



SPECIAL MEETING AGENDA

Date: 6/19/2020

Time: 3:30 p.m.

Special Meeting Location: Joinwebinar.com – ID# 750-283-603

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/publiccommentJune19*
 - Record a comment or request a call-back when an agenda topic is under consideration:
Dial 650-474-5071*
 - Access the special meeting real-time online at:
joinwebinar.com – Special Meeting ID 750-283-603
*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.

Special Session ([Joinwebinar.com](https://www.joinwebinar.com) – ID# 750-283-603)

A. Call To Order

B. Roll Call

C. Regular Business

- C1. Adoption of uncodified urgency Ordinance No. 1070 closing portions of Santa Cruz Avenue, creating temporary outdoor use permits and suspending certain fees and zoning requirements ([Staff Report #20-131-CC](#))
- C2. Authorize the city manager to execute master agreements with consulting firms for on-call architectural, landscape architectural, civil engineering, construction inspection, municipal engineering, and materials testing services ([Staff Report #20-116-CC](#)) – **continued from June 16, 2020**
- C3. Appoint City Council representatives to the Menlo Park Chamber of Commerce business reactivation task force ([Staff Report #20-130-CC](#))

D. 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](https://www.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](https://www.menlopark.org/notifyme). Agendas and staff reports may also be obtained by contacting City Clerk at 650-330-6620. (Posted: 6/18/2020)



STAFF REPORT

City Council

Meeting Date:

6/19/2020

Staff Report Number:

20-131-CC

Regular Business:

Adoption of uncodified urgency Ordinance No. 1070 closing portions of Santa Cruz Avenue, creating temporary outdoor use permits and suspending certain fees and zoning requirements

Recommendation

Adopt uncodified urgency Ordinance No. 1070 closing portions of Santa Cruz Avenue, creating temporary outdoor use permits and suspending certain fees and zoning requirements for 90 days, unless extended by the City Council.

Policy Issues

The COVID-19 pandemic has forced many local businesses to modify their businesses to accommodate County and local health orders which limits capacity and financial viability. Immediate steps are necessary to mitigate the economic impacts of COVID-19 by ensuring that local businesses remain viable while operating in a safe manner.

Restaurants and other small businesses have experienced substantial financial losses since the stay-at-home order was enacted on March 16, 2020. As more businesses are allowed to resume operations while the stay-at-home order continues, many local jurisdictions are considering how to support businesses in reopening. Such is the case with restaurants where current County health order requirements for social distancing limit capacity in an already thin margin business. Providing businesses the opportunity to temporarily utilize outdoor spaces in the public right of way (e.g. sidewalks) or private property (e.g. parking lots) for expanded business operations will increase capacity and result in financial sustainability under the current and subsequent health orders.

Background

On June 4, 2020 the San Mateo County health officer revised the stay-at-home order to allow outdoor dining with safety measures and other restrictions to ensure social distancing. This order went into effect June 6. On June 17, 2020, the San Mateo County Health Officer issued a new order that aligns the County with the State's schedule for reopening. The new order, which took effect immediately, allows for dine-in restaurants to reopen. Despite this change, the need for safety measures and protocols are still very much needed. Businesses will need to continue to comply with County and State safety measures, such as sanitation protocols and the spacing of tables to provide proper social distancing. In response to these recent changes in the health order, many nearby cities are reimagining how to use their public spaces to support outdoor dining while providing a safe and comfortable environment to enjoy.

On June 16, staff presented a proposal from the Menlo Park Chamber of Commerce to the City Council for a partial closure of Santa Cruz Avenue downtown. Staff sought direction from the City Council on the form that a closure should take as well as input on streamlining the process for businesses to obtain temporary space outdoors for expanded operations. The City Council directed staff to develop a pilot program that follows the Chamber's Santa Cruz Avenue partial closure proposal, streamlines permits for the usage of outdoor spaces, and waives all fees associated with those permits. Additionally, City Council requested that the pilot program be evaluated after 45 days for its performance in areas such as usage, aesthetics, and safety.

On June 18, notices were posted for the closure of Santa Cruz Avenue in the areas detailed in the Chamber of Commerce's proposal as well as for the parking spots outside the closed portions similarly outlined in that proposal, included as Attachment B. This will fulfill the City's 72-hour closure notification requirements and allow the City to begin the designated street closures on Monday, June 22, if the urgency ordinance, included as Attachment A, is adopted by the City Council.

Analysis

The City Council gave clear direction for the development of a pilot program that would include both the partial closure of Santa Cruz Avenue as well as the ability to apply for a temporary outdoor use permit to expand dining options and the sale of goods into the public right of way, including the sidewalk and on-street parking spaces, the public parking plazas, and/or private property, meeting certain criteria. The City Council also expressed interest in providing businesses outside of the Downtown the ability to expand their operations in a similar manner. No street closures are proposed outside of portions of Santa Cruz Avenue. This urgency ordinance would empower staff to carry out this guidance from City Council for 90 days.

Street closure

The urgency ordinance would follow the Santa Cruz Avenue closure model proposed by the Chamber of Commerce. This involves the temporary closure of three portions of Santa Cruz Avenue. These areas include Santa Cruz Avenue as follows:

- Doyle Street to Curtis Street,
- Chestnut Street to Crane Street and
- Crane Street to Evelyn Street.

Cross street traffic from Oak Grove Avenue to Menlo Avenue would be accommodated on Chestnut/Curtis Streets and Crane Street. This plan for partial street closures is based on input from directly affected businesses, and considers a balance of needs, including vehicle, bike and pedestrian circulation, as well as emergency access.

Temporary outdoor use permit

The urgency ordinance also authorizes staff to create a temporary outdoor use permit for the expansion of business operations into the City public right of way, public parking plazas, and private property in certain locations. This urgency ordinance would streamline that permitting process with the creation of the single temporary outdoor use permit. The permit will be reviewed by the Community Development Department with a target review time of 48-72 business hours from the submittal of a complete application. Interested applicants would be able to submit their application and associated documentation via the City's online

permitting program (Accela). Staff is in the process of creating this online permit and intends to have it available early part of the week of June 22.

Restaurants and retail businesses located in the Downtown (defined as the area bounded by El Camino Real, Menlo Avenue, University Drive and Oak Grove Avenue) may apply for a temporary outdoor use permit to utilize the City public right of way, public parking plazas, and private property for expanded business operations. Businesses located outside of the Downtown would be limited to applying for temporary outdoor use on private property and on adjacent public sidewalks. In no instance, would existing roadway travel lanes be used for expanded operations. The ordinance waives fees associated with these permits as well as zoning requirements that may impede the uses associated with them. Permit documentation and standards will include, but are not limited to the following elements:

- Location and description of the space as well as intended use;
- Requirement for liability insurance for the expansion of business operations into the public right of way;
- Indemnification of the City;
- Acknowledgement of and adherence to the most recent San Mateo County health order;
- Compliance with accessibility requirements;
- Standards for barricades adjacent to roadways;
- Permits for space in shared private parking areas will require written consent from other parties with whom the parking lot is shared
- Permits for space in the public parking plazas shall not include electric vehicle spaces and/or accessible spaces.

Based on input from the Chamber of Commerce, the City expects that businesses are willing and able to secure the materials and equipment needed to create and furnish their outdoor use space. Outdoor spaces in areas that continue to be adjacent to vehicular traffic will be required to ensure that patrons are adequately protected from that hazard. The City will be responsible for providing the barricades in the six identified locations for the street closure. The closure would prohibit through vehicular traffic in the three applicable blocks, but would allow pedestrian and bicycle access along the entire stretch of Santa Cruz Avenue.

Impact on City Resources

The largest impact of this action on City resources will be the staff time required to create and implement this program on a very short timeline. The City Council has directed staff to prioritize this project which would impact the timeliness of other projects and day-to-day City activities. Prioritization of the review of temporary outdoor use permits by the Community Development Department which is necessary to meet the targeted 48- to 72-hour review time could result in longer review times on other permits already under review and/or responses to public inquiries. Creation of an online permit application in Accela will require additional staff time. Implementing the street closure will use Public Works staff time to notice the closure and place the k-rails. Further citywide staff resources will be diverted from other programs to monitor this pilot project.

The City will also receive less revenue due to the waiver of fees associated with the temporary outdoor use permit. A typical administrative permit fee is \$1,725. While staff is uncertain how many businesses will take

advantage of this program, a conservative estimate of 20 businesses would result in \$34,500 in lost revenue to the City. In addition, this program forgo encroachment permits, which has a fee of \$670 for minor encroachments.

Costs for physical materials are expected to be minimal. The City has temporary access to k-rails from the Menlo Park Fire Protection District that will be used to close down sections of Santa Cruz Avenue. The City also has a limited number of planters available on a first come first serve basis to protect parking areas that are closed off on portions of Santa Cruz Avenue that remains open to vehicular traffic. Staff recommends that the \$300,000 in the downtown streetscape capital improvement fund be made available for any other unexpected expenses related to the closure of Santa Cruz and implementation of the temporary outdoor use permit process.

Environmental Review

This action is categorically exempt under the California Environmental Quality Act (CEQA) Guidelines §§15061(b)(3) because there is no possibility that the implementation of this ordinance may have a significant effect on the environment.

Public Notice

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 24 hours prior to the meeting.

Attachments

- A. Urgency Ordinance No. 1070
- B. Menlo Park Chamber of Commerce proposal, revised June 18, 2020

Report prepared by:

John Passmann, Management Analyst II

Deanna Chow, Interim Community Development Director

ORDINANCE NO. 1070**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF MENLO PARK CREATING A TEMPORARY
OUTDOOR USE PERMIT FOR RESTAURANTS AND OTHER
BUSINESSES AND TEMPORARILY CLOSING SANTA
CRUZ AVENUE TO ALLOW FOR SUCH USE**

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

SECTION 1. FINDINGS AND DETERMINATIONS. The City Council of the City of Menlo Park hereby finds:

- A. 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;
- B. A complete clinical picture of this respiratory disease is not yet fully understood;
- C. 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");
- D. 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;
- E. On March 11, 2020, the World Health Organization declared COVID-19 constituted a world pandemic;
- F. 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;
- G. 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;
- H. On March 16, 2020, the Health Officer issued an order that, among other things, directed all individuals currently living within San Mateo County to shelter in their place of residence ("Shelter-in-Place Order"), and authorized 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;
- I. 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;
- J. The Health Officer issued subsequent orders restricting residents' ability to operate businesses and restricting movement and commerce;

K. The existence of State and County stay at home orders have drastically impacted local businesses which have been unable to operate, absent designation as an essential business. Restaurants and other facilities that prepare and serve food, have only been able to operate for delivery or carry out, and retail businesses have had to close to in-person sales.

L. On April 28, 2020, the Governor announced a four-phase roadmap for relaxing the current stay at home order requirements. On May 12, 2020, the Governor issued guidance for the eventual reopening of restaurants in counties certified as meeting state benchmarks for addressing the COVID-19 pandemic. On May 8, 2020, the Governor announced a loosening of rules linking coronavirus infection rates to allowed activities, giving counties more flexibility in making determinations of how to move through Phase 2 of the planned reopening, and indicated that Phase 3 could begin as soon as June 2020.

M. On June 17, 2020, the County Health Officer rescinded the local shelter-in-place order and issued a new order that aligns the county with the state's schedule for reopening.

N. Despite the ability of business to gradually re-open in accordance with State and local health requirements, businesses are limited in their capacity to provide services in their existing facilities due to existing and anticipated social distancing requirements.

O. The City Council intends to provide assistance to local businesses during this time of public health and economic hardships, by encouraging the patronization of local restaurants and other business in a safe manner and therefore desires to establish standards that allow restaurants and other businesses to temporarily operate in an expanded outdoor capacity in the public right-of-way, public parking plazas and private property throughout the Downtown and to give the City Manager more flexibility to close streets to allow for social distancing while providing greater pedestrian access and opportunities for outdoor dining and the sale of goods.

P. As a pilot program, the Chamber of Commerce has recommended the closure of portions of Santa Cruz Avenue between Doyle Street to Evelyn Street. The closure plan and associated barricades is contained in Exhibit A and has been reviewed by the Director of Public Works and the Menlo Park Fire Protection District.

Q. The City Council also desires to suspend Menlo Park Municipal Code requirements to allow businesses throughout the City to use certain public and private spaces for expanded operations while necessary to comply with social distancing requirements.

R. Based upon the findings above, the City Council finds that there is a current and immediate need to allow businesses to use certain outdoor spaces in order to prevent additional harm to small businesses in the City and to allow the public to patronize Menlo Park businesses while complying with social distance requirements, in order to mitigate the threat to the public health, safety and welfare presented by COVID-19.

S. Based upon the findings above, the City Council finds that this urgency ordinance is necessary for the immediate preservation of the public health, safety, and welfare. The City Council finds and determines that the immediate preservation of the public health, safety and welfare requires that this Ordinance be enacted as an urgency ordinance pursuant to Government Code Section 36937(b) and take effect immediately upon adoption. As described above, businesses in Menlo Park are facing unprecedented hardships related to COVID-19 and the shelter-in-place orders. It is anticipated that restaurants will begin to reopen for in-

person dining within the next few days, and this Ordinance needs to become effective immediately in order to allow the City to permit businesses to expand into adjacent open public spaces. Therefore, this Ordinance is necessary for the immediate preservation of the public peace, health, safety and welfare and its urgency is hereby declared.

SECTION 2. TEMPORARY OUTDOOR USE PERMIT. Restaurants and other retail businesses located in Downtown may temporarily use private property or City public right of way or public parking plazas to provide or expand outdoor dining seating or display their wares, subject to the terms and conditions of a Temporary Outdoor Use Permit. Downtown is defined as the area bounded by the El Camino Real, Menlo Avenue, University Drive and Oak Grove Avenue. Restaurants and other retail businesses located outside of Downtown may temporarily use private property or public sidewalk to provide or expand outdoor dining seating or display their wares, subject to the terms and conditions of a Temporary Outdoor Use Permit. The City Council authorizes the City Manager or their designee to create a Temporary Outdoor Use Permit application, to review applications for such a permit, and to issue such revocable and limited use permits with any necessary conditions of approval. Restaurant or other retail business owners or their representative may apply to the City for a revocable Temporary Outdoor Use Permit.

Such permits shall be subject to compliance with operational and safety provisions provided by the City Manager or their designee, applicable State and County of San Mateo health orders, applicable provisions in Menlo Park Municipal Code Sections 13.18.080-13.18.160, applicable regulations of the Department of Alcohol and Beverage Control, and in compliance with the Americans Disability Act. Provided these conditions are met, the applicant shall not be subject to minimum parking requirements specified in the Menlo Park Municipal Code or in a previously granted entitlement, for the duration of the term of the Permit, which shall be reasonably related to the requirements of State, County, or local social distancing requirements and the economic impacts of COVID-19. If the applicant intends to use a shared private parking lot for expanded outdoor dining seating, then the applicant must obtain written consent from other parties with whom the parking lot is shared, and such consent shall be provided upon submission of the permit application.

SECTION 3. CLOSURE OF STREETS FOR OUTDOOR EVENTS. Pursuant to Section 21101(e) of the California Vehicle Code, the City may adopt rules and regulations for highways under its jurisdiction by resolution regarding the temporarily closure of a portion of any street for local special events, and other purposes when, in the opinion of City, or a public officer or employee that the City designates by resolution, the closing is necessary for the safety and protection of persons who are to use that portion of the street during the temporary closing. The City Council desires that portions of Santa Cruz Avenue from Doyle Street to Evelyn Street, shall be temporarily closed to vehicular traffic as shown and depicted on Exhibit A incorporated herein to temporarily allow for open air dining and other business purposes, intended to allow the public to patronize local businesses and dine outdoors.

The City finds and resolves that the closure of such streets is necessary for the protection of persons using such streets for such purposes during designated events. The City Council authorizes the City Manager to establish a schedule for outdoor dining/business events, and to order the closure of streets or portions of streets as necessary to allow for such events.

SECTION 4. Temporary Suspension of Certain Fees and Zoning Requirements. The City Council hereby temporarily suspends for the effective period of this Ordinance the payment of any fees associated with the uses described in Paragraph 2. In addition the City Council temporarily suspends the application of any zoning requirements inconsistent with the uses described in Section 2.

SECTION 5. ENVIRONMENTAL DETERMINATION. In accordance with the California Environmental Quality Act ("CEQA") guidelines section 15061(b)(3), adoption of this ordinance is exempt from the provisions of CEQA, because there is no possibility that the implementation of this ordinance may have a significant effect on the environment.

SECTION 6. SEVERABILITY. In the event any section, clause or provision of this ordinance shall be determined invalid or unconstitutional, such section, clause or provision shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.

SECTION 7. EFFECTIVE DATE AND POSTING. This ordinance shall be effective immediately upon adoption and shall expire in 90 days unless extended by the City Council.

PASSED AND ADOPTED as an urgency ordinance of the City of Menlo Park at a special meeting of said City Council on the nineteenth day of June, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Cecilia Taylor, Mayor

ATTEST:

Judi A. Herren, City Clerk

Color Key

-  Roadblocks
-  Street Closures
-  Restaurants
-  Cafe Dining (existing)
-  Outdoor Expansion (as requested)
-  Bicycle Parking Zone
-  Directional Traffic Pattern

City to install concrete planter or business to supply other vehicle barricade to be approved by City

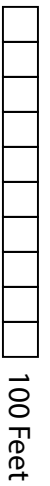


PLATE 1
South

EL CAMINO REAL

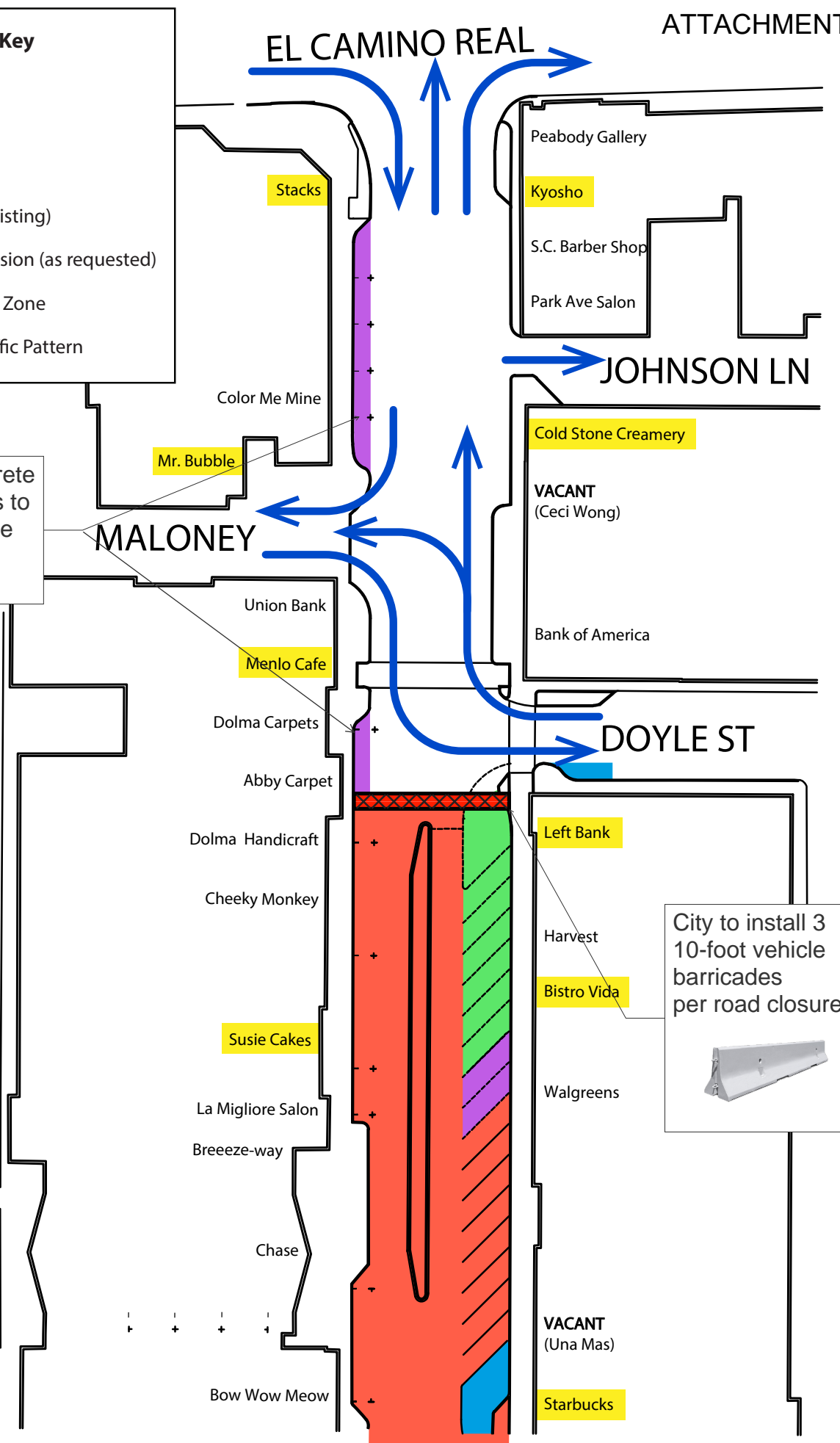
JOHNSON LN

DOYLE ST

MALONEY

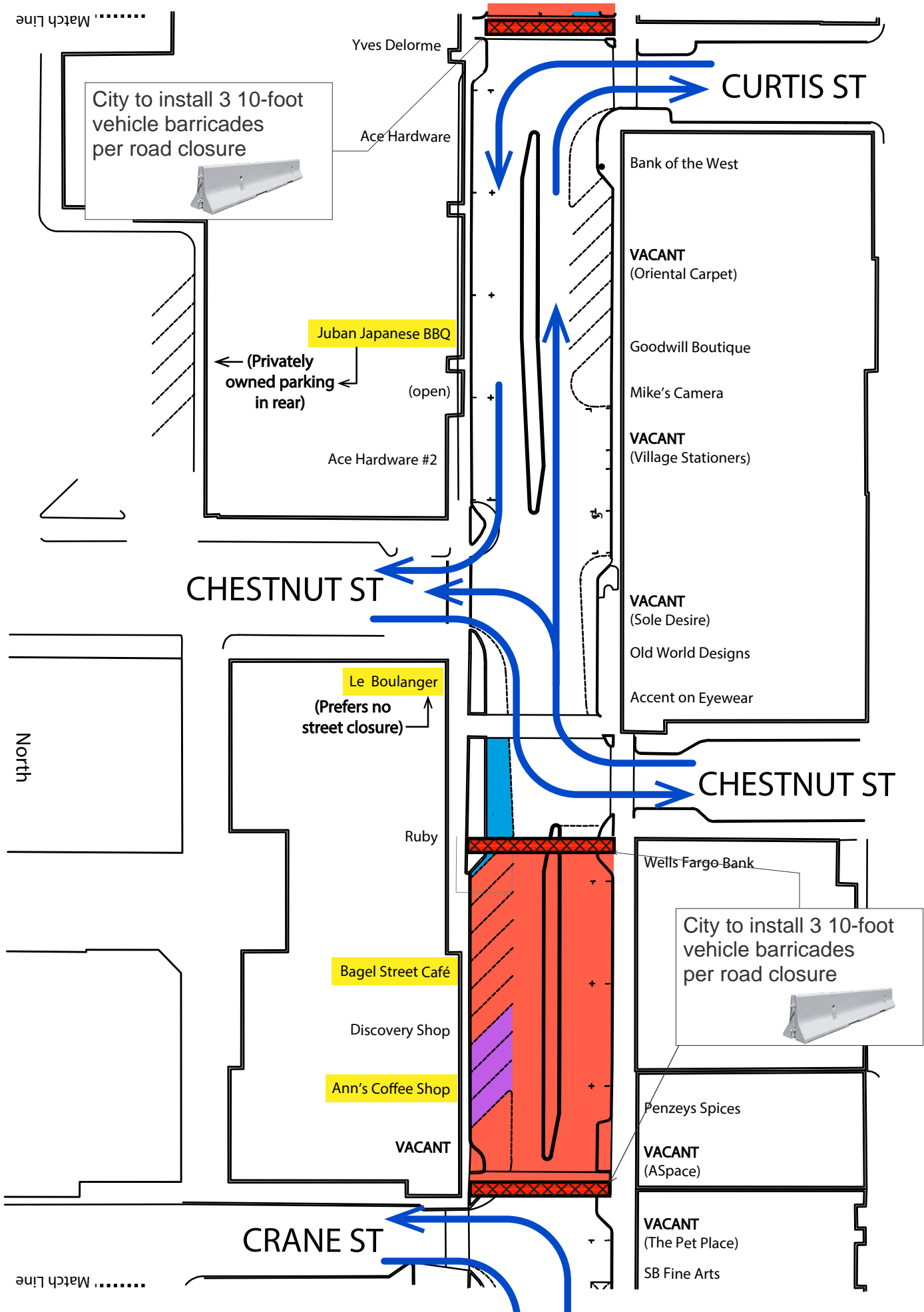
North

Match Line



City to install 3 10-foot vehicle barricades per road closure

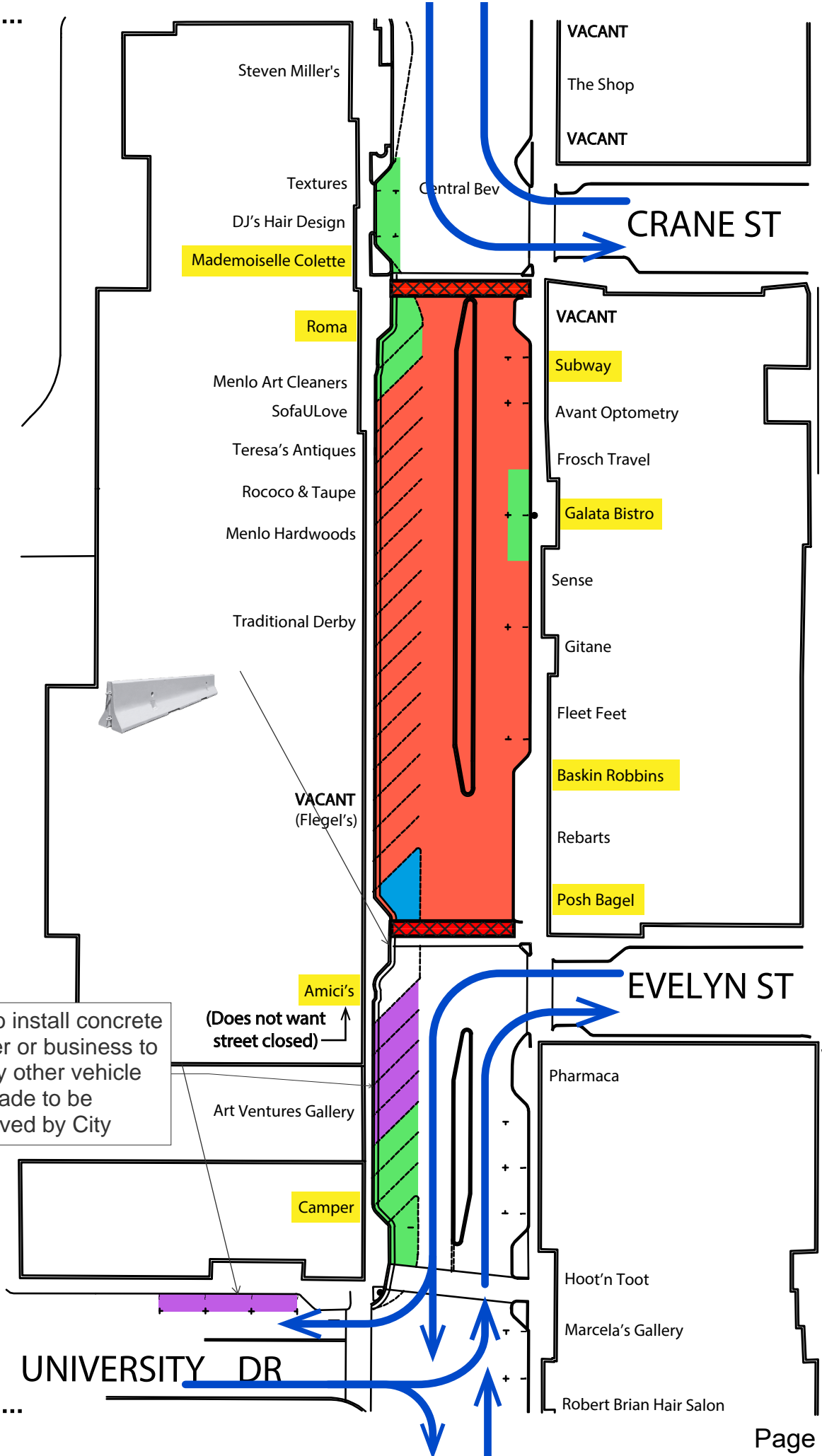




..... Match Line

North

..... Match Line



Steven Miller's

Textures

DJ's Hair Design

Mademoiselle Colette

Roma

Menlo Art Cleaners

SofaULove

Teresa's Antiques

Rococo & Taupe

Menlo Hardwoods

Traditional Derby

VACANT (Flegel's)

Amici's

(Does not want street closed)

Art Ventures Gallery

Camper

UNIVERSITY DR

VACANT

The Shop

VACANT

Central Bev

CRANE ST

VACANT

Subway

Avant Optometry

Frosch Travel

Galata Bistro

Sense

Gitane

Fleet Feet

Baskin Robbins

Rebarts

Posh Bagel

EVELYN ST

Pharmaca

Hoot'n Toot

Marcela's Gallery

Robert Brian Hair Salon

12 Restaurants in closed area; 3 not

PLATE 3 South

Color Key

-  Roadblocks
-  Street Closures
-  Restaurants
-  Cafe Dining (existing)
-  Outdoor Expansion (as requested)
-  Bicycle Parking Zone
-  Directional Traffic Pattern

City to install concrete planter or business to supply other vehicle barricade to be approved by City

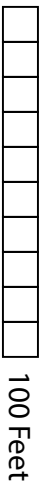


PLATE 1
South

EL CAMINO REAL

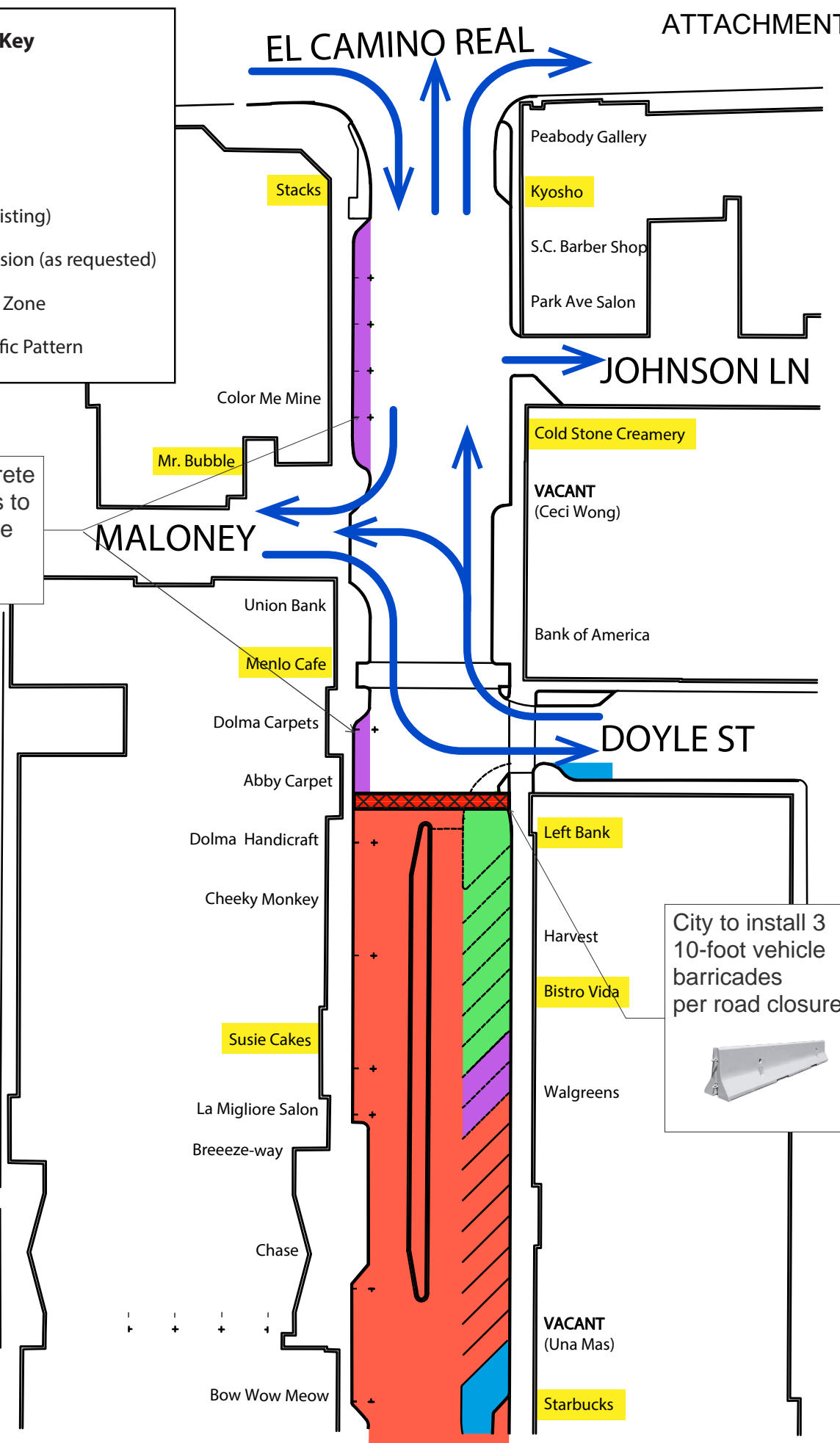
MALONEY

JOHNSON LN

DOYLE ST

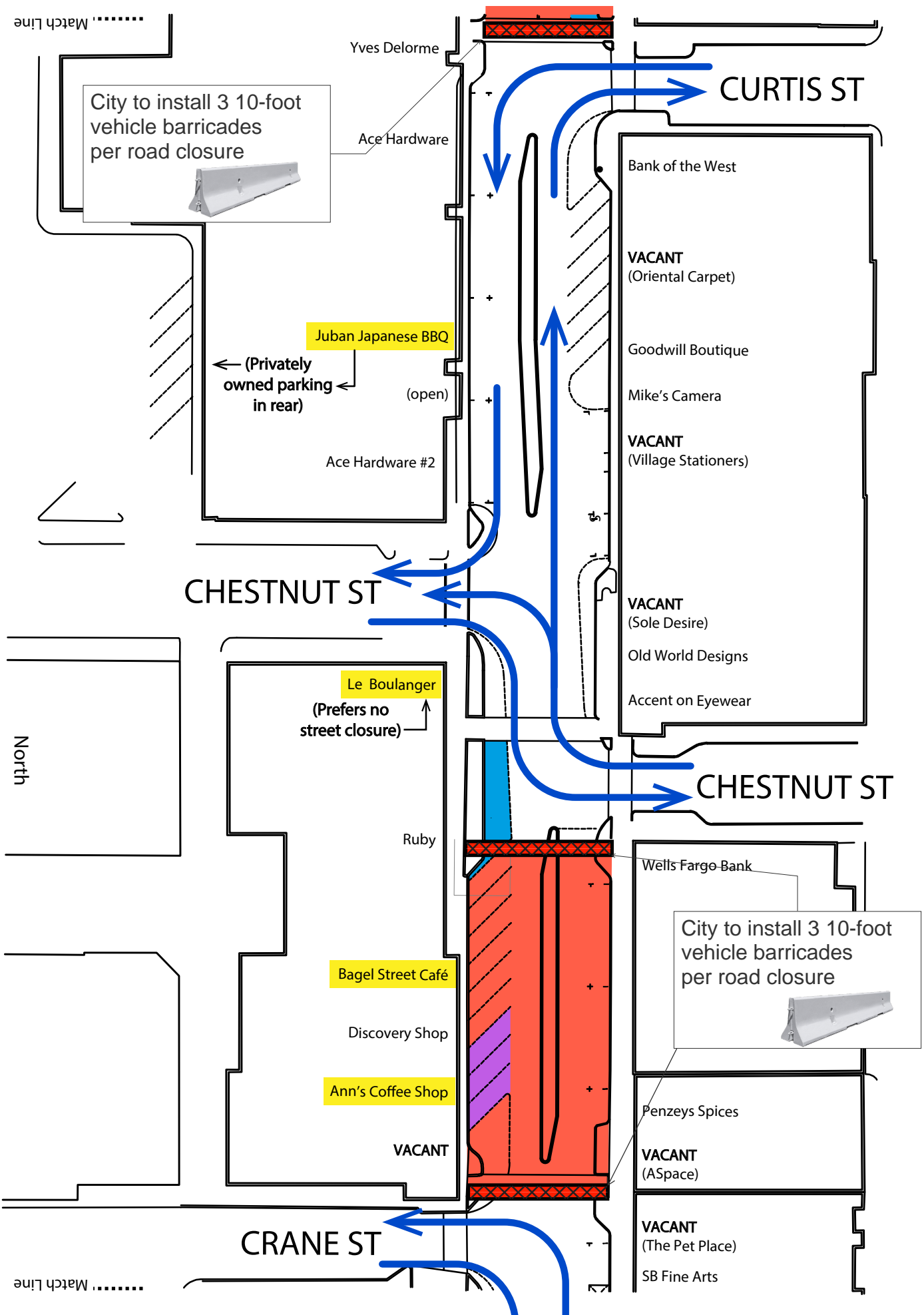
North

Match Line



City to install 3 10-foot vehicle barricades per road closure





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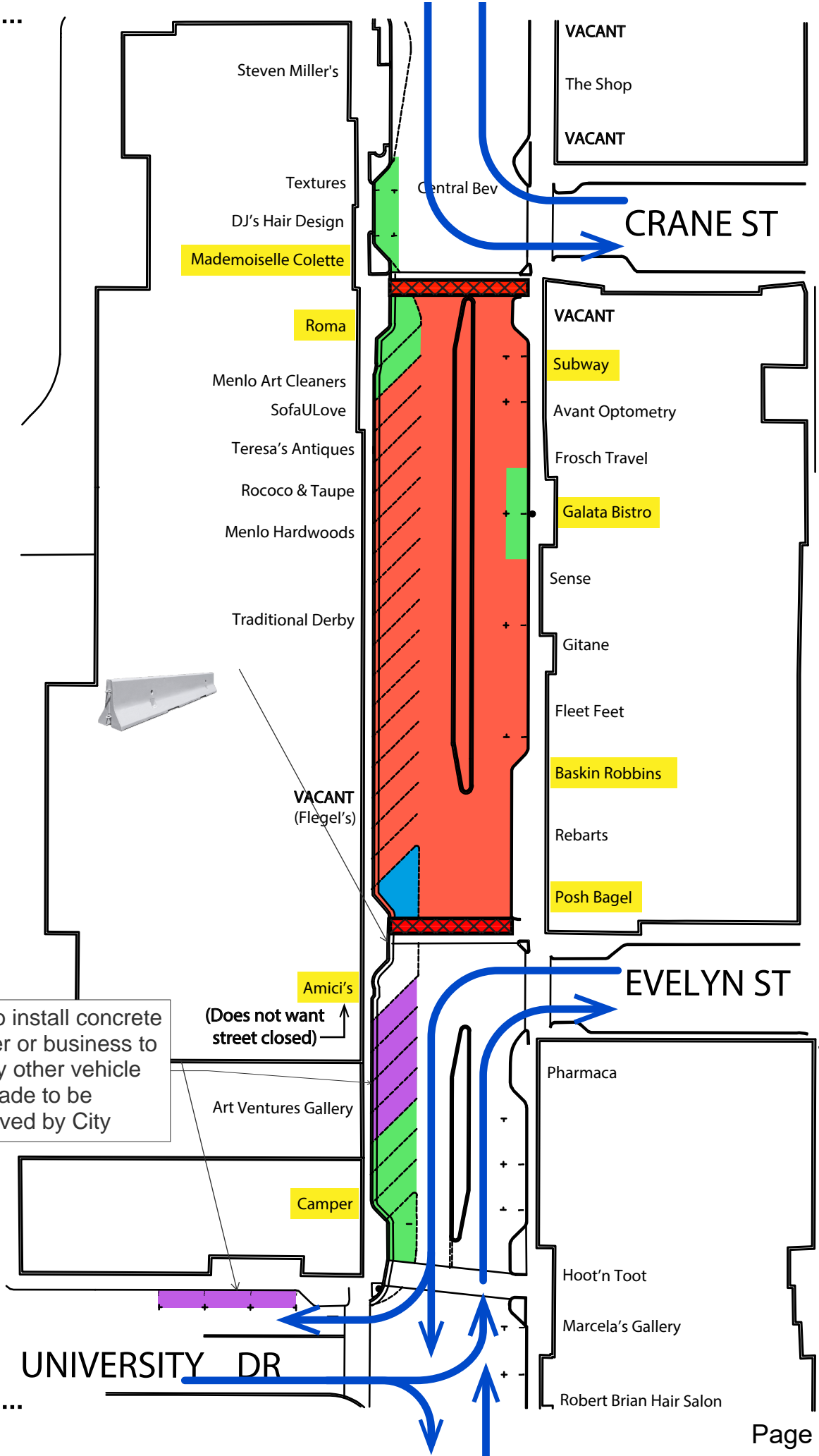
PLATE 2
South

North

..... Match Line

North

..... Match Line



VACANT

The Shop

VACANT

Steven Miller's

Textures

DJ's Hair Design

Mademoiselle Colette

Roma

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Baskin Robbins

Rebarts

Posh Bagel

EVELYN ST

Pharmaca

Hoot'n Toot

Marcela's Gallery

Robert Brian Hair Salon

12
Restaurants
in closed
area;
3 not

PLATE 3

South



STAFF REPORT

City Council

Meeting Date:

~~6/9/2020~~ ~~6/16/2020~~ 6/19/2020

Staff Report Number:

20-116-CC

Regular Business:

Authorize the city manager to execute master agreements with consulting firms for on-call architectural, landscape architectural, civil engineering, construction inspection, municipal engineering and materials testing services

Recommendation

Staff recommends that the City Council authorize the city manager to execute three-year master agreements with multiple consulting firms for on-call architectural, landscape architectural, civil engineering, construction inspection, municipal engineering, and materials testing services with options to extend the agreements on a yearly basis for up to two additional years.

Policy Issues

The proposed action is consistent with the City's purchasing policies. Use of multiyear master agreements assists the timely delivery of capital improvement projects and programs/services to maintain the City's infrastructure. It also serves as a risk management tool to quickly address emergencies, shifting priorities and staff vacancies. The authorization of these master agreements does not award projects to any of the selected firms; it establishes a pool of resources from which to draw as project needs are identified in the future.

Background

The public works department is responsible for planning, building and maintaining the City's infrastructure. The department is comprised of engineering, maintenance, and transportation divisions managing projects per the City's capital improvement program and development service needs. Such projects may include master planning, development permit review, utility upgrades, building and park maintenance, and street and sidewalk repairs. Currently, public works projects are overseen staff engineers and inspectors, and supplemented with contract consulting services. The role of City surveyor is also currently provided through a master agreement.

Over the years, the City Council has authorized the city manager to execute master agreements with consulting firms to augment staffing resources experiencing higher demand. Master agreements have been established by the City for short-term specialized services such as engineering, surveying, transportation, inspection and materials testing. The City's current master agreements for engineering and surveying services were last authorized by the City Council in 2012, and expire at the end of fiscal year 2019-20. The last set of transportation master agreements was authorized by the City Council November 13, 2018, and may be extended through fiscal year 2024-25, so is not included in this authorization. On August 20, 2019, the City Council authorized the city manager to execute three-year master agreements for on-call architectural design, cost estimating and mechanical, electrical and plumbing (MEP) design services. While

cost estimating and MEP on-calls are not included in this authorization, staff recognized the need to expand the City’s architectural on-call support after further evaluation of current and projected workloads.

Analysis

Master agreements are an efficient tool for providing technical staff support and shorten the time needed to identify qualified firms while adhering to City purchasing policies. This enables the City to more quickly respond to needs by utilizing these consulting firms’ services on an as-needed basis for a specific activity. These services are temporary, and obtained only for the length of time needed to complete the tasks.

Master agreements that involve on-call professional services only provide a list of qualified and vetted consulting firms. Once a master agreement is in place with the listed firms, staff interacts with these firms on an as-needed basis to find the most appropriate level of expertise and knowledge to carry out a specific task. Once a specific firm from the list is identified for the temporary work, the City solicits cost information about the task(s) requested and establishes a purchase order for a not-to-exceed amount from a funding source as included in the annual budget.

The master agreement includes the same language as the City’s standard services contract and requires the consultant to provide proof of insurance and to hold the City harmless for the work performed. The agreements will be for three years with an option to extend yearly for up to two additional years.

On April 13, the City issued a request for qualifications (RFQ) for on-call architectural, landscape architectural, civil engineering, construction inspection, municipal engineering, and materials testing services to develop a list of firms to replace those with expiring master agreements. On May 14, the City received 74 submittals in response to the RFQ as summarized below:

Table 1: Response to the RFQ		
On-call service	Proposals received	Hourly rate ¹
Architectural	14	\$60-305
Landscape architectural	20	\$85-310
Civil engineering	17	\$80-400
Construction inspection	9	\$70-225
Municipal engineering	8	\$92-352
Materials testing	6	\$75-500

1. Rates range from administrative to principal staff

A selection committee of staff members divided into groups of three to rank proposals by type of on-call service. Upon review, staff identified firms that would best provide the range of specialties for each on-call service. Finalists were chosen based on a number of selection criteria including fee schedule, work methodology, overall proposal quality, availability to work, familiarity with the City of Menlo Park, and previous staff experience, amongst others. Each panelist provided their top choices per this criteria. A follow up meeting was established for group consensus before finalizing the on-call list in the event of discrepancies. Staff recommends entering into agreements with the 21 firms identified on the next page. The remaining firms did not advance based on this ranking system.

Entering master agreements with these firms will help advance funded capital improvement projects. In addition, master agreements will help relieve added workload from staff vacancies and assist project delivery in a timely manner. While these on-call services are meant to be comprehensive for work that is projected through the life of the agreement, it does not preclude the City from issuing project specific requests for future proposals, if desired.

Table 2			
Service	Firm	Hourly rates	Type of services (illustrative)
Architectural	<ul style="list-style-type: none"> • Noll & Tam • Group 4 • Ten Over Studio • KPA Group 	<ul style="list-style-type: none"> • \$110-240 • \$105-320 • \$75 - 200 • \$95 - 280 	<ul style="list-style-type: none"> • Preparation of conceptual design drawings <ul style="list-style-type: none"> • Master planning and feasibility studies • Compliance report with state or federal guidelines <ul style="list-style-type: none"> • Historic building preservation and restoration <ul style="list-style-type: none"> • Building program development • Space needs studies / interior design • Architectural design drawings and specifications <ul style="list-style-type: none"> • Public meeting presentations • Building permitting assistance • Construction administration services
Landscape architectural	<ul style="list-style-type: none"> • Callander Assoc. • Gates + Assoc. • PGAdesign • BFS 	<ul style="list-style-type: none"> • \$108-210 • \$90 - 220 • \$128-235 • \$80 - 215 	<ul style="list-style-type: none"> • Preparation of conceptual design drawings <ul style="list-style-type: none"> • Master planning and feasibility studies • Compliance report with state or federal guidelines <ul style="list-style-type: none"> • Historic landscape preservation and restoration • Landscape design drawings and specifications <ul style="list-style-type: none"> • Public meeting presentations • Construction administration services
Civil engineering	<ul style="list-style-type: none"> • BKF • Freyer & Laureta • IEC • Schaaf & Wheeler 	<ul style="list-style-type: none"> • \$70 - 251 • \$85 - 230 • \$80 - 260 • \$130-250 	<ul style="list-style-type: none"> • Master planning • Compliance report with state or federal guidelines <ul style="list-style-type: none"> • Land surveying services • Prepare mapping documents <ul style="list-style-type: none"> • Civil design • Civil construction drawings and specifications <ul style="list-style-type: none"> • Construction administration services
Construction inspection	<ul style="list-style-type: none"> • 4Leaf • Starbuilder • Swinerton 	<ul style="list-style-type: none"> • \$92 - 220 • \$90 - 120 • \$86 - 220 	<ul style="list-style-type: none"> • Assist in review of construction documents <ul style="list-style-type: none"> • Construction administration • Inspection services for construction projects
Municipal engineering	<ul style="list-style-type: none"> • Bureau Veritas • CSG • Rey 	<ul style="list-style-type: none"> • \$125-190 • \$130-330 • \$102-600 	<ul style="list-style-type: none"> • City surveyor services • Plan check for construction documents • Building/encroachment permit assistance • Construction and project management duties <ul style="list-style-type: none"> • Staff augmentation support
Materials testing	<ul style="list-style-type: none"> • Construction Testing • BAGG • Ninyo & Moore 	<ul style="list-style-type: none"> • \$90-500 • \$75-250 • \$80-185 	<ul style="list-style-type: none"> • Soils, subbase and geotechnical testing <ul style="list-style-type: none"> • Asphalt / concrete testing • Exploratory drilling and testing • Others as required per Caltrans standards or per project contract

Impact on City Resources

The authorization of these master agreements would not result in a direct expenditure of City resources. Tasks would be assigned through the master agreements to meet the needs and demands identified for each future fiscal year through the adoption of the annual budget and capital improvement program.

The contract amount for services would be identified for each project, depending on the scope of work/services, the number and type of professionals/technicians used, and the level of community engagement needed. The hourly rates for services typically range from \$60 to \$500 per hour, depending on the area of expertise and experience required to deliver the best products. The costs of these services are budgeted in the program or capital project for which the services are needed. No additional appropriations are being requested at this time.

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 24 hours prior to the meeting.

Attachments

- A. Hyperlink – City Council presentation: menlopark.org/DocumentCenter/View/25465/C2-20200619-CC-2-Att-A-cc-presentation

Report prepared by:
Michael Fu, Senior Civil Engineer

Report reviewed by:
Chris Lamm, Assistant Public Works Director



STAFF REPORT

City Council

Meeting Date:

6/19/2020

Staff Report Number:

20-130-CC

Regular Business:

Appoint City Council representatives to the Menlo Park Chamber of Commerce business reactivation task force

Recommendation

Staff recommends that the City Council appoint representative(s) of the City Council to serve as members of the Menlo Park Chamber of Commerce's business reactivation task force.

Policy Issues

The City Council may select up to two representatives to serve on various bodies that have missions of interest to the City Council. The Chamber of Commerce will be leading a task force to focus on local business needs as they begin to reopen and recover from the impacts of COVID-19. Because the task force will report to the Chamber of Commerce, it will not be a Brown Act body.

Background

On May 29, 2020, the City received a letter (Attachment A) from the Menlo Park Chamber of Commerce Rethinking Committee requesting a joint study session be conducted with the City Council on the creation of a business reactivation task force and the closure of Santa Cruz Avenue.

On June 17, 2020, the City Council conducted a joint study session with Chamber of Commerce President/CEO Fran Dehn on the Chamber's proposal to create a task force focused on business reactivation in Menlo Park. The discussion included topics of composition, mission and timeline for the creation of the task force. City Council supported the creation of a business reactivation task force by the Chamber of Commerce and asked staff to create an agenda item to appoint City Councilmember(s) to the task force as soon as possible.

Analysis

The Chamber of Commerce's business reactivation task force's proposed mission, composition, and measures for success are detailed in Attachment A, under the heading "Establishment of a Task Force to support the reopening of the business sector" beginning at the top of page 2. At the June 19 City Council meeting, the City Council should appoint no more than two members to serve on the task force. The selected member(s) would be able to report updates to the full City Council at future meetings to keep the City Council informed about progress and activities.

Impact on City Resources

There is no impact on City resources associated with this action.

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

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Attachments

A. Menlo Park Chamber of Commerce letter

Report prepared by:

John Passmann, Management Analyst II

Report reviewed by:

Deanna Chow, Interim Community Development Director

To: City Manager, Starla Jerome Robinson
From: Chamber of Commerce Rethinking Committee
Subject: Council/Chamber Study Session
Date: May 29, 2020

The impacts of the COVID-19 pandemic have been devastating to our communities with loss of life, loss of mobility and loss of economic commerce. Our local business community (retail, service, entertainment, hotel, etc.) has been devastated by the prolonged closures and limited ability to conduct their business. The City is experiencing significant loss of revenues due to these closures requiring major adjustments to the budget and service levels.

The quick reaction of the state, county and city to implement shelter in place along with closing of non-essential businesses has produced positive results. Recently the State and County have begun to allow businesses to reopen in a controlled manner that limits the ability for these businesses to be fully operational. To counter this impact, the city has considered closing the main street of downtown (Santa Cruz) to provide expanded space for businesses to operate outdoors. There are pros and cons to this closure concept that need to be carefully evaluated before action taking place. With that said the Chamber of Commerce is proposing that a local Task Force be formed to assist and support the reopening of businesses in downtown and other locations within the city limits.

Mayor Cecilia Taylor has suggested that a joint study session be conducted in order to address these critical issues to ensure that a reopening plan is in place to assist with the transition. The Chamber of Commerce *Rethinking Committee* in preparation of a joint study session provides the following information in advance as a foundation for discussion and action.

There are two specific issues for the study session agenda that include:

1. Closure of Santa Cruz and other side streets in downtown area.
2. Establishment of a Task Force to support the reopening of the business sector city-wide.

Closure of Santa Cruz Avenue and other side streets

- The Chamber of Commerce would assist with the evaluation of a closure to ensure the voices of businesses are heard in coordination of a task force if established
- Options for closure would be evaluated by a Task Force (if established) to include but not limited to:
 - No closure
 - Phasing of closure (i.e. weekends or evenings only)
 - Closure of side streets
 - Full v. partial closure
 - Sunset timeline for a closure
 - Approval process
- To ensure that closures if implemented are planned in a manner that makes every attempt to provide maximum medical safety for the public while minimizing exposure to the virus for each business
- Assist the City in determining the best street closure pattern that provides public safety access

- Most importantly that communication is clear and open between businesses and the city.

Establishment of a Task Force to support the reopening of the business sector

Tag Line: Reimagine, Reopen, Reignite

Mission:

Ensure that clear guidelines for reopening businesses are developed with maximum safety measures, metrics for success along with a rebuilding model for business success going forward. To lead the City's effort to rethink the City's Economic Development plan, to reopen the City for business, and reignite local private and public sources of revenue.

To accomplish this Mission, the following is offered:

- The make-up of the task force would take into consideration a cross section of the business sector, public safety/health and city representation.
- The establishment of clear guidelines for reopening would ensure State and County Health orders are carefully considered.
- The task force would work closely with the City Council downtown sub-committee (Mueller/Nash) and City Manager's office.
- Open communication with businesses, public and city is imperative for success.
- Clear metrics for success would need to be established and communicated to all concerned. Metrics could include, but not limited to:
 - The documentation of a clear reopening guidelines.
 - A clear line of communication is established between the city and business community
 - Businesses within the Santa Cruz Avenue downtown area where streets are being closed that are interested in utilizing the added space are documented
 - Businesses outside the downtown area (Sharon Heights/Belle Haven, etc.) are heard and receive a written (hard copy or digital) copy of the reopening guidelines
- Police, Fire and Public Works sign off on street closures and enforcement guidelines and ensure they are documented and approved
- To ensure long-term sustainable success for the reopening of the business community the establishment of a rebuilding model going forward would be completed.

What Success Looks Like

- Street closures are implemented in a manner that maximizes public safety while minimizing business exposure to the virus.
 - These steps become the catalyst to bring customers to the downtown area reigniting retail services
 - Restaurants generate a minimum of 50% of pre COVID-19 dining-in revenues.
- Guidelines for reopening are provided to all businesses via hard copy or digital means
- A rebuilding model going forward (long term) is adopted

Task Force Make-Up (Proposed for consideration)

- City in coordination with the Chamber of Commerce would take the lead.

- City would assign a specific staff member(s) familiar with economic development to the task force
- The Chamber of Commerce would provide its CEO as the key contact with the city
- The Chamber *Rethinking Committee* would provide direct support

The following business sectors and public interests should be considered for the make- up of the task force:

- Hotel/motel industry
- Office
- Housing
- Retail/Restaurants
- Services (banks, financial, etc.)
- Fire District/Police, Public Health
- Chamber of Commerce (small and large businesses)
- Businesses on both sides of the 101 freeway
- Non-profits

Suggested Ex Officio Task Force Members

Council Downtown Sub-committee:

Council Member Betsy Nash

Council Member Ray Mueller

At-Large - TBD

Timeline

Implementation of a timeline is imperative to success. The suggested timeline is proposed:

- Short-term - 1-3 months
- Intermediate-term - 6 months
- Long-term - 12-18 months

The Chamber of Commerce stands ready to move forward with a joint study session with the City Council with the goal to Reimagine, Reopen and Reignite our business community.