. In fulfilling their liaison assignment, City Councilmembers may elect to attend commission/committee meetings periodically to observe the activities of the advisory body or simply maintain communication with the commission/committee chair on a regular basis.

City Councilmembers should be sensitive to the fact that they are not participating members of the commission/committee, but are there rather to create a linkage between the City Council and commission/committee. In interacting with commissions/committee, City Councilmembers are to reflect the views of the City Council as a body. Being a commission/committee liaison bestows no special right with respect to commission/committee business.

Typically, assignments to commission/committee liaison positions are made at the beginning of a City Council term in December. The Mayor will ask City Councilmembers which liaison assignments they desire and will submit recommendations to the full City Council regarding the various committees, boards, and commissions which City Councilmembers will represent as a liaison. In the rare instance where more than one City Councilmember wishes to be the appointed liaison to a particular commission, a vote of the City Council will be taken to confirm appointments.

City Staff Liaison

The City has designated staff to act as a liaison between the commission/committee and the City Council. The City shall provide staff services to the commission/committee which will include:

- Developing a rapport with the Chair and commission/committee members.
- Providing a schedule of meetings to the City Clerk's Office and commission/committee members, arranging meeting locations, maintaining the minutes and other public records of the meeting, and preparing and distributing appropriate information related to the meeting agenda.
- Advising the commission/committee on directions and priorities of the City Council.
- Informing the commission/committee of events, activities, policies, programs, etc. occurring within the scope of the commission/committee's function.
- Ensuring the City Clerk is informed of all vacancies, expired terms, changes in offices, or any other changes to the commission/committee.

COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

City Council Policy #CC-01-0004
Effective 6/5/2019

3

- Providing information to the appropriate appointed official including reports, actions, and recommendations of the committee/commission and notifying them of noncompliance by the commission/committee or chair with City policies.
- Ensuring that agenda items approved by the commission/committee are brought forth in a timely manner taking into consideration staff capacity, City Council priorities, the commission/committee work plan, and other practical matters such as the expense to conduct research or prepare studies, provided appropriate public notification, and otherwise properly prepare the item for commission/committee consideration.
- Take action minutes; upon agreement of the commission, this task may be performed by one of the members (staff is still responsible for the accuracy and formatting of the minutes).
- Maintain a minute book with signed minutes.

Recommendations, requests and reports

As needed, near the beginning of City Council meetings, there will be an item called "Commission/Committee Reports." At this time, commissions/committees may present recommendations or status reports and may request direction and support from the City Council. Such requests shall be communicated to the staff liaison in advance, including any written materials, so that they may be listed on the agenda and distributed with the agenda packet. The materials being provided to the City Council must be approved by a majority of the commission/committee at a commission/committee meeting before submittal to the City Council. The City Council will receive such reports and recommendations and, after suitable study and discussion, respond or give direction.

City Council referrals

The City Clerk shall transmit to the designated staff liaison all referrals and requests from the City Council for advice and recommendations. The commissions/committees shall expeditiously consider and act on all referrals and requests made by the City Council and shall submit reports and recommendations to the City Council on these assignments.

Public appearance of commission/committee members

When a commission/committee member appears in a non-official, non-representative capacity before the public, for example, at a City Council meeting, the member shall indicate that he or she is speaking only as an individual. This also applies when interacting with the media and on social media. If the commission/committee member appears as the representative of an applicant or a member of the public, the Political Reform Act may govern this appearance. In addition, in certain circumstances, due process considerations might apply to make a commission/committee member's appearance inappropriate. Conversely, when a member who is present at a City Council meeting is asked to address the City Council on a matter, the member should represent the viewpoint of the particular commission/committee as a whole (not a personal opinion).

Disbanding of advisory body

Upon recommendation by the Chair or appropriate staff, any standing or special advisory body, established by the City Council and whose members were appointed by the City Council, may be declared disbanded due to lack of business, by majority vote of the City Council.

Meetings and officers

1. *Agendas/notices/minutes*

- All meetings shall be open and public and shall conduct business through published agendas, public notices and minutes and follow all of the Brown Act provisions governing public meetings. Special, canceled and adjourned meetings may be called when needed, subject to the Brown Act provisions.
- Support staff for each commission/committee shall be responsible for properly noticing and posting all regular, special, canceled and adjourned meetings. Copies of all meeting agendas, notices and minutes shall be provided to the City Council, City Manager, City Attorney, City Clerk and other

COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

City Council Policy #CC-01-0004
Effective 6/5/2019

4

appropriate staff, as requested.

- Original agendas and minutes shall be filed and maintained by support staff in accordance with the City's adopted records retention schedule.
- The official record of the commissions/committees will be preserved by preparation of action minutes.

2. *Conduct and parliamentary procedures*

- Unless otherwise specified by State law or City regulations, conduct of all meetings shall generally follow Robert's Rules of Order.
- A majority of commission/committee members shall constitute a quorum and a quorum must be seated before official action is taken.
- The chair of each commission/committee shall preside at all meetings and the vice chair shall assume the duties of the chair when the chair is absent.
- The role of the commission/committee chair (according to Roberts Rules of Order): To open the session at the time at which the assembly is to meet, by taking the chair and calling the members to order; to announce the business before the assembly in the order in which it is to be acted upon; to recognize members entitled to the floor; to state and put to vote all questions which are regularly moved, or necessarily arise in the course of the proceedings, and to announce the result of the vote; to protect the assembly from annoyance from evidently frivolous or dilatory motions by refusing to recognize them; to assist in the expediting of business in every compatible with the rights of the members, as by allowing brief remarks when undebatable motions are pending, if s/he thinks it advisable; to restrain the members when engaged in debate, within the rules of order, to enforce on all occasions the observance of order and decorum among the members, deciding all questions of order (subject to an appeal to the assembly by any two members) unless when in doubt he prefers to submit the question for the decision of the assembly; to inform the assembly when necessary, or when referred to for the purpose, on a point of order to practice pertinent to pending business; to authenticate by his/her signature, when necessary, all the acts, orders, and proceedings of the assembly declaring it will and in all things obeying its commands.

3. *Lack of a quorum*

- When a lack of a quorum exists at the start time of a meeting, those present will wait 15 minutes for additional members to arrive. If after 15 minutes a quorum is still not present, the meeting will be adjourned by the staff liaison due to lack of a quorum. Once the meeting is adjourned it cannot be reconvened.
- The public is not allowed to address those commissioners present during the 15 minutes the commission/committee is waiting for additional members to arrive.
- Staff can make announcements to the members during this time but must follow up with an email to all members of the body conveying the same information.
- All other items shall not be discussed with the members present as it is best to make the report when there is a quorum present.

4. *Meeting locations and dates*

- Meetings shall be held in designated City facilities, as noticed.
- All commissions/committees with the exception of the Planning Commission, Finance and Audit Committee and Sister City Committee shall conduct regular meetings once a month. Special meetings may also be scheduled as required by the commission/committee. The Planning Commission shall hold regular meetings twice a month. The Finance and Audit Committee and Sister City Committee shall hold quarterly meetings.
- Monthly regular meetings shall have a fixed date and time established by the commission/committee. Changes to the established regular dates and times are subject to the approval of the City Council. An exception to this rule would include any changes necessitated to fill a temporary need in order for the commission/committee to conduct its meeting in a most efficient and effective way as long as proper and adequate notification is provided to the City Council and made available to the public.

COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

City Council Policy #CC-01-0004
Effective 6/5/2019

5

The schedule of Commission/Committee meetings is as follows:

- Complete Streets Commission – Every second Wednesday at 7 p.m.
- Environmental Quality Commission – Every third Wednesday at 6:00 p.m.
- Finance and Audit Committee – Third Wednesday of every quarter at 5:30 p.m.,
- Housing Commission – Every first Wednesday at 6:30 p.m.
- Library Commission – Every third Monday at 6:30 p.m.
- Parks and Recreation Commission – Every fourth Wednesday at 6:30 p.m.
- Planning Commission – Twice a month at 7 p.m.
- Sister City Committee – Quarterly; Date and time to be determined

Each commission/committee may establish other operational policies subject to the approval of the City Council. Any changes to the established policies and procedures shall be subject to the approval of the City Council.

5. *Off-premises meeting participation*

While technology allows commission/committee members to participate in meetings from a location other than the meeting location (referred to as “off-premises”), off-premises participation is discouraged given the logistics required to ensure compliance with the Brown Act and experience with technological failures disrupting the meeting. In the event that a commission/committee member believes that his or her participation is essential to a meeting, the following shall apply:.

- Any commission/committee member intending to participate from an off-premise location shall inform the staff liaison at least two weeks in advance of the meeting.
- The off-premise location must be identified in the notice and agenda of the meeting.
- Agendas must be posted at the off-premise location.
- The off-premise location must be accessible to the public and be ADA compliant.
- The commission/committee member participating at a duly noticed off-premises location does not count toward the quorum necessary to convene a meeting of the commission/committee.
- For any one meeting, no more than one commission/committee member may participate from an off-premise location.
- All votes must be by roll call.

6. *Selection of chair and vice chair*

- The chair and vice chair shall be selected in May of each year by a majority of the members and shall serve for one year or until their successors are selected.
- Each commission/committee shall annually rotate its chair and vice chair.

G. Memberships

Appointments/Oaths

- The City Council is the appointing body for all commissions/committees. All members serve at the pleasure of the City Council for designated terms.
- All appointments and reappointments shall be made at a regularly scheduled City Council meeting, and require an affirmative vote of not less than a majority of the City Council present.
- Before taking office, all members must complete an Oath of Allegiance required by Article XX, §3, of the Constitution of the State of California. All oaths are administered by the City Clerk or his/her designee.
- Appointments made during the middle of the term are for the unexpired portion of that term.

Application and selection process

- The application process begins when a vacancy occurs due to term expiration, resignation, removal or death of a member.
- The application period will normally run for a period of four weeks from the date the vacancy occurs.

COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

City Council Policy #CC-01-0004

Effective 6/5/2019

6

If there is more than one concurrent vacancy in a Commission, the application period may be extended. Applications are available from the City Clerk's office and on the City's website.

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

Attendance

- An Attendance Policy (CC-91-001), shall apply to all advisory bodies. Provisions of this policy are listed below.
- A compilation of attendance will be submitted to the City Council at least annually listing absences for all commissions/committee members.
- Absences, which result in attendance at less than two-thirds of their meetings during the calendar year, will be reported to the City Council and may result in replacement of the member by the City Council.
- Any member who feels that unique circumstances have led to numerous absences can appeal directly to the City Council for a waiver of this policy or to obtain a leave of absence.
- While it is expected that members be present at all meetings, the chair and staff liaison should be notified if a member knows in advance that he/she will be absent.
- When reviewing commissioners for reappointment, overall attendance at full commission meetings will be given significant consideration.

Compensation

- Members shall serve without compensation (unless specifically provided) for their services, provided, however, members shall receive reimbursement for necessary travel expenses and other expenses incurred on official duty when such expenditures have been authorized by the City Council (See Policy CC-91-002).

COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

City Council Policy #CC-01-0004
Effective 6/5/2019

7

Conflict of interest and disclosure requirements

- A Conflict of Interest Code has been updated and adopted by the City Council and the Community Development Agency pursuant to Government Code §87300 et seq. Copies of this Code are filed with the City Clerk. Pursuant to the adopted Conflict of Interest Code, members serving on the Planning Commission are required to file a Statement of Economic Interest with the City Clerk to disclose personal interest in investments, real property and income. This is done within 30 days of appointment and annually thereafter. A statement is also required within 30 days after leaving office.
- If a public official has a conflict of interest, the Political Reform Act may require the official to disqualify himself or herself from making or participating in a governmental decision, or using his or her official position to influence a governmental decision. Questions in this regard may be directed to the City Attorney.

Qualifications, compositions, number

- In most cases, members shall be residents of the City of Menlo Park and at least 18 years of age.
- Current members of any other City commission/committee are disqualified for membership, unless the regulations for that advisory body permit concurrent membership. Commission/Committee members are strongly advised to serve out the entirety of the term of their current appointment before seeking appointment on another commission/committee.
- Commission/Committee members shall be permitted to retain membership while seeking any elective office. However, members shall not use the meetings, functions or activities of such bodies for purposes of campaigning for elective office.
- There shall be seven (7) members on each commission/committee with the exception of:
 - Complete Streets Commission – nine (9) members

Reappointments, resignations, removals

- Incumbents seeking a reappointment are required to complete and file an application with the City Clerk by the application deadline. No person shall be reappointed to a commission/committee who has served on that same body for two consecutive terms; unless a period of one year has lapsed since the returning member last served on that commission/committee (the one year period is flexible subject to City Council's discretion).
- Resignations must be submitted in writing to the City Clerk, who will distribute copies to City Council and appropriate staff.
- The City Council may remove a member by a majority vote of the City Council without cause, notice or hearing.

Term of office

- Unless specified otherwise, the term of office for all commission/committee shall be four (4) years unless a resignation or a removal has taken place.
- If a person is appointed to fill an unexpired term and serves less than two years, that time will not be considered a full term. However, if a person is appointed to fill an unexpired term and serves two years or more, that time will be considered a full term.
- Terms are staggered to be overlapping four-year terms, so that all terms do not expire in any one year.
- If a member resigns before the end of his/her term, a replacement serves out the remainder of that term.

Vacancies

- Vacancies are created due to term expirations, resignations, removals or death.
- Vacancies are listed on the City Council agenda and posted by the City Clerk in the City Council Chambers bulletin board and on the city website.
- Whenever an unscheduled vacancy occurs in any commission/committee, a special vacancy notice shall be posted within 20 days after the vacancy occurs. Appointment shall not be made for at least

COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

City Council Policy #CC-01-0004
Effective 6/5/2019

10 working days after posting of the notice (Government Code 54974).

- On or before December 31 of each year, an appointment list of all regular advisory commissions/committees of the City Council shall be prepared by the City Clerk and posted in the City Council Chambers bulletin board and on the City’s website. This list is also available to the public (Government Code 54972, Maddy Act).

Roles and Responsibilities

Complete Streets Commission

The Complete Streets Commission is charged primarily with advising the City Council on multi-modal transportation issues according to the goals and policies of the City’s general plan. This includes strategies to encourage safe travel, improve accessibility, and maintaining a functional and efficient transportation network for all modes and persons traveling within and around the City. The Complete Streets Commission's responsibilities would include:

- Coordination of multi-modal (motor vehicle, bicycle, transit and pedestrian) transportation facilities
- Advising City Council on ways to encourage vehicle, multi-modal, pedestrian and bicycle safety and accessibility for the City supporting the goals of the General Plan
- Coordination on providing a citywide safe routes to school plan
- Coordination with regional transportation systems
- Establishing parking restrictions and requirements according to Municipal Code sections 11.24.026 through 11.24.028

Environmental Quality Commission

The Environmental Quality Commission is charged primarily with advising the City Council on matters involving environmental protection, improvement and sustainability. Specific focus areas include:

- Preserving heritage trees
- Using best practices to maintain city trees
- Preserving and expanding the urban canopy
- Making determinations on appeals of heritage tree removal permits
- Administering annual Environmental Quality Awards program
- Organizing annual Arbor Day Event; typically a tree planting event
- Advising on programs and policies related to protection of natural areas, recycling and waste reduction, environmentally sustainable practices, air and water pollution prevention, climate protection, and water and energy conservation.

Finance and Audit Committee

The Finance and Audit Committee is charged primarily to support delivery of timely, clear and comprehensive reporting of the City’s fiscal status to the community at large. Specific focus areas include:

- Review the process for periodic financial reporting to the City Council and the public, as needed
- Review financial audit and annual financial report with the City’s external auditors
- Review of the resolution of prior year audit findings
- Review of the auditor selection process and scope, as needed

Housing Commission

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

COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

City Council Policy #CC-01-0004

Effective 6/5/2019

9

- 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 City 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 Board (City Resolution 4290, adopted June 25, 1991).

Library Commission

The Library Commission is charged primarily with advising the City Council on matters related to the maintenance and operation of the City's libraries and library systems. Specific focus areas include:

- The scope and degree of library activities
- Maintenance and protection of City libraries
- Evaluation and improvement of library service
- Acquisition of library materials
- Coordination with other library systems and long range planning
- Literacy and ESL programs

Parks and Recreation Commission

The Parks and Recreation Commission is charged primarily with advising the City Council on matters related to City programs and facilities dedicated to recreation. Specific focus areas include:

- Those programs and facilities established primarily for the participation of and/or use by residents of the City, including adequacy and maintenance of such facilities as parks and playgrounds, recreation buildings, facilities and equipment
- Adequacy, operation and staffing of recreation programs
- Modification of existing programs and facilities to meet developing community needs
- Long range planning and regional coordination concerning park and recreational facilities

Planning Commission

The Planning Commission is organized according to State Statute.

- The Planning Commission reviews development proposals on public and private lands for compliance with the General Plan and Zoning Ordinance.
- The Commission reviews all development proposals requiring a use permit, architectural control, variance, minor subdivision and environmental review associated with these projects. The Commission is the final decision-making body for these applications, unless appealed to the City Council.
- The Commission serves as a recommending body to the City Council for major subdivisions, rezoning's, conditional development permits, Zoning Ordinance amendments, General Plan amendments and the environmental reviews and Below Market Rate (BMR) Housing Agreements associated with those projects.
- The Commission works on special projects as assigned by the City Council.

Sister City Committee

The Sister City Committee is primary charged with promoting goodwill, respect and cooperation by facilitating cultural, educational and economic exchanges

- Develop a mission statement and program plan consisting of projects, exhibits, contacts and exchanges of all types to foster and promote the objectives of the mission statement
- Implement the approved program plan upon request of the City Council
- Keep the community informed concerning the Sister City program
- Advise the City Council on matters pertaining to any sister city affairs

COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

City Council Policy #CC-01-0004
Effective 6/5/2019

- Perform other duties as may be assigned to the committee by the City Council

Special Advisory Bodies

The City Council has the authority to create standing committees, task forces or subcommittees for the City, and from time to time, the City Council may appoint members to these groups. The number of persons and the individual appointee serving on each group may be changed at any time by the City Council. There are no designated terms for members of these groups; members are appointed by and serve at the pleasure of the City Council.

Any requests of city commissions or committees to create such ad hoc advisory bodies shall be submitted in writing to the City Clerk for City Council consideration and approval.



STAFF REPORT

City Council

Meeting Date:

4/21/2020

Staff Report Number:

20-090-CC

Regular Business:

Award a construction contract to Interstate Grading & Paving, Inc. for the Santa Cruz and Middle Avenues street rehabilitation project and appropriate \$410,000 in additional funding

Recommendation

Staff recommends that the City Council award a construction contract to Interstate Grading & Paving, Inc. in the amount of \$1,913,510, and appropriate \$410,000 in additional funding from the construction street impact fee fund, for the Santa Cruz and Middle Avenue street rehabilitation project.

Policy Issues

The project is included City's 2019-20 capital improvement plan (CIP.) The project is also included in the City Council's 2019 work plan and is consistent with the 2016 general plan circulation element. Rehabilitating the pavement on these two streets also will help the City meet pavement maintenance thresholds set by the Metropolitan Transportation Commission, which allow continued eligibility for transportation funds from county and regional sources.

Background

On January 24, 2017, the City Council adopted Resolution No. 6366 authorizing staff to apply for federal funds on the project under the One Bay Area Grant (OBAG.) The OBAG is a regional transportation funding program, administered by the Metropolitan Transportation Commission (MTC,) supporting projects such as roadway maintenance, streetscape enhancements and safe routes to school. Santa Cruz and Middle Avenues were chosen due to their proximity to priority development areas, need for repaving, and role in providing access to local schools such as Hillview Middle School and Oak Knoll Elementary School.

On February 12, 2019, staff issued an informational item to City Council providing an update on coordination efforts and planned next steps. On April 10, 2019, staff recommended removal of on-street parking on both sides of Santa Cruz Avenue (from Olive Street to Avey Avenue) and one side of Middle Avenue (from Olive Street to San Mateo Drive) to the Complete Streets Commission. These recommendations were in preparation for future bike lane improvements associated with the project. The Complete Streets Commission recommended removal of on-street parking on both sides for both Santa Cruz and Middle Avenues.

On May 21, 2019, the City Council adopted Resolution No. 6504 authorizing removal of on-street parking on Santa Cruz Avenue between Olive Street and Avey Avenue. At the same meeting, the City Council approved the Complete Streets Commission's work plan for the Middle Avenue and Olive Street complete street improvements project summary, but omitted the preferred design and proposed timeline. City Council also directed staff to conduct additional public outreach before considering the installation of bike lanes or selecting a preferred alternative. Subsequent to the City Council meeting, residents on Middle Avenue

between Olive Street and San Mateo Drive submitted a petition, requesting parking only be removed during school hours. Staff met with the petitioners to discuss their petition and next steps in February 2020. Staff plans to continue to work with the petitioners to refine the proposed striping plan to improve safety and reduce traffic speeds on the corridor, as requested. However, this work has been delayed by the stay at home order from the San Mateo County Health Officer due to the current response to COVID-19. Staff will continue to advance the project as the public health order and staff resources allow. The current project would restripe Middle Avenue in its current configuration unless the City Council takes action to approve another configuration before construction occurring later this summer.

On January 22, the City received authorization to proceed with the project, allocating the \$647,000 in construction funding from OBAG (federal project STPL 5273 (026).) The project's plans and specifications were advertised for construction bidding February 6.

Analysis

The project spans Santa Cruz Avenue (from Olive Street to Avy Avenue) and Middle Avenue (from Olive Street to San Mateo Drive). The scope of work generally includes:

- 3-inch asphalt grind and overlay at roadway limits
- Installation and repair of curb, gutter, sidewalk, driveways, along Santa Cruz Avenue
- Handicap ramps along Santa Cruz and Middle Avenues
- New rectangular rapid flashing beacon at Santa Cruz Avenue and Lemon Street/N. Lemon Avenue
- Installation of storm drains and adjusting utilities to finished grade
- Installation of signing and striping

Quiet pavement study

On June 4, 2019, as part of the City Council's action to award a construction contract for the 2019 street resurfacing project, City Councilmember Nash requested staff to include a bid alternate for "quiet pavement" on future paving projects (Attachment A.)

In response, staff performed a cost-benefit study comparing two types of pavement that can reduce roadway noise - open graded friction course and rubberized asphalt - to the standard hot mix asphalt (Attachment B.) In summary, open graded friction course asphalt is only recommended when no vertical curb and gutter is provided. Given both Santa Cruz and Middle Avenues have existing or proposed vertical curb that would be installed with this project, open graded friction course asphalt is not recommended. Rubberized asphalt has both advantages and disadvantages in local street applications, as detailed in Attachment B. In summary, rubberized asphalt has not been shown to reduce traffic noise in applications where speeds are less than 40 miles per hour, though it does have noise reduction benefits on higher speed streets and highways. Staff met with City Councilmember Nash to review the findings of this analysis in February 2020.

Following this meeting, staff conducted further research into rubberized asphalt to determine its applicability and cost effectiveness for this project. Although rubberized asphalt can be constructed in 2-inch lifts, studies and paving consultants recommend a 4-inch section to ensure proper compaction, as sections of lesser depth are at higher risk pavement failure. Hot mix asphalt is installed in 3-inch lifts. Given a 4-inch section of rubberized asphalt requires more material and at a higher unit cost, a higher cost installation results (\$223,710 additional construction cost for rubberized asphalt; an approximate 12 percent premium, as shown in Table 2 below.) Ultimately, staff recommends hot mix asphalt for use in this project, based on factors such as cost, future maintenance, constructability, and the limited noise reduction benefit from quiet pavements with residential speeds. Attachment B provides a more detailed assessment of these findings.

Bidding phase

On March 10, the City opened bids with the results shown per Table 1.

Table 1: Bid results	
Bidder	Bid price
Engineer's estimate	\$2,307,600
Interstate Grading & Paving, Inc.	\$1,913,510
Tiechert Construction	\$1,979,615
Granite Construction	\$2,013,445
O'Grady Paving, Inc.	\$2,267,078
J.J.R. Construction, Inc.	\$2,349,548
California Highway Construction Group, Inc.	\$2,384,288

Of the 6 bids received, Interstate Grading & Paving, Inc. offered the lowest price at \$1,913,510. Staff found the lowest bidder to be well experienced with similar projects. Additionally, staff determined the low bidder to be both responsive and responsible per the project contract and public contracting code. Once confirmed, staff requested an estimate for rubberized asphalt from the lowest bidder per the quiet pavement study to verify pricing of this alternative (see Table 2 below.)

Coordination with other utilities

Staff coordinated with California Water Service (CalWater) to ensure emergency water main upgrades overlapping the project limits are completed before road work. CalWater is currently installing water facilities along Santa Cruz Avenue as of the publication of this staff report. The City is simultaneously reviewing CalWater's permit application along Middle Avenue which is pending construction this summer. Overlaps between these construction schedules, if any, are being coordinated to maintain public safety and access.

Staff also coordinated with West Bay Sanitary District (WBSD) to confirm sewer lateral upgrades along Santa Cruz Avenue before road work. WBSD video inspected laterals within the project limits and verified eight locations for potential repair. Staff notified impacted Owners to confer with WBSD for next steps in the permitting process. Consequently, the City is anticipating a permit application from WBSD as of this Staff Report. Overlaps between these construction schedules, if any, will be coordinated to maintain public safety and access.

Impact on City Resources

This project is included in the 2019-20 capital improvement program and has \$2,200,000 in total funding (including \$647,000 from OBAG to be reimbursed upon project completion.) The construction budget varies with selection of asphalt material per Table 2. For example, hot asphalt mix (\$2,604,861) has a lower cost, and resulting appropriation request, than rubberized asphalt (\$2,850,942.) Both estimates include a 10 percent construction contingency and \$500,000 construction administration fee.

Staff recommends the project proceed with hot mix asphalt as described in the analysis section of this report. Consequently, an appropriation of \$410,000 is requested to meet the project budget. This appropriation would cover the construction contract, construction administration, asphalt research and grant

documentation. The project will be reimbursed \$647,000 from OBAG after construction which would offset the appropriation request. In addition, any surplus from the project’s contingency and construction administration fees will be reimbursed to the construction street impact fee fund upon project completion.

Table 2: Construction Budget		
Item	3-inch hot mix asphalt (recommended)	4-inch rubberized asphalt
Construction subtotal	\$1,913,510	\$2,137,220
Contingency (10%)	\$191,351	\$213,722
Construction administration	\$500,000	\$500,000
Project budget	\$2,604,861	\$2,850,942
Total funds	(\$2,200,000)	(\$2,200,000)
(including \$647,000 OBAG refund)	\$410,000	\$651,000

Environmental Review

This project is categorically exempt pursuant to California Environmental Quality Act (CEQA) Guidelines §§ 15301(c) and 15301(d) 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. June 4, 2019, City Council meeting minutes: menlopark.org/AgendaCenter/ViewFile/Minutes/_06042019-3287
- B. Quiet asphalt alternatives analysis

Report prepared by:
Michael Fu, Senior Civil Engineer

Report reviewed by:
Christopher T. Lamm, Assistant Public Works Director



MEMORANDUM

Date: 3/25/2020
To: Christopher T. Lamm, Assistant Director of Public Works
From: Michael Fu, Senior Civil Engineer
Re: Quiet Asphalt Paving Alternatives

INTRODUCTION

The Santa Cruz and Middle Avenue Rehabilitation Project spans Santa Cruz Avenue (from Olive Street to Avy Avenue) and Middle Avenue (from Olive Street to San Mateo Drive). The project is partially funded through the One Bay Area Grant (OBAG) and the original scope of work included a three-inch overlay with hot mix asphalt. Staff was asked by Councilmember Nash on June 4, 2019 to include a bid alternate for “quiet pavement” on future paving projects. In response to that request, staff performed an analysis of alternatives for quiet pavement in comparison to the standard hot mix asphalt typically specified on City projects. Two types of quiet pavement are included in this analysis as defined below.

Quiet Pavement #1
Open Graded Friction Course: An asphalt mix with air voids for permeability and sound attenuation.

Quiet Pavement #2:
Rubberized Asphalt: An asphalt mix made by blending scraps from recycled tires with added benefit of some noise reduction

Basis for Comparison
Hot Mix Asphalt (HMA): Standard mix used on most local roads and street projects

This document summarizes the study and concludes with a paving recommendation for the project.

ANALYSIS

Staff performed a cost-benefit study for open graded and rubberized asphalt against hot mix asphalt. This analysis weighs the advantages and limitations of each alternative as detailed below.

ADVANTAGES VERSUS HOT MIX ASPHALT:

Open Graded Friction Course (Permeable Asphalt)

- Mitigates traffic noise by transmitting sound waves through air voids.
- Allows rainwater to permeate, trapping pollutants to yield higher quality runoff.
- Reduces tire splashing in wet conditions thus increasing roadway visibility.
- Increases tire friction which may reduce skidding.

Rubberized Asphalt

- Rubberized material mitigates traffic noise.
- Environmentally friendly by reusing scrapped tires from landfills thus reducing waste.
- Less prone to discoloration and skidding which improves visibility and control.
- Maintenance frequency (14-18 years) is typically lower than hot asphalt mix (12-15 years).

LIMITATIONS VERSUS HOT MIX ASPHALT

Open Graded Friction Course

- Material costs are typically 20%-40% higher than conventional asphalt.
- Higher maintenance frequency than hot mix asphalt (7-10 versus 12-15 years respectively). Voids are more prone to clogging in residential, urban corridors due to static loads from frequent stopping.
- Clogging is typical and repairs are difficult as the mix is hard to procure in small quantities.
- Noise reduction is most effective in high speed corridors exceeding 45 miles per hour. Studies conclude that this option is best suited for highways not urban or residential areas. Benefits are negligible for speeds below this rate.
- Connecting to gutters is not recommended as air voids will create sub-surface ponding.
 - Alternatively, a subsurface edge drainage system would need to be designed and installed to convey water

Rubberized Asphalt

- Noise reduction is most effective in high speed corridors exceeding 45 miles per hour.¹
- Material costs are typically 10%-20% higher than hot mix asphalt.¹
- Future patching / maintenance is difficult as the mix is costly to procure in smaller quantities. This is unattractive to contractors where future repairs or trench backfills are required. Hot asphalt mix is often used in lieu of rubberized asphalt for these areas, which reduces the long-term benefit of any noise reduction.
- Benefits vary with quality of installation, requiring experienced contractors and inspectors.
 - Past installation on Sand Hill Road proved troublesome and the City received credit for asphalt compaction not being achieved.
 - Expected to result in fewer qualified bidders on the project since installation requires a more experienced contractor. This results in higher costs for all bid items even if only included as a bid alternate since fewer bids would be received.⁴
- Higher construction standards than hot mix asphalt:
 - Requires a higher temperature range than HMA. Consequently, rubberized asphalt must be placed with minimal delays or the material may be void. Additional inspection measures for both material and construction are required to observe this standard.⁴
 - Requires higher compaction standards at shorter timeframes than HMA. Studies note that compaction is difficult in sections less than 2-inches, thus, a 4-inch section is recommended (versus 3-inch HMA).⁴
 - Requires mixing to be close to the job site. Must be constructed in continuous days or plant re-mobilization fees, at \$4,800 per day, apply where circumstances dictate (bad weather, traffic conditions, etc.).⁴

CONCLUSION

Staff recommends hot mix asphalt for the project. This conclusion is based on the additional cost of rubberized asphalt, site suitability, future maintenance, and the lack of noise attenuation anticipated based on speed limit.

Open Graded Friction Course is not recommended due to:

- An estimated \$76,000 to \$152,000 cost increase to HMA.
- Noise reduction is not anticipated. Santa Cruz and Middle Avenues have posted speed limits of 30 miles per hour, and the research shows noise reduction benefits for speeds over 45 miles per hour.
- Site drainage is not appropriate for water conveyed via gutters, as exist on Santa Cruz and Middle Avenues.
- Increases in the frequency and cost of maintenance which may impact long term effectiveness of overall paving program.

Rubberized Asphalt is not recommended due to:

- Noise reduction is not anticipated as Santa Cruz and Middle Avenues have posted speed limits of 30 miles per hour.
- An estimated \$224,000 cost increase compared to HMA per the staff report.
- Temperature and material related construction restrictions and inspections could (but should not) add delays. Any delays would also be subject to plant re-mobilization fees (\$4,800 per day).
- Difficulty of future maintenance as the mix is hard to procure, and costly, in small quantities.
- A 4" depth is recommended to ensure proper compaction and structural integrity, which results in a larger quantity of material and higher cost.
- Most practical and cost effective for projects exceeding 5,000 tons of asphalt since the mix is typically furnished in larger quantities. By comparison this project is estimated at 3,330 tons.
- Studies reveal that rubberized asphalt releases strong odors during construction. This may concern residents, schools, businesses, and other stakeholders during construction.⁴

REFERENCES

1. Watson D., Gu F., & Moore J. (2018). Evaluation of the Benefits of Open-Graded Friction Course (OGFC) on NDOT Category-3 Roadways. <https://www.nevadadot.com/home/showdocument?id=14253>
2. Kane A. (1990). Federal Highway Administration: Technical Advisory T 5040.31 Open Graded Friction Courses. <https://www.fhwa.dot.gov/pavement/t504031.cfm>
3. Rubberized Asphalt Concrete (RAC) (2020). <https://calrecycle.ca.gov/tires/rac/benefits>

4. State of California Department of Transportation (2006). Rubberized Asphalt Usage Guide. <https://www.ra-foundation.org/wp-content/uploads/2012/06/Asphalt-Rubber-Usage-Guide.pdf>

DIRECTOR OF EMERGENCY SERVICES/CITY MANAGER EMERGENCY ORDER NO.1

WHEREAS, the Centers for Disease Control and Prevention has stated that based on current information a novel coronavirus named “COVID-19” is a serious public health threat;

WHEREAS, a complete clinical picture of this respiratory disease is not yet fully understood;

WHEREAS, on March 3, 2020, and pursuant to Section 101080 of the California Health and Safety Code, the San Mateo County Health Officer (the “Health Officer”) declared a local health emergency throughout San Mateo County related to the novel coronavirus (“COVID-19”);

WHEREAS, on March 10, 2020, the San Mateo County Board of Supervisors ratified and extended this declaration of local health emergency;

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency to help the state prepare for the spread of COVID-19;

WHEREAS, the San Mateo County Health Officer issued a statement on March 10, 2020, that evidence exists of widespread community transmissions of COVID-19 in San Mateo County;

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 constituted a world pandemic;

WHEREAS, on March 11, 2020, the City Council of the City of Menlo Park declared a local emergency based on the current COVID-19 world pandemic;

WHEREAS, on March 14, 2020, the Health Officer prohibited all public or private gatherings of 50 or more people and urged the cancelation of all gatherings of 10 or more people in a single confined space;

WHEREAS, on March 16, 2020, the Health Officer issued an order that, among other things, directs all individuals currently living within San Mateo County to shelter in their place of residence (“Shelter-in-Place Order”), and authorizes individuals to leave their residences only for certain “Essential Activities,” Essential Governmental Functions,” or to operate “Essential Businesses,” all as defined in the Shelter-in Place;

WHEREAS, on March 19, 2020, Governor Newsom issued Executive Order No. N-33-20 ordering all individuals in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors; and

WHEREAS, the Governor empowered local cities to take actions to preserve and protect the health and safety of their communities in light of their own circumstances;

WHEREAS, building construction requires regular inspection services to ensure that completed work complies with both issued permits and applicable building standards and waiving such inspections increases the risk of defective and unsafe construction;

WHEREAS, the City has extremely limited construction inspection services and protective gear to prevent inspectors from contaminated job sites and the Federal and State governments have requested that such protective gear be preserve for essential health workers;

WHEREAS, the Council desires to do what it can to help slow the spread of COVID-19, reduce the load on local hospitals and emergency rooms, prevent unnecessary deaths and preserve construction inspection services and the related administrative resources for the most critical projects;

WHEREAS, the Council also recognizes that housing is indeed a priority for our community and the region, but the immediacy of curbing the current health emergency must take precedence to prevent further spread of the virus;

WHEREAS, the Council desires to resume housing construction at the earliest opportunity; and

WHEREAS, during the existence of this local emergency, pursuant to Municipal Code Chapter 2.44, the City Manager as Director of Emergency Services is empowered to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency.

NOW, THEREFORE, the City Manager does hereby make the following order:

1. Effective immediately and until this order is terminated by the City Manager, all construction activity in the City of Menlo Park shall be temporarily suspended.
2. The City Manager will regularly review the need for this order to be in place and may elect to modify it should local circumstances or applicable law change.
3. Upon approval of the City Manager, construction activity in the government facilities and water and wastewater systems sector may be performed provided adequate social distancing mitigation measures can be achieved during both construction and inspection work.
4. The City Manager or designee may authorize limited exceptions to Section 1 of this order to protect life, health or safety provided they are consistent with Executive Order No. N-33-20 and/or subsequent applicable State or County orders.

Dated: 3/23/2020

DocuSigned by:
Starla Jerome Robinson
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City Manager

**CITY OF MENLO PARK DIRECTOR OF EMERGENCY SERVICES/CITY MANAGER
EMERGENCY ORDER NO. 2**

WHEREAS, the Centers for Disease Control and Prevention has stated that based on current information a novel coronavirus named “COVID-19” is a serious public health threat;

WHEREAS, a complete clinical picture of this respiratory disease is not yet fully understood, though it is highly contagious;

WHEREAS, on March 3, 2020, and pursuant to Section 101080 of the California Health and Safety Code, the San Mateo County Health Officer (“Health Officer”) declared a local health emergency throughout San Mateo County related to COVID-19;

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency to help the state prepare for the spread of COVID-19;

WHEREAS, the Health Officer issued a statement on March 10, 2020, that evidence exists of widespread community transmissions of COVID-19 in San Mateo County; WHEREAS, on March 10, 2020, the San Mateo County Board of Supervisors ratified and extended the declaration of a local health emergency;

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 constituted a world pandemic;

WHEREAS, on March 11, 2020, the City Council of the City of Menlo Park declared a local emergency based on the current COVID-19 world pandemic and empowered the Director of Emergency Services to take all necessary actions;

WHEREAS, on March 14, 2020, the Health Officer prohibited all public or private gatherings of 50 or more people and urged the cancelation of all gatherings of 10 or more people in a single confined space;

WHEREAS, on March 16, 2020, the Health Officer issued an order that, among other things, directs all individuals currently living within San Mateo County to shelter in their place of residence (“Shelter-in-Place Order”), and authorizes individuals to leave their residences only for certain “Essential Activities”, “Essential Governmental Functions,” or to operate “Essential Businesses,” all as defined in the Shelter-in Place Order;

WHEREAS, Government Code Section 8634 empowers the Director of Emergency Services to promulgate orders and regulations necessary to provide for the protection of life and property;

WHEREAS, during the existence of this local emergency, pursuant to Municipal Code Chapter 2.44, the City Manager as Director of Emergency Services is empowered to

make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency.

WHEREAS, on March 19, 2020, Governor Newsom issued Executive Order No. N-33-20 ordering all individuals in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors;

WHEREAS, the Governor empowered local cities to take actions to preserve and protect the health and safety of their communities in light of their own circumstances;

WHEREAS, the City Council desires to do what it can to help slow the spread of COVID-19, reduce the load on local hospitals and emergency rooms, prevent unnecessary deaths, and preserve limited resources in order to allocate them to the most critical projects; and

NOW, THEREFORE, the City Manager as the Director of Emergency Services does hereby make the following order:

1. Public Facilities Closures. For the duration of the local emergency, the following public facilities shall be closed to the public: City Hall; Arrillaga Family Recreation Center; Arrillaga Family Gymnasium; Arrillaga Family Gymnastics Center; Burgess Pool; Belle Haven Pool; Onetta Harris Community Center; Menlo Park Senior Center; Menlo Park Main Library and Belle Haven Branch Library; all public restrooms and playgrounds located in all public parks; Burgess Park skate park; all public tennis courts, and all public basketball courts.

2. Effective date. This order shall be effective immediately and shall terminate upon the earlier of (1) Director of Emergency Services order or (2) cessation of local emergency.

3. Enforcement. This order shall be enforceable as a misdemeanor as provided in Menlo Park Municipal Code Section 2.44.110.

Dated: 3/27/2020

DocuSigned by:

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 Director of Emergency Services

Approved as to form:

DocuSigned by:

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 Interim City Attorney

**CITY OF MENLO PARK DIRECTOR OF EMERGENCY SERVICES/CITY MANAGER
EMERGENCY ORDER NO. 3**

WHEREAS, the Centers for Disease Control and Prevention has stated that based on current information a novel coronavirus named “COVID-19” is a serious public health threat;

WHEREAS, a complete clinical picture of this respiratory disease is not yet fully understood, though it is highly contagious;

WHEREAS, on March 3, 2020, and pursuant to Section 101080 of the California Health and Safety Code, the San Mateo County Health Officer (“Health Officer”) declared a local health emergency throughout San Mateo County related to COVID-19;

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency to help the state prepare for the spread of COVID-19;

WHEREAS, the Health Officer issued a statement on March 10, 2020, that evidence exists of widespread community transmissions of COVID-19 in San Mateo County;
WHEREAS, on March 10, 2020, the San Mateo County Board of Supervisors ratified and extended the declaration of a local health emergency;

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 constituted a world pandemic;

WHEREAS, on March 11, 2020, the City Council of the City of Menlo Park declared a local emergency based on the current COVID-19 world pandemic and empowered the Director of Emergency Services to take all necessary actions;

WHEREAS, on March 14, 2020, the Health Officer prohibited all public or private gatherings of 50 or more people and urged the cancelation of all gatherings of 10 or more people in a single confined space;

WHEREAS, on March 16, 2020, the Health Officer issued an order that, among other things, directs all individuals currently living within San Mateo County to shelter in their place of residence (“Shelter-in-Place Order”), and authorizes individuals to leave their residences only for certain “Essential Activities”, “Essential Governmental Functions,” or to operate “Essential Businesses,” all as defined in the Shelter-in Place Order;

WHEREAS, Government Code Section 8634 empowers the Director of Emergency Services to promulgate orders and regulations necessary to provide for the protection of life and property;

WHEREAS, during the existence of this local emergency, pursuant to Municipal Code Chapter 2.44, the City Manager as Director of Emergency Services is empowered to

make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency.

WHEREAS, on March 19, 2020, Governor Newsom issued Executive Order No. N-33-20 ordering all individuals in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors;

WHEREAS, on March 31, the County Health Officer extended the Shelter in Place order to May 3 and issued additional restrictions regarding construction activity, recreational activity and other essential services;

WHEREAS, the Governor empowered local cities to take actions to preserve and protect the health and safety of their communities in light of their own circumstances;

WHEREAS, the City Council desires to do what it can to help slow the spread of COVID-19, reduce the load on local hospitals and emergency rooms, prevent unnecessary deaths, and preserve limited resources in order to allocate them to the most critical projects; and

NOW, THEREFORE, the City Manager as the Director of Emergency Services does hereby make the following order:

1. Public Facilities Closures. During the pendency of the local emergency, the following additional public facilities shall be closed to the public: Bedwell Bayfront Park (including trails, parking lot and other areas).
2. Effective date. This order shall be effective immediately and shall terminate upon the earlier of (1) Director of Emergency Services order or (2) cessation of local emergency.
3. Enforcement. This order shall be enforceable as a misdemeanor as provided in Menlo Park Municipal Code Section 2.44.110.

Dated: 4/17/2020

DocuSigned by:
Starla Jerome Robinson
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 Director of Emergency Services

Approved as to form:

DocuSigned by:
Cara E. Silver
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 Interim City Attorney



STAFF REPORT

City Council

Meeting Date:

4/21/2020

Staff Report Number:

20-080-CC

Informational Item:

Annual review of Taser program for the period beginning April 1, 2019, and ending April 1, 2020,

Recommendation

This is an informational item and no action is required.

Policy Issues

This informational report is being presented to comply with City Council direction requesting an annual assessment of the police department's Taser program.

Background

On October 7, 2014, staff presented the one-year results of the police department Taser assessment. Following that review, Council approved the purchase and deployment of the Taser device department-wide and to continue a quarterly assessment of the Taser program. The quarterly assessment was later changed to a biannual report.

On April 17, 2018, City Council approved moving the Taser reviews from biannually to annually.

Analysis

All of the department's officers, detectives and sergeants have been issued a Taser device and received training. Additionally, a large number of sworn personnel have attended the San Mateo County Crisis Intervention Training (CIT.) The 40-hour course's curriculum was formulated by a partnership between the National Alliance on Mental Illness San Mateo County, the Sheriff's Office and Behavioral Health Recovery Services.

Between April 1, 2019, through April 1, 2020, the department had six Taser deployments. Five of these events involved a subject who was actively physically resisting a police officer's attempt to lawfully take them into custody for a criminal offense. One Taser deployment was initiated while assisting officers of the East Palo Alto police department with a suicidal subject who had armed himself with a wrought iron spike. In every successful deployment, the Taser device was instrumental in helping resolve an active incident while reducing the risk of critical injury to both the officers and involved subjects.

During the same time period, a Taser was utilized on 10 occasions in a "display only" manner. In all of these situations, officers displayed their Taser device in an effort to control suspects who were disobeying lawful orders and actively resisting or threatening officers. The suspects immediately complied when confronted by the Taser device.

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

None.

Report prepared by:
William A. Dixon, Police Commander



STAFF REPORT

City Council Meeting Date: 4/21/2020
Staff Report Number: 20-087-CC

Informational Item: Annual review of data captured by Automated License Plate Readers for the period beginning April 1, 2019, through April 1, 2020

Recommendation

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

Policy Issues

This report is presented pursuant to Menlo Park Municipal Code Chapter 2.56 Public Safety Information, section 2.56.050 which requires ALPR information be reported to the City Council.

Background

On September 24, 2013, the City Council approved the purchase and installation of mobile Automated License Plate Readers (ALPRs) mounted on three police vehicles.

On May 13, 2014, City Council approved Ordinance 1007 regarding the use of automated license plate readers. It states in part:

Northern California Regional Information Center (NCRIC) will give a quarterly report to the Police Department which shall indicate the number of license plates captured by the ALPR in the City of Menlo Park, how many of those license plates were "hits" (on an active wanted list), the number of inquiries made by Menlo Park personnel along with the justifications for those inquiries, and information on any data retained beyond six months and the reasons for such retention.

Ordinance 1007 was codified and enumerated in Menlo Park Municipal code Chapter 2.56 et al, Public Safety Information.

On April 17, 2018, City Council approved moving the ALPR reviews from biannually to annually.

Analysis

Menlo Park's data retention agreement with NCRIC provides only six months of retrievable data. From April 2019 through April 2020, the Menlo Park Police ALPR system captured 784,861 license plates. The data captured resulted in 376 "hits" that a captured license plate was currently on an active wanted list. The vast majority of the hits were subsequently deemed to be a "false read" after further review by the ALPR operator. A "false read" is when a photograph of the license plate and the computer's interpretation of the number / letter combination from the photo do not match. For example, a photograph of a license plate with the number "8" could be digitally interpreted as a "B."

From April 2019 through 2020, the ALPR system was responsible for the recovery of four stolen vehicles. Also during this period, Menlo Park police personnel made 103 inquiries into the database during the investigation of crimes occurring within the City of Menlo Park or its surrounding communities.

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. Menlo Park Municipal Code Chapter 2.56 Public Safety Information

Report prepared by:
William A. Dixon, Police Commander

Approved by:
Dave Bertini, Police Chief

**Chapter 2.56
PUBLIC SAFETY INFORMATION**

Sections:

[2.56.010 Purpose.](#)

[2.56.020 Definitions.](#)

[2.56.030 Automated license plate reader data use.](#)

[2.56.040 Prohibited use of automated license plate reader and data.](#)

[2.56.050 Automated license plate reader auditing and reporting.](#)

[2.56.060 Public safety camera system data use.](#)

[2.56.070 Prohibited use of public safety camera system and data.](#)

[2.56.080 Public safety camera system auditing and reporting.](#)

[2.56.090 Adoption of department policies.](#)

2.56.010 Purpose.

The purpose of this chapter is to provide for the proper use of data and recordings gathered by the city through the use of automated license readers and the public safety camera system. (Ord. 1007 § 2 (part), 2014).

2.56.020 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings ascribed to them in this section:

- (1) "Automated license plate reader" or "ALPR" means technology, also known as license plate recognition, which provides automated detection of license plates.
- (2) "Data" means information gathered by the automated license plate reader in the form of license plates and metadata (location and time license plate was viewed).
- (3) "Public safety camera system" means cameras that record images only and not sound and that are placed in strategic fixed locations within the city at the direction of the chief of police and with the approval of the city council for the purpose of detecting and deterring crime, to help emergency services personnel maintain public order, to help manage emergency response situations during natural and manmade disasters, to monitor pedestrian and vehicle traffic activity, to assist in the preparation of traffic reports, and to assist city officials in prosecuting and/or defending civil or administrative actions.

(4) "Recordings" means the recorded images, without sound, recorded by the public safety camera system. (Ord. 1007 § 2 (part), 2014).

2.56.030 Automated license plate reader data use.

(a) Data will be securely transmitted to the Northern California Regional Intelligence Center ("NCRIC") as part of a multi-jurisdictional public safety program created to assist local, state, federal and tribal public safety agencies and critical infrastructure locations with the collection, analysis, and dissemination of criminal threat information, provided NCRIC has executed an agreement with the city agreeing to comply with the retention/destruction provisions set forth in this section.

(b) Data transmitted to NCRIC from the police department shall be kept no more than six (6) months, and then destroyed, unless retention of specific identified license plate data is necessary for an active criminal case or pursuant to a valid court order.

(c) Data may only be accessed by law enforcement personnel who are approved to access the data and who have undergone required NCRIC training for legitimate law enforcement purposes only, such as when the data relates to a specific criminal investigation or department-related civil or administrative action.

(d) Data may be accessed by other NCRIC agencies that have executed a memorandum of understanding with NCRIC, but only for legitimate law enforcement purposes and by authorized/trained personnel and only in compliance with all policies, procedures and reporting requirements of NCRIC.

(e) Data may be released to other non-NCRIC authorized and verified law enforcement officials and agencies for legitimate law enforcement purposes, with approval of the chief of police or police commander, provided any such official and/or agency has executed an agreement with the city agreeing to comply with the terms and provisions of Sections [2.56.030](#) and [2.56.040](#).

(f) All data and images gathered are for official use of the police department and because such data may contain confidential California Law Enforcement Telecommunications Systems ("CLETS") information, it is not open to public view or inspection. (Ord. 1007 § 2 (part), 2014).

2.56.040 Prohibited use of automated license plate reader and data.

(a) ALPR shall not be used to invade the privacy of individuals, to look into private areas or areas where the reasonable expectation of privacy exists, nor shall they be used to harass, intimidate or discriminate against any individual or group, nor for any purpose not specifically authorized by this chapter.

(b) Unauthorized access, possession or release of data is a violation of police department policy and various federal and state criminal statutes. Any employee, who accesses, possesses or releases data, from the ALPR database without authorization or in violation of this chapter and such additional policies established by the

police department, may face department discipline up to and including termination, criminal prosecution and/or civil liability. (Ord. 1007 § 2 (part), 2014).

2.56.050 Automated license plate reader auditing and reporting.

(a) NCRIC will give a quarterly report to the police department which shall indicate the number of license plates captured by the ALPR in the city of Menlo Park, how many of those license plates were "hits" (on an active wanted list), the number of inquiries made by Menlo Park personnel along with the justifications for those inquiries, and information on any data retained beyond six (6) months and the reasons for such retention in compliance with Section [2.56.030\(b\)](#).

(b) Following receipt of the NCRIC report described in subsection (a) of this section, the police department shall provide an information report to the city council.

(c) ALPR system audits will be randomly conducted by the California Department of Justice and in conjunction with yearly CLETS audits. (Ord. 1007 § 2 (part), 2014).

2.56.060 Public safety camera system data use.

(a) Public safety camera recordings may only be used for the purpose of criminal investigations, detecting and deterring crime, to help emergency services personnel maintain public order, to help manage emergency response situations during natural and manmade disasters, to monitor pedestrian and vehicle traffic activity, to assist in the preparation of traffic accident reports, and to assist city officials in prosecuting and/or defending civil or administrative actions.

(b) Recordings will be made in a professional, ethical and legal manner.

(c) All recordings will be stored by the police department in a secure area with access restricted to authorized persons, and shall not be accessible by third parties without express permission.

(d) Recordings not otherwise needed for reasons in subsection (a) of this section shall be retained for a period of up to ninety (90) days and then erased or recorded over as limited by the storage capacity of the cameras.

(e) Any recordings needed as evidence in a criminal or civil case proceeding or for another reason specified in subsection (a) of this section shall be collected and booked in accordance with current police department evidence procedures.

(f) Recordings may only be released to other authorized and verified law enforcement officials and agencies for legitimate law enforcement purposes as specified in subsection (a) of this section with approval of the chief of police or police commander, provided such official or agency executes an agreement with the city agreeing to comply with the terms and provisions of Sections [2.56.060](#) and [2.56.070](#), or with a valid court order.

(g) Except as required by a valid court order or other lawful process, recordings do not constitute public

records and will not be disclosed to the public.

(h) Facial recognition and cognitive security software may only be used to review recordings from the public safety camera system with the approval of the chief of police or police commander in specific criminal investigations or specific threats to public safety. (Ord. 1007 § 2 (part), 2014).

2.56.070 Prohibited use of public safety camera system and data.

The public safety camera system will not be used to invade the privacy of individuals, to look into private areas or areas where the reasonable expectation of privacy exists. The public safety camera system shall not be used to harass, intimidate or discriminate against any individual or group, nor for any purpose not authorized by this chapter. (Ord. 1007 § 2 (part), 2014).

2.56.080 Public safety camera system auditing and reporting.

The chief of police or his/her designee will conduct an annual review of the public safety camera system, its use, effectiveness and adherence to policy, including frequency and purpose for use of facial recognition or cognitive security software and frequency and purpose for retention of recordings beyond ninety (90) days, and will provide an annual information report to the city council regarding such review. (Ord. 1007 § 2 (part), 2014).

2.56.090 Adoption of department policies.

The police department is directed to adopt policies to be included in its policy manual consistent with the provisions of this chapter, which policies may be more restrictive, but not less restrictive, than the policies set forth in this chapter. (Ord. 1007 § 2 (part), 2014).



STAFF REPORT

City Council

Meeting Date: 4/21/2020

Staff Report Number: 20-068-CC

Informational Item: City Council agenda topics: May 2020 to June 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 June 23. 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: May 2020 to June 2020

Report prepared by:
Judi A. Herren, City Clerk

Tentative City Council Agenda

#	Title	Department	Item type
1	Fiscal year 2020-21 budget and capital improvement plan, resolutions	ASD	Regular
2	Investment portfolio review as of March 31, 2020, receive and file	ASD	Consent
3	Proposed fiscal year 2020-21 budget and capital improvement plan	ASD	Public Hearing
4	Quarterly financial review of general fund operations as of March 31, 2020, receive and file	ASD	Consent
5	Newsrack regulations ordinance, first reading	CDD	Regular
6	Newsrack regulations ordinance, second reading and adoption	CDD	Consent
7	Arbor Day proclamation	CMO	Proclamation
8	Community electronic vehicle infrastructure policy and program analysis	CMO	Study Session
9	Records retention schuelde adoption, resolution	CMO	Consent
10	Review and approve records retention schedule update, resolution (possible establish City Council sub-committee)	CMO	Regular
11	Solid waste ordinance update, second reading and adoption	CMO	Consent
12	Solid waste ordinance, introduction and first reading	CMO	Regular
13	Adopt Reso abandoning of a portion of Terminal Avenue	PW	Regular
14	Five-year water rates for Menlo Park Municipal Water, resolution adoption	PW	Public Hearing
15	Purchase and sale agreement for 700-800 El Camino Real	PW	Consent
16	Willows neighborhood turn restrictions, resolution adoption	PW	Regular



STAFF REPORT

City Council

Meeting Date: 4/21/2020
Staff Report Number: 20-082-CC

Informational Item: Employee engagement survey results

Recommendation

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

Policy Issues

The City conducts an employee survey once every other year to assess the employee engagement.

Background

In 2017, the City contracted with the CPS HR's Institute for Public Sector Employee Engagement to conduct an employee survey. The City retained the firm in 2019 to conduct the survey again to provide comparative data.

Analysis

Overall, employee engagement has improved considerably over the time frame.

Attachment A provides question-by-question results, citywide, with "gap" indicating the percentage point change in positives compared to 2017. On this report, the survey found the greatest increases in the following questions:

1. I feel that change is managed well in the City. While the largest increase compared to 2017, it should be noted that additional investment is necessary for this area, with only 45.9 percent of those surveyed responding positively to the question.
2. I would recommend my organization as a good place to work
3. My organization motivates me to help achieve its objectives

Of the 62 questions, only two questions experienced a decrease in the number of positive responses, although, on both questions, positive responses exceed 2/3rds of survey respondents:

1. Training and development activities I have completed in the past 12 months have helped to improve my performance
2. My department keeps me informed about matters that affect me

Attachment B provides question-by-question results, citywide, with "gap" indicating the percentage point gap between the City's survey responses in 2019 and CPS-HR's local government benchmark. This comparison may be helpful to understand how Menlo Park compares to other local governments surveyed by CPS HR.

Attachment C summarizes the level of engagement overall and by various populations for the 2019 survey. Over the two years, the number of "fully engaged" employees increased from 29 percent in 2017 to 38

percent in 2019. Attachment D provides similar information from the 2017 survey.

Attachment E outlines the CPS HR Consulting's Action Plan recommendations to address areas in need of improvement.

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. 2019 survey results compared to 2017
- B. 2019 survey results compared to local government benchmark
- C. 2019 level of engagement
- D. 2017 level of engagement
- E. 2019 action plan

Report prepared by:
Nick Pegueros, Assistant City Manager

Survey Report: City of Menlo Park 2019 Employee Engagement Survey - Overall

Responses: 225

Benchmark: City of Menlo Park Overall - 2017

Question	Negative	Neutral	Positive	Mean	Weight	Gap
I like the kind of work I do	4%	3.1%	92.9%	4.45	17	0
My job makes good use of my skills and abilities	5.8%	7.1%	87.1%	4.25	16	3
I have a choice in deciding how I do my work	8%	12.4%	79.6%	3.96	6	4
I have opportunities to provide input on decisions that affect my work	10.3%	11.2%	78.6%	3.95	46	4
I know what is expected of me on the job	4.4%	6.7%	88.9%	4.27	15	0
I have a clear understanding of my organization's mission	10.9%	12.7%	76.5%	3.93	35	6
My organization's mission is important to me	2.3%	11.6%	86%	4.23	15	9
I know how my work relates to my organization's goals and priorities	4.1%	10%	85.9%	4.16	15	9
I feel I can make a difference by working here	6.3%	9.4%	84.3%	4.22	36	
My organization is successful at accomplishing its mission	9.4%	20.7%	70%	3.77		11
People on my team share information with each other	9.3%	10.2%	80.4%	3.97	18	5

Question	Negative	Neutral	Positive	Mean	Weight	Gap
People on my team work together to find ways to improve	6.7%	11.6%	81.8%	4.05	14	4
People on my team cooperate to get the job done	5.3%	10.2%	84.4%	4.14	9	0
People on my team can be relied upon to help when things get difficult in my job	7.6%	11.1%	81.3%	4.11	13	3
I am treated with respect by the people I work with	6.2%	9.3%	84.4%	4.2	29	4
People on my team are accepting of people from different backgrounds	3.1%	7.1%	89.8%	4.36	17	3
My supervisor keeps me informed about the issues affecting my work	9.3%	13.3%	77.3%	3.96	10	5
My supervisor helps me to understand how I contribute to my organization's mission	9.4%	18.8%	71.7%	3.83	16	8
My supervisor motivates me to be more effective in my job	11.1%	15.6%	73.3%	3.88	11	9
My supervisor provides constructive feedback on my job performance	13.5%	14.4%	72.1%	3.78	9	8
The feedback I receive helps me to improve my performance	6.9%	17.5%	75.6%	3.92	6	12
I receive frequent feedback on my performance	23.6%	24%	52.4%	3.33	8	4
My supervisor recognizes when I have done my job well	8.5%	15.2%	76.3%	4.02	7	5
My supervisor works effectively with people of different backgrounds	5%	11.3%	83.7%	4.23	15	8

Question	Negative	Neutral	Positive	Mean	Weight	Gap
My supervisor is open to my ideas	7.1%	9.8%	83%	4.13	12	8
My supervisor is considerate of my life outside work	7.3%	10.5%	82.2%	4.22	5	7
I believe that the City's management team is sufficiently visible (e.g., can be seen in action)	21%	26.6%	52.3%	3.4	9	10
I believe the actions of the City's management team are consistent with the City's values	11%	30%	59%	3.62	24	13
I feel that the City as a whole is managed well	15.6%	28%	56.4%	3.53	20	9
The City keeps me informed about matters that affect me	14.9%	20%	65.1%	3.61	11	11
When changes are made in the City they are usually for the better	15.6%	39%	45.4%	3.34	20	9
I feel that change is managed well in the City	19.3%	34.8%	45.9%	3.32	16	17
I believe that my department's management team is sufficiently visible (e.g., can be seen in action)	13.6%	16.8%	69.5%	3.78	10	3
I believe the actions of my department's management team are consistent with the City's values	9.3%	20%	70.7%	3.82	26	0
I feel that my department as a whole is managed well	15.9%	16.8%	67.3%	3.75	12	0
My department keeps me informed about matters that affect me	11.3%	21.7%	67%	3.78	16	-1
When changes are made in my department they are usually for the better	13.4%	28.1%	58.5%	3.59	18	6

Question	Negative	Neutral	Positive	Mean	Weight	Gap
I feel that change is managed well in my department	18%	23%	59%	3.54	18	5
I believe that my department's management team will take action on the results from this survey	21.2%	20.3%	58.5%	3.5		1
I get the training I need to do my job well	9.5%	17.1%	73.4%	3.83	13	4
I am given a real opportunity to improve my skills in my organization	11.2%	16.5%	72.3%	3.86	39	2
Training and development activities I have completed in the past 12 months have helped to improve my performance	9.3%	19.5%	71.2%	3.85	21	-2
Training and development activities I have completed while working for my organization are helping me to develop in my career	8.6%	14.5%	76.8%	3.9	28	5
I have clear work objectives	6.7%	7.2%	86.1%	4.03	37	4
I have the resources I need to do my job well	13.4%	14.7%	71.9%	3.75	31	3
I can complete my work during my regular work hours	28.4%	16%	55.6%	3.31	8	6
I can tolerate the pressure of my work very well	5.3%	19.6%	75.1%	3.92	6	
I achieve my desired balance between my work life and my private life	18.8%	18.3%	62.9%	3.57	18	5
I think it is safe to challenge the way things are done in my organization	26%	15.1%	58.9%	3.33	13	10

Question	Negative	Neutral	Positive	Mean	Weight	Gap
My opinions count at work	18.4%	16.6%	65%	3.55	13	6
I believe I would be supported if I try a new idea, even if it may not work	16%	20.1%	63.9%	3.57	13	4
I feel valued for the work I do	12.9%	14.2%	72.9%	3.78	16	4
I am treated fairly at work	11.6%	10.7%	77.7%	3.93	14	8
I think that my organization respects individual differences (e.g., cultures, working styles, backgrounds, ideas, etc.)	7.3%	10.5%	82.3%	4.1	11	7
My organization has policies, programs, and practices that support a diverse workplace	6.6%	13.6%	79.8%	4.05	9	6
My workplace culture supports people to achieve a good work-life balance	14.2%	18.8%	67%	3.69	12	12
I would recommend my organization as a good place to work	9.4%	14.7%	75.9%	3.92		14
I am proud when I tell others I am part of my organization	7.1%	17.4%	75.4%	3.96		6
I feel a strong personal attachment to my organization	11.2%	25.6%	63.2%	3.74		3
My organization inspires me to do the best in my job	12%	19.1%	68.9%	3.78		10
I feel comfortable being myself at work	5.8%	13.8%	80.4%	4.02		5
My organization motivates me to help achieve its objectives	10.7%	22.3%	67%	3.72		15

Survey Report: City of Menlo Park 2019 Employee Engagement Survey - Overall

Responses: 225

Benchmark: Local Government

Question	Negative	Neutral	Positive	Mean	Weight	Gap
I like the kind of work I do	4%	3.1%	92.9%	4.45	17	6
My job makes good use of my skills and abilities	5.8%	7.1%	87.1%	4.25	16	5
I have a choice in deciding how I do my work	8%	12.4%	79.6%	3.96	6	9
I have opportunities to provide input on decisions that affect my work	10.3%	11.2%	78.6%	3.95	46	8
I know what is expected of me on the job	4.4%	6.7%	88.9%	4.27	15	-2
I have a clear understanding of my organization's mission	10.9%	12.7%	76.5%	3.93	35	-13
My organization's mission is important to me	2.3%	11.6%	86%	4.23	15	7
I know how my work relates to my organization's goals and priorities	4.1%	10%	85.9%	4.16	15	-3
I feel I can make a difference by working here	6.3%	9.4%	84.3%	4.22	36	6
My organization is successful at accomplishing its mission	9.4%	20.7%	70%	3.77		-8
People on my team share information with each other	9.3%	10.2%	80.4%	3.97	18	-2

Question	Negative	Neutral	Positive	Mean	Weight	Gap
People on my team work together to find ways to improve	6.7%	11.6%	81.8%	4.05	14	10
People on my team cooperate to get the job done	5.3%	10.2%	84.4%	4.14	9	-1
People on my team can be relied upon to help when things get difficult in my job	7.6%	11.1%	81.3%	4.11	13	2
I am treated with respect by the people I work with	6.2%	9.3%	84.4%	4.2	29	0
People on my team are accepting of people from different backgrounds	3.1%	7.1%	89.8%	4.36	17	5
My supervisor keeps me informed about the issues affecting my work	9.3%	13.3%	77.3%	3.96	10	4
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My supervisor provides constructive feedback on my job performance	13.5%	14.4%	72.1%	3.78	9	11
The feedback I receive helps me to improve my performance	6.9%	17.5%	75.6%	3.92	6	20
I receive frequent feedback on my performance	23.6%	24%	52.4%	3.33	8	3
My supervisor recognizes when I have done my job well	8.5%	15.2%	76.3%	4.02	7	6
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I can complete my work during my regular work hours	28.4%	16%	55.6%	3.31	8	-16
I can tolerate the pressure of my work very well	5.3%	19.6%	75.1%	3.92	6	-5
I achieve my desired balance between my work life and my private life	18.8%	18.3%	62.9%	3.57	18	-15
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I feel comfortable being myself at work	5.8%	13.8%	80.4%	4.02		-1
My organization motivates me to help achieve its objectives	10.7%	22.3%	67%	3.72		10

CITY OF MENLO PARK 2019 EMPLOYEE ENGAGEMENT SURVEY - OVERALL

> LEVEL OF ENGAGEMENT

Overall - City of Menlo Park 2019 Employee Engagement Survey - Overall

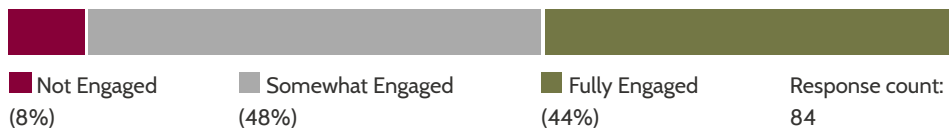


Are you...

01. Male



02. Female



03. Prefer not to say



What is your current age?

B. 20 to 24

Not Available - There are not 10 or more responses for this group.

C. 25 to 34

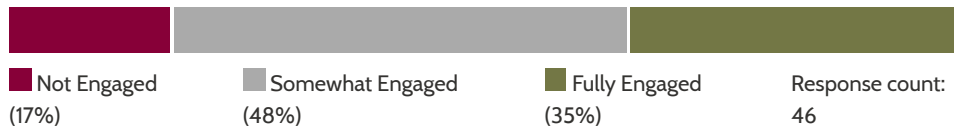


■ Not Engaged (8%)	■ Somewhat Engaged (53%)	■ Fully Engaged (39%)	Response count: 51
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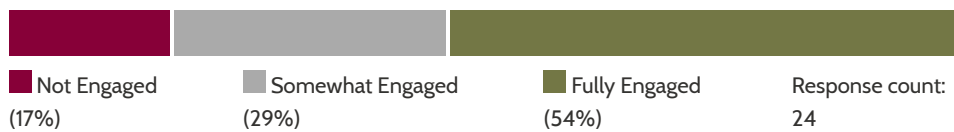
D. 35 to 44



E. 45 to 54



F. 55 to 64



G. 65 or over

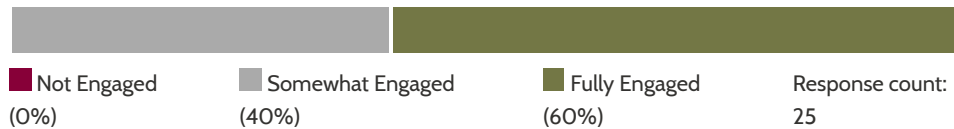
Not Available - There are not 10 or more responses for this group.

H. Prefer not to say



Please select the category with which you most closely identify:

O2. Asian



O3. Black or African American



04. Hispanic, Latino, or Spanish origin



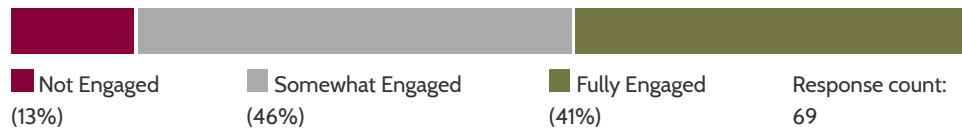
05. Middle Eastern or North African

Not Available - There are not 10 or more responses for this group.

06. Native Hawaiian or other Pacific Islander

Not Available - There are not 10 or more responses for this group.

07. White



08. Some other race, ethnicity, or origin

Not Available - There are not 10 or more responses for this group.

09. Prefer not to say

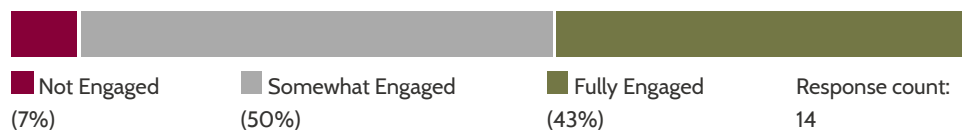


How long have you been with the City of Menlo Park?

01. Less than 6 months

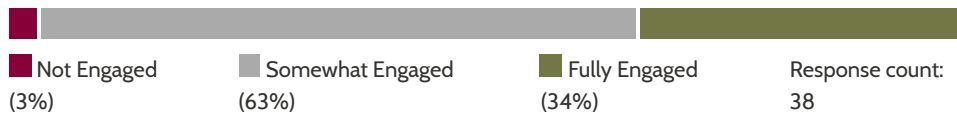
Not Available - There are not 10 or more responses for this group.

02. At least 6 months, but not more than 1 year



03. At least 1 year, but not more than 3 years





O4. At least 3 years, but not more than 5 years



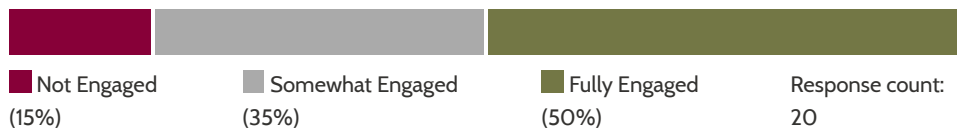
O5. At least 5 years, but not more than 10 years



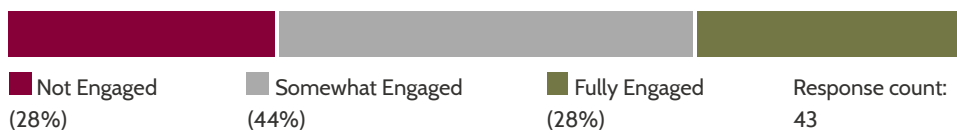
O6. At least 10 years, but not more than 20 years



O7. At least 20 years or more

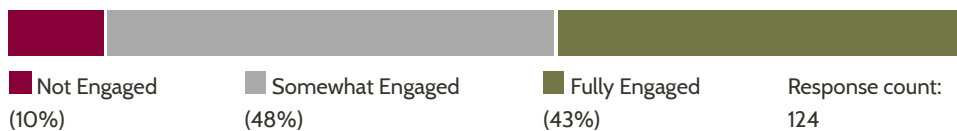


O8. Prefer not to say



What is your role?

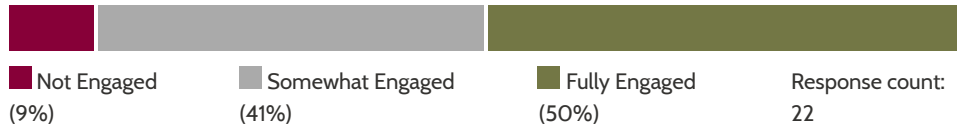
O1. Employee: You do not supervise other employees



O2. Supervisor: You assign daily work and approve time sheets



O3. Leader: You are a member of the Management Team



O4. Prefer not to say

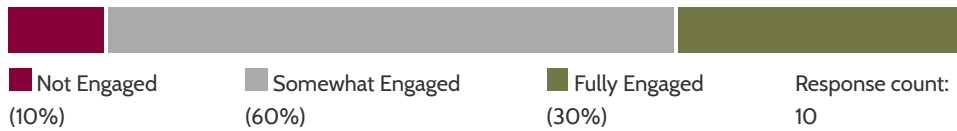


Are you considering leaving your current position within the next 2 years, and if so, why?

O1. No



O2. Yes, to pursue a different position within the City of Menlo Park



O3. Yes, to pursue a position in another government agency



O4. Yes, to pursue a position outside government in a different organization

Not Available - There are not 10 or more responses for this group.

O5. Yes, to retire

Not Available - There are not 10 or more responses for this group.

O6. Yes, for other reasons



O7. Prefer not to say



What is your highest level of education?

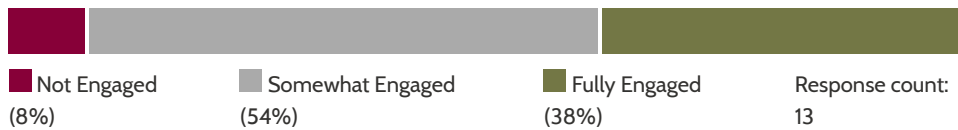
O1. High school or equivalent



O2. College course work



O3. Two-year degree

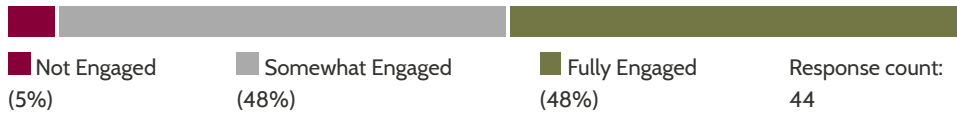


O4. Four-year degree



O5. Post-graduate degree





O6. Prefer not to say

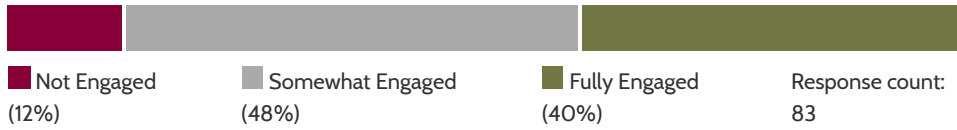


What level of interaction do you have with the public?

O1. Hourly



O2. Daily



O3. Weekly



O4. Monthly

Not Available - There are not 10 or more responses for this group.

O5. Less than monthly

Not Available - There are not 10 or more responses for this group.

O6. None

Not Available - There are not 10 or more responses for this group.

O7. Prefer not to say



■ Not Engaged (38%)	■ Somewhat Engaged (28%)	■ Fully Engaged (34%)	Response count: 32
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Stay or Leave

01. Stay



02. Leave

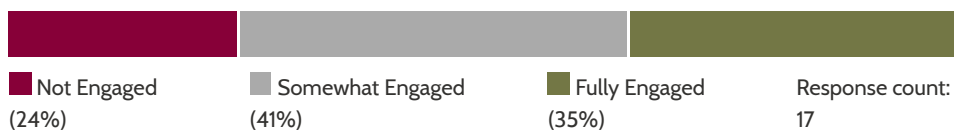


03. Prefer not to say



Department

Administrative Services



City Manager's Office

Not Available - There are not 10 or more responses for this group.

Community Development



Community Services



■ Not Engaged (10%)	■ Somewhat Engaged (65%)	■ Fully Engaged (25%)	Response count: 20
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Community Services - Childcare



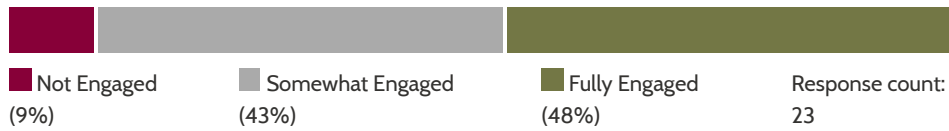
Library



Maintenance



Management Team



Police - Administration

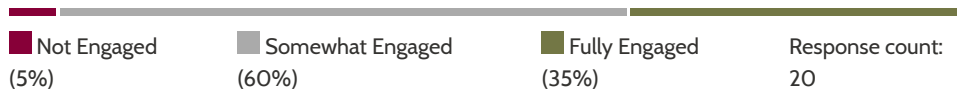


Police - Patrol



Public Works





Union Code

AD



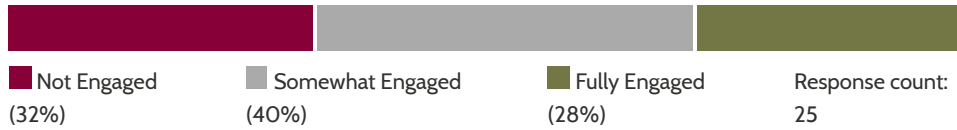
MM or CF or MM5 or MM7



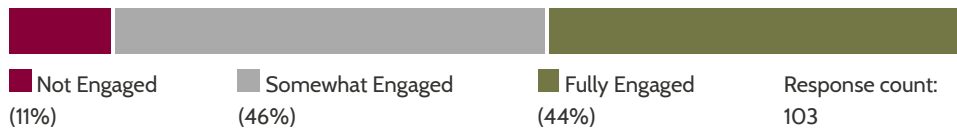
PM

Not Available - There are not 10 or more responses for this group.

PO



SE



SE5 or SE7

Not Available - There are not 10 or more responses for this group.

TE



2017 CITY OF MENLO PARK - OVERALL

> LEVEL OF ENGAGEMENT

Overall - City of Menlo Park - Overall



Department

Administrative Services



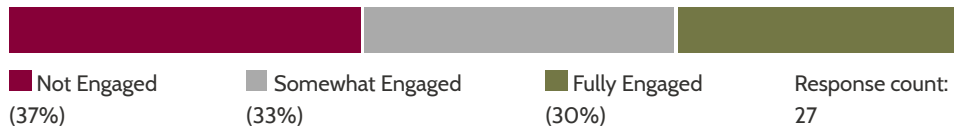
City Manager's Office

Not Available - There are not 10 or more responses for this group.

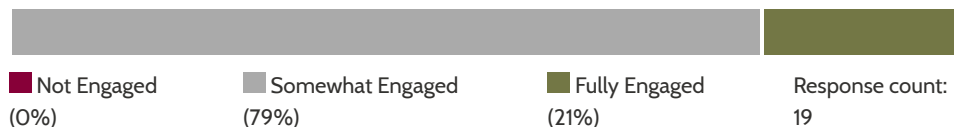
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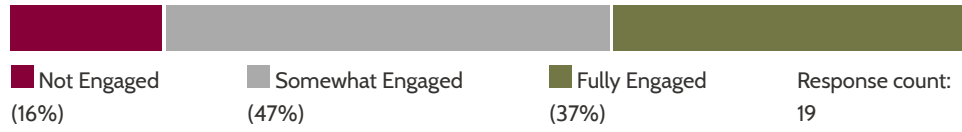
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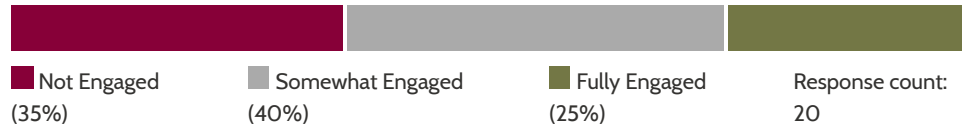
Community Services - Child Care



Library



Maintenance



Management Team



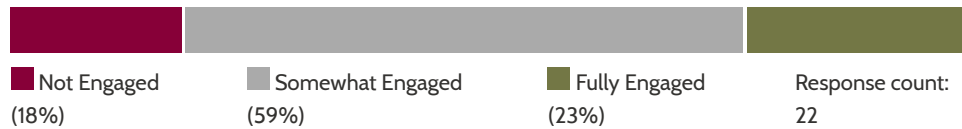
Police - Administration



Police - Patrol



Public Works

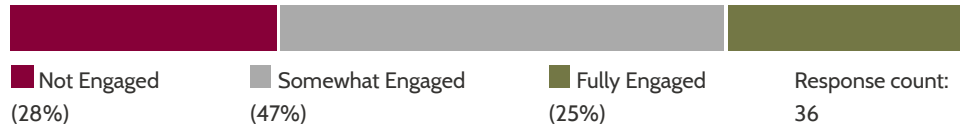


Union

AD



MM or CF or MM5 or MM7



PM

Not Available - There are not 10 or more responses for this group.

PO



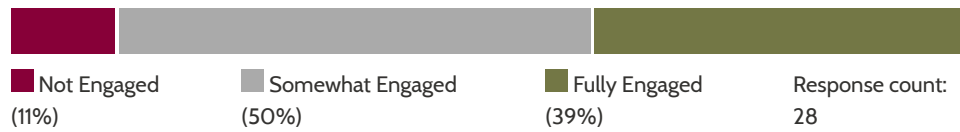
SE



SE5 or SE7



TE



Printed: Apr 16, 2020

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Action Plan: Recommendations for the City of Menlo Park

Surveying employees and reviewing your results is only the start of the process. The real reward is identifying and taking steps to improve engagement.

The Action Plan Recommendations Report will help you conduct action planning by providing suggestions on actions you may take in response to your survey results. The recommendations report suggestions are for the key survey questions for your organization.

We identify these key questions based on the key driver analysis. While you should decide what will work best in your organization, these suggestions and resources can help you develop an action plan. This report includes the following sections:

Understanding the Question – this section provides a high-level understanding of the survey question and why it is important.

Thought Starters – it is important to first understand the issues behind the results for a specific question. This section includes several thought-starter questions to help you think about possible root causes.

Action Plan Steps – this section lists possible actions to consider for your action plan. These suggestions are based on our research and experience.

Additional Resources

The "Action Plan Resources List" (available as a PDF download below) is meant to be used in conjunction with the Action Plan Recommendations to develop possible solutions. This document lists guides, templates, checklists, articles, videos, books, and other resources. to help you develop additional action-planning ideas.

- **Guides, Templates, Checklists, and Other Resources** – these resources contain step-by-step instructions, lists of ideas, customizable templates, or other types of practical ideas linked to specific survey dimensions or questions.
 - **Articles** – resources of varying length with ideas to address specific survey dimensions or questions.
 - **Videos** – short videos by thought leaders (typically TED Talks) cover ideas relevant to a survey question category.
 - **Books** – these can be used to further develop your expertise on the issue (e.g., after you develop your action plan). Listed books often cover many areas in a particular survey question category.

CPS HR Training Courses – training resources offered by CPS HR. To learn more about course availability, visit the CPS HR Training Center home page: http://www.cps hr.us/training_center/index.html. CPS HR offers a variety of delivery formats including open-enrollment programs, on-site training, hosted training and virtual training.

1.

I have a clear understanding of my organization's mission

Understanding the Question

A key component of engagement is whether employees understand, and believe in, the organization's mission, and see the link between their work and the mission. In order for employees to make this connection, the organization must have a clear mission, and employees must understand it.

Thought Starters

- Does the organization have a clear mission statement?
- Is the mission statement widely and effectively communicated to employees?
- How well do employees understand the mission statement -- and how their work supports the mission?
- Do managers/supervisors have a role in helping employees understand the mission -- and do they understand their role?
- How might different employees interpret the organization's mission differently?
- Does the organization have measurable outcomes that enable employees to see how the mission is achieved?

Action Plan Steps

- Ensure the organization has a clear and concise mission statement that is communicated widely and effectively.
- Periodically revisit and refresh the mission statement.
- Specifically link organizational values, strategies, priorities and goals to the mission.
- During new employee onboarding, ensure that the organization's mission is explained and emphasized (e.g., by senior leaders, supervisors, HR).
- Publicize the organization's accomplishments (e.g., in emails, meetings, on the website, in written materials) and relate them to the mission.
- Ensure that managers/supervisors understand their role in making sure that employees understand the mission -- and that they carry out their role.
- When onboarding new leaders, focus on this responsibility.

- During performance management/evaluation discussions, ensure that supervisors cover how the work of individual employees links to the mission -- and why their work is important.
- Publicly recognize employees' accomplishments and how they contribute to the mission of the organization.
- Identify and report on measurable organizational outcomes that link directly to mission.
- Incorporate links to the mission into employee position descriptions, goals and objectives.

2.

I feel I can make a difference by working here

Understanding the Question

Government agencies strive to make a difference in the lives of the people they serve. Employees want to do work that is meaningful, and understand how what they do contributes to achieving the organization's mission. They also want to help the organization improve. When employees believe they are achieving results that are valuable, they will be productive, effective and engaged.

Thought Starters

- Does the organization have a clear and concise mission statement that connects the organization's work to making a difference in the lives of the people it serves?
- Is this mission statement widely communicated to all staff?
- How well do employees understand the mission statement?
- Does the organization have measurable outcomes that connect to its mission and impact?
- How well do managers/supervisors communicate to employees about how their work makes a difference?
- Are there ways (formal and informal) for employees to offer suggestions on how the organization can improve its effectiveness?

Action Plan Steps

- Ensure there is a clear and concise mission statement that connects the organization's work to making a difference for the people the organization serves.
- Communicate the mission statement widely and effectively to employees.
- Incorporate links to mission into employee position descriptions, goals and objectives.
- Identify and report (e.g., to employees) on measurable organizational outcomes that link directly to mission and customers.

- Ensure that managers/supervisors provide regular feedback to employees, including on the connection between their specific jobs/work and the organization's mission and accomplishments.
- Help managers/supervisors (through training, coaching and feedback) develop good communication skills, including encouraging their employees to suggest ideas, and being effective listeners.
- Provide opportunities for employees to directly connect with the organization's customers and stakeholders.
- Publicly recognize employees' accomplishments and how they advance the organization's mission.
- During new employee onboarding, ensure that the organization's mission and impact are explained (e.g., by senior leaders, supervisors, HR).
- During staff meetings, highlight accomplishments, and relate them to the mission.
- Collect feedback from customers and share the feedback with employees.
- Put in place a formal process (e.g., through a survey or web site) for employees to submit ideas for improvements.
- Publicize ideas that are implemented.
- Recognize and reward employees who submit these ideas.
- Include, as a regular meeting agenda item, the opportunity for employees to discuss their ideas for improvement.
- Encourage managers/supervisors to ask for input when they meet one-on-one with employees.
- Encourage managers/supervisors to create an environment where new ideas are welcome and it is safe to question the status quo.

3.

People on my team share information with each other **Understanding the Question**

Employees want to feel that they have the information they need to do their jobs well. When employees feel that their co-workers are willing to share information with them, they are more likely to trust their coworkers and collaborate more effectively. It is also important to make it easy for team members to share information with each other.

Thought Starters

- How does the organization ensure that important information is shared with employees, including employees who work in the field and may not have regular access to email?
- Are managers/supervisors adept at communicating and facilitating good communication among team members?
- Are there barriers that make it difficult for employees on the same team to get information from one another?
- Is technology an aid or a barrier to effectively sharing information among team members?

Action Plan Steps

- Examine if the organization's current technology, or new technology, could be used to more effectively share information.
- Ensure that managers/supervisors do not rely exclusively on technology to share information. Person-to-person communication, including meetings, is also important.
- Equip managers/supervisors with the skills to communicate effectively and facilitate communication among team members.
- Identify communication as a leadership competency, and hold managers/supervisors accountable for effectively communicating (e.g., through the performance management/evaluation system).
- Make sure employees know whom in the organization to contact for certain types of information.
- Create a "buddy" system during on-boarding where a current team member is assigned to the new employee to help introduce them to others at work and be available to answer any questions.

4.

I am treated with respect by the people I work with **Understanding the Question**

Respect is critical for building the healthy trusting relationships that are necessary for a high-performing team.

Thought Starters

What team-building strategies or approaches does the organization use to build strong team or work unit relationships?

How do managers/supervisors ensure that all team members treat each other with respect?

Does the organization deal promptly and effectively with supervisors, managers or employees who show disrespect?

Is there any evidence of conflict that may be driving responses to this question?

Action Plan Steps

Create opportunities for employees to recognize each other for superior performance. Expressing appreciation demonstrates respect.

Create the expectation that managers/supervisors treat their employees with respect at all times, even when dealing with behavioral and performance issues. Employees are likely to model the behavior of their leaders.

Deal assertively and promptly with managers/supervisors who do not treat employees with respect.

Provide team-building opportunities for managers/supervisors to participate in with their teams. If necessary, use an external facilitator (e.g. from HR).

Help managers/supervisors develop conflict-resolution skills.

Create the opportunity for employees to discuss with each other what is important to them. When employees understand what motivates each other, they are more likely to treat each other with respect.

Celebrate special events such as birthdays and work anniversaries.

Create ways for team members to meet outside of work to build team cohesion. Activities can include sports, book clubs, social events, etc.

5.

People on my team are accepting of people from different backgrounds

Understanding the Question

When employees feel that that co-workers respect each other regardless of their backgrounds, they are more likely to feel comfortable and trust each other. The result is a stronger team, which ultimately leads to better retention, performance and productivity.

Thought Starters

Do managers/supervisors understand the importance of creating an inclusive environment which respects all employees regardless of individual backgrounds?

Do managers/supervisors understand how to create inclusive and cohesive teams, including why some employees may not always feel comfortable -- and how to address this challenge?

Does the organization focus on creating a diverse workforce, at all levels, through hiring, development and advancement?

Action Plan Steps

Identify respect and inclusion as important organizational values.

Ensure (e.g., through training, feedback and coaching) that supervisors understand why it is critically important to create inclusive and respectful workplaces.

Help supervisors master the skills and perspectives to create inclusive and respectful workplaces, and to recognize when employees do not feel respected and included.

Hold supervisors accountable for creating and maintaining inclusive and respectful workplaces.

Provide mechanisms for employees to elevate situations where workplaces are not respectful and inclusive.

Create policies, processes and practices to diversify the workforce, and monitor progress toward diversity.

6.

I believe the actions of the City's management team are consistent with the City's values **Understanding the Question**

It is important for employees to understand and believe in the values of the organization. For them to do this, employees need to hear, see and believe that these values matter to senior leaders.

Thought Starters

- Does the organization have a clearly defined set of values?
- If so, how are these values communicated and operationalized?
- How do senior leaders act in ways that demonstrate the organization's values?
- How clearly do managers/supervisors department leaders tie their actions to the organization's values?

Action Plan Steps

- Develop, articulate and communicate a set of organizational values.
- Identify a set of leadership competencies that includes demonstrating the organization's values.
- Determine whether employees know what the organization's values are. If they don't have a clear understanding of the organization's values, put in place a strategy that involves senior leaders communicating and explaining the values (e.g., in venues such as meetings, forums, videos, website).
- Encourage senior leaders to regularly discuss the organization's values and how its goals, objectives and activities link to them.
- Hold leaders, managers and supervisors accountable for demonstrating the values (e.g., through the performance evaluation/management process).
- Have senior leaders explain and discuss the values during new employee onboarding.
- When senior leaders communicate organizational updates or changes, ensure they link the changes to specific organizational values.
- When onboarding new leaders, ensure that they understand the organization's values and how leaders' actions send a message to the organization about the importance of these values.

7.

When changes are made in the City they are usually for the better **Understanding the Question**

Change can create uncertainty and anxiety for employees. This can be particularly true if employees don't feel changes are communicated or managed well, or don't understand why the change is good for them or the organization. Employees will be less apprehensive about change if they believe that changes are positive.

Thought Starters

- Have there been recent changes that employees may be responding to?
- What approaches does the organization use to manage, and communicate about, changes?
- Do managers/supervisors understand their role in communicating about, and helping employees adapt to, changes?
- Was there a recent change initiative that went well? What did you learn?
- Was there a recent change initiative that didn't go well? What did you learn?

Action Plan Steps

- Develop and implement a standard change management process.
- Ensure that manager/supervisors understand their key role in communicating about, and implementing, change.
- Help managers/supervisors develop (through training, coaching and feedback) good communication skills.
- Organizations can't over communicate. Create a communication plan for major changes and then communicate early and often about the changes. Emphasize the reasons for the change.
- Because different employees respond to different forms of communication, use a variety of communication media (e.g., email, meetings, forums, FAQs, posters, web site).
- Pay particular attention to reaching out to employees who are more difficult to reach (e.g., who work in the field or on different shifts).
- As much as possible, involve employees in the change process, including soliciting their opinions before making changes. If employees feel that their opinions are heard they may be less likely to resist change.

8.

I feel that change is managed well in the City **Understanding the Question**

In today's work environment, organizations are constantly changing. Therefore, managing change effectively is critically important. Employees want to understand the reasons for changes and how changes affect them.

Thought Starters

What changes has your organization gone through recently that your employees may be reacting to on this question?

In this specific situation, why do employees believe change was not handled well?

Has the organization implemented a change recently that seemed to go well? Why?

Does the organization have a strategy and process for communicating and implementing changes?

What could be done to better inform employees (including in advance) of the reasons for changes?

Action Plan Steps

Develop a standard strategy for communicating about, and implementing change.

Ensure that managers/supervisors below the senior leadership level understand each change and the reason for it; and also understand their key role in communicating about, and advocating for, changes.

Help managers/supervisors develop (through training, coaching and feedback) good communication skills.

For specific changes, develop a communication plan that involves early and frequent communication. Emphasize the reasons for, and benefits of, upcoming changes, and give employees the opportunity to provide input and voice concerns.

Use multiple approaches (meetings, email, website, FAQs, printed materials, forums, video conferencing) to communicate about upcoming changes.

Announce specific changes as soon as possible. Employees will likely feel better about coping if they have time to anticipate the change and process its potential consequences on them.

Reach out to thought leaders (e.g., union leaders) to explain changes and why they are being made. Try to enlist these thought leaders as advocates for the change.

Set up a process to track and counter rumors, misinformation and lack of understanding about the coming change.

After changes are implemented, review the process used, and assess lessons learned.

9.

I believe the actions of my department's management team are consistent with the City's values
Understanding the Question

It is important for employees to understand and believe in the values of the organization. For them to do this, employees need to hear, see and believe that these values matter to senior leaders.

Thought Starters

Does the organization have a clearly defined set of values?

If so, how are these values communicated and operationalized?

How do senior leaders act in ways that demonstrate the organization's values?

How clearly do managers/supervisors department leaders tie their actions to the organization's values?

Action Plan Steps

Develop, articulate and communicate a set of organizational values.

Identify a set of leadership competencies that includes demonstrating the organization's values.

Determine whether employees know what the organization's values are. If they don't have a clear understanding of the organization's values, put in place a strategy that involves senior leaders communicating and explaining the values (e.g., in venues such as meetings, forums, videos, website).

Encourage senior leaders to regularly discuss the organization's values and how its goals, objectives and activities link to them.

Hold leaders, managers and supervisors accountable for demonstrating the values (e.g., through the performance evaluation/management process).

Have senior leaders explain and discuss the values during new employee onboarding.

When senior leaders communicate organizational updates or changes, ensure they link the changes to specific organizational values.

When onboarding new leaders, ensure that they understand the organization's values and how leaders' actions send a message to the organization about the importance of these values.

10.

When changes are made in my department they are usually for the better **Understanding the Question**

Change can create uncertainty and anxiety for employees. This can be particularly true if employees don't feel changes are communicated or managed well, or don't understand why the change is good for them or the organization. Employees will be less apprehensive about change if they believe that changes are positive.

Thought Starters

Have there been recent changes that employees may be responding to?

What approaches does the organization use to manage, and communicate about, changes?

Do managers/supervisors understand their role in communicating about, and helping employees adapt to, changes?

Was there a recent change initiative that went well? What did you learn?

Was there a recent change initiative that didn't go well? What did you learn?

Action Plan Steps

Develop and implement a standard change management process.

Ensure that manager/supervisors understand their key role in communicating about, and implementing, change.

Help managers/supervisors develop (through training, coaching and feedback) good communication skills.

Organizations can't over communicate. Create a communication plan for major changes and then communicate early and often about the changes. Emphasize the reasons for the change.

Because different employees respond to different forms of communication, use a variety of communication media (e.g., email, meetings, forums, FAQs, posters, web site).

Pay particular attention to reaching out to employees who are more difficult to reach (e.g., who work in the field or on different shifts).

As much as possible, involve employees in the change process, including soliciting their opinions before making changes. If employees feel that their opinions are heard they may be less likely to resist change.

11.

I feel that change is managed well in my department

Understanding the Question

In today's work environment, organizations are constantly changing. Therefore, managing change effectively is critically important. Employees want to understand the reasons for changes and how changes affect them.

Thought Starters

What changes has your organization gone through recently that your employees may be reacting to on this question?

In this specific situation, why do employees believe change was not handled well?

Has the organization implemented a change recently that seemed to go well? Why?

Does the organization have a strategy and process for communicating and implementing changes?

What could be done to better inform employees (including in advance) of the reasons for changes?

Action Plan Steps

Develop a standard strategy for communicating about, and implementing change.

Ensure that managers/supervisors below the senior leadership level understand each change and the reason for it; and also understand their key role in communicating about, and advocating for, changes.

Help managers/supervisors develop (through training, coaching and feedback) good communication skills.

For specific changes, develop a communication plan that involves early and frequent communication. Emphasize the reasons for, and benefits of, upcoming changes, and give employees the opportunity to provide input and voice concerns.

Use multiple approaches (meetings, email, website, FAQs, printed materials, forums, video conferencing) to communicate about upcoming changes.

Announce specific changes as soon as possible. Employees will likely feel better about coping if they have time to anticipate the change and process its potential consequences on them.

Reach out to thought leaders (e.g., union leaders) to explain changes and why they are being made. Try to enlist these thought leaders as advocates for the change.

Set up a process to track and counter rumors, misinformation and lack of understanding about the coming change.

After changes are implemented, review the process used, and assess lessons learned.

12.

I think it is safe to challenge the way things are done in my organization

Understanding the Question

Employee ideas can be an important source of innovation and improvement. Employees should therefore be encouraged to challenge the status quo. This includes making sure that employees feel safe challenging the way things are done -- that their jobs are secure and they won't face negative consequences.

Thought Starters

- How do managers/supervisors encourage, and create opportunities for, employees to offer their ideas and opinions about how to improve operations and performance?
- Do managers/supervisors have the communication skills they need to listen and respond to their employees' ideas, even if these ideas challenge the leader's approach?
- Are there any reasons why employees may not feel comfortable challenging the status quo?
- Has the organization made improvements based on employees' ideas and opinions?
- Have employees received positive recognition for challenging the way things are done?

Action Plan Steps

- Provide supervisors with the support they need (e.g., through training, coaching, mentoring) to be effective listeners, and develop good active-listening skills. This includes encouraging employees to challenge the status quo and then responding constructively to these ideas, even if they disagree with them.
- Ensure that managers/supervisors encourage employees to voice their ideas and opinions.
- Ensure that supervisors schedule time with employees to specifically ask for their ideas.
- During performance management/evaluation meetings, specifically incorporate an opportunity for employees to discuss their ideas for improvements.
- Create a structure (e.g. online) for employees to submit their ideas and suggestions.
- When implementing a change or improvement that resulted from an employee idea, recognize the employee -- and the idea -- publicly.
- Consider formally recognizing and rewarding employee ideas that result in significant organizational improvements.

- Foster an environment in which new ideas are welcome and it is safe to question the status quo. Employees need to feel safe to question the way things are done and feel inspired to make suggestions for improvement.

13.

I believe I would be supported if I try a new idea, even if it may not work

Understanding the Question

Employee ideas can be an important source of organizational improvements. Employees should therefore be encouraged to offer (and feel safe about, offering) their ideas. When employees feel that their ideas and suggestions matter, they are more likely to feel valued, deliver superior performance and stay with the organization.

Thought Starters

- How do managers/supervisors encourage, and create opportunities for, employees to offer their ideas and opinions?
- Are there formal structures for employees to share their ideas and opinions?
- Do managers/supervisors have the communication skills they need to listen and respond to their employees' ideas, when ideas cannot be implemented?
- Are there any reasons why employees may not feel comfortable sharing their ideas?
- Has the organization made improvements based on employees' ideas and opinions?

Action Plan Steps

- Provide supervisors with the support they need (e.g., through training, coaching, mentoring) to be effective listeners, and develop good active-listening skills. This includes encouraging employees to come up with new ideas and then responding constructively to these ideas, even if they disagree with them.
- Ensure that managers/supervisors encourage employees to voice their ideas and opinions.
- Ensure that supervisors schedule time with employees to specifically ask for their ideas.
- During performance management/evaluation meetings, specifically incorporate an opportunity for employees to discuss their ideas for improvements.
- Create a structure (e.g. online) for employees to submit their ideas and suggestions.

- When implementing a change or improvement that resulted from an employee idea, recognize the employee -- and the idea -- publicly.
- Consider formally recognizing and rewarding employee ideas that result in significant organizational improvements.

14.

I feel valued for the work I do **Understanding the Question**

Employees need to feel that managers and others recognize the contributions they make to the organization and their team. There are many ways for the organization and managers/supervisors to ensure employees feel valued. It is important to understand that recognition does not need to be financial.

Thought Starters

- What ways are employees formally recognized?
- What ways are employees informally recognized?
- How frequently are employees recognized?
- Are managers/supervisors aware of a range of ways, including non-financial, to recognize good performance?
- Is team performance recognized?
- Does the organization have the resources and systems/processes to financially recognize superior performance?

Action Plan Steps

- Make sure managers have the commitment, knowledge and resources (e.g., through training, coaching and feedback) to recognize employees' good work, in a variety of ways. Recognition should include informal and non-financial approaches.
- Ensure that recognizing employee performance is an expectation for managers/supervisors, and then hold them accountable (e.g., through the performance management system).
- Managers should determine how each employee prefers to be recognized. For instance, some employees may like to be publicly recognized while others may not. Provide recognition to employees based on how they prefer to be recognized.
- Establish multiple ways to recognize good performance. Ensure that processes and details (e.g., application processes, criteria, types of awards) are widely communicated, understood and used.
- Consider establishing a range of recognition awards (e.g., "Employee of the Month;" awards for innovation, exceptional service, teamwork) using specific criteria. Consider allowing employees to nominate colleagues.
- Provide length-of-service awards at staff meetings.

- Communicate individual and team accomplishments to the leadership team and make the deserving employees aware that senior leadership knows about these accomplishments.

15.

I am treated fairly at work Understanding the Question

Employees expect to be treated fairly in the workplace. They want to feel that they operate on an equal playing field and that management doesn't show favoritism.

Thought Starters

- How are decisions about projects or opportunities made and communicated?
- Are organizational policies communicated effectively and consistently enforced?
- Does your organization have a process for employees to surface and resolve any concerns (e.g., a grievance process)?

Action Plan Steps

- Ensure that organizational policies are developed, widely communicated and consistently enforced. These policies should apply to workplace issues such as scheduling, attendance, work rules, discipline, etc.
- Ensure there is a process for employees who believe they are being treated unfairly to surface and resolve their concerns without putting themselves at risk (e.g., through a third party outside of their work unit).
- Communicate the reasons for decisions that affect employees.
- If employees feel that a particular manager is treating them unfairly, have the manager ask their employees for feedback about how they may not be treating employees fairly. Be sure to emphasize to employees that their feedback is appreciated and that it will not be held against them.
- Employees may not be comfortable discussing this item openly. Consider bringing in a third party facilitator or someone from HR to uncover root causes for employees' responses to this question.
- If there is evidence to believe that employees are being discriminated against consider asking HR to conduct a formal investigation or bring in a third party agency to do so.

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STAFF REPORT

City Council

Meeting Date:

4/21/2020

Staff Report Number:

20-088-CC

Informational Item:

Pilot public art project update

Recommendation

The purpose of this informational item is to provide the City Council and members of the public an update on the pilot public art project that was proposed at a October 15, 2019 City Council meeting during public comment. There is no action required of the City Council as a result of this informational item.

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.

Background

On October 15, 2019, local art gallerist Katharina Powers on behalf of Menlo Park Pubic Art (MPPA) addressed the City Council regarding her group's interest in advancing a public art program in the City of Menlo Park. At their meeting November 5, 2019, the City Council directed City staff to work with Menlo Park public art to develop a pilot public art program proposal to present to the Parks and Recreation Commission for their consideration and recommendation to City Council.

Analysis

After a recommendation by the Parks and Recreation Commission December 18, 2019 to support a pilot public art project without general fund support, MPPA CEO, Katharina Powers, notified the City that MPPA would fundraise the \$14,500 for the installation of the sculpture entitled "Talking Heads" by artist Oleg Lobykin. While the group's initial interest was exhibiting the 18 feet tall, 2,000-pound stainless steel abstract sculpture in one of the City's public parks, MPPA now has interest in installing the piece at a location to be determined on Sandhill Road in Menlo Park or at a business on private property.

Depending on the selected location, the appropriate review and permitting process would be determined. Installation within the City's public right-of-way would typically be reviewed through the encroachment permit process while modifications on private property would generally be evaluated through the planning review process and could trigger Planning Commission review. At this time, no further action is required by City Council.

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

None.

Report prepared by:
Adriane Lee Bird