



SPECIAL AND REGULAR MEETING AGENDA – AMENDED

Date: 6/23/2020

Time: 4:30 p.m.

Closed Session: Teleconference

Special Meeting Location: Joinwebinar.com – ID# 933-154-779

This amended agenda includes a closed session at 4:30 p.m.

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/publiccommentJune23*
 - 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 933-154-779
- *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

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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.

Closed Session (Teleconference)

A. Call To Order

B. Roll Call

C. Closed Session

Public Comment on these items will be taken before adjourning to 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, Interim City Attorney Cara Silver, Labor Negotiator Charles Sakai.
- C2. Public employment (Gov. Code section 54957.) City Attorney recruitment

Special Session (Joinwebinar.com – ID# 933-154-779)

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.

[Web form public comment received on item C.](#)

D. Consent Calendar

- D1. Accept the City Council meeting minutes for April 21, 2020 ([Attachment](#))
- D2. Adopt Resolution No. 6562 calling and giving notice of holding a General Municipal Election for two City Council seats in districts 3 and 5, requesting that the City Council consolidate the election with

the Presidential General Election to be held November 3, 2020, and contracting with the San Mateo County Chief Elections Officer and Assessor-County Clerk-Recorder for election services ([Staff Report #20-132-CC](#))

- D3. Waive second reading and adopt Ordinance No. 1065 regulating the placement and appearance of newsracks within Menlo Park ([Staff Report #20-134-CC](#))
- D4. Authorize the city manager to execute a contract amendment with Hello Housing for the administration of below market rate housing programs and loan servicing not to exceed \$125,000 and extend the term of the agreement through December 31, 2020 ([Staff Report #20-135-CC](#))
- D5. Authorize the city manager to enter into a contract with LSA Associates, Inc., to prepare an environmental impact report for the proposed mixed-use project at 165 Jefferson Drive (Menlo Flats project) for the amount of \$169,140 and future augments as may be necessary to complete the environmental review for the proposed project ([Staff Report #20-136-CC](#))
- D6. Approve the revised transportation impact analysis guidelines incorporating the vehicle miles traveled thresholds previously adopted by the City Council ([Staff Report #20-139-CC](#))
- D7. Review and confirm the need for continuing the local emergency ([Staff Report #20-140-CC](#))

E. Public Hearing

- E1. Adopt Resolution No. 6566 overruling protests, ordering the improvements, confirming the diagram and ordering the levy and collection of assessments for Landscaping Assessment District for fiscal year 2020-21 ([Staff Report #20-137-CC](#))
- E2. Adopt Resolution No. 6567 to collect the regulatory fee at the existing rates to implement the City's storm water management program for fiscal year 2020-21 ([Staff Report #20-138-CC](#))
- E3. Adopt Resolution No. 6565 to abandon public right-of-way and public utility easements adjacent to and within 100-110 Terminal Avenue ([Staff Report #20-133-CC](#))

F. Regular Business

- F1. Update the City Council and public on COVID-19 health emergency and the City's response ([Attachment](#))
- F2. Approve resolutions: adopting the fiscal year 2020–21 budget and appropriating funds; establishing the appropriations limit for fiscal year 2020–21; establishing a consecutive temporary tax percentage reduction in the utility users' tax rates through September 30, 2021; amending the salary schedule effective July 21, 2019; and establishing citywide salary schedule effective July 5, 2020 ([Staff Report #20-141-CC](#))
- F3. Ratify side letter of agreement between the City and American Federation of State, County, and Municipal Employees Local 829 to defer agreed upon across the board salary adjustments scheduled for July 2020 ([Staff Report #20-123-CC](#))
- F4. Ratify side letter of agreement between the City and Service Employees International Union Local 521 to defer agreed upon across the board salary adjustments scheduled for July 2020

([Staff Report #20-124-CC](#))

G. Informational Items

G1. City Council agenda topics: July 2020 to August 2020 ([Staff Report #20-129-CC](#))

H. City Manager's Report

I. City Councilmember Reports

J. 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: 6/22/2020)

Agenda item C
Julia Brug, resident

Hi my name is Julia Brug and I am a resident of Menlo Park. With the recent creation of a police force specifically funded by an immensely powerful private organization (Facebook) I am incredibly concerned and disappointed in Menlo Park's prioritization of the wealthy and powerful over its most vulnerable citizens. Investing in police has proven to damage and threatened the safety of black, indigenous, people of color, the homeless, the mentally ill, and impoverished peoples. Police reform has been proposed time and time again and produces only superficial, temporary changes. The council needs to listen to its residents and the thousands of protesters across the nation and defund the police. Reallocate these funds to community-led resources which support its residents, and start treating vulnerable people with respect and empathy. Menlo Park needs to begin by acknowledging the extensive damage that the current police and incarceration system has done to its vulnerable residents and enact tangible change.



EMERGENCY MEETING MINUTES – DRAFT

Date: 4/21/2020
Time: 5:30 p.m.
Closed Session Location: Teleconference

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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menlopark.org/publiccommentclosedsessionApril21 *
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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, Deputy City Manager Justin Murphy, Interim City Attorney Cara Silver, Human Resources Manager Theresa DellaSanta; Labor negotiator Charles Sakai

C. Closed Session

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- 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, Human Resources Manager Theresa DellaSanta; Labor negotiator Charles Sakai

No reportable actions.

D. Adjournment

Mayor Taylor adjourned the meeting

Judi A. Herren



SPECIAL MEETING MINUTES – DRAFT

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

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

A. Call To Order

Mayor Taylor called the meeting to order at 7:33 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, Deputy City Clerk Neetu Salwan

C. Public Comment

- Nate Gardner spoke in support of closing Santa Cruz Avenue and allowing restaurants to expand further into the street. Gardner also commented on disabling cross street push buttons for pedestrian in effort to stop the spread of COVID-19 (Attachment).
- Lynne Bramlett spoke in support of adendizing the COVID-19 item to all future agendas, including emergency operation center updates (Attachment).
- Carmen O'Shea, on behalf of the LGBTQ Commission of San Mateo County, spoke in support of raising the LGBTG flag for the month of June and declare June 2020 as pride month by proclamation (Attachment).
- Jen Wolosin spoke in support and commented on what nearby communities are doing to increase safe streets.

D. Consent Calendar

City Council pulled items D1., D4., and D6.

- D1. Accept the City Council meeting minutes for March 10, 26, and 27, 2020 ([Attachment](#))

The City Council provided updates to the March 26 meeting minutes to include consideration of new electric trucks and vehicles for future purchases and correction to the report out from Mayor Taylor to reflect the Strategic Planning Committee meeting.

- 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](#))

- James Pasterino expressed concern with the proposed state safe storage of firearms ordinance (Attachment).

The City Council pulled item D3. and continued to a future closed session.

ACTION: Motion and second (Mueller/Carlton) to continue item D3. to a future closed session, passed unanimously.

- 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](#))

The City Council discussed and received clarification on the list of streets included on the projects eligible under the Senate Bill 1: The Road Repair and Accountability Act of 2017.

- 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](#))

The City Council discussed extending the waiver of late penalties for transient occupancy tax collected between January 1, 2020 and March 31, 2020 to September 30, 2020.

- 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](#))

ACTION: Motion and second (Nash/Carlton) to approve consent items D2., D5., and D7., passed unanimously.

ACTION: Motion and second (Carlton/Nash) to approve the consent calendar items D1., D4. D6. and, D8., passed unanimously.

E. Regular Business

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

Deputy City Manager Justin Murphy made the presentation (Attachment).

- Pastor Teirrah spoke in support of senior's input in consideration to the project (Attachment).
- Sheryl Bims spoke in support of the term "community complex" when referring to the community center and questioned how seniors are able to participate in the discussion process.

Vice Mayor Combs was recused and exited the meeting at 8:33 p.m.

The City Council received clarification on outreach strategies to include community members, following social distancing guidelines as project progress, availability of staff capacity to meet the proposed timeline and discussed funding options, such as community amenities.

ACTION: Motion and second (Carlton/Taylor) to approve the basic timeline and steps identified by staff, passed 4-0-1 (Vice Mayor Combs recused).

Vice Mayor Combs rejoined the meeting at 9:02 p.m.

Deputy City Manager Justin Murphy continued the presentation.

The City Council directed staff to perform due diligence regarding the steps that were outlined in the staff report and return to the City Council for final approval.

ACTION: Motion and second (Nash/Carlton) to approve steps proposed by staff regarding interim services, passed unanimously.

E2. Consider postponing interviews and appointments of all advisory bodies until City facilities reopen ([Staff Report #20-078-CC](#))

City Clerk Judi Herren introduced the item.

The City Council directed staff to extend recruitment through May 5, excluding the Planning Commission, and make appointments to all advisory bodies on May 12.

ACTION: Motion and second (Carlton /Nash) to extend recruitment through May 5, excluding the Planning Commission, and make appointments to all advisory bodies on May 12, passed unanimously.

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](#))

Assistant Public Works Director Chris Lamm made the presentation (Attachment).

City Councilmember Mueller was recused and exited the meeting at 9:22 pm.

The City Council directed staff to keep environment impacts in mind when planning future construction projects.

ACTION: Motion and second (Combs/Taylor) to 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, passed 4-0-1 (Mueller recused).

City Councilmember Muller rejoined the meeting at 10:07 pm.

E4. Update the City Council and public on COVID-19 health emergency and the City's response ([Attachment](#))

Police Chief Dave Bertini and Management Analyst II Nicole Acker made the presentation.

The City Council received information on the new shelter in place order provided by the State. Interim City Attorney Cara Silver provided clarification on construction and landscaping bans during the COVID-19 pandemic. The City Council had consensus on the reactivation of construction when safe and allowed by the State and County.

- Ashley Barraza, Mia Palacios, Nataly Manzanero, and Ivette Contreras expressed concerns regarding impacts on the homeless during the pandemic (Attachment).

F. Informational Items

The City Council continued items F1., F2., F3., F4., and F5. to a future meeting.

- 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](#))

The City Council continued items G. and H. to a future meeting.

G. City Manager's Report

H. City Councilmember Reports

Report from Closed Session

No reportable actions.

I. Adjournment

Mayor Taylor adjourned the meeting at 10:52 p.m.

Judi A. Herren, City Clerk



STAFF REPORT

City Council
Meeting Date: 6/23/2020
Staff Report Number: 20-132-CC

Consent Calendar: **Adopt Resolution No. 6562 calling and giving notice of holding a General Municipal Election for two City Council seats in districts 3 and 5, requesting that the City Council consolidate the election with the Presidential General Election to be held November 3, 2020, and contracting with the San Mateo County Chief Elections Officer and Assessor-County Clerk-Recorder for election services**

Recommendation

Staff recommends that the City Council adopt Resolution No. 6562 that calls the election of two City Council seats in districts 3 and 5, consolidates the City of Menlo Park's General Municipal Election with the Presidential General Election November 3, 2020 and approves contracting with the San Mateo County Chief Elections Officer and Assessor-County Clerk-Recorder to provide election services.

Policy Issues

These actions are prescribed under the California Elections Code in order for the General Municipal Election of two City Council seats in districts 3 and 5 to take place.

Background

The General Municipal Election to elect members of the Menlo Park City Council is held in November of even numbered years. The terms of two at-large City Councilmembers (Carlton and Mueller) will expire this year. This will be the second district-based election following City Council's transition to district elections. City Councilmembers will be elected from two districts (3 and 5) this cycle. The remaining three districts (1, 2 and 4) are up for reelection in November 2022. City Council member terms are for four years.

Historically, the City of Menlo Park consolidates its general municipal election with the county of San Mateo and requests the San Mateo County Chief Elections Officer and Assessor-County Clerk-Recorder to provide specialized services including the printing and mailing of ballot materials, establishing and operating of polling places and the counting of ballots.

Analysis

The Elections Code requires the governing body to adopt a resolution calling for the November 3, 2020 election (Attachment A.) Menlo Park consolidates its general municipal election with the county of San Mateo. In order to contract with the San Mateo County Chief Elections Officer and Assessor-County Clerk-Recorder to render services, the City Council must adopt a resolution requesting that the board of supervisors approve consolidation and approve a service agreement, which specifies the duties of the City and the County.

The following are important dates for the November 3, 2020 election:

June 29 – July 13

Between these dates, the city clerk shall publish a Notice of Election for two open City Council seats (Districts 3 and 5.)

July 13 – August 7

This is the City Council candidate filing period. Nomination papers, declarations of candidacy and other election materials are available during this time from the city clerk by appointment only. Paperwork must be filed by 5 p.m., the close of business, August 7. Generally, if an incumbent elects not to run this nomination period is extended for five days. Since there are no existing incumbents in the newly formed districts, the nomination period will close August 7.

Impact on City Resources

According to the San Mateo County Chief Elections Officer and Assessor-County Clerk-Recorder for election services, the estimated cost of consolidated election services for the two City Council seats is approximately between \$24,300 and \$29,000. Funds are included in the proposed fiscal year 2020-21 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. Resolution No. 6562

Report prepared by:
Judi A. Herren, City Clerk

RESOLUTION NO. 6562**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK CALLING AND GIVING NOTICE OF HOLDING A GENERAL MUNICIPAL ELECTION FOR TWO CITY COUNCIL SEATS IN DISTRICTS 3 AND 5; REQUESTING ELECTION CONSOLIDATION WITH THE PRESIDENTIAL GENERAL ELECTION TO BE HELD ON NOVEMBER 3, 2020; AND CONTRACTING WITH THE SAN MATEO COUNTY CHIEF ELECTIONS OFFICER AND ASSESSOR-COUNTY CLERK-RECORDER FOR ELECTIONS SERVICES**

WHEREAS, the City Council of Menlo Park is calling a General Municipal Election to be held on Tuesday, November 3, 2020, for the purpose of electing two City Council members for full four-year terms; and

WHEREAS, the General Municipal Election is to be consolidated with the Presidential General Election to be held on the same date and that the City precincts, polling places and election officers of the two elections be the same, and that the San Mateo County Chief Elections Officer and Assessor-County Clerk-Recorder canvass the returns of the General Municipal Election and that the election be held in all respects as if there were only one election.

NOW, THEREFORE BE IT RESOLVED that the City of Menlo Park orders as follows:

1. The City hereby calls a General Municipal Election to elect one person each from City Council Districts 3 and 5 to the City Council of the City of Menlo Park for a term commencing January 1, 2021, and ending December 31, 2025.
2. Pursuant to California Elections Code Section 10403, the City Council of Menlo Park is hereby consenting and agreeing to the consolidation of a General Municipal Election with the Presidential General Election to be held on November 3, 2020.
3. Nomination papers may be procured from the City Clerk no earlier than July 13, 2020 and shall be filed with the City Clerk no later than 5:00 p.m. on August 7, 2020. That the election precincts, polling places, voting booths and election officials in each of the precincts in which this election shall be held shall be the same as provided for the Presidential General Election on said date, as prescribed by the ordinance, order, resolution or notice of the Board of Supervisors of San Mateo County calling, providing for or giving notice of such other election and which sets forth such precincts, voting booths, polling places and election officials.
4. Pursuant to Elections Code 10002, the City Council further requests that the County Board of Supervisors permit County election official(s) be authorized to render services to the City relating to the conduct of said election. The services shall be of the administrative type normally performed by such County election official(s) in conducting elections including, but not limited to, checking registrations; printing and mailing sample ballots; ballots; candidates' statements; hiring election officers and arranging for polling places; providing and distribution of election supplies; and counting ballots and canvassing returns.
5. That the San Mateo County Chief Elections Officer and Assessor-County Clerk-Recorder is hereby authorized to canvass the returns of the General Municipal Election, and that the election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

6. The City of Menlo Park recognizes that the costs incurred by the San Mateo County Chief Elections Officer and Assessor-County Clerk-Recorder, by reason of this consolidation, will be reimbursed by the City of Menlo Park as specified in the Services Agreement that the City of Menlo Park hereby authorizes the City Manager to execute.
7. Pursuant to Elections Code 13307, the City Council hereby determines to levy against each candidate availing himself or herself if the service of including a candidate's statement not to exceed two hundred (200) words in length in the voters' pamphlets, the actual prorated costs of printing, handling, and translating the candidates statement incurred by the City of Menlo Park. The City Clerk shall provide written notice to such effect with each set of nomination papers issued and shall require payment of the estimated prorated share at the time the candidate statement is filed.
8. The City Clerk is hereby directed to submit a certified copy of this resolution to the Board of Supervisors of the County of San Mateo, and to the appropriate County election officials of San Mateo. The City Clerk is also directed to file a copy of the resolution with the San Mateo County Chief Elections Officer and Assessor-County Clerk-Recorder prior to July 13, 2020.
9. That the City Clerk shall certify to the passage and adoption of this resolution.

I, Judi A. Herren, City Clerk of the City of Menlo Park, do hereby certify that the above and foregoing City Council resolution was duly and regularly passed and adopted at a meeting of said City Council on the twenty-third day of June, 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-third day of June, 2020.

Judi A. Herren, City Clerk



STAFF REPORT

City Council

Meeting Date:

6/23/2020

Staff Report Number:

20-134-CC

Consent Calendar:

Waive second reading and adopt Ordinance No. 1065 regulating the placement and appearance of newsracks within Menlo Park

Recommendation

Staff recommends that the City Council waive second reading and adopt Ordinance No. 1065 regulating newsracks by establishing a permit process, standards for maintenance and display, size and design standards, standards for placement and location and an enforcement mechanism for abandoned or unmaintained newsracks throughout Menlo Park.

Policy Issues

State law requires two City Council actions, a first reading and second reading, to amend or add to a city's municipal code.

Background

On October 29, 2019, staff sought direction on the newsrack issue at a City Council study session. At this meeting, staff was directed to clarify the effect the draft ordinance would have on currently active newsracks and bring back a modified ordinance that would not unnecessarily displace newsracks.

On June 16, the City Council unanimously voted to introduce Ordinance No. 1065. At the meeting, the City Council gave direction to amend the ordinance to remove noncompliant racks sooner than the January 1, 2020 effective date in the ordinance. Additionally, Council asked staff to bring back estimates associated with permit fees and cost of recovery to make a more informed decision about the level of cost recovery desired.

Analysis

Ordinance No. 1065 will be implemented in two stages. The first stage will take effect July 23. This stage will give the City the authority to remove any abandoned rack that is not compliant with the Size and Design Standards in Section 13.28.060. The removal of any newsracks in this stage will still comply with the removal procedures outlined in Section 13.28.110. The remainder of the ordinance will take effect January 1, 2021 to allow time to establish the permit process for newsracks.

At the June 16 hearing, the City Council noted that some newsracks may currently look abandoned (due to COVID-19 publication closures,) but are not in fact abandoned. The ordinance's definition of "abandoned" addresses this issue by making exceptions for temporary and extraordinary interruption of distribution or publication. Clearly a COVID-19-related interruption would qualify and staff would not deem such newsracks abandoned under the ordinance. Given City Council's desire to immediately remove noncompliant and

abandoned newsracks immediately, staff surveyed its existing GIS database to confirm that two newsracks would qualify for the removal process immediately. One newsrack is located at El Camino Real and Santa Cruz Avenue (Attachment B) and the other is at Oak Grove Avenue and Maloney Lane (Attachment C.)

Upon the effective date of the ordinance, staff would post these two newsracks with a 10-day notice asking the publisher/owner to claim them or show they are in fact compliant and not abandoned. If the publisher fails to remove, the City would physically remove the newsracks and patch the sidewalk if necessary. State law requires the abandoned newsrack to be stored for 90 days before disposal.

Impact on City Resources

In the first stage of the ordinance, the primary expenditure of City resources will be on the removal, storage and disposal of abandoned racks. Public works maintenance staff time will be used to complete these tasks. Since the majority of green racks lack a responsible party, the City is unlikely to recoup the costs of their removal and disposal. The removal of the two identified abandoned and design noncompliant newsracks will cost the City approximately \$800.

In the second stage of the ordinance, staff resources from community development (planning), public works (engineering and maintenance) and police (code enforcement) will need to be allocated to establish a permitting process, review permits, enforce maintenance standards, and remove and store newsracks, which are abandoned or no longer in compliance. Staff estimates that the cost for establishing the permit process would be approximately \$7,000. Although the details of the permitting process need to be established, staff estimates that cost recovery of staff time on a permit application without an appeal would be approximately \$300. Removal of noncompliant or abandoned racks is estimated to cost \$400 for full cost recovery. At the next master fee schedule update or under separate review, staff will bring a more robust analysis for the cost of recovery on a newsrack permit fee, renewal fee and violation fee and seek direction from the City Council on desired levels of cost recovery.

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. Staff also notified publishers directly with an email about the introduction of this ordinance.

Attachments

- A. Ordinance No. 1065
- B. Newsrack at El Camino Real and Santa Cruz Avenue
- C. Newsrack at Oak Grove Avenue and Maloney Lane

Staff Report #: 20-134-CC

Report prepared by:
John Passmann, Management Analyst II

Report reviewed by:
Deanna Chow, Interim Community Development Director

ORDINANCE NUMBER 1065**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
ADDING CHAPTER 13.28 [NEWSRACKS] OF TITLE 13 [STREETS,
SIDEWALKS, AND UTILITIES] OF THE MENLO PARK MUNICIPAL CODE**

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

SECTION 1. FINDINGS AND DETERMINATIONS.

A. It is in the public interest to establish regulations that balance the right to distribute information through newsracks with the right of persons to reasonably access and use Public property.

B. The City of Menlo Park currently has limited control on the design, placement, and installation of newsracks within the public rights of way; which newsracks can cause interference and obstruction with the use of public rights of way; can cause interference with the safe and reasonable use of private property adjoining or in the vicinity of such public rights of way; and further can adversely impact the aesthetics of the City of Menlo Park creating structural and visual clutter. The goal of this Ordinance is to reduce such negative impacts.

C. The City Council of the City of Menlo Park finds and declares the addition of Chapter 13.28 [Newsracks] is necessary for the above reasons.

SECTION 2. ADDITION TO CODE. Section 13.28 [Newsracks] is hereby added in its entirety as follows:

Sections:

13.28.010	Purpose.
13.28.020	Definitions.
13.28.030	Permit Required.
13.28.040	Obtaining a Permit.
13.28.050	Standards for Maintenance and Display of Newsrack.
13.28.060	Size and Design Standards.
13.28.070	Standards for Placement and Location of Newsrack.
13.28.080	Blinder Racks Required.
13.28.090	Violation - Enforcement.
13.28.100	Nuisance.
13.28.110	Removal and Hearing.
13.28.120	Abandoned Newsracks.

13.28.010 Purpose.

The purpose and scope of the regulations in this chapter are as follows:

(a) The provisions of this Chapter shall apply to all newsracks located within the City of Menlo Park; provided, that certain provisions, as specified, shall apply only to newsracks located on Public property.

(b) It is in the public interest to establish regulations that balance the right to distribute information through newsracks with the right of persons to reasonably access and use public property.

(c) The public health, safety, welfare and convenience require that interference with vehicular, bicycle, wheelchair or pedestrian traffic be avoided; obstruction of sight distance and views of

traffic signs and street-crossing pedestrians be eliminated; damage done to sidewalks or streets be minimized and repaired; the good appearance of Public property be maintained; trees and other landscaping be allowed to grow without disturbance; access to emergency and other public facilities be maintained; and ingress and egress from, and the enjoyment of store window displays on properties adjoining public property be protected.

(d) Newsracks placed and maintained on public and private property, absent some reasonable regulation, may unreasonably interfere with the use of such property, and may present hazards to persons or property.

(e) The regulations on the time, place and manner of the placement, location and maintenance of newsracks set forth in this Chapter are carefully tailored to ensure that the purposes stated in this section are implemented while still providing ample opportunities for the distribution of news and other information to the public.

13.28.020 Definitions.

For the purposes of this Chapter, the following words and phrases are defined and shall be given the meaning set out in this section unless it is apparent from the context that a different meaning is intended.

(a) "Abandoned newsrack" means any newsrack which remains empty or contains only outdated issues for fourteen (14) consecutive days; provided, that a newsrack remaining empty due to labor strike or any temporary and extraordinary interruption of distribution or publication by the newspaper or other publication sold or distributed from that newsrack shall not be deemed abandoned.

(b) "Harmful matter" means and is defined as in California Penal Code Section 313, as such section may from time to time be amended.

(c) "Newsrack" means any self-service or coin-operated box, container, storage unit, or other dispenser installed, used or maintained for the display and sale or distribution of newspapers, periodicals or other publications.

(d) "Person" means any individual, partnership, firm, association, corporation, limited liability company, or other legal entity.

(e) "Public place(s)" means and includes any Public property owned or controlled by the City of Menlo Park or any other public agency, or any outdoor private property which is open to the public.

(f) "Public property" means any public right-of-way or any property owned or controlled by the City of Menlo Park, including, without limitation, streets, sidewalks, alleys, plazas, and rights-of-way.

13.28.030 Permit Required.

It is unlawful to install, place, maintain or cause to be placed, installed or maintained a newsrack on, or projecting on or over, any Public property without first receiving a permit from the City of Menlo Park Public Works Director or its designee, and unless such newsrack is in compliance with the provisions of this Chapter; provided that a newsrack located on Public property as of the effective date of this chapter, may continue to remain in such location for one hundred twenty (120) days following such effective date, under the following conditions:

(1) The newsrack is in compliance with the requirements for the installation and maintenance of newsracks contained in this Chapter; and

(2) A permit application for such newsrack has been filed as of that date with the City of Menlo Park Public Works Director or its designee by the duly authorized representative of both the

publisher and, if applicable, any independent distributor authorized to service the publisher's newsrack; and

(3) A permit pursuant to such application has not been denied with respect to any such newsrack.

If no permit application has been filed by that date by the duly authorized representative of both the publisher and, if applicable, any independent distributor authorized to service the publisher's newsrack, or such permit is denied, such newsrack shall be deemed to be in violation of the provisions of this chapter. Initial permits shall be valid until June 30, 2022. Thereafter, permits shall be valid for up to two years, expiring on June 30 of each odd numbered year.

Newsracks on private property do not require a newsrack permit, but do require design review approval by the City of Menlo Park Community Development Department if they do not conform to the size, design, and maintenance standards in this Chapter. Existing newsracks on private property shall constitute a non-conforming use to the extent they do not conform to the design standards set forth in this Chapter.

13.28.040 Obtaining a Permit.

(a) Exclusive Requirements. The provisions of this Chapter shall be the exclusive requirements for newsracks located on or encroaching onto Public property in the City of Menlo Park.

(b) Application. Application for a newsrack permit for each location sought shall be submitted to the City of Menlo Park Public Works Director or its designee on a form prescribed by the City of Menlo Park, which shall include, without limitation:

(1) The name, street and mailing address, and telephone number of the applicant, which shall be the duly authorized representative of both the publisher and, if applicable, any independent distributor authorized to service the publisher's newsrack for which the permit is sought;

(2) The name, street and mailing address and telephone number of the distributor or other responsible person whom the City of Menlo Park may notify or contact at any time concerning the applicant's newsrack(s);

(3) A description of the exact proposed location (including a map or site plan, drawn to scale, with adequate locational information to verify conformance with this chapter) and the proposed means of affixing the proposed newsrack;

(4) A description of the proposed newsrack, including its dimensions, the number of publication spaces it will contain, and whether it contains a coin-operated mechanism;

(5) The name and frequency of publication of each publication proposed to be contained in the newsrack;

(6) A statement signed by the applicant that the applicant agrees to indemnify, defend and hold harmless the City of Menlo Park and its representatives from all claims, demands, loss, fines or liability to the extent arising out of or in connection with the installation, use or maintenance of any newsrack on Public property by or on behalf of any such person, except such injury or harm as may be caused solely and exclusively by the negligence of the City of Menlo Park or its authorized agents or representatives;

(7) A statement signed by the applicant that the applicant agrees, upon removal of a newsrack, to repair any damage to the Public property caused by the newsrack or its removal; and

(8) Each applicant shall submit along with the permit application a fee as set forth in the City of Menlo Park's Master Fee Schedule. Additionally each applicant shall submit an insurance certificate naming the City of Menlo Park as an additional insured under the same terms as required for a Public Works Encroachment Permit.

(c) Issuance of Permit. A permit shall be issued within thirty (30) days from the date of filing the application with the City of Menlo Park Public Works Director or its designee if the application

is properly completed and the type of newsrack and location proposed for each newsrack meet the standards set forth in this Chapter. A single permit shall be issued for each newsrack location applied for by an applicant which meets the standards of this Chapter. Each permit holder shall maintain an active City of Menlo Park Business License throughout the term of the permit. An applicant may submit more than one application, in order to apply for additional locations. Each application shall be accompanied by the applicable fee. A permit shall not be transferable without written authorization of the City of Menlo Park Public Works Director or its designee.

(d) Period of Permit Validity. Permits shall remain valid if re-registered with the City of Menlo Park prior to expiration, on a form provided by the City of Menlo Park. Failing to re-register or explicit cancellation by a permit holder will void the permit and it will be ineffective thereafter. Unregistered newsracks may be treated as abandoned under Section 13.28.120 or other applicable enforcement mechanism.

(e) Issuance of Permit Sticker. Each permittee shall be issued a pre-printed sticker for each permitted newsrack, which shall be affixed to the lower right corner of the front of each permitted newsrack. Failure to have a permit sticker affixed to a newsrack will be treated as abandoned under Section 13.28.120.

(f) Denial of Permit. If a newsrack permit is disapproved, in whole or in part, the City of Menlo Park Public Works Director or its designee shall notify the applicant within thirty (30) days from the date of filing a complete application with the City of Menlo Park, explaining the reason(s) for the denial of the permit. The applicant shall have ten (10) days within which to appeal the decision to the City Manager in accordance with the appeal provisions set forth in subsection (g) of this section.

(g) Appeal of Permit Denial. Any appeal shall be timely submitted to the City Clerk, with the appeal made in writing and delivered to the City Clerk by hand delivery or by certified mail, return receipt requested, or other reputable courier service, and shall be deemed given (1) when received if by hand delivery or (2) three business days after being postmarked and addressed to the City Clerk. After receiving the notice of appeal, the City Manager or the designee of the City Manager shall conduct a hearing within sixty (60) days of the receipt of the applicant's appeal, unless otherwise agreed to by the applicant. Written notice of the time and place of the hearing shall be given to the applicant, and shall be posted in the official posting locations of the City of Menlo Park. The hearing shall be informal, but oral and written evidence may be given by both sides. The City Manager or designee shall render a written decision within twenty (20) days after the date of the hearing. The decision of the City Manager shall be final.

(h) Amendment to Permit. In the event of a change in any of the information contained in the application, the permittee shall submit such change in writing to the City of Menlo Park Public Works Director or its designee. A permittee may install and maintain additional newsracks at the same location by an amendment to the permit. The rules and procedures of this section shall also apply to the review and approval of any such amendment.

13.28.050 Standards for Maintenance and Display of Newsracks.

(a) Every person placing or maintaining a newsrack on Public property shall comply with the following requirements:

(1) Every newsrack shall be maintained in a neat and clean condition, and in good repair at all times. For example, without limitation, every newsrack shall be reasonably free of dirt and grease, be reasonably free of chipped, faded, peeling or cracked paint, be reasonably free of rust and corrosion, have no broken or cracked plastic or glass parts, and have no broken structural parts. No signs, advertising, stickers or adhesive labels, other than City of Menlo Park issued identification/approval labels, unrelated to publications in the newsracks shall be displayed on newsracks.

(2) Every newsrack shall be constructed, installed and maintained in a safe and secure condition.

(3) Every newsrack shall be made of solid material on all sides, so as to contain the material inside the newsrack in a manner as to prevent it from blowing away or otherwise becoming litter. No wire or other open form of newsrack shall be permitted.

(4) Every newsrack shall be kept free of graffiti.

(5) Every newsrack that sits on legs shall be kept free of dirt and litter under the newsrack.

(6) Every newsrack shall be painted or covered with a protective coating, so as to keep it free from rust, and shall be cleaned and repainted on a regular basis.

(7) Every coin-operated newsrack shall be equipped with a coin-return device that is maintained in good repair and working order.

(8) Every coin-operated newsrack shall display information on how to secure a refund in the event of coin return malfunction. Such information shall be placed in a visible location on the front or top of the newsrack, and shall be legible.

(9) Other than the display of the publication contained therein, no newsrack shall display or be affixed with any words or pictures except for the identifying information, and the coin return information, if applicable.

(10) Old or out-of-date material removed from any newsrack by any person who owns, maintains, or stocks the newsrack shall be recycled or disposed of in a lawful manner and not in any City of Menlo Park owned trash receptacle. Such material shall not be disposed of in any trash receptacle owned or rented by others, without the express written consent of the owner or renter of such receptacle. Such material shall be disposed of in a manner that does not cause the material to become litter.

(11) Upon the removal of a newsrack, the public right-of-way shall be returned to its original condition, with any damage to Public property to be repaired to City specifications by the permit holder.

(b) Every newsrack located in a Public place and/or on Public Property shall be affixed with identifying information, which shall contain the name, address and telephone number of the newsrack owner and of the distributor of the publication(s) contained therein. Such information shall be placed in a visible location on the front or top of the newsrack, and shall be legible. The size of the identifying information shall be no larger than three (3) inches by five (5) inches.

13.28.060 Size and Design Standards.

No newsrack shall be placed, installed or maintained on any Public property except in compliance with the following standards:

(a) No newsrack shall be more than fifty-four (54) inches high (including the pedestal in the case of modular newsracks) measured from the ground to the top surface of the newsrack, nor more than twenty-six (26) inches deep, nor more than twenty-six (26) inches wide.

(b) The highest operable part of the coin slot, if provided, and all controls, dispensers and other operable components of a newsrack shall be no higher than forty-eight (48) inches above the ground, and no lower than fifteen (15) inches above the ground.

(c) The design of a newsrack shall not create a danger to the persons using the newsrack in a reasonably foreseeable manner. All newsracks shall comply with all applicable federal, state and local laws and regulations including, without limitation, the Americans with Disabilities Act and other laws and regulations relating to barrier-free design.

13.28.070 Standards for Placement and Location of Newsracks.

(a) No newsrack shall be placed, installed or maintained on any Public property when such installation, use or maintenance endangers the safety of persons or property. No newsrack shall

be placed, installed or maintained on any Public property except in compliance with the following standards:

- (1) Newsracks shall be placed in one of the following locations:
 - (A) Near a curb, in which case, the back of the newsrack shall be placed no less than eighteen (18) inches nor more than twenty-four (24) inches from the face of the curb; or
 - (B) Adjacent to a wall, such as a wall of a building or similar, in which case, the back of the newsrack shall be placed parallel to such wall and not more than six (6) inches from the wall or as close to the wall as the Public Works Director or its designee determines is appropriate and safe for the specific location; or
 - (C) In any location historically in which a newsrack has existed and/or otherwise as the Public Works Director or its designee determines is appropriate and safe for the specific location.
- (2) Every newsrack shall be placed so as to open toward the sidewalk.
- (3) Every newsrack shall be placed, installed and maintained in a manner approved by the permit. No newsrack shall be chained to another newsrack. Newsracks shall not be chained or otherwise attached to any bus shelter, bench, street light, utility pole or device or sign pole, or to any tree, shrub or other plant, nor situated upon any landscaped area.
- (4) No newsrack shall be placed, installed or maintained in the following manner:
 - (A) Within five (5) feet of any marked or unmarked crosswalk as measured from the curb return;
 - (B) Within five (5) feet of any fire hydrant, call box, or other emergency facility; or bus bench;
 - (C) At any location where the clear space for the passage of pedestrians is reduced to less than six (6) feet except that in areas where physical obstructions provide for less than a six (6) foot clearance, a clear space for passage of not less than four (4) feet may be permitted for a distance of not more than ten (10) feet with the written approval of the City of Menlo Park Public Works Director or its designee;
 - (D) Within five (5) feet of any driveway;
 - (E) Within five (5) feet of any red curb of a bus stop zone;
 - (F) Within five (5) feet of the curb return of any wheelchair curb ramp not in a marked crosswalk;
 - (G) In such a manner as to impede or interfere with the reasonable use of any commercial window display or access to or from any building;
 - (H) In such a manner as to impede or interfere with the reasonable use of any bicycle rack;
 - (I) In such a manner as to block or cover any portion of an underground utility vault, manhole, or other sidewalk underground access location.
- (5) Any newsrack placed within Caltrans jurisdiction (such as along El Camino Real or portions of Willow Road) must comply with the applicable Caltrans Maintenance Agreement held by the City of Menlo Park.
 - (b) The City of Menlo Park Public Works Director or its designee may allow a permittee to place a newsrack in a location that does not meet the standards otherwise required by this section if it is found that such modifications will not be detrimental to the public safety and that, due to the existing physical constraints at that location, imposition of the standards would make placement impossible and would cause a hardship to the permittee and its patrons. An applicant seeking a modification from the standards shall submit as part of the application the proposed request, the reason for the request, the alternatives that were considered, and how the proposed request would meet the purpose of this ordinance. The written findings in such a situation shall describe the grounds for approval and be made part of the permit. Prior to considering whether or not to grant the permit, the City of Menlo Park Public Works Director or its designee shall provide written notice of the requested permit approval to the owner(s) of the real property adjacent to or abutting the proposed newsrack location.
 - (c) If sufficient space does not exist to accommodate all newsracks sought to be placed at one location without violating the standards set forth in this Chapter, the City of Menlo Park Public

Works Director or its designee shall give priority as to that location to publications on a historical "first come first served" basis to permit applicants as follows:

- (1) First priority shall be publications that are published two (2) or more times a week;
- (2) Second priority shall be given to publications that are published once per week;
- (3) Third priority shall be given to publications that are published less than once per week but more than once per month;
- (4) Fourth priority shall be given to publications that are published monthly or less frequently than monthly.

In the event the City of Menlo Park is required to utilize the priority system described in subsections (c)(1) through (4), the City of Menlo Park shall permit only one rack per publication or distributor in a single location.

13.28.080 Blinder Racks Required.

Section 313.1 of the California Penal Code shall govern the display, offer for sale or selling of harmful matter as defined in California Penal Code Section 313(a), to minors in vending machines, selling such matter, unattended by an adult at the time of such sale, located in and upon Public places. No material which is harmful to minors, as defined in Section 313 of the California Penal Code, shall be displayed in a Public place, other than a Public place from which minors are excluded, unless blinder racks are placed in front of the material so that the lower two-thirds of the material is not exposed to view.

13.28.090 Violation- Enforcement.

(a) It shall be illegal to place, install, or maintain any newsrack or any material in a newsrack in a manner contrary to any provision of this Chapter.

(b) Any person who violates any provision of this Chapter shall be guilty of an infraction and upon conviction thereof shall be punished as provided in Section 1.12.010 [Penalty for violations] of this code.

(c) The provisions contained in this Chapter shall be subject to the code enforcement authority of the City of Menlo Park as provided in Title 1 of the City of Menlo Park Municipal Code.

13.28.100 Nuisance.

Any newsrack or any material in a newsrack placed, installed or maintained in violation of this Chapter shall constitute a public nuisance and may be abated in accordance with applicable provisions of law.

13.28.110 Removal and Hearing.

In addition to the enforcement remedies available to the City of Menlo Park, which are set forth in Title 1 of the City of Menlo Park Municipal Code and in Sections 13.28.090 and 13.28.100 of this Chapter, any newsrack placed, installed or maintained in violation of this Chapter may be removed by the City of Menlo Park, subject to the notice and hearing procedures set forth in this section.

(a) Notice of Violation. Before removal of any newsrack, the City of Menlo Park shall notify the owner and/or distributor of the violation. Written notification by first class mail to the address or addresses shown on the offending newsrack shall constitute adequate notice; and in addition the City will provide notice by sending an email to the email address listed on the owner and/or distributor's permit application. The City of Menlo Park may, but need not, affix an additional notice tag onto the offending newsrack. If no identification is shown on the newsrack, posting of the

notice on the newsrack alone shall be sufficient. The notice shall state the nature of the violation, shall specify actions necessary to correct the violation, and shall give the owner and/or distributor ten (10) days from the date appearing on the notice to either remedy the violation or to request a meeting before the City of Menlo Park Public Works Director or its designee. The date on the notice shall be no earlier than the date on which the notice is mailed or affixed to the newsrack, as the case may be.

(b) Meeting and Decision. Any owner or distributor notified under subsection (a) may request a meeting with the City of Menlo Park Public Works Director or its designee by delivering a written request therefor within ten (10) days from the date appearing on the notice. The meeting may be in person, by telephone or by any agreed to format, and shall be informal, but oral and written evidence may be given by both sides. The City of Menlo Park Public Works Director or its designee shall give its decision within ten (10) days after the date of the meeting. Any action by the City of Menlo Park to remove the newsrack shall be stayed pending the written decision of the City of Menlo Park Public Works Director or its designee following the meeting.

(c) Removal and Impoundment. The City of Menlo Park may remove and impound a newsrack or newsracks in accordance with this section following the written decision of the City of Menlo Park Public Works Director or its designee upholding the determination of a violation, or if the owner or distributor has neither requested a meeting nor remedied the violation within ten (10) days from the date on the notice. An impounded newsrack shall be retained by the City of Menlo Park for a period of at least ninety (90) days following the removal, and may be recovered by the permittee upon payment of a fee as set forth in the municipal fee schedule. An impounded newsrack and its contents may be disposed of by the City of Menlo Park after ninety (90) days.

(d) Summary Abatement. Notwithstanding the provisions of subsections (a) and (b), prior notice and an opportunity to be heard shall not be required prior to removal of any newsrack that is installed or maintained in such a place or manner as to pose an immediate or clear and present danger to persons, vehicles or property or any newsrack that is placed in any location without a permit. In such case, the City of Menlo Park shall proceed in the following manner:

(1) Within the next working day following removal, the City of Menlo Park shall notify by telephone the permittee or, in the case of an unpermitted newsrack, the owner of the newsrack or a person whose name is shown on the required identification, if available. Within five (5) business days, the City of Menlo Park shall send written confirmation to the owner of the newsrack of the telephoned notice. The written confirmation shall contain the reasons for the removal and information supporting the removal, and shall inform the recipient of the right to request, in writing or in person, a post-removal meeting within five (5) days of the date of such written notice and the person to whom such request shall be made.

(2) Upon timely request, the City of Menlo Park shall provide a meeting within thirty (30) days of the request, unless the requesting party agrees to a later date. The proceeding shall be informal, but oral and written evidence may be given by both sides. The City of Menlo Park designee hearing the matter shall give his or her decision in writing to the requesting party within two (2) weeks after such meeting. If the City of Menlo Park hearing officer finds that the removal was proper, he or she shall notify the requesting party to pay any applicable penalties and costs and recover the newsrack. If the City of Menlo Park hearing officer finds that the removal was improper and that placement of the newsrack was lawful, he or she shall order that the newsrack be released and reinstalled without charge.

(3) If the owner and distributor of an unpermitted rack cannot be determined and the rack does not contain the required identification, no notice of the removal shall be required.

13.28.120 Abandoned Newsracks.

An abandoned newsrack may be removed by the City of Menlo Park and impounded, pursuant to the notice and hearing procedures set forth in Section 13.28.110. The City of Menlo Park may

dispose of the newsrack if the permittee does not claim the newsrack and pay any required fees within ninety (90) days of its removal.

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

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

SECTION 5. EFFECTIVE DATE AND PUBLISHING. This ordinance shall be implemented in two phases. Effective thirty days after adoption the City shall have the authority to remove any abandoned newsrack that is non-compliant with the Size and Design Standards (Section 13.28.060). All early removals shall comply with the removal process in Sections 13.28.110 and 13.28.120. All other provisions of this ordinance shall take effect on January 1, 2021. The City Clerk shall cause publication of the ordinance within 15 days after passage in a newspaper of general circulation published and circulated in the city or, if none, the posting in at least three public places in the city. Within 15 days after the adoption of the ordinance amendment, a summary of the amendment shall be published with the names of the city councilmembers voting for and against the amendment.

INTRODUCED on the sixteenth day of June, 2020.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Cecilia Taylor, Mayor

ATTEST:

Judi A. Herren, City Clerk

Newsrack at El Camino Real and Santa Cruz Avenue



Newsrack at Oak Grove Avenue and Maloney Lane





STAFF REPORT

City Council

Meeting Date:

6/23/2020

Staff Report Number:

20-135-CC

Consent Calendar:

Authorize the city manager to execute a contract amendment with Hello Housing for the administration of below market rate housing programs and loan servicing not to exceed \$125,000 and extend the term of the agreement through December 31, 2020

Recommendation

Staff recommends City Council authorize the city manager to execute a contract amendment with Hello Housing for the administration of below market rate (BMR) housing programs and loan servicing not to exceed \$125,000 and extend the term of the agreement through December 31, 2020.

Policy Issues

The existing contract was signed under the city manager's signing authority. The proposed contract amendment exceeds the city manager's signing authority and requires City Council approval.

Background

After the dissolution of California redevelopment agencies in 2012, housing assets and program responsibilities were transferred to housing successor agencies. The City of Menlo Park was identified as the housing successor agency to the Community Development Agency of the City of Menlo Park (Redevelopment Agency,) which was a separate legal entity. The City, as the Successor Agency, became responsible for the administration and management of all housing programs previously run by the Redevelopment Agency. Liable for the programs and loans previously established by the Redevelopment Agency, the City has used a combination of internal staff and contract services to operate housing programs.

Since 2014, Hello Housing has been providing contract services, which include the administration of BMR housing programs and servicing of purchase assistance loans, emergency rehabilitation loans, community development block grant loans and housing rehabilitation loans. Some of the BMR housing program administration services provided by Hello Housing include, but are not limited to the following:

- Maintain ownership waitlist and rental interest lists
- Conduct income verifications
- Monitor BMR ownership compliance (68 BMR ownership units)
- Manage refinances and resales of BMR ownership units
- Prepare annual and quarterly reports of ownership and rental activities

Analysis

The City currently has a contract with Hello Housing for up to \$75,000 to provide a range of services to support the housing division. A number of items performed by Hello Housing such as monthly loan servicing and annual reports are consistent in frequency. Other services fluctuate in nature depending on incoming requests, such as new BMR application processing, loan deferral and payoff requests, outreach activities, etc. Variable services such as these require staff to estimate expenses and can affect the total contract amount.

Staff is requesting the current contract (Attachment A) be amended to extend the time for an additional six months, through December 31, 2020, and increase the contract amount by \$50,000, for a total not to exceed amount of \$125,000. This contract is consistent with prior years in regards to the services being performed by Hello Housing.

In early 2019, Hello Housing proposed a significant increase in cost for services for the next two-year period of July 1, 2019, to June 30, 2021. Staff decided to sign a one-year agreement from July 1, 2019, to June 30, 2020, and have been working to obtain cost estimates from other service providers to determine cost reasonableness. The number of providers who perform BMR administration is limited and Hello Housing is the only provider to perform both loan services and BMR administration. Staff will review service proposals with the intent of returning to the City Council, as needed. If approved by the City Council, Hello Housing will continue their current services extending to December 31, 2020 with no interruption in services to the public.

Impact on City Resources

There is no impact on the City's general fund. The increased contract amount of \$50,000 is budgeted in the BMR housing fund. City staff time and administrative costs associated with implementation of the BMR housing program are eligible uses of the BMR housing fund identified in the City's BMR housing program guidelines.

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. Hello Housing service contract for fiscal year 2019-2020

Staff Report #: 20-135-CC

Report prepared by:

Michael Noce, Management Analyst II

Reviewed by:

Rhonda Coffman, Deputy Community Development Director – Housing

Deanna Chow, Interim Community Development Director

PROFESSIONAL SERVICES AGREEMENT

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



Agreement #:	2921
AGREEMENT FOR SERVICES BETWEEN THE CITY OF MENLO PARK AND HELLO HOUSING	
THIS AGREEMENT made and entered into at Menlo Park, California, this <u>4/20/2020</u> , by and between the CITY OF MENLO PARK, a Municipal Corporation, hereinafter referred to as "CITY," and HELLO HOUSING, hereinafter referred to as "FIRST PARTY."	
<p>WITNESSETH:</p> <p>WHEREAS, CITY desires to retain FIRST PARTY to provide certain professional services for CITY in connection with that certain project called: Administration of below market rate (BMR) program</p> <p>WHEREAS, FIRST PARTY is licensed to perform said services and desires to and does hereby undertake to perform said services.</p> <p>NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS, PROMISES AND CONDITIONS of each of the parties hereto, it is hereby agreed as follows:</p>	
1. SCOPE OF WORK	
In consideration of the payment by CITY to FIRST PARTY, as hereinafter provided, FIRST PARTY agrees to perform all the services as set forth in Exhibit "A," Scope of Services.	
2. SCHEDULE FOR WORK	
<p>FIRST PARTY's proposed schedule for the various services required pursuant to this agreement will be as set forth in Exhibit "A," Scope of Services. CITY will be kept informed as to the progress of work by written reports, to be submitted monthly or as otherwise required in Exhibit "A." Neither party shall hold the other responsible for damages or delay in performance caused by acts of God, strikes, lockouts, accidents or other events beyond the control of the other, or the other's employees and agents.</p> <p>FIRST PARTY shall commence work immediately upon receipt of a "Notice to Proceed" from CITY. The "Notice to Proceed" date shall be considered the "effective date" of the agreement, as used herein, except as otherwise specifically defined. FIRST PARTY shall complete all the work and deliver to CITY all project related files, records, and materials within one month after completion of all of FIRST PARTY's activities required under this agreement.</p>	
3. PROSECUTION OF WORK	
FIRST PARTY will employ a sufficient staff to prosecute the work diligently and continuously and will complete the work in accordance with the schedule of work approved by the CITY. (See Exhibit "A," Scope of Services).	

4. COMPENSATION AND PAYMENT

- A. CITY shall pay FIRST PARTY an all-inclusive fee that shall not exceed \$75,000 (July 1, 2019 to December 31, 2019 shall be a fixed amount not to exceed \$43,649; January 1, 2020 to June 30, 2020 shall not exceed the balance of \$31,351) as described in Exhibit "A," Scope of Services. All payments shall be inclusive of all indirect and direct charges to the Project incurred by FIRST PARTY. The CITY reserves the right to withhold payment if the City determines that the quantity or quality of the work performed is unacceptable.
- B. FIRST PARTY's fee for the services as set forth herein shall be considered as full compensation for all indirect and direct personnel, materials, supplies and equipment, and services incurred by FIRST PARTY and used in carrying out or completing the work.
- C. Payments shall be monthly for the invoice amount or such other amount as approved by CITY. As each payment is due, the FIRST PARTY shall submit a statement describing the services performed to CITY. This statement shall include, at a minimum, the project title, agreement number, the title(s) of personnel performing work, hours spent, payment rate, and a listing of all reimbursable costs. CITY shall have the discretion to approve the invoice and the work completed statement. Payment shall be for the invoice amount or such other amount as approved by CITY.
- D. Payments are due upon receipt of written invoices. CITY shall have the right to receive, upon request, documentation substantiating charges billed to CITY. CITY shall have the right to perform an audit of the FIRST PARTY's relevant records pertaining to the charges.

5. EQUAL EMPLOYMENT OPPORTUNITY

- A. FIRST PARTY, with regard to the work performed by it under this agreement shall not discriminate on the grounds of race, religion, color, national origin, sex, handicap, marital status or age in the retention of sub-consultants, including procurement of materials and leases of equipment.
- B. FIRST PARTY shall take affirmative action to insure that employees and applicants for employment are treated without regard to their race, color, religion, sex, national origin, marital status or handicap. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment advertising; layoff or termination; rates of pay or other forms of compensation and selection for training including apprenticeship.
- C. FIRST PARTY shall post in prominent places, available to employees and applicants for employment, notices setting forth the provisions of this non-discrimination clause.
- D. FIRST PARTY shall state that all qualified applications will receive consideration for employment without regard to race, color, religion, sex, national origin, marital status or handicap.
- E. FIRST PARTY shall comply with Title VI of the Civil Rights Act of 1964 and shall provide such reports as may be required to carry out the intent of this section.
- F. FIRST PARTY shall incorporate the foregoing requirements of this section in FIRST PARTY's agreement with all sub-consultants.

6. ASSIGNMENT OF AGREEMENT AND TRANSFER OF INTEREST

- A. FIRST PARTY shall not assign this agreement, and shall not transfer any interest in the same (whether by assignment or novation), without prior written consent of the CITY thereto, provided, however, that claims for money due or to become due to the FIRST PARTY from the CITY under this agreement may be assigned to a bank, trust company, or other financial institution without such approval. Notice of an intended assignment or transfer shall be furnished promptly to the CITY.
- B. In the event there is a change of more than 30 percent of the stock ownership or ownership in FIRST PARTY from the date of this agreement is executed, then CITY shall be notified before the date of said change of stock ownership or interest and CITY shall have the right, in event of such change in stock ownership or interest, to terminate this agreement upon notice to FIRST PARTY. In the event CITY is not notified of any such change in stock ownership or interest, then upon knowledge of same, it shall be deemed that CITY has terminated this agreement.

7. INDEPENDENT WORK CONTROL

It is expressly agreed that in the performance of the service necessary for compliance with this agreement, FIRST PARTY shall be and is an independent contractor and is not an agent or employee of CITY. FIRST PARTY has and shall retain the right to exercise full control and supervision of the services and full control over the employment, direction, compensation and discharge of all persons assisting FIRST PARTY in the performance of FIRST PARTY's services hereunder. FIRST PARTY shall be solely responsible for its own acts and those of its subordinates and employees.

8. CONSULTANT QUALIFICATIONS

It is expressly understood that FIRST PARTY is licensed and skilled in the professional calling necessary to perform the work agreed to be done by it under this agreement and CITY relies upon the skill of FIRST PARTY to do and perform said work in a skillful manner usual to the profession. The acceptance of FIRST PARTY's work by CITY does not operate as a release of FIRST PARTY from said understanding.

9. NOTICES

All notices hereby required under this agreement shall be in writing and delivered in person or sent by certified mail, postage prepaid or by overnight courier service. Notices required to be given to CITY shall be addressed as follows:

Rhonda Coffman
Community Development Department
City of Menlo Park
701 Laurel St.
Menlo Park, CA 94025
650-330-6614
rlcoffman@menlopark.org

Notices required to be given to FIRST PARTY shall be addressed as follows:

Mardie Oakes
Hello Housing
1242 Market Street, 3rd Floor
San Francisco, CA 94102
415-863-3036
mardie@hellohousing.org

Provided that any party may change such address by notice, in writing, to the other party and thereafter notices shall be addressed and transmitted to the new address.

10. HOLD HARMLESS

The FIRST PARTY shall defend, indemnify and hold harmless the CITY, its subsidiary agencies, their officers, agents, employees and servants from all claims, suits or actions that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of the FIRST PARTY brought for, or on account of, injuries to or death of any person or damage to property resulting from the performance of any work required by this agreement by FIRST PARTY, its officers, agents, employees and servants. Nothing herein shall be construed to require the FIRST PARTY to defend, indemnify or hold harmless the CITY, its subsidiary agencies, their officers, agents, employees and servants against any responsibility to liability in contravention of Section 2782.8 of the California Civil Code.

11. INSURANCE

- A. FIRST PARTY shall not commence work under this agreement until all insurance required under this Section has been obtained and such insurance has been approved by the City, with certificates of insurance evidencing the required coverage.
- B. There shall be a contractual liability endorsement extending the FIRST PARTY's coverage to include the contractual liability assumed by the FIRST PARTY pursuant to this agreement. These certificates shall specify or be endorsed to provide that thirty (30) days' notice must be given, in writing, to the CITY, at the address shown in Section 9, of any pending cancellation of the policy. FIRST PARTY shall notify CITY of any pending change to the policy. All certificates shall be filed with the City.
1. Workers' compensation and employer's liability insurance:
The FIRST PARTY shall have in effect during the entire life of this agreement workers' compensation and Employer's Liability Insurance providing full statutory coverage. In signing this agreement, the FIRST PARTY makes the following certification, required by Section 18161 of the California Labor Code: "I am aware of the provisions of Section 3700 of the California Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of the Code, and I will comply with such provisions before commencing the performance of the work of this agreement" (not required if the FIRST PARTY is a Sole Proprietor).
 2. Liability insurance:
The FIRST PARTY shall take out and maintain during the life of this agreement such Bodily Injury Liability and Property Damage Liability Insurance (Commercial General Liability Insurance) on an occurrence basis as shall protect it while performing work covered by this agreement from any and all claims for damages for bodily injury, including accidental death, as well as claims for property damage which may arise from the FIRST PARTY's operations under this agreement, whether such operations be by FIRST PARTY or by any sub-consultant or by anyone directly or indirectly employed by either of them. The amounts of such insurance shall be not less than one million dollars (\$1,000,000) per occurrence and one million dollars (\$1,000,000) in aggregate, or one million dollars (\$1,000,000) combined single limit bodily injury and property damage for each occurrence. FIRST PARTY shall provide the CITY with acceptable evidence of coverage, including a copy of all declarations of coverage exclusions. FIRST PARTY shall maintain Automobile Liability Insurance pursuant to this agreement in an amount of not less than one million dollars (\$1,000,000) for each accident combined single limit or not less than one million dollars (\$1,000,000) for any one (1) person, and one million dollars (\$1,000,000) for any one (1) accident, and Three Hundred Thousand Dollars, (\$300,000) property damage.
 3. Professional liability insurance:
FIRST PARTY shall maintain a policy of professional liability insurance, protecting it against claims arising out of the negligent acts, errors, or omissions of FIRST PARTY pursuant to this agreement, in the amount of not less than one million dollars (\$1,000,000) per claim and in the aggregate. Said professional liability insurance is to be kept in force for not less than one (1) year after completion of services described herein.
- C. CITY and its subsidiary agencies, and their officers, agents, employees and servants shall be named as additional insured on any such policies of Commercial General Liability and Automobile Liability Insurance, (but not for the Professional Liability and workers' compensation), which shall also contain a provision that the insurance afforded thereby to the CITY, its subsidiary agencies, and their officers, agents, employees, and servants shall be primary insurance to the full limits of liability of the policy, and that if the CITY, its subsidiary agencies and their officers and employees have other insurance against a loss covered by a policy, such other insurance shall be excess insurance only.
- D. In the event of the breach of any provision of this Section, or in the event any notice is received which indicates any required insurance coverage will be diminished or canceled, CITY, at its option, may, notwithstanding any other provision of this agreement to the contrary, immediately declare a material breach of this agreement and suspend all further work pursuant to this agreement.
- E. Before the execution of this agreement, any deductibles or self-insured retentions must be declared to and approved by CITY.

12. PAYMENT OF PERMITS/LICENSES

Contractor shall obtain any license, permit, or approval if necessary from any agency whatsoever for the work/services to be performed, at his/her own expense, before commencement of said work/services or forfeit any right to compensation under this agreement.

13. RESPONSIBILITY AND LIABILITY FOR SUB-CONSULTANTS AND/OR SUBCONTRACTORS

Approval of or by CITY shall not constitute nor be deemed a release of responsibility and liability of FIRST PARTY or its sub-consultants and/or subcontractors for the accuracy and competency of the designs, working drawings, specifications or other documents and work, nor shall its approval be deemed to be an assumption of such responsibility by CITY for any defect in the designs, working drawings, specifications or other documents prepared by FIRST PARTY or its sub-consultants and/or subcontractors.

14. OWNERSHIP OF WORK PRODUCT

Work products of FIRST PARTY for this project, which are delivered under this agreement or which are developed, produced and paid for under this agreement, shall become the property of CITY. The reuse of FIRST PARTY's work products by City for purposes other than intended by this agreement shall be at no risk to FIRST PARTY.

15. REPRESENTATION OF WORK

Any and all representations of FIRST PARTY, in connection with the work performed or the information supplied, shall not apply to any other project or site, except the project described in Exhibit "A" or as otherwise specified in Exhibit "A."

16. TERMINATION OF AGREEMENT

- A. CITY may give thirty (30) days written notice to FIRST PARTY, terminating this agreement in whole or in part at any time, either for CITY's convenience or because of the failure of FIRST PARTY to fulfill its contractual obligations or because of FIRST PARTY's change of its assigned personnel on the project without prior CITY approval. Upon receipt of such notice, FIRST PARTY shall:
1. Immediately discontinue all services affected (unless the notice directs otherwise); and
 2. Deliver to the CITY all data, drawings, specifications, reports, estimates, summaries, and such other information and materials as may have been accumulated or produced by FIRST PARTY in performing work under this agreement, whether completed or in process.
- B. If termination is for the convenience of CITY, an equitable adjustment in the contract price shall be made, but no amount shall be allowed for anticipated profit on unperformed services.
- C. If the termination is due to the failure of FIRST PARTY to fulfill its agreement, CITY may take over the work and prosecute the same to completion by agreement or otherwise. In such case, FIRST PARTY shall be liable to CITY for any reasonable additional cost occasioned to the CITY thereby.
- D. If, after notice of termination for failure to fulfill agreement obligations, it is determined that FIRST PARTY had not so failed, the termination shall be deemed to have been effected for the convenience of the CITY. In such event, adjustment in the contract price shall be made as provided in Paragraph B of this Section.
- E. The rights and remedies of the CITY provided in this Section are in addition to any other rights and remedies provided by law or under this agreement.
- F. Subject to the foregoing provisions, the CITY shall pay FIRST PARTY for services performed and expenses incurred through the termination date.

17. INSPECTION OF WORK

It is FIRST PARTY's obligation to make the work product available for CITY's inspections and periodic reviews upon request by CITY.

18. COMPLIANCE WITH LAWS

It shall be the responsibility of FIRST PARTY to comply with all State and Federal Laws applicable to the work and services provided pursuant to this agreement, including but not limited to compliance with prevailing wage laws, if applicable.

19. BREACH OF AGREEMENT

- A. This agreement is governed by applicable federal and state statutes and regulations. Any material deviation by FIRST PARTY for any reason from the requirements thereof, or from any other provision of this agreement, shall constitute a breach of this agreement and may be cause for termination at the election of the CITY.
- B. The CITY reserves the right to waive any and all breaches of this agreement, and any such waiver shall not be deemed a waiver of any previous or subsequent breaches. In the event the CITY chooses to waive a particular breach of this agreement, it may condition same on payment by FIRST PARTY of actual damages occasioned by such breach of agreement.

20. SEVERABILITY

The provisions of this agreement are severable. If any portion of this agreement is held invalid by a court of competent jurisdiction, the remainder of the agreement shall remain in full force and effect unless amended or modified by the mutual consent of the parties.

21. CAPTIONS

The captions of this agreement are for convenience and reference only and shall not define, explain, modify, limit, exemplify, or aid in the interpretation, construction, or meaning of any provisions of this agreement.

22. LITIGATION OR ARBITRATION

In the event that suit or arbitration is brought to enforce the terms of this agreement, the prevailing party shall be entitled to litigation costs and reasonable attorneys' fees. The Dispute Resolution provisions are set forth on Exhibit "B," 'Dispute Resolution' attached hereto and by this reference incorporated herein.

23. RETENTION OF RECORDS

Contractor shall maintain all required records for three years after the City makes final payment and all other pending matters are closed, and shall be subject to the examination and /or audit of the City, a federal agency, and the state of California.

24. TERM OF AGREEMENT

This agreement shall remain in effect for the period of July 1, 2019 through June 30, 2020 unless extended, amended, or terminated in writing by CITY.

25. ENTIRE AGREEMENT

This document constitutes the sole agreement of the parties hereto relating to said project and states the rights, duties, and obligations of each party as of the document's date. Any prior agreement, promises, negotiations, or representations between parties not expressly stated in this document are not binding. All modifications, amendments, or waivers of the terms of this agreement must be in writing and signed by the appropriate representatives of the parties to this agreement.

26. STATEMENT OF ECONOMIC INTEREST

Consultants, as defined by Section 18701 of the Regulations of the Fair Political Practices Commission, Title 2, Division 6 of the California Code of Regulations, are required to file a Statement of Economic Interests with 30 days of approval of a contract services agreement with the City of its subdivisions, on an annual basis thereafter during the term of the contract, and within 30 days of completion of the contract.

Based upon review of the Consultant's Scope of Work and determination by the City Manager, it is determined that Consultant IS NOT required to file a Statement of Economic Interest. A statement of Economic Interest shall be filed with the City Clerk's office no later than 30 days after the execution of the agreement.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the day and year first above written.

FOR FIRST PARTY:

DocuSigned by:
Mardie Oakes
2A4E59C708D2431...

Signature

Mardie Oakes

Printed name

14-1870357

Tax ID#

4/16/2020

Date

President

Title

APPROVED AS TO FORM:

DocuSigned by:
Cara E. Silver
CD6C53C794F6491...

Cara E. Silver, Interim City Attorney

4/16/2020

Date

FOR CITY OF MENLO PARK:

DocuSigned by:
Starla Jerome-Robinson
6BD907BD281744C...

Starla Jerome-Robinson, City Manager

4/20/2020

Date

ATTEST:

DocuSigned by:
Judi A. Herren
39280A20D0BE491...

Judi A. Herren, City Clerk

4/20/2020

Date

EXHIBIT "A" – SCOPE OF SERVICES**A1. SCOPE OF WORK**

FIRST PARTY agrees to provide consultant services for CITY's Community Development Department. In the event of any discrepancy between any of the terms of the FIRST PARTY's proposal and those of this agreement, the version most favorable to the CITY shall prevail. FIRST PARTY shall provide the following services:

Provide general consultant services for projects as determined by the CITY. The detailed scope of work for each task the CITY assigns the consultant shall be referred to as Exhibit A -1, which will become part of this agreement. A notice to proceed will be issued separately for each separate scope of work agreed to between the CITY and FIRST PARTY.

FIRST PARTY agrees to perform these services as directed by the CITY in accordance with the standards of its profession and CITY's satisfaction.

A2. COMPENSATION

CITY hereby agrees to pay FIRST PARTY at the rates to be negotiated between FIRST PARTY and CITY as detailed in Exhibit A-1. The actual charges shall be based upon (a) FIRST PARTY's standard hourly rate for various classifications of personnel; (b) all fees, salaries and expenses to be paid to engineers, consultants, independent contractors, or agents employed by FIRST PARTY; and shall (c) include reimbursement for mileage, courier and plan reproduction. The total fee for each separate Scope of Work agreed to between the CITY and FIRST PARTY shall not exceed the amount shown in Exhibit A-1.

FIRST PARTY shall be paid within thirty (30) days after approval of billing for work completed and approved by the CITY. Invoices shall be submitted containing all information contained in Section A5 below. In no event shall FIRST PARTY be entitled to compensation for extra work unless an approved change order, or other written authorization describing the extra work and payment terms, has been executed by CITY before the commencement of the work.

A3. SCHEDULE OF WORK

FIRST PARTY'S proposed schedule for the various services required will be set forth in Exhibit A-1.

A4. CHANGES IN WORK -- EXTRA WORK

In addition to services described in Section A1, the parties may from time to time agree in writing that FIRST PARTY, for additional compensation, shall perform additional services including but not limited to:

- Change in the services because of changes in scope of the work.
- Additional tasks not specified herein as required by the CITY.

The CITY and FIRST PARTY shall agree in writing to any changes in compensation and/or changes in FIRST PARTY's services before the commencement of any work. If FIRST PARTY deems work he/she has been directed to perform is beyond the scope of this agreement and constitutes extra work, FIRST PARTY shall immediately inform the CITY in writing of the fact. The CITY shall make a determination as to whether such work is in fact beyond the scope of this agreement and constitutes extra work. In the event that the CITY determines that such work does constitute extra work, it shall provide compensation to the FIRST PARTY in accordance with an agreed cost that is fair and equitable. This cost will be mutually agreed upon by the CITY and FIRST PARTY. A supplemental agreement providing for such compensation for extra work shall be negotiated between the CITY and the FIRST PARTY. Such supplemental agreement shall be executed by the FIRST PARTY and may be approved by the City Manager upon recommendation of the Deputy Community Development Director.

A5. BILLINGS

FIRST PARTY's bills shall include the following information: A brief description of services performed, project title and the agreement number; the date the services were performed; the number of hours spent and by whom; the current contract amount; the current invoice amount; Except as specifically authorized by CITY, FIRST PARTY shall not bill CITY for duplicate services performed by more than one person. In no event shall FIRST PARTY submit any billing for an amount in excess of the maximum amount of compensation provided in Section A2.

The expenses of any office, including furniture and equipment rental, supplies, salaries of employees, telephone calls, postage, advertising, and all other expenses incurred by FIRST PARTY in the performances of this agreement shall be incurred at the FIRST PARTY's discretion. Such expenses shall be FIRST PARTY's sole financial responsibility.

EXHIBIT "B" - DISPUTE RESOLUTION

- B1.0** All claims, disputes and other matters in question between the FIRST PARTY and CITY arising out of, or relating to, the contract documents or the breach thereof, shall be resolved as follows:
- B2.0 Mediation**
- B2.1** The parties shall attempt in good faith first to mediate such dispute and use their best efforts to reach agreement on the matters in dispute. After a written demand for non-binding mediation, which shall specify in detail the facts of the dispute, and within ten (10) days from the date of delivery of the demand, the matter shall be submitted to a mutually agreeable mediator. The Mediator shall hear the matter and provide an informal opinion and advice, none of which shall be binding upon the parties, but is expected by the parties to help resolve the dispute. Said informal opinion and advice shall be submitted to the parties within twenty (20) days following written demand for mediation. The Mediator's fee shall be shared equally by the parties. If the dispute has not been resolved, the matter shall be submitted to arbitration in accordance with Paragraph B3.1.
- B3.0 Arbitration**
- B3.1** Any dispute between the parties that is to be resolved by arbitration as provided in Paragraph B2.1 shall be settled and decided by arbitration conducted by the American Arbitration Association in accordance with the Construction Industry Arbitration Rules of the American Arbitration Association, as then in effect, except as provided below. Any such arbitration shall be held before three arbitrators who shall be selected by mutual agreement of the parties; if agreement is not reached on the selection of the arbitrators within fifteen (15) days, then such arbitrator(s) shall be appointed by the presiding Judge of the court of jurisdiction of the agreement.
- B3.2** The provisions of the Construction Industry Arbitration Rules of the American Arbitration Association shall apply and govern such arbitration, subject, however to the following:
- B3.3** Any demand for arbitration shall be writing and must be made within a reasonable time after the claim, dispute or other matter in question as arisen. In no event shall the demand for arbitration be made after the date that institution of legal or equitable proceedings based on such claim, dispute or other matter would be barred by the applicable statute of limitations.
- B3.4** The arbitrator or arbitrators appointed must be former or retired judges, or attorneys at law with last ten (10) years' experience in construction litigation.
- B3.5** All proceedings involving the parties shall be reported by a certified shorthand court reporter, and written transcripts of the proceedings shall be prepared and made available to the parties.
- B3.6** The arbitrator or arbitrators must be made within and provide to the parties factual findings and the reasons on which the decisions of the arbitrator or arbitrators is based.
- B3.7** Final decision by the arbitrator or arbitrators must be made within ninety (90) days from the date of the arbitration proceedings are initiated.
- B3.8** The prevailing party shall be awarded reasonable attorneys' fees, expert and non-expert witness costs and expenses, and other costs and expenses incurred in connection with the arbitration, unless the arbitrator or arbitrators for good cause determine otherwise.
- B3.9** Costs and fees of the arbitrator or arbitrators shall be borne by the non-prevailing party, unless the arbitrator or arbitrators for good cause determine otherwise.
- B3.10** The award or decision of the arbitrator or arbitrators, which may include equitable relief, shall be final, and judgment may be entered on it in accordance with applicable law in any court having jurisdiction over the matter.

City of Menlo Park

Administration of BMR Ownership Program

Ownership Portfolio: Key Assumptions

7/1/19-12/31/2019

BMR Ownership Homes in Portfolio	65
Recommended % of Ownership Portfolio Subject to Annual Compliance	100%
Estimated Number of New Sales	3
Estimated Number of Resales	0
Estimated Number of Refinances	0
Estimated Number of Waitlist Members (Ownership)	152
Estimated New Ownership Waitlist Applicants Per Year (Ownership)	41
Housing Commission Meetings	0
Workshops	0
Annual Escalator	0

Ownership Activities

Rates

7/1/19-12/31/2019

OWNERSHIP - ANNUAL FIXED FEES			
Program Administration Fee	See footnote (a) below	\$	6,540
Maintain Website & Field Calls/Emails	\$150 per month	\$	900
Annual Waitlist Update - Ownership (based on stated income)	\$150 per waitlist member		
BMR Ownership Annual Compliance Monitoring	\$165 per home	\$	10,725
BMR Over Encumbrance Audit	\$100 per home		
		\$	-
		\$	18,165
OWNERSHIP - ANNUAL VARIABLE FEES (VOLUME DEPENDENT)			
New Waitlist Application Processing (based on stated income)	\$150 per waitlist applicant	\$	6,150
BMR Orientation Meeting/New Applicant Workshops	\$1,000 per workshop	\$	-
Management of Resales	Greater of \$6,500 or 2%	\$	-
Review/Approval of Capital Improvements (if applicable in a Resale or Refinance)	\$500 per request	\$	-
Management of New Sales (Carryover from Prior Contract's Pricing)	\$2,750 per home	\$	8,250
Management of New Sales	Greater of \$6,500 or 3%	\$	-
Onboarding New BMR Ownership Files into Portfolio	\$145 per file	\$	435
Management of Refinances (if allowed in program)	\$850 per home	\$	-
Housing Commission Meetings	\$450 per meeting	\$	-
Demographics Survey & Report (Existing Owners & For-Sale Waitlist Members)	\$15 per household	\$	3,255
	<i>Variable Cost Subtotal</i>	\$	18,090
	Fixed Costs	\$	18,165
Balance of Variable not covered by Program Administration Fee (a)			n/a this contract period
	Contingency	\$	1,817
	Total Ownership Costs	\$	19,982

Notes

(a) Hello Housing will bill 80% of the projected Variable Costs for a 12 month period, prorated on an even monthly basis, as a Program Administration Fee. As Variable Activities are performed, Hello Housing will draw against the Program Administration Fee annual total. If actual costs of Variable Activities performed exceed the annual Program Administration Fee, Hello Housing will bill accordingly but in no case will exceed the contract cap without express written permission from the City of Menlo Park.

City of Menlo Park

Rental Portfolio: Key Assumptions	Notes	7/1/19-12/31/2019
Total Number of Menlo-Owned Rental Units in Portfolio (Not Including St. Anton)		0
<i>Recommended % of Rental Portfolio Compliance Monitoring</i>		100%
Total Number of Rental Units in St. Anton	(a)	37
<i>Recommended % of Rental Portfolio Compliance Monitoring</i>		5%
Estimated Number of Interest List Members (Rental)		77
Estimated New Waitlist Applicants Per Year (Rental)		15
Estimated Number of BMR Lease-Ups per Year		0
Annual Escalator		

Rental Activities	Notes	Rates	7/1/19-12/31/2019
RENTAL - ANNUAL FIXED FEES			
Annual Interest List Update - Rental	(b)	\$0 per applicant	\$ -
Annual Report		\$250 per year	\$ -
BMR Rental Recertification/Compliance Monitoring		\$250 per unit	\$ -
		<i>Fixed Cost Subtotal</i>	\$ -
RENTAL - ANNUAL VARIABLE FEES (VOLUME DEPENDENT)			
BMR Rental Eligibility Verification at Lease Up		\$1000 per applicant	\$ -
Demographics Survey & Report (Existing Renters & Interest List Members)		\$15 per household	\$ 1,170
Audit of St. Anton Files		\$550 per unit	\$ -
			\$ 1,170
		<i>Annual Fixed Costs</i>	\$ -
		<i>Projected Variable Costs*</i>	\$ 1,170
		<i>Total Rental Costs</i>	\$ 1,170

Notes

(a) St. Anton is a 400-unit development with 37 BMR rental units in total. 22 are designated for very-low income households and 15 are (b) The fee is intended to cover staff time fielding questions from applicants, program participants, and the City, submitting quarterly reports, regularly updating website and marketing materials and cross-training of multiple staff to be versed in the program details. This fee will be charged on monthly pro-rata basis.

Loan Servicing: Key Assumptions	Notes	7/1/19-12/31/2019
No. of Active Loans with Monthly Payments		38
No. of Deferred Loans		3
Estimated No. of Delinquent Loans		1
Estimated No. of Deferral Requests		1
Estimated No. of Loan Payoffs		2
Annual Escalator		

Loan Servicing: Key Activities	Notes	Rates	7/1/19-12/31/2019
ANNUAL FIXED FEES			
Monthly Servicing Fee - Active Payment Loans		\$45 per month	\$ 10,260
Monthly Servicing Fee - Deferred Payment Loans		\$35 per month	\$ 630
1098 Tax Preparation, Loan Balance Reconciliation, Borrower Communications		\$1,750 per year	\$ 1,750
		<i>Fixed Cost Subtotal</i>	\$ 12,640
ANNUAL VARIABLE FEES (VOLUME DEPENDENT)			
Delinquent Loan Outreach		\$1400 per file	\$ 1,400
Loan Deferral Request		\$1400 per file	\$ 1,400
Loan Payoff		\$625 per file	\$ 1,250
		Allowance for Hourly	\$ 1,750
			\$ 5,800
		Variable Contingency	\$ 580
		<i>Total Variable Costs</i>	\$ 6,380
		<i>Total Loan Servicing Costs</i>	\$ 19,020

Estimated Total Compensation

BMR Program Administration		7/1/19-12/31/2019
Ownership Portfolio		
Fixed Costs*	\$	19,982
Projected Variable Costs**	n/a (doesn't exceed Program Admin Fee)	
	\$	19,982
Rental Portfolio		
Fixed Costs*	\$	-
Projected Variable Costs	\$	1,170
	\$	1,170
Loan Servicing		
Annual Fixed Costs*	\$	12,640
Projected Variable Costs	\$	6,380
	\$	19,020
Rental, Ownership & Loan Servicing		
Annual Fixed Costs*	\$	32,622
Projected Variable Costs**	\$	11,027
Total Costs	\$	43,649

41

Key Payment Terms

* Hello Housing will submit monthly invoices for Fixed Costs. Invoices will provide detail on all activities performed each month.

** Hello Housing will bill 80% of the projected Variable Costs each year, prorated on an even monthly basis, as a Program Administration Fee. As Variable Activities are performed, Hello Housing will draw against the Program Administration Fee annual total. If actual costs of Variable Activities performed exceed the annual Program Administration Fee, Hello Housing will bill accordingly but in no case will exceed the contract cap without express written permission from the City of Menlo Park.

Additional Services Available Upon Request

Lender Outreach and Training		Hourly Rates: Program Manager
Marketing/Sales/Onboarding of New Construction BMR Developments	(a)	Proposal to be provided upon request
Deed Restriction Preservation & Enforcement Activities		Hourly Rates: Program Manager/Director
Review & Amendment of BMR Program Guidelines		Hourly Rates: Program Manager/Director
Advise City staff in negotiations of BMR agreements for new housing developments		Hourly Rates: Program Director
BMR Homeowner Custom Program Newsletter (4-page, full color, hard copy mailer)		\$4,500 per issue
Recordation of Performance DOT on Ownership BMRs		\$40 per home
Translation of Program Materials into Other Languages		Direct Costs for 3rd party; Hourly Rates for in-house
Storage of BMR Owner/Tenant Hard Files		Direct costs plus 15%

Hourly Consulting Fees (for services outside base scope described in "Proposed Pricing")

President	\$225
Vice President	\$175
Program Director	\$145
Program Manager	\$125
Program Associate	\$75

Notes

(a) Hello Housing has developed an efficient process for the marketing and sales of brand new for-sale developments subject to inclusionary zoning requirements. Costs are highly dependent on the total number of BMR units, the variety of floor plans, the mix of income bands, and the projected number of years needed to construct and sell the BMR homes. Hello Housing can provide a detailed cost proposal upon receipt of project details.



STAFF REPORT

City Council

Meeting Date:

6/23/2020

Staff Report Number:

20-136-CC

Consent Calendar:

Authorize the city manager to enter into a contract with LSA Associates, Inc., to prepare an environmental impact report for the proposed mixed-use project at 165 Jefferson Drive (Menlo Flats project) for the amount of \$169,140 and future augments as may be necessary to complete the environmental review for the proposed project

Recommendation

Staff recommends that the City Council authorize the city manager to approve a contract with LSA Associates, Inc., (LSA) for the amount of \$169,149 and future augments as may be necessary to complete the environmental review for the proposed Menlo Flats mixed-use project, located at 165 Jefferson Drive, based on the proposed scope and budget included as Attachment A.

Policy Issues

City Council Resolution No. 6479, authorizes the city manager to execute agreements necessary to conduct City business up to a stated award authority level which adjusts annually based on changes in the construction cost index. The current award authority is \$75,000. While the project applicant is responsible for the full cost of preparing any required environmental impact report for a submitted project, and therefore no taxpayer funds are being used for said purpose, the City Council retains discretion for all agreements exceeding the award authority delegated to city manager.

The Planning Commission would be the final decision making body for the proposed project and will ultimately need to consider the merits of the proposed project, including the request for bonus level development and the associated community amenities provided through the proposed project. The proposed project, at this time, is subject to the City Council notification and call up policy (Resolution No. 6528,) which is set to expire November 30 unless rescinded, amended, or renewed by the City Council. Staff will be reviewing the proposed project and will identify policy issues for the Planning Commission to consider as part of its review of the requested land use entitlements for the project. Authorizing the City Manager to enter into a contract with LSA would allow the City to conduct the environmental review and the housing needs assessment (HNA) for the project proposal. A separate fiscal impact analysis (FIA), which would likely not exceed \$75,000 and could be authorized under the city manager's authority, will be prepared to provide the public and City Council with information related to the fiscal impacts of the project. Approval of the environmental review contract does not imply an endorsement of a project, but rather initiates the process to identify potential environmental impacts of the project for consideration during entitlement review. The policy implications of the project proposal are considered on a case-by-case basis, and will be informed by additional analysis as the project review proceeds.

Background

On January 20, 2020, Greystar (Project Applicant) submitted a preliminary application under the provisions of Senate Bill 330 (SB 330,) the Housing Crisis Act of 2019. SB 330 establishes a two-step process by which the applicant can “lock in” applicable fees and development regulations by submitting a preliminary application and then have up to 180 days to submit a complete development permit application including, but not limited to, all the required materials necessary to process the permit after the preliminary application. Once the City receives the complete development permit application, staff will evaluate the proposed project for consistency with the general plan and the zoning ordinance.

The applicant proposes to demolish an existing single-story warehouse and office building at 165 Jefferson Drive, and construct a new eight-story mixed-use building, approximately 246,820 square feet in size, with 158 multifamily residential units and 14,442 square feet of non-residential commercial/retail space. Three of the eight floors in the mixed-use building are proposed to be programmed as non-residential commercial/retail space, resident amenities and parking. The remaining floors are proposed to be programmed as residential units and resident amenities spaces. The proposed project would also include a public plaza along Jefferson Drive, a portion of the required paseo along the northeastern property line between 165 Jefferson Drive and 175 Jefferson Drive, and roof top garden and amenities for the future residents of the project. The proposed project is located in the R-MU-B (residential mixed use, bonus) zoning district. The proposal includes a request for an increase in height, density and floor area ratio (FAR) under the bonus level development allowance, subject to obtaining a use permit and providing one or more community amenities. The Planning Commission would be the final decision making body unless the action is appealed to the City Council or called up by a member of the City Council. Select plan sheets from the project plans are included in Attachment B.

The project site consists of a single R-MU-B zoned parcel with a total area of approximately 1.38 acres. The project site is bounded by Jefferson Drive to the south. The parcel to the west contains a one-story office and R&D building that shares a driveway with the subject property. The northwestern portion of the project site is shared between the proposed Menlo Uptown Project, also proposed by Greystar, located at 180 and 186 Constitution Drive and another parcel containing a one-story building occupied by a badminton club; both properties are zoned as R-MU-B. The parcel to the east of the project site contains a one-story office building that houses a medical center for Facebook employees and is zoned O-B (office, bonus.) To the south of the proposed building across Jefferson Drive are parcels zoned O-B. A location map identifying the project site is included in Attachment C.

Analysis

As part of the environmental impact report (EIR) consultant selection process, staff typically requests proposals from multiple environmental consulting firms. The list of firms is determined by the City with input from the applicant team, who is responsible for the full cost of the preparation of the environmental analysis under the California Environmental Quality Act (CEQA). For some projects staff and the applicant may determine that there are reasons to initially seek a scope of work from a single firm. For this proposed project, the applicant proposed, and staff agreed to solicit a scope of work from LSA Associates, Inc. due to the following reasons:

1. LSA Associates, Inc. is already conducting the environmental reviews for other proposed development projects in the immediate area which could allow for efficiencies and ensure consistency in the environmental analyses between the proposed projects and
2. LSA Associates, Inc. is currently working on two other development projects sponsored by Greystar, including the immediately adjacent Menlo Uptown project

As the main environmental consultant, LSA submitted a scope and budget with its preferred subconsultants for specific analyses (if applicable,) such as the transportation impact analysis (TIA) and the HNA. To assist with the TIA, staff provided an outline of the required scope and tasks, but did not suggest a specific firm. For the HNA, staff provided no additional guidance beyond the settlement agreement with the City of East Palo Alto. LSA submitted a proposal with the TIA being prepared by its in-house transportation team and the HNA being prepared by Keyser Marston Associates (KMA) as the subconsultant.

The proposed project requires an EIR to evaluate potential environmental impacts of the proposed project. As part of the environmental review process, the potential impacts of the proposed project will be evaluated for consistency with the program level EIR for ConnectMenlo through an initial study. The initial study will determine areas where the proposed project is consistent with the ConnectMenlo EIR and those topic areas would not be analyzed in detail in the EIR accordingly. Further, the scope for the project EIR has been structured so the EIR would comply with the settlement agreement between the City of Menlo Park and the City of East Palo Alto regarding the EIR for ConnectMenlo. Therefore, the proposed environmental analysis will, at a minimum, include a project level TIA and a HNA, as outlined in the settlement agreement.

In addition to complying with the settlement agreement, the project level TIA will evaluate the vehicle miles traveled (VMT) associated with the project for consistency with Senate Bill 743. The project analysis will utilize the VMT standards to assess potential transportation impacts and continue to include level of service (LOS) metrics for reference. The City's general plan includes policies regarding LOS and compliance with the general plan LOS standards is anticipated to be evaluated in the land use topic area. The transportation analysis will also use the citywide travel demand model to estimate trip distribution patterns for the project instead of the data in the City's circulation system assessment, which was last updated in 1999. The City's Transportation Division is in the process of updating its TIA guidelines to include VMT and updates to the LOS procedures. At its meeting June 16, the City Council supported the VMT thresholds and methodology, and staff will be returning to City Council June 23 for adoption of the updated TIA Guidelines. In the event that the new guidelines are not adopted by the City Council prior to July 1, staff will evaluate the potential transportation impacts of the proposed project using the State VMT standards recommended by the Office of Planning Research outlined in the technical advisory on evaluating transportation impacts in CEQA.

Following authorization of the contract with LSA to conduct the environmental review, LSA will prepare an initial study for the project. The initial study will be used to inform the notice of preparation (NOP,) which will identify the topic areas to be studied in the project level EIR. As part of the initial stages of the environmental and entitlement analysis, City staff will determine what, if any, additional technical analyses could be required for the proposed project and establish contracts with qualified consultants or augment the contract with LSA accordingly. Staff is recommending that the City Council provide the city manager the authority to approve future contract augmentations, if needed.

Impact on City Resources

The applicant is required to pay all 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. The applicant is also required to bear the cost of the associated environmental review and fiscal analysis. For the environmental review, fiscal analysis, and other supporting studies required by the City, the applicant deposits money with the City and the City pays the consultants.

Environmental Review

An Initial Study and EIR will be prepared for the proposed project. The EIR will utilize the program level EIR prepared for the ConnectMenlo general plan and zoning ordinance update and focus the project level EIR accordingly.

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. EIR scope and budget proposal from LSA Associates, Inc.
- B. Project plans (select sheets)
- C. Location map

Report prepared by:

Payal Bhagat, Contract Planner

Kyle Perata, Principal Planner

Report reviewed by:

Deanna Chow, Interim Community Development Director



June 3, 2020

Kyle Perata
City of Menlo Park
701 Laurel Street
Menlo Park, CA 94025

Subject: Revised Proposal to Prepare the Environmental Review Documentation for the Menlo Flats Project

Dear Mr. Perata:

LSA is pleased to submit this proposal for the preparation of the environmental review documentation for the proposed Menlo Flats Project (project), pursuant to the California Environmental Quality Act (CEQA). Based on our understanding of the proposed project and familiarity with the project area and City’s General Plan (ConnectMenlo) and the certified ConnectMenlo Final Environmental Impact Report (ConnectMenlo Final EIR), the following proposed work program reflects the level of effort required to prepare an Initial Study and Focused Environmental Impact Report (EIR). This scope of work supersedes the one previously provided on May 22, 2020.

Preparation of the environmental review documentation will be managed by the same team that is currently preparing the Initial Study and Focused EIR for Menlo Uptown Project, located immediately adjacent to the Menlo Flats project site. **Theresa Wallace, AICP**, will serve as **Principal in Charge** and **Matthew Wiswell, Planner** will serve as **Project Manager** and prepare the non-technical inputs and analysis. LSA technical specialists will include **Amy Fischer, Principal**, and **Cara Carlucci, Planner**, who will prepare the air quality, greenhouse gas emissions, and noise analyses. The Transportation Impact Analysis (TIA) will be prepared by LSA’s in-house transportation specialists and the analysis will be managed by **Tony Petros, Principal Transportation Planner** and **Dean Arizabal, Associate/Transportation Planner**. Resumes for LSA’s key transportation staff are included as an attachment to this proposal. LSA will be joined by **Keyser Marston Associates (KMA)** who will prepare a Housing Needs Assessment.

A. PROJECT UNDERSTANDING

Our understanding of the project is based on review of the April 20, 2020 Staff Report to the Planning Commission regarding the proposed project and the project application materials dated March 6, 2020. The proposed project, referred to as the Menlo Flats project, would include the redevelopment of an approximately 1.38-acre site located at 165 Jefferson Drive in the City of Menlo Park. The site is located south of Bayfront Expressway (State Route 84 or SR-84) and east of Marsh Road and within the City’s Bayfront Area. The site is located within the City’s Residential Mixed Use-Bonus (R-MU-B) zoning district.

The proposed project would result in the demolition of the existing office building on the site and construction of one eight-story, 158-unit mixed-use building with 14,442 square feet of ground floor commercial space, as well as associated improvements. A total of 21 residential units (15 percent)

would be dedicated below market rate units. A total of 138 vehicular parking spaces would be provided in a three-level podium parking garage.

The proposed project includes a request for a use permit for bonus level development in exchange for community amenities. Additional actions and entitlements may also be required.

B. WORK PROGRAM APPROACH

The approach to environmental review of the Menlo Flats project includes the preparation of an Initial Study as a preliminary environmental document, which will contain an evaluation and discussion of environmental topics to be excluded from full analysis in the Focused EIR. The analysis in the Initial Study and Focused EIR is anticipated to be streamlined and would tier off of the program-level EIR prepared for ConnectMenlo, pursuant to CEQA Guidelines sections 15152 and 15168.

The Initial Study will fully document the finding that topics not addressed in detail in the EIR would not be associated with any new or more severe significant environmental impacts that were not already identified in the certified ConnectMenlo Final EIR. Based on LSA's experience with similar projects in the immediate vicinity of the site and our familiarity with the ConnectMenlo EIR, it anticipated that potential impacts associated with aesthetics; agriculture and forestry resources; biological resources; cultural resources; energy; geology and soils; hazards and hazardous materials; hydrology and water quality; land use and planning; mineral resources; noise (construction period); parks and recreation; public services; tribal cultural resources; utilities and service systems; and wildfire would be less than significant. Mitigation measures identified in the ConnectMenlo Final EIR that are applicable to the proposed project will be identified to support the conclusions in the Initial Study. The Initial Study will be circulated for public comment along with the Notice of Preparation indicating that a Focused EIR will be prepared.

LSA believes that a Focused EIR addressing the topics of population and housing; transportation; air quality, greenhouse gas emissions; and operation-period traffic noise would likely prove necessary to fulfill the requirements of CEQA and to satisfy the terms of the City's 2017 Settlement Agreement with the City of East Palo Alto. The analysis will be supported by the Transportation Impact Study and Housing Needs Assessment prepared by LSA and KMA, respectively. LSA will also utilize, to the maximum extent possible, information from the ConnectMenlo Final EIR for both the Initial Study and Focused EIR.

C. SCOPE OF WORK

LSA will undertake the following tasks, as identified in Table 1 on the following page, Work Program Outline, and described in greater detail below, for preparation of the EIR and Initial Study for the proposed project.

TASK A. PROJECT INITIATION

Project initiation will consist of several tasks, including attendance at a project start-up meeting, a site visit/field surveys, and data gathering and review. The project description for the EIR, which will

also be used for the Notice of Preparation (NOP) and Initial Study will be prepared as part of project initiation subtasks.

1. Start Up Meeting/Site Visit

LSA’S Principal-in-Charge, Project Manager, and Transportation Planner will attend a start-up meeting with City staff and the project sponsor team. It is assumed that this will be an in-person meeting, although it could also be conducted via video or teleconference. At this meeting, the project team will discuss elements of the proposed project, the status of the development application, and various data needs.

LSA will also visit the project site to familiarize ourselves with existing conditions and site features. Photographs of the site and adjacent land uses will be obtained during the site visit.

2. Data Gathering and Evaluation

Existing data and analyses applicable to the project site and vicinity will be collected and evaluated. These include ConnectMenlo and its Final EIR, other background documents obtained from the City and/or the project sponsor, and applicable Menlo Park planning, policy, and environmental documents.

3. Notice of Preparation/Scoping Session

LSA will prepare a Notice of Preparation (NOP) in accordance with the requirements of CEQA. The NOP will include a project description, location map, conceptual project site plan, and a detailed description of the expected environmental topics to be covered in the Initial Study and EIR. LSA will be responsible for distributing the NOP to the State Clearinghouse. In addition, LSA will work with the City to circulate the NOP to the appropriate local, regional, State, and federal agencies, as well as additional distribution and posting consistent with City practices. Following the 30-day comment period, LSA will review all comments, distribute comments to members of the LSA team as necessary, and recommend any needed changes to the proposed work program (see Task A.5, below).

Theresa Wallace and Matthew Wiswell will also be available to facilitate the public scoping session during the 30-day NOP comment period. As part of this public meeting, it is assumed that LSA will make a short presentation that outlines the project’s environmental review requirements and process.

Table 1: Work Program Outline

TASK A. PROJECT INITIATION
1. Start-Up Meeting/Site Visit
2. Data Gathering and Review
3. Notice of Preparation/Scoping Session
4. Project Description
5. Work Program Refinement
TASK B. INITIAL STUDY
1. Administrative Draft Initial Study
2. Screencheck Draft Initial Study
3. Public Review Draft Initial Study
TASK C. ENVIRONMENTAL IMPACT REPORT
1. Setting and Impacts
a. Population and Housing
b. Transportation and Circulation
c. Air Quality
d. Greenhouse Gas Emissions
e. Noise
2. Alternatives Analysis
3. Other CEQA Considerations
4. Administrative Draft EIR
5. Screencheck Draft EIR
6. Public Review Draft EIR
TASK D. RESPONSE TO COMMENTS DOCUMENT
1. Administrative Draft RTC Document
2. Screencheck Draft RTC Document
3. Final RTC Document
4. Mitigation Monitoring and Reporting Program
5. Administrative Record
TASK E. PUBLIC HEARINGS AND MEETINGS
TASK F. PROJECT MANAGEMENT

Following the scoping session, LSA will prepare a written summary of environmental issues raised at the session and submit it to City staff for review and comment. The NOP, along with the written comment letters received on the NOP, will be included as an Appendix to the Draft EIR.

4. Project Description

Based on the submitted site plans, technical studies completed for the proposed project, and consultation with City staff and the project team, LSA will draft a project description that includes all elements necessary to comply with CEQA, including, but not limited to, the purpose, phasing, and physical elements of the project, including building use, square footage and height. The project description will include maps showing the existing buildings adjacent to the site, and the location and boundaries of the proposed project, as well as a written description of the existing uses so that the changes between existing and proposed uses can be identified. In addition, the project description will include a discussion of the background, objectives of the project, and construction phasing plan. The project description will describe the overall approval process for the project and identify all discretionary and anticipated subsequent approvals. All relevant agencies and reviewing bodies will also be identified.

Crafting an appropriately detailed and illustrated project description is often the single most time-consuming (as well as important) element of a CEQA review document. LSA will work closely with the City to ensure that the project description provides a level of detail appropriate for CEQA analysis. A draft project description will be submitted to the City and project sponsor for review and comment before the LSA team begins conducting any impact analyses.

5. Work Program Refinement

It may be necessary to refine the work program in accordance with information compiled in the above subtasks. Upon receipt and review of all of the comments on the NOP and taking into consideration comments heard at the scoping session, LSA will work with City staff to refine the scope of work and budget, if necessary, to address any environmental issues that are not yet adequately addressed in this work program.

TASK B. INITIAL STUDY

An Initial Study will be prepared in accordance with CEQA and City guidelines; LSA will utilize the Environmental Checklist Form (Appendix G of the CEQA Guidelines) to focus-out environmental topics that do not warrant detailed analysis in the EIR. Where appropriate, the Initial Study will tier off of the analysis included in the ConnectMenlo Final EIR and will include a brief project description documenting existing conditions, project impacts for the checklist topics, resulting level of significance for each of the checklist topics, and applicable mitigation measures identified in the ConnectMenlo Final EIR or standard City conditions of approval.

Based on LSA's understanding of the ConnectMenlo Final EIR and 2017 Settlement Agreement and preliminary review of the proposed project and existing site conditions, LSA believes that the following environmental issue topics will require detailed review in the EIR: population and housing; transportation; air quality, greenhouse gas emissions; and operation-period traffic noise. These topics will therefore only be briefly addressed in the Initial Study. If the analysis in the Initial Study

finds that the project would result in significant impacts to other aspects of the physical environment, these topics will also be incorporated into the EIR by way of Task A.5 (Work Program Refinement). The work program for the Initial Study is outlined below.

1. Administrative Draft Initial Study

LSA will prepare an Administrative Draft Initial Study with the following components, including figures to illustrate the project location and features:

- Project Description
- CEQA Appendix G Environmental Checklist Form
- Mandatory Findings of Significance
- Contacts and Bibliography

An electronic copy of the Administrative Draft Initial Study will be submitted to the City for review and comment. If desired by the City, LSA will schedule a conference call to discuss with the City the comments on the Administrative Draft.

The following topics are expected to be focused-out of the EIR and will be fully addressed in the Administrative Draft Initial Study.

a. Aesthetics. The proposed project would result in the demolition of a single-story building containing an office use and construction of one eight-story apartment building in a historically light industrial and commercial area of the City that is transitioning to a mix of residential, ground floor retail, and office uses. The aesthetics section will describe existing visual conditions in and around the project site as well as views to and from the surrounding area. Impacts of the proposed project on scenic vistas, scenic resources, and visual character will be described. This section will focus in particular on the project's height, massing, and orientation, as well as its relationship to surrounding uses and character.

b. Agriculture and Forestry Resources. The proposed project would not have any effect on agricultural or forestry resources, as these resources are not present on or adjacent to the project site. LSA will provide brief responses to the checklist questions for this topic.

c. Biological Resources. The project site is located in a developed area within the City of Menlo Park. Vegetation on or in the immediate vicinity of the project site is limited to ornamental landscaping, including mature eucalyptus trees. It is anticipated that the project applicant would provide documentation related to the presence or absence of heritage trees on or within the immediate vicinity of the site that could be affected by the proposed development. The applicant may also provide a biological resources assessment, if required by the City. LSA will review these reports and summarize the findings in the checklist responses. LSA will also reference the conclusions and analysis in the ConnectMenlo Final EIR, as appropriate.

d. Cultural Resources. The existing single-story building on the site was constructed in approximately the early 1960s and is likely over 50 years of age. However, the building does not appear to represent a distinctive association with important events or architectural trends. This

scope is based on the assumption that the building would be demolished and would not warrant additional study because based on the appearance, form, and construction history the buildings do not reasonably have the potential to qualify as historical resources under CEQA. LSA will reference the City-required historical resources evaluation to be provided by the applicant, any additional information provided by City staff, and the ConnectMenlo EIR to confirm this assumption. In the event that this information is not available, LSA can conduct a historical resources evaluation for each individual building under a scope and budget adjustment.

LSA will provide brief responses to the checklist questions related to impacts on historical resources, archaeological resources, and human remains. Applicable mitigation measures identified in the ConnectMenlo Final EIR that address the potential for accidental discovery of previously unidentified resources will be referenced to support the conclusion that impacts to cultural resources would be less than significant.

- e. Energy.** LSA will evaluate the project's impacts related to energy use in response to the checklist questions. This discussion will address the project's compliance with applicable energy efficiency standards and will cross reference the discussion provided in the ConnectMenlo Final EIR. Energy data using the California Emissions Estimator Model (CalEEMod) will be reported.
- f. Geology and Soils.** This section will summarize the site's potential for geologic impacts using the information available in the soils report, a geotechnical report and/or Phase I Environmental Site Assessment (ESA) if they are available from the sponsor team, the ConnectMenlo EIR, and available information. This section will include a discussion of potential seismic impacts including fault rupture, seismic shaking, ground failure, and landslides; the maximum expected earthquake on nearby active faults that would likely cause very strong seismic groundshaking at the project site; potential geotechnical impacts including unstable soils; and potential impacts associated with slope instability. Potential impacts to paleontological resources or unique geologic features will also be addressed. Project compliance with standard geotechnical design measures and preparation of a design-level site-specific geotechnical report as identified in the ConnectMenlo Final EIR will be discussed.
- g. Hazards and Hazardous Materials.** LSA will summarize the available information on hazards and hazardous materials from the Phase I ESA, if available, and will address checklist questions related to hazardous materials and other hazards that could result from implementation of the proposed project. LSA will describe known and potentially hazardous materials issues in the project area and immediate vicinity based on information collected from available reports. Project compliance with standard regulations and General Plan policies as identified in the ConnectMenlo Final EIR will be discussed.
- h. Hydrology and Water Quality.** Development of the proposed project would alter existing drainage conditions on the project site including through the change in the amount and location of pervious and impervious surfaces. LSA will qualitatively evaluate potential impacts to hydrology and water quality and will respond to checklist questions related to water quality, groundwater resources, groundwater recharge, flooding, and erosion. The analysis will be based on the hydrology report and stormwater drainage plans provided by the project sponsor, C.3 stormwater

requirements,, and discussions with City staff. Project compliance with standard regulations governing hydrology and water quality as identified in the ConnectMenlo Final EIR will be discussed.

i. Land Use and Planning. The proposed project would redevelop the site from an office/industrial use to residential and ground floor commercial use. LSA will evaluate the project's compatibility with surrounding land uses and discuss the project's consistency with applicable land use policies and regulations included in the City's General Plan and Zoning Ordinance that could lead to significant physical impacts. An evaluation of the requested discretionary approvals will also be included in this section.

j. Mineral Resources. It is anticipated that the project will have no effect on mineral resources. LSA will provide brief responses to the checklist questions for this topic.

k. Noise (Construction Period). The ConnectMenlo Final EIR determined that all impacts related to construction noise could be reduced to a less-than-significant level through the implementation of mitigation measures. Therefore, construction-period noise and vibration will be qualitatively evaluated in the Initial Study. The project site is not located within the vicinity of any private or public airports, and this topic will also be briefly addressed.

l. Public Services. The proposed project is anticipated to be consistent with the development assumptions presented in the ConnectMenlo Final EIR and it is not expected that the proposed project would create increased demand for public services including fire service, police service, schools, libraries, and recreation, such that physical environmental impacts would occur. LSA will provide brief responses to the checklist questions for this topic and reference the conclusions and analysis presented in the ConnectMenlo Final EIR, including any applicable impact fees that may be required.

m. Recreation. The proposed project is anticipated to be consistent with the development assumptions presented in the ConnectMenlo Final EIR and it is not expected that the proposed project would create increased demand for park and recreational services. LSA will provide brief responses to the checklist questions for this topic and reference the conclusions and analysis presented in the ConnectMenlo Final EIR. This section will also include a discussion of the open space and recreational facilities to be provided on site in compliance with City requirements.

n. Tribal Cultural Resources. To comply with Assembly Bill 52 requirements, LSA will prepare a draft Tribal Notification for the project, which includes the Notification Regarding Tribal Cultural Resources and CEQA letter and full project description for City review. The City will be responsible for distributing the final notice and project description to the tribal distribution list. Assembly Bill 52 provides a period of 30 calendar days in which to request consultation. Should the City require more formal consultation assistance pursuant to Assembly Bill 52, LSA can assist with this task as necessary and may request a portion of the contingency amount to complete this task. LSA anticipates the results of the consultation process will be summarized in the Initial Study checklist for this topic, but understands this topic may need to be addressed in the EIR, depending on the timing and results of the consultation process. LSA will prepare the draft Tribal Notification letters for the City to review and issue upon project initiation and completion of a stable project description.

o. Utilities and Service Systems. LSA will evaluate the proposed project's effects on utility and service systems that could result from implementation of the proposed project. LSA will describe the existing utility systems serving the project area and work with City staff and private utility companies to determine if the proposed project would require an expansion of existing infrastructure or facilities. This analysis will include relevant information from the ConnectMenlo Final EIR, as appropriate.

p. Wildfire. The project site is located in an urban area. Impacts associated with wildfire hazards and implementation of emergency response/evacuation plans are not anticipated; therefore, LSA will provide brief responses to the checklist questions for this topic.

2. Screencheck Draft Initial Study

LSA will amend the Administrative Draft Initial Study based on a single set of consolidated non-contradictory comments provided to LSA by City staff. At this time, based on the preliminary analysis included in the Administrative Draft Initial Study, LSA and City staff will confirm the topics to be focused out of the EIR analysis and determine if any changes to the proposed work program are warranted.

A digital version of the Screencheck Draft Initial Study will be provided to the City to verify that all requested changes have been made and all appendix materials, references, and final graphics are acceptable. We have allotted time for responding to changes; however, if this task exceeds the cost allotted in the budget due to changes in project description or requests for additional analysis that are not necessary to prepare a legally-adequate document, a budget adjustment may be required.

3. Public Review Draft Initial Study

Final changes to the Screencheck Draft Initial Study will be made based on minor comments from the City. Up to 20 paper copies as well as an electronic version of the Initial Study will be provided to the City. The Initial Study would be circulated with the NOP (refer to Task A.3).

TASK C. ENVIRONMENTAL IMPACT REPORT

Based on the City's 2017 Settlement Agreement with the City of East Palo Alto and LSA's review of the ConnectMenlo Final EIR and preliminary review of the proposed project and existing site

conditions, LSA believes that the following environmental issue topics will require detailed review in the EIR: population and housing; transportation; air quality; greenhouse gas emissions, and operation-period traffic noise. The work program for the EIR is outlined below.

1. Setting and Impacts

The setting and impacts documentation for each of the issue areas described below will be incorporated into the EIR. This analysis will clearly describe the affected environment and the environmental consequences of implementation of the proposed project. The agreed upon significance thresholds will be clearly stated within each section and will be used to determine impacts. Where relevant, impacts will be separately identified by their occurrence during either the construction or operations periods. Feasible mitigation measures (as well as the residual impacts or effects of each measure) will be identified. Cumulative impacts will also be addressed.

a. Population and Housing. The proposed project would result in the development of residential and commercial uses on an infill site within the City, which was evaluated in the ConnectMenlo Final EIR. The existing demographics of the project area and its vicinity will be identified and described based on the most current data available, including the General Plan, Census data, and the Association of Bay Area Governments (ABAG) Plan Bay Area. KMA will prepare a Housing Needs Assessment, which will form the basis of the analysis in this section of the EIR. KMA's scope of work for the Housing Needs Assessment is included as an attachment to this proposal. LSA will assess the population, employment and housing impacts that would be created by the proposed project relative to the conclusions and analysis presented in the ConnectMenlo Final EIR and the Housing Needs Assessment.

b. Transportation and Circulation. LSA will prepare the transportation impact analysis (TIA) and Transportation section of the EIR for the proposed project, consistent with the requirements and provisions of the City of Menlo Park (City) Transportation Impact Analysis Guidelines, the City's Transportation Demand Management (TDM) Program Guidelines (including City Municipal Code Section 16.45.090), the City/County Association of Governments of San Mateo County (C/CAG) Congestion Management Program (CMP), the California Department of Transportation (Caltrans), and CEQA. The primary objective of the Transportation Section will be to determine the potential for significant impacts to the adjacent circulation system resulting from the proposed project.

The following presents the tasks that will be necessary to complete the TIA for the project.

Task 1: Coordination and Scoping. LSA transportation staff will attend the project kick-off meeting (or video/conference call) with City Planning and Public Works Department staff to confirm the scope of work for the TIA. This will include confirmation of the project description (and receipt of the site plan), verification of specific analysis methodologies and assumptions (including the vehicle miles traveled [VMT] analysis), determination of trip generation (including trip credits, reductions, and TDM measures) and distribution, identification of future traffic conditions (i.e., approved and pending projects and/or volume development protocols, including near-term and cumulative assumptions), and discussion of specific concerns regarding the project and/or study area. This task includes ongoing coordination and/or conference calls with the City Planning and/or Public Works Departments throughout the duration of this project. Based on this input from the City, refinements to this scope of work and budget estimate may occur in order to meet the objectives of the project.

Task 2: Data Collection. This task will include collection of data to inform the analysis as described below. The TIA will include analysis of the following five scenarios:

- Existing (2020)
- Near-Term (Existing plus approved projects)
- Near-Term Plus Project
- Cumulative (including all future potential development by year 2040)
- Cumulative Plus Project

For purposes of this scope and budget, it is assumed that the TIA will evaluate up to 29 study area intersections. Based on preliminary trip estimates conducted by LSA, the proposed project is anticipated to generate fewer than 100 net new peak-hour trips. As such, a CMP roadway analysis would not be required. The following intersections have been preliminarily identified based on transportation analyses currently being conducted for similar projects within the immediate vicinity of the proposed project site:

Study Area Intersections

1. Marsh Road and Bayfront Expressway (Caltrans)
2. Marsh Road and US-101 Northbound Ramps (Caltrans/CMP)
3. Marsh Road and US-101 Southbound Ramps (Caltrans/CMP)
4. Marsh Road and Scott Drive (City)
5. Marsh Road and Florence Street-Bohannon Drive (City)
6. Marsh Road and Bay Road (City)
7. Marsh Road and Middlefield Road (Town of Atherton)
8. Chrysler Drive and Bayfront Expressway (Caltrans)
9. Chrysler Drive and Constitution Drive (City)
10. Chrysler Drive and Jefferson Drive (City)
11. Chrysler Drive and Independence Drive (City)
12. Chilco Street and Bayfront Expressway (Caltrans)
13. Chilco Street and Constitution Drive (City)
14. Ringwood Avenue and Bay Road (City)
15. Ringwood Avenue and Middlefield Road (City)
16. Ravenswood Avenue and Middlefield Road (City)
17. Willow Road and Bayfront Expressway (Caltrans)
18. Willow Road and Hamilton Avenue (Caltrans)
19. Willow Road and Ivy Drive (Caltrans)
20. Willow Road and O'Brien Drive (Caltrans)
21. Willow Road and Newbridge Street (Caltrans)
22. Willow Road and US-101 Northbound Ramps (Caltrans)
23. Willow Road and US-101 Southbound Ramps (Caltrans)
24. Willow Road and Bay Road (City)
25. Willow Road and Durham Street (City)
26. Willow Road and Coleman Avenue (City)
27. Willow Road and Gilbert Avenue (City)

28. Willow Road and Middlefield Road (City)
29. University and Bayfront Expressway (Caltrans)

The following information will need to be collected prior to preparation of the TIA in order to establish a baseline and evaluate the project impacts for each of the analysis scenarios.

Existing Conditions. LSA will request existing intersection turn-movement counts at up to 17 intersections in the AM peak hour (7:00 to 10:00 a.m.) and the PM peak hour (4:00 to 7:00 p.m.) from the City.

LSA will determine geometric and traffic control data at the study area intersections, pedestrian and bicycle facilities and amenities in the project vicinity, and local transit service and bus stops. LSA will also identify potential access issues or constraints.

Optional Task. As an optional task, LSA would work with the City to collect new peak hour intersection. Due to the currently atypical traffic conditions resulting from COVID-19, the collection of new traffic count data is not recommended and may not be acceptable to City staff. If recent traffic counts are not available for the study area locations, LSA will work with City staff on an alternative solution, such as using historic traffic counts and applying a growth rate to represent existing (2020) conditions. For purposes of this scope and budget, traffic counts will be provided by the City, or acquired from an independent third party (at no cost). LSA will discuss with the City whether any driveway counts are necessary to identify the existing site trip generation for trip credit purposes. In the event that traffic count data is requested or required, the budget may need to be amended (the cost for AM and PM peak-hour counts at one intersection is approximately \$240).

Software Files. It is LSA's understanding that the City uses the VISTRO software for impact analysis purposes, and that the City updates its VISTRO model files based on traffic counts, signal timing, and cumulative projects (including development and circulation improvements). LSA will request the existing VISTRO files (as well near-term and/or cumulative files, if available) from the City. It is assumed that the City has already included the most up-to-date information in its VISTRO model, but LSA will coordinate with the City on any required updates.

Future Traffic Conditions. Although the approved and pending projects are assumed to be included in the City's VISTRO files, LSA will confirm with the City if any additional approved and pending projects should to be included in the near-term and cumulative conditions and will request the approved and pending projects traffic volumes and/or their studies in order to develop near-term baseline traffic volumes. If these volumes or documents are not available, LSA staff will assign approved project trips to the study area circulation network using the "manual method" of trip assignment. LSA will also request approved and pending project lists (and traffic volumes and/or studies) from the City of Redwood City, the City of East Palo Alto, and the Town of Atherton. This scope and budget includes the manual trip assignment of up to six total approved and pending projects. LSA will revise the near-term and cumulative VISTRO files as needed.

Circulation Improvements. LSA will request information from the City Public Works Department regarding any planned, programmed, and/or funded circulation improvements (i.e., Capital

Improvement Projects) in the project area. LSA will determine the timing and implementation of any planned/funded improvements at the study area locations. Only those circulation improvements that are completed and open to traffic will be included for the near-term and cumulative horizons. This information will establish the circulation network assumptions and help determine appropriate project mitigation (if necessary) during each analysis condition. LSA will incorporate any assumed circulation improvements in the VISTRO files as needed.

Task 3: Baseline Traffic Conditions. The following tasks will be completed to establish baseline traffic conditions for the TIA.

Existing Conditions. Existing AM and PM peak-hour traffic conditions and intersection levels of service (LOS) will be assessed using the City-approved *Highway Capacity Manual, 6th Edition (HCM 6)* methodology. A signal warrant analysis will be conducted for any unsignalized intersection that exceeds satisfactory LOS.

Existing transit, bicycle, and pedestrian infrastructure and service will also be described and included in the existing setting analysis.

Near-Term Conditions. Near-term baseline traffic volumes will be developed based on existing counts and approved. LOS at the study area locations will be identified for this baseline condition. A signal warrant analysis will be conducted for any unsignalized intersection that exceeds satisfactory LOS.

Cumulative Conditions. Cumulative baseline traffic volumes will be developed based on traffic projections represented by year 2040. This condition will include all approved, pending, and reasonably foreseeable projects. As previously described, the cumulative conditions and VISTRO files will be provided by the City, but LSA will update as needed based on coordination with City staff. LOS at the study area locations will be identified for this baseline condition. A signal warrant analysis will be conducted for any unsignalized intersection that exceeds satisfactory LOS.

Task 4: Project Trip Generation, Distribution, and Assignment and TDM. LSA will generate AM peak-hour, PM peak-hour, and daily (average daily traffic) trips for the proposed project using trip generation rates from the latest Institute of Transportation Engineers (ITE) Trip Generation Manual (10th Edition). LSA will discuss with City staff the application of any trip reduction credits based on the type and/or mix of uses proposed on site. Trip reduction for internal capture and/or pass-by trips (if any) will be referenced from the ITE Trip Generation Handbook (3rd Edition).

In accordance with City Municipal Code Section 16.45.090, this project sponsor is required to develop a TDM plan to reduce at least 20 percent of net new vehicular trips. LSA will conduct a peer review of the project sponsor's proposed TDM plan for consistency and compliance with the City's TDM Program Guidelines, the City's TIA Guidelines, and the California Air Pollution Control Officers Association (CAPCOA) Quantifying Greenhouse Gas Mitigation Measures (August 2010), as appropriate, to verify and identify appropriate TDM measures and the potential number of trips credited to this project with the intent of meeting the minimum trip reduction goal of 20 percent. The project trip generation will be reduced accordingly for purposes of the project impact assessment.

Project-related trips (with assumed TDM measures) will be distributed through the study area locations based on expected travel patterns between the project and local and regional destinations. The resulting project trip assignment will be overlaid onto the opening baseline traffic base to determine the plus project traffic conditions.

The project trip generation, distribution, and assignment and TDM will be reviewed and approved by City staff prior to preparation of the VMT and LOS analyses.

Task 5: Project Impact Assessment. The following tasks will be completed to assess the effects of the proposed project based on the City's intersection LOS criteria. Note that level of service impacts will be provided in the context of compliance with applicable planning documents and local regulations, as directed by the Menlo Park City Council, and are not considered impacts under CEQA.

Near-Term Plus Project Conditions. LSA will analyze the Near-Term Plus Project traffic conditions at the study area locations to determine the ability of the circulation system to provide acceptable LOS when the project is added to the near-term horizon. The resulting forecast traffic volumes will be examined to determine peak-hour intersection LOS. A signal warrant analysis will be conducted for any unsignalized intersection that exceeds satisfactory LOS. Project impacts will be identified based on existing intersection and roadway geometrics as well as any circulation improvements assumed during this time frame. The City's performance thresholds will be used to determine project impacts.

Cumulative Plus Project Conditions. LSA will analyze the Cumulative Plus Project conditions at the study area locations to determine the ability of the circulation system to provide acceptable LOS when the project is added to this long-range horizon. The resulting forecast traffic volumes will be examined to determine peak-hour intersection LOS. A signal warrant analysis will be conducted for any unsignalized intersection that exceeds satisfactory LOS. Project impacts will be identified based on all planned, programmed, and/or funded circulation improvements. The City's performance thresholds will be used to determine project impacts.

Task 6: Site Plan Analysis. A review and analysis of site access and on-site circulation will be performed based on the proposed site plan and the trip generation identified in subtask 4. LSA will review project volumes, turn movements, queueing, traffic controls, and sight distance at the project access points to determine the adequacy of the interface with the arterial street system. LSA will also review the City's off-street parking requirements and compare with the proposed on-site parking supply.

Task 7: VMT Analysis. As a result of the final rulemaking surrounding Senate Bill 743 and the implementation deadline of July 1, 2020, the City is currently developing guidelines and thresholds for the evaluation of VMT. Based on coordination with the City, LSA will prepare a VMT analysis to disclose the existing VMT within the geographical area, as well as the potential VMT generated with the project for each independent land use proposed by the project. LSA will coordinate with the City to identify the source (i.e., City Model) for obtaining existing VMT and average trip length data for the City. Total VMT will be requested for both local (project-specific traffic analysis zone [TAZ]) and regional areas. LSA will calculate total VMT for the project using the average trip lengths identified by and approved for the City. If necessary, LSA will develop average trip lengths based on origins/destinations and routes to/from the project site. LSA will prepare a summary of the existing

VMT in the local/regional vicinity of the project obtained from the City, as well as the VMT projections with the project, in the TIA.

Task 8: Recommendations and Mitigation Measures. Based on the results of Tasks 5–7, recommendations and mitigation measures will be proposed to address deficiencies and impacts created by the project (if any) in the near-term and cumulative conditions. Recommendations and mitigation measures could include TDM measures, intersection turn lanes, traffic signal installation or modification, local street striping and channelization improvements, and signage, etc. Any capacity improvement that could induce travel demand (i.e., additional through lane at an intersection or roadway) may require preparation of a separate VMT analysis and additional budget.

Task 9: Preparation of the Transportation Section of the EIR. The Transportation section of the EIR will be prepared discussing the Existing, Near-Term, Near-Term Plus Project, Cumulative, and Cumulative Plus Project conditions. Identification of TDM, intersection, roadway, and on-site improvements required to accommodate project development will be provided. As noted in Task E, Public Hearings and Meetings, this scope of work includes attendance by LSA Transportation staff at up to two meetings with City staff and two public hearings.

c. Air Quality. Development activity associated with implementation of the proposed project could increase pollutant concentrations in Menlo Park through increased vehicle trips and construction activities. LSA will conduct an air quality analysis consistent with the current BAAQMD CEQA Guidelines in compliance with the ConnectMenlo EIR's Mitigation Measures AQ-3a and AQ-3b. The air quality analysis for the project will compare the impacts of the project to those identified in the ConnectMenlo Final EIR and discuss whether or not any new or more severe impacts would occur. The analysis will include the following components: (1) assessment of baseline air quality in the area based on data from the BAAQMD and California Air Resources Board (CARB); (2) quantitative assessment of project construction and operational impacts using the California Emissions Estimator Model (CalEEMod) (where possible, construction details, such as duration of construction period and equipment used, should be provided to LSA - otherwise default model assumptions will be utilized); (3) quantitative assessment of project construction and operational health risk impacts, including a health risk assessment (HRA), consistent with the requirements of Mitigation Measure AQ-3b; and, (4) recommendation of mitigation measures consistent with the BAAQMD guidelines, if necessary, including measures that would be capable of reducing any potential cancer and non-cancer risks to an acceptable level. Potential impacts associated with other emission sources, including odors, will be scoped out of the analysis in the Initial Study.

d. Greenhouse Gas Emissions. The transportation evaluation that will be prepared for the proposed project could indicate that more significant impacts related to transportation, and therefore GHGs, could occur with implementation of the proposed project, as compared to the impacts identified in the ConnectMenlo Final EIR. Therefore, LSA will evaluate the project's impacts on global climate change in the Focused EIR, consistent with the requirements of the BAAQMD. LSA will provide a quantitative assessment of greenhouse gas emissions associated with all relevant sources related to the project for which project data are available, including construction activities using emissions model CalEEMod. LSA will also provide a qualitative assessment of the project's consistency with relevant plans and regulations, including the City of Menlo Park's Climate Action Plan.

e. Noise (Operation-Period). The transportation evaluation that will be prepared for the proposed project could indicate that more significant impacts related to transportation, and therefore transportation-related noise, could occur with implementation of the proposed project, as compared to the impacts identified in the ConnectMenlo Final EIR. Therefore, LSA will prepare a noise analysis for the proposed project as part of the Focused EIR. The noise analysis will include the following components: 1) a description of the regulatory framework for noise based on City of Menlo Park General Plan standards and the Municipal Code noise ordinance; 2) quantitative description of existing noise conditions in and around the project site based on one long-term and up to four short-term noise measurements; 3) quantitative assessment of noise impacts on sensitive receptors related to project operation; 4) noise compatibility assessment based on the location of the project in relation to roadway noise based on the noise monitoring results; and 5) preparation of mitigation measures consistent with best practices. LSA will determine if upgraded window and wall assemblies are necessary to meet interior noise standards.

2. Alternatives

The LSA team will identify and evaluate up to three alternatives to the proposed project, one of which will be the CEQA-required No Project alternative. The two other alternatives will be developed in consultation with the City. The development and selection of alternatives will be informed by the input received in response to the NOP, as well as any significant impacts of the project that are identified in the Draft EIR.

According to the CEQA Guidelines, alternatives may be evaluated in less detail than the project; however, it is assumed that quantitative analysis for the topics of transportation, air quality, greenhouse gas emissions, and noise would be undertaken to compare the impacts of each alternative to those identified for the proposed project. Alternatives can be a key issue of community concern. Therefore, the discussion will be of sufficient detail to evaluate the benefits and drawbacks of each alternative, and to provide conclusions regarding the alternatives. Based on this analysis, the Environmentally Superior Alternative will be identified (as required by CEQA).

3. Other CEQA Considerations

LSA will prepare the appropriate conclusions to fulfill CEQA requirements by providing an assessment of several mandatory impact categories, based on the conclusions and analysis presented in the ConnectMenlo Final EIR and Tasks B and C.1 as discussed above, including:

- Growth inducement;
- Significant effects that cannot be avoided if the proposed project is implemented;
- Significant irreversible environmental changes if the proposed project is implemented; and
- Effects found not to be significant.

The Effects Found Not to be Significant discussion will summarize the findings of the Initial Study.

4. Administrative Draft EIR

The information developed above will be organized into an Administrative Draft EIR. The EIR will include the following components: Title/Cover Page; Table of Contents; Introduction; Executive Summary; Project Description; Setting, Impacts, and Mitigation Measures; Other CEQA Considerations; Alternatives to the Proposed Project; List of Report Preparers; List of Persons and Organizations Contacted; Bibliography; and Technical Appendices (as needed).

Electronic versions of the Administrative Draft EIR (with appendices) in Word and PDF format will be submitted to City staff for distribution, review, and comment. LSA will discuss comments on the Administrative Draft EIR with the City over the phone or in person.

5. Screencheck Draft EIR

LSA will amend the Administrative Draft EIR based on a single set of consolidated non-contradictory comments provided by the City. We have allotted time for responding to changes; however, if this task exceeds the cost allotted in the budget due to changes in project description or requests for additional analysis that are not necessary to prepare a legally-adequate document, a budget adjustment may be required.

Electronic versions of the Administrative Draft will be provided for review by City staff to verify that all requested changes have been made. LSA will also provide a compare version of the Screencheck Draft. This version will show text changes made to the Administrative Draft EIR in underline and strikeout for the City to more easily confirm that all comments and edits are fully incorporated into the Screencheck Draft.

6. Public Review Draft EIR

LSA will make any minor necessary revisions to the Screencheck Draft EIR and prepare the public review Draft EIR. An electronic version of the document in PDF format will be prepared for City distribution and posting on the City website. In addition, up to 20 paper copies will be provided. LSA will prepare a Notice of Completion, in accordance with the CEQA Guidelines, and coordinate with the City to distribute the Draft EIR pursuant to CEQA and City review procedures. LSA will be responsible for distributing the NOC to the State Clearinghouse including fifteen (15) paper copies of the Summary Chapter.

TASK D. RESPONSE TO COMMENTS DOCUMENT AND FINAL EIR

After the 45-day public review period, and prior to hearings for certification of the EIR, LSA will prepare a Response to Comments (RTC) Document. The Draft EIR and the RTC Document together constitute the Final EIR. As part of this task, LSA will also prepare a Mitigation Monitoring and Reporting Program (MMRP) and the Administrative Record for the EIR.

1. Administrative Draft RTC Document

The LSA team will formulate responses to comments received on the Draft EIR, including written comments received from the public and agencies, and prepare an Administrative Draft RTC Document. Included in this document will be: 1) a list of persons, organizations, and public agencies commenting on the Draft EIR; 2) copies of all written comments, and the responses to these comments; 3) written comments and any verbal comments received at a public hearing and responses to these comments; and 4) any necessary revisions to the Draft EIR. The budget estimate in Table 3 shows the level of professional effort assumed for this task. Should an unexpectedly large volume of comments be submitted (e.g., an organized letter-writing campaign by anti-development advocates or a substantial package of comments by a law firm representing union interests), an adjustment in the budget to cover work beyond the assumed level would be needed.

Electronic versions of the Administrative Draft RTC Document in Microsoft Word and PDF format will be submitted to City staff for distribution, review and comment. LSA will discuss comments on the Administrative Draft RTC Document with the City over the phone or in person.

2. Screencheck Draft RTC Document

Working from a single set of consolidated and non-contradictory comments, LSA will amend the Administrative Draft RTC Document and prepare a Screencheck version. Digital files of the clean and compare versions of the Screencheck Draft of the RTC Document will be provided to verify that all changes have been made. The compare version will show text changes made to the Administrative Draft RTC Document in underline and strikeout for the City to more easily confirm that all comments and edits are fully incorporated into the Screencheck Draft.

3. Final RTC Document

Upon successful completion and approval of the Screencheck Draft RTC Document, LSA will provide an electronic version of the RTC Document for public distribution and submittal to the City. LSA will provide a draft Notice of Determination (NOD) for the City to file with the County Clerk upon certification of the EIR.

4. Mitigation Monitoring and Reporting Program

LSA will prepare a Mitigation Monitoring and Reporting Program (MMRP) for the project and will identify responsibility for implementing and monitoring each mitigation measure, along with monitoring triggers and reporting frequency, subject to approval by City staff. LSA will also work closely with City staff to ensure the program is prepared in a format that will be easy for staff to implement and be tailored to the City's procedures.

5. Findings of Fact and Statement of Overriding Considerations

LSA will prepare a draft of the Findings of Fact and a Statement of Overriding Considerations for use by the City. The Findings will include the following: a record of proceedings for the City's decision on the project; a summary description of the project; identification of potentially significant effects of the project which were determined to be mitigated to a less-than-significant level; identification of the project's potential environmental effects that were determined not to be significant, and do not

require mitigation; cumulative effects; feasibility of project alternatives; and the City's Statement of Overriding Considerations (if significant unavoidable impacts are identified).

6. Administrative Record

LSA will compile the Administrative Record related to preparation of the CEQA documents and provide the appropriate documentation in electronic format to the City as part of the Final EIR.

TASK E. PUBLIC HEARINGS AND MEETINGS

LSA's Principal in Charge (Theresa Wallace) and Project Manager (Matthew Wiswell) will be available to attend working sessions with Planning staff to gather information, review progress, arrive at a reasonable range of alternatives, review preliminary findings, discuss staff comments, and offer input into discussions on the proposed project. The proposed cost estimate includes attendance by both Theresa and Matthew at the project start-up meeting and the EIR scoping session, as detailed above under Task A. In addition, we have budgeted (under this task) for attendance at up to four meetings and/or public hearings with City staff and/or the project team. LSA Transportation staff will also attend up to two public hearings and will be available to attend up to three conference calls with City staff. Attendance at additional meetings or hearings would be billed on a time and materials basis at the rates shown in Table 3.

TASK F. PROJECT MANAGEMENT

Theresa will provide input on the scope, budget, contract negotiations and management, and scheduling of the project, and will be responsible for the overall quality of all work undertaken. She will be available for consultation on CEQA procedural matters as well as application of the CEQA Guidelines to this project.

Matthew will coordinate the day-to-day activities associated with the project, including regular client contact, oversight of subconsultants and team members, schedule coordination, and development of products. Matthew will also provide direction to all team members that will ensure an internally-consistent, coherent document. Both Theresa and Matthew will review all subconsultant submittals and in-house prepared text, tables, and graphics before these materials are presented to the City as administrative review documents.

D. SCHEDULE

The proposed preliminary schedule for this scope of work is shown in Table 2. The schedule assumes a start date of June 1, 2020 but could be adjusted if an earlier start date is anticipated. It is assumed that the transportation impact analysis will commence when the NOP is published, per standard City practice, and that the Administrative Draft EIR will be submitted to the City approximately 4 weeks after the close of the NOP comment period.

Table 2: Proposed Preliminary Schedule

Milestone	Responsible Party	Duration	Dates
Authorization to Proceed	City	--	June 1, 2020
Draft Project Description and Initiation Tasks	LSA	2 weeks	June 15, 2020
Review Project Description/Provide Requested Info Needs	City/Applicant	2 weeks	June 29, 2020
Prepare Administrative Draft Initial Study	LSA	4 weeks	Jul 13, 2020
Review Administrative Draft Initial Study	City	3 weeks	Aug 3, 2020
Prepare Screencheck Draft Initial Study/ Draft NOP	LSA	1 week	Aug 10, 2020
Review Screencheck Draft Initial Study/Draft NOP	City	1 week	Aug 17, 2020
Prepare and Publish Notice of Preparation/Initial Study	City/LSA	1 week	Aug 24, 2020
<i>NOP Scoping Meeting</i>	<i>City/LSA</i>	--	<i>TBD</i>
Close of Notice of Preparation Comment Period	--	30 days	Sept 22, 2020
Prepare Draft Housing Needs Assessment	KMA	8 weeks	Aug 10, 2020
Prepare Administrative Draft EIR	LSA	6 weeks	Oct 20, 2020
Review Administrative Draft EIR	City	3 weeks	Nov 10, 2020
Prepare Screencheck Draft EIR	LSA	2 weeks	Nov 24, 2020
Review Screencheck Draft EIR	City	2 weeks	Dec 8, 2020
Prepare and Publish Draft EIR	LSA	1 week	Dec 15, 2020
<i>DEIR Public Comment Meeting</i>	<i>City</i>	--	<i>TBD</i>
Close of Public Review Period	--	45 days	Jan 28, 2021
Prepare Administrative Draft RTC Document	LSA	2 weeks	Feb 11, 2021
Review Administrative Draft RTC Document	City	2 weeks	Feb 25, 2021
Prepare Screencheck Draft RTC Document and MMRP	LSA	1 week	April 1, 2021
Review Screencheck Draft RTC Document and MMRP	City	1 week	April 8, 2021
Prepare and Reproduce Final RTC Document and MMRP	LSA	1 week	April 15, 2021
<i>Final EIR Certification Hearing</i>	<i>City/LSA</i>	<i>>10 days</i>	<i>TBD</i>

E. COST ESTIMATE

For completion of the scope of work set forth in this proposal and accomplished according to the preliminary proposed schedule outlined above, which assumes an approximately one year project duration, LSA proposes a total budget of \$161,040. We have included a 5 percent contingency amount of \$8,100, which would not be used without written authorization from the City. With the contingency amount, the total budget would be \$169,140. A detailed breakdown of the budget is included in Table 3. This scope of work and cost estimate is valid for 60 days.

As is always the case, we welcome the opportunity to work with you to revise the scope, schedule and/or budget to better meet your needs. We appreciate the opportunity to submit this proposal, and look forward to continuing to work with the City. If you have any questions regarding this proposal, please contact Matthew Wiswell at (510) 236-6810 or contact us by email at matthew.wiswell@lsa.net.

Sincerely,

LSA ASSOCIATES, INC.



Theresa Wallace, AICP
Principal



Matthew Wiswell
Project Manager

- Attachment 1: Keyser Marston Associates Scope of Work
- Attachment 2: LSA Transportation Staff Resumes

Table 3: Cost Estimate for the Proposed Menlo Flats Project

LABOR COSTS												
LSA Associates, Inc.												LSA Total
Principal-in-Charge (Wallace)	Planner/Project Manager (Wiswell)	Principal AQ/GHG/Noise (Fischer)	Air Quality/Noise Specialist (Staff)	Air Quality/Noise Planner (Carlucci)	Principal Transportation Planner (Peros)	Principal Transportation Engineer (Mullerjee)	Associate Transportation Planner (Arzabal)	Transportation Planner (Delparastaran)	Document Management (Staff)	Graphics and Production (Staff)	Hourly Rate:	
	\$230	\$115	\$220	\$140	\$125	\$250	\$195	\$175	\$140	\$115	\$125	
Task A. Project Initiation												
(1) Start-Up Meeting/Site Visit	2	6						5				\$2,025
(2) Data Gathering and Review		2				6	2	4	8			\$3,940
(3) Notice of Preparation/Scoping Session	6	8									1	\$2,425
(4) Project Description	2	12								2	4	\$2,570
(5) Work Program Refinement	1	1										\$345
Subtotal for Task A	11	29	0	0	0	6	2	9	8	2	5	\$11,305
Task B. Initial Study												
(1) Administrative Draft Initial Study	8	32	1		8					4	4	\$7,700
(2) Screencheck Draft Initial Study	2	6								2	2	\$1,630
(3) Public Review Draft Initial Study	2	4								2	2	\$1,400
Subtotal for Task B	12	42	1	0	8	0	0	0	0	8	8	\$10,730
Task C. Environmental Impact Report												
(1) Setting and Impacts	1	2										\$460
(a) Population and Housing	2	12								2		\$2,070
(b) Transportation and Circulation	6	8				10	10	40	158	8	12	\$38,290
(c) Air Quality	1	4	4	20	28					1		\$7,985
(d) Greenhouse Gas Emissions	1	4	1		18					1		\$3,275
(e) Noise	1	4	2	6	18					1	1	\$4,460
(2) Alternatives Analysis	4	12	4	2	4	1	1	2	4	1		\$5,430
(3) Other CEQA Considerations	1	6										\$920
(4) Administrative Draft EIR	8	6								4	4	\$3,490
(5) Screencheck Draft EIR	6	12	2	1	2	2	2	8		4	2	\$6,590
(6) Public Review Draft EIR	4	6	2	1	1			2		4	6	\$3,875
Subtotal for Task C	35	76	15	30	71	13	13	52	162	26	25	\$76,845
Task D. Response to Comments Document												
(1) Administrative Draft RTC Document	8	12	2		6	2	1	16		4	4	\$8,865
(2) Screencheck Draft RTC Document	4	6	1							2	2	\$2,310
(3) Final RTC Document	2	4								2	4	\$1,650
(4) Mitigation Monitoring and Reporting Program	1	1								2		\$575
(5) Findings of Fact and Statement of Overriding Considerations	6	12										\$2,760
(5) Administrative Record		2									1	\$355
Subtotal for Task D	21	37	3	0	6	2	1	16	0	10	11	\$16,515
Task E. Public Hearings and Meetings												
Subtotal for Task E	16	16	0	0	0	1	1	16	2	0	0	\$9,045
Task F. Project Management												
Subtotal for Task F	8	24	0	0	0	0	0	0	0	0	0	\$4,600
TOTAL LABOR	103	224	19	30	85	22	17	93	172	46	49	\$129,040
DIRECT COSTS												
(1) Travel, Deliveries, Communication, Equipment												\$1,200
(2) Printing and Graphic Reproduction												\$1,400
(3) Keyser Marston Associates - Housing Needs Assessment												\$28,000
(4) Subconsultant Markup Fee of 5 Percent												\$1,400
TOTAL DIRECT COSTS												\$32,000
TOTAL LSA TEAM BUDGET												
TOTAL LSA TEAM BUDGET (WITHOUT CONTINGENCY)												\$161,040
CONTINGENCY FUNDS												
CONTINGENCY AT 5 PERCENT												\$8,100
TOTAL LSA TEAM BUDGET WITH CONTINGENCY												
TOTAL LSA TEAM BUDGET (WITH CONTINGENCY)												\$169,140

ATTACHMENT 1

**Keyser Marston Associates
Scope of Work**



KEYSER MARSTON ASSOCIATES™
ADVISORS IN PUBLIC/PRIVATE REAL ESTATE DEVELOPMENT

May 4, 2020

Theresa Wallace, Principal
LSA Associates
157 Park Place
Point Richmond, CA 94801

ADVISORS IN:
REAL ESTATE
AFFORDABLE HOUSING
ECONOMIC DEVELOPMENT

SAN FRANCISCO

A. JERRY KEYSER
TIMOTHY C. KELLY
DEBBIE M. KERN
DAVID DOEZEMA
KEVIN FEENEY

Re: Proposed Scope of Services to Prepare a Housing Needs Assessment for the Menlo Flats Project

Dear Ms. Wallace:

LOS ANGELES
KATHLEEN H. HEAD
JAMES A. RABE
GREGORY D. SOO-HOO
KEVIN E. ENGSTROM
JULIE L. ROMNEY
TIM BRETZ

Keyser Marston Associates, Inc. ("KMA") is pleased to present the enclosed proposed scope of services to prepare a Housing Needs Assessment ("HNA") for the City of Menlo Park addressing the proposed Menlo Flats Project located at 165 Jefferson Drive ("Project"). The Project includes construction of 158 multi-family rental units and 14,422 square feet of commercial space, replacing the existing office building on the project site.

SAN DIEGO
PAUL C. MARRA

KMA is exceptionally well qualified to prepare the HNA for the Project based on our broad expertise preparing housing impact studies and project-specific housing needs analyses. Our HNA experience for the City of Menlo Park includes the following projects:

- Menlo Gateway Project;
- Facebook Campus;
- Facebook Campus Expansion Project;
- 1350 Adams Court Project;
- 111 Independence (in progress);
- Menlo Uptown (in progress); and
- Menlo Portal (in progress).

This prior work provides a foundation for the analysis of the Project which can be leveraged to complete the work more efficiently.

The enclosed HNA scope of services includes preparation of an HNA addressing, to the extent possible, the following housing-related impacts of the proposed Project:

- Net effect on housing supply and housing need by affordability level from construction of the new housing units and commercial space and removal of the existing office building on the site;

- Estimated Menlo Park share of housing supply / demand effects; and
- Qualitative evaluation of the relationship of the Project to the regional housing market and conditions that contribute to displacement of existing residents of lower income communities in the local area. This would include a discussion of the potential for the added housing units and net decrease in employment space to offset or counteract, to some degree, conditions that contribute to displacement.

We understand that the HNA must be prepared consistent with the terms of the recent settlement agreement between the City of East Palo Alto and Menlo Park. The scope of services, enclosed as Attachment A, is designed to provide the analyses contemplated by the settlement agreement.

Thank you for the opportunity to submit this proposal and please contact me with any questions or comments.

Sincerely,

KEYSER MARSTON ASSOCIATES, INC.



David Doezema

Attachment A: Scope of Services
Attachment B: KMA Rate Schedule

Attachment A
Scope of Services to Prepare a Housing Needs Assessment (HNA)

The following scope of services is for preparation of a Housing Needs Assessment (HNA) addressing the proposed Menlo Flats development project at 165 Jefferson Drive (“Project”). The Project is proposed to include 158 multi-family rental units and 14,422 gross square feet of commercial space. The HNA will address the following major housing-related topics:

- 1) Net impact on housing supply and housing need by income level considering:
 - a. Housing supply added by the Project;
 - b. Net impact on worker housing need from removal of the existing 24,300 square feet office building and construction of 14,422 square feet of new commercial space; and
 - c. Added worker housing need associated with off-site retail and other services to residents of the new 158 multi-family rental units.
- 2) Menlo Park share of net housing impacts; and
- 3) Qualitative evaluation of potential influence on the regional housing market that would address the potential moderating effects on housing prices and rents from the addition of new housing supply and net decrease in employment space that could counteract, to some degree, conditions that contribute to displacement of existing residents of lower income communities in the local area.

These housing-related impacts are not required to be analyzed under CEQA but may be of interest to decision-makers and/or the public in evaluating the merits of the Project. These analyses are being provided consistent with the terms of a 2017 settlement agreement with the City of East Palo Alto. The pertinent paragraph from the 2017 settlement agreement states the following:

When the preparation of an EIR is required pursuant to this Agreement, concurrent with the preparation of the EIR, Menlo Park or East Palo Alto, whichever is the lead agency for the Development Project, will conduct a Housing Needs Assessment (“HNA”). The scope of the HNA will, to the extent possible, include an analysis of the multiplier effect for indirect and induced employment by that Development Project and its relationship to the regional housing market and displacement. Nothing in this section indicates an agreement that such an analysis is required by CEQA.

Task 1 – Project Initiation and Data Collection

The purpose of this task is to identify the availability of data necessary to complete the HNA, identify key analysis inputs and assumptions, and refine the approach to the assignment. As part of this task, KMA will:

- (1) Provide a list of data needs to complete the HNA and work with LSA Associates and the City's project team to gather the necessary data.
- (2) Meet with City staff, its consultants, and the Project sponsor team to: (a) discuss data and analysis alternatives (b) review technical methodology and approach (c) discuss and agree on schedule.

Task 2 – Net impact on housing supply and housing need by income category

KMA will quantify, by affordability level, the net impact on housing supply and housing demand associated with the Project. The analysis will address the following:

- a. *Housing Supply Addition by Income Level* – The 158 multi-family units to be added to the housing supply by the Project will be summarized based on the income level(s) applicable to the 21 Below Market Rate (BMR) affordable units and the estimated income level(s) applicable to the 137 market rate units. The income level(s) for market rate units will be estimated based on the estimated market rents for the units. If desired, two scenarios will be evaluated regarding the income level(s) applicable to BMR units.
- b. *Net Impact to Worker Housing Demand* – The net impact to worker housing demand will be based on the estimated net change in employment levels from removal of the existing office building and construction of new commercial space, combined with household size ratios developed from Census data. The net impact to housing demand by income level will be estimated using a methodology consistent with other recent HNAs prepared for the City. The analyses utilize a combination of Bureau of Labor Statistics, Census, and California Employment Development Department data to estimate the household incomes of workers.
- c. *Housing Demand for Off-site Jobs Supported by Residential* – Development of new residential units adds to the demand for services such as retail, restaurants, healthcare and education. KMA will prepare an analysis to estimate housing demand by income for workers associated with off-site services to residential units. The analysis will utilize the most current data available and will follow a series of steps linking the estimated incomes of residents living in the new units, their demand for goods and services, the number of jobs associated with providing these services, and the housing need by

income level of the workers who fill those jobs. Multiplier effects will be considered as part of the analysis.

- d. *Net Housing Demand / Supply Effect* – The net housing supply / demand effects will be computed by combining the findings of the above analyses.

Task 3 – Menlo Park Share of Housing Supply / Demand Effects

The prior task determines the total housing supply and demand effects irrespective of geography. In this task, the share of impacts occurring in Menlo Park is estimated. New housing units will be located in Menlo Park while the net change in worker housing need is distributed based upon the locations where workers live. Estimates will be based upon data on commute patterns available through the U.S. Census and could incorporate commute data for the existing office space, if available.

Task 4 – Relationship to Regional Housing Market and Displacement

Lower income communities in the Bay Area have become increasingly vulnerable to displacement of existing residents. Employment growth, constrained housing production, and rising income inequality are among the factors that have contributed to increased displacement pressures, especially within lower income communities in locations accessible to employment centers where many households are housing-cost burdened.

The Project would add to the housing supply and result in a net reduction in employment space. To the extent there is an influence on the regional housing market, it is anticipated to be a minor moderating influence on prices and rents that may offset, to a limited degree, displacement pressures in lower income communities in the local area. In task 4, KMA will draw on the findings of the prior tasks and context materials assembled for prior HNAs prepared for other projects to provide a qualitative evaluation of the potential housing market effects.

The proposed qualitative discussion of housing market effects and displacement is more limited in scope than has been provided for past HNAs addressing solely non-residential projects. The proposed approach reflects the nature of the Project, which adds housing and reduces employment space, which would potentially somewhat alleviate displacement.

Task 5 – Report Preparation

The methodology, data sources, results and implications of the HNA will be documented in a written report. This scope assumes two draft versions of the report for review and one final report.

Task 6 – Responses to DEIR Comments

KMA anticipates assisting the City and LSA Associates in preparing responses to comments on the Draft EIR. KMA's focus will be on comments that are directly related to the HNA. We have included a time and materials budget allowance for KMA to assist with preparation of responses to comments.

Budget

KMA proposes to complete this scope of services on a time and materials basis for an amount not to exceed \$28,000 per the estimate below. The proposed budget assumes cost efficiencies from adapting materials from prior HNAs prepared by KMA for the City of Menlo Park. A copy of our current rate schedule is attached.

Task	Budget Estimate
Task 1 – Project Initiation and Data Collection	\$2,000
Task 2 – Net Housing Supply / Demand Effect by Income	\$14,000
Task 3 – Menlo Park Share of Housing Supply / Demand Effects	\$2,000
Task 4 – Relationship to Regional Housing Market and Displacement	\$3,000
Task 5 – Report (two drafts plus final)	\$5,000
Task 6 – T&M Allowance for DEIR responses to comments	\$2,000
Total	\$28,000

**KEYSER MARSTON ASSOCIATES, INC.
PUBLIC SECTOR HOURLY RATES**

	<u>2019/2020</u>
CHAIRMAN, PRESIDENT, MANAGING PRINCIPALS*	\$280.00
SENIOR PRINCIPALS*	\$270.00
PRINCIPALS*	\$250.00
MANAGERS*	\$225.00
SENIOR ASSOCIATES	\$187.50
ASSOCIATES	\$167.50
SENIOR ANALYSTS	\$150.00
ANALYSTS	\$130.00
TECHNICAL STAFF	\$95.00
ADMINISTRATIVE STAFF	\$80.00

Directly related job expenses not included in the above rates are: auto mileage, parking, air fares, hotels and motels, meals, car rentals, taxies, telephone calls, delivery, electronic data processing, graphics and printing. Directly related job expenses will be billed at 110% of cost.

Monthly billings for staff time and expenses incurred during the period will be payable within thirty (30) days of invoice date.

* Rates for individuals in these categories will be increased by 50% for time spent in court testimony.

ATTACHMENT 2

LSA Transportation Staff Resumes



EXPERTISE

Transportation Planning and Impact Analysis

Parking Analysis

EDUCATION

Cornell University, Master of Regional Planning (M.R.P.) Candidate, 1985.

University of California, Irvine, B.A., Social Ecology, 1983.

University of California, Irvine, B.S., Biological Sciences, 1982.

PROFESSIONAL EXPERIENCE

Principal, LSA, Irvine, California, 1984–Present.

Intern, Special Assistant to Chairman, City of Irvine Planning Commission, 1981–1982.

Research Assistant, California State Department of Health Services, Hazardous Waste Management Branch, Abandoned Sites Project, 1980–1981.

PROFESSIONAL AFFILIATIONS

City of Newport Beach, City Councilmember, District 2, 2012–2016

Institute of Transportation Engineers, Member

Orange County Traffic Engineers Council

PROFESSIONAL RESPONSIBILITIES

Mr. Petros' primary responsibilities include the management and supervision of the transportation function of LSA in California. This role includes the preparation and review of comprehensive traffic and parking studies, operational and engineering analyses, Project Study Reports/Project Reports, complete streets and modal analyses, and long-range and strategic planning efforts. Emphasis is placed on the coordination of transportation projects with municipal and agency administrators and other stakeholder interests. Communication and consensus-building efforts are of paramount concern.

Mr. Petros has prepared and/or supervised a variety of transportation projects, including the I-5 and SR-110 corridor studies through Los Angeles, as well as the I-710 EIR/EIS. He has worked on a number of other projects in Los Angeles including the Glassell Park Mixed Use project along San Fernando Road, The 11th Street hotel in DTLA and the PCH Safety Study in Malibu. He was the primary author of the 2014 Long Range Transportation Plan and the Orange County Sustainable Communities Strategy for the Orange County Transportation Authority, and was the Principal in Charge of the Cross Border Xpress (airport) in the City of San Diego.

PROJECT EXPERIENCE

City of Hayward, 22005 Skywest Drive Project Hayward, California

Mr. Principal was the Principal in Charge and supervised the preparation of a Traffic Impact Analysis to identify potential traffic and circulation impacts associated with the proposed mixed-use development of a 131-room hotel and a 5,300-square-foot (sf) multi-tenant commercial building at 22005 Skywest Drive in Hayward. The project is located east of Skywest Drive and west of Hesperian Boulevard. The traffic analysis of existing, near-term, and long-range traffic conditions was prepared in consultation with the City of Hayward. The Traffic Impact Analysis provided an intersection queueing analysis, an access analysis of the two project driveways, a sight-distance analysis, and an on-site parking analysis. Signal timing adjustments were recommended to mitigate the project's impacts. The Traffic Impact Analysis was approved.

City of Hayward, 29212 Mission Boulevard Project Hayward, California

Mr. Petros was the Principal in Charge and supervised the preparation of a Traffic Impact Analysis to identify potential traffic and circulation impacts associated with the proposed mixed-use development of 189 multifamily units, an 8,408 sf day care center, and 2,773 sf of retail use at 29212 Mission Boulevard in Hayward. The project is located east of Mission Boulevard and south of Tennyson Road. The traffic analysis of existing, near-term, and long-range traffic conditions was prepared in consultation with the City of Hayward. The Traffic Impact Analysis provided an intersection queueing analysis, an access analysis of the two project driveways, a sight-distance analysis, and an on-site parking analysis. Signal timing adjustments were recommended to mitigate the project's impacts. The Traffic Impact Analysis was approved.

PROFESSIONAL AFFILIATIONS (CONTINUED)

Newport-Mesa Unified School District Measure A Oversight Committee, Inaugural Chairman

County of Orange, Housing & Community Development Commission

City of Newport Beach, Bicycle Safety Committee

City of Costa Mesa Chamber of Commerce, Past President

City of Costa Mesa Residential Rehabilitation and Redevelopment Commission, Past President

PROJECT EXPERIENCE (CONTINUED)

**SR-110 Safety Enhancement Project – Transportation Systems Management / Transportation Demand Management
Los Angeles County, California**

Mr. Petros served as Principal in Charge for this project. The purpose of this analysis was to provide assistance to Caltrans in addressing traffic and circulation in association with the SR-110 Safety Enhancement Project between the Stadium Way Overcrossing in Los Angeles to Arroyo Drive in Pasadena to provide a traffic analysis as a basis for future traffic impact and safety assessment along the study corridor. LSA quantified existing and anticipated intersection performance, ramp capacity, and ramp density.

**I-5 Widening Technical Studies, Caltrans District 7
Orange and Los Angeles Counties, California**

Mr. Petros supervised the development of operational analyses for I-5 between the Orange/Los Angeles County border and I-605. He was responsible for coordinating the analysis methodologies, inputs, mathematical factors, and outputs between the analysts and the various groups within Caltrans. The analysis included mainline operations, high occupancy vehicle mode shift and performance, ramp merge-diverge, weaving sections, and ramp arterial intersection level of service. The analysis was conducted for a no project and two build alternatives in a 20-year design horizon.

**Pacific Coast Highway Safety Study
Malibu, California**

Mr. Petros was the project manager for the Pacific Coast Highway (PCH) Safety Study. In addition to overseeing the analysis of pedestrian, bicycle, and vehicle use and the assessment of safety deficiencies for these users, Mr. Petros was responsible for coordinating the extensive public outreach effort and potential funding source identification. From the beginning of the project, it was clear that many stakeholders had competing priorities for travel on PCH. LSA has presented the PCH Safety Study as a rational method for determining and selecting solutions given the limited resources to implement safety enhancements. Mr. Petros has successfully presented the existing conditions and assessment of safety to stakeholders, which has established a common framework for approaching the issues.

**Glassell Park Mixed Use Project
Los Angeles, California**

Mr. Petros was the Principal in Charge of the preparation of technical studies for the Glassell Park Mixed Use project along San Fernando Road in Los Angeles. The 370 dwelling unit/ 5,000 square foot retail project replaces a trucking and distribution facility in the emerging neighborhood of Glassell Park. Primary issues addressed included trip generation estimates of the existing use, equilibrium in trip assignment between regional freeways and local arterials, incentives to encourage multimodal transportation and geometrics recommendations to address safety issues. Mr. Petros represented the work of LSA to the Glassell Park Neighborhood Council and the City of Los Angeles Planning Commission. The project was approved by the Planning Commission.



EXPERTISE

- Transportation Planning and Traffic Impact Assessment
- Data Collection and Analysis
- Parking Demand Analysis

EDUCATION

B.S., Computer Engineering,
University of California, Irvine,
2002

PROFESSIONAL EXPERIENCE

Associate Transportation
Planner, LSA, Irvine, California,
April 2016–Present

Senior Transportation
Planner, LSA, Irvine, California,
December 2010–March 2016

Transportation Planner, LSA,
Irvine, California, May 2005–
November 2010

Programmer/Specialist and
Mentor/Trainer, Reynolds &
Reynolds, Irvine, California,
and Duluth, Georgia, July
2002–April 2005

PROFESSIONAL CERTIFICATIONS/ REGISTRATIONS

Orange County Traffic
Engineering Council

PROFESSIONAL RESPONSIBILITIES

Mr. Arizabal has been involved in transportation planning since 2005. With 15 years of experience, Mr. Arizabal's primary responsibilities and experience include technical analyses of land development and roadway improvement projects, including comprehensive Traffic Impact Analyses, traffic operations analyses, and parking studies. He has prepared numerous traffic impact studies and access and on-site circulation analyses for mixed-use, residential, commercial, office, and institutional developments. Many of Mr. Arizabal's reports and documents are incorporated into an EIR, Initial Study, or Mitigated Negative Declaration for CEQA clearance.

PROJECT EXPERIENCE

City of San José, 231 W. Capitol Expressway Public Storage Project San Jose, California

Mr. Arizabal prepared a Transportation Analysis to identify potential traffic and circulation impacts associated with the proposed development of a 427,395-square-foot (sf) mini-warehouse (self-storage) project at 231 W. Capitol Expressway in San José. The project is located at the northwest corner of Snell Avenue/W. Capitol Expressway. The Transportation Analysis satisfies the City's requirements for a CEQA analysis (vehicle miles traveled [VMT] analysis) and Local Transportation Analysis (level of service [LOS] analysis). The traffic analysis of existing, background (existing plus approved projects), and background plus project traffic conditions was prepared in consultation with the City of San José. The Transportation Analysis provided an intersection queueing analysis, a site circulation and access analysis, a sight-distance analysis, an on-site parking analysis, and a construction analysis. Intersection improvements were recommended to mitigate the project's impacts. The Transportation Analysis was approved.

City of Hayward, 22005 Skywest Drive Project Hayward, California

Mr. Arizabal prepared a Traffic Impact Analysis to identify potential traffic and circulation impacts associated with the proposed mixed-use development of a 131-room hotel and a 5,300-square-foot (sf) multi-tenant commercial building at 22005 Skywest Drive in Hayward. The project is located east of Skywest Drive and west of Hesperian Boulevard. The traffic analysis of existing, near-term, and long-range traffic conditions was prepared in consultation with the City of Hayward. The Traffic Impact Analysis provided an intersection queueing analysis, an access analysis of the two project driveways, a sight-distance analysis, and an on-site parking analysis. Signal timing adjustments were recommended to mitigate the project's impacts. The Traffic Impact Analysis was approved.

City of Hayward, 29212 Mission Boulevard Project Hayward, California

Mr. Arizabal prepared a Traffic Impact Analysis to identify potential traffic and circulation impacts associated with the proposed mixed-use development of 189 multifamily units, an 8,408 sf day care center, and 2,773 sf of retail use at 29212 Mission Boulevard in Hayward. The project is located east of Mission Boulevard and south of Tennyson Road. The traffic analysis of existing, near-term, and long-range traffic conditions was prepared in consultation with the City of Hayward. The Traffic Impact Analysis provided an

intersection queueing analysis, an access analysis of the two project driveways, a sight-distance analysis, and an on-site parking analysis. Signal timing adjustments were recommended to mitigate the project's impacts.

**California Department of General Services, DMV Field Replacement Project
Santa Maria, California**

Mr. Arizabal prepared a Traffic Impact Analysis for the Transportation/Traffic section of the IS/MND for a new Department of Motor Vehicles (DMV) office in Santa Maria. The traffic analysis identified potential traffic and circulation impacts associated with the proposed 13,500 sf DMV office at 2850 Santa Maria Way. As instructed by the City of Santa Maria, the traffic analysis evaluated four scenarios (existing, cumulative, existing plus project, and cumulative plus project), 15 signalized intersections (using the intersection capacity utilization methodology), and two unsignalized project driveways (using the Highway Capacity Manual methodology). Project trip generation and distribution were key components of this local-serving government facility. The traffic analysis was prepared consistent with applicable requirements of the City, the Santa Barbara County Association of Governments, and Caltrans.

**City of Merced, Merced Mall Expansion and Redevelopment Project
Merced, California**

Mr. Arizabal prepared a Traffic Impact Analysis to identify potential traffic and circulation impacts associated with the proposed expansion and redevelopment of the Merced Mall, an approximately 52-acre site at 851 W. Olive Avenue in Merced, in two phases. Phase 1 of the project includes an additional 50,000 sf of retail use, and Phase 2 includes a new 72,000 sf (14-screen) movie theater in two possible locations on site. The TIA of existing and near-term traffic conditions was prepared in consultation with the City of Merced. The TIA was approved.

**Diamond Jamboree, Ltd., Diamond Jamboree Retail Center Project
Irvine, California**

The Diamond Jamboree retail center, located at the southwest corner of Jamboree Road/Alton Parkway in Irvine, has been constructed and is in operation. Mr. Arizabal prepared an access analysis to evaluate build out of the retail center, including intensification of the land uses on site. This analysis has determined the adequacy of the existing access points and recommended necessary improvements, both on and off the site. The access study has been approved. Mr. Arizabal tracks existing and future tenants of the 113,043 sf retail center. LSA continues to analyze the parking demand, shared parking (both on and off site), and internal circulation based on proposed land use changes.

**Great Far East, The Landmark Project
Irvine, California**

Mr. Arizabal prepared an access analysis and a parking study for the mixed-use development of a 386-room hotel, 448,200 sf of office use, and 13,665 sf of retail/restaurant use in Irvine. The access analysis evaluated potential traffic and circulation impacts associated with the project driveways, gated entries to the parking structure, and valet operations. The parking study analyzed the adequacy of the parking supply for the project based on the proposed mixed-use operations, peak time-of-day utilization factors, and available alternative modes of transportation. The project was approved by the City of Irvine.

**Garden Communities, Trilogy Gardens Project
Irvine, California**

Mr. Arizabal prepared a Traffic Impact Analysis to analyze potential impacts associated with the transfer of development rights and residential development of 876 apartment units and ancillary retail use within Planning Area 36 (the Irvine Business Complex) in Irvine. The project site is bounded by Martin Court to the north and west, Campus Drive to the south, and Von Karman Avenue and existing office uses to the east. The traffic analysis consisted of 45 roadway segments and 33 intersections. The Highway Capacity Manual methodology was used to analyze Caltrans intersections. An access analysis was conducted per the City of Irvine's Transportation Design Procedures criteria, and the City approved the traffic analysis.

AMBARISH MUKHERJEE, PE, AICP

PRINCIPAL / TRANSPORTATION ENGINEER
TRANSPORTATION MODELING



EXPERTISE

- Traffic Impact Studies
- Pedestrian & Bicycle Planning
- Transit Routing
- Goods Movement
- Transportation Funds & Grants Management
- GIS Analysis
- Statistical & Analytical Research.
- Land Use and Transportation Modeling
- Advanced Data Analysis
- Intelligent Transportation Systems

EDUCATION

Master of City and Regional Planning, University of Texas at Arlington, Texas, 2005

Recipient of the prestigious Graduate Dean's Fellowship for the entire period of study.
Graduate Certificate in Geographic Information System.

Bachelor of Architecture
Indian Institute of Technology, Kharagpur, India, 2003.

PROFESSIONAL CERTIFICATIONS / REGISTRATIONS

Professional Engineer
(California C88084)

American Institute of Certified Planners (AICP): Membership Number 023158

PROFESSIONAL RESPONSIBILITIES

As a Principal and Transportation Engineer at LSA's Riverside office, Mr. Mukherjee specializes in travel demand modeling and public infrastructure projects, and conducts Traffic Impact Analyses (TIAs) for a wide variety of large and small projects including transit projects, residential development, mixed-use development, commercial and office projects, parking structures, roadway and circulation improvements, and General Plans and Specific Plans. He is currently in charge of LSA's Riverside Office Transportation group. Prior to joining LSA, he worked with the Fort Worth Transportation Authority as a Transit Planner.

PROJECT EXPERIENCE

Pico Avenue Corridor Traffic Operations Analysis Port of Long Beach

As part of the Dewberry team, LSA is currently on an on-call contract with the Port of Long Beach (POLB). As a part of this contract, LSA performed a traffic operations analysis along the Pico Avenue corridor. Mr. Mukherjee is the Project Manager for this project.

As a result of ongoing and planned construction along the Pico Avenue Corridor, POLB initiated a traffic study to examine operational impacts and validate the effectiveness of traffic mitigation and operational improvements to the Board of Harbor Commissioners (Board), as well as to external POLB stakeholders. LSA prepared a technical memorandum informing the Board of the revisions to the updated mitigation measures recommended in April 2017 at the intersection of Pico Avenue – Pier B Street/Interstate 710 (I-710) Ramps – 9th Street in the Harbor District, as well as to confirm that any potential traffic impacts are mitigated. The analysis included evaluation of intersection traffic condition using level of service as the measure of effectiveness.

The POLB is planning an operational closure of 9th Street where it crosses railroad tracks at Pico Avenue – Pier B Street in the Harbor District. The closure was required to improve railroad operations at the POLB, allowing for the building of longer trains, shifting cargo from trucks to rail, and reducing the number of trucks on the road. LSA prepared a memorandum to evaluate future traffic operations and corridor performance along the Pico Avenue/Pier B Street corridor between Harbor Plaza Drive and Anaheim Way as a result of the proposed closure. The planned operational closure was modeled using PTV VISSIM to simulate future traffic operations and corridor performance along the Pico Avenue/Pier B Street corridor between Harbor Plaza Drive and Anaheim Way. The memorandum summarized the results from the VISSIM traffic operational analyses comparing traffic conditions under without and with closure conditions.

City of Poway, Poway Wal-Mart Expansion Poway, San Diego County, California

Mr. Mukherjee assisted in the preparation of the Traffic Impact Study to assess the potential circulation impacts associated with the proposed expansion and remodeling of the existing 142,937-square foot Wal-Mart to accommodate a new grocery sales area. The project proposed to add 36,996 square feet of

AMBARISH MUKHERJEE, PE, AICP

PRINCIPAL / TRANSPORTATION ENGINEER
TRANSPORTATION MODELING



commercial/retail uses to the existing structure, resulting in a 179,933-square foot Wal-Mart with a full-service grocery department and outdoor garden center. The report analyzed existing traffic conditions and project-related traffic impacts for the anticipated completion of the project (year 2012), and for the long-range forecast year 2030 condition. Mr. Mukherjee coordinated with SANDAG modeling staff during the preparation of select zone model runs for the study and conducted post-processing of model data to obtain buildout traffic volumes.

County of Riverside, Paradise Valley Specific Plan Modeling and Vehicle Miles Traveled Analysis Riverside County, California

Mr. Mukherjee prepared the model runs for the Paradise Valley Specific Plan using RivTAM. The project area was subdivided into 20 new TAZs, and the socioeconomic data were updated within the new TAZs to incorporate the proposed project within the new TAZs. Mr. Mukherjee also conducted VMT analysis for the proposed project.

County of Riverside, Riverside Traffic Analysis Model (RivTAM) On-Call Modeling and Support Riverside County, California

Mr. Mukherjee is the project manager and lead analyst on this project, performing various modeling tasks using RivTAM. RivTAM, which was developed as a subregional model using the Southern California Association of Governments (SCAG) RTP model, is a TransCAD 5.0 based model and is extensively used for preparing transportation studies in the Riverside County area. Tasks include creating sub-area models for large scale specific plans, select link and select zone analysis, VMT/VHT analysis using modeling techniques. Mr. Mukherjee coordinates with the County of Riverside on various tasks being performed for the on-call projects.

City of San Diego, La Jolla Plaza Centre Phase III San Diego, San Diego County, California

Mr. Mukherjee assisted in the preparation of the Traffic Impact Study (TIS) for this high-rise office development. The project consisted of a 15-story approximately 398,000-square foot high-rise office building to be located in the undeveloped area of an office plaza at the southwest corner of Judicial Drive and Executive Drive. The study consisted of the analysis of 48 intersections and 53 roadway segments over nine development scenarios. Mr. Mukherjee prepared the study consistent with the City of San Diego's TIS Guidelines and applicable provisions of CEQA. Mr. Mukherjee coordinated with SANDAG modeling staff during the preparation of select zone model runs for the study and conducted post-processing of model data to obtain buildout traffic volumes. He was responsible for preparing the site access analysis for the project to demonstrate that the proposed plan offered acceptable and efficient site access while also responding to the overall circulation and mobility needs of background (i.e., non-project) traffic.

City of Laguna Niguel, Laguna Niguel Town Center Modeling and VMT Analysis Laguna Niguel, Orange County, California

Mr. Mukherjee was the project manager for this project and prepared a VMT analysis using the Orange County Traffic Analysis Model (OCTAM) for a mixed-use development that consists of 275 multifamily dwelling units, 54,410 square feet of office use, and 79,920 square feet of retail uses. Three separate select zone runs were created to separate out the VMT for the three different land uses. As part of this analysis, the project was compared to the regional VMT obtained from OCTAM.

SHIVA DELPARASTARAN

TRANSPORTATION ENGINEER
TRANSPORTATION / TRAFFIC / PARKING



EXPERTISE

- Transportation Engineering and Planning
- Traffic Impact Analysis
- Parking Demand Analysis

EDUCATION

M.S., Civil and Transportation Engineering, California State Polytechnic University, Pomona, 2016

B.S., Civil Engineering, San Jose State University, 2014

PROFESSIONAL EXPERIENCE

Transportation Engineer, LSA, Irvine, California, 2019–Present

Transportation Engineer, The Mobility Group, Irvine, California, 2016–2018

Civil Engineering Intern, DSN Group Inc., Los Angeles, California, 2016

PROFESSIONAL RESPONSIBILITIES

As a Transportation Engineer at LSA, Ms. Delparastaran assists with the production of technical reports for a variety of projects. Her primary responsibilities include research and analysis for the completion of Traffic Impact Analyses, access and on-site circulation analyses, and parking studies.

PROJECT EXPERIENCE

Alta Environmental, Eagle Rock Aggregates Oakland Terminal Oakland, California

Ms. Delparastaran assisted in the preparation of a transportation memorandum to identify potential transportation impacts associated with the implementation of the proposed project. The proposed Eagle Rock Aggregates Oakland Terminal project is located at Berths 22 and 23 of the Outer Harbor of the Port of Oakland. Eagle Rock Aggregates currently uses multiple marine terminal offloading locations within San Francisco Bay, and proposes to initiate operations of a bulk sand and aggregate import, storage, and distribution marine terminal at the Port. The study included analysis of environmental parameters based on State CEQA Guidelines.

City of San Juan Capistrano, Tirador Residential Development Project San Juan Capistrano, California

Ms. Delparastaran assisted in evaluating the potential traffic impacts associated with this project. The study also analyzed the adequacy of the proposed access locations and on-site circulation. The project would establish a plan for the future development of a residential community consisting of up to 132 units and is anticipated to open in 2021. The results of the traffic analysis determined that the project would not create any significant adverse impacts.

City of San Juan Capistrano, Ganahl Lumber Development Project San Juan Capistrano, California

Ms. Delparastaran assisted in evaluating the potential traffic impacts of the build out of this project, which would include 128,966 sf of hardware store and lumberyard use, 2,500 sf of restaurant use, and a 399-space car storage facility. The project includes analysis of roadways, intersections, and project access. Both the *Highway Capacity Manual* methodology and the intersection capacity utilization methodologies were used to identify the potential impacts associated with the project.

Shea Properties, Cypress City Center Project Cypress, California

Ms. Delparastaran prepared a Traffic Impact Analysis in support of an EIR for this mixed-use project. The project included residential, commercial, and hotel uses. The traffic analysis was prepared consistent with applicable requirements of the City of Cypress, the City of Los Alamitos, and the Orange County Congestion Management Program. Based on the results of this assessment, the project would not cause a significant impact to the study area intersections.

Little Tree Montessori School, Little Tree Montessori School Project Irvine, California

Ms. Delparastaran assisted in preparation of a Traffic Impact Analysis to determine the short-term and long-range traffic and circulation impacts resulting from the development of Little Tree Montessori School. The

SHIVA DELPARASTARAN

TRANSPORTATION ENGINEER
TRANSPORTATION / TRAFFIC / PARKING



project access was analyzed per the City of Irvine's Transportation Design Procedures criteria. Two project alternatives were analyzed for the access analysis: an unrestricted schedule for 288 students and a staggered schedule such that no more than 48 students would be dropped off or picked up during the peak-hour periods. Based on the results of this analysis, the project can be implemented without impacting the surrounding circulation system. The Traffic Impact Analysis was approved.

City of Cypress, City of Cypress Sports Park Project Cypress, California

Ms. Delparastaran prepared a Traffic Impact Analysis to analyze the potential traffic impacts associated with the proposed sports park on an approximately 9-acre site. The project site is located on the southeast corner of Cerritos Avenue and Lexington Drive. The project site is bounded by Cerritos Avenue to the north, Lexington Drive to the west, and facilities associated with the horse stables and Los Alamitos Race Track to the south and east. Based on the results of the analysis, implementation of the project would not result in any significant project-related impacts to the study area intersections.

Guthrie Development, 18 Thomas Project Irvine, California

Ms. Delparastaran prepared a Traffic Impact Analysis to analyze the potential traffic impacts resulting from the expansion of the 18 Thomas site within Planning Area 35. The project includes office, warehouse, manufacturing, and research and development uses. An access analysis was conducted per the City of Irvine's Transportation Design Procedures criteria, and the City approved the traffic analysis.

Serene Dental Center, 16812 Hale Avenue Project Irvine, California

Ms. Delparastaran assisted in the preparation of a Traffic Impact Study to identify potential traffic impacts associated with the conversion of office/industrial use to medical-office use in the Irvine Business Complex. In addition to analyzing the project's impacts on external intersections, the project access was analyzed based on the City of Irvine's Transportation Design Procedures. The Traffic Impact Study was approved.

MENLO FLATS

MULTI-FAMILY HOUSING PROJECT
165 JEFFERSON STREET,
MENLO PARK, CA

SUBMITTAL FOR STUDY SESSION REVIEW
DECEMBER 18, 2019



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MANUFACTURER

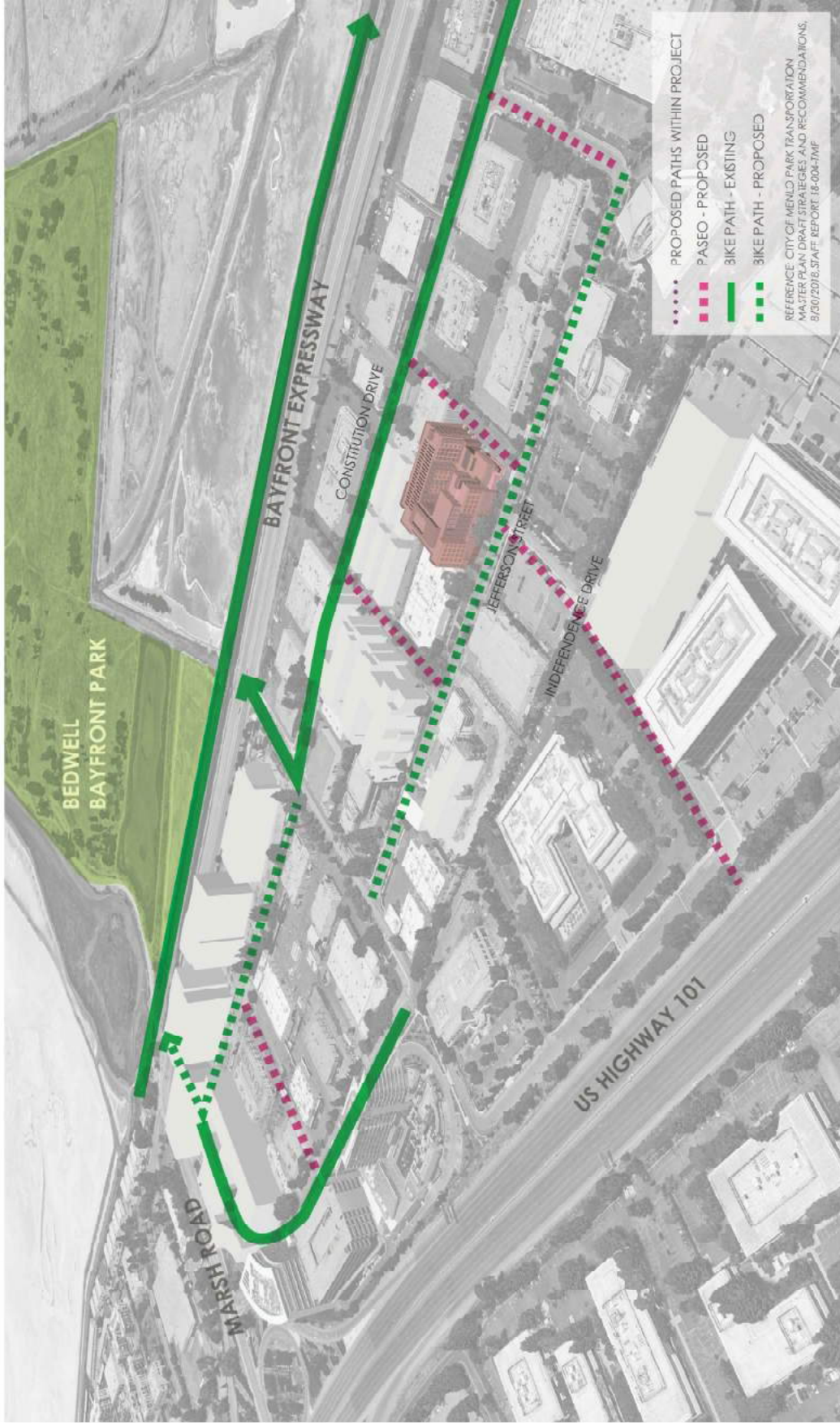
BKF 100
YEARS
LANDSCAPE ARCHITECTS

PGA design
LANDSCAPE ARCHITECTS

MENLO FLATS
165 JEFFERSON DRIVE, MENLO PARK, CA
12.18.2019

COVER PAGE

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MENLO FLATS
 165 JEFFERSON DRIVE, MENLO PARK, CA
 12.18.2019

URBAN CONTEXT

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 A-001



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VIEW

A-004a



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VIEW



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MANUFACTURE

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YEARS

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MENLO FLATS
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VIEW



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A-004C



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YEARS

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VIEW



0, 10', 20'
A-004d



Area Schedule (UNIT TYPE AREAS) - AREA SUMMARY - LEVEL 3

Level	RESID. UNITS (FAR)	RESID. AMENITIES (FAR)	RESID. SERVICES/STORAGE (FAR)	RESID. COMMON UTILITIES (FAR)	RESID. COMMON UTILITIES (FAR)	RESID. GSF NON-RESIDENTIAL (GSF (FAR))	RESID. COMMON UTILITIES (FAR)	PARKING SPACES (FAR)	TOTAL BLDG AREA (FAR)	RESID. UNITS (FAR)
Level 03	22,200.00 SF	1,023.00 SF	300.00 SF	4,980.00 SF	4,980.00 SF	26,880.00 SF	0.00 SF	0.00 SF	26,880.00 SF	22,200.00 SF
Grand Total	22,200.00 SF	1,023.00 SF	300.00 SF	4,980.00 SF	4,980.00 SF	26,880.00 SF	0.00 SF	0.00 SF	26,880.00 SF	22,200.00 SF

PLAN LEVEL 03

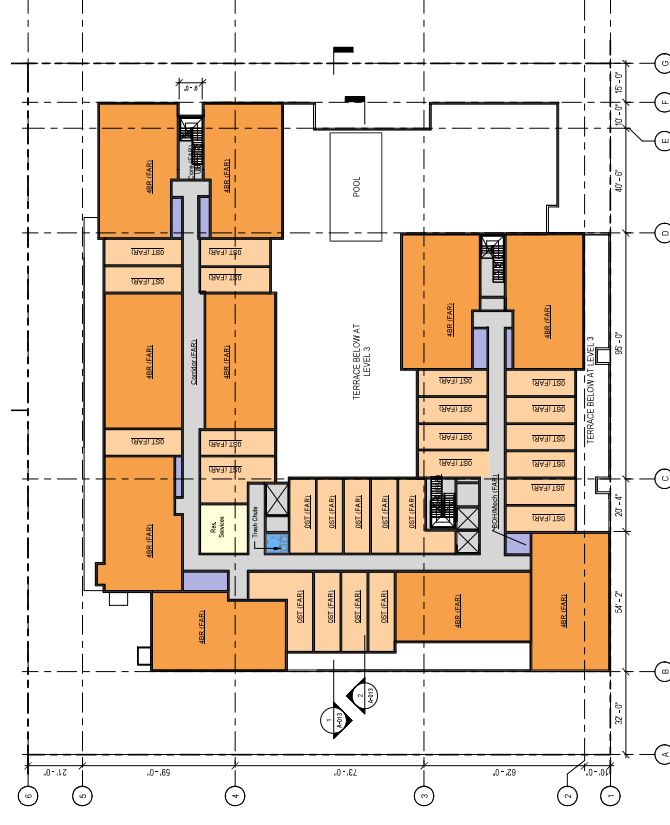
GREYSTAR
MANUFACTURER

BKF 100 YEARS
LANDSCAPE ARCHITECTS

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A-008
0, 10', 20'



Area Schedule (UNIT TYPE AREAS) - AREA SUMMARY - LEVEL 5

Level	RESID. UNITS (FAR)	RESID. APARTMENTS (FAR)	RESID. SERVICES/STORAGE (FAR)	RESID. COMMON UTILITIES (FAR)	RESID. COMMON UTILITIES (FAR)	RESID. GSF NON-RESIDENTIAL (GSF FAR)	RESID. COMMON UTILITIES (FAR)	PARKING SPACES (FAR)	PARKING SPACES (FAR)	TOTAL BLDG (FAR)	PROJECT OPEN (FAR)
Level 05	24,897.7 SF	0.0 SF	380.2 SF	4,086.0 SF	381.7 SF	29,144.3 SF	0.0 SF	792.9 SF	0.0 SF	29,223.5 SF	0.0 SF
Grandtotal	24,897.7 SF	0.0 SF	380.2 SF	4,086.0 SF	381.7 SF	29,144.3 SF	0.0 SF	792.9 SF	0.0 SF	29,223.5 SF	0.0 SF

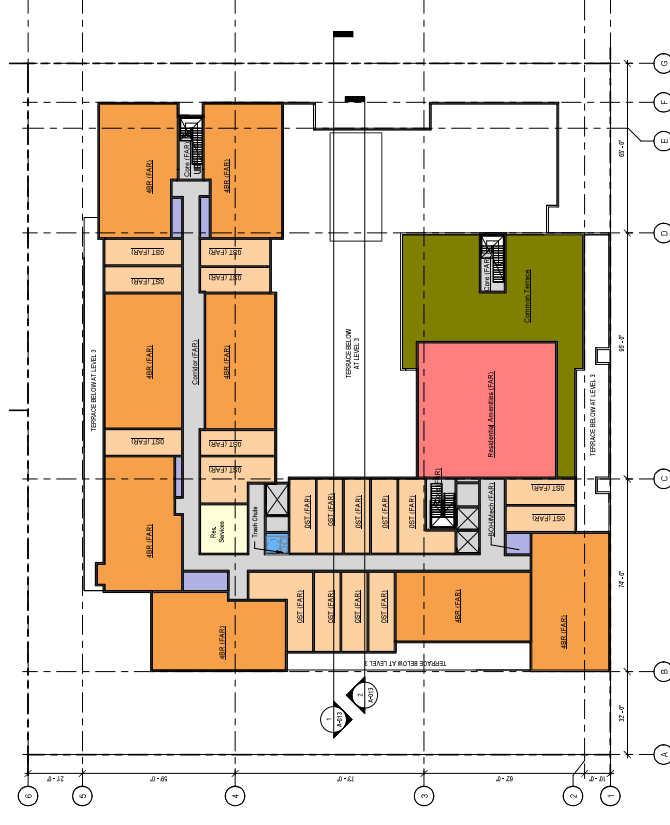
Area Schedule (UNIT TYPE AREAS) - AREA SUMMARY - LEVEL 4

Level	RESID. UNITS (FAR)	RESID. APARTMENTS (FAR)	RESID. SERVICES/STORAGE (FAR)	RESID. COMMON UTILITIES (FAR)	RESID. COMMON UTILITIES (FAR)	RESID. GSF NON-RESIDENTIAL (GSF FAR)	PARKING SPACES (FAR)	PARKING SPACES (FAR)	TOTAL BLDG (FAR)	PROJECT OPEN (FAR)
Level 04	24,897.7 SF	0.0 SF	380.2 SF	4,086.0 SF	381.7 SF	29,144.3 SF	0.0 SF	792.9 SF	29,223.5 SF	0.0 SF
Grandtotal	24,897.7 SF	0.0 SF	380.2 SF	4,086.0 SF	381.7 SF	29,144.3 SF	0.0 SF	792.9 SF	29,223.5 SF	0.0 SF

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PLAN LEVEL 04 (TYP. 04 & 05)

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A-009



Area Schedule (UNIT TYPE AREAS) - AREA SUMMARY - LEVEL 6

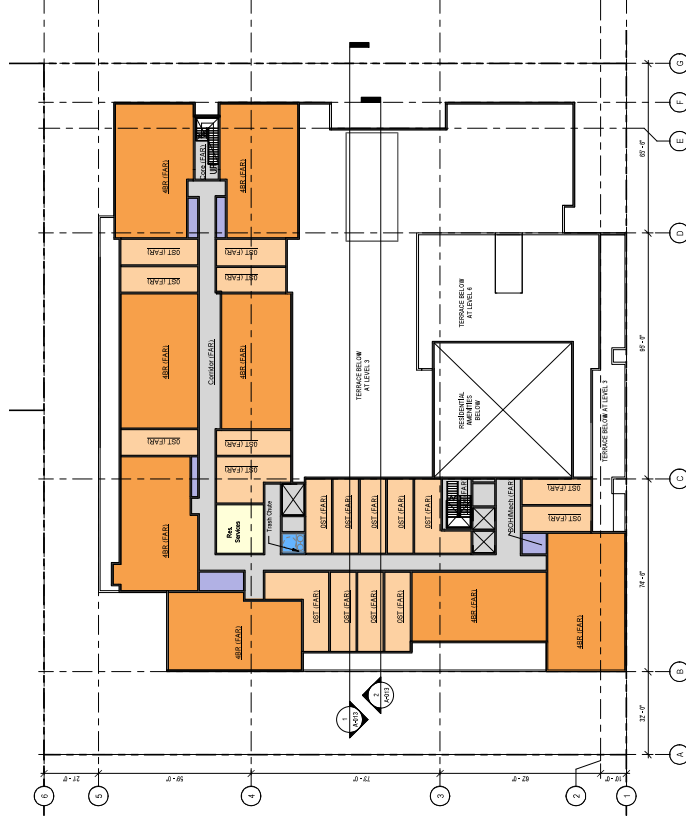
Level	RESID. UNITS (FAR)	RESID. AMENITIES (FAR)	RESID. SERVICES/STORAGE (FAR)	RESID. COMMON UTILITIES (FAR)	RESID. COMMON UTILITIES (FAR)	RESID. NON-RESIDENTIAL (GSF/FAR)	RESID. GSF (FAR)	RESID. COMMON UTILITIES (FAR)	RESID. COMMON UTILITIES (FAR)	RESID. COMMON UTILITIES (FAR)	RESID. COMMON UTILITIES (FAR)	TOTAL BLDG (FAR)	TOTAL BLDG (GSF)
Level 06 (Roof Terrace)	18,881.53 SF	2,652.57 SF	380.75 SF	3,986.03 SF	3,986.03 SF	0.00 SF	26,906.88 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF	26,906.88 SF	3,226,923.52 SF
Grand Total	18,881.53 SF	2,652.57 SF	380.75 SF	3,986.03 SF	3,986.03 SF	0.00 SF	26,906.88 SF	0.00 SF	0.00 SF	0.00 SF	0.00 SF	26,906.88 SF	3,226,923.52 SF

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PLAN LEVEL 06 (ROOF TERRACE)

0' 10' 20'
A-010



Area Schedule (UNIT TYPE AREAS) - AREA SUMMARY - LEVEL 7

Level	RESID. UNITS (FAR)	RESID. AMENITIES (FAR)	RESID. SERVICES/STORAGE (FAR)	RESID. COMMON UTILITIES (FAR)	RESID. COMMON UTILITIES (FAR)	RESID. GSF (FAR)	NON-RESIDENTIAL GSF (FAR)	RESID. COMMON UTILITIES (FAR)	RESID. COMMON UTILITIES (FAR)	RESID. COMMON UTILITIES (FAR)	RESID. COMMON UTILITIES (FAR)	TOTAL BLDG (FAR)	TOTAL BLDG (FAR)
Level 07	18,884.72 SF	0.0 SF	80.73 SF	3,543.33 SF	4,651.51 SF	28,060.29 SF	28,060.29 SF	0.0 SF	0.0 SF	0.0 SF	0.0 SF	28,060.29 SF	28,060.29 SF
Grandtotal	18,884.72 SF	0.0 SF	80.73 SF	3,543.33 SF	4,651.51 SF	28,060.29 SF	28,060.29 SF	0.0 SF	0.0 SF	0.0 SF	0.0 SF	28,060.29 SF	28,060.29 SF

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PLAN LEVEL 07

0' 10' 20'
A-011

Included Open: 14,679 sq. ft. Open Space
 At a minimum, the project shall provide a minimum amount of open space equal to 25% of the total site area, with a minimum amount of publicly accessible open space equal to 25% of the total required open space area.

One hundred (100) square feet of open space per unit shall be created as common open space. In the case of a one- or two-unit residential building, the open space shall be provided as a private open space for each unit (1.25 square feet for each unit) separate from the common open space that is not provided.

Project Requirements - Open Space

25% of the Total Site Area (80,076 SF) = 19,018.5 SF Open Space Required

25% of Required Open Space (19,018.5 SF) = 3,754.7 SF Public Open Space Required

80 SF of Private Open Space per dwelling unit = 138 Units = 11,040 SF Private Open Space

NOTE: The 20 Bonus Density units are not included in the Open Space requirement calculation.

Project Compliance - Open Space:
 21,557.7 SF of Open Space provided by design (1,578.2 SF of Total Site Area)

Included Open Space: 14,679.0 SF

Private & Common Open Space: 6,067.7 SF

Public Open Space: 2,970.2 SF

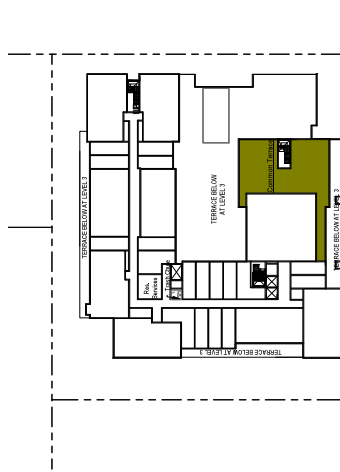
Private Open Space: 5,487.0 SF

Common Open Space: 2,970.2 SF

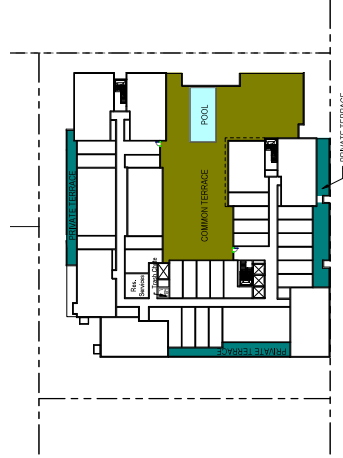
Public Open Space: 13,096.5 SF

Open Space Summary by Level:
 and open space provisions for Residential Units

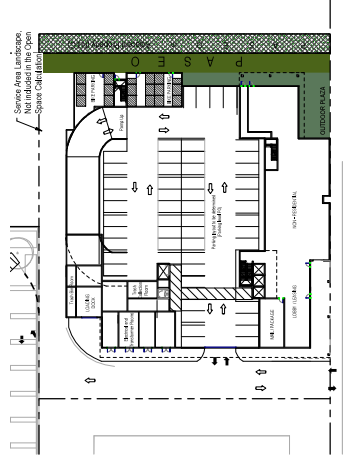
Level	Area Schedule (UNIT TYPE AREAS) - OPEN SPACE AREA SUMMARY				
	RESID. UNITS OPEN SPACE (S.F.) (NOT IN FAR)	RESID. UNITS OPEN SPACE (S.F.) (NOT IN FAR)	PUBLIC OPEN SPACE (S.F.) (NOT IN FAR)	PUBLIC OPEN SPACE (S.F.) (NOT IN FAR)	PUBLIC OPEN SPACE (S.F.) (NOT IN FAR)
Level 03 (Pool)	0.0 SF	0.0 SF	0.0 SF	0.0 SF	0.0 SF
Level 03 (Pool Terrace)	3,282.0 SF	0.0 SF	0.0 SF	0.0 SF	0.0 SF
Level 05	0.0 SF	0.0 SF	0.0 SF	0.0 SF	0.0 SF
Level 04	0.0 SF	0.0 SF	0.0 SF	0.0 SF	0.0 SF
Level 03	9,817.5 SF	2,970.2 SF	0.0 SF	0.0 SF	0.0 SF
Level 02	0.0 SF	0.0 SF	0.0 SF	0.0 SF	0.0 SF
Level 01	0.0 SF	0.0 SF	0.0 SF	0.0 SF	0.0 SF
Grand Total	13,096.5 SF	2,970.2 SF	16,066.7 SF	3,754.7 SF	21,557.7 SF



③ LEVEL 06 - OPEN SPACE
 1" = 40'-0"



② LEVEL 03 - OPEN SPACE
 1" = 40'-0"



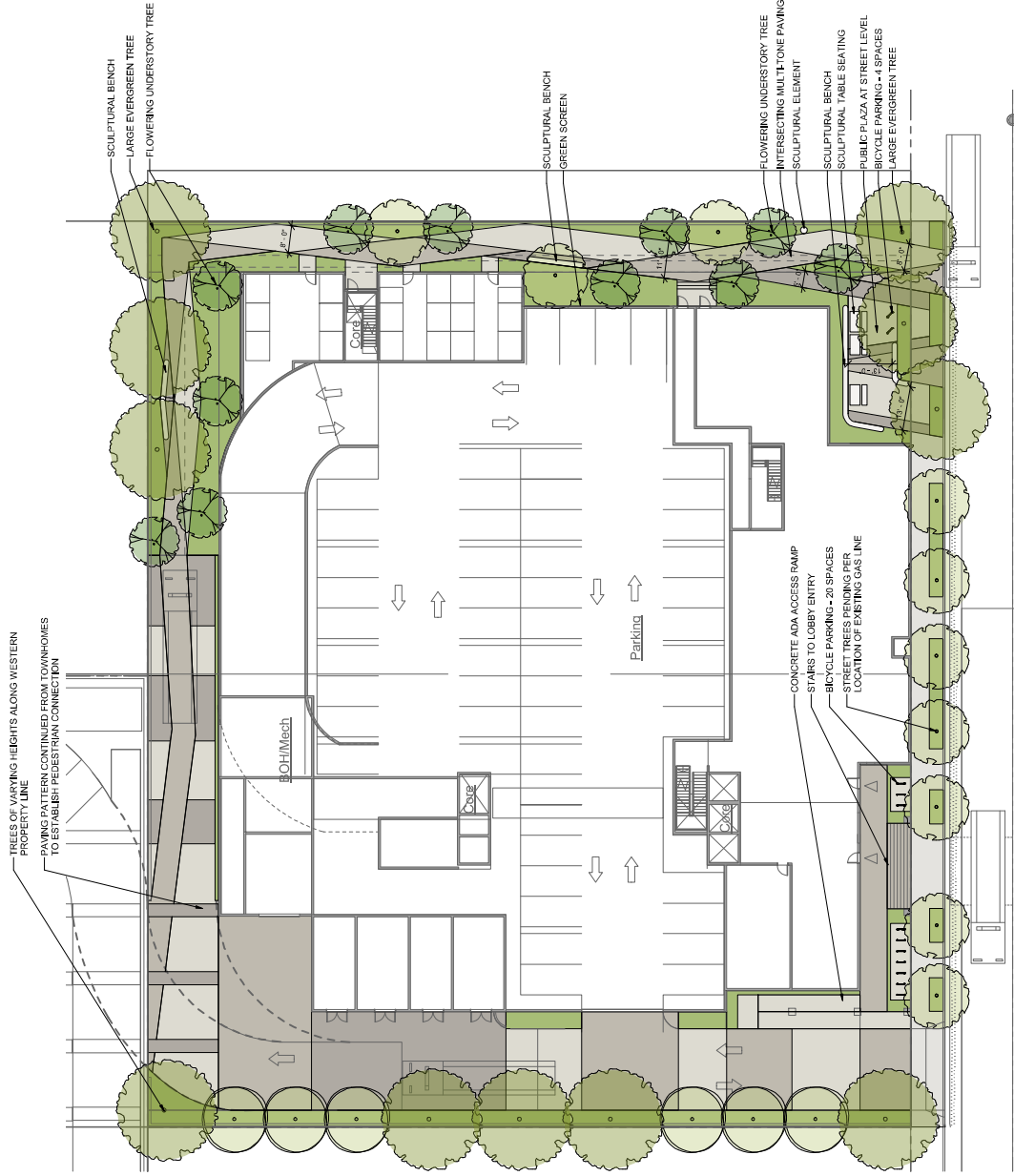
① LEVEL 01 - OPEN SPACE
 1" = 40'-0"



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RESIDENTIAL ZONING COMPLIANCE -
OPEN SPACE





TREES OF VARYING HEIGHTS ALONG WESTERN PROPERTY LINE
 PLANT MATERIAL CONTINUED FROM TOWNHOMES TO ESTABLISH PEDESTRIAN CONNECTION



COLORFUL LOW-WATER PLANT PALETTE
 SCULPTURAL BENCH
 INTERSECTING MULTI-TONE PAVING



BIKE RACK/HUNTCO ARC
 SCULPTURAL BENCH
 SCULPTURAL TABLE SEATING



FLOWERING UNDERSTORY TREE
 LAGERSTROEMIA INDICA
 LARGE EVERGREEN TREE
 QUERCUS VIRGINIANA
 STREET TREE: PISTACHIA CHINENSIS



STAFF REPORT

City Council

Meeting Date:

6/23/2020

Staff Report Number:

20-139-CC

Consent Calendar:

Approve the revised transportation impact analysis guidelines incorporating the vehicle miles traveled thresholds previously adopted by the City Council

Recommendation

Staff recommends that the City Council approve the revised transportation impact analysis (TIA) guidelines (Attachment A) that include vehicle miles travel (VMT) and level of service (LOS) as the City's transportation study metrics for development and capital projects. These revised guidelines incorporate the VMT thresholds of significance and changes adopted by the City Council June 16.

Policy Issues

Senate Bill (SB) 743 required the Governor's Office of Planning and Research (OPR) to establish a new metric for identifying and mitigating transportation impacts within CEQA in an effort to meet the State's goals to reduce greenhouse gas (GHG) emissions, encourage infill development, and improve public health through more active transportation. OPR identified VMT as the required transportation metric and beginning July 1, VMT (not LOS) is the legally required threshold for transportation impacts pursuant to CEQA. OPR has identified recommendations regarding assessment of VMT and thresholds of significance, but the City may adopt local metrics and thresholds. Adoption of a local VMT threshold requires City Council adoption before July 1. If the City does not adopt thresholds before July 1, the default guidelines suggested by OPR would be applied for consideration of project impacts.

Updating the TIA guidelines is not only consistent with SB 743, it is consistent with policies CIRC-2.5, 2.14, 3.1, 3.4, and 5.7 in the circulation element of the general plan and was added to the 2019 City Council work plan in October 2019.

Background

Development and capital projects wishing to obtain approval need to satisfy a wide array of state and local requirements, including but not limited to full disclosure of the potential environmental impacts of the project. Possible environmental impacts include but are not limited to noise, air quality, greenhouse gas emissions and transportation. For purposes of disclosing potential transportation impacts, projects in the City of Menlo Park use the City's TIA guidelines to ensure compliance with both state and local requirements. The City's current TIA guidelines use roadway congestion or LOS as the primary study metric. The TIA guidelines also require an analysis related to traffic on local streets, pedestrian, bicycle and transit circulation. This ensures that a thorough transportation analysis occurs for all projects that might result in CEQA impacts. However, beginning July 1, pursuant to SB 743, the City can no longer use LOS as a CEQA threshold of significance and must use VMT.

On June 16, the proposed VMT thresholds and methodology were presented to the City Council. The staff presentation included an update that staff met with Complete Streets Commission Chair Katie Behroози and

Vice Chair Adina Levin June 16, as requested by City Councilmember Nash during the June 9 City Council meeting. The Chair and Vice Chair supported staff's recommendation of the VMT thresholds and methodology. In addition, they provided feedback that they would like to see the City use metrics for bicycles, pedestrians, and transit in the transportation analysis.

The City Council passed a motion (3-2, Taylor and Nash dissenting) to approve the staff recommended thresholds and methodology and to refer the Complete Streets Commission to review additional metrics for bicyclists, pedestrians and transit. A hyperlink of the staff report is included as Attachment B. As a result, the City's current TIA guidelines must be updated to ensure continuing compliance with state law.

Analysis

Staff has incorporated the approved VMT methodology and thresholds presented at the June 16 City Council meeting into the TIA guidelines (Attachment A.)

City Council action requested

Staff recommends that the City Council approve the revised TIA guidelines that include VMT and LOS as the City's transportation study metrics for development and capital projects. If the City does not adopt updated TIA guidelines before July 1, the City's TIA guidelines would be inconsistent with the analysis and thresholds identified approved June 16.

After adoption of the TIA guidelines, development and capital projects must complete VMT and LOS assessments according to the guidelines. VMT impacts would be addressed in the CEQA process (e.g., in an environmental impact report) and required mitigation measures applied. LOS would be addressed in the TIA and considered by decision makers in the entitlement process for conditions of approval.

Next steps

Following up on additional City Council direction June 16, staff will:

- Work with the Complete Streets Commission to develop study metrics for bicycles, pedestrians, and transit in the transportation analysis; and
- Incorporate edits to the general plan circulation element to ensure full synchronization with the new TIA guidelines and new metrics identified by the Commission.

Staff will work with the Commission to create a schedule for this evaluation in the coming weeks.

Impact on City Resources

Consultant cost and City resources required to complete this update were included in the 2019-20 capital improvement program in the transportation projects (minor) project budget and City's annual operation budget. While no additional resources are being requested at this time, tasks outlined in the "Next steps" may delay future development and/or capital improvement project review schedules and also require additional resources. Staff will return to the City Council with a request if found necessary after convening with the Complete Streets Commission.

Environmental Review

This action is not a project within the meaning of the 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. Transportation impact analysis guidelines
- B. Hyperlink – June 16 City Council staff report: menlopark.org/DocumentCenter/View/25433/J3-TIA-guidelines

Report prepared by:
Kevin Chen, Senior Transportation Engineer

Report reviewed by:
Kristiann Choy, Acting Transportation Manager

TRANSPORTATION IMPACT ANALYSIS GUIDELINES

City Council Procedure #CC-20-012

Effective 6/23/2020



<p>Purpose</p>
<p>To define guidelines for analysis of development or capital projects related to transportation on local streets, pedestrian, bicycle and transit circulation.</p>
<p>Authority</p>
<p>This policy sets forth the guidelines (methods, standards, and thresholds of significance) to conduct a TIA for a development or capital project to ensure that a thorough transportation analysis occurs for all projects that might result in impacts under the California Environmental Quality Act and in conformance with the City's General Plan.</p>
<p>Background</p>
<p>Development and capital projects wishing to obtain approval need to satisfy a wide array of state and local requirements, including but not limited to full disclosure of the potential environmental impacts of the project. Possible environmental impacts include but are not limited to noise, air quality, greenhouse gas emissions and transportation. For purposes of disclosing potential transportation impacts, projects in the City of Menlo Park has adopted the City's TIA guidelines to ensure compliance with both state and local requirements.</p> <p>Senate Bill (SB) 743 required the Governor's Office of Planning and Research (OPR) to establish a new metric for identifying and mitigating transportation impacts within CEQA in an effort to meet the State's goals to reduce greenhouse gas (GHG) emissions, encourage infill development, and improve public health through more active transportation. OPR identified vehicle miles travelled (VMT) as the required transportation metric and beginning July 1, 2020, VMT (not level of service (LOS)) is the legally required threshold for transportation impacts pursuant to CEQA. OPR has identified recommendations regarding assessment of VMT and thresholds of significance, but the City may adopt local metrics and thresholds. Adoption of a local VMT threshold requires City Council adoption; the City Council approved the VMT thresholds for incorporation into these updated TIA guidelines on June 16, 2020.</p>

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Policies and procedures

Projects shall analyze both Vehicle Miles Travelled (VMT) and Level of Service (LOS) transportation metrics independently using the methodologies outlined below, except those meeting the exemption criteria.

Exemption Criteria

The exemption criteria are illustrated in the flowchart on the following page.

The following projects would generally be exempt from carrying out VMT and LOS analysis:

1. Projects generating less than 100 vehicle trips/day
2. Local servicing retail projects and other commercial projects where the total square footage is 10,000 square feet or less
3. Residential or office developments located in a low VMT area (defined below) and within ½ mile of an existing major transit stop or within ½ mile of a high-quality transit corridor¹
4. Affordable housing developments with 100% affordable units, either in a low VMT area or within ½ mile of an existing major transit stop or within ½ mile of a high-quality transit corridor
5. Local serving public facilities where the total new or added square footage is 10,000 square feet or less, such as libraries, police stations, fire stations, or parks without sporting fields. Facility type and size outside the description shall provide evidence of local serving status to City satisfaction.
6. Projects in compliance with the El Camino Real and Downtown Specific Plan

Local serving retail projects where the total square footage is 50,000 square feet or less would be exempt from carrying out VMT analysis.

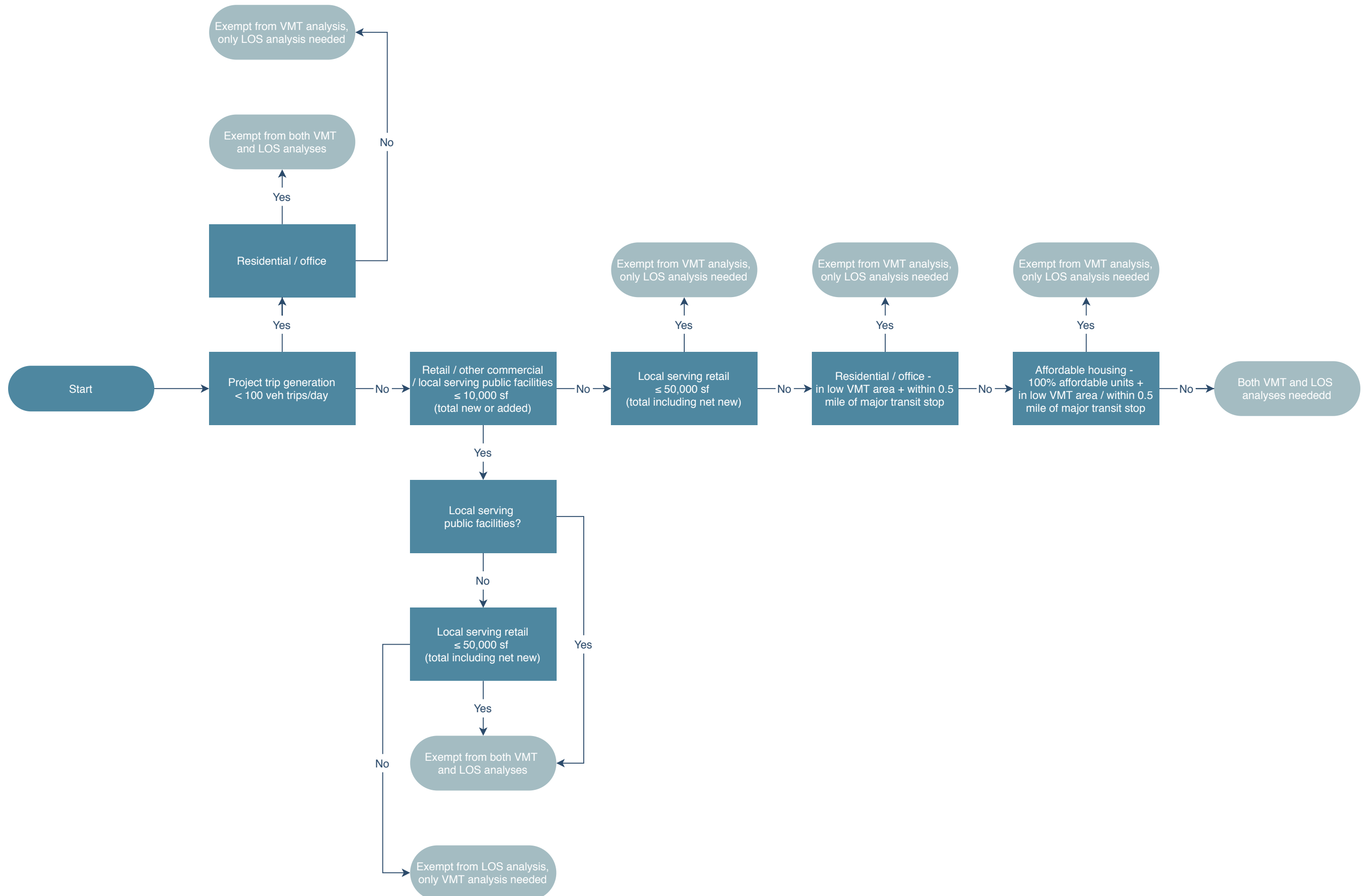
All other projects involving a change of use and/or new construction will be required to submit a TIA report performed by a qualified consultant selected by the City and paid for by the project applicant.

Report Outline

For any project that is not exempt, the TIA report shall include the following:

- I. Executive Summary
- II. Introduction
 - A. Project Description
 - B. Study Scope

¹ "Major transit stop" means an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. A "high-quality transit corridor" means a fixed bus route with service intervals no longer than 15 minutes during peak commute hours.



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III. Existing Conditions – Conditions should be described based upon information found in the most recent Circulation System Assessment (CSA) document when applicable. The CSA existing traffic counts and information should be used as existing conditions.

A. Description of existing street system serving the site (Number of lanes, classification, etc.)

B. Description of VMT (definition and methods)

B-C. CSA existing traffic volumes – ADT’s and AM & PM peak hours (Figure to be included in report)

C-D. CSA existing levels of service – AM & PM (Table to be included in report)

D-E. Public transit (Service providers to the area)

E-F. On and off-street parking conditions/availability

F-G. Pedestrian and bicycling conditions in the project area

IV. VMT analysis

A. To determine the appropriate VMT analysis tool (e.g., C/CAG VMT sketch model or City’s travel demand model), refer to Chart 2.

B. To determine if the project is located in a low VMT area, refer to the City’s online mapping tool for average VMT values in the applicable traffic analysis zone (TAZ): <https://data.menlopark.org/Government/Parcels-GIS-format-/r4jv-ruxn>.

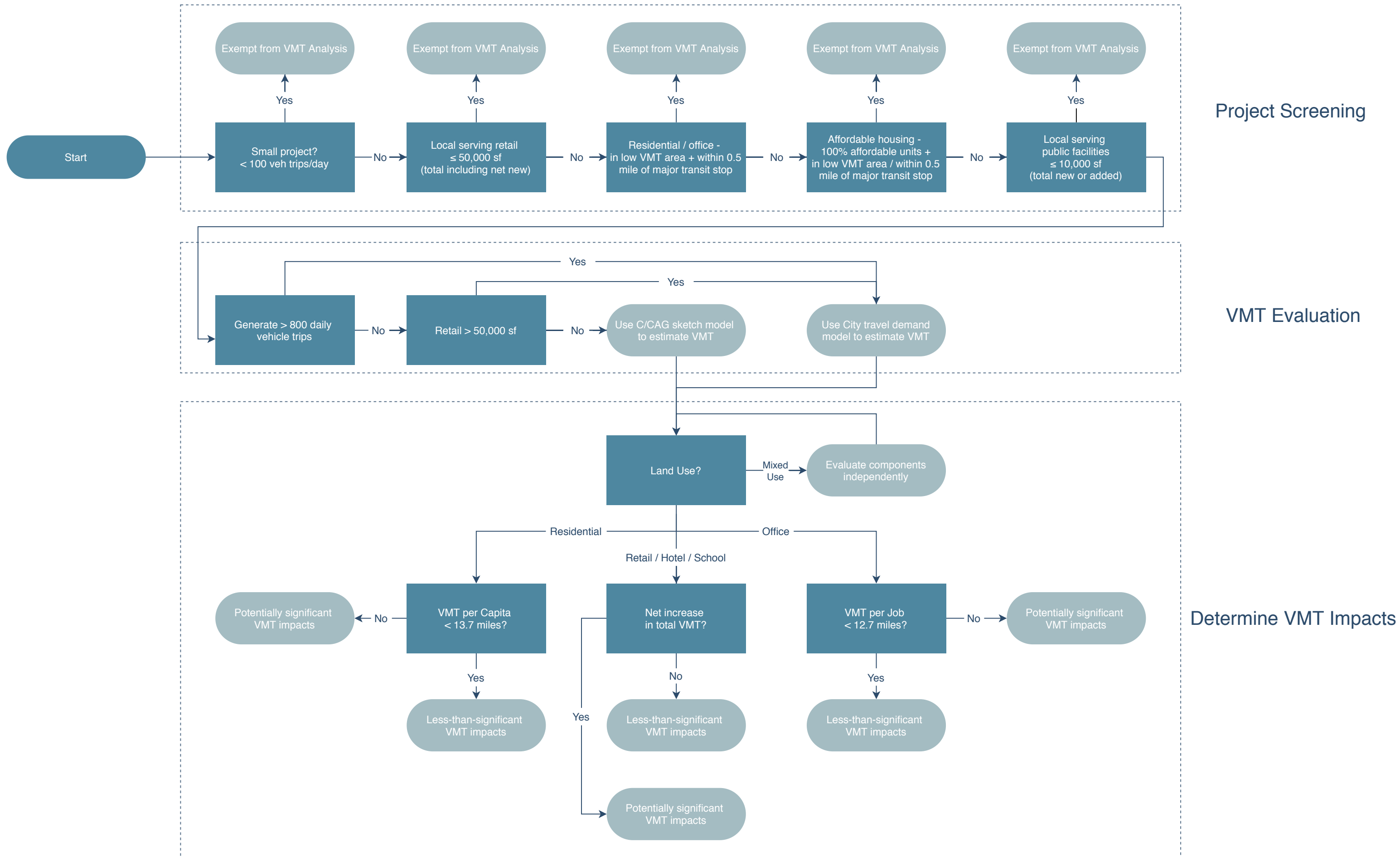
C. Significance Criteria

A project is considered to have a significant impact on VMT if the project’s VMT exceeds the following threshold values:

<u>Table 1: VMT Impact Thresholds</u>	
<u>Project Type</u>	<u>Threshold</u>
<u>Residential</u>	<u>13.7 VMT per capita¹</u>
<u>Office</u>	<u>12.7 VMT per employee²</u>
<u>Retail, hotel, school, and transportation projects</u>	<u>A net increase in total City VMT</u>
<u>Mixed use projects</u>	<u>Components are analyzed independently against the appropriate threshold</u>
<u>Other</u>	<u>Public Works Director or designee will provide direction on a case-by-case basis</u>
<u>Note:</u>	
<u>1. Threshold is defined as 15% below the regional average VMT per resident of 16.1.</u>	
<u>2. Threshold is defined as 15% below the citywide average VMT per employee of 14.9.</u>	

D. Cumulative VMT Analysis

Projects requiring a general plan or area plan/specific plan amendment and use the City’s travel demand model must evaluate cumulative VMT impacts according to the same thresholds as identified in Table 1.



V. Mitigation for Exceeding VMT Significance Criteria

A. Projects that exceed the VMT significance criteria as defined above must demonstrate that they can reduce their VMT to below the threshold values using a mixture of trip reduction measures and transportation demand management (TDM) strategies. TDM strategies work by offering a wider range of transportation options to user of the development. Projects may select strategies from “Quantifying Greenhouse Gas Mitigation Measures” report by the California Air Pollution Control Officers Association (CAPCOA), or other peer-reviewed publications as newer data becomes available, including but not limited to:

- Transportation Demand Management: commute trip reduction program, transit subsidies, parking cash-out
- Parking Management: unbundled parking, pricing, reduced parking supply
- Transit improvements: proximity/access improvements, increased service frequency
- Active Transportation Projects: pedestrian & bicycle networks, traffic calming

B. Consultant shall identify and submit supporting documents for selected TDM strategies and mitigation measures for City review and approval.

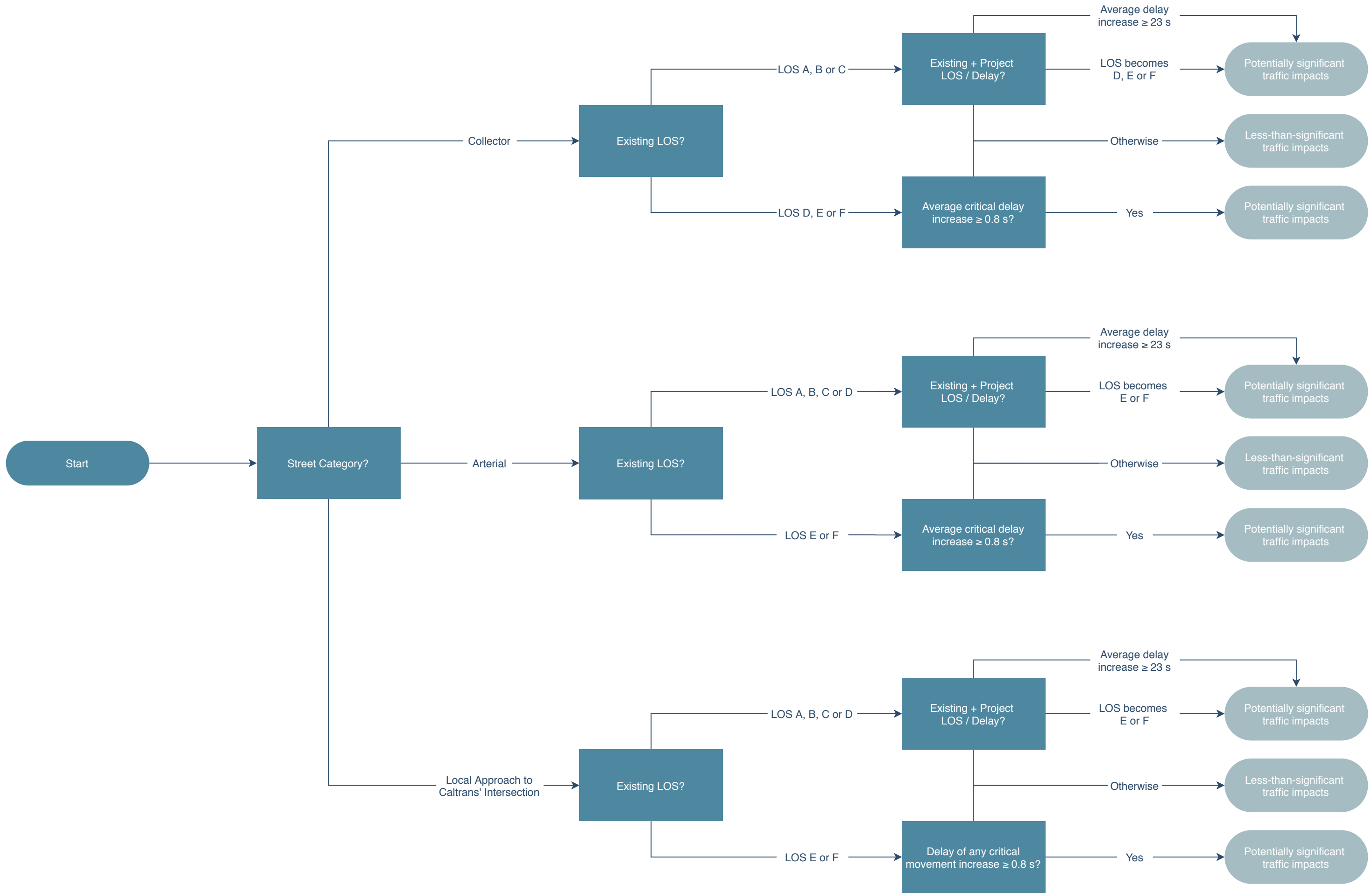
C. As determined by the Public Works Director or designee, development of a monitoring program may be requested.

IV.VI. Near Term LOS Analysis – Near Term conditions without project should be discussed using the most recent CSA near term traffic counts and information. Project traffic should then be added to the CSA near term traffic counts. If the project build-out is beyond the CSA near term data, future conditions should be projected to the first year of assumed project occupancy. A supplemental list of planned and or/approved projects will be provided to the consultants for inclusion in the analysis process. For large projects of regional magnitude (projects generating 100 or more trips during peak hours), the consultants will analyze the impacts of the project for a span of ten years from the existing conditions.

- A. Description of new or planned changes to the street system serving the site including changes in on-street parking
- B. Near term volumes – ADT’s and AM & PM peak hours
 - 1. List project trip generation rates
 - 2. Discuss trip distribution
 - 3. Discuss impact of project traffic on intersections in the project vicinity
- C. Near term levels of service – AM & PM for both near term and near term plus project analysis. Table to be included in report. Also a comparison table of existing conditions including a column showing the difference in seconds of delay between existing, near term conditions and near term conditions with project and percent of increase.

VII. LOS Analysis

A. Discuss impacts of CSA near term conditions and CSA near term conditions with project, illustrated in the flowchart on the following page.



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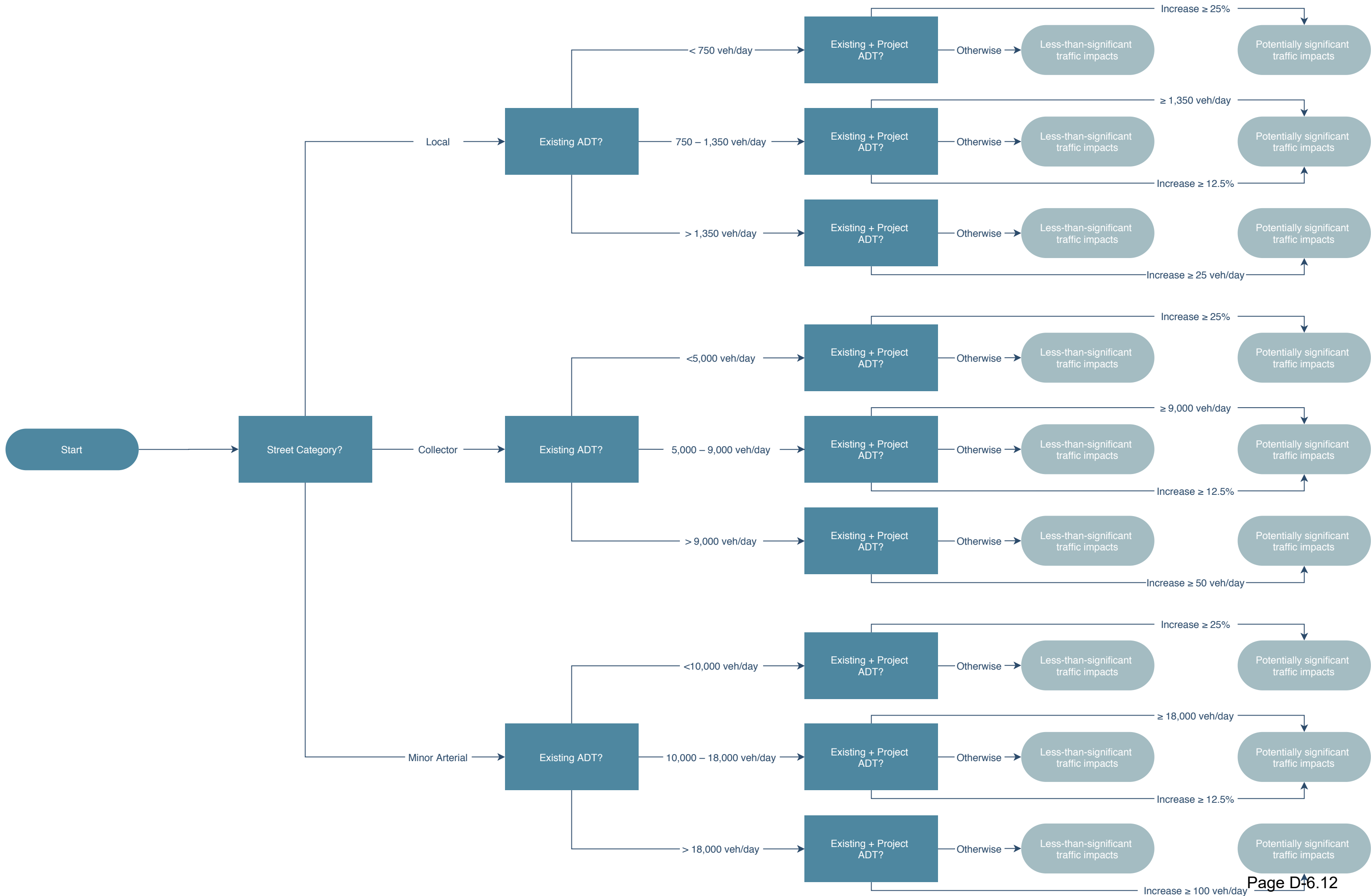
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1. A project is considered potentially non-compliant with local policies if the addition of project traffic causes an intersection on a collector street operating at LOS "A" through "C" to operate at an unacceptable level (LOS "D", "E" or "F") or have an increase of 23 seconds or greater in average vehicle delay, whichever comes first. Potential non-compliance shall also include a project that causes an intersection on arterial streets or local approaches to State controlled signalized intersections operating at LOS "A" through "D" to operate at an unacceptable level (LOS "E" or "F") or have an increase of 23 seconds or greater in average vehicle delay, whichever comes first.
2. A project is also considered potentially non-compliant if the addition of project traffic causes an increase of more than 0.8 seconds of average delay to vehicles on all critical movements for intersections operating at a near term LOS "D" through "F" for collector streets and at a near term LOS "E" or "F" for arterial streets. For local approaches to State controlled signalized intersections, a project is considered to be potentially non-compliant if the addition of project traffic causes an increase of more than 0.8 seconds of delay to vehicles on the most critical movements for intersections operating at a near term LOS "E" or "F".

B. In certain circumstances as determined by the Public Works Director or designee, analysis may be necessary for impacts on City street segments. If any of the thresholds listed below are exceeded, the analysis should make a recommendation as to whether the traffic impact is considered potentially non-compliant, illustrated in the flowchart on the following page.

1. On Main Street, Avenue-Mixed Use, and Avenue-Neighborhood (FHWA equivalent: minor arterial streets), a traffic impact may be considered potentially non-compliant if the existing Average Daily Traffic Volume (ADT) is: (1) greater than 18,000 (90% of capacity), and there is a net increase of 100 trips or more in ADT due to project related traffic; (2) the ADT is greater than 10,000 (50% of capacity) but less than 18,000, and the project related traffic increases the ADT by 12.5% or the ADT becomes 18,000 or more; or (3) the ADT is less than 10,000, and the project related traffic increases the ADT by 25%.
2. On Mixed-Use Collector and Neighborhood Collector (FHWA equivalent: collector streets), a traffic impact may be considered potentially non-compliant if the existing Daily Traffic Volume (ADT) is: (1) greater than 9,000 (90% of capacity), and there is a net increase of 50 trips or more in ADT due to project related traffic; (2) the ADT is greater than 5,000 (50% of capacity) but less than 9,000, and the project related traffic increases the ADT by 12.5% or the ADT becomes 9,000 or more; or (3) the ADT is less than 5,000, and the project related traffic increases the ADT by 25%.
3. On Neighborhood Connector, Bicycle Boulevard, and Local Access (FHWA equivalent: local streets), a traffic impact may be considered potentially non-compliant if the existing Daily Traffic Volume (ADT) is: (1) greater than 1,350 (90% of capacity), and there is a net increase of 25 trips or more in ADT due to project related traffic; (2) the ADT is greater than 750 (50% of capacity) but less than 1,350, and the project related traffic increases the ADT by 12.5% or the ADT becomes 1,350; or (3) the ADT is less than 750, and the project related traffic increases the ADT by 25%.



- C. Discuss project site circulation and access and identify any deficiencies.
- D. Discuss compliance of project site parking with adopted City code including loading and disabled spaces. If a shared parking arrangement is proposed, an analysis of the adequacy of this aspect shall be provided. Discuss any off-site parking impacts (such as neighborhood parking intrusion) of the project.
- E. Analyze project in relation to relevant policies of the Circulation Element of the General Plan.
- F. Analyze potential cut-through traffic generated by the project impacting other City neighborhoods.
- G. Pedestrian conditions and bicycle access, including safety issues, should be discussed.
- H. Analyze project using the requirements outlined in the San Mateo County Congestion Management Plan Land Use Analysis Program guidelines, if applicable.

VIII. Improvement Measures for Circulation or Access Deficiencies

- A. Discuss specific measures in detail to address non-compliance with local policies, which may occur as a result of the addition of project traffic (provide table comparing before and after improvement measure). Analysis shall focus on improving circulation or access deficiencies to comply with local policies. All feasible and reasonable measures that could reduce circulation or access deficiencies should be identified, whether or not they are caused by the project. The goal of these measures should be such that the project is in compliance with local policies. Measures may include roadway improvements, operational changes, TDM or Transportation Systems Management measures, or changes in the project. If roadway or other operational measures would not achieve this objective, the consultant shall identify a reduction in the project size, which would with other measures, make the project compliant with local policies. All measures must first be discussed with the City Transportation Division before they are included in the report.
- B. Discuss possible measures to address future traffic conditions with the project. All feasible and reasonable measures that would make the project compliant with local policies shall be identified. Measures should be designed to address the project's share of non-compliance. Measures that should be jointly required of the project and any other on-going related projects in a related geographical area should also be identified, as applicable.
- C. Discuss possible measures to address any site circulation or access deficiencies.
- D. Note that if roadway improvements include capacity increases for vehicular traffic (e.g. adding lanes or turn lanes), additional VMT analysis may be required to determine if the measure would increase VMT. Increasing VMT is considered a significant impact under SB 743.
- ~~D.E.~~ Discuss possible measures to address any parking deficiencies.
- ~~E.F.~~ Discuss possible measures to address any impacts on pedestrian amenities, bicycle access, safety and bus/shuttle service.

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IX. Alternatives

A. In the event any potentially non-compliance with local policies are identified in the analysis, alternatives to the proposed project shall be evaluated or considered to determine what the impacts of an alternative project or use might be. The alternatives to be considered shall be determined in consultation with the Community Development Director and the Public Works Director or designee.

X. Summary and Conclusions

Upon receipt by the City of a TIA report indicating that a project may have potentially significant traffic impacts, the applicant shall have the option of proceeding directly with the preparation of an EIR in accordance with the City's procedures for preparation of an EIR, or requesting a determination by the City Council as to whether a negative declaration, mitigated negative declaration or an EIR is most appropriate for the project.

NOTES:

1. The Highway Capacity Manual (HCM), latest version shall be used for intersection analysis. The consultant shall use the Citywide Transportation² model with the HCM analysis.
2. The LOS study boundary should include intersections expected to add ten or more peak hour project trips per travel lane and roadway segments likely to generate project impact based on existing demand.
- 2-3. The most recent Circulation System Assessment (CSA) shall be used for all information regarding existing and near term conditions.
- 3-4. Traffic counts that may be required beyond the counts contained in the CSA document shall be less than 6 months old.
- 4-5. The consultant shall submit proposed assumptions to the Public Works Director or designee for review and approval prior to commencement of the Analysis relating to the following:
 - trip rates
 - trip distribution
 - trip assignment
 - study intersections
 - roadways to be analyzed
- 5-6. The consultant shall submit all traffic count sheets in pdf format to the City's Transportation Division.
- 6-7. Figures of existing and any proposed intersection configurations should be provided in the appendix.
- 7-8. Trip generation rates from Institute of Transportation Engineer's (ITE) publication, "Trip

² The City utilizes a VISTRO analysis model for transportation analysis.

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Generation”, latest version should be used.

- 9. Street widening and on-street parking removal are measures which may be technically feasible, but which are generally considered undesirable. If such measures appear potentially appropriate to the consultant, they should consult the Transportation Division in preparing the analysis and improvement measure recommendations. If such measures are to be proposed, alternate measures, which would be equally effective, should also be identified. These measures may result in secondary impacts and be subjected to additional VMT analysis.
- 8-10. Existing uses at the site, which would be removed as part of the project, may be deducted from the calculation of the project traffic based on their traffic distribution patterns.
- 11. Refer to the San Mateo County Congestion Management Program (CMP) Land Use Impact Analysis Program guidelines for performing CMP analysis.
- 9-12. The “Quantifying Greenhouse Gas Mitigation Measures” report by the California Air Pollution Control Officers Association (CAPCOA), or other peer-reviewed publications, shall be used to determine the efficacy of TDM measures and land use context on reducing VMT.

Legislative history		
Action	Date	Notes
Adoption by City Council motion		

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

Meeting Date: 6/23/2020
Staff Report Number: 20-140-CC

Consent Calendar: **Review and confirm the need for continuing the local emergency**

Recommendation:

Staff recommends that the City Council review and confirm the need for continuing the local emergency originally established in Resolution No. 6550, urgency resolution of the City Council of the City of Menlo Park ratifying the proclamation of existence of local emergency issued by the director of emergency services and further proclaiming the continued existence of the emergency, and confirmed at the May 1, City Council meeting.

Policy Issues

Chapter 2.44 of the City's Municipal Code authorizes the director of emergency services ("Director") to proclaim a local emergency subject to ratification by the City Council within 24 hours. On March 11, 2020, the Director proclaimed a local emergency based on conditions of extreme peril to the safety of persons and property within City resulting from COVID-19. On March 11, the City Council ratified the Director's proclamation. As part of the resolution ratifying the proclamation of a local emergency, the City Council resolved to review the local emergency within 60 days: "This Local Emergency shall continue until it is terminated by proclamation of the City Council. Pursuant to Section 8630 of the Government Code, the City Council shall proclaim the termination of a local emergency at the earliest possible date that conditions warrant. The need for this continuing local emergency shall be reviewed within 60 days by the City Council." A copy of the Resolution No. 6550 is attached hereto as Attachment A. The local emergency was reviewed and confirmed May 1. The decision to continue the declaration of a local emergency is a policy decision for the City Council.

Background

The Center for Disease Control and Prevention has stated that COVID-19 is a serious public health threat. The World Health Organization has declared COVID-19 constituted a world pandemic. In response, state and local government have taken steps to slow the transmission of COVID-19.

State action

On March 4, the Governor of the State of California declared a state of emergency. On March 19, 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. The State's resilience roadmap identifies four stages to reopening: stage 1 (safety and preparedness), stage 2 (lower risk workplaces), stage 3 (higher risk workplaces), and stage 4 (end of stay at home order). The State is in early stage 2, where retail, related logistics and manufacturing, office workplaces, limited personal services, outdoor museums, child care, and essential businesses can open with modifications. The State is issuing guidance to help these workplaces reopen safely.

County action

On March 3, the San Mateo County Health Officer (“Health Officer”) declared a local health emergency throughout San Mateo County related to COVID-19. On March 10, the Health Officer issued a statement that evidence exists of widespread community transmission of COVID-19 and the San Mateo County board of supervisors ratified and extended the declaration of a local health emergency. On March 16, the County 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 and authorized individuals to leave their residences only for certain essential activities. Recognizing the need to continue to limit the transmission of COVID-19, April 29, the County Health Officer ordered the shelter-in-place to continue through May 31. Most recently June 18, the County rescinded its shelter in place order and incorporated the State’s shelter in place order. Under the Governor’s Executive Order, the statewide shelter in place has been heavily relaxed to allow for the re-opening of many activities and businesses, subject to social distancing protocols.

City action

On March 11, the Director proclaimed the existence of a local emergency in the City of Menlo Park based on COVID-19. On March 11, the City Council of the City of Menlo Park ratified the Director’s proclamation. As a result of the local emergency, the City is empowered to take actions to preserve and protect the health and safety of the community. On March 23, the Director issued the City of Menlo Park director of emergency services/city manager order (“Order”) No. 1 temporarily suspending all construction activity in the City of Menlo Park. On March 27, the Director issued Order No. 2 closing certain public facilities for the duration of the local emergency. On April 17, the Director issued Order No. 3 closing additional public facilities (Bedwell Bayfront Park.) Most recently, June 10, the Director issued Order No. 6 opening certain public facilities (Burgess and Belle Haven Pools) subject to the County safety precautions.

Analysis

City Council Resolution No. 6550 requires the City Council to review the need for continuing the local emergency at least once every 60 days until it the City Council terminates the emergency. The City Council originally proclaimed the local emergency March 11. The City Council confirmed the local emergency May 1. Therefore, the City Council needs to again review the need for continuing the local emergency.

The State of California is in early stage 2 (lower risk workplaces) on the resilience roadmap. Although some restrictions have been reduced, there is evidence of continued significant community transmission of COVID-19 and a continuing need to take steps to slow the spread of COVID-19 and mitigate the impact on higher risk community members and delivery of critical health care services. The most recent County order states: “This Order is issued based on evidence of continued significant community transmission of COVID-19 within the County and throughout the Bay Area; continued uncertainty regarding the degree of undetected asymptomatic transmission; scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically; evidence that the age, condition, and health of a significant portion of the population of the County places it at risk for serious health complications, including death, from COVID-19; and further evidence that others, including younger and otherwise healthy people, are also at risk for serious outcomes. Due to the outbreak of the COVID-19 disease in the general public, which is now a pandemic according to the World Health Organization, there is a public health emergency throughout the County.”

If the City Council upon its review determines that there is a need to continue the local emergency, there is no need to take any formal action -- the local emergency remains. Only upon the decision that there is no longer a local emergency would the City Council need to adopt a resolution proclaiming the termination of the local emergency.

Impact on City Resources

The City Council action to review the need for continuing the local emergency would not have a direct impact on City resources.

Public Engagement

There was no public engagement process conducted in the preparation of this report beyond posting on the agenda.

Environmental Review

This action is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines Sections 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. Resolution No. 6550

Report prepared by:

Leigh F. Prince, Assistant City Attorney

RESOLUTION NO. 6550**URGENCY RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK RATIFYING THE PROCLAMATION OF EXISTENCE OF LOCAL EMERGENCY ISSUED BY THE DIRECTOR OF EMERGENCY SERVICES AND FURTHER PROCLAIMING THE CONTINUED EXISTENCE OF THE EMERGENCY**

WHEREAS, Chapter 2.44 of the Municipal Code of the City of Menlo Park authorizes the Director of Emergency Services ("Director") of the City of Menlo Park ("City") to proclaim a local emergency when the City is threatened by conditions of a disaster or extreme peril to safety persons and property with the City that are likely to be beyond the control of the services, personnel, equipment and facilities of the City and require the combined forces of other political subdivisions to combat and the City Council is not in session; and subject to ratification by the City Council within twenty four (24) hours; and

WHEREAS, on March 11, 2020, the Director proclaimed a local emergency based on conditions of extreme peril to the safety of persons and property within City resulting from COVID-19 and the Director's March 11, 2020 proclamation is Exhibit A to this resolution; and

WHEREAS, said City Council does hereby find that the aforesaid conditions of extreme peril warrant and necessitate the proclamation of the existence of a local emergency; and

NOW, THEREFORE, the City Council of Menlo Park does hereby:

1. Ratify and confirm the proclamation of existence of a Local Emergency, as issued by the Director of Emergency Services for the City of Menlo Park, as attached in Exhibit A, and a Local Emergency now exists throughout the City of Menlo Park, California;
2. During the existence of this Local Emergency, the Director of Emergency Services shall have the authority to adopt emergency orders or regulations to ensure the health and wellbeing of the public and mitigate the effects of the Local Emergency;
3. During the existence of this Local Emergency, the powers, functions and duties of the Director of Emergency Services and the City Council shall be those prescribed by state law, by the existing ordinances and resolutions of the City Council as well as this resolution and any subsequent emergency orders or regulations adopted by the City Council or Director of Emergency Services.
4. This Local Emergency shall continue until it is terminated by proclamation of the City Council. Pursuant to Section 8630 of the Government 5 Code, the City Council shall proclaim the termination of a local emergency at the earliest possible date that conditions warrant. The need for continuing this local emergency shall be reviewed within 60 days by the City Council.

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 eleventh day of March, 2020, by the following votes:

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AYES: Carlton, Combs, Mueller, Nash, Taylor

NOES: None

ABSENT: None

ABSTAIN: None

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



Judi A. Herren, City Clerk

PROCLAMATION OF LOCAL EMERGENCY BY THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF MENLO PARK

WHEREAS, Chapter 2.44 of the Municipal Code of the City of Menlo Park empowers the Director of Emergency Services ("Director") of the City of Menlo Park ("City") to proclaim the existence or threatened existence of a local emergency when the City is threatened by conditions of disaster or extreme peril to the safety of persons and property within the territorial limits of the City that are likely to be beyond the control of the services, personnel, equipment, and facilities of the City and require the combined forces of other political subdivisions to combat, and the City Council is not in session; subject to ratification by the City Council within twenty four (24) hours; and

WHEREAS, the Director hereby finds conditions of extreme peril to the safety of persons and property have arisen within the City due to the following:

The Centers for Disease Control and Prevention has stated that a novel coronavirus named "COVID-19" is a serious public health threat, based on current information.

The County of San Mateo's Health Officer issued a statement on March 10, 2020, that evidence exists of widespread community transmissions of COVID-19 in San Mateo County. The Health Officer further clarified that implementation of activities prescribed in his statement March 5, 2020, is now critical; and

WHEREAS, implementation of the Health Officer's direction may have immediate or future impacts on the City's ability to provide services to the community as follows:

Urgent modification to City services, including temporary closure of the Menlo Park Senior Center, cancellation of upcoming non-essential City sponsored events and meetings, temporary suspension of all employee travel, and increase telework by city employees; and

Additional service impacts such as temporary closure of the following facilities and/or temporary cancellation of programs and services impacting the Arrillaga Family Recreation Center, Arrillaga Family Gymnastics Center, Arrillaga Family Gymnasium, Belle Haven after school program, Belle Haven Child Development Center, Belle Haven Pool, Burgess Pool, Menlo Children's Center, Onetta Harris Community Center, main library, branch library, and city hall including planning and building services; and

Reassignment of available staff to deliver the following essential services necessary to protect life and property of the Menlo Park community: police patrol, police dispatch and records, potable water to Menlo Park Municipal Water customers, emergency building inspections, public works emergency response, public information and City Council support, and the internal services necessary to support essential services including payroll, accounts payable, procurement, information technology, and critical fleet maintenance; and

Reassignment of staff may impair ability to make progress on City Council priorities and work plan and comply with mandated state and federal reporting; and

WHEREAS, the economic impact of COVID-19 is projected to cause significant reductions in City transient occupancy tax, sales tax, property transfer tax, permits and licenses, and fees for service revenues; and

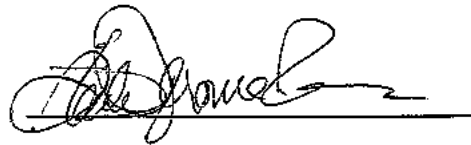
WHEREAS, City commits to meet and confer in good faith with employee bargaining groups regarding impacts on working conditions resulting from the City's emergency response or potential economic downturn; the commitment to meet and confer in good faith shall not impede the City's ability to protect life and safety of the Menlo Park community; and

WHEREAS, That the aforesaid conditions of extreme peril warrant and necessitate the proclamation of a Local Emergency;

NOW, THEREFORE, the Director of Emergency Services does hereby proclaim:

1. The existence of a local emergency within the City of Menlo Park on the eleventh day of March, 2020 and;
2. That during the existence of said Local Emergency, the powers, functions and duties of the Director of Emergency Services shall be those prescribed by state law and the ordinances, resolutions, and approved plan of the City in order to mitigate the effects of said Local Emergency, and
3. That the Local Emergency shall be deemed to continue to exist for the next seven (7) days, and hereafter by ratification of the City Council, until its termination is proclaimed by the City Council of the City of Menlo Park.

Dated:



Director of Emergency Services



STAFF REPORT

City Council

Meeting Date:

6/23/2020

Staff Report Number:

20-137-CC

Public Hearing:

Adopt Resolution No. 6566 overruling protests, ordering the improvements, confirming the diagram and ordering the levy and collection of assessments for Landscaping Assessment District for fiscal year 2020-21

Recommendation

Staff recommends that the City Council adopt Resolution No. 6566 (Attachment A) overruling protests, ordering the improvements, confirming the diagram, and ordering the levy and collection of assessments and increasing the tree assessment by 3 percent, which amounts to an increase of \$2.44 per single family equivalent per year and the sidewalk assessment by 3 percent, which amounts to an increase of \$1.30 per single family equivalent per year for the Landscaping Assessment District (District) for fiscal year 2020-21.

Policy Issues

The funds collected through the District are used for the maintenance of the City's trees and sidewalks. If the City Council does not adopt the resolution required for the collection of the assessments, the lack of adequate funding would impact the high level of service required for the proper care and maintenance of the City's trees and sidewalks.

Background

In 1983, the City of Menlo Park established a District for the proper care and maintenance of City street trees. In 1990, the City added an assessment for the repair and maintenance of sidewalks and parking strips in the public right-of-way damaged by City street trees. Funds generated by the District are also used for street sweeping services. Each year, the City must act to continue the collection of assessments. On May 26, 2020, the City Council adopted Resolution No. 6558 preliminarily approving the engineer's report and Resolution No. 6559 stating its intention to order the levy and collection of assessments for the District for fiscal year 2019-20. The staff report is included as Attachment B.

Analysis

To cover the Tree Maintenance Program's budget for fiscal year 2020-21, the engineer's report proposes an assessment of \$83.64 per single family equivalent (SFE) a year, which reflects a 3 percent increase from last year's assessment of \$81.20 (an increase of \$2.44.) The increase in the tree assessment accounts for additional tree care required due to pests and disease, increasing costs associated with the tree-pruning contract and increase in the street sweeping contract due to increasing rates. The engineer's report also proposes a sidewalk assessment of \$44.68 per SFE a year, which reflects a 3 percent increase from last year's assessment of \$43.38 (an increase of \$1.30.) The increase in the sidewalk assessment is to continue addressing the annual sidewalk replacement needs and the current back log. The assessments are subject

to an annual adjustment based on the engineering news record construction cost index for the San Francisco Bay Area. The maximum authorized assessment rate for fiscal year 2020-21, based on current and accumulated unused construction cost index increases reserved from prior years, are \$117.57 per SFE benefit unit for tree maintenance and \$52.49 per SFE benefit unit for sidewalk maintenance. These increases would be legally permissible without additional ballot proceedings.

The action taken by the City Council May 26, initiated the period in which any property owners can protest the amount of their proposed assessments. No protests have been received as of the date of this staff report. Before taking any final action, the City Council must conduct the public hearing and give direction regarding any protests received. If the City Council confirms and approves the assessments by adopting the resolution, the levies will be submitted to the county controller for inclusion on the property tax roll for fiscal year 2020-21.

Impact on City Resources

Funding for the entire tree-maintenance, street sweeping and sidewalk-repair programs under the District come from a variety of sources, including the carry-over of unspent funds from prior years, annual tax assessment revenues, Measure M and contributions from the general fund (described in the following paragraph.) If the City Council does not order the rate increase, levy and collection of assessments, the impact on City resources would be \$1,058,996 (the total amount of the proposed tree and sidewalk assessments) or result in a corresponding decrease in service levels to maintain street trees, street sweeping and sidewalks.

It is reasonable to assume that a portion of the usage and enjoyment of the improvements is for the greater public, since the District results in preservation of the City's tree canopy, provision of safe walking facilities, and debris removal by street sweeping. Therefore, the general fund must contribute a portion of the total cost of the program. An estimate of 25 percent contribution by the general fund was established by the City and assessment engineer when the assessment was created in 1998 and must occur annually. For fiscal year 2020-21, the general fund contribution requirement is \$441,626, which is 25 percent of the anticipated program expenses of \$1,766,507. The City contributions from the general fund and general capital fund for fiscal year 2020-21 will meet this required amount. In addition, the planned contributions for fiscal year 2020-21 include an additional \$100,000 from the general capital fund for the sidewalk repair program to complete the backlog of requests to repair sidewalks with tripping hazards, which are a liability for the City. The entire program budget for fiscal year 2020-21 is included in Attachment B. In summary, the funding sources and amounts for fiscal year 2020-21 include \$265,000 from the general fund for trees, \$300,000 from the general capital fund for the sidewalk repair program, and \$143,000 from Measure M funds. The program fund balance would be used to backfill the shortfall between assessment revenue and total costs.

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 a legal notice in The Examiner, a local newspaper, June 12 and June 19, and posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

- A. Resolution No. 6566
- B. Hyperlink – May 26 Staff report: menlopark.org/DocumentCenter/View/25190/G4-20200526-CC-Landscape-Asst-District

Report prepared by:
Rambod Hakhamaneshi, Associate Civil Engineer

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

RESOLUTION NO. 6566**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
OVERRULING PROTESTS, ORDERING THE IMPROVEMENTS,
CONFIRMING THE DIAGRAM AND ORDERING THE LEVY AND
COLLECTION OF ASSESSMENTS AND INCREASING THE TREE
ASSESSMENT AND THE SIDEWALK ASSESSMENT FOR THE CITY OF
MENLO PARK LANDSCAPING ASSESSMENT DISTRICT FOR FISCAL
YEAR 2020-21**

WHEREAS, on the twenty-sixth day of May, 2020, said City Council adopted Resolution No. 6559, describing improvements and directing preparation of the Engineer's Report for the City of Menlo Park Landscaping District for Fiscal Year 2020-21, pursuant to provisions of Article XIID of the California Constitution and the Landscaping and Lighting Act of 1972; and

WHEREAS, said City Council thereupon duly considered said report and each and every part thereof and found that it contained all the matters and things called for by the provisions of said Act and said Resolution No. 6559 including (1) plans and specifications of the existing improvements and the proposed new improvements; (2) estimate of costs; (3) diagram of the District; and (4) an assessment according to benefits; all of which were done in the form and manner required by said Act; and

WHEREAS, said City Council found that said report and each and every part thereof was sufficient in every particular and determined that it should stand as the report for all subsequent proceedings under said Act, whereupon said City Council pursuant to the requirements of said Act, appointed Tuesday, the twenty-third day of June, 2020, at the hour of 6:00 p.m., or as soon thereafter as the matter may be heard, by virtual meeting available, at which time and place interested persons may participate and be heard on, and the same are hereby appointed and fixed as the time and place for a Public Hearing by this City Council on the question of the continuation and collection of the proposed assessment for the construction or installation of said improvements, including the maintenance and servicing, or both, thereof, and when and where it will consider all oral statements and all written protests made or filed by any interested person at or before the conclusion of said hearing, against said improvements, the boundaries of the assessment district and any zone therein, the proposed diagram or the proposed assessment, to the Engineer's estimate of the cost thereof, and when and where it will consider and finally act upon the Engineer's Report; and

WHEREAS, on June 23, 2020, at the hour of 6:00 p.m., or as soon thereafter as the matter may be heard, by virtual meeting available, the Public Hearing was duly and regularly held as noticed, and all persons interested and desiring to be heard were given an opportunity to speak and be heard, and all matters and things pertaining to the levy were fully heard and considered by this City Council, and all oral statements and all written protests or communications were duly considered; and

WHEREAS, persons interested, objecting to said improvements, including the maintenance or servicing, or both, thereof, or to the extent of the assessment district, or to the proposed assessment or diagram or to the Engineer's estimate of costs thereof, filed written protests with the City Clerk of said City at or before the conclusion of said hearing, and all persons interested desiring to be heard were given an opportunity to be heard, and all matters and things pertaining to the continuation and collection of the assessments for said improvements, including the maintenance or servicing, or both, thereof, were fully heard and

considered by said City Council.

NOW, THEREFORE, BE IT RESOLVED, AND IS HEREBY FOUND, DETERMINED, AND ORDERED AS FOLLOWS:

1. That protests against said improvements, including the maintenance or servicing, both, thereof, or to the extent of the assessment district, or to the proposed continued assessment or diagram, or to the Engineer's estimate of costs thereof, for FY 2020-21 be, and each of them are hereby overruled.
2. That the public interest, convenience, and necessity require and said City Council does hereby order the continuation and collection of assessments pursuant to said Act, for the construction or installation of the improvements, including the maintenance or servicing, or both, thereof, more particularly described in said Engineer's Report and made a part hereof by reference thereto.
3. That the City of Menlo Park Landscaping District and the boundaries thereof benefited and to be assessed for said costs for the construction or installation of the improvements, including the maintenance or servicing, or both, thereof, are situated in Menlo Park, California, and are more particularly described by reference to a map thereof on file in the office of the City Clerk of said City. Said map indicates by a boundary line the extent of the territory included in said District and the general location of said District.
4. That the plans and specifications for the existing improvements and for the proposed improvements to be made within the assessment district contained in said report, be, and they are hereby, finally adopted and approved.
5. That the Engineer's estimate of the itemized and total costs and expenses of said improvements, maintenance and servicing thereof, and of the incidental expenses in connection therewith, contained in said report, be, and it is hereby, finally adopted and approved.
6. That the public interest and convenience require, and said City Council does hereby order the improvements to be made as described in, and in accordance with, said Engineer's Report, reference to which is hereby made for a more particular description of said improvements.
7. That the diagram showing the exterior boundaries of the assessment district referred to and described in Resolution No. 6559 therein and the lines and dimensions of each lot or parcel of land within said District as such lot or parcel of land is shown on the County Assessor's maps for the fiscal year to which it applies, each of which lot or parcel of land has been given a separate number upon said diagram, as contained in said report, be, and it is hereby, finally approved and confirmed.
8. That the continued assessment of the total amount of the costs and expenses of the said improvements upon the several lots or parcels of land in said District in proportion to the estimated benefits to be received by such lots or parcels, respectively, from said improvements, and the maintenance or servicing, or both, thereof and of the expenses incidental thereto contained in said report be, and the same is hereby, finally approved and confirmed.

9. Based on the oral and documentary evidence, including the Engineer's Report, offered and received at the hearing, this City Council expressly finds and determines (a) that each of the several lots and parcels of land will be specially benefited by the maintenance of the improvements at least in the amount if not more than the amount, of the continued assessment apportioned against the lots and parcels of land, respectively, and (b) that there is substantial evidence to support, and the weight of the evidence preponderates in favor of, the aforesaid finding and determination as to special benefits.
10. That said Engineer's Report for FY 2020-21 be, and the same is hereby, finally adopted and approved as a whole.
11. That the City Clerk shall forthwith file with the Auditor of San Mateo County the said continued assessment, together with said diagram thereto attached and made a part thereof, as confirmed by the City Council, with the certificate of such confirmation thereto attached and of the date thereof.
12. That the order for the levy and collection of assessment for the improvements and the final adoption and approval of the Engineer's Report as a whole, and of the plans and specifications, estimate of the costs and expenses, the diagram and the continued assessment as contained in said Report, as hereinabove determined and ordered, is intended to and shall refer and apply to said Report, or any portion thereof, as amended, modified, revised, or corrected by, or pursuant to and in accordance with any resolution or order, if any, heretofore duly adopted or made by this City Council.
13. That the San Mateo County Controller and the San Mateo County Tax Collector apply the City of Menlo Park Landscaping District assessments to the tax roll and have the San Mateo County Tax Collector collect said continued assessments in the manner and form as with all other such assessments collected by the San Mateo County Tax Collector.

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

AYES:

NOES:

ABSENT:

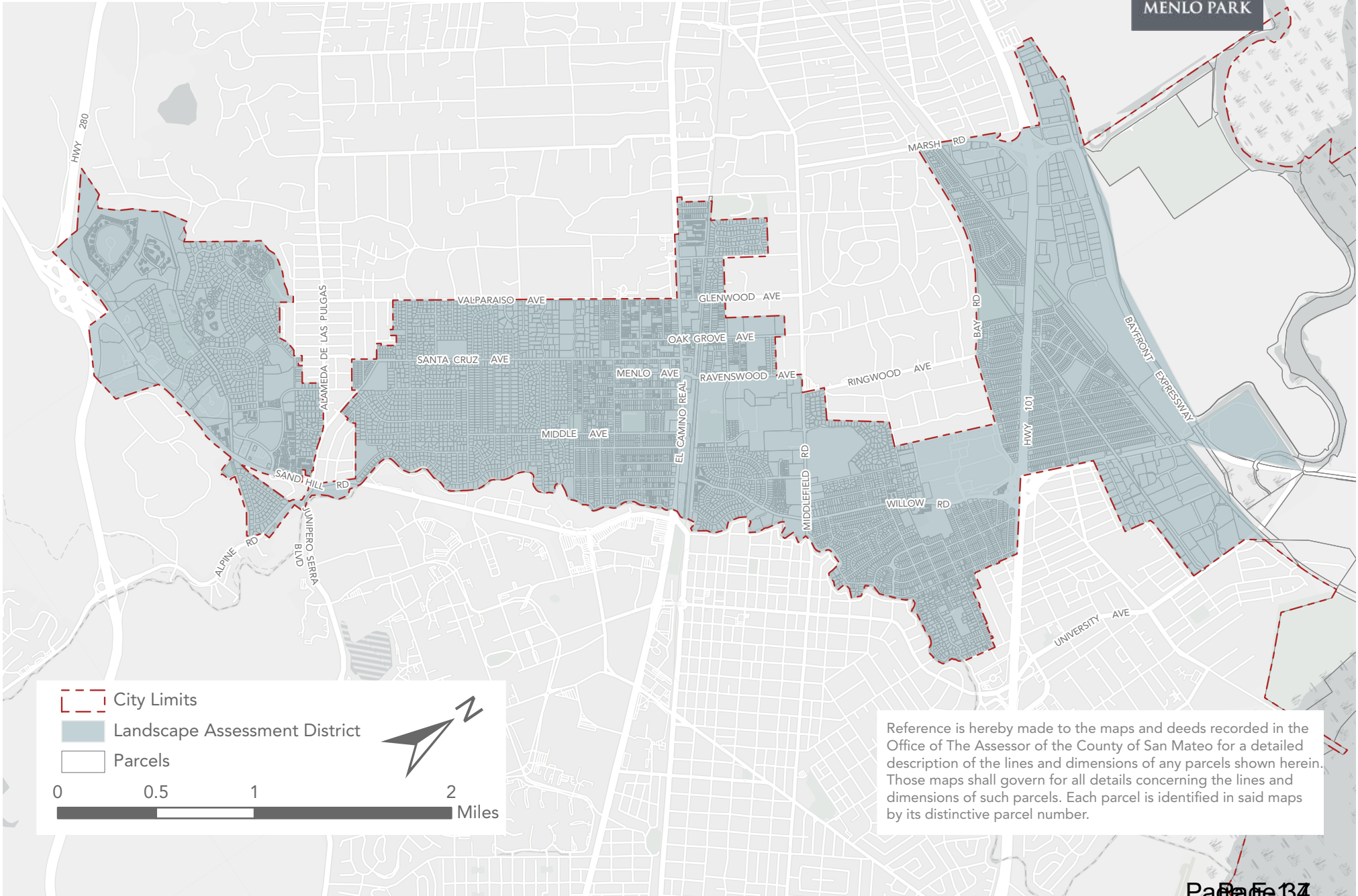
ABSTAIN:

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

Judi A. Herren, City Clerk



Landscape Assessment District





STAFF REPORT

City Council

Meeting Date:

6/23/2020

Staff Report Number:

20-138-CC

Public Hearing:

Adopt Resolution No. 6567 to collect the regulatory fee at the existing rates to implement the City's storm water management program for fiscal year 2020-21

Recommendation

Staff recommends that the City Council adopt Resolution No. 6567 to continue to collect the regulatory fee at the existing rates to implement the City's storm water management program for fiscal year 2020-21 (Attachment A.)

Policy Issues

The funds collected through the regulatory fee are used for the storm water management program, which includes maintenance of storm drains and creeks and ensuring regulatory compliance. If the City Council does not adopt the resolution for the collection of fees, the lack of adequate funding would impact the level of services required to maintain the storm drain system and meet state requirements.

Background

Two types of storm water related fees and charges are funded by Menlo Park property owners: a local regulatory fee applicable to the City only, and a countywide fee applicable to general program activities benefiting all agencies within San Mateo County (County). The countywide fee is collected directly by the Countywide Flood and Sea Level Rise Resiliency District, while the local fee is collected by the City. The following background information is specific to the local regulatory fee program.

In 1991, the San Francisco Bay Regional Water Quality Control Board (Water Board) notified San Mateo County and all incorporated cities within the county of the requirement to submit a municipal storm water national pollutant discharge elimination system permit application. As part of the permit process, all agencies were also required to implement a storm water management program with the intent of reducing the sources of pollution from storm water discharges that enter San Francisco Bay from urban and developing areas. The Water Board adopted the most current countywide national pollutant discharge elimination system permit in November 2015, which became effective January 1, 2016. The new countywide national pollutant discharge elimination system permit incorporates provisions including goals, tasks, schedules and reporting requirements.

To comply with the national pollutant discharge elimination system permit requirements, the City must adopt, enforce, and implement all of the regulatory provisions. Municipal Code Chapter 7.42 (adopted in July 1994, updated in March 2019,) storm water management program, section 7.42.250 establishes a separate funding mechanism for the storm water management program which requires the City to implement the regulatory fee. The funds collected are used to cover the expenses associated with the program, such as the cost for the annual cleanup of San Francisquito Creek and administrative and

professional services.

Fees collected do not fully cover the cost to implement the program. Since the regulatory fee was established in 1994, there have been no increases. In fiscal year 2019-20, the budget for the storm water management program was \$544,233 with the regulatory fee providing \$354,000 in funds. The remaining expenses of \$190,233 were covered by the carry-over in the program fund balance, which leaves \$424,770 remaining in the program fund balance. The current annual regulatory fee collected by the City is based on a rate of \$5.25 per 1,000 square feet of impervious area for each property in the community. Fees therefore vary per property, depending on the amount of impervious area associated with the parcel and its size. For single family homes in the Belle Haven and Willows neighborhoods, where parcels are typically smaller than others in the City, the annual fee averages between \$16 and \$18 per property. In central Menlo Park and in the Sharon Heights neighborhood, the annual fee ranges between \$20 and \$26 per property. The annual fee for a typical 5,000 square-foot downtown commercial property along Santa Cruz Avenue is \$26 per property.

Analysis

The current fee structure (\$5.25 per 1,000 square feet of impervious area) is expected to generate revenues of \$337,862 in fiscal year 2020-21, and with an estimated \$424,770 remaining in the program fund balance, staff anticipate there will be \$822,632 available for the proposed fiscal year 2020-21 storm water management program expenditures as shown in Table 1 below. It should be noted that some program tasks include administration of the national pollutant discharge elimination system permit requirements to ensure compliance and reporting needs.

As there are sufficient funds, staff proposes no change to the regulatory fee structure for fiscal year 2020-21 and recommends that City Council adopt a resolution allowing staff to continue to collect the storm water fee at the existing rates from all developed parcels within the City boundaries. Once authorized, the fee database will be forwarded directly to the County for preparation of the fiscal year 2020-21 tax bills.

Table 1: Storm water management program proposed expenditures for fiscal year 2020-21	
Item	Total
Staff administration and operating costs: City’s cost for personnel and operating expenses to implement the requirements of the national pollutant discharge elimination system permit, including reporting, participation in Countywide Technical Advisory Committee and subcommittees, storm drain management efforts and administration of the street sweeping program.	\$416,319
Storm water permit: Annual national pollutant discharge elimination system permit fee paid to State Water Resources Control Board.	\$14,230
Watershed Outreach: City’s contribution to Grassroots Ecology for coordination of educational outreach, watershed planning and coastal cleanup day efforts.	\$15,200
General and administrative overhead: City’s obligation to the general fund for finance, information technology and administrative services.	\$68,153
Miscellaneous professional services: Stenciling of storm drains, updating the storm drain base map, geographic information services development, hazardous material permit, etc.	\$26,000
Total	\$539,902

Table 2 provides estimated stormwater program fund balance for fiscal year 2020-21. It should be noted that based on recent budget balancing measures authorized by the City Council, staff reassigned stormwater business inspections to City staff in lieu of using a consultant.

Table 2: Storm water management program revenues and expenditures for fiscal year 2020-21 budget	
Projected beginning fund balance	\$424,770
Estimated revenues (based on impervious area per parcel)	\$337,862
Estimated revenues (from business inspection fees to cover costs for inspections performed by City staff)	\$60,000
Estimated expenses	\$539,902
Projected ending fund balance	\$282,730

Increasing the regulatory fee for the storm water management program would require the City to conduct a property-owner voting procedure in accordance with Proposition 218. For fiscal year 2020-21, as in the past, there is expected to be a sufficient fund balance to cover the difference. However, at current expenditure levels, the program fund balance will not be sufficient for fiscal year 2021-22. In addition, the Water Board is considering expanding the next stormwater permit requirements expected to take effect July 1, 2021, so program expenditures are anticipated to continue to increase. Staff is currently completing a stormwater master plan to identify program needs and potential funding sources that the City Council can consider prior to budget development for fiscal year 2021-22, including a potential measure under Proposition 218.

Impact on City Resources

Funding for the storm water management program consists of the carry-over of unspent funds from prior years and revenues collected through the regulatory fee. If the City Council does not order the continuation of the collection of fees, the impact on City general fund would amount to \$337,862 (the total projected revenues from the regulatory fee) to sustain the program in 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 will not result in any direct or indirect physical change in the environment.

Public Notice

Public notification was achieved by posting a legal notice in The Examiner, a local newspaper, on June 12 and June 19, and posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

- A. Resolution No. 6567

Report prepared by:
Clarence Li, Associate Civil Engineer

Reviewed by:

Staff Report #: 20-xxx-CC

Pam Lowe, Senior Civil Engineer
Christopher Lamm, Assistant Public Works Director

RESOLUTION NO. 6567**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK TO AUTHORIZE COLLECTION OF A REGULATORY FEE AT EXISTING RATES TO IMPLEMENT THE LOCAL CITY OF MENLO PARK STORM WATER MANAGEMENT PROGRAM FOR FISCAL YEAR 2020-21**

WHEREAS, Section 402(p) of the Clean Water Act (33 U.S.C. 1251 et seq.) as amended by the Water Quality Control Act of 1987, requires that all large and medium-sized incorporated municipalities must effectively prohibit non-storm water discharges into storm sewers; and further requires controls to reduce the discharge of pollutants from storm water systems to waters of the United States to the maximum extent practicable; and

WHEREAS, the City of Menlo Park, in conjunction with all of the incorporated cities in San Mateo County, has prepared the Storm Water Management Plan, which has a General Program to be administered and funded through the San Mateo Countywide Flood and Sea Level Rise Resiliency Agency, and a specific program for each city, to be administered and funded by each city; and

WHEREAS, the Menlo Park specific program includes those efforts and programs required to be undertaken by the City of Menlo Park to support and address its responsibility to regulate and enforce local pollution control components under the Storm Water Management Plan; and

WHEREAS, the Menlo Park City Council is authorized and/or mandated by Chapter 7.42 Storm Water Management Program of the municipal code adopted on July 12, 1994 (Ordinance No. 859) and updated on March 12, 2019 (Ordinance No. 1055), and including the following federal and/or state statutes: the Federal Clean Water Act as amended in 1987; the National Pollutant Discharge Elimination System Permit Application Regulations for Stormwater Discharges; the California Constitution, Article XI, Section 7 of the California Water Code Section 13002; and Part 3 of Division 5 of the California Health and Safety Code, to impose a regulatory fee to enforce the local storm water pollution control components of the San Mateo County Stormwater Management Plan upon the businesses, entities, residents, and unimproved properties of the City of Menlo Park; and

WHEREAS, the City Council of the City of Menlo Park conducted a noticed public hearing to consider this resolution as part of an overall plan addressing, regulating, and reducing non-point source pollution discharges within the City of Menlo Park, and including regulatory fees necessary to ensure local compliance with the federal and/or state statutes.

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:

1. That the Assistant Public Works Director for the City of Menlo Park is the authorized collection agent for the regulatory fees authorized and/or mandated by federal and/or state statutes, and is hereinafter empowered to collect, contract for collection, enforce, and/or institute other proceedings necessary for the collection of the regulatory fee.
2. That the Assistant Public Works Director is hereby directed to file, or cause to be filed, the amount of regulatory fees as described and shown on the attached Exhibit "A" including the diagram shown on the County Assessor's maps to be imposed and the parcels upon which

such regulatory fees are imposed, with the County Auditor and/or the County Tax Collector of the County of San Mateo no later than early August of each applicable tax year. For each parcel upon which a regulatory fee has been imposed, the regulatory fee shall appear as a separate item on the tax bill and shall be levied and collected at the same time and in the same manner as the general tax levy for City purposes.

3. That the Assistant Public Works Director is authorized to enter into those agreements necessary to have the County of San Mateo perform the regulatory fee collection services required; and the City Council hereby authorizes the County of San Mateo to perform such services, and for the City to pay the County of San Mateo for the reasonable costs of those collection services so provided.

BE IT FURTHER RESOLVED that said City Council authorized the establishment of a Regulatory Fee imposed to pay for costs to implement the Storm Water Management Program in accordance with Exhibit "A" attached hereto and incorporated herein by this reference.

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 third of June, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

Judi A. Herren, City Clerk

Exhibit A

Storm Water Management Program Regulatory Fee

Fiscal Year 2020-21

All Residential/Commercial/Industrial

All residential/commercial/industrial properties and other non-residential properties shall pay \$0.00525 per square foot of impervious area.

Exempt from fee: Federal, State, County, Flood Plain, and City Government parcels.



STAFF REPORT

City Council

Meeting Date:

6/23/2020

Staff Report Number:

20-133-CC

Public Hearing:

Adopt Resolution No. 6565 to abandon public right-of-way and public utility easements adjacent to and within 100-110 Terminal Avenue

Recommendation

Staff recommends that the City Council adopt Resolution No. 6565 (Attachment A) to abandon right-of-way and public utility easements adjacent to and within 100-110 Terminal Avenue.

Policy Issues

The City is legally required by the State of California Streets and Highways Code, Section 8300, to go through a multistep process in order to abandon public right-of-way and public easements.

Background

In January 2020, the City Council adopted Resolution No. 6537 describing the City's intent to collaborate with Facebook for the construction of a new community center and library in the Belle Haven neighborhood. The new facility is proposed to be constructed on the site of current Onetta Harris Community Center, Menlo Park Senior Center, and Belle Haven Youth Center located at 100-110 Terminal Avenue.

Portions of Kelly Park, the Menlo Park Senior Center, and the Belle Haven Pool are constructed on the Terminal Avenue right-of-way. The right-of-way established in a 1940 subdivision was never used as a roadway, and was not vacated and abandoned prior to construction of the buildings in the 1970s and 1990s. The right-of-way is proposed to be officially vacated and abandoned.

Analysis

Terminal Avenue was dedicated to the City in September 1940, on the map entitled Belle Haven City, recorded in Book 23 of Maps, Page 6, in the San Mateo County official records. The portion of Terminal Avenue that is proposed to be abandoned is a 60-foot wide "paper street" (Attachment B.) A paper street is a road or street that appears on maps but does not exist in reality. In 1971 the Belle Haven Youth Center and Onetta Harris Community Center were constructed on the adjacent parcels, and in 1972 the pool was constructed within the paper street right-of-way. The Menlo Park Senior Center was subsequently constructed on the right-of-way in 1992.

Pursuant to the California Subdivision Map Act, abandoned right-of-way reverts to the adjacent property owner(s), which in this case is the City of Menlo Park. Upon recordation of the vacation, the City would relinquish its rights to use the property as a roadway, but would retain ownership of the land. A 5-foot wide public utility easement is also proposed to be vacated and abandoned as part of this action. There are no known utilities located within the easement. Lots 3-26, and a portion of Lot 27, which are all owned by the

City of Menlo Park, will be merged prior to the recordation of the vacation and abandonment. After the abandonment is recorded, the net effect will be one parcel.

Utility coordination

The City has received “no objection” letters from all relevant public utility agencies, provided that a portion of West Bay Sanitary District’s sewer main is converted to a private lateral. This would be accomplished by adding a new sewer manhole downstream of an existing manhole, which would serve as the delineation between public and private sewer. City staff is coordinating with West Bay on the design, and the improvements would take place with construction of the new facilities. West Bay approved the abandonment at its June 10 board meeting, subject to the condition described above. If for any reason the new manhole is not installed, the City will grant West Bay an easement for the sewer line within City property.

Abandonment procedure

The applicable abandonment procedure is a three-step process that requires 1) City Council adoption of a resolution of intent to abandon the public right-of-way and public utility easements; 2) Planning Commission review for conformance to the General Plan and recommendation to City Council; and 3) a Public Hearing by City Council and a Resolution ordering the vacation of the public right-of-way and easements. On March 10, the City Council adopted Resolution of Intention No. 6548 (Attachment C) to abandon public right-of-way and public utility easements adjacent to and within 100-110 Terminal Avenue, referring the matter to the Planning Commission for a recommendation on general plan consistency, and setting the date for a public hearing by City Council as June 23. At its May 18 meeting, the Planning Commission determined that the proposed vacation conforms to the general plan. The June 23 public hearing is the final step in the three-step process. Should the City Council consider the abandonment favorably, Resolution 6565 ordering the vacation and abandonment of the public right-of-way and public utility easement adjacent to and within 100-110 Terminal Avenue would be adopted.

Impact on City Resources

There is no direct impact on City resources associated with the actions in this staff report. The fee for staff time to review and process the abandonment is waived because the City is the applicant.

Environmental Review

The proposed street abandonment is Categorical Exempt under Class 5, minor alterations in land use, of the current State of 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. The public hearing notice was advertised in The Examiner June 12, and June 19, and posted at the abandonment site in accordance with the Streets and Highways code.

Attachments

- A. Resolution No. 6565
- B. Aerial vacation exhibit
- C. Resolution No. 6548

Report prepared by:
Theresa Avedian, Senior Civil Engineer

Staff Report #: 20-133-CC

Report reviewed by:
Chris Lamm, Assistant Public Works Director

RESOLUTION NO. 6565**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK FOR THE VACATION AND ABANDONMENT OF PUBLIC RIGHT OF WAY AND PUBLIC UTILITY EASEMENTS ADJACENT TO AND WITHIN 100-110 TERMINAL AVENUE**

WHEREAS, on March 10, 2020, the City Council of the City of Menlo Park adopted Council Resolution No. 6548 declaring the intention of said City Council to abandon the public right-of-way and public utility easements adjacent to and within 100-110 Terminal Avenue and set specific dates for consideration by the Planning Commission and a Public Hearing before the City Council; and

WHEREAS, the Planning Commission of the City of Menlo Park held a Public Hearing on this subject on May 18, 2020, to consider the aforementioned proposed abandonment and has reported to the City Council that said proposed abandonment conforms with the City's General Plan and has recommended that it be abandoned as proposed; and

WHEREAS, a Public Hearing was held before the City Council of the City of Menlo Park regarding the foregoing matter on June 23, 2020; and

WHEREAS, notice of said Public Hearing was duly made by publication, mailing, and posting as required by law, and proof thereof is on file with the City Clerk of the City of Menlo Park; and

WHEREAS, no protests were filed with or received by said City Council; and

WHEREAS, West Bay Sanitary District currently has a manhole located on the public right-of-way which shall be relocated subject to West Bay's Class 3 permit requirements and approval, and the City has agreed that if the sewer manhole is not installed for any reason, it will grant a sanitary sewer easement for the sewer main within the City's parcel; and

WHEREAS, the City Council finds that the public convenience and necessity are served by incorporation of West Bay's requirements into this resolution; and

IT APPEARING to the City Council of the City of Menlo Park that the public right-of-way and public utility easements should be abandoned for the reason that they are no longer needed, and that public convenience, necessity, and the best interests of the citizens of Menlo Park will be served by such abandonment.

NOW, THEREFORE, 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,

BE IT AND IT IS HEREBY RESOLVED by the City of Menlo Park

- A) that said City Council does hereby abandon, to the full extent permitted by law, the public right-of-way and public utility easements adjacent to and within 100-110 Terminal Avenue, described on the legal plats, Exhibit A attached hereto and by the legal descriptions of said public right-of-way and public utility easements on file in the Engineering Division, and said Exhibit and legal descriptions are incorporated herein and made a part hereof; and
- B) that said abandonment is consistent with the General Plan; and

C) that said abandonment is exempt under current California Environmental Quality Act (CEQA) guidelines.

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-third day of June, 2020, by the following votes:

AYES:

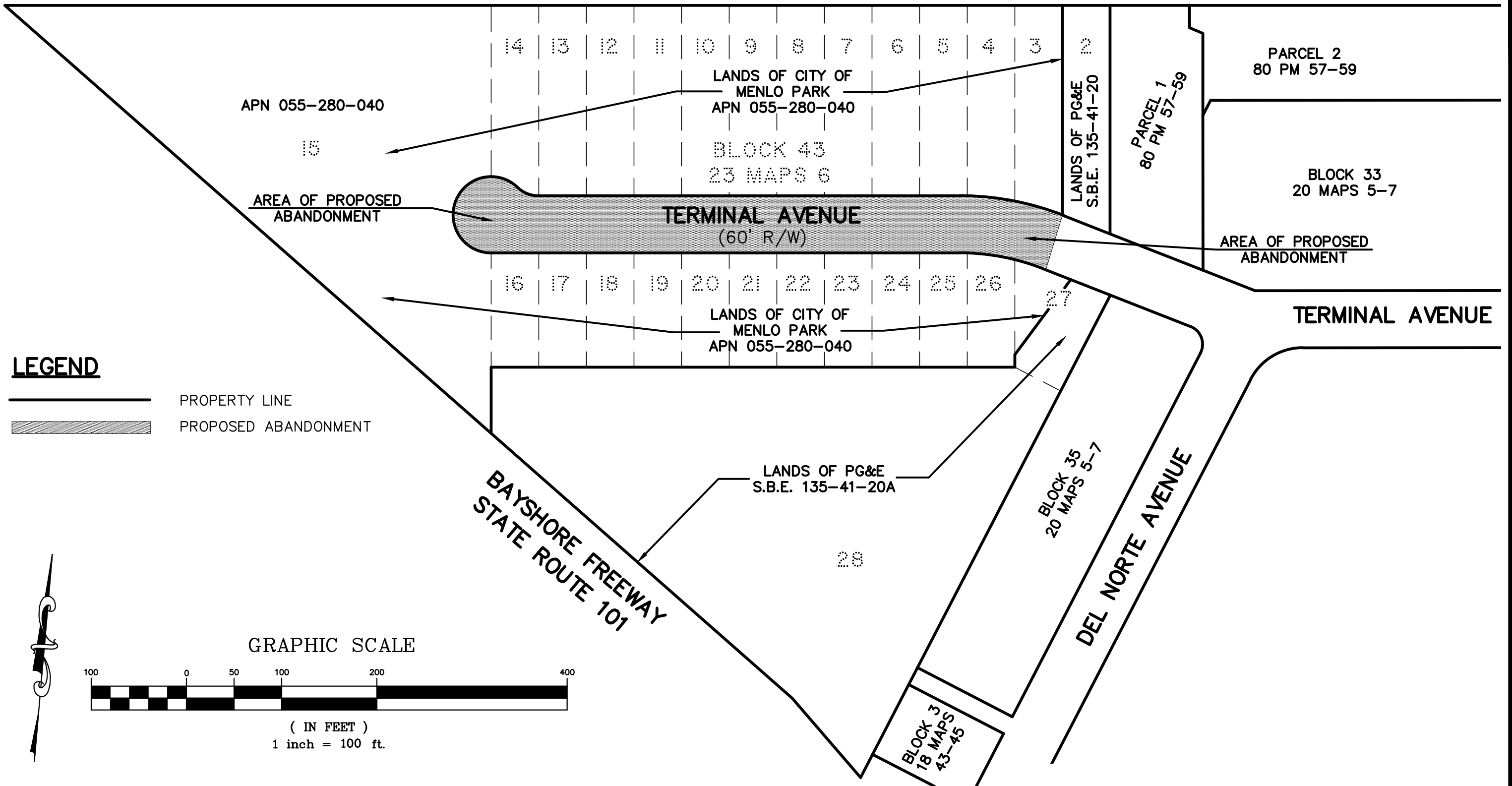
NOES:

ABSENT:



ABSTAIN:

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

Judi A. Herren, City Clerk



LEGEND

-  PROPERTY LINE
-  PROPOSED ABANDONMENT



GRAPHIC SCALE



(IN FEET)
1 inch = 100 ft.

MacLEOD AND ASSOCIATES

CIVIL ENGINEERING • LAND SURVEYING

965 CENTER STREET • SAN CARLOS • CA 94070 • (650) 593-8580

RIGHT-OF-WAY ABANDONMENT EXHIBIT

FOR PROPOSED ABANDONMENT OF

PORTION OF TERMINAL AVENUE

MENLO PARK SAN MATEO COUNTY CALIFORNIA

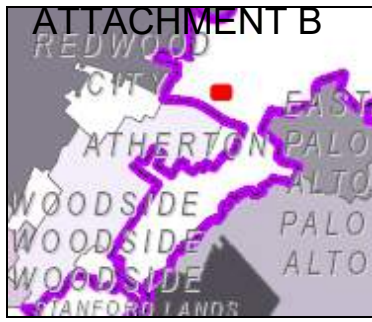


PREPARED FOR: MENLO PARK PUBLIC WORKS DEPARTMENT

DRAWN BY: DJK DESIGNED BY: ---

CHECKED BY: DGM DATE: 11-15-19

SCALE: 1"=100' DRAWING NO. **4705-ROW**



- Legend**
- Street Names Large Scale
 - Sphere Of Influence
 - Parcels



1: 1,000

166.7 0 83.33 166.7 Feet

NAD_1983_StatePlane_California_III_FIPS_0403_Feet
City of Menlo Park GIS

This map is for reference purposes only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. The City of Menlo Park and its staff shall not be held responsible for errors or omissions. Please contact City staff for the most current information.

Notes

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

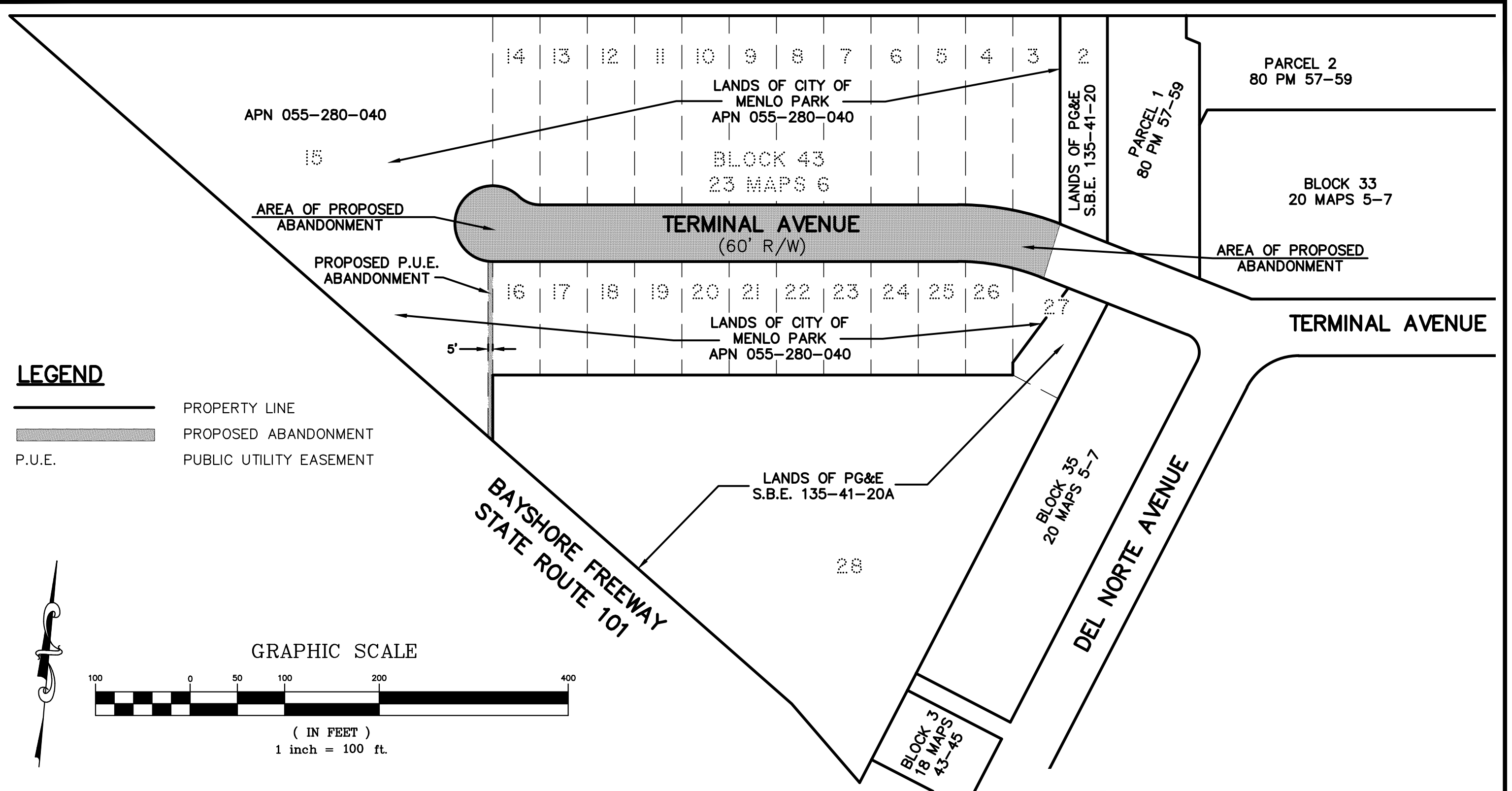
ABSTAI: None

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



LEGEND

-  PROPERTY LINE
-  PROPOSED ABANDONMENT
-  P.U.E.
-  PUBLIC UTILITY EASEMENT



GRAPHIC SCALE



(IN FEET)
1 inch = 100 ft.

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

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:

 6BD907BD261744C...

 Director of Emergency Services

Approved as to form:

DocuSigned by:

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 Interim City Attorney

DIRECTOR OF EMERGENCY SERVICES/CITY MANAGER EMERGENCY ORDER NO.4

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 issue 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 23, 2020, the Director issued the City of Menlo Park Director of Emergency Services/City Manager Order (“Order”) No. 1 temporarily suspending all construction activity in the City of Menlo Park. The Order was based in part on the City’s lack of personal protective gear (PPE) to protect its employees from the spread of the COVID 19 virus, the lack of established construction project safety protocols and the inability of adequate supervision and deployment of building inspectors;

WHEREAS, recognizing the need to continue to limit the transmission of COVID-19, on April 29, 2020, the County Health Officer ordered the shelter-in-place to continue through May 31, 2020. However, the order also allows some businesses to open that could not operate under the

previous order and allows some low-risk activities to resume (e.g. outdoor businesses, landscapers and gardeners). Specifically, with regard to construction, the order allows for construction so long as the project complies with specific safety protocols;

WHEREAS, given the County of San Mateo’s recent publication of construction project safety protocols, to the extent the city is able to provide sufficient PPE and building inspector personnel, the City Manager would like to re-activate construction activity in the city with a phased in approach giving priority to projects that were already scheduled for an inspection the first week of the shut down (3/16 - 3/20), existing projects that have been granted emergency status, any project that effects the livability of the house (water heater, furnace, plumbing repair, sewer main, water piping, etc.) and other single family residential projects and public works projects. Thereafter providing the city has adequate PPE and inspector capacity it would begin scheduling inspections for multi-family and commercial projects starting; 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 Director of Emergency Services does hereby make the following order:

1. Effective 11:59 p.m. on May 3, 2020 Order Number 1 is hereby rescinded and superseded by this Order No. 4.
2. Construction activity in the City will be permitted to resume provided it complies with the applicable construction project safety protocol published in the County of San Mateo Health Officer Order dated April 29, 2020.
3. The City Manager reserves the right to modify this order if any of the following conditions occur:
 - a. The City is not able to secure adequate PPE for its building inspectors;
 - b. The City is not able to provide sufficient building inspectors to satisfy the demand;
 - c. Construction projects are not complying with the required safety protocols;
 - d. The number of COVID 19 cases increases significantly;
 - e. Other operational constraints make building inspection unsafe or infeasible.

Dated: 5/1/2020

DocuSigned by:

 6BD907BD261744C...
 City Manager

Approved as to Form:
 DocuSigned by:

 CD6C53C794F6491...
 Interim City Attorney

DIRECTOR OF EMERGENCY SERVICES/CITY MANAGER EMERGENCY ORDER NO.5

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 issue 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 23, 2020, the Director issued the City of Menlo Park Director of Emergency Services/City Manager Order (“Order”) No. 1 temporarily suspending all construction activity in the City of Menlo Park. The Order was based in part on the City’s lack of personal protective gear (PPE) to protect its employees from the spread of the COVID 19 virus, the lack of established construction project safety protocols and the inability of adequate supervision and deployment of building inspectors;

WHEREAS, recognizing the need to continue to limit the transmission of COVID-19, on April 29, 2020, the County Health Officer ordered the shelter-in-place to continue through May 31, 2020. However, the order also allows some businesses to open that could not operate under the

previous order and allows some low-risk activities to resume (e.g. outdoor businesses, landscapers and gardeners). In addition, the April 29 order allows additional outdoor recreation activity to resume provided it conforms with the social distancing and health/safety protocols contained in the order and other restrictions established by the entity that manages such area to reduce crowding and risk of transmission of COVID-19; 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 Director of Emergency Services does hereby make the following order:

1. Effective 7:00 a.m. on May 9, 2020, Order Number 3 is hereby rescinded and superseded by this Order No. 5.
2. Bedwell Bayfront Park shall be open to the public subject to social distancing and health/safety protocols established by the City Manager.
3. The City Manager reserves the right to modify this order if any of the following conditions occur:
 - a. Park users are not following the social distancing and health/safety protocols established by the City Manager;
 - b. The City is not able to provide sufficient monitors to ensure the safe use of the park;
 - c. The number of COVID 19 cases increases significantly; and
 - d. Other operational constraints make park opening unsafe or infeasible.

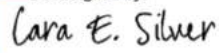
Dated: 5/8/2020

DocuSigned by:

 6BD907BD261744C

 City Manager

Approved as to Form:

DocuSigned by:

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 Interim City Attorney



STAFF REPORT

City Council
Meeting Date: 6/23/2020
Staff Report Number: 20-141-CC

Regular Business: **Approve resolutions: adopting the fiscal year 2020–21 budget and appropriating funds; establishing the appropriations limit for fiscal year 2020–21; establishing a consecutive temporary tax percentage reduction in the utility users' tax rates through September 30, 2021; amending the salary schedule effective July 21, 2019; and establishing citywide salary schedule effective July 5, 2020**

Recommendation

Staff recommends that the City Council approve the following:

1. Adopt Resolution No. 6568 adopting the fiscal year 2020–21 budget and appropriating funds;
2. Adopt Resolution No. 6569 establishing the appropriations limit for fiscal year 2020–21;
3. Adopt Resolution No. 6570 establishing a consecutive temporary tax percentage reduction in the utility users' tax rate through September 30, 2020;
4. Adopt Resolution No. 6571 amending the citywide salary schedule effective July 21, 2019; and
5. Adopt Resolution No. 6572 establishing citywide salary schedule effective July 5, 2020

Policy Issues

The City Council is required to adopt a balanced budget, approve all enabling resolutions and appropriate funds before July 1 of each year.

Background

The city manager's proposed fiscal year 2020–21 budget was presented to the community at the public hearing held June 9, 2020. During the public hearing, the City Council provided direction to staff on key elements of the spending plan for incorporation into a second draft of the proposed budget and City Council consideration. The operating budget was developed using the guidance City Council provided at its public meetings April 28, May 12, May 22, May 28 and June 2. The budget incorporates carry-over appropriations for the capital improvement plan (CIP) and a more comprehensive review will be brought before City Council early in fiscal year 2020-21.

Analysis

The total proposed fiscal year 2020–21 budget for all city operations reduces services citywide in acknowledgement of the substantially reduced resources available in light of the COVID-19 public health emergency and ensuing economic circumstances. At the all funds level, the proposed budget includes a revenue budget of \$137.92 million and an expenditure budget of \$126.12 million. It is important to note that this does not incorporate appropriations of new funds into the CIP pending further review early in fiscal year

2020-21 but does maintain carry-over appropriations for previously-funded projects with unexpended funds. The General Fund budget is balanced with a one dollar (\$1) surplus and includes \$0.39 million in use of assigned fund balance from the economic stabilization reserve.

General fund

The general fund is the city's most complex operating fund accounting for roughly 45 percent of all financial activity and provides the vast majority of public services to the community. The funds deposited to the general fund are unrestricted and may be appropriated by the City Council to deliver the desired level of public services.

At the public hearing June 9, 2020, City Council considered previous direction for service level changes, requirements to reactivate child care at the Belle Haven Child Development Center (BHDC) and Menlo Children's Center (MCC,) and the use of one-time money resources. City Council directed staff to make the following changes:

- Treat the Onetta Harris Community Center (OHCC) reactivation and Burgess campus recreation program reactivation similarly
- Reactivate child care at BHDC and MCC as soon as is practicable and safe
- Defer action to terminate membership in the Peninsula Library System (PLS) Joint Powers Authority to July 1, 2021
- Refine revenue and expenditure estimates and utilize the economic stabilization reserve if necessary

These changes have been incorporated into the budget by returning OHCC programming assumptions to the baseline established in the prior year; increasing revenue estimates for MCC according to City Council direction on fees charged; and use of one-time money from the economic stabilization reserve to eliminate the remaining deficit of \$386,932.

The proposed operating budget includes general fund revenue and other resources of \$56.43 million and expenditures and other requirements of \$56.43 million. The budget is balanced with the use of reserves which are included in the child care program budgets in recognition of the necessary changes to service as a result of public health orders which include strict social distancing modifications to the programs.

All funds

Composed of the general fund in addition to 47 other special revenue funds, capital funds and debt service funds, the all funds level shows a framework for the City's spending plan for the fiscal year. As previously noted, the proposed budget does not include new capital appropriations which are scheduled for early in the fiscal year. The anticipated \$11.80 million surplus represents those resources available for appropriation across all special revenue and capital funds without drawing from fund balance. The surplus resides entirely in restricted funds and may not be used for general fund supported activities. Many special revenue and capital funds accumulate fund balance over a number of years and, as such, this number does not represent the full picture of available resources for use in the CIP.

Fiscal year 2020–21 appropriations limit

The appropriations limit, which was originally established in 1979 by Proposition 4, places a maximum limit on the appropriations of tax proceeds that can be made by the state, school districts and local governments in California. The appropriations limit is set on an annual basis and is revised each year based on population growth and cost of living factors. The purpose of the appropriations limit is to preclude state and local governments from retaining excess revenues, which are required to be redistributed back to taxpayers and schools. California Government Code requires that the City annually adopt an appropriations limit for the coming fiscal year. For fiscal year 2020–21, the appropriations limit (Attachment C) is \$67,931,066 and

the proposed budget includes proceeds of taxes subject to the appropriations limit of \$42,185,472. Therefore, the City is \$25,745,594 million below its appropriations limit for fiscal year 2020–21. The appropriations limit approved by City Council is subject to direction received during adoption.

Salary schedule adoption

Amendment of the salary schedule effective July 21, 2019

State law requires the City Council to adopt a salary schedule each time the City's salary schedule changes. As a result of a compliance audit from the California Public Employee Retirement System (CalPERS), the City was found to have a minor deficiency by not including the compensation provided to City Councilmembers despite the inclusion of the compensation paid to City Councilmembers in the Menlo Park Municipal Code. In addition, an administrative error resulted in an incorrect calculation for the salary of a single classification, the public works supervisor – fleet. Remedying these defects requires amending the previously approved salary schedule by resolution. No staff or City Councilmembers were incorrectly paid due to these errors over the time period since original adoption.

Adoption of the salary schedule effective July 5, 2020

With the retirement of the city attorney and subsequent direction to use contracted city attorney services, staff recommends removal of the city attorney position from the salary schedule. In addition, the consolidation of the library services department and community services department under a single department head results in two incomplete position titles on the salary schedule. Staff recommends consolidation of the library services director and community services director into a single library and community services director position with the same salary range as other department head positions. These changes do not affect compensation for any current staff or alter the authorized number of full-time equivalent (FTE) staff.

The City has negotiated agreements with all four of its organized labor units as well as an adopted compensation plan for unrepresented management which provide for salary range adjustments effective July 5, 2020. Prior to publication of the proposed budget, the American Federation of State, County, and Municipal Employees Local 829 (AFSCME) and the Service Employees International Union Local 521 (SEIU) reached tentative agreements to defer the negotiated cost of living adjustments and freeze the increase in employer cost share for CalPERS rates. Should the City Council not ratify the tentative agreement, ranges for positions represented by these units, as well as unrepresented confidential employees, will increase by 2.9 percent.

In addition, the agreement between the City and its Police Officers' Association (POA) includes a cost of living adjustment of 3.5 percent effective July 5, 2020, and the agreement between the City and its Police Sergeants Association (PSA) includes a provision to increase the differential between police sergeants and police corporals by 1 percent. The combination of these provisions results in an increase to the police recruit, police officer, and police corporal classifications of 3.5 percent and the police sergeant classification of 4.41 percent.

Finally, City Council provided direction not to adjust the compensation ranges for unrepresented management positions. Salary range changes have no direct impact on salaries for unrepresented employees such as the city manager, department heads, or division managers except in cases where the incumbent's current salary would be surpassed by the new bottom of the range, in which case they are adjusted only to the new bottom of the range. The city manager's salary can only be adjusted by an amendment to her contract directed and approved by the City Council. The salaries for department heads and division managers can only be adjusted by the city manager based on annual performance evaluations of employees, except as previously noted, a process which will also be foregone in fiscal year 2020-21. As a result, positions associated with this group are unchanged in the proposed salary schedule.

Enabling resolutions

To formally adopt the fiscal year 2020–21 budget, the City Council must take action on the following resolutions:

1. Resolution adopting the fiscal year 2020–21 budget
The City’s total 2020-20 budget for all City operations and carry-over capital projects is balanced with a revenue budget of approximately \$137.92 million and an expenditure budget of \$126.12 million. The attached resolution formally adopts the fiscal year 2020–21 budget and authorizes appropriations. The attached resolution also authorizes staff to adjust the city manager’s proposed budget to incorporate changes in assumptions for the proposed budget, to incorporate changes directed by the City Council at budget adoption, true-up of estimated carry-over appropriations, and other minor clerical errors.
2. Resolution establishing the fiscal year 2020–21 appropriations limit
California Government Code requires that the City annually adopt an appropriations limit for the coming fiscal year. The appropriations limit, which was originally established in 1979 by Proposition 4, places a maximum limit on the appropriations of tax proceeds that can be made by the State, school districts and local governments in California. The appropriations limit is set on an annual basis and is revised each year based on population growth and cost of living factors. For fiscal year 2020–21, the appropriations limit is \$67.93 million, while the proceeds of taxes subject to the appropriations limit is \$42.19 million. The City is, therefore, approximately \$25.75 million below the appropriations limit for fiscal year 2020–21. City Council consideration and approval of the attached resolution is required in order for the City to be in compliance with State law.

In addition to the above resolutions, the City Council is asked to approve the following related resolutions:

1. Resolution continuing the temporary tax percentage reduction in the utility users’ tax rate
The fiscal year 2020–21 General Fund budget includes \$1.22 million in revenue from the temporarily reduced UUT rate of 1 percent adopted by the City Council as per Menlo Park Municipal Code Section 3.14.130. At the 1 percent rate, the City maintains a balanced budget therefore the reduced rate does not adversely affect the city’s ability to meet its financial obligations. On June 18, 2019, the City Council adopted Resolution No. 6509 which extended the reduction through September 30, 2020. In order to continue the reduced UUT through September 30, 2021, the City Council must adopt the attached Resolution. If the City Council takes no action on the resolution, the temporary reduction will expire and the UUT will return to the full rate as of October 1, 2020.
2. Resolution amending the salary schedule effective July 21, 2019
An audit by CalPERS which concluded in June 2020 found that the City did not include City Councilmembers on the salary schedule and staff discovered one administrative error in the single classification of public works supervisor – fleet, each of which will be remedied by this action. No staff or City Councilmembers have been incorrectly paid during the time period since last adoption of the salary schedule and this correction will bring the City’s salary schedule into compliance with CalPERS contract requirements.
3. Resolution adopting the salary schedule effective July 5, 2020
Each year the City Council is required to adopt a salary schedule that lists the salary ranges for all positions employed by the City. Salary ranges are negotiated in good faith with bargaining units representing 91 percent of the City’s 242.75 full-time equivalent personnel. The remaining 9 percent of full-time equivalent personnel are the City Council as well as the city manager who serves at the pleasure of the City Council and whose salary is set by contract. Additionally, the City’s management staff which serves at the pleasure of the city manager are unrepresented employees.

Impact on City Resources

As noted in the previous section, the city's budget is balanced with the use of one-time money totaling \$0.39 million from the City's economic stabilization fund necessary to balance the general fund. If City Council desires changes, the use of one-time money or services offered must be adjusted accordingly. The budget, including dynamic reporting with fund, program, project and object-level detail, as well as accompanying discussion of changes and services offered, are available on the online budget portal.

Budget balancing measures result in the reduction of 43.5 full-time equivalent personnel (FTE), a 15 percent reduction in authorized FTEs. The unique circumstances resulting from the financial crisis will further reduce administrative and technical capacity due to the extraordinary budget diligence necessary to monitor new economic information and actual versus budget revenue and expenditures. The decrease in personnel and the ongoing work to maintain a balanced budget in uncertain times will have direct impacts on service delivery in 2020-21 and staff capacity to launch new initiatives.

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 proposes an organizational structure change that will not result in any direct or indirect physical change in the environment.

Public Notice

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

Attachments

- A. Hyperlink – City manager's proposed budget for fiscal year 2020-21:
<https://stories.opengov.com/menlopark/published/gftJuky5q>
- B. Appropriations limit
- C. Resolution No. 6568 adopting the fiscal year 2020-21 budget
- D. Resolution No 6569 establishing the fiscal year 2020-21 appropriations limit
- E. Resolution No. 6570 continuing the temporary tax percentage reduction in the utility users' tax rate
- F. Resolution No. 6571 amending the salary schedule effective July 21, 2019
- G. Salary schedule effective July 21, 2019
- H. Resolution No. 6572 adopting the salary schedule effective July 5, 2020
- I. Salary schedule effective July 5, 2020
- J. Award authority memo for fiscal year 2020-21

Report prepared by:
Dan Jacobson, Assistant Administrative Services Director

Report approved by:
Nick Pegueros, Assistant City Manager

**CITY OF MENLO PARK
APPROPRIATIONS LIMIT
FISCAL YEAR 2020-21**

	<u>AMOUNT</u>	<u>SOURCE</u>
A. LAST YEAR'S LIMIT	\$ 65,863,774	Prior Year
B. ADJUSTMENT FACTORS		
1. Population - City	0.9943	State Department of Finance
2. Inflation	1.0373	State Department of Finance
	1.0314	(B1*B2)
Total Adjustment %	0.0314	(B1*B2-1)
C. ANNUAL ADJUSTMENT	\$ 2,067,292	(B*A)
D. THIS YEAR'S LIMIT	\$ 67,931,066	(A+C)
E. PROCEEDS OF TAXES SUBJECT TO LIMIT		
Property Tax	27,336,014	2020-21 Proposed Budget
Sales Tax	5,021,946	2020-21 Proposed Budget
Other Taxes	8,109,648	2020-21 Proposed Budget
Special Assessments	1,381,077	2020-21 Proposed Budget
Interest Allocation	336,788	2020-21 Proposed Budget
	\$ 42,185,472	
F. AMOUNT UNDER/(OVER) LIMIT	\$ 25,745,594	(D-E)

RESOLUTION NO. 6568**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
ADOPTING THE BUDGET FOR FISCAL YEAR 2020–21**

WHEREAS, in April 2019 staff projected that the financial crisis sparked by the novel coronavirus COVID-19 pandemic results in an estimated \$12.7 million revenue shortfall for fiscal year 2020-21; and

WHEREAS, on April 28, 2020, the City Council directed staff to present budget balancing measures sufficient to offset the revenue shortfall without the use of one-time money, including the City's Economic Stabilization Fund; and

WHEREAS, the City Council considered budget balancing measures sufficient to offset the projected revenue shortfall at 5 public meetings, completing their review June 2, and directing staff to incorporate specific expenditure reductions totaling \$11.7 million and further direction to incorporate an additional reduction of \$2.5 million at staff's discretion in the City Manager's proposed budget; and

WHEREAS, the City Council considered the City Manager's proposed budget at their public hearing on June 9, 2020, providing final direction to restore the budget for services at the Onetta Harris Community Center, reactivate childcare services and augment the budget for those services sufficient to ensure compliance with strict social distancing measures directed by public health officials, maintain membership in Peninsula Library System Joint Powers Authority for fiscal year 2020-21 and exercise the option of terminating membership in the Joint Powers Authority effective July 1, 2021, and use a nominal amount of one-time money from the Economic Stabilization Fund to balance the budget; and

WHEREAS, uncertainties resulting from the public health crisis and financial crisis necessitate extraordinary budgetary oversight that will require budget amendments in September 2020, January 2021, and April 2021, to maintain a balanced budget as new information emerges; and

WHEREAS, City Council Procedure #19-001-CC requires City Council action to enter into agreements or settle claims with aggregate annual payments in excess of \$78,000 for fiscal year 2020-21; however expenditures in debt service on currently-issued debt, utilities, employee benefits, inter-governmental agreements, and operating technological end-user hardware and subscription services included in the Information Technology Internal Service Fund exceed the annual aggregate of \$78,000 through contractually obligations or public health and safety necessity; and

WHEREAS, the City of Menlo Park, acting by and through its City Council, having considered the proposed budget document dated June 9, 2020 and related written and oral information at the meeting held June 23, 2020, and the City Council having been fully advised in the matter and good cause appearing therefore;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Menlo Park that the City Council does hereby:

1. Adopt the budget for the fiscal year 2020–21 as summarized in in Exhibit A; and as modified according to majority City Council direction; and

2. Authorize the City Manager to execute or rescind layoff notices to employees resulting from the budget adoption and in compliance with City Council adopted labor agreements and side-letter agreements;
3. Authorize staff to adjust the city manager's proposed budget to incorporate changes in assumptions for the proposed budget, to incorporate changes directed by the City Council at budget adoption, true-up of estimated carry-over appropriations, and other minor clerical errors; and
4. Authorize the City Manager or designee to make payments for services provided to the City in the categories of debt service on currently-issued debt, utilities, employee benefits, inter-governmental agreements, and operating technological end-user hardware and subscription services included in the Information Technology Internal Service Fund, in excess of \$78,000 and up to the budgeted amount in fiscal year 2020

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

AYES:

NOES:

ABSENT:

ABSTAIN:

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

Judi A. Herren, City Clerk

Fund category	Fund type	Fund number and name	Revenues	Expenditures
Governmental	General Fund	(100) General Fund	56,429,065	56,429,064
Governmental	Expendable Trust Fund	(409) E. Kennedy/ Arts Trust	120	-
Governmental	Expendable Trust Fund	(813) Frances Mack Trust	720	-
Governmental	Special Revenue Fund	(505) Vintage Oaks Landscape Mtce	360	18,551
Governmental	Special Revenue Fund	(506) Sharon Hills Park	240	-
Governmental	Special Revenue Fund	(801) Rec-In-Lieu Fund	1,382,498	1,276,198
Governmental	Special Revenue Fund	(809) Bayfront Pk.Mt. Operation	1,800	258,089
Governmental	Special Revenue Fund	(453) Library System Impv'T Fund	478,660	558,822
Governmental	Special Revenue Fund	(705) Narcotic Seizure Fund	-	2,000
Governmental	Special Revenue Fund	(706) Suppl Law Enforc Svc Fd (Cops)	100,600	204,300
Governmental	Special Revenue Fund	(710) Transportation Impact Fees	4,514,716	3,440,183
Governmental	Special Revenue Fund	(711) Transportation Fund	143,176	-
Governmental	Special Revenue Fund	(713) Storm Drainage	28,368	103,608
Governmental	Special Revenue Fund	(714) Shuttle Program	1,014,000	1,271,957
Governmental	Special Revenue Fund	(753) Garbage Service Fund	528,264	664,388
Governmental	Special Revenue Fund	(754) Marsh Rd Landfill @ Bayfront	5,575,336	5,180,030
Governmental	Special Revenue Fund	(758) Downtown Parking Permits	822,530	643,130
Governmental	Special Revenue Fund	(831) Housing Fund	126,000	10,000
Governmental	Special Revenue Fund	(832) BMR Housing-Residentl/Commerl	1,190,700	487,913
Governmental	Special Revenue Fund	(834) County Transp Tax Fund	1,748,596	1,375,109
Governmental	Special Revenue Fund	(835) Highway Users Tax Fund	2,653,530	1,753,230
Governmental	Special Revenue Fund	(836) Rev Share-Emergency Loan	2,980	10,500
Governmental	Special Revenue Fund	(837) Commun Devel Block Grant	11,600	10,000
Governmental	Special Revenue Fund	(838) Landscaping/Tree Assesmnt	996,220	1,085,026
Governmental	Special Revenue Fund	(839) Sidewalk Assesment	299,481	26,600
Governmental	Special Revenue Fund	(840) Measure M	143,000	143,000
Governmental	Special Revenue Fund	(841) Storm Water Mgmt Fund (Npdes)	417,000	539,902
Governmental	Special Revenue Fund	(843) Construction Impact Fee Fund	6,395,982	3,330,452
Governmental	Special Revenue Fund	(846) SB1 LSRP Capital Fund (Hut Rrm)	1,386,081	802,338
Governmental	Capital Project Fund	(845) Measure T - 02 Go Bonds	1,560	-
Governmental	Capital Project Fund	(851) Capital Improvement Fund	17,699,331	16,536,686
Governmental	Capital Project Fund	(853) 1990 Library Addition	600	-
Governmental	Debt Service Fund	(874) 1990 Library Bond Debt Service	1,800	-
Governmental	Debt Service Fund	(875) 2002 Recreation Go Bond D.S.	1,125,013	1,130,463
Governmental	Internal Service Fund	(101) Workers' Compensation Fund	933,671	1,236,752
Governmental	Internal Service Fund	(102) General Liability Fund	858,330	993,337
Governmental	Internal Service Fund	(103) Other Post Employment Benefits	344,075	492,000
Governmental	Internal Service Fund	(104) IT Internal Service Fund	2,897,558	2,795,037
Governmental	Internal Service Fund	(507) Vehicle Replacement Fund	403,260	1,072,200
Business-Type	Enterprise Fund	(855) Water Capital Fund	14,176,289	12,246,366
Business-Type	Enterprise Fund	(861) Water Operations Fund	13,085,900	9,994,529
Total all funds			137,919,010	126,121,760

RESOLUTION NO. 6569

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
ESTABLISHING APPROPRIATIONS LIMIT FOR FISCAL YEAR 2020–21**

WHEREAS, Article XIII B of the Constitution of the State of California places various limitations on the City's powers of appropriation; and

WHEREAS, Division 9 (commencing with Section 7900) of the Government Code implements said Article XIII B and requires that each local jurisdiction shall, by resolution, establish its appropriations limit for the following year; and

WHEREAS, the City of Menlo Park population percentage change over the prior year is -0.57 percent and the growth in the State of California per capita personal income cost of living change is 3.73 percent, both factors in calculating the appropriations limit.

NOW THEREFORE, BE IT RESOLVED that the City Council of Menlo Park at its regular meeting of June 23, 2020 hereby establishes the appropriations limit as the amount of \$67,931,066 for Fiscal Year 2019–20, calculated in accordance with the provisions of Division 9 (commencing with Section 7900) of the California Government Code.

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 Council on the twenty-third day of June, 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-third day of June, 2020.

Judi A. Herren, City Clerk

RESOLUTION NO. 6570**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
ESTABLISHING A TEMPORARY TAX PERCENTAGE REDUCTION IN THE
UTILITY USERS' TAX PURSUANT TO SECTION 3.14.130 OF THE CITY OF
MENLO PARK MUNICIPAL CODE**

WHEREAS, Ordinance 950 of the City Council of the City of Menlo Park Adopting a Utility Users' Tax became effective upon approval by a majority of voters at the General Election of November 7, 2006; and WHEREAS,

Ordinance 950 established Chapter 3.14 of the City of Menlo Park Municipal Code, this chapter known as the "Utility Users' Tax Ordinance"; and

WHEREAS, the Utility Users' Tax Ordinance Section 3.14.130 allows the City Council to enact a Temporary Tax Percentage Reduction for a period of no more than twelve (12) months; provided adequate written notice is given to all affected service suppliers; and

WHEREAS, the City Council established a temporary tax reduction in consideration of the adopted budget for the fiscal year 2008–09, effective October 1, 2008; and

WHEREAS, the City Council re-established a temporary tax reduction in consideration of the adopted budget for the fiscal year 2009–10, effective October 1, 2009; and

WHEREAS, the City Council re-established a temporary tax reduction in consideration of the adopted budget for the fiscal year 2010–11, effective October 1, 2010; and

WHEREAS, the City Council re-established a temporary tax reduction in consideration of the adopted budget for the fiscal year 2011–12, effective October 1, 2011; and

WHEREAS, the City Council re-established a temporary tax reduction in consideration of the adopted budget for the fiscal year 2012–13, effective October 1, 2012; and

WHEREAS, the City Council re-established a temporary tax reduction in consideration of the adopted budget for the fiscal year 2013–14, effective October 1, 2013; and

WHEREAS, the City Council re-established a temporary tax reduction in consideration of the adopted budget for the fiscal year 2014–15, effective October 1, 2014; and

WHEREAS, the City Council re-established a temporary tax reduction in consideration of the adopted budget for the fiscal year 2015–16, effective October 1, 2015;

WHEREAS, the City Council re-established a temporary tax reduction in consideration of the adopted budget for the fiscal year 2016–17, effective October 1, 2016;

WHEREAS, the City Council re-established a temporary tax reduction in consideration of the adopted budget for the fiscal year 2017–18, effective October 1, 2017;

WHEREAS, the City Council re-established a temporary tax reduction in consideration of the adopted budget for the fiscal year 2018–19, effective October 1, 2018;

WHEREAS, the City Council re-established a temporary tax reduction in consideration of the adopted budget for the fiscal year 2019–20, effective October 1, 2019;

WHEREAS, the City Council is not prohibited from adopting consecutive temporary tax percentage reductions as provided by Section 3.14.130 of the Utility Users' Tax Ordinance;

WHEREAS, the City Council now finds that a consecutive temporary tax reduction shall not adversely affect the City's ability to meet its financial obligations as contemplated in the budget for the fiscal year 2020–21, considered and adopted at its regular meeting of June 23, 2020.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Menlo Park at its regular meeting of June 23, 2020 hereby establishes a temporary reduction in the Utility Users' Tax rate, maintaining the current reduced rate of one percent (1.0%) for taxes imposed by sections 3.14.040 through 3.14.070 for a period of no more than twelve (12) months, effective October 1, 2020. No other provisions of the Utility Users' Tax Ordinance are affected by this resolution. Nothing herein shall preclude the City Council from modifying the tax rate set herein during said twelve-month period.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

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

Judi A. Herren, City Clerk

RESOLUTION NO. 6571

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK AMENDING THE SALARY SCHEDULE EFFECTIVE JULY 21, 2019

WHEREAS, pursuant to the Personnel System Rules, the City Manager prepared a Compensation Plan; and

NOW, THEREFORE, BE IT RESOLVED that the following compensation provisions shall be established in accordance with the City's Personnel System rules.

BE IT FURTHER RESOLVED that any previous enacted compensation provisions contained in Resolution No. 6514 and subsequent amendments shall be superseded by this Resolution.

BE IT FURTHER RESOLVED that the changes contained herein shall be effective July 21, 2019.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

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

Judi A. Herren, City Clerk

Classification Title	Annual Salaries based on 2080 hours per year					
	Minimum (Step A)	Step B	Step C	Step D	Maximum (Step E)	
Accountant I	\$ 82,778	\$ 86,918	\$ 91,264	\$ 95,827	\$ 100,619	
Accountant II	\$ 90,666	\$ 94,952	\$ 99,432	\$ 104,213	\$ 109,180	
Accounting Assistant I	\$ 58,702	\$ 61,484	\$ 64,323	\$ 67,328	\$ 70,443	
Accounting Assistant II	\$ 64,323	\$ 67,328	\$ 70,443	\$ 73,736	\$ 77,196	
Administrative Assistant	\$ 64,516	\$ 67,530	\$ 70,655	\$ 73,958	\$ 77,428	
Administrative Services Director	\$ 160,531		Open Range		\$ 227,436	
Assistant Administrative Services Director	\$ 126,578		Open Range		\$ 181,949	
Assistant City Manager	\$ 169,530		Open Range		\$ 250,180	
Assistant Community Development Director	\$ 126,578		Open Range		\$ 181,949	
Assistant Community Services Director	\$ 129,495		Open Range		\$ 181,949	
Assistant Engineer	\$ 99,840	\$ 104,597	\$ 109,598	\$ 114,831	\$ 120,301	
Assistant Library Services Director	\$ 129,495		Open Range		\$ 181,949	
Assistant Planner	\$ 90,459	\$ 94,713	\$ 99,253	\$ 103,983	\$ 108,950	
Assistant Public Works Director	\$ 140,650		Open Range		\$ 181,949	
Assistant to the City Manager	\$ 121,835		Open Range		\$ 159,205	
Associate Civil Engineer	\$ 112,028	\$ 117,391	\$ 122,987	\$ 128,929	\$ 135,174	
Associate Engineer	\$ 105,867	\$ 110,935	\$ 116,223	\$ 121,838	\$ 127,740	
Associate Planner	\$ 99,253	\$ 103,983	\$ 108,950	\$ 114,163	\$ 119,627	
Associate Transportation Engineer	\$ 117,391	\$ 122,987	\$ 128,929	\$ 135,174	\$ 141,724	
Asst. Public Works Director - Engineering	\$ 140,650		Open Range		\$ 181,949	
Asst. Public Works Director - Maintenance	\$ 140,650		Open Range		\$ 181,949	
Asst. Public Works Director - Transportation	\$ 140,650		Open Range		\$ 181,949	
Building Custodian	\$ 58,643	\$ 61,423	\$ 64,259	\$ 67,261	\$ 70,373	
Building Inspector	\$ 96,166	\$ 100,790	\$ 105,594	\$ 110,642	\$ 115,925	
Business Manager	\$ 99,250	\$ 104,023	\$ 108,981	\$ 114,192	\$ 119,643	
Child Care Teacher I	\$ 52,473	\$ 54,852	\$ 57,337	\$ 59,949	\$ 62,785	
Child Care Teacher II	\$ 58,643	\$ 61,423	\$ 64,259	\$ 67,261	\$ 70,373	
Child Care Teacher's Aide	\$ 39,369	\$ 41,150	\$ 43,012	\$ 44,938	\$ 46,922	
City Attorney	n/a		Set by contract		\$ 132,000	
City Clerk	\$ 121,835		Open Range		\$ 159,205	
City Councilmember	n/a		Annual Rate	\$	7,680	
City Manager	\$ 197,605		Open Range		\$ 272,924	
Code Enforcement Officer	\$ 82,725	\$ 86,635	\$ 90,722	\$ 95,086	\$ 99,617	
Communications and Records Manager	\$ 114,941	\$ 120,520	\$ 126,308	\$ 132,399	\$ 138,766	
Communications Dispatcher	\$ 83,883	\$ 87,848	\$ 91,993	\$ 96,416	\$ 101,012	
Communications Training Dispatcher	\$ 87,848	\$ 91,993	\$ 96,416	\$ 101,012	\$ 105,841	
Community Development Director	\$ 160,316		Open Range		\$ 227,436	
Community Development Technician	\$ 70,355	\$ 73,612	\$ 77,052	\$ 80,667	\$ 84,457	
Community Service Officer	\$ 68,789	\$ 72,024	\$ 75,359	\$ 78,936	\$ 82,725	
Community Services Director	\$ 162,509		Open Range		\$ 227,436	
Construction Inspector	\$ 90,722	\$ 95,086	\$ 99,617	\$ 104,380	\$ 109,363	
Contracts Specialist	\$ 72,641	\$ 76,057	\$ 79,579	\$ 83,356	\$ 87,357	
Custodial Services Supervisor	\$ 67,478	\$ 70,601	\$ 73,900	\$ 77,368	\$ 81,003	
Deputy City Clerk	\$ 75,350	\$ 78,936	\$ 82,725	\$ 86,635	\$ 90,722	
Deputy City Manager	\$ 164,671		Open Range		\$ 227,436	
Deputy Comm. Dev. Director - Housing	\$ 126,553		Open Range		\$ 170,578	
Economic Development Manager	\$ 121,835		Open Range		\$ 159,205	
Engineering Services Manager/City Engineer	\$ 140,650		Open Range		\$ 181,949	
Engineering Technician I	\$ 75,624	\$ 79,126	\$ 82,883	\$ 86,860	\$ 90,967	
Engineering Technician II	\$ 84,779	\$ 88,768	\$ 92,942	\$ 97,398	\$ 102,039	
Enterprise Applications Support Specialist I	\$ 89,483	\$ 93,957	\$ 98,655	\$ 103,587	\$ 108,767	
Enterprise Applications Support Specialist II	\$ 99,250	\$ 104,023	\$ 108,981	\$ 114,192	\$ 119,643	
Equipment Mechanic	\$ 75,350	\$ 78,936	\$ 82,725	\$ 86,635	\$ 90,722	
Executive Assistant	\$ 73,663	\$ 77,119	\$ 80,742	\$ 84,540	\$ 88,516	
Executive Assistant to the City Mgr	\$ 78,474	\$ 82,398	\$ 86,518	\$ 90,844	\$ 95,385	
Facilities Maintenance Technician I	\$ 62,785	\$ 65,676	\$ 68,789	\$ 72,024	\$ 75,359	
Facilities Maintenance Technician II	\$ 68,789	\$ 72,024	\$ 75,359	\$ 78,936	\$ 82,725	
Finance and Budget Manager	\$ 126,553		Open Range		\$ 170,578	
GIS Coordinator I	\$ 86,844	\$ 91,186	\$ 95,746	\$ 100,534	\$ 105,561	
GIS Coordinator II	\$ 99,250	\$ 104,023	\$ 108,981	\$ 114,192	\$ 119,643	
Gymnastics Instructor	\$ 42,010	\$ 43,910	\$ 45,893	\$ 47,941	\$ 50,146	
Housing & Economic Development Manager	\$ 121,835		Open Range		\$ 159,205	
Housing Manager	\$ 121,835		Open Range		\$ 159,205	
Human Resources Director	\$ 160,531		Open Range		\$ 227,436	
Human Resources Manager	\$ 126,553		Open Range		\$ 170,578	
Human Resources Technician	\$ 68,162	\$ 71,387	\$ 74,574	\$ 78,213	\$ 81,891	
Information Technology Manager	\$ 126,553		Open Range		\$ 170,578	
Information Technology Specialist I	\$ 73,419	\$ 77,091	\$ 80,946	\$ 84,994	\$ 89,245	
Information Technology Specialist II	\$ 81,576	\$ 85,410	\$ 89,427	\$ 93,632	\$ 98,122	

City of Menlo Park
PROPOSED Salary Schedule - Effective 7/21/2019

Classification Title	Annual Salaries based on 2080 hours per year					
	Minimum (Step A)	Step B	Step C	Step D	Maximum (Step E)	
Information Technology Supervisor	\$ 100,584	\$ 105,613	\$ 111,171	\$ 117,023	\$ 123,181	
Internal Services Manager	\$ 126,553		Open Range		\$ 170,578	
Junior Engineer	\$ 80,540	\$ 84,567	\$ 88,796	\$ 93,236	\$ 97,898	
Librarian I	\$ 70,373	\$ 73,663	\$ 77,119	\$ 80,742	\$ 84,540	
Librarian II	\$ 78,936	\$ 82,725	\$ 86,635	\$ 90,722	\$ 95,086	
Library Assistant I	\$ 54,852	\$ 57,337	\$ 59,949	\$ 62,785	\$ 65,676	
Library Assistant II	\$ 59,949	\$ 62,785	\$ 65,588	\$ 68,789	\$ 72,024	
Library Assistant III	\$ 65,588	\$ 68,789	\$ 72,024	\$ 75,359	\$ 78,856	
Library Services Director	\$ 156,348		Open Range		\$ 227,436	
Library Services Manager	\$ 126,553		Open Range		\$ 170,578	
Literacy Program Manager	\$ 81,003	\$ 84,813	\$ 88,801	\$ 93,058	\$ 97,493	
Maintenance Worker I	\$ 59,949	\$ 62,785	\$ 65,588	\$ 68,789	\$ 72,024	
Maintenance Worker II	\$ 65,588	\$ 68,789	\$ 72,024	\$ 75,359	\$ 78,936	
Management Analyst I	\$ 86,844	\$ 91,186	\$ 95,746	\$ 100,534	\$ 105,561	
Management Analyst II	\$ 99,250	\$ 104,023	\$ 108,981	\$ 114,192	\$ 119,643	
Office Assistant	\$ 53,872	\$ 56,329	\$ 58,878	\$ 61,668	\$ 64,516	
Parking Enforcement Officer	\$ 59,949	\$ 62,785	\$ 65,588	\$ 68,789	\$ 72,024	
Permit Manager	\$ 112,897	\$ 118,298	\$ 123,961	\$ 129,869	\$ 136,144	
Permit Technician	\$ 70,355	\$ 73,611	\$ 77,052	\$ 80,667	\$ 84,456	
Plan Check Engineer	\$ 113,095	\$ 118,509	\$ 124,158	\$ 130,156	\$ 136,461	
Planning Technician	\$ 80,667	\$ 84,456	\$ 88,430	\$ 92,588	\$ 97,027	
Police Chief	\$ 173,217		Open Range		\$ 250,180	
Police Commander	\$ 155,896		Open Range		\$ 227,436	
Police Corporal (2080 hours)	\$ 108,538	\$ 113,965	\$ 119,663	\$ 125,647	\$ 131,929	
Police Corporal (2184 hours)	\$ 113,965	\$ 119,664	\$ 125,647	\$ 131,929	\$ 138,525	
Police Officer (2080 hours)	\$ 100,848	\$ 105,890	\$ 111,185	\$ 116,744	\$ 122,582	
Police Officer (2184 hours)	\$ 105,891	\$ 111,185	\$ 116,744	\$ 122,581	\$ 128,711	
Police Records Specialist	\$ 65,588	\$ 68,789	\$ 72,024	\$ 75,359	\$ 78,936	
Police Recruit	n/a		Hourly Rate		\$ 81,687	
Police Sergeant (2080 hours)	\$ 123,191	\$ 129,350	\$ 135,818	\$ 142,609	\$ 149,739	
Police Sergeant (2184 hours)	\$ 129,350	\$ 135,818	\$ 142,609	\$ 149,739	\$ 157,226	
Principal Planner	\$ 119,845	\$ 127,349	\$ 133,443	\$ 139,804	\$ 144,522	
Program Aide/Driver	\$ 37,665	\$ 39,369	\$ 41,150	\$ 43,012	\$ 44,938	
Program Assistant	\$ 53,658	\$ 56,104	\$ 58,643	\$ 61,423	\$ 64,259	
Project Manager	\$ 105,867	\$ 110,935	\$ 116,223	\$ 121,838	\$ 127,740	
Property and Court Specialist	\$ 68,789	\$ 72,024	\$ 75,359	\$ 78,936	\$ 82,725	
Public Engagement Manager	\$ 126,553		Open Range		\$ 170,578	
Public Works Director	\$ 164,671		Open Range		\$ 227,436	
Public Works Superintendent	\$ 124,351		Open Range		\$ 170,578	
Public Works Supervisor - City Arborist	\$ 99,813	\$ 104,598	\$ 109,582	\$ 114,817	\$ 120,311	
Public Works Supervisor - Facilities	\$ 100,523	\$ 105,342	\$ 110,361	\$ 115,635	\$ 121,167	
Public Works Supervisor - Fleet	\$ 104,675	\$ 109,693	\$ 114,920	\$ 120,410	\$ 126,171	
Public Works Supervisor - Fleet	\$ 102,122	\$ 107,018	\$ 112,117	\$ 117,473	\$ 123,093	
Public Works Supervisor - Park	\$ 95,018	\$ 99,572	\$ 104,318	\$ 109,301	\$ 114,531	
Public Works Supervisor - Streets	\$ 95,018	\$ 99,572	\$ 104,318	\$ 109,301	\$ 114,531	
Recreation Coordinator	\$ 70,601	\$ 73,900	\$ 77,368	\$ 81,003	\$ 84,813	
Recreation Supervisor	\$ 86,915	\$ 91,015	\$ 95,392	\$ 99,937	\$ 104,716	
Revenue and Claims Manager	\$ 99,250	\$ 104,023	\$ 108,981	\$ 114,192	\$ 119,643	
Senior Accountant	\$ 104,267	\$ 109,196	\$ 114,347	\$ 119,846	\$ 125,558	
Senior Accounting Assistant	\$ 70,755	\$ 74,061	\$ 77,488	\$ 81,109	\$ 84,915	
Senior Building Inspector	\$ 107,932	\$ 113,095	\$ 118,509	\$ 124,158	\$ 130,156	
Senior Civil Engineer	\$ 123,383	\$ 129,344	\$ 135,610	\$ 142,181	\$ 149,109	
Senior Communications Dispatcher	\$ 91,993	\$ 96,416	\$ 101,012	\$ 105,841	\$ 110,894	
Senior Engineering Technician	\$ 90,967	\$ 95,259	\$ 99,840	\$ 104,597	\$ 109,598	
Senior Equipment Mechanic	\$ 82,905	\$ 86,949	\$ 91,039	\$ 95,255	\$ 99,775	
Senior Facilities Maintenance Technician	\$ 75,350	\$ 78,936	\$ 82,725	\$ 86,635	\$ 90,722	
Senior Information Technology Specialist	\$ 88,798	\$ 93,238	\$ 97,900	\$ 102,795	\$ 107,934	
Senior Librarian	\$ 91,015	\$ 95,392	\$ 99,937	\$ 104,716	\$ 109,716	
Senior Library Assistant	\$ 72,147	\$ 75,668	\$ 79,226	\$ 82,895	\$ 86,742	
Senior Maintenance Worker	\$ 75,350	\$ 78,936	\$ 82,725	\$ 86,635	\$ 90,722	
Senior Management Analyst	\$ 111,656	\$ 116,959	\$ 122,515	\$ 128,396	\$ 134,599	
Senior Office Assistant	\$ 58,878	\$ 61,668	\$ 64,516	\$ 67,530	\$ 70,655	
Senior Planner	\$ 108,950	\$ 114,163	\$ 119,627	\$ 125,329	\$ 131,384	
Senior Police Records Specialist	\$ 68,789	\$ 72,024	\$ 75,359	\$ 78,936	\$ 82,725	
Senior Program Assistant	\$ 65,165	\$ 68,210	\$ 71,411	\$ 74,766	\$ 78,284	
Senior Project Manager	\$ 116,454	\$ 122,028	\$ 127,846	\$ 134,022	\$ 140,514	
Senior Sustainability Specialist	\$ 81,721	\$ 85,631	\$ 89,729	\$ 94,007	\$ 98,548	
Senior Transportation Engineer	\$ 123,383	\$ 129,344	\$ 135,610	\$ 142,181	\$ 149,109	

City of Menlo Park
PROPOSED Salary Schedule - Effective 7/21/2019

Classification Title	Annual Salaries based on 2080 hours per year					
	Minimum (Step A)	Step B	Step C	Step D	Maximum (Step E)	
Senior Water System Operator	\$ 77,316	\$ 80,895	\$ 84,675	\$ 88,648	\$ 92,813	
Sustainability Manager	\$ 121,835	Open Range			\$ 159,205	
Sustainability Specialist	\$ 70,373	\$ 73,663	\$ 77,119	\$ 80,742	\$ 84,540	
Transportation Demand Management Coord.	\$ 92,760	\$ 97,179	\$ 101,822	\$ 106,694	\$ 111,801	
Transportation Director	\$ 164,671	Open Range			\$ 227,436	
Transportation Manager	\$ 126,553	Open Range			\$ 170,578	
Water Quality Specialist	\$ 80,742	\$ 84,540	\$ 88,516	\$ 92,760	\$ 97,179	
Water System Operator I	\$ 64,244	\$ 67,122	\$ 70,099	\$ 73,563	\$ 76,987	
Water System Operator II	\$ 70,287	\$ 73,541	\$ 76,977	\$ 80,589	\$ 84,375	
Water System Supervisor	\$ 96,222	\$ 100,808	\$ 105,624	\$ 110,678	\$ 115,975	

RESOLUTION NO. 6572

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK AMENDING THE SALARY SCHEDULE EFFECTIVE JULY 5, 2020

WHEREAS, pursuant to the Personnel System Rules, the City Manager prepared a Compensation Plan; and

NOW, THEREFORE, BE IT RESOLVED that the following compensation provisions shall be established in accordance with the City's Personnel System rules.

BE IT FURTHER RESOLVED that any previous enacted compensation provisions contained in Resolution No. 6571 and subsequent amendments shall be superseded by this Resolution.

BE IT FURTHER RESOLVED that the changes contained herein shall be effective July 5, 2020.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

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

Judi A. Herren, City Clerk

Classification Title	Annual Salaries based on 2080 hours per year					
	Minimum (Step A)	Step B	Step C	Step D	Maximum (Step E)	
Accountant I	\$ 82,778	\$ 86,918	\$ 91,264	\$ 95,827	\$ 100,619	
Accountant II	\$ 90,666	\$ 94,952	\$ 99,432	\$ 104,213	\$ 109,180	
Accounting Assistant I	\$ 58,702	\$ 61,484	\$ 64,323	\$ 67,328	\$ 70,443	
Accounting Assistant II	\$ 64,323	\$ 67,328	\$ 70,443	\$ 73,736	\$ 77,196	
Administrative Assistant	\$ 64,516	\$ 67,530	\$ 70,655	\$ 73,958	\$ 77,428	
Administrative Services Director	\$ 160,531		Open Range		\$ 227,436	
Assistant Administrative Services Director	\$ 126,578		Open Range		\$ 181,949	
Assistant City Manager	\$ 169,530		Open Range		\$ 250,180	
Assistant Community Development Director	\$ 126,578		Open Range		\$ 181,949	
Assistant Community Services Director	\$ 129,495		Open Range		\$ 181,949	
Assistant Engineer	\$ 99,840	\$ 104,597	\$ 109,598	\$ 114,831	\$ 120,301	
Assistant Library Services Director	\$ 129,495		Open Range		\$ 181,949	
Assistant Planner	\$ 90,459	\$ 94,713	\$ 99,253	\$ 103,983	\$ 108,950	
Assistant Public Works Director	\$ 140,650		Open Range		\$ 181,949	
Assistant to the City Manager	\$ 121,835		Open Range		\$ 159,205	
Associate Civil Engineer	\$ 112,028	\$ 117,391	\$ 122,987	\$ 128,929	\$ 135,174	
Associate Engineer	\$ 105,867	\$ 110,935	\$ 116,223	\$ 121,838	\$ 127,740	
Associate Planner	\$ 99,253	\$ 103,983	\$ 108,950	\$ 114,163	\$ 119,627	
Associate Transportation Engineer	\$ 117,391	\$ 122,987	\$ 128,929	\$ 135,174	\$ 141,724	
Asst. Public Works Director - Engineering	\$ 140,650		Open Range		\$ 181,949	
Asst. Public Works Director - Maintenance	\$ 140,650		Open Range		\$ 181,949	
Asst. Public Works Director - Transportation	\$ 140,650		Open Range		\$ 181,949	
Building Custodian	\$ 58,643	\$ 61,423	\$ 64,259	\$ 67,261	\$ 70,373	
Building Inspector	\$ 96,166	\$ 100,790	\$ 105,594	\$ 110,642	\$ 115,925	
Business Manager	\$ 99,250	\$ 104,023	\$ 108,981	\$ 114,192	\$ 119,643	
Child Care Teacher I	\$ 52,473	\$ 54,852	\$ 57,337	\$ 59,949	\$ 62,785	
Child Care Teacher II	\$ 58,643	\$ 61,423	\$ 64,259	\$ 67,261	\$ 70,373	
Child Care Teacher's Aide	\$ 39,369	\$ 41,150	\$ 43,012	\$ 44,938	\$ 46,922	
City Attorney	n/a	-	Set by contract	-	\$ 132,000	
City Clerk	\$ 121,835		Open Range		\$ 159,205	
City Councilmember	n/a		Annual Rate		\$ 7,680	
City Manager	\$ 197,605		Open Range		\$ 272,924	
Code Enforcement Officer	\$ 82,725	\$ 86,635	\$ 90,722	\$ 95,086	\$ 99,617	
Communications and Records Manager	\$ 114,941	\$ 120,520	\$ 126,308	\$ 132,399	\$ 138,766	
Communications Dispatcher	\$ 83,883	\$ 87,848	\$ 91,993	\$ 96,416	\$ 101,012	
Communications Training Dispatcher	\$ 87,848	\$ 91,993	\$ 96,416	\$ 101,012	\$ 105,841	
Community Development Director	\$ 160,316		Open Range		\$ 227,436	
Community Development Technician	\$ 70,355	\$ 73,612	\$ 77,052	\$ 80,667	\$ 84,457	
Community Service Officer	\$ 68,789	\$ 72,024	\$ 75,359	\$ 78,936	\$ 82,725	
Community Services Director	\$ 162,509	-	Open Range	-	\$ 227,436	
Construction Inspector	\$ 90,722	\$ 95,086	\$ 99,617	\$ 104,380	\$ 109,363	
Contracts Specialist	\$ 72,641	\$ 76,057	\$ 79,579	\$ 83,356	\$ 87,357	
Custodial Services Supervisor	\$ 67,478	\$ 70,601	\$ 73,900	\$ 77,368	\$ 81,003	
Deputy City Clerk	\$ 75,350	\$ 78,936	\$ 82,725	\$ 86,635	\$ 90,722	
Deputy City Manager	\$ 164,671		Open Range		\$ 227,436	
Deputy Comm. Dev. Director - Housing	\$ 126,553		Open Range		\$ 170,578	
Economic Development Manager	\$ 121,835		Open Range		\$ 159,205	
Engineering Services Manager/City Engineer	\$ 140,650		Open Range		\$ 181,949	
Engineering Technician I	\$ 75,624	\$ 79,126	\$ 82,883	\$ 86,860	\$ 90,967	
Engineering Technician II	\$ 84,779	\$ 88,768	\$ 92,942	\$ 97,398	\$ 102,039	
Enterprise Applications Support Specialist I	\$ 89,483	\$ 93,957	\$ 98,655	\$ 103,587	\$ 108,767	
Enterprise Applications Support Specialist II	\$ 99,250	\$ 104,023	\$ 108,981	\$ 114,192	\$ 119,643	
Equipment Mechanic	\$ 75,350	\$ 78,936	\$ 82,725	\$ 86,635	\$ 90,722	
Executive Assistant	\$ 73,663	\$ 77,119	\$ 80,742	\$ 84,540	\$ 88,516	
Executive Assistant to the City Mgr	\$ 78,474	\$ 82,398	\$ 86,518	\$ 90,844	\$ 95,385	
Facilities Maintenance Technician I	\$ 62,785	\$ 65,676	\$ 68,789	\$ 72,024	\$ 75,359	
Facilities Maintenance Technician II	\$ 68,789	\$ 72,024	\$ 75,359	\$ 78,936	\$ 82,725	
Finance and Budget Manager	\$ 126,553		Open Range		\$ 170,578	
GIS Coordinator I	\$ 86,844	\$ 91,186	\$ 95,746	\$ 100,534	\$ 105,561	
GIS Coordinator II	\$ 99,250	\$ 104,023	\$ 108,981	\$ 114,192	\$ 119,643	
Gymnastics Instructor	\$ 42,010	\$ 43,910	\$ 45,893	\$ 47,941	\$ 50,146	
Housing & Economic Development Manager	\$ 121,835		Open Range		\$ 159,205	
Housing Manager	\$ 121,835		Open Range		\$ 159,205	
Human Resources Director	\$ 160,531		Open Range		\$ 227,436	
Human Resources Manager	\$ 126,553		Open Range		\$ 170,578	
Human Resources Technician	\$ 68,162	\$ 71,387	\$ 74,574	\$ 78,213	\$ 81,891	
Information Technology Manager	\$ 126,553		Open Range		\$ 170,578	
Information Technology Specialist I	\$ 73,419	\$ 77,091	\$ 80,946	\$ 84,994	\$ 89,245	
Information Technology Specialist II	\$ 81,576	\$ 85,410	\$ 89,427	\$ 93,632	\$ 98,122	

City of Menlo Park
PROPOSED Salary Schedule - Effective 7/05/2020

Classification Title	Annual Salaries based on 2080 hours per year					
	Minimum (Step A)	Step B	Step C	Step D	Maximum (Step E)	
Information Technology Supervisor	\$ 100,584	\$ 105,613	\$ 111,171	\$ 117,023	\$ 123,181	
Internal Services Manager	\$ 126,553		Open Range		\$ 170,578	
Junior Engineer	\$ 80,540	\$ 84,567	\$ 88,796	\$ 93,236	\$ 97,898	
Librarian I	\$ 70,373	\$ 73,663	\$ 77,119	\$ 80,742	\$ 84,540	
Librarian II	\$ 78,936	\$ 82,725	\$ 86,635	\$ 90,722	\$ 95,086	
Library and Community Services Director	\$ 156,348		Open Range		\$ 227,436	
Library Assistant I	\$ 54,852	\$ 57,337	\$ 59,949	\$ 62,785	\$ 65,676	
Library Assistant II	\$ 59,949	\$ 62,785	\$ 65,588	\$ 68,789	\$ 72,024	
Library Assistant III	\$ 65,588	\$ 68,789	\$ 72,024	\$ 75,359	\$ 78,856	
Library Services Director	\$ 156,348		Open Range		\$ 227,436	
Library Services Manager	\$ 126,553		Open Range		\$ 170,578	
Literacy Program Manager	\$ 81,003	\$ 84,813	\$ 88,801	\$ 93,058	\$ 97,493	
Maintenance Worker I	\$ 59,949	\$ 62,785	\$ 65,588	\$ 68,789	\$ 72,024	
Maintenance Worker II	\$ 65,588	\$ 68,789	\$ 72,024	\$ 75,359	\$ 78,936	
Management Analyst I	\$ 86,844	\$ 91,186	\$ 95,746	\$ 100,534	\$ 105,561	
Management Analyst II	\$ 99,250	\$ 104,023	\$ 108,981	\$ 114,192	\$ 119,643	
Office Assistant	\$ 53,872	\$ 56,329	\$ 58,878	\$ 61,668	\$ 64,516	
Parking Enforcement Officer	\$ 59,949	\$ 62,785	\$ 65,588	\$ 68,789	\$ 72,024	
Permit Manager	\$ 112,897	\$ 118,298	\$ 123,961	\$ 129,869	\$ 136,144	
Permit Technician	\$ 70,355	\$ 73,611	\$ 77,052	\$ 80,667	\$ 84,456	
Plan Check Engineer	\$ 113,095	\$ 118,509	\$ 124,158	\$ 130,156	\$ 136,461	
Planning Technician	\$ 80,667	\$ 84,456	\$ 88,430	\$ 92,588	\$ 97,027	
Police Chief	\$ 173,217		Open Range		\$ 250,180	
Police Commander	\$ 155,896		Open Range		\$ 227,436	
Police Corporal (2080 hours)	\$ 112,337	\$ 117,954	\$ 123,852	\$ 130,044	\$ 136,546	
Police Corporal (2080 hours)	\$ 108,538	\$ 113,965	\$ 119,663	\$ 125,647	\$ 131,929	
Police Corporal (2184 hours)	\$ 117,954	\$ 123,852	\$ 130,044	\$ 136,546	\$ 143,373	
Police Corporal (2184 hours)	\$ 113,965	\$ 119,664	\$ 125,647	\$ 131,929	\$ 138,525	
Police Officer (2080 hours)	\$ 104,378	\$ 109,597	\$ 115,076	\$ 120,830	\$ 126,872	
Police Officer (2080 hours)	\$ 100,848	\$ 105,890	\$ 111,185	\$ 116,744	\$ 122,582	
Police Officer (2184 hours)	\$ 109,597	\$ 115,076	\$ 120,830	\$ 126,872	\$ 133,216	
Police Officer (2184 hours)	\$ 105,891	\$ 111,185	\$ 116,744	\$ 122,581	\$ 128,711	
Police Records Specialist	\$ 65,588	\$ 68,789	\$ 72,024	\$ 75,359	\$ 78,936	
Police Recruit	n/a		Hourly Rate		\$ 84,546	
Police Recruit	n/a		Hourly Rate		\$ 81,687	
Police Sergeant (2080 hours)	\$ 128,626	\$ 135,057	\$ 141,810	\$ 148,900	\$ 156,345	
Police Sergeant (2080 hours)	\$ 123,191	\$ 129,350	\$ 135,818	\$ 142,609	\$ 149,739	
Police Sergeant (2184 hours)	\$ 135,057	\$ 141,810	\$ 148,900	\$ 156,345	\$ 164,163	
Police Sergeant (2184 hours)	\$ 129,350	\$ 135,818	\$ 142,609	\$ 149,739	\$ 157,226	
Principal Planner	\$ 119,845	\$ 127,349	\$ 133,443	\$ 139,804	\$ 144,522	
Program Aide/Driver	\$ 37,665	\$ 39,369	\$ 41,150	\$ 43,012	\$ 44,938	
Program Assistant	\$ 53,658	\$ 56,104	\$ 58,643	\$ 61,423	\$ 64,259	
Project Manager	\$ 105,867	\$ 110,935	\$ 116,223	\$ 121,838	\$ 127,740	
Property and Court Specialist	\$ 68,789	\$ 72,024	\$ 75,359	\$ 78,936	\$ 82,725	
Public Engagement Manager	\$ 126,553		Open Range		\$ 170,578	
Public Works Director	\$ 164,671		Open Range		\$ 227,436	
Public Works Superintendent	\$ 124,351		Open Range		\$ 170,578	
Public Works Supervisor - City Arborist	\$ 99,813	\$ 104,598	\$ 109,582	\$ 114,817	\$ 120,311	
Public Works Supervisor - Facilities	\$ 100,523	\$ 105,342	\$ 110,361	\$ 115,635	\$ 121,167	
Public Works Supervisor - Fleet	\$ 102,122	\$ 107,018	\$ 112,117	\$ 117,473	\$ 123,093	
Public Works Supervisor - Park	\$ 95,018	\$ 99,572	\$ 104,318	\$ 109,301	\$ 114,531	
Public Works Supervisor - Streets	\$ 95,018	\$ 99,572	\$ 104,318	\$ 109,301	\$ 114,531	
Recreation Coordinator	\$ 70,601	\$ 73,900	\$ 77,368	\$ 81,003	\$ 84,813	
Recreation Supervisor	\$ 86,915	\$ 91,015	\$ 95,392	\$ 99,937	\$ 104,716	
Revenue and Claims Manager	\$ 99,250	\$ 104,023	\$ 108,981	\$ 114,192	\$ 119,643	
Senior Accountant	\$ 104,267	\$ 109,196	\$ 114,347	\$ 119,846	\$ 125,558	
Senior Accounting Assistant	\$ 70,755	\$ 74,061	\$ 77,488	\$ 81,109	\$ 84,915	
Senior Building Inspector	\$ 107,932	\$ 113,095	\$ 118,509	\$ 124,158	\$ 130,156	
Senior Civil Engineer	\$ 123,383	\$ 129,344	\$ 135,610	\$ 142,181	\$ 149,109	
Senior Communications Dispatcher	\$ 91,993	\$ 96,416	\$ 101,012	\$ 105,841	\$ 110,894	
Senior Engineering Technician	\$ 90,967	\$ 95,259	\$ 99,840	\$ 104,597	\$ 109,598	
Senior Equipment Mechanic	\$ 82,905	\$ 86,949	\$ 91,039	\$ 95,255	\$ 99,775	
Senior Facilities Maintenance Technician	\$ 75,350	\$ 78,936	\$ 82,725	\$ 86,635	\$ 90,722	
Senior Information Technology Specialist	\$ 88,798	\$ 93,238	\$ 97,900	\$ 102,795	\$ 107,934	
Senior Librarian	\$ 91,015	\$ 95,392	\$ 99,937	\$ 104,716	\$ 109,716	
Senior Library Assistant	\$ 72,147	\$ 75,668	\$ 79,226	\$ 82,895	\$ 86,742	
Senior Maintenance Worker	\$ 75,350	\$ 78,936	\$ 82,725	\$ 86,635	\$ 90,722	
Senior Management Analyst	\$ 111,656	\$ 116,959	\$ 122,515	\$ 128,396	\$ 134,599	

City of Menlo Park
PROPOSED Salary Schedule - Effective 7/05/2020

Classification Title	Annual Salaries based on 2080 hours per year				
	Minimum (Step A)	Step B	Step C	Step D	Maximum (Step E)
Senior Office Assistant	\$ 58,878	\$ 61,668	\$ 64,516	\$ 67,530	\$ 70,655
Senior Planner	\$ 108,950	\$ 114,163	\$ 119,627	\$ 125,329	\$ 131,384
Senior Police Records Specialist	\$ 68,789	\$ 72,024	\$ 75,359	\$ 78,936	\$ 82,725
Senior Program Assistant	\$ 65,165	\$ 68,210	\$ 71,411	\$ 74,766	\$ 78,284
Senior Project Manager	\$ 116,454	\$ 122,028	\$ 127,846	\$ 134,022	\$ 140,514
Senior Sustainability Specialist	\$ 81,721	\$ 85,631	\$ 89,729	\$ 94,007	\$ 98,548
Senior Transportation Engineer	\$ 123,383	\$ 129,344	\$ 135,610	\$ 142,181	\$ 149,109
Senior Water System Operator	\$ 77,316	\$ 80,895	\$ 84,675	\$ 88,648	\$ 92,813
Sustainability Manager	\$ 121,835	Open Range			\$ 159,205
Sustainability Specialist	\$ 70,373	\$ 73,663	\$ 77,119	\$ 80,742	\$ 84,540
Transportation Demand Management Coord.	\$ 92,760	\$ 97,179	\$ 101,822	\$ 106,694	\$ 111,801
Transportation Director	\$ 164,671	Open Range			\$ 227,436
Transportation Manager	\$ 126,553	Open Range			\$ 170,578
Water Quality Specialist	\$ 80,742	\$ 84,540	\$ 88,516	\$ 92,760	\$ 97,179
Water System Operator I	\$ 64,244	\$ 67,122	\$ 70,099	\$ 73,563	\$ 76,987
Water System Operator II	\$ 70,287	\$ 73,541	\$ 76,977	\$ 80,589	\$ 84,375
Water System Supervisor	\$ 96,222	\$ 100,808	\$ 105,624	\$ 110,678	\$ 115,975

2020-21 AWARD AUTHORITY AND BID REQUIREMENTS ATTACHMENT J

City Council Policy No. CC-19-001
 Adopted February 12, 2019
 Resolution No. 6479



Purpose			
Pursuant to City Council adopted policy CC-19-001, this memo establishes the award authority and bid requirements for the 2020-21 fiscal year.			
2018-19 Award Authority and Bid Requirements			
Category	Amount	Approving authority	Bid requirement
Goods, general services, and professional services	Less than \$39,000	City Manager Designee	Written quotations
	\$39,000 to \$78,000/year (up to 3 years)	City Manager	Informal bid
	\$78,001 to \$200,000	City Council	Informal bid
	Greater than \$200,000		Formal bid
Public projects	Less than \$60,000	City Manager Designee	Informal bid/force account
	\$60,001 to \$78,000	City Manager	
	\$78,001 to \$200,000	City Council	Informal bid
	Greater than \$200,000		Formal bid
Claims settlement	Up to \$78,000	City Manager	N/A
	\$78,001 or greater	City Council	



STAFF REPORT

City Council

Meeting Date:

6/23/2020

Staff Report Number:

20-123-CC

Regular Business:

Ratify side letter of agreement between the City and American Federation of State, County, and Municipal Employees Local 829 to defer agreed upon across the board salary adjustments scheduled for July 2020

Recommendation

City staff recommends that the City Council ratify a side letter of agreement between the City and American Federation of State, County, and Municipal Employees (AFSCME) Local 829 to defer across the board salary adjustments, previously negotiated to offset the impact of inflation on wages, scheduled for July 2020.

Policy Issues

City Council Procedure No. CC-11-0001 establishes noticing periods for matters on labor negotiations and labor agreements. Specifically, “Staff shall prepare and make public a staff report, at least fifteen calendar days prior to City Council consideration of tentative agreement...” The City Council retains full discretion over labor contracts negotiated in good faith in compliance with the Meyers-Milias-Brown Act.

Background

The City is currently in closed labor contracts with all four bargaining units, each containing automatic inflation-based salary adjustments in the first pay period of July 2020. As closed contracts, the City cannot unilaterally impose economic reductions to the terms of the contracts, and the labor units are not obligated to agree to discuss potential concessions. The City’s only option to reduce personnel costs in a closed contract is through workforce reduction or layoffs.

Analysis

At their March 11 public meeting, the City Council ratified a proclamation of local emergency issued by the city manager/director of emergency services that same day in response to the anticipated impacts of the novel coronavirus COVID-19 pandemic. In the proclamation, the city manager/director of emergency services made the following recital “WHEREAS, City commits to meet and confer in good faith with employee bargaining groups regarding impacts on working conditions resulting from the City’s emergency response or potential economic downturn...” The City Council met 15 times in a closed session meeting to provide direction to the City’s labor negotiator, Charles Sakai of Sloan Sakai Leung Wong LLP, to negotiate concessions to the existing labor contract.

On June 3, members of AFSCME Local 829 ratified a “side letter” agreement to the labor contract in force through June 30, 2021. The side letter defers the negotiated across-the-board wage increase of 2.9 percent

effective July 5, in recognition of the rapid and significant decline in City services. AFSCME Local 829 represents the 41 personnel who serve in supervisory roles for non-sworn personnel.

The AFSCME side letter agreement, Attachment A, substantially aligns with the salary actions imposed on unrepresented management. Attachment B links to the labor contract with AFSCME approved by City Council in 2017. Table 1 outlines the side letter’s fiscal impact, paragraph by paragraph.

Table 1: Fiscal impact of AFSCME side letter		
Paragraph term	Description	Fiscal impact
Paragraph 1. Across the board wage increase deferral	Side letter defers across the board wage deferral for AFSCME (unit) members until revenue restores to a historical level. The fiscal impact represents 12-months costs/(savings)	\$ (171,406)
Paragraph 1. Deferral of CalPERS costs share increase effective July 1, 2020	The tentative agreement defers the scheduled increase in the employee's share of the employer's increase in CalPERS pension rates. Section 14.6 provides for AFSCME members to share in employer's costs that exceed 15.85%. Effective July 1, the employer rate is increasing by 2.318%; 50% of which would have been paid for by the employee. The tentative agreement defers this share until the across-the-board salary increase takes effect. The fiscal impact represents 12-months cost/(savings).	25,714
Paragraph 2. Quarterly review	The tentative agreement stipulates that the parties will meet to review revenue to assess either rollback of the across-the-board salary increase or the need for expenditure reductions.	-
Paragraph 3. Rollback provision	The parties continue to discuss the revenue benchmarks to rollback deferral of the across-the-board salary increase. Discussions have focused on benchmark(s) that would indicate overall financial recovery for the City.	-
Paragraph 4. Fiscal year 2020-21 budget	The City Manager proposed a balanced budget for the full fiscal year of 2020-21, with significant reductions in non-personnel costs, position freezes, and furlough/layoff of some positions. The agreement includes one personnel, senior accountant, who is currently working and will not be laid off or furloughed in the first quarter of fiscal year 2020-21. The fiscal impact represents 3-month's costs/(savings).	38,320
Net cost/(savings) in fiscal year 2020-21		\$ (107,372)

The tentative agreement is consistent with closed session City Council direction to the City’s labor negotiator and management. At this time, staff recommends City Council ratification of a side letter agreement between the City and AFSCME Local 829 to defer across the board salary adjustments, previously negotiated to offset the impact of inflation on wages, scheduled for July 2020.

Impact on City Resources

Deferral of the wage increase for AFSCME’s members positively impacts the City’s financial condition in fiscal year 2020-21. With offsetting costs resulting from the negotiated agreement, the side letter will reduce the City’s expenditures in fiscal year 2020-21 by \$107,372. AFSCME members will automatically receive their across-the-board wage increase on the final pay period of fiscal year 2020-21 unless the City’s financial condition rebounds prior to the end of the fiscal year.

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. Side letter of agreement between AFSCME and the City of Menlo Park, June 3
- B. Hyperlink – Memorandum of understanding between AFSCME Local 829 and the City of Menlo Park
menlopark.org/DocumentCenter/View/8695/AFSCME-MOU---2017-2020?bidId=

Report prepared by:
Nick Pegueros, Assistant City Manager

**Side Letter of
Agreement between
AFSCME
And
The City Of Menlo Park
June 3, 2020**

1. **Wages.** The wage increase in Section 7.1.5 of the Supplemental Agreement between the parties, currently scheduled for the first full pay period following July 1, 2020, will be deferred until no later than the last pay period beginning in **June of 2021**, subject to the rollback provisions below. The increase in PERS Cost share effective the first full pay period following July 1, 2020 pursuant to Section 14.6 of the MOU will be deferred for the same period as the wage increase is deferred.
2. **Quarterly Review** The parties will meet no less than quarterly to review City revenues and determine whether to rollback the wage deferral or explore the need for any additional expenditure reductions, such as furloughs to avoid layoffs to the extent possible. Future expenditure reductions may be subject to meet and confer requirements of the Meyers Milius Brown Act ("MMBA") and neither party intends this paragraph as a waiver of rights under the MMBA.
3. **Rollback Provisions.** The parties will continue to meet to negotiate the rollback provisions and decide on the appropriate revenue benchmarks to rollback paragraph 1 before June 2021 if the financial situation improves for the City.
4. **Fiscal Year 2020-21 Budget.** The City Manager intends to propose a balanced budget for the First Quarter of fiscal year 2020-21, sustaining the majority of bargaining unit positions in the budget from the Fourth Quarter of fiscal year 2019-20, but continuing the planned non-personnel cuts and position freezes and eliminating some positions due to lack of work. The City and AFSCME agree to explore retraining potential people laid off to other open positions until their work can resume. The proposed fiscal year 2020-21 budget does not eliminate any filled positions expected to perform their regular duties in the AFSCME bargaining unit.

The City Manager may recommend budget amendments to fiscal year 2020-21, as necessary to maintain a balanced budget or restore services. The City and AFSCME agree to explore the potential for a voluntary separation program to allow future layoffs to occur via attrition.


_____ 6/4/20
For the City date


_____ 6/3/2020
For the Union date



STAFF REPORT

City Council

Meeting Date:

6/23/2020

Staff Report Number:

20-124-CC

Regular Business:

Ratify side letter of agreement between the City and Service Employees International Union Local 521 to defer agreed upon across the board salary adjustments scheduled for July 2020

Recommendation

City staff recommends that the City Council ratify a side letter of agreement between the City and Service Employees International Union (SEIU) Local 521 to defer across the board salary adjustments, previously negotiated to offset the impact of inflation on wages, scheduled for July 2020.

Policy Issues

City Council Procedure No. CC-11-0001 establishes noticing periods for matters on labor negotiations and labor agreements. Specifically, "Staff shall prepare and make public a staff report, at least fifteen calendar days prior to City Council consideration of tentative agreement..." The City Council retains full discretion over labor contracts negotiated in good faith in compliance with the Meyers-Milias-Brown Act.

Background

The City is currently in closed labor contracts with all four bargaining units, each containing automatic inflation-based salary adjustments in the first pay period of July 2020. As closed contracts, the City cannot unilaterally impose economic reductions to the terms of the contracts, and the labor units are not obligated to agree to discuss potential concessions. The City's only option to reduce personnel costs in a closed contract is through workforce reduction or layoffs.

Analysis

At their March 11 public meeting, the City Council ratified a proclamation of local emergency issued by the city manager/director of emergency services that same day in response to the anticipated impacts of the novel coronavirus COVID-19 pandemic. In the proclamation, the city manager/director of emergency services made the following recital "WHEREAS, City commits to meet and confer in good faith with employee bargaining groups regarding impacts on working conditions resulting from the City's emergency response or potential economic downturn..." The City Council met 15 times in a closed session meeting to provide direction to the City's labor negotiator, Charles Sakai of Sloan Sakai Leung Wong LLP, to negotiate concessions to the existing labor contract.

On June 5, members of SEIU Local 521 ratified a "side letter" agreement to the labor contract in force through June 30, 2021. The side letter defers the negotiated across-the-board wage increase of 2.9 percent effective July 5, in recognition of the rapid and significant decline in City services. SEIU Local 521 represents the 146 non-supervisory, non-sworn, personnel.

The SEIU side letter agreement, Attachment A, substantially aligns with the salary actions imposed on unrepresented management. Attachment B links to the labor contract with SEIU approved by City Council in 2017. Table 1 outlines the side letter’s fiscal impact, paragraph by paragraph.

Table 1: Fiscal impact of SEIU side letter		
Paragraph Term	Description	Fiscal impact
Paragraph 1. Across the board wage increase deferral	Side letter defers across the board wage deferral for SEIU (unit) members until revenue restores to a historical level. The fiscal impact represents 12-months costs/(savings)	\$ (439,462)
Paragraph 1. Deferral of CalPERS costs share increase effective July 1, 2020	The tentative agreement defers the scheduled increase in the employee's share of the employer's increase in CalPERS pension rates. Section 14.4 provides for SEIU members to share in employer's costs that exceed 14.597%. Effective July 1, the employer rate is increasing by 2.318%; 50% of which would have been paid for by the employee. The tentative agreement defers this share until the across-the-board salary increase takes effect. The fiscal impact represents 12-months cost/(savings).	74,279
Paragraph 2. Quarterly review	The tentative agreement stipulates that the parties will meet to review revenue to assess either rollback of the across-the-board salary increase or the need for expenditure reductions.	-
Paragraph 3. Rollback provision	The parties continue to discuss the revenue benchmarks to rollback deferral of the across-the-board salary increase. Discussions have focused on benchmark(s) that would indicate overall financial recovery for the City.	-
Paragraph 4. Fiscal year 2020-21 budget	The City Manager proposed a balanced budget for the full fiscal year of 2020-21, with significant reductions in non-personnel costs, position freezes, and furlough/layoff of some positions. The agreement includes three personnel who are currently working and will not be laid off or furloughed in the first quarter of fiscal year 2020-21: executive assistant, maintenance worker, and code enforcement officer. The fiscal impact represents 3-month's costs/(savings).	85,025
Net cost/(savings) in fiscal year 2020-21		\$ (280,158)

The tentative agreement is consistent with closed session City Council direction to the City’s labor negotiator and management. At this time, staff recommends City Council ratification of a side letter agreement between the City and SEIU Local 521 to defer across the board salary adjustments, previously negotiated to offset the impact of inflation on wages, scheduled for July 2020.

Impact on City Resources

Deferral of the wage increase for SEIU’s members positively impacts the City’s financial condition in fiscal year 2020-21. With offsetting costs resulting from the negotiated agreement, the side letter will reduce the City’s expenditures in fiscal year 2020-21 by \$280,158. SEIU members will automatically receive their across-the-board wage increase on the final pay period of fiscal year 2020-21 unless the City’s financial condition rebounds prior to the end of the fiscal year.

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. Side letter of agreement between SEIU and the City of Menlo Park, June 5, 2020
- B. Hyperlink – Memorandum of understanding between Local 521 SEIU, CTW, CLC and the City of Menlo Park: www.menlopark.org/DocumentCenter/View/5523/SEIU-MOU---Oct-1-2017---June-30-2021?bidId=

Report prepared by:
Nick Pegueros, Assistant City Manager

**Sideletter of
Agreement between
SEIU
And
The City Of Menlo Park
June 5, 2020**

1. **Wages.** The wage increase in Section 7.1.6 of the Supplemental Agreement between the parties, currently scheduled for the first full pay period following July 1, 2020, will be deferred until no later than the last pay period beginning in **June of 2021**, subject to the rollback provisions below. The increase in PERS Cost share effective the first full pay period following July 1, 2020 pursuant to Section 14.6 of the MOU will be deferred for the same period as the wage increase is deferred.


2. **Quarterly Review** The parties will meet no less than quarterly to review City revenues and determine whether to rollback the wage deferral or explore the need for any additional expenditure reductions, such as furloughs to avoid layoffs to the extent possible. Future expenditure reductions may be subject to meet and confer requirements of the Meyers Milias Brown Act ("MMBA") and neither party intends this paragraph as a waiver of rights under the MMBA.

3. **Rollback Provisions.** The parties will continue to meet to negotiate the rollback provisions and decide on the appropriate revenue benchmarks to rollback paragraph 1 before June 2021 if the financial situation improves for the City.

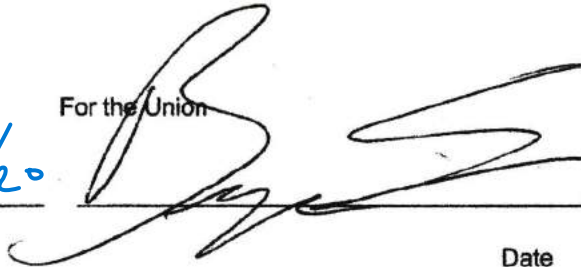
4. **Fiscal Year 2020-21 Budget.** The City Manager intends to propose a balanced budget for the First Quarter of fiscal year 2020-21, sustaining the majority of bargaining unit positions in the budget from the Fourth Quarter of fiscal year 2019-20, but continuing the planned non-personnel cuts and position freezes and eliminating some positions due to lack of work. The City and SEIU agree to explore retraining potential people laid off to other open positions until their work can resume. The proposed fiscal year 2020-21 budget does not eliminate any filled positions expected to perform their regular duties in the SEIU bargaining unit.

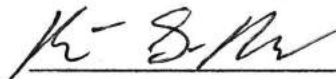
The City Manager may recommend budget amendments to fiscal year 2020-21, as necessary to maintain a balanced budget or restore services. The City and SEIU agree to explore the potential for a voluntary separation program to allow future layoffs to occur via attrition.

For the City:


Date 6/8/20

For the Union


Date 6-5-20


Date 6-5-2020



STAFF REPORT

City Council

Meeting Date: 6/23/2020
Staff Report Number: 20-129-CC

Informational Item: City Council agenda topics: July 2020 to August 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 August 25. 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: July 2020 to August 2020

Report prepared by:
Judi A. Herren, City Clerk

Tentative City Council Agenda

#	Title	Department	Item type
1	City Council Policy #CC-01-1996 as recommended by the City Council Community Funding sub-committee, approve revisions	ASD	Consent
2	City attorney recruitment and real estate	CA	Closed Session
3	Short term rental regulation recommendation	CDD	Regular
4	USGS property information	CDD	Informational
5	Review and Discuss Draft Climate Action Plan and Budget	CMO	Commission Report
6	Adopt Climate Action Plan 2030	CMO	Regular
7	BHCCL term sheet	CMO	Regular
8	Community electronic vehicle infrastructure policy and program analysis	CMO	Study Session
9	Proclamation: RethinkWaste trash to art contest winners	CMO	Proclamation
10	Solid waste rates	CMO	Study Session
11	CDE contract for FY20/21	CSD	Consent
12	CDC grant report	CSD	Informational
13	Hydration station discussion	PW	Regular
14	700-800 El Camino Real, purchase and sale agreement	PW	Consent
15	Adopt the 2020-21 capital improvement plan	PW	Regular
16	Approve maintaining current water rates for fiscal year 2020-21; provide direction on whether to utilize debt to finance water capital project	PW	Regular
17	Provide direction on the potential alternatives for a transportation management association	PW	Study Session