



REGULAR MEETING AGENDA

Date: 7/28/2020

Time: 5:00 p.m.

Regular Meeting Location: Joinwebinar.com – ID# 211-064-659

NOVEL CORONAVIRUS, COVID-19, EMERGENCY ADVISORY NOTICE

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

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

- How to participate in the meeting
 - Submit a written comment online:
menlopark.org/publiccommentJuly28*
 - Record a comment or request a call-back when an agenda topic is under consideration:
Dial 650-474-5071*
 - Access the regular meeting real-time online at:
joinwebinar.com – Regular Meeting ID 211-064-659
 - Access the regular meeting real-time via telephone (listen only mode) at:
415-930-5229
Regular Meeting ID 745-634-714 (# – no audio pin)
*Written and recorded public comments and call-back requests are accepted up to 1 hour before the meeting start time. Written and recorded messages are provided to the City Council at the appropriate time in their meeting. Recorded messages may be transcribed using a voice-to-text tool.
- Watch special meeting:
 - Cable television subscriber in Menlo Park, East Palo Alto, Atherton, and Palo Alto:
Channel 26
 - Online:
menlopark.org/streaming

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

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

the webinar, please check the latest online edition of the posted agenda for updated information (menlopark.org/agenda).

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

Regular Meeting (Joinwebinar.com – ID# 211-064-659)

A. Call To Order

B. Roll Call

C. Public Comment

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

D. Presentations and Proclamations

D1. Proclamation: RethinkWaste 2020 trash to art contest winners ([Attachment](#))

E. Consent Calendar

E1. Accept the City Council meeting minutes for June 1, 2, 9, 16, 18, and 19, 2020 ([Attachment](#))

E2. Adopt Resolution No. 6564 authorizing the city manager to execute an agreement with California department of education to reimburse the City for Belle Haven Child Development Center operational costs in fiscal year 2020-21 ([Staff Report #20-156-CC](#))

E3. Consider directing staff to research and analyze The California Schools and Local Communities Funding Act of 2020 ballot measure (California Proposition 15) with a focus on impacts to housing development, the City’s general fund and small businesses ([Staff Report #20-157-CC](#))

E4. Authorize the city manager to enter into a contract with PlaceWorks to prepare an environmental impact report for the proposed mixed-use project at 123 Independence Drive for the amount of \$306,550 and future augments as may be necessary to complete the environmental review for the proposed project ([Staff Report #20-158-CC](#))

[Web form public comment received on item E4.](#)

E5. Appropriate \$50,000 for telework policy implementation through the end of calendar year 2020 ([Staff Report #20-159-CC](#))

E6. Review and adopt City Council Procedure #CC-20-012 – “City Councilmember requests” ([Staff Report #20-154-CC](#))

E7. Authorize the city manager to submit a letter of support for a joint grant application to investigate the feasibility of first/last mile autonomous vehicles ([Staff Report #20-163-CC](#))

E8. Award of a construction contract to Pavement Coatings Co. for the 2020 street preventive maintenance project ([Staff Report #20-162-CC](#))

F. Regular Business

F1. Adopt Resolution No. 6576 adopting the five-year capital improvement plan for fiscal year 2020-21 ([Staff Report #20-161-CC](#))

F2. Appropriate \$35,000 from the general fund unassigned fund balance for fiscal year 2020-21 for a short-term rental compliance contract to activate enforcement of municipal code for transient occupancy tax collection for short-term rentals ([Staff Report #20-160-CC](#))

F3. Update the City Council and public on COVID-19 health emergency and the City's response ([Attachment](#))

G. Informational Items

G1. City Council agenda topics: August 2020 to September 2020 ([Staff Report #20-155-CC](#))

G2. Update on the Belle Haven community center and library project ([Staff Report #20-164-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: 7/23/2020)



RETHINKWASTE 2020 TRASH TO ART WINNERS



First Place:
Gabriel Parish
3rd grade
Laurel School
“Alligator Golf Hazard”





RETHINKWASTE 2020 TRASH TO ART WINNERS



Second Place:
Megan Nye
4th grade
Laurel School
“Save the Turtles”





RETHINKWASTE 2020 TRASH TO ART WINNERS



Honorable Mention:
Henrique Pedros
3rd grade
Laurel School
“The Respiratory System”





SPECIAL MEETING MINUTES – DRAFT

Date: 6/1/2020
Time: 5:00 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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- How to participate in the meeting
 - Submit a written comment online:
menlopark.org/publiccommentJune1*
 - Record a comment or request a call-back when an agenda topic is under consideration:
Dial 650-474-5071*
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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, Interim City Attorney Cara Silver

C. Closed Session

- C1. Public Employee Performance Evaluation (California Government Code Section 54957(b)(1):
Title: City Manager
Purpose: Request by city manager for quarterly check in

[Web from public comment on item C1 \(Attachment\).](#)

No reportable actions.

D. Adjournment

Mayor Taylor adjourned the meeting.

Judi A. Herren, City Clerk



SPECIAL MEETING MINUTES – DRAFT

Date: 6/2/2020

Time: 4:00 p.m.

Special Meeting Location: Joinwebinar.com – ID# 939-722-843

NOVEL CORONAVIRUS, COVID-19, EMERGENCY ADVISORY NOTICE

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 - Submit a written comment online:
menlopark.org/publiccommentJune2*
 - 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 939-722-843
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Closed Session (Teleconference)

A. Call To Order

Mayor Taylor called the meeting to order at 4:05 p.m.

B. Roll Call

Present: Carlton, Combs, Nash, Mueller, Taylor
Absent: None
Staff: City Manager Starla Jerome-Robinson, Assistant City Manager Nick Pegueros, Interim City Attorney Cara Silver, Labor Negotiator Charles Sakai

C. Closed Session

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

Attendees: City Manager Starla Jerome-Robinson, Assistant City Manager Nick Pegueros, Interim City Attorney Cara Silver, Labor Negotiator Charles Sakai

No reportable actions.

- C2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Gov. Code section 54956.8.)
Property: 1467 Chilco Street, Menlo Park
Agency negotiator: Starla Jerome-Robinson, Justin Murphy, Cara Silver
Negotiating parties: Menlo Park Fire Protection District
Under negotiation: Price and terms of payment

No reportable actions.

- C3. CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Gov. Code section 54956.8.)
Property: 1283 Willow Road, Menlo Park
Agency negotiator: Starla Jerome-Robinson, Justin Murphy, Cara Silver
Negotiating parties: Menlo Park Fire Protection District
Under negotiation: Price and terms of payment

No reportable actions.

Adjournment

Mayor Taylor adjourned to the special session at 4:54 p.m.

Special Session ([Joinwebinar.com](https://www.joinwebinar.com) – ID# 939-722-843)

D. Call To Order

Mayor Taylor called the meeting to order at 5:11 p.m.

E. 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

Update by Chief of Police on Recent Protests

(note: addition of this item will be subject to a vote by the City Council to add as an emergency item)

ACTION: Motion and second (Carlton/ Mueller) to add update by chief of police on recent protests to this agenda, passed unanimously.

Chief Bertini made the presentation.

The City Council received clarification on the San Mateo County curfew, permit requests for future protests, and the police departments use of force policy.

- Sarah Khale had questions on the Menlo Park police departments use-of-force tactics.
- Adina Levin spoke in support peaceful protesters continuing after the curfew without police involvement.

F. Regular Business

- F1. Provide direction on the use of one-time money, revenue increases, and capital improvement program funds to balance the fiscal year 2020-21 general fund budget ([Staff Report #20-113-CC](#))

[Web form public comment on item F1 \(Attachment\)](#).

Assistant Administrative Director Dan Jacobson introduced the item.

Nikki Nagaya made the presentation (Attachment).

The City Council discussed the use of -time money, revenue increases, and capital improvement program funds to balance the fiscal year 2020-21 general fund budget. The City Council received clarification on the Downtown streetscape improvements, Ravenswood Avenue Caltrain grade separation study, and Gatehouse on Table 3 (Attachment).

City Council directed staff to identify the best recommendation for a \$2.8 million in additional expenditure reductions in order to eliminate the deficit.

G. Adjournment

Mayor Taylor adjourned the meeting at 9:14 p.m.

Judi A. Herren, City Clerk



SPECIAL MEETING MINUTES – DRAFT

Date: 6/9/2020

Time: 5:00 p.m.

Closed Session: Teleconference

Special Meeting Location: [Joinwebinar.com](https://www.joinwebinar.com) – ID# 932-476-515

NOVEL CORONAVIRUS, COVID-19, EMERGENCY ADVISORY NOTICE

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- How to participate in the meeting
 - Submit a written comment online: menlopark.org/publiccommentJune9*
 - 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](https://www.joinwebinar.com) – Special Meeting ID 932-476-515
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Closed Session (Teleconference)

A. Call To Order

Mayor Taylor called the meeting order at 5 p.m.

B. Roll Call

Present: Carlton, Combs, Nash, Mueller, Taylor
Absent: None
Staff: City Manager Starla Jerome-Robinson, Assistant City Manager Nick Pegueros, Interim City Attorney Cara Silver, Labor Negotiator Charles Sakai

C. Closed Session

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

Attendees: City Manager Starla Jerome-Robinson, Assistant City Manager Nick Pegueros, Interim City Attorney Cara Silver, Labor Negotiator Charles Sakai

The City Council reached a tentative agreement with SEIU and AFSCME.

Adjournment

Mayor Taylor adjourned to the special session at 5:20 p.m.

Special Session ([Joinwebinar.com](https://www.joinwebinar.com) – ID# 932-476-515)

D. Call To Order

Mayor Taylor called the meeting to order at 5:31 p.m.

E. 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

F. Report from Closed Session

City Manager Jerome-Robinson announced the City Council reached a tentative agreement with SEIU and AFSCME.

Mayor Taylor reordered the agenda.

G. Consent Calendar

The City Council directed staff to pull item H4. and add to a future meeting as a regular business item.

Mayor Taylor pulled item H3. for discussion.

- H1. Accept the City Council meeting minutes for May 12, 18 and 19, 2020 ([Attachment](#))
- H2. Adopt Resolution No. 6560 authorizing the submittal of a grant application for the Local Early Action Planning grant program and authorize the city manager to execute required application and agreement documents ([Staff Report #20-114-CC](#))
- H3. Authorize the city manager to enter into a contract with ICF International (ICF) to prepare an environmental impact report (EIR) for the proposed approximately 100,000 square foot life science, office and retail building at 1075 O'Brien Drive and 20 Kelly Court for the amount of \$364,016.93 and future augments as may be necessary to complete the environmental review for the proposed project ([Staff Report #20-115-CC](#))

The City Council received clarification on how EIR information is used and discussed notice of preparation policies.

- H4. Authorize the city manager to execute master agreements with consulting firms for on-call architectural, landscape architectural, civil engineering, construction inspection, municipal engineering, and materials testing services ([Staff Report #20-116-CC](#))
- H5. Authorize the city manager to sign a letter of commitment for construction of the Bayfront Canal and Atherton Channel flood protection and habitat restoration project ([Staff Report #20-117-CC](#))
- H6. Adopt Resolution No. 6561 approving the final map for a condominium project located at 975 Florence Lane; authorizing the city clerk to sign the final map; and authorizing the city manager to sign the agreements required to implement the conditions of project approval ([Staff Report #20-118-CC](#))
- H7. Waive the 15-day early release staff report requirement of City Council Procedure No. CC-11-0001 titled Public Input and Outreach regarding Labor Negotiations for any concessions agreed by labor units before June 30, 2020 ([Staff Report #20-119-CC](#))

[Web form public comment on item H7 \(Attachment\).](#)

- H8. Authorize city manager to execute an amendment to the professional services agreement with Team Sheeper, Inc. for operation of the Burgess Pool and Belle Haven Pool during the reactivation stages, until the local emergency concerning the COVID-19 pandemic is terminated and direct the city manager to revise Emergency Order No. 2 to allow for the reopening of the pools

([Staff Report #20-121-CC](#)) – previously item J3.

[Web form public comment on item H8 \(Attachment\)](#).

ACTION: Motion and second (Nash/ Combs) to approve the consent calendar except item H4., passed unanimously (Nash abstaining from the May 12 minutes in item H1.).

H. Commission/Committee Vacancies and Appointments

G1. Consider applicants and make appointments to fill vacancies on the various city commissions and committees ([Staff Report #20-094-CC](#))

The City Council made appointments to fill vacancies on the Complete Streets, Environmental Quality, Finance and Audit, Housing, Library, Parks and Recreation, Planning, San Mateo County Mosquito and Vector Control District, and Sister City commissions/committees.

Complete Streets Commission:

- Katie Behroozi – term expiring April 30, 2024 (reappointed)
- Petrice Espinosa – term expiring April 30, 2024
- Isaac Wyatt – term expiring April 30, 2022

Environmental Quality Commission:

- Janelle London – term expiring April 30, 2024 (reappointed)
- James Payne – term expiring April 30, 2024 (reappointed)

Finance and Audit Committee:

- Theo Keet – term expiring April 30, 2022
- Roger Royse – term expiring April 30, 2022 (reappointed)

Housing Commission:

- John Pimentel – term expiring April 30, 2024

Library Commission:

- Sukanya Guha – term expiring April 30, 2024
- Katie Hadrovic – term expiring April 30, 2024 (reappointed)
- Yen Tran – term expiring April 30, 2022
- Mayrin Bunyagidj – term expiring April 30, 2021

Parks and Recreation Commission:

- Jennifer Baskin – term expiring April 30, 2024 (reappointed)
- Jennifer Johnson – term expiring April 30, 2024 (reappointed)

Planning Commission:

- Andrew Barnes – term expiring April 30, 2024 (reappointed)
- Henry Riggs – term expiring April 30, 2024 (reappointed)

San Mateo County Mosquito and Vector Control District

- City Councilmember Carlton – term expiring December 31, 2021

Sister City Committee:

- Anna Tavora Enerio – term expiring October 1, 2020

I. Public Hearing

I1. Public hearing on proposed fiscal year 2020-21 budget ([Staff Report #20-122-CC](#))

[Web form public comment on item I1 \(Attachment\)](#).

Assistant Administrative Services Director Dan Jacobson made the presentation ([Attachment](#)).

The City Council took a break at 6:45 p.m.

The City Council reconvened at 7:15 p.m.

Mayor Taylor opened the public hearing.

- Nicola Diolaiti had questions related to the childcare centers funding.
- Myra Lombera spoke in support of retaining childcare services.
- Sonoo Thadaney Israni spoke in support of reducing the police department budget.
- Uri Nadav spoke in support of retaining childcare services without in increase to tuition.
- Karen Grove spoke in support of retaining childcare services and reducing the police department budget.
- Julie Shanson spoke in support of retaining childcare services.
- Adina Levin spoke in support of retaining childcare services.
- Heather Hopkins had questions related to the childcare centers funding.
- Pamela Jones spoke in support of retaining childcare services.
- Chaun Li spoke in support of retaining childcare services.
- Cairo Mo spoke in support of reducing the police department budget.
- Sefa Santos-Powell spoke in support of reducing the police department budget.
- Sarah Goodman spoke in support of reducing the police department budget.
- Carmen Lo spoke in support of retaining childcare services.
- Bella Cooper spoke in support of reducing the police department budget.
- Stephani Dupont spoke in support of retaining childcare services.
- Kevin Gallagher spoke in support of Menlo Park becoming more equitable and inclusive.
- Rose Scott spoke in support of reducing the police department budget.
- Esther Tseyg spoke on concerns on prejudice in the single family zoning.
- Marcelline Combs spoke in support of retaining childcare services.
- Uri Golani spoke in support of retaining childcare services.

The City Council discussed opportunities to work with San Mateo County regarding a partnership with childcare services and costs. The City Council also discussed tuition and sliding scale increases to childcare. The City Council received clarification on the options of returning the police departments mobile command unit.

ACTION: Motion and second (Carlton/ Combs) to reopen the Belle Haven Child Development Center and Menlo Children's Center, increase the tuition by \$500 per month at the Menlo Children's Center, directed staff to open the childcare centers sooner than August 10 if it can be done safely, and examine partnerships and funding, passed 4-0-1 (Mueller abstaining).

The City Council took a break at 10:01 p.m.

The City Council reconvened at 10:10 p.m.

The City Council directed staff to return the Peninsula Library System withdrawal discussion to a future closed session and to add the police departments mobile command station to a future agenda for discussion. The City Council discussed the use of reserves and one-time money to balance the budget, retaining the users' utility tax, and opening the Onetta Harris Community Center, Arrillaga Community Center and Arrillaga Gymnasium simultaneously.

Mayor Taylor closed the public hearing.

J. Regular Business

The City Council continued items J1. and J3. to a future meeting.

- J1. Update the City Council and public on COVID-19 health emergency and the City's response ([Attachment](#))
- J2. Review and provide feedback on proposed vehicle miles travel thresholds for environmental review of development and capital projects ([Staff Report #20-120-CC](#))
- J3. See item H8.

K. Informational Items

- K1. City Council agenda topics: June 2020 to August 2020 ([Staff Report #20-112-CC](#))

L. City Manager's Report

None.

M. City Councilmember Reports

City Councilmember Nash reported on the upcoming Black Lives Matter resolution, housing roundtable with Senator Hill meeting, and Stanford Community Resource Group meeting.

Mayor Taylor reported on the San Francisco International Airport/Community Roundtable meeting.

City Councilmember Mueller suggested that Mayor Taylor rejoin the Stanford Roundtable group.

City Councilmember Carlton reported on a roundtable call regarding the reopening of European restaurants.

N. Adjournment

Mayor Taylor adjourned the meeting at 11 p.m.

Judi A. Herren, City Clerk



SPECIAL MEETING MINUTES – DRAFT

Date: 6/16/2020

Time: 4:00 p.m.

Closed Session: Teleconference

Special Meeting Location: [Joinwebinar.com](https://www.joinwebinar.com) – ID# 987-314-579

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

Closed Session (Teleconference)

A. Call To Order

Mayor Taylor called the meeting order at 4 p.m.

B. Roll Call

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

C. Closed Session

- C1. Conference with Legal Counsel – Anticipated Litigation: Significant exposure to litigation pursuant to § 54956.9(b)
Number of cases – 1

No reportable actions.

Adjournment

Mayor Taylor adjourned to the special session at 4:50 p.m.

Special Session ([Joinwebinar.com](https://www.joinwebinar.com) – ID# 987-314-579)

D. Call To Order

Mayor Taylor called the meeting to order at 5:02 p.m.

E. 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

F. Report from Closed Session

No reportable actions.

G. Presentations and Proclamations

G1. Proclamation: Juneteenth Day ([Attachment](#))

- Julie Shanson spoke in support of the Juneteenth proclamation.

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

G2. Proclamation: Proclamation: Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Month June 2020 ([Attachment](#))

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

G3. Presentation: Climate change impacts to Menlo Park

Sustainability Manager Rebecca Lucky and Environmental Quality Commissioner Josie Gaillard made the presentation ([Attachment](#)).

Mayor Taylor reordered the agenda.

H. Consent Calendar

City Councilmember Mueller pulled item I1.

City Councilmember Nash pulled item I2.

I1. Adopt Resolution No. 6563 supporting black lives matter movement ([Attachment](#)) ([Updated Black lives matter resolution proposed by Mayor Taylor and City Councilmember Nash Attachment](#))

[Web form public comment on item I1. \(Attachment\)](#).

City Council commented that no public hearings were conducted as stated in the resolution.

I2. Authorize city manager to grant an extension of time to Junior League of Palo Alto – Mid Peninsula, Inc. to exercise a 5-year lease extension to allow time to negotiate a new lease for the Gatehouse ([Staff Report #20-126-CC](#))

The City Council received clarification on the extension period of the lease.

ACTION: Motion and second (Nash/ Combs) to approve the consent calendar, passed unanimously.

I. Study Session

H1. Exploration of the establishment of a business reactivation task force as a result of COVID-19 ([Staff Report #20-125-CC](#))

Management Analyst II, Housing John Passmann and Menlo Park Chamber of Commerce President /CEO Fran Dehn made the presentation (Attachment).

The City Council discussed a City Council non-Brown Act task force to assist the chamber of commerce and directed staff to return those appointments to a future meeting as a regular item.

The City Council took a break at 6:40 p.m.

The City Council reconvened at 7:03 p.m.

J. Regular Business

Mayor Taylor reordered the agenda.

- J2. Consider and provide direction on a Downtown street closure pilot program ([Staff Report #20-128-CC](#))

[Web form public comment on item J2. \(Attachment\).](#)

Management Analyst II, Housing John Passmann and Menlo Park Chamber of Commerce President /CEO Fran Dehn made the presentation (Attachment).

- Kathleen Daly spoke in support of the Downtown street closure program.
- Lynne Bramlett spoke in support of the Downtown street closure program.
- Rebecca Turley spoke in support of the Downtown street closure program and had concerns about restaurants who are not in the proposed street closure area.

The City Council received clarification on what the City can do on private and public property and discussed the impacts to retail (non-restaurant) business. The City Council directed staff to return this item for approval with cost comparisons with other cities and fee analysis, hybrid plan preference, a 45-day check-in, stream lined permit process, and the use of barricades.

- J0. Report from police chief on recent demonstrations

Police Chief Dave Bertini made the presentation.

The City Council received clarification on cost recovery and police code of conduct.

- Kathleen Daly commented on the citizen review board for all police department data.
- Lynn Bramlett suggested measurable goals for diversity in the police department.

- J1. Introduction and first reading of Ordinance No. 1065 to regulate the placement and appearance of newsracks within Menlo Park ([Staff Report #20-127-CC](#))

Management Analyst II, Housing John Passmann made the presentation (Attachment).

- Adina Levin spoke on the need for bicycle and pedestrian safety considerations when installing the newsracks.

The City Council received clarification on the required standards (width, height, and depth). The City Council discussed cost recovery options, phasing in implementation, and permitting.

ACTION: Motion and second (Nash/ Carlton) to approve the introduction and first reading of Ordinance No. 1065 to regulate the placement and appearance of newsracks within Menlo Park, passed unanimously.

The City Council took a break at 9:40 p.m.

The City Council reconvened at 9:50 p.m.

- J3. Review proposed changes to the Transportation Impact Analysis Guidelines and provide feedback on the vehicle miles travel methodology and thresholds ([Staff Report #20-120-CC](#))

Senior Transportation Engineer, Public Works Kevin Chen and Senior Associate with CHS Consulting Group Magnus Barber made the presentation (Attachment).

- Adina Levin spoke in support of staff recommendation and multimodal services.
- Jen Wolosin spoke in support of staff recommendation and engaging the Complete Streets Commission to examine multimodal services.

The City Council discussed lowering the threshold to encourage affordable housing and received clarification on vehicle miles traveled and level of service related to safety improvements and efficiency.

ACTION: Motion and second (Mueller/ Combs) to approve staffs recommended changes to the Transportation Impact Analysis Guidelines and direct the Complete Streets Commission to examine multimodal services, passed unanimously.

- J4. Authorize the city manager to execute master agreements with consulting firms for on-call architectural, landscape architectural, civil engineering, construction inspection, municipal engineering, and materials testing services ([Staff Report #20-116-CC](#))

The City Council continued this item to a future meeting.

K. City Manager's Report

City Manager Starla Jerome-Robinson announced special meetings scheduled for June 18 and 19, 2020.

L. City Councilmember Reports

Mayor Taylor reported on the Association of Bay Area Governments meeting.

City Councilmember Carlton reported on the San Mateo County Mosquito and Vector Control District meeting.

City Councilmember Nash reported on the Government Alliance on Race and Equity information session.

M. Adjournment

Mayor Taylor adjourned the meeting at 10:43 p.m.

Judi A. Herren, City Clerk



SPECIAL MEETING MINUTES – DRAFT

Date: 6/18/2020

Time: 5:00 p.m.

Special Meeting Location: Joinwebinar.com – ID# 344-660-483

NOVEL CORONAVIRUS, COVID-19, EMERGENCY ADVISORY NOTICE

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

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

- How to participate in the meeting
 - Submit a written comment online:
menlopark.org/publiccommentJune18*
 - 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 344-660-483
*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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According to City Council policy, all regular meetings of the City Council are to end by midnight unless there is a super majority vote taken by 11:00 p.m. to extend the meeting and identify the items to be considered after 11:00 p.m.

Special Session ([Joinwebinar.com](https://www.joinwebinar.com) – ID# 344-660-483)

A. Call To Order

Mayor Taylor called the meeting to order at 5:09 p.m.

B. Roll Call

Present: Combs, Nash, Mueller, Taylor

Absent: Carlton

Staff: City Manager Starla Jerome-Robinson, Interim City Attorney Cara Silver, City Clerk Judi A. Herren

C. Regular Business

- C1. City Council direction to staff regarding actions city can take to respond to residents and visitors' concerns regarding local police practices [There is no staff report for this item]

[Web form public comment received on item C1. \(Attachment\).](#)

- Adriana Walker spoke on concerns of racial profiling in the police department.
- Karen Grove spoke on the national issues relating to local issues that need to be addressed.
- Gabriel Wolf spoke in support of law enforcement reform.
- Adina Levin spoke on concerns of racial profiling and in support of face and location data transparency.
- Soody Tronson spoke in support of increased transparency with police department data.
- Nicole Scarborough provided suggestions on the police department budget.
- Kevin Galligher spoke in support of AB2054.
- Andrew Olson spoke in support of updating the police departments hiring practices.
- Pamela Jones clarified that she supported more officers in the Belle Haven neighborhood, but not more police vehicles.
- Chris Adair spoke in support of the use of police officer body cameras.
- Caitlyn Marianacci spoke in support of using police department funding for the community services department.

The City Council discussed the comments received during the Telephone Town Hall meeting. The City Council received clarification on labor union agreements when considering diversity and longevity layoffs.

The City Council took a break at 6:38 p.m.

The City Council reconvened at 6:58 p.m.

ACTION: By acclamation, the City Council added an urgent closed session immediately following this special meeting to discuss the resignation of Police Chief Dave Bertini based on the personnel exception, passed 4-0-1 (Carlton absent).

D. Adjournment

Mayor Taylor adjourned the meeting at 7:07 p.m.

Judi A. Herren, City Clerk



SPECIAL MEETING MINUTES – DRAFT

Date: 6/19/2020

Time: 3:30 p.m.

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

NOVEL CORONAVIRUS, COVID-19, EMERGENCY ADVISORY NOTICE

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

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

- How to participate in the meeting
 - Submit a written comment online:
menlopark.org/publiccommentJune19*
 - Record a comment or request a call-back when an agenda topic is under consideration:
Dial 650-474-5071*
 - Access the special meeting real-time online at:
joinwebinar.com – Special Meeting ID 750-283-603
*Written and recorded public comments and call-back requests are accepted up to 1 hour before the meeting start time. Written and recorded messages are provided to the City Council and members of the public as an attachment on the agenda. 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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According to City Council policy, all regular meetings of the City Council are to end by midnight unless there is a super majority vote taken by 11:00 p.m. to extend the meeting and identify the items to be considered after 11:00 p.m.

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

A. Call To Order

Mayor Taylor called the meeting to order at 3:45 p.m.

B. Roll Call

Present: Carlton, Combs, Nash, Mueller, Taylor

Absent: None

Staff: City Manager Starla Jerome-Robinson, Interim City Attorney Cara Silver, City Clerk Judi A. Herren

C. Regular Business

- C1. Adoption of uncodified urgency Ordinance No. 1070 closing portions of Santa Cruz Avenue, creating temporary outdoor use permits and suspending certain fees and zoning requirements ([Staff Report #20-131-CC](#))

Management Analyst II, Housing John Passmann made the presentation (Attachment).

The City Council discussed staff notifying the City Council of capital improvement spending on this program and directed staff to use potted foliage around the concrete barriers and to replant in throughout the City when program is complete.

ACTION: Motion and second (Mueller/ Carlton) to adopt uncodified urgency Ordinance No. 1070 closing portions of Santa Cruz Avenue, creating temporary outdoor use permits and suspending certain fees and zoning requirements, approve the purchase of trees and foliage that can be replanted or reused, and provide spending reports to the City Council, passed unanimously.

Mayor Taylor reordered the agenda.

- C3. Appoint City Council representatives to the Menlo Park Chamber of Commerce business reactivation task force ([Staff Report #20-130-CC](#))

Management Analyst II, Housing John Passmann introduced the item.

- Fran Dehn spoke in support of the task force assisting all businesses across Menlo Park.

The City Council discussed appointments and scope of the Menlo Park Chamber of Commerce business reactivation task force.

ACTION: Motion and second (Mueller/ Carlton) to appoint City Councilmember Carlton and Mayor Taylor to the task force of Business Reactivation, passed unanimously.

C2. Authorize the city manager to execute master agreements with consulting firms for on-call architectural, landscape architectural, civil engineering, construction inspection, municipal engineering, and materials testing services (Staff Report #20-116-CC) – continued from June 16, 2020

Senior Civil Engineer, Public Works Michael Fu made the presentation (Attachment).

The City Council discussed implementing a formal performance review when adding contractors to the master agreement list and an end of master agreement assessment.

ACTION: Motion and second (Combs/ Mueller) to authorize the city manager to execute master agreements with consulting firms for on-call architectural, landscape architectural, civil engineering, construction inspection, municipal engineering, and materials testing services, passed unanimously.

D. Adjournment

Mayor Taylor adjourned the meeting at 5:21 p.m.

Judi A. Herren, City Clerk



STAFF REPORT

City Council Meeting Date: 7/28/2020
Staff Report Number: 20-156-CC

Consent Calendar: **Adopt Resolution No. 6564 authorizing the city manager to execute an agreement with California department of education to reimburse the City for Belle Haven Child Development Center operational costs in fiscal year 2020-21**

Recommendation

Staff recommends that the City Council adopt Resolution No. 6564 (Attachment A) authorizing the city manager to execute an agreement with the California department of education (CDE) to reimburse the City up to a maximum \$1,052,422 to offset operational costs at the Belle Haven Child Development Center (BHCDC) during fiscal year 2020-21.

Policy Issues

The recommended action is consistent with existing City policy and past practice related to BHCDC operations. The City of Menlo Park annually receives reimbursement from the State of California through CDE to offset the cost of BHCDC operations.

Background

The City of Menlo Park operates BHCDC to provide affordable child care and early childhood development services to families in Menlo Park and nearby communities. BHCDC is a licensed child care provider by the California Department of Social Services. The BHCDC program offers developmentally appropriate materials and activities supporting social, emotional, physical, and cognitive abilities to preschool aged children while providing essential child care services to working families. Children are provided nutritional breakfast, lunch and snacks daily.

Enrollment fees are subsidized under the CDE Child Development Division (CDD) State Preschool Program. CDE funding requirements stipulate that all parents of children enrolled in BHCDC's subsidized enrollment slots must be working, in school, in training, seeking permanent housing, actively seeking employment or incapacitated. All families of children enrolled in the BHCDC must meet income eligibility requirements. CDE funding reimbursements also may be applied toward the costs of resource materials, classroom supplies and small equipment.

Analysis

Per the CDE grant requirements, City Council must annually adopt a resolution to certify acceptance of the reimbursement funding and authorize the city manager to execute the grant agreement. A copy of the agreement is included as Attachment B.

Under the terms of the agreement, CDE will reimburse eligible program operating costs at a rate of \$53.69 per child per day, up to a maximum of \$1,052,422 in fiscal year 2020-21. The total maximum reimbursement amount is based on the typical maximum enrollment of 96 children. In a normal year, BHDC's typical enrollment capacity per state licensing requirements is 96 children. Due to health and safety restrictions made necessary by the COVID-19 pandemic, current maximum allowable enrollment capacity in the BHDC facility is 48 children. This will affect accordingly the amount that can be reimbursed on a per-child basis. The program is approaching full enrollment at this time – new children are being phased into the program over time per standard best practice – and is expected to achieve the maximum allowable enrollment of 48 children within the next 4-6 weeks. It is not known at this time when the COVID-19-related enrollment restrictions may change or be lifted.

The CDE agreement further specifies a minimum days of operation (MDO) requirement of 246 days during the fiscal year and 19,181 Minimum Child Days of Enrollment (CDE.) The BHDC program has sufficient staffing capacity and resources to meet all the criteria set forth in the agreement at this time

In addition to the external funding received from CDE, the BHDC also receives external funding from the USDA child and adult care food program, and some enrollment fees. Remaining operational expenditures are subsidized by the City of Menlo Park general fund, as authorized by City Council in the fiscal year 2020-21 operating budget.

Impact on City Resources

Should the City Council adopt the resolution in Attachment A authorizing the city manager to execute the agreement in Attachment B, the City of Menlo Park will become eligible to receive up to \$1,052,422 in direct reimbursements from CDE to offset the costs of BHDC operations in fiscal year 2020-21. Due to enrollment limitations currently in effect due to COVID-19, it is unlikely that BHDC will be eligible to receive the maximum reimbursable amount for the year. If the current enrollment limitations remain in place for the duration of the fiscal year, then the reimbursable amount could be as low as 50 percent of the maximum. If authorized by the City Council, the CDE reimbursement would offset a substantial portion of BHDC program's operating costs in the 2020-21 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. Resolution No. 6564
- B. CDE funding agreement

Staff Report #: 20-156-CC

Report prepared by:

Natalya Jones, Recreation Supervisor

Rani Singh, Business Manager

Adriane Lee Bird, Assistant Director of Community Services

Report reviewed by:

Sean Reinhart, Library and Community Services Director

RESOLUTION NO. 6564

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH
THE CALIFORNIA DEPARTMENT OF EDUCATION TO REIMBURSE THE CITY
FOR CHILD CARE SERVICES AT BELLE HAVEN CHILD DEVELOPMENT
CENTER IN FISCAL YEAR 2020-21**

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 authorize entering into local agreement number CSPP-0528 reimbursing the City up to \$1,052,422 for child care services at the Belle Haven Child Development Center for fiscal year 2020-21, and that the person who is listed below is authorized to sign the transaction for the City Council.

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

Judi A. Herren, City Clerk



DATE: July 01, 2020

CONTRACT NUMBER: CSPP-0528

PROGRAM TYPE: CALIFORNIA STATE
 PRESCHOOL PROGRAM

PROJECT NUMBER: 41-02184-00-0

LOCAL AGREEMENT FOR CHILD DEVELOPMENT SERVICES

CONTRACTOR'S NAME: CITY OF MENLO PARK

This Agreement is entered into between the State Agency and the Contractor named above. The Contractor agrees to comply with the CONTINUED FUNDING APPLICATION FY 20-21, the GENERAL TERMS AND CONDITIONS* (GTC 04/2017), the STATE PRESCHOOL PROGRAM REQUIREMENTS*, and the FUNDING TERMS AND CONDITIONS* (FT&C), which are by this reference made a part of the Agreement. Where the GTC 04/2017 conflicts with either the Program Requirements or the FT&C, the Program Requirements or the FT&C will prevail.

Funding of this Agreement is contingent upon appropriation and availability of sufficient funds. This Agreement may be terminated immediately by the State if funds are not appropriated or available in amounts sufficient to fund the State's obligations under this Agreement.

The period of performance for this Agreement is July 01, 2020 through June 30, 2021. For satisfactory performance of the required services, the Contractor shall be reimbursed in accordance with the Determination of Reimbursable Amount section of the FT&C, at a rate not to exceed \$53.69 per child day of full time enrollment and a Maximum Reimbursable Amount (MRA) of \$1,052,422.00.

Service Requirements

Minimum Child Days of Enrollment (CDE) Requirement 19,602.0
 Minimum Days of Operation (MDO) Requirement 244

Any provision of this Agreement found to be in violation of Federal or State statute or regulation shall be invalid, but such a finding shall not affect the remaining provisions of this Agreement.

Items shown with an asterisk (*) can be viewed at <https://www.cde.ca.gov/fg/aa/cd/ftc2020.asp>

STATE OF CALIFORNIA		CONTRACTOR			
BY (AUTHORIZED SIGNATURE)		BY (AUTHORIZED SIGNATURE)			
PRINTED NAME OF PERSON SIGNING Jaymi Brown,		PRINTED NAME AND TITLE OF PERSON SIGNING			
TITLE Contract Manager		ADDRESS			
AMOUNT ENCUMBERED BY THIS DOCUMENT \$ 1,052,422	PROGRAM/CATEGORY (CODE AND TITLE) Child Development Programs		FUND TITLE General		Department of General Services use only
PRIOR AMOUNT ENCUMBERED FOR THIS CONTRACT \$ 0	(OPTIONAL USE) 0656 25451-2184				
TOTAL AMOUNT ENCUMBERED TO DATE \$ 1,052,422	ITEM 30.10.020.001 6100-194-0001	CHAPTER B/A	STATUTE 2020	FISCAL YEAR 2020-2021	
I hereby certify upon my own personal knowledge that budgeted funds are available for the period and purpose of the expenditure stated above.		T.B.A. NO.	B.R. NO.		
SIGNATURE OF ACCOUNTING OFFICER		DATE			
OBJECT OF EXPENDITURE (CODE AND TITLE) 706 SACS: Res-0000 Rev-0000					



STAFF REPORT

City Council
Meeting Date: 7/28/2020
Staff Report Number: 20-157-CC

Consent Calendar: Consider directing staff to research and analyze The California Schools and Local Communities Funding Act of 2020 ballot measure with a focus on impacts to housing development, the City's general fund and small businesses

Recommendation

At the recommendation of the Housing Commission, the City Council may consider directing staff to research and analyze The California Schools and Local Communities Funding Act of 2020 ballot measure, also known as California Proposition 15 (Prop 15,) with a focus on impacts to housing development, the City's general fund and small businesses.

Due to limited resources at this time, staff does not recommend the City Council direct staff to research and analyze Prop 15 as recommended by the Housing Commission. Staff has provided background information and general analysis to assist the City Council with their decision. If the City Council desires more detailed analysis of Prop 15, it is recommended that an outside source or third-party contractor be utilized for further study.

Policy Issues

The City Council may direct the city manager to utilize City resources and staff to analyze Prop 15. The City Council has the authority to formally endorse State legislation on behalf of the City of Menlo Park by way of resolution.

Background

Prop 15 is an amendment to the California State Constitution that has qualified for voter consideration on the November 3, 2020 ballot. As will be described in this staff report, Prop 15 is a constitutional amendment that, if passed, would change how commercial and industrial properties are taxed and allocates the additional funding to education and local government. On July 1, the Housing Commission considered a recommendation which would have called for the Menlo Park City Council to endorse Prop 15 (Attachment A.) The Housing Commission decided to alter their recommendation to allow City Council the opportunity to direct staff to provide further research and analysis of Prop 15 by a vote of 6-1 with Commissioner Conroy dissenting.

Currently, all property taxes in California are governed by an initiative passed by voters June 6, 1978, known as the Tax Limitation Initiative or California Proposition 13 (Prop 13,) which limits annual increases to property taxes. Under Prop 13, the tax rate for all properties, both residential and commercial, in California is set according to the base year value or acquisition value, typically the same as a property's sales price, with a maximum tax rate of 1 percent (1%.) Annual increases to the property's acquisition

value are limited to the inflation rate or two percent (2%,) whichever is less. Prop 13 is encompassed in Article XIII A of the Constitution of the State of California (Attachment B.) Before Prop 13's approval in 1978, annual property tax increases were based on a property's market assessment, which fluctuate based on market conditions and a property's value year-to-year.

Analysis

Prop 15 seeks to repeal current property tax law as it applies to commercial and industrial properties (Attachment C.) This structure of property tax may be referred to as a "split role" approach meaning it would divide tax rates for commercial and industrial properties from that of residential and agriculture. Prop 15 proposes to preserve the current tax structure for residential property and agricultural lands, as outlined under Prop 13.

If approved by voters, commercial and industrial properties would be required to undergo regular and ongoing reassessment based on current market values. The measure does not change the California Constitution's provisions related to the one percent (1%) limitation on property tax rates. Additionally, Prop 15 exempts properties valued at \$3 million or less and eliminates a business' personal property taxes on business fixtures and equipment up to \$500,000. If a property owner holds multiple commercial properties, the aggregate market value of all properties owned statewide would be combined to meet the \$3 Million exemption. In addition, the measure contains a deferral until 2025-26 for commercial and industrial property where 50 percent or more is occupied by "small businesses." The measure defines "small business" as (1) having fewer than 50 annual full-time equivalent employees; (2) the business is independently owned and operated; and (3) the business owns real property located in California. Other small businesses who rent commercial property space could see an increase in taxation depending on their lease agreement and the property owner's aggregate commercial property portfolio.

Statewide, about \$65 billion in property taxes are raised every year. If Prop 15 is passed by California voters in November, a net increase in annual property tax revenues of \$7.5 to \$12 billion is estimated, less state income tax losses and administration cost related to the measure of roughly \$500 million. Funding for kindergarten to twelfth (12th) grade schools and community colleges would receive 40 percent (40%) of the net increase in tax revenues; whereas, cities, counties and special districts would receive 60 percent (60%) of the net increase. This dispersal of property taxes between schools and local governments is similar to the existing distribution structure. Note that basic aid school districts will receive less funding from this measure. According to a recent study by the University of Southern California, San Mateo County could receive an estimated \$709.4 to \$833.7 million of property tax revenues (Attachment D.)

Impact on City Resources

If the City Council approves the Housing Commission recommendation, staff resources from the community development department, finance division and city attorney's office are expected to be affected. With existing strain on City resources, staff expects current priorities within prospective divisions will be delayed. Staff recommends the City Council does not pursue further research or analysis of Prop 15 due to considerable City resources needed to provide detailed assessment of this ballot measure. Although less of an impact could be expect with the utilization of third-party, staff believes some impacts to City resources will remain.

Environmental Review

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

Public Notice

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

Attachments

- A. Hyperlink – Housing Commission staff report 20-004-HC:
menlopark.org/DocumentCenter/View/25571/D3---20-004-HC-Staff-Report---Schools-and-Communities-First-
- B. Hyperlink – California Constitution Article XIII A:
leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=CONS&article=XIII+A
- C. Hyperlink – State of California Department of Justice, Office of the Attorney General active measures; see item #19-008: oag.ca.gov/initiatives/active-measures
- D. Hyperlink – Getting Real about Reform II: Estimating Revenue Gains from Changes to California's System of Assessing Commercial Real Estate, February 2020:
dornsife.usc.edu/assets/sites/242/docs/Updated_2019_Rev_Est_memo_Design_v5.pdf

Report prepared by:

Michael Noce, Management Analyst II

Report reviewed by:

Rhonda Coffman, Deputy Community Development Director – Housing



STAFF REPORT

City Council
Meeting Date: 7/28/2020
Staff Report Number: 20-158-CC

Consent Calendar: **Authorize the city manager to enter into a contract with PlaceWorks to prepare an environmental impact report for the proposed mixed-use project at 123 Independence Drive for the amount of \$306,550 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 PlaceWorks for the amount of \$306,550 and future augments as may be necessary to complete the environmental review for the proposed 123 Independence Drive mixed-use project 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 \$78,000. While the project applicant is responsible for the full cost of preparing any required environmental impact report (EIR) for a submitted project, and no taxpayer funds are being used for said purpose, the City Council retains discretion for all agreements exceeding the award authority delegated to the city manager.

The City Council would be the final decision making body for the proposed project because it includes a major subdivision to allow the creation of for-sale condominium units. The City Council will ultimately need to consider the adequacy of the environmental review and the merits of the proposed project, including the request for bonus level development and the associated community amenities provided through the proposed project. Authorizing the city manager to enter into a contract with PlaceWorks 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 \$78,000 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 29, The Sobrato Organization (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, the City will evaluate the proposed project for consistency with the general plan and the zoning ordinance.

The applicant proposes to demolish five existing industrial and office buildings across five parcels located at 119, 123-125 and 127 Independence Drive, 130 Constitution Drive and 1205 Chrysler Drive (collectively referred to as 123 Independence Drive.) The proposed mixed-use project would be comprised of three components: 67 for-sale, three-story townhomes along Independence Drive, a five-story, 316-unit apartment building along Constitution Drive, and an 88,750-square-foot office building at the corner of Independence and Chrysler Drives. The proposed project would also include a midblock paseo connecting Independence Drive and Constitution Drive through the project site. 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 project is not proposing any additional units through City or State density bonus allowances. Select plan sheets from the project plans are included in Attachment B.

The five parcels that make up the project site have a total area of approximately 8.45 acres. The project site is bounded to the south by Independence Drive and a hotel and parking structure that are part of the Menlo Gateway Independence Site (zoned M-3-X, commercial business park, conditional development.) The parcel to the west contains a one-story office building that is part of the proposed Menlo Portal project, which would include a 335-unit, seven-story apartment building with approximately 1,600 square feet of commercial space. The northwestern property adjacent to the project site contains a single-story office building. The parcels to the north of the project site across Constitution Drive contain two office buildings and two parking structures that are part of the Menlo Gateway Constitution Site and zoned M-3-X. To the northeast of the project site are single-story industrial and warehouse buildings zoned R-MU-B. Farther east across Chrysler Drive are office and industrial buildings with a mix of O-B (office, bonus) and R-MU-B zoning. A location map identifying the project site is included in Attachment C.

Environmental review process

One of the basic purposes of the California Environmental Quality Act (CEQA) is to inform decision makers and the public about the potential significant environmental effects of a proposed project. For purposes of CEQA, the environment includes the physical conditions within the area that will be affected by a proposed project, such as land, air, water, plants and animals, noise, and objects of historic or aesthetic significance. An EIR must be prepared whenever it is established that a proposed project may have a significant effect on the environment.

An EIR is an informational document that the City must consider before it approves or disapproves the proposed project. The purpose of an EIR is to provide decision makers and the public with detailed information about the effect that the proposed project is likely to have on the environment, list ways in which the significant effects of the proposed project might be minimized and identify alternatives to the proposed project. The main substantive components of an EIR are as follows:

- The project description, which discloses the activity that is proposed for approval;
- Discussion and analysis of significant environmental effects of the proposed project, including cumulative impacts and growth-inducing impacts;
- Discussion of ways to mitigate or avoid the proposed project’s significant environmental impacts; and
- Discussion of alternatives to the project as proposed.

The EIR process begins with the City's decision to prepare an EIR. The City determined that an EIR was required for the proposed project and will issue a notice of preparation (NOP) following approval of the EIR authorization contract. A NOP signifies the City plans to prepare an EIR for the proposed project. The notice is designed to seek guidance from potentially interested parties and members of the public on the scope and content of the EIR.

The release of the NOP begins the process for agency and early public consultation, which is referred to as the "scoping" process. The scoping process is designed to enable the City to determine the scope and contents of the EIR at an early stage, including identifying possible issues to be studied, topic areas that do not warrant additional study based on specifics of the proposed project, and possible alternatives and mitigation measures to be analyzed and considered in the EIR. As part of the scoping process, the Planning Commission would hold a scoping session for the EIR for the proposed project. The scoping session is an opportunity for the Planning Commission and public to provide comments on the scope and content in the EIR. Verbal comments received during the scoping session and written comments received during the NOP comment period on the scope and content of the environmental review will be considered while preparing the draft EIR.

Following review of the comments during the scoping process, a draft EIR would be prepared and processed in accordance with CEQA and the CEQA Guidelines in effect at the time of the release of the NOP. Upon release of the draft EIR, there is an opportunity for agencies and the public to comment on the analysis in the draft EIR. Those comments received during the draft EIR review period are considered and responded to in the final EIR. The final EIR is released for public review and the City Council, as the final decision-making body, will review and determine if the EIR can be certified as compliant with CEQA's legal requirements. In addition to the EIR process, concurrently, the City's consultants will be working to prepare an HNA and a FIA which will be reviewed by the City Council prior to final action on the proposed project. Finally, the proposed project will also go through an appraisal process regarding community amenities because the project is seeking bonus level development.

Analysis

As part of the 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 CEQA. For the proposed project, the applicant and staff agreed to solicit scopes of work from three firms. Two firms submitted scopes, and the applicant and City agreed that PlaceWorks was the preferred choice for the following reasons:

1. PlaceWorks provided a comprehensive scope of work with a level of detail that demonstrated a thorough understanding of the environmental review process;
2. PlaceWorks, along with their selected transportation sub consultant W-Trans, would diversify the number of firms currently working on environmental reviews for projects in the Bayfront Area; and
3. PlaceWorks prepared the ConnectMenlo general plan land use and circulation elements, Bayfront zoning district regulations, and ConnectMenlo EIR and has familiarity with the project requirements based on past work in Menlo Park.

As the main environmental consultant, PlaceWorks 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. For the HNA, staff provided the settlement agreement with the City of East Palo Alto. PlaceWorks submitted a proposal with the TIA being prepared by W-Trans and the HNA being prepared by Keyser Marston Associates (KMA) as the sub consultants.

The proposed project, combined with the other residential and mixed-use projects in the Bayfront Area, is within the maximum amount of new residential development potential identified in the Land Use Element of the General Plan. The Land Use Element identifies the potential for 4,500 net new residential units in the Bayfront Area. This project in combination with all previously submitted, but not yet approved, projects since ConnectMenlo was adopted in 2016 totals 3,199 residential units. Therefore, the proposed project does not require a General Plan Amendment.

The proposed project, however, exceeds the number of unrestricted residential units analyzed in the ConnectMenlo EIR. The ConnectMenlo EIR studied 3,150 new housing units in the Bayfront Area, and an additional 1,500 corporate housing units specific to the Facebook East Campus site. Corporate housing units were anticipated to be dormitory style units with restricted occupancy and were analyzed differently than unrestricted residential units. Therefore, in total the ConnectMenlo EIR analyzed the potential environmental impact of 3,150 residential units in the Bayfront Area. This project, in combination with other proposed projects, exceeds the 3,150 residential units studied in the ConnectMenlo EIR by 49 units and therefore requires an EIR. A summary of the housing unit development potential evaluated in the ConnectMenlo EIR and General Plan as well as the number of units currently being studied for previously submitted Bayfront projects is provided in Table 1 below.

Table 1: Housing unit potential and proposed projects in the Bayfront Area	
Category	Number of unrestricted residential units
Total studied in ConnectMenlo EIR	3,150
Proposed by other Bayfront projects	2,816
Proposed for 123 Independence Dr.	383
Total proposed in Bayfront	3,199
Remaining potential units studied in ConnectMenlo EIR	(49)

As a result of exceeding the 3,150 housing units studied in the ConnectMenlo EIR, the project would not be able to tier from the ConnectMenlo EIR (unlike the other multifamily housing projects currently being reviewed by the City) and would need to evaluate all applicable EIR topic areas under CEQA. Since the project level EIR would evaluate all applicable EIR topic areas, including transportation and population and housing, the project EIR would comply with the settlement agreement between the City of Menlo Park and City of East Palo Alto. Further, the scope includes the preparation of a project-specific HNA to inform the population and housing topic area as well as to provide decision makers with additional information relative to the merits of the project. Any future proposed residential projects in the Bayfront Area would also require all applicable topic areas under CEQA to be reviewed.

Consistent with Senate Bill 743, the project level TIA will evaluate the vehicle miles traveled (VMT) associated with the project for consistency with the recently adopted local VMT thresholds. While the project analysis will utilize the VMT standards to assess potential transportation impacts and potential mitigation measures under CEQA, it will continue to analyze level of service (LOS) in accordance with the City Council’s direction and the City’s TIA guidelines for purposes of determining whether the proposed project complies with the applicable general plan goals, policies and programs. While the City cannot impose mitigation measures to address LOS through the EIR, it can impose conditions through the entitlement

process to ensure the project complies with the General Plan.

Following authorization of the contract with PlaceWorks to conduct the environmental review, PlaceWorks will prepare and issue the NOP for the project, which will identify the topic areas to be studied in the EIR. As described above, the release of the NOP commences the scoping process where other agencies and members of the community have the opportunity to comment on the scope of the environmental review. As part of the initial stages of the environmental and entitlement analysis, it may be determined that additional technical analyses are required; therefore 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. Notwithstanding, the scope and content of the EIR is determined by the City in its sole discretion and the City is the final decision maker on the adequacy of the document.

Environmental Review

An EIR will be prepared for the proposed project evaluating all applicable topic areas required under CEQA. The EIR may reference the program level EIR prepared for the ConnectMenlo general plan and zoning ordinance update, but the project EIR will not tier from and scope out any topic areas based solely on the program level EIR. As described above, the EIR will analyze the potential environmental impacts of the proposed project.

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 PlaceWorks
- B. Project plans (select sheets)
- C. Location map

Report prepared by:
Tom Smith, Senior Planner

Report reviewed by:
Deanna Chow, Assistant Community Development Director

FINAL PROPOSAL FOR SERVICES

Menlo Park

123 INDEPENDENCE MIXED-USE PROJECT EIR

for the
City of Menlo Park



Menlo Park

123 INDEPENDENCE MIXED-USE PROJECT EIR

for the City of Menlo Park

Submitted By:

PlaceWorks

1625 Shattuck Avenue, Suite 300
Berkeley, California 94709
510.848.3815

In Association With:

W-trans

Keyser Marston Associates, Inc

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PLACEWORKS TEAM

W-Trans: California Traffic Engineering Consultants
Keyser Marston Associates, Inc

CHAPTER 1:

PROJECT UNDERSTANDING

The project applicant proposes to redevelop the project site and construct a new mixed-use project at 123 Independence Drive in the Bayfront Area of Menlo Park. The project site is assigned Assessor Parcel Numbers 055-236-140, -180, -240, -280, and -300. The project site has a General Plan land use designation of Mixed-Use Residential (MUR) and is zoned R-MU-B (Residential Mixed Use-Bonus).

The project site is located in a highly developed area of Menlo Park and currently includes four one-story buildings, one two-story building, and associated infrastructure, with access from Independence Drive, Chrysler Drive, and Constitution Drive. The project site is generally flat and located in a Federal Emergency Management Agency (FEMA)-designated 100-year floodplain that is subject to tidal flooding from San Francisco Bay. The project site also includes minimal landscaped areas with mature trees along the border.

The T-shaped project site is bounded by Constitution Drive to the north, Chrysler Drive, and neighboring developed parcels to the East, Independence Drive to the south, and developed parcels to the west. The general project area also includes several other new developments (Menlo Gateway) and proposed projects currently under environmental review (111 Independence Drive, 115 Independence Drive, 141 Jefferson Drive, 162 Jefferson Drive, 165 Jefferson Drive, and others in the Bayfront Area). The project site is located in close proximity to high-volume roadways with Highway US-101 (a six-lane roadway to the south), Marsh Road (a four-lane roadway to the west), and Highway 84 (a four-lane roadway). The project site is served by existing utility infrastructure including, electricity, water lines, sewer lines, and stormwater collection.

The proposed project would demolish the existing buildings (approximately 103,000 square feet) and construct 67 townhomes, 316 residential apartment units, and an 88,750 square-foot office building on four new Parcels: A, B, C, and D. Parcels A and C would be three-story townhome communities that would be subdivided via condominium mapping and would be oriented to public streets, a neighborhood park, a paseo, and other common green spaces. Parcel B would be a five-story apartment building with stoops along public streets and pedestrian walkways. Parcel D would be a three-story office building with a third-floor terrace. According to the proposed site design, the proposed project would accommodate sea-level rise, and all proposed ground-level residential units would be raised 2 feet above the 5-foot FEMA flood elevation.

In compliance with Municipal Code Ordinance Number 1026, the proposed project would be seeking bonus-level development. The maximum height for the apartments would be 85 feet above the existing grade, and the average height of all buildings would be below 62.5 feet. Fifteen percent of the total units on-site would be affordable housing units for moderate, low, and very-low income households.

PlaceWorks understands the project size is within the development caps of the ConnectMenlo General Plan Update from 2016, but the number of residential units being proposed (in combination with all the previous projects submitted since 2016) exceeds the

number of residential units studied in the ConnectMenlo EIR. Therefore, our scope of work includes limited tiering from ConnectMenlo EIR to focus the content of the EIR where feasible. Furthermore, the project has been submitted under the provisions of Senate Bill 330 (SB 330) (The Housing Crisis Act of 2019), which, amongst other provisions, has reduced project approval review times for projects subject to the California Environmental Quality Act (CEQA).

Based on our review of the proposed project, our familiarity with the City of Menlo Park and the project area, and our experience preparing environmental review for infill, redevelopment projects, we propose the scope of work for the 123 Independence Mixed-Use Project EIR outlined in Chapter 3 of this proposal. Our scope of work includes technical analysis for housing needs, vehicle level-of-service, and parking at the request of the City.

CHAPTER 2: TEAM ORGANIZATION

PlaceWorks has assembled a highly qualified team to complete the 123 Independence Mixed-Use Project EIR. This chapter describes the qualifications of the firms on the PlaceWorks team and the key personnel that will be assigned to the project.

Resumes for the key staff identified below or any additional materials are available on request. This chapter provides an overview of PlaceWorks qualifications, as well as the experience of key personnel that will be assigned to the project.

PLACEWORKS

PlaceWorks is one of the West's preeminent planning and design firms, with approximately 120 employees in seven offices. Formerly known as The Planning Center|DC&E, PlaceWorks' history dates back over 40 years.

PlaceWorks serves both public- and private-sector clients throughout the state in the fields of comprehensive planning, environmental review, urban design, landscape architecture, community outreach, and Geographic Information Systems (GIS). Our talented, multidisciplinary team thrives on working with communities to tackle complex problems and develop workable solutions.

PlaceWorks is all about places and how they work geographically, environmentally, functionally, aesthetically, and culturally. We are also passionate about how we work with our clients. PlaceWorks brings together people from diverse practice areas, offering best-of-all-worlds capability and connectivity. Just as each place we work on is distinctly different, so is our thinking.

PlaceWorks has been providing environmental planning services to communities in the Bay Area for over 40 years. We have prepared hundreds of legally sound CEQA and National Environmental Policy Act (NEPA) documents throughout our firm's history. This includes Categorical Exemptions, Negative Declarations, Mitigated Negative Declarations, Initial Studies, Environmental Assessments, Statutory Worksheets, Environmental Impact Reports and Statements (EIR/EIS), Addendums, Supplemental and Focused EIRs/EISs, and Findings of No Significant Impact (FONSI).

Through this work, we have continued to hone our approach in order to best meet the needs of our clients and adhere to the allotted budget and schedule.

For the 123 Independence Mixed-Use Project EIR for the City of Menlo Park, PlaceWorks will serve as the prime consultant and oversee all aspects of the project and ensure its successful and timely completion.

PLACEWORKS

1625 SHATTUCK AVENUE, SUITE 300

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SERVICES BY DISCIPLINE

COMMUNITY PLANNING

- Comprehensive Planning including General Plans, Specific Plans
- Housing Research and Analysis
- Transit-Oriented Development Planning
- Corridor Planning
- Infill Planning and Design
- Zoning and Form-Based Code
- Climate Action and Resiliency Planning
- Transferable Development Rights
- Community Engagement
- Municipal Services
- Geographic Information Systems
- Creative Media

ENVIRONMENTAL SERVICES

- CEQA/NEPA Documentation
- Third-Party Review
- Technical Studies, including Air Quality and GHG Emissions/Inventory, Noise, Traffic, Shade and Shadow
- Site Investigation
- Remedial Engineering Design
- Health Risk Assessment
- Regulatory Compliance

DESIGN

- Transit-Oriented Design
- Downtown Planning
- Design Standards/Guidelines
- Site Planning
- Large-Scale Planning and Design
- Strategic Plans

LANDSCAPE ARCHITECTURE

- Streetscape Design
- Parks and Trails Planning
- Urban Agriculture and Urban Forestry
- Storm Water Management Planning
- Evidence-Based Design

ECONOMICS

- Economic and Market Analysis
- Economic Development Planning
- Site Selection and Development
- Feasibility Studies

Key Staff

Terri McCracken, Associate Principal, will serve as Principal-in-Charge and will ensure that all products are produced on-time, on-budget, and meet the highest standards of quality. Additionally, she will be available to facilitate public workshops and critical meetings throughout the process. With over 15 years of experience, Terri is an extremely organized and efficient planner with a detailed understanding of the environmental review process. A team member of PlaceWorks since 2010, Terri's work has focused on the application of CEQA, NEPA, and other State and federal environmental regulations and guidelines. Terri effortlessly manages, coordinates, reviews, and conducts research for various types of environmental review documents for a broad range of projects, including residential, recreational, resort, and public works. She is responsible for the preparation of environmental constraints, feasible mitigation measures, and viable project alternatives, and for responding to public and agency comments on environmental documents. She is also responsible for managing project schedules in order to provide work products on time and within budget. Terri has served as project manager for many complex and high profile EIRs including the City of Santa Rosa *Southeast Greenway General Plan Amendment EIR*, City of Menlo Park *General Plan EIR*, *Millbrae Station Area Specific Plan and TOD EIR*, and City of Hayward *Downtown Specific Plan EIR*.

Alexis Mena, LEED AP, Senior Associate, will serve as Project Manager and will be responsible for the day-to-day management of the project, as well as for maintaining regular contact with City staff, coordinating with subconsultants, facilitating public meetings on the CEQA process, and participating in all project meetings. A team member of PlaceWorks since 2008, Alexis brings valuable experience in both the public and private sectors. As a project manager, she is organized and detail-oriented, works collaboratively with her clients, thinks strategically, and maintains a flexible and responsive work process. She is highly committed to providing high-quality graphic and written products on schedule and on budget. Alexis' work at PlaceWorks has focused on environmental review and planning for a range of land use, smart growth, urban design, and sustainability projects. She recently served as project manager for the *Broadway Plaza EIR* for the City of Redwood City; *1700 Dell Office Development Project EIR* for the City of Campbell; *Marina Plaza Mixed-Use Redevelopment Project Initial Study/Mitigated Negative Declaration* for the City of Cupertino; and *Terra Vi Initial Study* for the County of Tuolumne.

Jacqueline Protsman, Project Planner, brings a comprehensive skill set to the PlaceWorks team. She has worked on a variety of projects including CEQA analysis, comprehensive planning, and climate adaptation planning. With a background in environmental management and policy, and an interest in climate adaptation planning, she wants to create healthier, sustainable, and resilient communities through her work. Jacqueline possesses a comprehensive set of technical skills through both her educational and work experience. She is currently working on CEQA analysis for multiple site-specific infill redevelopment projects for Cupertino and program-level analysis for the *San Rafael General Plan Update and Downtown Precise Plan EIR*, the *Walnut Creek Sustainability Action Plan*, and the *San Carlos Mitigation and Adaptation Plan*. Prior to joining PlaceWorks, Jacqueline worked in the public sector as a long-range planner for the County of San Luis Obispo, where she gained experience in policy implementation, ordinance and General Plan amendments, and community planning.

Nicole Vermilion, Principal, Air Quality/GHG, combines broad perspective and big-picture thinking with a good technical grounding to find workable solutions to environmental

constraints. She is a skilled project manager and smoothly guides difficult and controversial projects to completion. She most often manages CEQA review for general plans and specific plans, such as the *Los Alamos General Plan EIR*. Nicole's environmental analyses are accurate, clear, and thorough, and her grasp of technical considerations and up-to-date knowledge ensure that each project's issues, constraints, and community concerns are carefully managed.

Nicole is also an air quality specialist and an expert on global climate change as it relates to CEQA analysis. She closely follows the rapid changes in requirements and the latest information on CEQA thresholds and analysis methodology. She has performed numerous greenhouse gas emissions inventories for individual projects as well as citywide emissions inventories for general plans and specific plans that include business park uses such as office, medical office, light industrial, and research and development land uses. Nicole frequently presents at conferences, including APA's and AEP's California state conferences. She participated in the San Joaquin Valley Air Pollution Control District's CEQA GHG significance thresholds working group for development projects, beta-tested the South Coast Air Quality Management District's new CalEEMod program, and is a member of AEP's Climate Change Committee.

Joshua Carman, INCE-USA, Senior Associate, Noise and Vibration, has 20 years of experience in the field of acoustics and air quality and has participated in the environmental review and monitoring process for a diversity of projects in California, Washington, Nevada, and New York. Joshua prepares noise, air quality/greenhouse gas and community health risk assessments for environmental impact studies (CEQA/NEPA) and technical studies using federal, state, and local guidelines and methodology. His experience includes complex project- and program-level analyses of General Plan updates; Specific Plans; mixed-use development; traffic, transit and rail; vibration-sensitive; industrial; infrastructure, utilities, and telecommunications; long-term and remote construction noise and vibration monitoring; and underwater construction (e.g., pile driving and blasting) projects. He is certified in the use of the FHWA's Traffic Noise Model (TNM) and the US EPA AERMOD air dispersion model.

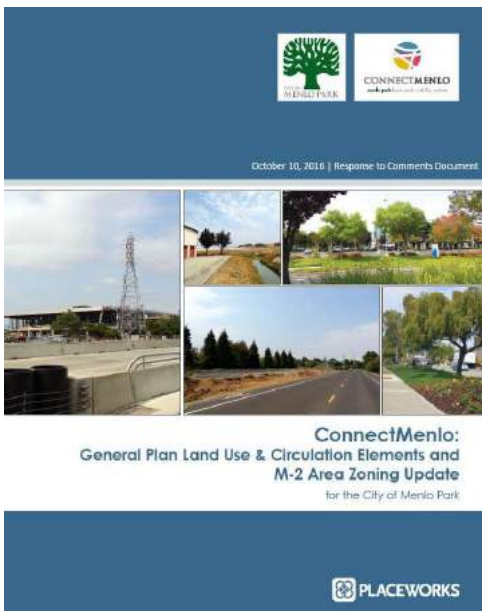
Steve Bush, PE, Senior Associate, Health Risk Assessment, is a member of both the Environmental Sciences and the CEQA teams. Steve's eclectic skill set covers a wide range of technical services. As a member of the CEQA team's air quality and greenhouse gas assessment group, Steve has completed air quality and GHG analyses for a variety of projects, including residential development (88 Broadway in San Francisco), industrial warehousing (100 Halcyon Dr in San Leandro, 506 Brookside Dr in Richmond), and mixed-use Specific Plan areas (*Millbrae Station Plan*). He leads our risk assessment practice, providing air toxics/health risk, pipeline safety, railroad safety, and EMF risk analyses for schools. Additionally, Steve is proficient in different air quality modeling software such as CalEEMod2016, AERMOD, and HARP.

Michael Watson, PG, Associate Geologist, has over a decade in the environmental consulting industry. Mike is proficient in providing field and office support to project managers performing site assessment and remediation. He performs site assessments, geohazard studies, air quality and industrial hygiene assessments, groundwater investigations, and remedial actions. Mike also manages materials acquisition, field equipment maintenance, and subcontractor coordination on large field investigations and monitoring programs.

Sean Anayah, Associate, Biological Resources, supports the Environmental Team in managing, preparing, and processing CEQA compliance documents on a wide range of projects including the *San Leandro Shoreline Master Plan EIR Amendment*, the *Town of Corte Madera zoning amendments IS*, and CEQA review projects for a new high school in Dublin, and a middle school in Fremont, each undergoing a full EIR. He coordinates early with the Technical, Planning, and Design Teams, and participates in project management and proposal preparation. Previously, he worked as a Biologist at Caltrans where his project contribution consisted of biological technical reports included as analyses in EIR's, ISMND's, and CE's. He also conducted routine biological surveys and mitigation monitoring for highway, bridge, local roadways, and associated projects. His primary interests include minimizing environmental hazards and risks, sustainable project design, environmental impact minimization and mitigation, and environmental compliance.

Relevant Projects

ConnectMenlo General Plan, M-2 Area Zoning Update, and EIR for the City of Menlo Park



PlaceWorks led a two-year effort with a multi-disciplinary team to update the Land Use and Circulation Elements of the General Plan, and to create new zoning regulations and high-quality design standards for the rapidly developing innovation hub around the Facebook headquarters. ConnectMenlo balances new office development with housing and the direct provision of real community amenities such as a grocery store and pedestrian/bicycle safety improvements in the Belle Haven neighborhood between US Highway 101 and the San Francisco Bay. Other community benefits include alternative transportation to alleviate severe traffic congestion and to reduce vehicle-miles traveled, and affordable and market-rate housing to support both the adjacent neighborhoods and the increasing workforce. ConnectMenlo was achieved on an accelerated schedule in order to enact solutions in the face of a skyrocketing rate of development. The project included an innovative suite of public participation components, including area tours, a mobile app, educational symposia, and focus groups. The final products, including the new zoning ordinance sections, are easy to understand and administer, and are well received by Belle Haven residents, and the environmental and development communities as fair and appropriate.



PlaceWorks prepared a program-level EIR that focused on the specific impacts of this area of change as well as city-wide impacts. PlaceWorks prepared General Plan policies and zoning regulations that were specific to mitigating the potential environmental impacts associated with future development in the city. These policies and regulations were identified in each topic area of the EIR to demonstrate how they were applied to reduce impacts. The EIR evaluated three alternatives to the proposed project. Key issues addressed in the EIR included potential impacts related to air quality, GHG emissions, noise, traffic, and land use compatibility.

San Leandro Shoreline Development Project EIR for the City of San Leandro

The proposed San Leandro Shoreline Development represented five years of planning by the City of San Leandro, Cal Coast Companies, and a 35-member community stakeholder group. The visionary plan aimed to transform the underutilized San Leandro Marina, consisting of 52 acres of City-owned shoreline and 23 acres of water area, into a vibrant mixed-use community by providing a range of uses that take advantage of the scenic and recreational opportunities afforded by the City's bay shoreline, while simultaneously strengthening the City's economic base. The Project would be built in three phases, with Phase 1 consisting of site demolition and preparation. This phase would include construction of a conference hotel; two restaurants; and an office building with ground-floor retail, a parking structure, mixed-use residential, townhouses, multi-family residential, and a library/community building. Phase 2 would consist of constructing a café/boat rental facility, additional office space and parking, and single-family and detached golf-course homes. Phase 3 would consist of building an office/mixed-use building and additional office space. Infrastructure improvements would be provided during each phase of development. PlaceWorks prepared an EIR that provides project-level information for all phases, enabling development to occur over the course of the project with minimal additional environmental review. The public review period for the EIR closed in February 2015 and PlaceWorks prepared a Final EIR that included responses to comments received during the public review period, as well as edits and clarifications to the Draft EIR. Areas of particular concern included impacts to traffic, noise, and biological resources, and impacts resulting from sea-level rise. The City of San Leandro certified the EIR in July 2015.



Broadway Plaza Project EIR for the City of Redwood City

PlaceWorks prepared an EIR for a proposed mixed-use development consisting of 520 multi-family dwelling units, 420,000 square feet of new office space, a relocated CVS Pharmacy, childcare space, and 11,000 square feet of new retail space, located at the gateway intersection of Broadway and Woodside Road. Other project components included surface parking for the retail uses, shared underground parking for the residential and office uses, and on-site open space. The project included affordable housing, childcare, and a relocation of an existing CVS Pharmacy. Areas of concern analyzed in the Draft EIR included traffic impacts on major arterials and the adjacent highway, hazardous materials and site remediation, construction noise, and air quality impacts related to construction and operation of the project.



W-TRANS: CALIFORNIA TRAFFIC ENGINEERING CONSULTANTS

W-Trans provides traffic engineering and transportation planning services that emphasize mobility within available resources and help transform streets to serve all potential users. We are particularly skilled in retrofitting streets and roads to make walking, bicycling and transit use safer and more convenient while also appropriately managing vehicle traffic.

W-Trans strength and focus are on balancing the technical needs and functionality of traffic with the desire of communities to create more livable streets and sustainable transportation systems.

W-Trans staff have applied their skills to a variety of projects ranging from traffic operation analyses, traffic collision reduction programs, transportation facilities design including traffic signal and roundabout design to downtown revitalization, streetscape planning efforts and complete street projects. W-Trans take a holistic approach to traffic engineering, realizing that solutions cannot be developed in a vacuum or strictly follow the standards of the past. Traffic analysis and design must be sensitive to the context of the surrounding land use and community goals to be successful. W-Trans service areas include

- Complete Streets
- Traffic Impacts
- Pedestrian Safety and Design
- Bicycle Facilities
- Safe Routes to School
- Traffic Engineering Design
- Roundabouts
- Traffic Operations
- Municipal Staff Services
- Traffic Safety
- Traffic Calming
- Parking
- Transit

W-Trans is currently working with the City of Menlo Park to prepare the City's Transportation Master Plan.

W-Trans is certified as a woman-owned business (DBE) by the California Department of Transportation. A copy of our certification can be provided upon request.

Key Staff

Mark Spencer, PE, Senior Principal and manager of the Oakland office, focuses on traffic analysis for multi-disciplinary projects, and excels at community engagement. He is registered in California as a Traffic Engineer.

Mark holds a B. Eng. in Civil Engineering from McGill University and an M.S. in Civil Engineering from the University of California at Berkeley. He has been working as a consultant in the Bay Area since 1990 and joined W-Trans in 2011. His work includes managing a wide array of transportation planning projects, from EIRs and General Plans to parking studies and neighborhood traffic management plans. He is often invited to present projects before community forums and elected officials and is recognized for his ability to present technical topics to both general and professional audiences. When asked what he does for a living, Mark will typically respond that, through transportation, he works to make communities better, safer, and more liveable. He also enjoys his role in mentoring and training staff.

Mark has been an active member of ITE since he was a Student Chapter President “back in the day” and then as an elected officer in the San Francisco Bay Area Section. He was Chair of the 2010 ITE Western District Annual Meeting in San Francisco and was elected to the Western District Board in 2014. He is the past President of the ITE Western District, and an Executive Board Member of the ITE International Transportation Consultants Council. Mark has presented papers at ITE and TRB Meetings on topics ranging from ITS to Parking Guidance Systems and ADA Training for Professionals.

KEYSER MARSTON ASSOCIATES, INC

Keyser Marston Associates (KMA) has broad experience analyzing the impacts of new development on the need for housing. Their experience includes preparation of housing needs assessments that analyze the impacts of specific development proposals as well as affordable housing nexus studies that analyze the housing impacts of new development by land use category. KMA has prepared over 80 affordable housing nexus studies to support affordable housing impact fees and requirements that apply to new residential and non-residential development.

For Menlo Park, KMA has prepared housing needs assessments for major projects that include multiple phases of the Facebook Campus and the Menlo Gateway Project. In total, KMA has prepared or has underway seven housing needs assessments for residential and non-residential projects in the city. These include the following:

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

Key Staff

David Doezema is a Principal in KMA’s San Francisco office with over 15 years’ experience in real estate and economic consulting. David holds a master’s degree in urban planning and a bachelor’s degree in civil and environmental engineering from the University of Michigan, Ann Arbor. David focuses on affordable housing nexus, fiscal and economic impact analysis, successor agency finance services and sports facilities. He has broad experience in affordable housing nexus, inclusionary housing, and financial feasibility analyses to support consideration of new or updated affordable housing requirements. David has prepared fiscal impact analyses for projects throughout California spanning a wide variety of land uses including master planned communities, military base reuse plans, medical facilities, and mixed-use projects.

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CHAPTER 3: WORK SCOPE

This chapter describes the scope of services to be completed by the PlaceWorks team for the 123 Independence Mixed-Use Project EIR. To facilitate your review of this proposal, we have prepared a concise scope that emphasizes key components of our approach to this project.

We are flexible regarding the proposed scope of work and will work with you to prepare a more detailed scope when we enter into a contract. We also recognize that it may be necessary to alter the scope as the project progresses and would be happy to work with you to ensure the successful completion of the project.

A summary of the work program is presented in Table 1.

TABLE 1 WORK PROGRAM SUMMARY	
Task 1: Project Initiation and Project Management	
1.1 Data Review and Kick-Off Meeting	1.3 Project Management
1.2 Status Meetings	
Task 2: Scoping and Project Description	
2.1 Notice of Preparation	2.3 Scoping Comment Matrix Memo
2.2 Scoping Meeting	2.4 Project Description
Task 3: Technical Reports and Analysis	
3.1 Housing Needs Assessment	3.4 Health Risk Assessment
3.2 Transportation Impact Analysis	3.5 Noise Analysis
3.3 Air Quality/GHG Analysis	3.6 Water Supply Assessment
Task 4: Environmental Review	
4.1 Administrative Draft EIR	4.4 45-day Review and Draft EIR Public Hearing
4.2 Alternatives Evaluation	
4.3 Screencheck and Public Review Draft EIR	4.5 Administrative Draft Final EIR and MMRP
	4.6 Screencheck and Public Review Final EIR and MMRP
Task 5: Findings of Fact and Statement of Overriding Considerations	
5.1 Administrative Draft and Final Findings	
Task 6: Public Hearings on the EIR	
6.1 Public Hearings on the Draft EIR	
Task 7: Notice of Determination	
7.1 Notice of Determination	

Task 1. Project Initiation and Project Management

1.1 Data Review and Kick-off Meeting

PlaceWorks will initiate the project by scheduling a project kick-off meeting to introduce the project team. Terri McCracken and Alexis Mena will organize a kick-off meeting with City staff, and others as desired by the City. Mark Spencer of W-Trans and David Doezema of KMA will also attend the kickoff meeting.

The kick-off meeting will allow for a review of project goals, communication protocols, project schedule, work plan, data needs, and status of current and planned efforts that are relevant to the project.

Specifically, we will discuss the environmental impact analysis data to be used to ensure it is fully aligned with that used on other recent and ongoing projects in the vicinity of the project. We will identify critical path items necessary to ensure a smooth and timely work schedule. Discussions will also focus on the cumulative impact setting and potential alternative concepts for the project to be evaluated in the EIR.

In advance of the meeting, the PlaceWorks team will review all available materials and prepare an agenda, contact sheet, and draft schedule for review and approval by the City. We assume the City will establish the date and meeting platform, assuming an online meeting.

Deliverable(s):

- Electronic copy of the draft agenda, EIR data needs memorandum, contact sheet, and preliminary schedule prior to the meeting
- Electronic copy of the revised preliminary schedule
- Electronic copy of the revised EIR data needs memorandum

1.2 Status Meetings

Consistent and regular communication between City staff and the PlaceWorks team throughout the project will provide the opportunity for the project team to coordinate and keep the project moving forward in order to meet the expedited timeline. At the project kick-off meeting, we will establish a regular schedule for project check-in calls. We offer meeting flexibility to match project needs by conducting a mix of phone, in-person, and web-based check-in meetings as appropriate to the task and public health mandates. Prior to each meeting, we will work with staff to draft an agenda, determine the most appropriate format, and identify the necessary participants to best meet the needs of each meeting.

The status meetings are intended to be focused discussions on issues that arise during review of the applicant's technical studies and during the course of preparing the EIR, bringing together City staff, PlaceWorks, and other team members as needed. The status meetings would be in addition to regular email and phone communication between project team members.

Deliverable(s):

- Electronic copy of the Status Meeting Agendas and Summaries

1.3 Project Management

Our project management team includes Terri McCracken, Principal-in-Charge, and Alexis Mena, Project Manager. Alexis will serve as the day-to-day contact for the project and will oversee the coordination of the regular status conference calls. Alexis will also be responsible for overseeing the budget, schedule, and overall team throughout the preparation of the EIR. Alexis will be assisted by Jacqueline Protsman, Assistant Project Manager. Terri and Alexis have teamed on numerous complex and high profile EIRs for over ten years. They work together seamlessly to ensure the highest quality of deliverables on time and on budget.

Task 2. Scoping and Project Description

2.1 Notice of Preparation

Concurrently with the preparation of the Project Description (Task 2.4), PlaceWorks will draft a Notice of Preparation (NOP) of an EIR pursuant to CEQA Guidelines Section 15082. The NOP will include a brief project history and a description of the topics to be analyzed in the EIR. For full disclosure and to help streamline the environmental process pursuant to SB 330, the environmental issues found not to require additional analysis due to the project location will be included in the NOP (e.g., agricultural, forestry, and mineral resources, dividing an established community, use of septic tanks, airport-related impacts, wildfire, etc.) and will not be evaluated further in the EIR.

PlaceWorks will work with the City to prepare a master distribution list for the NOP. PlaceWorks will assist the City with AB 52 compliance including contacting the Native American Heritage Commission for an up-to-date list of tribal contacts, if necessary, and drafting noticing letters to each identified tribe. PlaceWorks staff will be responsible for circulation to the State Clearinghouse. City staff will be responsible for mailings to local and regional agencies. City staff will submit the NOP to the County Clerk and pay all applicable filing fees at the time of posting.

Deliverable(s):

- PlaceWorks is part of a pilot program with the State Clearinghouse for electronic submittals that eliminate the need to mail and excessively print multiple hard copies. PlaceWorks will submit the NOP along with the required forms to the State Clearinghouse.
- Electronic copy of the NOP to the City.

2.2 Scoping Meeting

During the 30-day comment period for the NOP, PlaceWorks staff will attend a public scoping meeting (either through an online format or in-person, depending on health regulations) to hear comments on the environmental issues to be addressed in the EIR. PlaceWorks will prepare supporting material as appropriate for the final meeting format, including a brief presentation, comment cards, sign-in sheet, and other materials. Terri McCracken or Alexis Mena will facilitate the CEQA portion of the scoping meeting depending on the format (in-person or virtual). We will prepare a written summary of the environmental issues raised at the scoping meeting for inclusion in the Draft EIR. Our scope

of work does not include the services of a court reporter to record oral comments from an in-person meeting, but we can arrange to have this service provided at the City's request.

Deliverable(s):

- Materials for Scoping Meeting (e.g., brief presentation, comment cards, sign-in sheets)
- Electronic copy of the Meeting Summary Memorandum

2.3 Scoping Comment Matrix Memo

Following the 30-day comment period for the NOP, PlaceWorks will collect all of the comments provided to the City on the scope and content of the Draft EIR and prepare a summary of the comments in a matrix format. The summary and comments will be included as an appendix to the Draft EIR.

Deliverable(s):

- Electronic copy of the Scoping Comments Matrix Memorandum

2.4 Project Description

One of the most important elements of the EIR is the project description, as it forms the basis of analysis of environmental impacts. PlaceWorks will draft a project description using graphics and textual information provided by the project applicant. The project description will include detailed information on project features for the proposed project, including building sizes and heights, circulation patterns, and intended uses. PlaceWorks will work with City staff to develop the CEQA-required project objectives, which will be used to facilitate the alternatives discussions.

We will respond to one round of City comments on the administrative draft project Description and submit a revised description for City approval prior to beginning the environmental review.

Deliverable(s):

- Electronic copy of the Administrative Draft Project Description
- Electronic copy of the Revised Project Description

Task 3. Technical Reports and Analysis

3.1 Housing Needs Assessment

The following describes the preparation of a Housing Needs Assessment (HNA) to be prepared for the proposed project by KMA at the request of the City. The HNA will address the following major housing-related topics:

- Net impact on housing supply and housing need by income level considering:
 - Housing supply added by the proposed project;
 - Net impact on worker housing need from removal of the existing 103,000 square feet office / industrial buildings, and construction of 88,750 square feet of new office space; and

- Added worker housing need associated with off-site retail and other services to residents of the new 383 residential units.
- Menlo Park share of net housing impacts; and
- Qualitative evaluation of potential influence on the regional housing market that would address the potential effects on housing prices and rents from the addition of new housing supply, removal of existing employment space, and addition of new office space.

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 proposed project. This analysis, if included in the EIR, will be labeled as informational and not required by CEQA. 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.

a. Housing Needs Data Collection

Following the Kick-off Meeting (Task 1.1), KMA will provide a list of data needs to complete the HNA and work with PlaceWorks and the City’s project team to gather the necessary data.

b. 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:

- *Housing Supply Addition by Income Level* – The 383 residential units to be added to the housing supply by the proposed project will be summarized based on the income level(s) applicable to the Below Market Rate (BMR) affordable units and the estimated income level(s) applicable to the market rate apartment and for-sale townhome units. The income level(s) for market rate rental units will be estimated based on the estimated market rents for the units. The income level(s) for the townhome units will be estimated based on the estimated sales prices for the units. If desired, two scenarios will be evaluated regarding the income level(s) applicable to BMR units.
- *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 / industrial buildings, and construction of the new office space, combined with household size ratios developed from U.S. 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, U.S. Census, and California Employment Development Department data to estimate the household incomes of workers.

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

c. Menlo Park Share of Housing Supply / Demand Effects

The prior Task 3.1.b 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 / industrial space, if available.

d. 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.

In this task, 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 of the proposed project. 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 project is anticipated to result in a net increase in housing availability considering the net effect of the 383 new residential units and a potential net increase in housing needs for on-site and off-site workers. As such, a limited qualitative approach to the displacement analysis task is proposed, generally consistent with HNAs currently being prepared for other primarily residential projects.

e. HNA Report Preparation

KMA will respond to one set of unified, consolidated, and non-contradictory comments on two administrative drafts of the HNA Report and will prepare a final HNA Report.

Deliverable(s):

- Electronic copy of HNA data needs list
- Electronic copies of two Administrative drafts and Final HNA Reports

3.2 Transportation Impact Analysis

The following tasks will provide a transportation impact analysis report that meets Transportation Impact Analysis (TIA) Scope Guidelines prepared by the City of Menlo Park Transportation Division for SB 330 projects, including the proposed project. These tasks meet the City of Menlo Park, San Mateo County Congestion Management Program (CMP), and SB 330 requirements and provides focused information on the proposed project. The following tasks include CEQA-required analysis for inclusion in the EIR (vehicle miles traveled) and analysis that is for informational purposes requested by the City that is no longer required under CEQA (level of service). The EIR will clearly state whether analysis is required by CEQA or included for informational purposes. The EIR also will analyze the VMT impacts, if any, from proposed roadway improvements the City may desire to address LOS issues.

a. Existing Conditions

i. Data Collection

The list of intersections and roadway segments represent those facilities that are most likely to be degraded by the proposed project. If it is found, through the course of the transportation analysis, that additional intersections or roadway segments should be analyzed, then W-Trans will bring that to the attention of City staff at that time. W-Trans proposes 29 study intersections and one (1) roadway segment assumed to be included in this analysis. Jurisdictions other than City of Menlo Park are denoted within parentheses for each intersection.

The study intersections include the following:

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

28. Willow Road and US-101 SB Ramps (State)
29. Bay Road and Ringwood Avenue (Menlo Park)

It is assumed that the City of Menlo Park will provide recent a.m. and p.m. intersection turning movement counts for all study intersections for a typical non-holiday weekday (Tuesday, Wednesday, or Thursday) morning (7:00 to 9:00 a.m.) and evening (4:00 to 6:00 p.m.) peak period.

ii. Field Reconnaissance

W-Trans staff will conduct field visits during the a.m. and p.m. peak periods on a typical weekday (Tuesday, Wednesday, or Thursday) for those intersections not recently evaluated under other projects. W-Trans will observe:

- Traffic patterns and circulation in the site vicinity
- Study intersection lane geometrics
- Traffic control
- Pedestrian circulation and facilities/amenities
- Bicycle circulation and facilities/amenities
- Proximity of public transit service
- Sight distance issues at study intersections
- Potential access issues

b. Transportation Analysis

i. Project Trip Generation and Distribution

As there is a possibility that the proposed project will generate fewer than 100 net new peak hour trips, W-Trans will conduct a trip generation calculation prior to continuing with proposed analysis described. This will also inform whether CMP roadway analysis is required. W-Trans will submit a Memorandum of Assumptions for City staff review and confirmation prior to proceeding with subsequent tasks.

W-Trans will estimate the number of net new trips that would be added to the study area by the proposed project. The vehicle trip generation will be based on a three-step process: trip generation, trip distribution patterns, and trip assignment, and determined based on standard average trip rates published in the latest edition of the Institute of Transportation Engineers' *Trip Generation Manual*. Credit for any existing active uses on-site will be estimated and confirmed with City staff, as well as the potential for any pass-by trips or internal trip capture.

W-Trans will peer review the applicant's Transportation Demand Management (TDM) plan and assess the level of trip reduction (up to 20 percent) that can be applied to the trip generation forecast. W-Trans will use C/CAG, CAPCOA or other appropriate guidance to evaluate if the TDM plan provides adequate evidence that the proposed measures are forecasted to achieve the desired trip reduction result.

The trip distribution will be based on the City's Circulation System Assessment (CSA) document and the likely paths of travel to common destinations (such as: regional transportation facilities, schools, and shopping and employment centers).

W-Trans will submit a Memorandum of Assumptions for City staff review and confirmation prior to proceeding with subsequent tasks listed below.

ii. CEQA-Required Transportation Analysis

a) Site Plan and Access Evaluation

To the extent that the site plan has been developed, W-Trans will review the site plan for the project, and access locations with respect to on-site traffic circulation, proposed site access and operational safety conditions. W-Trans will also evaluate whether the project would result in inadequate emergency access to existing, offsite buildings.

b) Pedestrian Conditions, Bicycle Access and Transit Impacts Analysis

W-Trans will review the proposed project with respect to the potential effects on pedestrian and bicyclist facilities. This includes sidewalks, bicycle lanes, and amenities to promote the safe use of alternate modes of transportation, and connections to the existing bicycle and pedestrian network. The analysis will consider the project's proposed elements with respect to the City's Bicycle Plan and Sidewalk Master Plan, as well as the Transportation Master Plan. W-Trans will also estimate the potential number of additional transit riders that may be generated by the proposed project, and qualitatively assess whether they would constitute an impact to transit load factors

c) Vehicle Miles Traveled

Elite Transportation Group, Inc. (ETG) is a travel modeling consulting firm that works with W-Trans to provide travel forecasting modeling services. ETG will extract project (TAZ based) VMT from the City of Menlo Park model per SB 743. This will be for residential per capita and employment per service population. ETG will run the City's model to extract housing VMT because the current project TAZ does not include housing. W-Trans will compare the VMT per capita for each proposed project land use to the existing VMT and the 2040 No Project VMT (if the project does not conform to the General Plan).

The City of Menlo Park will soon (anticipated summer 2020) adopt its own local threshold VMT significance criteria and will not be using OPR's default threshold. W-Trans will confirm the appropriate VMT thresholds for this project in order to make a CEQA impact finding.

d) Support for Air Quality, Greenhouse Gas and Noise Studies

W-Trans will work with ETG to obtain the following information for the air quality, GHG emissions, and noise analysis:

- Average Daily Trips (weekday, weekend) associated with existing land uses (2020) in study area by land use type
- Average Daily Trips (weekday, weekend) associated with No Project and Project land uses in study area (at buildout) by land use type
- VMT associated with existing land uses in the Plan Area
- VMT associated with the 2040 No Project and Project land uses in the study area
- VMT for 2030 and 2050 (interpolated/extrapolated using 2020 and 2040 VMT)
- VMT by speed bin, if available
- VMT by I-X, X-I, I-I (excluding X-X trips), if available
- Potential reductions in trips from TDM Measures and other project design features that support transit, bicycles, walking, and other shifts in travel length, travel frequency, or travel mode.

- GIS: City Centerline data with the segments coded (e.g., X Street – Y Street to Z Street) for highways, major roadways and arterials in the study area
- ADT segment volumes (both directions, not one-way) for all highway, major roadway and arterial segments in the traffic study area in Excel for all scenarios.
- Daytime (7:00 a.m. to 7:00 p.m.)/Evening (7:00 to 10:00 p.m.)/Nighttime (10:00 p.m. to 7:00 a.m.) percentage splits on segments for existing and future timeframes
- Number of lanes/roadway widths for the above segments
- Existing posted speeds limits on highways, major roadways and arterial segments

e) Development of Mitigation Measures

For the EIR Transportation chapter, W-Trans will discuss specific mitigation measures to address any potential transportation impacts related to pedestrian, bicycle, transit, and VMT that are attributed to or exacerbated by the construction and operation of the proposed project.

f) Project Alternatives Analysis

We have assumed quantitative analysis of three project alternatives (No Project and two other land use alternatives). For these alternatives, W-Trans will prepare VMT analysis comparison tables, and mitigation measures (if required) for each alternative.

iii. Non-CEQA Transportation Operations Analysis

a) Study Intersection Traffic Analysis

Intersection levels of service also referred to as “LOS” analysis will be for informational purposes only in the EIR. Any identified measures necessary to address LOS will be potential conditions of approval imposed by city decision makers, not mitigations imposed through the EIR. As potential conditions of approval, their effect on VMT would be analyzed in the EIR.

The a.m. and p.m. peak hour operational levels of service will be analyzed at the study intersections. The analysis will include the following scenarios:

- Existing Conditions
- Near Term Conditions (Existing [a] + Approved and Pending Projects, plus an annual growth rate to account for background traffic growth (growth factor to be determined based on traffic growth in C\CAG 2040 Travel Forecast Mode along key study corridors)
- Near Term [b] + Project Conditions
- Cumulative Conditions (No Project Alternative, Approved and Pending Projects plus an annual growth rate to 2040 for background traffic based on C\CAG 2040 Travel Forecast Model projections along key study corridors
- Cumulative [d] + Project Conditions (based on proposed project full build out)

All study intersections will be evaluated during the a.m. and p.m. peak hours using VISTRO software and the Highway Capacity Manual 6 (HCM 6) methodology. This traffic analysis will include estimates of average vehicle delays on all approaches. For any impact found to be significant, W-Trans will determine the traffic contribution from the proposed project. The suggested measures in the recently adopted Traffic Impact Fee (TIF) and in other approved development projects in Menlo Park, as detailed in the documents or EIRs

prepared for those projects, will also be included if they are within the jurisdiction of Menlo Park.

W-Trans will confirm with City staff the list of approved and pending projects prior to conducting analysis, including the status of capital improvement projects proposed as part of other projects.

b) Near-Term Trip Generation and Distribution

Near-term traffic will be based on a list (and the traffic studies if possible) of pending and approved projects that will be provided by City of Menlo Park staff. This includes the most recent Facebook Willow campus data. W-Trans will also ask City of Menlo Park staff to provide a list (and the traffic studies if possible) of any pending and approved projects from the cities of Palo Alto, East Palo Alto, Redwood City, and the Town of Atherton that should be included in the near-term transportation analysis.

c) Arterial and Collector Streets Assessment

W-Trans will estimate the daily traffic on Marsh Road and estimate whether the proposed project would result in a significant impact under the City's significance criteria. For any study intersections or roadway segments not in Menlo Park (if any), W-Trans will apply the local agency's adopted analysis methods and significance criteria.

d) San Mateo County CMP Analysis

If it is found through the trip generation analysis that the proposed project will generate more than 100 p.m. peak hour trips, it will be subject to review by the San Mateo County Congestion Management Program (CMP) and its requirements. In that case, W-Trans will prepare the analysis for the CMP segments including level-of-service analysis during the weekday a.m. and p.m. peak hours for the following CMP locations:

Arterials

- SR 84 Bayfront Expressway
- SR 109 University Avenue
- SR 114 Willow Avenue

Freeways

- US 101, North of Marsh Road
- US 101, north of Willow Road
- US 101, north of University Avenue
- US 101, south of University Avenue

Freeway Ramps

- US 101 ramps at Marsh Road
- US 101 ramps at Willow Road

Existing traffic conditions and levels of service will be taken from the most recent San Mateo County CMP Monitoring Report. The identification of the potential impacts of adding project-generated peak hour trips to these routes will be examined. Evaluation of the CMP routes will be based on the most recently approved CMP Traffic Impact Analysis guidelines in the Land Use section of the CMP.

e) Planned Transportation Improvements

W-Trans will incorporate any planned transportation improvements by the project as part of the EIR analysis. W-Trans will consider the timing and funding for any improvements prior to its inclusion in the analysis.

f) Parking Analysis

W-Trans will review the proposed parking supply considering the City's Code requirements and the anticipated peak parking demand based on ITE *Parking Generation* rates.

g) Development of Transportation Operational Improvements

For the Non-CEQA Transportation Operations analysis, W-Trans will recommend improvement measures to improve operational conditions. Potential measures may include those to intersections, roadways, on-site circulation and access, as well as parking, bicyclist, pedestrian and transit operations. The analysis shall first concentrate on short-term strategies that can be implemented by the applicant, and then longer-term joint effort strategies. If there are any capacity-enhancing roadway improvements recommended, W-Trans will analyze the potential secondary VMT changes that may result.

Transportation improvement measures identification and selection process will be coordinated with City staff. As part of this task, W-Trans will provide conceptual drawings for recommended improvement measures, up to the budget resources available.

c. TIA Report Preparation

W-Trans will document all work assumptions, analysis procedures, findings, graphics, impacts and recommendations in an Administrative Draft TIA Report for review and comments by City staff. The report will be organized by CEQA- and Non-CEQA required analysis.

W-Trans has assumed preparation of two Administrative Drafts of the TIA Report and one final TIA Report (three total submittals).

W-Trans will respond to one set of unified, consolidated, and non-contradictory comments from the City on each Administrative Draft TIA Report. To support the TIA report, W-Trans will provide a technical appendix that may include more detailed transportation analysis such as level-of-service calculations, technical memoranda that were developed as part of this proposal, and other supporting materials. The final TIA Report and the appended materials will be included as appendix to the Draft EIR.

Deliverable(s):

- Electronic copy of Memorandum of Assumptions
- Electronic copy of two Administrative Drafts and one TIA Reports

d. Optional Transportation Task

New intersections counts can be conducted at a cost of \$400/intersection for weekday a.m. and p.m. peak periods. The usefulness of new traffic counts considering Shelter in

Place, seasonal and economic variations will be discussed with City staff prior to any new data collection.

3.3 Air Quality/GHG Analysis

PlaceWorks will prepare an air quality, greenhouse gas (GHG) emissions, and community risk and hazards analysis to evaluate impacts of the proposed mixed-use project. The analysis will be prepared in accordance with the Bay Area Air Quality Management District's (BAAQMD or Air District) CEQA Guidelines, which are in the process of being updated by BAAQMD. The approach outlined below is based on BAAQMD's May 2017 CEQA Guidelines and screening tables for Project-Level analyses. The air quality and GHG emissions impact analysis and technical information will be summarized in the Draft EIR and modeling data will be included as an appendix.

a. Criteria Air Pollutants and GHG Emissions – Construction Phase

PlaceWorks will quantify construction emissions as required pursuant to the BAAQMD CEQA Guidelines. Construction emissions will be quantified using the latest version of California Emissions Estimator Model (CalEEMod) program and will be based on anticipated construction activities, phasing, equipment mix, and demolition debris and soil haul volumes (if applicable) as provided to PlaceWorks. Project-related construction emissions will be compared to the applicable BAAQMD construction significance thresholds. Mitigation measures will be considered, as needed, to reduce potentially significant Project impacts. If, after mitigation, criteria air pollutants exceed BAAQMD's thresholds, PlaceWorks will explain the likely health impacts of that exceedance.

b. Off-Site Construction Health Risk

PlaceWorks will prepare a Construction-Related Health Risk Assessment (HRA) to analyze the Project's site-specific off-site community health risks from diesel-particulate matter (DPM) from off-road equipment and fine particulate matter (PM_{2.5}) emissions for the Project. Dispersion modeling will be performed using a BAAQMD-accepted computer-based model (e.g., AERMOD). Cancer and toxicity data published by the California Environmental Protection Agency (Cal-EPA) will be used to estimate long-term and short-term (acute) health risks for the nearest off-site sensitive receptors. Measures to reduce health risks from short-term and long-term construction activities will be incorporated in the EIR.

c. Criteria Air Pollutants and GHG Emissions – Operation Phase

The existing uses within the project area generate criteria air pollutants and GHG emissions associated with transportation (passenger vehicles and trucks), energy, area (landscape fuel, aerosols, transport refrigeration units), water/wastewater use, and solid waste disposal. The proposed project would intensify development on-site and increase regional criteria air pollutant and GHG emissions. PlaceWorks will model existing and project-related emissions. The transportation sector emissions will be based on the trips and/or VMT provided by the traffic engineer. Implementation measures, such as transportation demand measures, and design standards identified in the Project that reduce emissions will be incorporated into the buildout model run. Impacts will be based on the net increase in emissions compared to the CEQA baseline. Based on communications with BAAQMD, BAAQMD staff is recommending that the brightline threshold of 1,100 MTCO₂e be reduced

by 40 percent to account for the additional reductions needed to address the Senate Bill 32 (SB 32) target of 40 percent below 1990 levels by 2030. Mitigation measures to reduce criteria air pollutant and GHG emissions will be incorporated, as necessary, to reduce Project impacts. If, after mitigation, criteria air pollutants exceed BAAQMD's thresholds, PlaceWorks will explain the likely health impacts of that exceedance.

d. Project Consistency with Plans Adopted to Reduce GHG Emissions

The GHG section will discuss the GHG reduction goals of Assembly Bill 32 (AB 32), Senate Bill 32 (SB 32), and SB 375. The California Air Resources Board has adopted the 2017 Climate Change Scoping Plan Update to achieve the SB 32 reduction target. In addition, the Association of Bay Area Governments (ABAG)/Metropolitan Transportation Commission (MTC) has adopted a regional transportation plan/sustainable communities strategy (Plan Bay Area 2040) to ensure that the Bay Area can attain the regional transportation-related GHG reduction goals of SB 375. Furthermore, the City of Menlo Park has prepared a Climate Action Plan. The GHG analysis will include a consistency evaluation of the project with these applicable state, regional, and local plans adopted for the purpose of reducing GHG emissions.

e. Air Quality Management Plan Consistency, CO Hotspots, and Odors

The San Francisco Bay Area Air Basin is in non-attainment for particulate matter and for ozone. Consistency with BAAQMD's air quality management plan to attain the federal and state ambient air quality standards will also be discussed in the EIR. The proposed mixed-use project would not generate enough traffic to warrant a detailed carbon monoxide hotspot analysis or generate substantial odors; therefore, a detailed analysis compared to BAAQMD's carbon monoxide thresholds and odor impacts is not necessary and impacts would be handled qualitatively based on BAAQMD's CEQA Guidelines screening analysis.

Deliverable(s):

- Electronic copies of the air quality, GHG, and dispersion modeling data and technical information, to be included as an appendix to the Draft EIR

3.4 Operational Health Risk Assessment Report

Separate from the construction HRA described in Task 3.3.b, PlaceWorks will prepare an operational HRA to evaluate the impacts of the surrounding land uses on the future occupants of the proposed project. The on-site operational HRA will be prepared for the proposed project to meet the requirement of Mitigation Measure AQ-3b in the City's ConnectMenlo Mitigation Monitoring and Reporting Program because the proposed project would place sensitive receptors (i.e., residents of the project) within 1,000 feet of US 101, SR 84, and in proximity to potential stationary sources of toxic air contaminants (TACs). Specifically, the project site is approximately 400 feet north of US 101 and 130 feet east of SR 84.

Emissions generated by vehicles traveling on the highway will be determined by using data provided by the California Department of Transportation (fleet mix and freeway volumes) and the California Air Resources Board's EMFAC2017 computer model. BAAQMD will be contacted to assist in identifying facilities within 1,000 feet of project which could potentially impact residents of the project. Air dispersion modeling will be performed using a BAAQMD accepted computer-based model (e.g., AERMOD) to determine concentrations

of hazardous air pollutants at the project site. Cancer and toxicity data published by the California Environmental Protection Agency will be used to estimate long-term health risks for on-site sensitive receptors. If the operational HRA finds that the unmitigated cancer risk is greater than 10 in a million for future residents of the proposed project, potential mitigation measures will include the installation of air filters in the building's ventilation system with an appropriate minimum efficiency rating value (MERV).

PlaceWorks will respond to one set of unified, consolidated, and non-contradictory comments from the City on the administrative Draft Operational HRA.

Deliverable(s):

- Electronic copies of the draft and final copies of the Operational Health Risk Assessment Report

3.5 Noise Analysis

PlaceWorks will prepare a technical evaluation of the potential noise and vibration impacts from the construction and operational phases of the proposed project based on federal, state and local standards, including those in the Noise and Safety Element and Municipal Code.

a. Existing Noise Conditions

PlaceWorks proposes to assess existing conditions and identify the nearest sensitive receptors based on our experience of similar noise environments, aerial photography, site plans, and work on the ConnectMenlo Program EIR. Given the roadway configuration around the project site, traffic noise is expected to be the dominant noise source in the area; both now and at project build-out. As such, no field measurements of ambient noise levels are indicated, and existing conditions will be addressed via available traffic data and City noise contours.

b. Construction Noise & Vibration Impacts

PlaceWorks will prepare a quantitative assessment of temporary noise and vibration impacts during project construction activities using detailed construction information, such as equipment and schedules, as provided by the project applicant. Construction noise and vibration levels will be calculated and quantified using published data from the Federal Transit Administration and Federal Highway Administration. Impacts are based on the overall noise and vibration levels, the duration of construction activities, and the time of day construction activities would occur.

c. Operational Impacts

Long-term operational noise impacts will be primarily related to project-generated traffic. Traffic noise impacts to uses along nearby roadway segments will be assessed based on data in the project's traffic study. Other on-going noise sources at the site (such as HVAC units) will also be addressed in the technical analysis.

Deliverable(s):

- Electronic copies of the noise data and technical information, to be included as an appendix to the Draft EIR

3.6 Water Supply Assessment

The scope of work for a Water Supply Assessment (WSA) is designed to meet the requirements of California Senate Bill 610 (SB 610). SB 610 requires an assessment of whether available water supplies are sufficient to serve the demand generated by the proposed project, as well as the reasonably foreseeable cumulative demand in the region over the next 20 years under average normal year, single dry year, and multiple dry year conditions. In some jurisdictions, the local water purveyor prepares the WSA; in other cases, the project applicant prepares the WSA. This scope of work and cost estimate is presented in the event that the City deems a WSA necessary for the project. The WSA will rely on information provided in the *Menlo Park Municipal Water District 2015 Urban Water Management Plan* and water demand factors based on land use. The WSA will include the following information:

- Sources of water supply
- Quantification of past, current, and projected future water demands
- Quantification of past, current, and projected water supply
- Evaluation of drought impacts and consideration of variability in demand and supply based upon hydrologic conditions
- Assessment of water supply sufficiency for the project, based upon this analysis.

If it were determined that there are insufficient supplies to meet demand over the next 20 years, additional sources of supply would need to be identified. If this is the case, the WSA will make recommendations of how and where these new supply sources will come from. The WSA can also recommend project modifications that could reduce the demand (water usage) at the proposed project. Recommended demand reductions could be incorporated into the Draft EIR for the proposed project as specific mitigation measures, project alternatives, or both.

PlaceWorks will respond to one set of unified, consolidated, and non-contradictory comments from the City on the Administrative draft WSA Report. The final WSA Report will be included as appendix to the Draft EIR.

Deliverable(s):

- Electronic copy of an Administrative Draft and a final WSA Report

Task 4. Environmental Review

4.1 Administrative Draft EIR

PlaceWorks will prepare an Administrative Draft EIR (ADEIR) and submit it to City staff for review and comment. The ADEIR will include the following chapters:

- **Introduction and Executive Summary.** PlaceWorks will create a summary in a form consistent with CEQA Guidelines, Section 15123. This summary will facilitate a quick understanding of environmental issues and the actions required to mitigate potential impacts. It will include a summary table of impacts, mitigation measures, and levels of significance before and after mitigation.

- **Project Description.** The ADEIR will include the Project Description drafted for the project.
- **Setting, Impacts, and Mitigation Measures.** The existing setting information, impact analyses, and mitigation measures developed in the EIR will be combined to create chapters describing environmental consequences for each CEQA-required topic.
- **Alternatives Evaluation.** The alternatives evaluation completed above will be incorporated into the ADEIR. This chapter will include a tabular comparison of the alternatives impacts.
- **CEQA Required Assessment Conclusions.** PlaceWorks will prepare assessment conclusions to meet CEQA Guidelines for the following mandatory findings:
 - Cumulative Impacts
 - Growth Inducement
 - Unavoidable Significant Effects
 - Significant Irreversible Changes
 - Impacts Found Not to be Significant
- **Report Preparers.** This chapter will identify the consultants and staff who prepared the EIR.

The comprehensive impact analysis will address all CEQA requirements. For each identified environmental impact, a set of feasible mitigation measures will be recommended. PlaceWorks will use the applicable technical analysis described above and the analysis described below to prepare an EIR that focuses on the CEQA resource categories where substantial evidence of a potentially significant environmental impact exists. This approach will allow for preparation of a rigorous environmental analysis and a legally defensible EIR on an optimized schedule and budget.

a. Aesthetics

PlaceWorks will use its expertise in urban design and visual assessment, and its familiarity with the city’s visual resources, to analyze potential aesthetic impacts associated with the project. The analysis will focus on the CEQA Appendix G thresholds applicable to urban areas. We understand the proposed project is proposing a maximum height of 85 feet.

b. Biological Resources

Given the urbanized nature of the project site, the biological resources discussion will focus on the mitigation measures from the General Plan EIR addressing the potential for disturbance of avian nests, protected by the federal Migratory Bird Treaty Act and California Department of Fish and Game Code.

c. Cultural and Tribal Cultural Resources

Given the developed nature of the project site, and the lack of known cultural or tribal cultural resources, PlaceWorks will evaluate the potential for disturbance of unknown buried archaeological resources, including human remains and tribal cultural resources pursuant to AB 52.

d. Energy

This section will describe the required energy demands for the proposed project and energy conservation features to determine if the project will result in wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation. This section will be prepared to be consistent with the energy demands evaluated in the air quality and GHG emission sections. In addition, this section will describe the state and local mandatory requirements for energy efficiency and demonstrate if the project will conflict with or obstruct any of these requirements.

e. Geology and Soils

The environmental analysis will provide an overview of current geologic/soil conditions at the project site and an evaluation of the potential for the proposed project to result in significant direct and/or indirect environmental impacts related to geology and soils. The section will be prepared under the direction of a Registered Geologist in the State of California.

f. Hazards and Hazardous Materials

PlaceWorks will evaluate environmental hazards associated with hazardous materials, hazardous waste disposal and wildland fire. This section will include a database search of the site and nearby properties that use, store, or transport hazards of hazardous materials. Recognized environmental concerns will be evaluated and addressed in this section of the environmental analysis, along with other past site activities, and proposed construction and development activities, the presence/absence and significance of hazardous waste risks, and recommendations for remediation measures, as appropriate.

g. Hydrology and Water Quality

This section will identify and evaluate issues relating to surface and groundwater hydrology, site drainage, storm water pollution prevention during construction and operation, and flooding. The project site is located in the 100-year floodplain that is subject to tidal flooding from San Francisco Bay and will be subject to specific design requirements to reduce flooding hazards. The analysis will address sea level rise. The documentation of best management practices, including source control, site design, and stormwater treatment measures, will be described in this section along with low impact development measures. This section will be prepared under the direction of a Registered Engineer in the State of California.

h. Land Use and Planning

PlaceWorks will describe the existing character of the project site and surrounding uses; and provide a description of the existing and proposed regulating general plan and zoning designations. As required by CEQA, the land use analysis will focus on whether the project would be inconsistent with policies adopted for the purposes of avoiding or reducing significant environmental impacts.

i. Population and Housing

Based on existing site conditions, the proposed project would not displace any existing housing or people, so the analysis will focus on employee and population growth compared

to local and regional planning efforts in order to determine whether the project would result in unplanned growth.

j. Public Services and Recreation

The primary purpose of a public services and recreation impact analysis is to examine the impacts associated with physical improvements to public service and recreation facilities required to maintain acceptable service ratios, response times, or other performance objectives. Public service and recreation facilities need improvements (i.e., construction, renovation, or expansion) as demand for services increase. Increased demand is typically driven by increases in population. The proposed project would have a significant environmental impact if it would exceed the ability of public service providers to adequately serve residents, thereby requiring construction of new facilities or modification of existing facilities. PlaceWorks will evaluate the potential need for expanded public services as a result of the proposed project, including law enforcement, fire protection, schools, parks, and recreational facilities. As part of this evaluation, PlaceWorks will contact service providers for background information, assistance with impact assessments, and mitigation recommendations, as needed.

k. Utilities and Service Systems

PlaceWorks will evaluate potential impacts related to wastewater treatment and water supply infrastructure, stormwater infrastructure, solid waste disposal, and energy conservation. PlaceWorks will contact utility providers for background information, assistance with impact assessments, and mitigation recommendations. PlaceWorks will incorporate the findings of the WSA into this section of the EIR.

Deliverable(s):

- Electronic copy of the Administrative Draft EIR

4.2 Alternatives Evaluation

Building off of the analysis above, PlaceWorks will develop a list of up to three potential draft alternatives, including the CEQA-required No Project Alternative, designed to avoid or lessen at least some of the potentially significant impacts identified in the EIR. We will work with City staff to finalize the list and complete an impact analysis of each alternative for inclusion in the EIR. The alternatives analysis will include technical modeling for a quantitative comparison of impacts for the CEQA-required transportation analysis described in Task 3.2 above, as well as for air quality, greenhouse gas emissions, and noise. All other environmental topics will include a qualitative discussion for a comparison of impacts. This section will also identify the environmentally superior alternative.

Deliverable(s):

- Electronic copy of the alternative evaluation as part of the Administrative Draft EIR described in Task 4.1

4.3 Screencheck and Public Review Draft EIR

PlaceWorks will respond to one set of unified, consolidated, and non-contradictory comments on the ADEIR from City staff to create the Screencheck Draft EIR for final review and approval prior to publication. Comments on the Screencheck Draft EIR will be limited

to grammatical, format and typographical comments. PlaceWorks assumes 30 hours for addressing comments from the City staff on the Screencheck Draft EIR, preparing the Draft EIR, and publication of the document.

PlaceWorks will be responsible for delivery of the Draft EIR, Notice of Availability (NOA) and Notice of Completion (NOC) to the State Clearinghouse. We assume the City staff will publish and locally distribute the NOA.

Deliverable(s):

- Electronic copy of the Screencheck Draft EIR to the City
- Sixteen hard copies with the technical appendices on compact disc (CD) attached and an electronic copy of the Public Review Draft EIR to the City
- PlaceWorks is part of a pilot program with the State Clearinghouse for electronic submittals that eliminate the need to mail and excessively print multiple hard copies. PlaceWorks will submit the NOA, Executive Summary, and Draft EIR and technical appendices along with the required forms to the State Clearinghouse

4.4 45-day Review and Draft EIR Public Meeting

PlaceWorks will attend one public meeting on the Draft EIR. PlaceWorks will prepare materials for the public meeting, including a brief presentation, comment cards, and sign-in sheets, as determined, based on public health regulations in place at that time.

Deliverable(s):

- Materials for Public Meeting (e.g., brief presentation, comment cards, sign-in sheets)

4.5 Administrative Draft Final EIR and MMRP

Following the mandatory CEQA 45-day review period, PlaceWorks will prepare an Administrative Draft Final EIR, starting with a detailed response to comments matrix to facilitate review by City staff. PlaceWorks has assumed 40 hours of staff labor for completion of the responses to comments. If additional time is needed due to an unforeseen volume of comments, we may request a contract modification to cover additional labor costs.

Concurrent with the preparation of the Administrative Draft Final EIR, we will prepare an MMRP for the mitigation measures included in the EIR pursuant to the City's policies and procedures. The MMRP, shown in tabular form, will identify responsibility for implementing and monitoring each mitigation measure, along with monitoring triggers and reporting frequencies. The MMRP will be submitted as a draft document to the City and revised for publication with the Final EIR.

Deliverable(s):

- Electronic copies of the Administrative Draft Final EIR and MMRP

4.6 Screencheck and Public Review Final EIR and MMRP

Following receipt of comments on the Administrative Draft Final EIR, PlaceWorks will prepare a Screencheck Final EIR and a Final EIR for publication. PlaceWorks assumes 20 hours to address City comments on the Final EIR.

Deliverable(s):

- Electronic copy of the Screencheck Final EIR to the City
- Sixteen hard copies of the Public Review Final EIR with the appendices on compact disc (CD) attached and an electronic copy of the Public Review Final EIR to the City

Task 5. Findings of Fact and Statement of Overriding Considerations

5.1 Administrative Draft and Final Findings

PlaceWorks will assist the staff in preparing the findings for the resolutions on the EIR. In the event that significant and unavoidable impacts are disclosed, we will prepare the statement of overriding considerations necessary to support certification of the EIR. PlaceWorks will prepare draft and final documents, pending City staff review and comment.

Deliverable(s):

- Electronic copy of the draft and final version of the findings and overrides (if applicable) to the City

Task 6. Public Hearings on the EIR

6.1 Public Hearings on the EIR

The PlaceWorks team, including W-Trans staff, will attend up to two public hearings (either through an online format or in-person, depending on health regulations) on the certification of the EIR.

Task 7. Notice of Determination

7.1 Notice of Determination

Within five days of approval of the project, PlaceWorks will prepare a Notice of Determination (NOD) for submittal to the County Clerk. City staff will submit the NOD to the County Clerk and pay all applicable filing fees at the time of posting. The budget does not include payment of any filing fees.

Deliverable(s):

- Electronic copy of the Notice of Determination (NOD) to the City

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CHAPTER 4: SCHEDULE AND COST

SCHEDULE

As shown in the schedule on **Figure 1**, we anticipate that the CEQA process can be completed within a 9- to 10-month schedule depending on the timing of public hearings scheduled by the City. The schedule includes 2 weeks for City review at each phase (with the exception of time allowance for City holidays). We believe this schedule is in keeping with your needs, but we are happy to revise this schedule if necessary.

PlaceWorks has a strong track record in meeting project schedules and coordinating closely with its clients. Over years of managing projects similar to the 123 Independence Mixed-Use Project EIR, we have developed a variety of tools to keep projects on schedule and ensure that staff are well informed at all times:

- We maintain an up-to-date schedule throughout the project, to ensure that all team members are aware of upcoming meetings and product due dates.
- We stay in close, regular contact with staff and our subconsultants and document important decisions about the project in writing, which ensures that decisions are understood by all team members.
- We schedule project due dates for staff and subconsultants with adequate time for editing and formatting into finished reports.

COST

As shown in Table 2, the estimated cost to complete the scope of work described in this proposal is \$306,550. PlaceWorks recommends planning for a 5 percent contingency fund (\$15,327) to cover any unforeseen out-of-scope work that might be necessary for the project. Contingency funds would only be used with written consent by the City. PlaceWorks bills for its work on a time-and-materials basis with monthly invoices. The billing rates for each team member are included in Table 2. We are flexible regarding project costs and hope that you will not eliminate us from consideration on the basis of cost alone.

Assumptions:

- PlaceWorks will provide 16 hard copies of the Draft EIR, and FEIR, with appendices on CDs. All other submittals will be electronic.
- All State Clearinghouse submittals will be made via OPR's online portal.
- Our scope includes 40 hours to respond to comments received on the Draft EIR.
- Members of the PlaceWorks team will participate in two public meetings during the public review periods and two public hearings during the approval process.

FIGURE 1 SCHEDULE

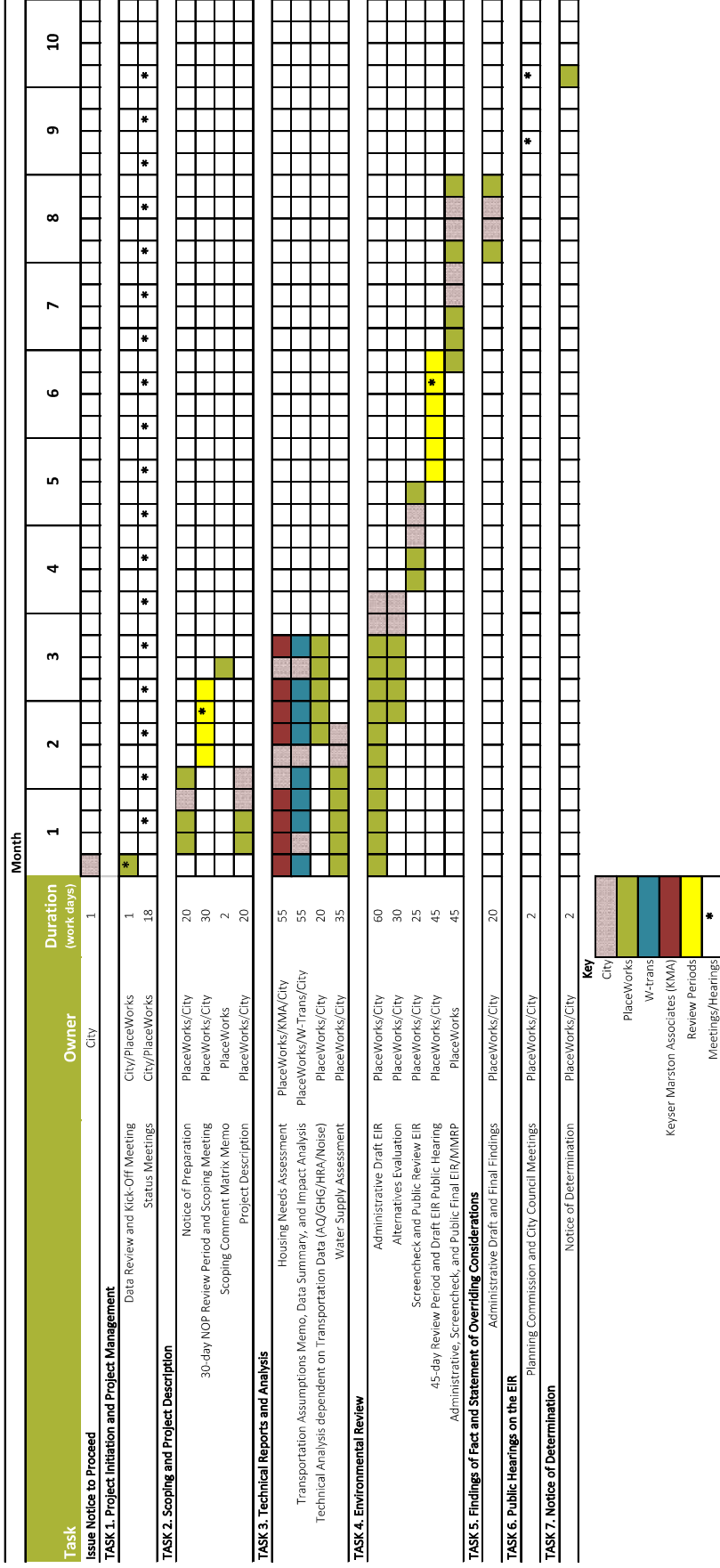


TABLE 2 COST ESTIMATE

TASK	PLACEWORKS											SUBCONSULTANTS				Total Task Budget		
	McCracken Principal in Charge \$195	Mena Project Manager \$175	Protsman Project Planner \$120	Vermilion GHG Principal \$215	Carman Noise Senior Associate \$190	Bush Senior Engineer \$170	El Chammas/ Watson/Anaya Associate \$135	Nguyen/ Garcia Project Scientist \$125	GRAPHICS/ GIS \$115	TECH. EDITOR \$115	WP/ CLERICAL \$100	PlaceWorks 2% Office Expenses	PlaceWorks Hours	Transportation	Housing		10% Subconsultant Markup	Subconsultant Total
	4	4	4	4	0	0	0	0	0	0	0	12	\$4,060	\$2,000	\$606		\$6,666	
TASK 1. Project Initiation and Project Management	4	4	4	4	0	0	0	0	0	0	0	12	\$4,060	\$2,000	\$606	\$6,666		
1.1 Data Review and Kick-Off Meeting	14	14	18	14	0	0	0	0	0	0	46	\$1,487	\$1,760	\$176	\$1,936			
1.2 Status Meetings	14	20	8	8	0	0	0	0	0	0	42	\$1,444	\$4,780	\$478	\$5,258			
1.3 Project Management	32	38	30	30	0	0	0	0	0	0	100	\$16,820	\$10,600	\$1,260	\$13,860			
TASK 2. Scoping and Project Description	2	4	4	12	2	2	2	2	2	2	21	\$2,917	\$0	\$0	\$0			
2.1 Notice of Preparation	4	2	4	4	2	2	2	2	2	2	12	\$37	\$1,877	\$0	\$0			
2.2 Scoping Meeting	1	1	6	6	4	4	4	4	4	4	9	\$24	\$1,214	\$0	\$0			
2.3 Scoping Comment Matrix Memo	4	4	16	16	8	8	8	8	8	8	31	\$96	\$4,396	\$0	\$0			
2.4 Project Description	11	13	38	38	0	0	0	0	0	0	73	\$204	\$10,404	\$0	\$0			
TASK 3. Technical Reports and Analysis	1	2	2	2	2	2	2	2	2	2	3	\$556	\$0	\$32,000	\$3,200			
3.1 Housing Needs Assessment	2	2	2	2	2	2	2	2	2	2	4	\$15	\$755	\$0	\$55,756			
3.2 Transportation Impact Analysis	1	2	2	2	2	2	2	2	2	2	4	\$343	\$17,483	\$0	\$4,986			
3.3 Air Quality/GHG Analysis	1	2	2	2	2	2	2	2	2	2	121	\$260	\$13,270	\$0	\$0			
3.4 Health Risk Assessment	1	2	2	2	2	2	2	2	2	2	90	\$7313	\$0	\$0				
3.5 Noise Analysis	1	2	2	2	2	2	2	2	2	2	49	\$143	\$7,313	\$0	\$0			
3.6 Water Supply Assessment	1	2	2	2	2	2	2	2	2	2	60	\$173	\$8,833	\$0	\$0			
TASK 4. Environmental Review	7	12	0	21	14	43	71	150	2	4	327	\$945	\$48,220	\$49,860	\$8,186			
4.1 Administrative Draft EIR	22	40	100	1	1	1	23	20	6	6	224	\$625	\$41,875	\$0	\$0			
4.2 Alternatives Evaluation	10	18	28	3	3	9	6	24	2	2	102	\$302	\$15,417	\$0	\$0			
4.3 Screencheck and Public Review Draft EIR	10	24	44	1	1	1	4	2	2	2	91	\$261	\$13,331	\$0	\$0			
4.4 45-day Review and Draft EIR Public Hearing	4	4	4	4	2	2	2	2	2	2	15	\$46	\$2,396	\$0	\$0			
4.5 Administrative Draft Final EIR and MMRP	10	20	38	2	2	2	3	2	4	4	91	\$263	\$13,398	\$0	\$0			
4.6 Screencheck and Public Review Final EIR and MMRP	4	12	16	6	7	12	36	48	16	14	38	\$109	\$5,569	\$0	\$0			
TASK 5. Findings of Fact and Statement of Overriding Considerations	60	118	230	6	7	12	36	48	16	14	561	\$1,606	\$81,926	\$0	\$2,000			
5.1 Administrative Draft and Final Findings	2	4	8	8	0	0	0	0	0	0	14	\$41	\$2,091	\$0	\$0			
TASK 6. Public Hearings on the EIR	2	4	8	8	0	0	0	0	0	0	14	\$41	\$2,091	\$0	\$0			
6.1 Public Hearings on the EIR	8	8	8	8	0	0	0	0	0	0	26	\$83	\$4,233	\$4,080	\$0			
TASK 7. Notice of Determination	1	1	2	2	0	0	0	0	0	0	5	\$14	\$724	\$0	\$0			
7.1 Notice of Determination	1	1	2	2	0	0	0	0	0	0	5	\$14	\$724	\$0	\$0			
Labor Hours Total	121	194	316	27	21	55	107	198	28	18	21	1106						
Labor Dollars Total	\$23,595	\$33,950	\$37,920	\$5,805	\$3,995	\$9,350	\$14,445	\$24,750	\$3,220	\$2,070	\$2,100	\$164,418	\$64,540	\$36,000	\$110,594	\$275,012		
EXPENSES	11%	10%	25%	2%	2%	3%	10%	15%	3%	2%	2%							
PlaceWorks Reimbursable Expenses																\$5,532		
Subconsultants' Reimbursable Expenses																\$24,006		
EXPENSES TOTAL																\$31,538		
GRAND TOTAL																\$306,550		

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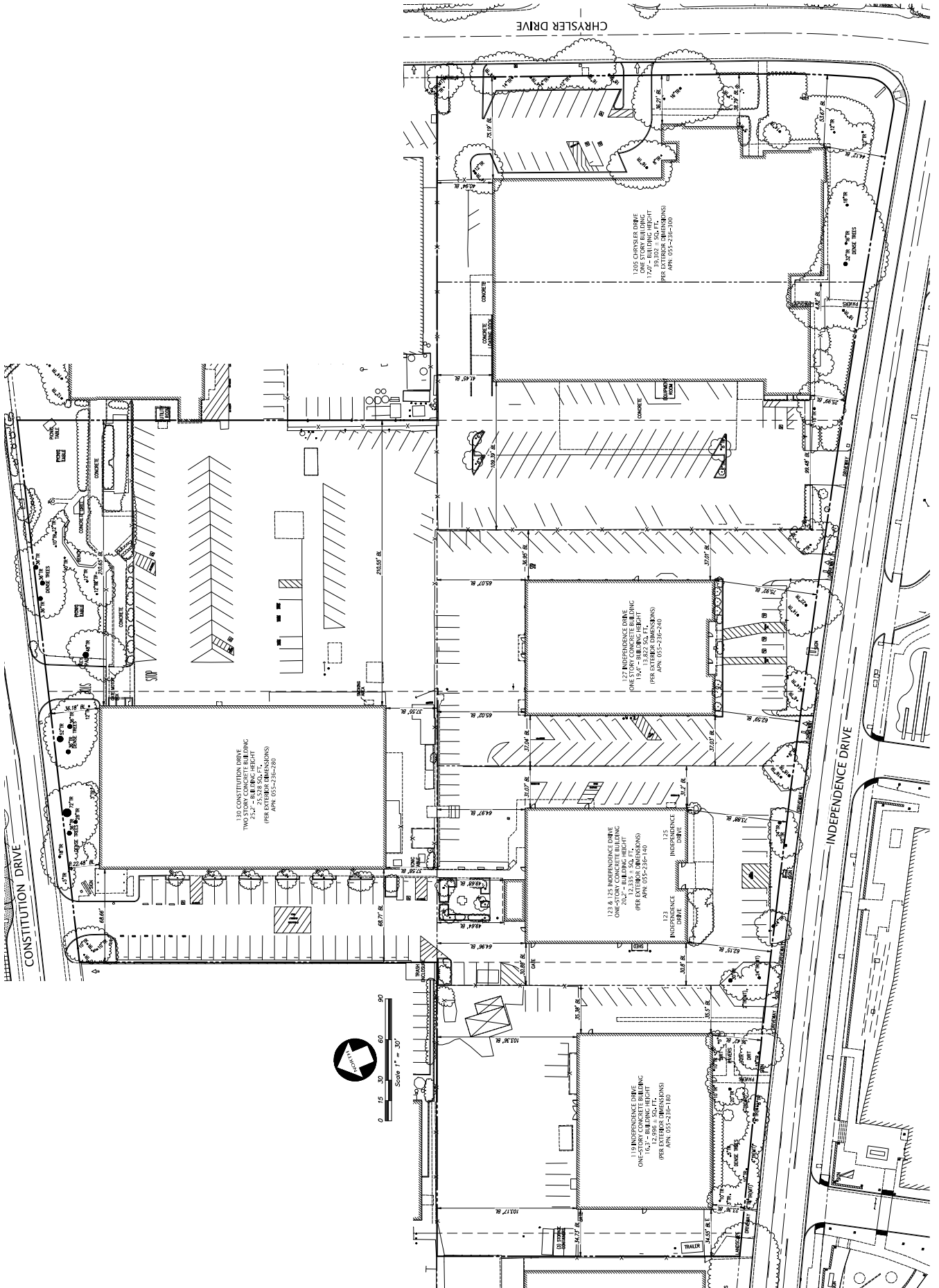
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123 Independence

01/29/2020

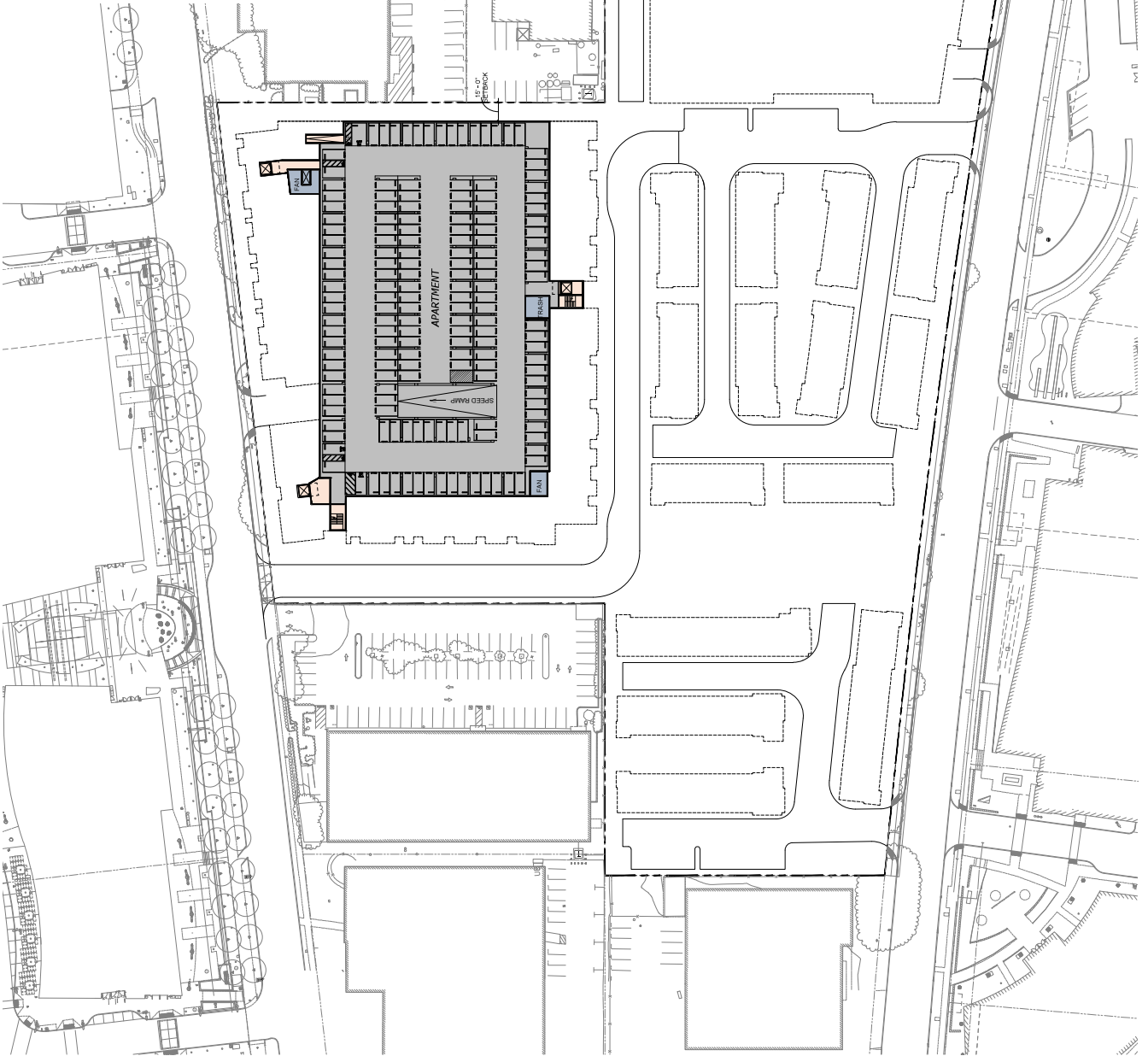




Residential Area Summary - Level B1 (Gross Floor Area Calculations)									
RESIDENTIAL BUILDING APARTMENTS	OFFICE BUILDING	OFFICE (INCLUDED IN F&B)	RESIDENTIAL UNIT (INCLUDED IN F&B)	LOBBY (INCLUDED IN F&B)	COMMON AREA (INCLUDED IN F&B)	AMENITIES (INCLUDED IN F&B)	BON/M/PPF/ GAST/FRASH (INCLUDED IN F&B)	GARAGE (NOT INCLUDED IN F&B)	DECK (NOT INCLUDED IN F&B)
N/A	N/A	N/A	N/A	1520 SF	N/A	N/A	1,144 SF	54,013 SF	N/A

Office Area Summary - Level B1 (Gross Floor Area Calculations)									
OFFICE BUILDING	OFFICE (INCLUDED IN F&B)	RESIDENTIAL UNIT (INCLUDED IN F&B)	LOBBY (INCLUDED IN F&B)	COMMON AREA (INCLUDED IN F&B)	AMENITIES (INCLUDED IN F&B)	BON/M/PPF/ GAST/FRASH (INCLUDED IN F&B)	GARAGE (NOT INCLUDED IN F&B)	DECK (NOT INCLUDED IN F&B)	
N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	

Total Project Area Summary (Gross Floor Area Calculations)									
OFFICE BUILDING	RESIDENTIAL UNIT (INCLUDED IN F&B)	LOBBY (INCLUDED IN F&B)	COMMON AREA (INCLUDED IN F&B)	AMENITIES (INCLUDED IN F&B)	BON/M/PPF/ GAST/FRASH (INCLUDED IN F&B)	GARAGE (NOT INCLUDED IN F&B)	DECK (NOT INCLUDED IN F&B)		
88,750 SF	350,971 SF	39,891 SF	8,389 SF	12,692 SF	270,666 SF	49,235 SF			
TOTAL									



Residential Area Summary - Level 1 (Gross Floor Area Calculations)

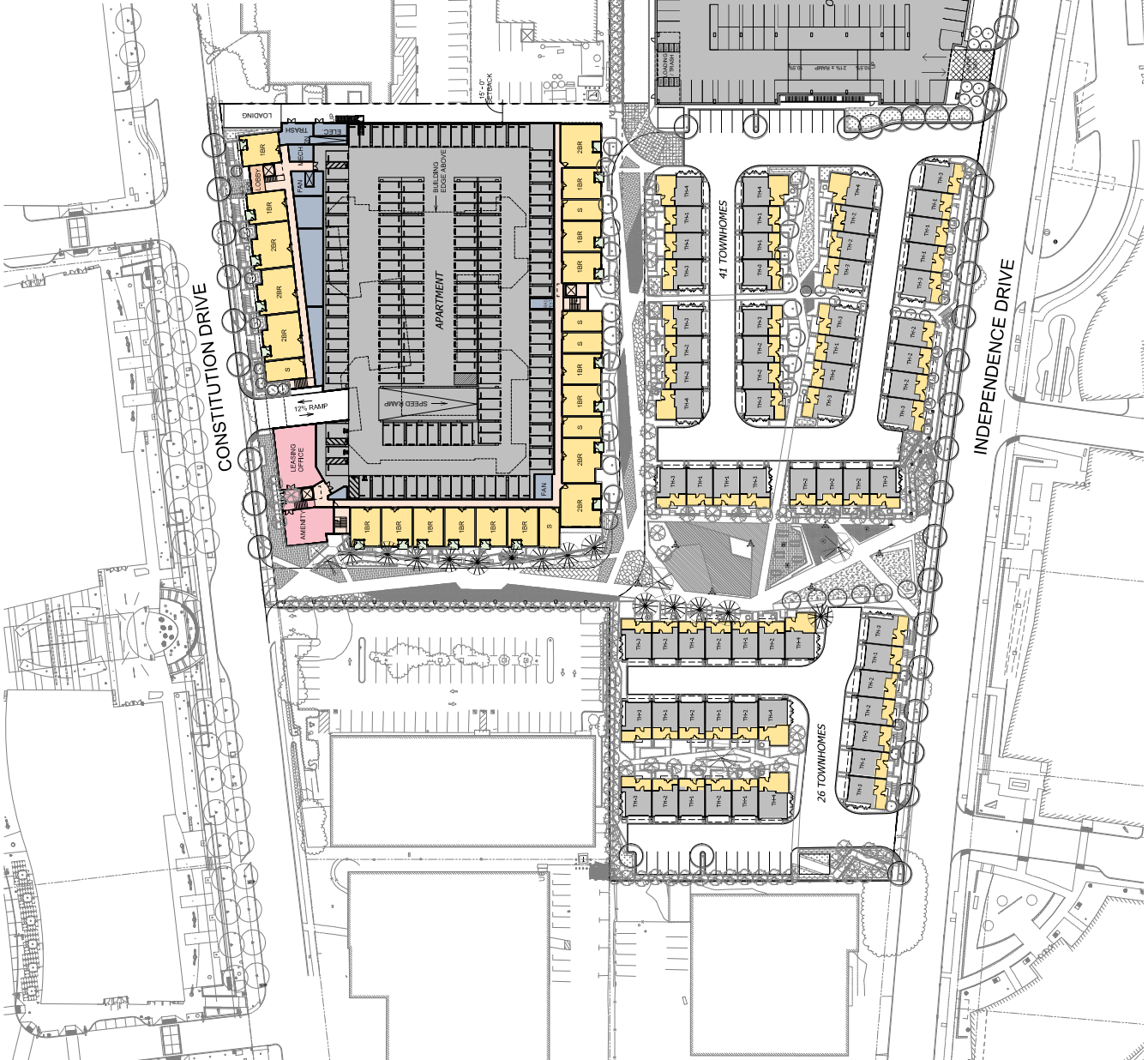
BUILDING	OFFICE (INCLUDED IN F&R)	RESIDENTIAL UNIT (INCLUDED IN F&R)	LOBBY (INCLUDED IN COMMON AREA) (INCLUDED IN F&R)	AMENITIES (INCLUDED IN F&R)	BON/M/FFY/ GAST/FRSH (INCLUDED IN F&R)	GARAGE (NOT INCLUDED IN F&R)	DECK (NOT INCLUDED IN F&R)
APARTMENTS	N/A	19,434 SF	6,389 SF	2,740 SF	4,386 SF	23,838 SF	991 SF
TOWNHOMES OF A	N/A	2,968 SF	N/A	N/A	N/A	12,296 SF	N/A
TOWNHOMES OF C	N/A	8,093 SF	N/A	N/A	N/A	15,226 SF	N/A
Office	11,512 SF	N/A	N/A	N/A	2,600 SF	43,189 SF	N/A

Office Area Summary - Level 1 (Gross Floor Area Calculations)

BUILDING	OFFICE (INCLUDED IN F&R)	RESIDENTIAL UNIT (INCLUDED IN F&R)	LOBBY (INCLUDED IN COMMON AREA) (INCLUDED IN F&R)	AMENITIES (INCLUDED IN F&R)	BON/M/FFY/ GAST/FRSH (INCLUDED IN F&R)	GARAGE (NOT INCLUDED IN F&R)	DECK (NOT INCLUDED IN F&R)
Office	88,730 SF	350,971 SF	39,891 SF	8,389 SF	12,692 SF	270,666 SF	49,235 SF

Total Project Area Summary (Gross Floor Area Calculations)

BUILDING	OFFICE (INCLUDED IN F&R)	RESIDENTIAL UNIT (INCLUDED IN F&R)	LOBBY (INCLUDED IN COMMON AREA) (INCLUDED IN F&R)	AMENITIES (INCLUDED IN F&R)	BON/M/FFY/ GAST/FRSH (INCLUDED IN F&R)	GARAGE (NOT INCLUDED IN F&R)	DECK (NOT INCLUDED IN F&R)
TOTAL	88,730 SF	350,971 SF	39,891 SF	8,389 SF	12,692 SF	270,666 SF	49,235 SF





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Mountain View, CA

Sheet Title:
**FLOOR PLAN:
LEVEL 2**

Job No. 15034
Date: 07/29/2020
Scale: 1" = 40'

Sheet No.
A2.03

Residential Area Summary - Level 2 (Gross Floor Area Calculations)

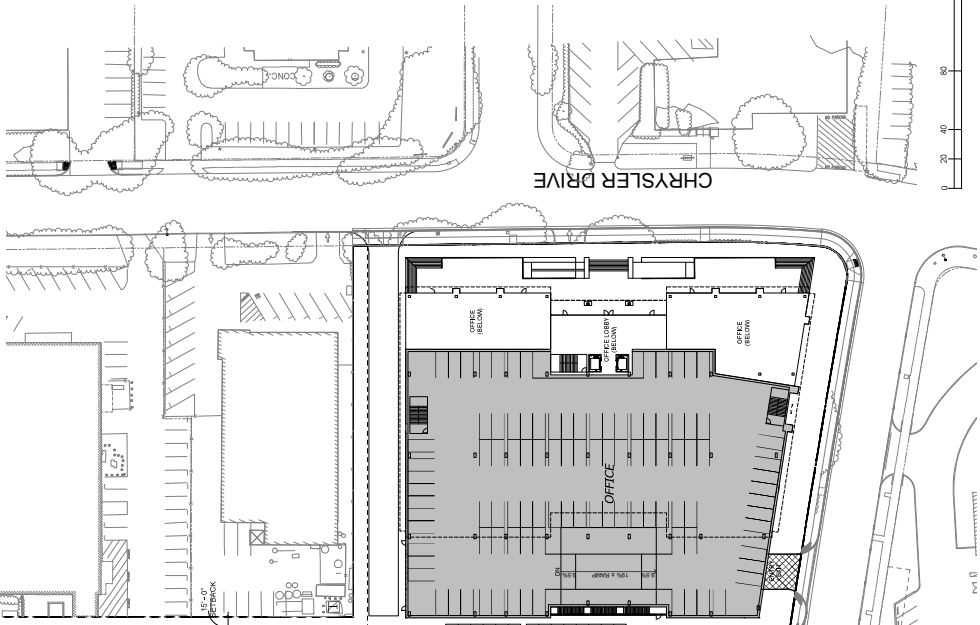
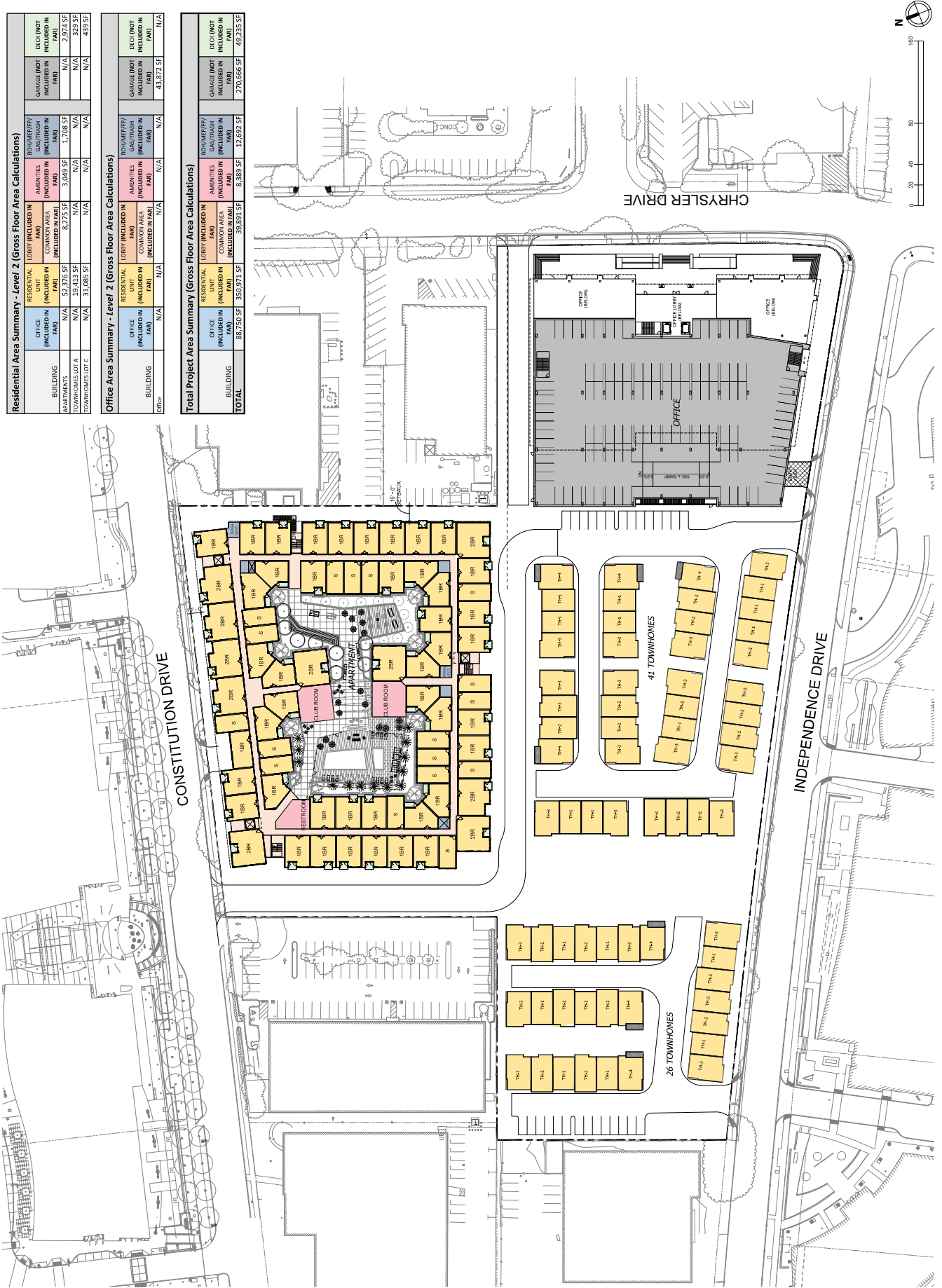
RESIDENTIAL UNIT	OFFICE (INCLUDED IN FAR)	LOBBY (INCLUDED IN COMMON AREA) (INCLUDED IN FAR)	AMENITIES (INCLUDED IN FAR)	BON/M/FFY/ GAST/TRA (INCLUDED IN FAR)	GARAGE (NOT INCLUDED IN FAR)	DECK (NOT INCLUDED IN FAR)
APARTMENTS	N/A	32,376 SF	8,275 SF	3,089 SF	1,708 SF	2,974 SF
TOWNHOMES OF A	N/A	31,082 SF	N/A	N/A	N/A	439 SF
TOWNHOMES OF B	N/A	31,082 SF	N/A	N/A	N/A	439 SF

Office Area Summary - Level 2 (Gross Floor Area Calculations)

RESIDENTIAL UNIT	OFFICE (INCLUDED IN FAR)	LOBBY (INCLUDED IN COMMON AREA) (INCLUDED IN FAR)	AMENITIES (INCLUDED IN FAR)	BON/M/FFY/ GAST/TRA (INCLUDED IN FAR)	GARAGE (NOT INCLUDED IN FAR)	DECK (NOT INCLUDED IN FAR)
OFFICE	N/A	N/A	N/A	N/A	43,872 SF	N/A

Total Project Area Summary (Gross Floor Area Calculations)

RESIDENTIAL UNIT	OFFICE (INCLUDED IN FAR)	LOBBY (INCLUDED IN COMMON AREA) (INCLUDED IN FAR)	AMENITIES (INCLUDED IN FAR)	BON/M/FFY/ GAST/TRA (INCLUDED IN FAR)	GARAGE (NOT INCLUDED IN FAR)	DECK (NOT INCLUDED IN FAR)
BUILDING	88,750 SF	350,971 SF	39,891 SF	8,389 SF	12,692 SF	49,235 SF
TOTAL					270,666 SF	





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Mountain View, CA

Sheet Title:
**FLOOR PLAN:
LEVEL 3**

Job No. 15034
Date: 07/29/2020
Scale: 1" = 40'

Sheet No.
A2.04

Residential Area Summary - Level 3 (Gross Floor Area Calculations)									
BUILDING	RESIDENTIAL UNIT INCLUDED IN (INCL. IN FAR)	OFFICE INCLUDED IN (INCL. IN FAR)	LOBBY (INCLUDED IN COMMON AREA) (INCLUDED IN FAR)	AMENITIES (INCLUDED IN FAR)	BOILER/ME/PFP/ GAS/TRASH (INCLUDED IN FAR)	GARAGE (NOT INCLUDED IN FAR)	DECK (NOT INCLUDED IN FAR)	TOTAL	
								APARTMENTS	TOWNHOMES/ST.P.
	N/A	N/A	7,295 SF	N/A	N/A	N/A	N/A	7,295 SF	3,023 SF
	N/A	N/A	30,203 SF	N/A	N/A	N/A	N/A	30,203 SF	1,200 SF

Office Area Summary - Level 3 (Gross Floor Area Calculations)									
BUILDING	RESIDENTIAL UNIT INCLUDED IN (INCL. IN FAR)	OFFICE INCLUDED IN (INCL. IN FAR)	LOBBY (INCLUDED IN COMMON AREA) (INCLUDED IN FAR)	AMENITIES (INCLUDED IN FAR)	BOILER/ME/PFP/ GAS/TRASH (INCLUDED IN FAR)	GARAGE (NOT INCLUDED IN FAR)	DECK (NOT INCLUDED IN FAR)	TOTAL	
								OFFICE	OTHER
	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	43,972 SF
Office	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	43,972 SF

Total Project Area Summary (Gross Floor Area Calculations)									
BUILDING	RESIDENTIAL UNIT INCLUDED IN (INCL. IN FAR)	OFFICE INCLUDED IN (INCL. IN FAR)	LOBBY (INCLUDED IN COMMON AREA) (INCLUDED IN FAR)	AMENITIES (INCLUDED IN FAR)	BOILER/ME/PFP/ GAS/TRASH (INCLUDED IN FAR)	GARAGE (NOT INCLUDED IN FAR)	DECK (NOT INCLUDED IN FAR)	TOTAL	
								APARTMENTS	TOWNHOMES/ST.P.
	88,750 SF	350,971 SF	39,891 SF	8,389 SF	12,692 SF	270,656 SF	49,235 SF	88,750 SF	350,971 SF
TOTAL								88,750 SF	350,971 SF





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Sheet Title:
**FLOOR PLAN:
LEVEL 4**

Job No. 15034
Date: 07/29/2020
Scale: 1" = 40'

Sheet No.
A2.05

Residential Area Summary - Level 4 (Gross Floor Area Calculations)

RESIDENTIAL UNIT	OFFICE (INCLUDED IN FLOOR AREA)	LOBBY (INCLUDED IN COMMON AREA) (INCLUDED IN FLOOR AREA)	AMENITIES (INCLUDED IN FLOOR AREA)	BONNET/PFF/ GASTRASH (INCLUDED IN FLOOR AREA)	GARAGE (NOT INCLUDED IN FLOOR AREA)	DECK (NOT INCLUDED IN FLOOR AREA)
APARTMENTS	N/A	55,574 SF	7,293 SF	N/A	1,818 SF	3,134 SF
TOWNHOMES OF A	N/A	1,093 SF	N/A	N/A	N/A	4,763 SF
TOWNHOMES OF B	N/A	2,092 SF	N/A	N/A	N/A	10,165 SF

Office Area Summary - Level 4 (Gross Floor Area Calculations)

RESIDENTIAL UNIT	OFFICE (INCLUDED IN FLOOR AREA)	LOBBY (INCLUDED IN COMMON AREA) (INCLUDED IN FLOOR AREA)	AMENITIES (INCLUDED IN FLOOR AREA)	BONNET/PFF/ GASTRASH (INCLUDED IN FLOOR AREA)	GARAGE (NOT INCLUDED IN FLOOR AREA)	DECK (NOT INCLUDED IN FLOOR AREA)
Office	39,014 SF	N/A	N/A	N/A	N/A	17,249 SF

Total Project Area Summary (Gross Floor Area Calculations)

RESIDENTIAL UNIT	OFFICE (INCLUDED IN FLOOR AREA)	LOBBY (INCLUDED IN COMMON AREA) (INCLUDED IN FLOOR AREA)	AMENITIES (INCLUDED IN FLOOR AREA)	BONNET/PFF/ GASTRASH (INCLUDED IN FLOOR AREA)	GARAGE (NOT INCLUDED IN FLOOR AREA)	DECK (NOT INCLUDED IN FLOOR AREA)
BUILDING	88,730 SF	350,971 SF	39,891 SF	8,389 SF	12,692 SF	49,235 SF
TOTAL					270,666 SF	



Residential Area Summary - Level 5 (Gross Floor Area Calculations)

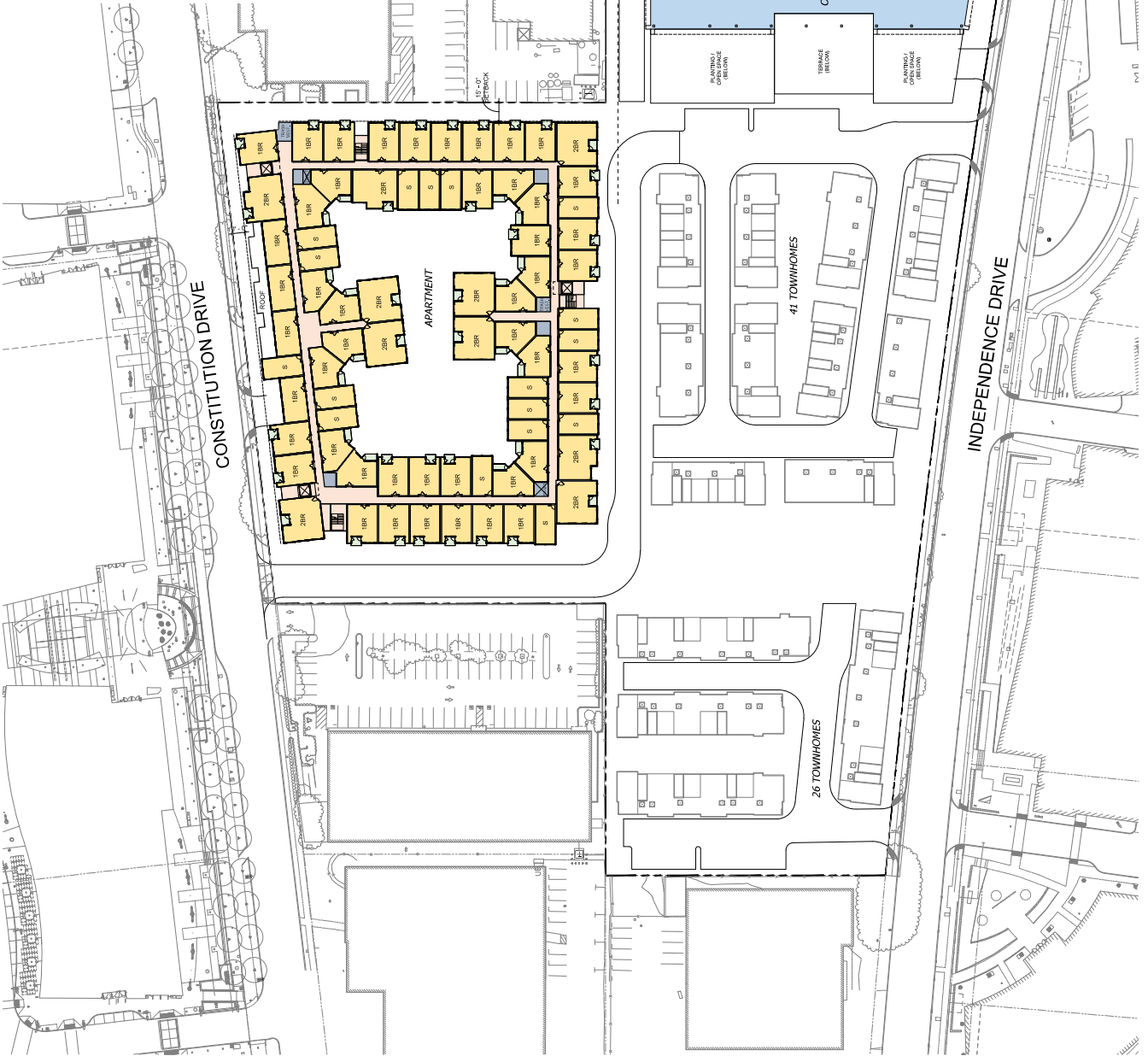
RESIDENTIAL UNIT (INCLUDED IN F&B)	LOBBY (INCLUDED IN COMMON AREA (INCLUDED IN F&B))	AMENITIES (INCLUDED IN F&B)	BOILER/PTP/ GAS/STRESS (INCLUDED IN F&B)	GAUGE (NOT INCLUDED IN F&B)	DECK (NOT INCLUDED IN F&B)
34,605 SF	7,295 SF	N/A	1,818 SF	N/A	2,367 SF
TOTAL					

Office Area Summary - Level 5 (Gross Floor Area Calculations)

OFFICE (INCLUDED IN F&B)	LOBBY (INCLUDED IN COMMON AREA (INCLUDED IN F&B))	AMENITIES (INCLUDED IN F&B)	BOILER/PTP/ GAS/STRESS (INCLUDED IN F&B)	GAUGE (NOT INCLUDED IN F&B)	DECK (NOT INCLUDED IN F&B)
38,224 SF	N/A	N/A	N/A	N/A	790 SF
TOTAL					

Total Project Area Summary (Gross Floor Area Calculations)

RESIDENTIAL UNIT (INCLUDED IN F&B)	LOBBY (INCLUDED IN COMMON AREA (INCLUDED IN F&B))	AMENITIES (INCLUDED IN F&B)	BOILER/PTP/ GAS/STRESS (INCLUDED IN F&B)	GAUGE (NOT INCLUDED IN F&B)	DECK (NOT INCLUDED IN F&B)
350,971 SF	39,891 SF	8,389 SF	12,692 SF	270,666 SF	49,235 SF
TOTAL					



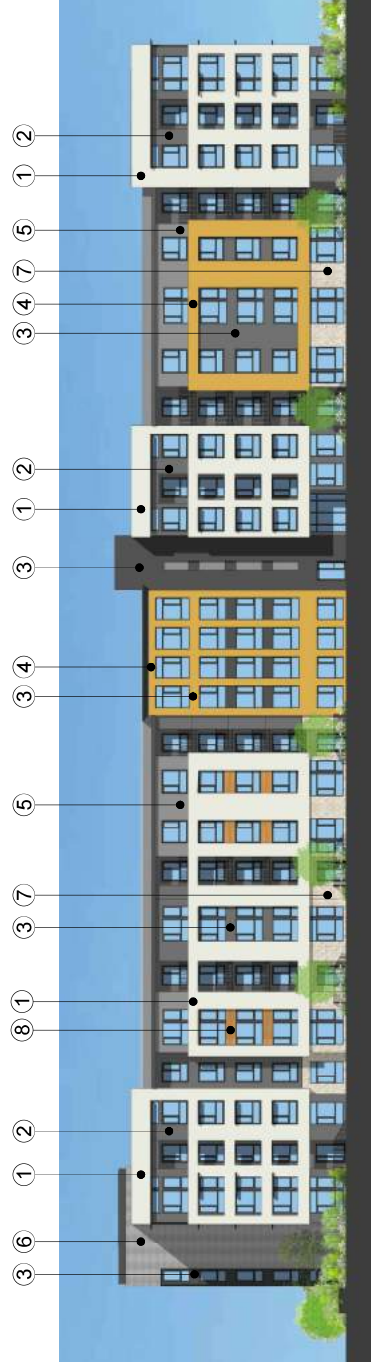
LEGEND	
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②	CEMENT PLASTER COLOR 2
③	CEMENT PLASTER COLOR 3
④	CEMENT PLASTER COLOR 4
⑤	CEMENT PLASTER COLOR 5
⑥	PORCELAIN TILE
⑦	STONE VENEER
⑧	SIMULATED WOOD SIDING COLOR 1



1. CONSTITUTION DRIVE



2. PASEO



3. SOUTH SIDE

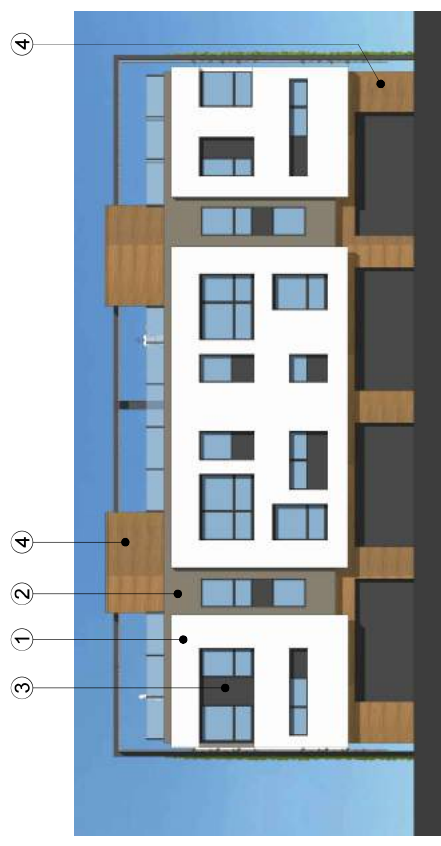
LEGEND	
①	CEMENT PLASTER
②	COLOR 1
③	COLOR 2
④	COLOR 3
⑤	COLOR 4
⑥	COLOR 5
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⑧	COLOR 7
⑨	COLOR 8
⑩	COLOR 9
⑪	COLOR 10
⑫	COLOR 11
⑬	COLOR 12
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㊹	COLOR 43
㊺	COLOR 44
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㊼	COLOR 46
㊽	COLOR 47
㊾	COLOR 48
㊿	COLOR 49



1. TYP. TOWNHOME STYLE A - FRONT



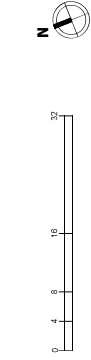
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3. TYP. TOWNHOME STYLE A - REAR



4. TYP. TOWNHOME STYLE A - SIDE



Sheet No. **A3.02**

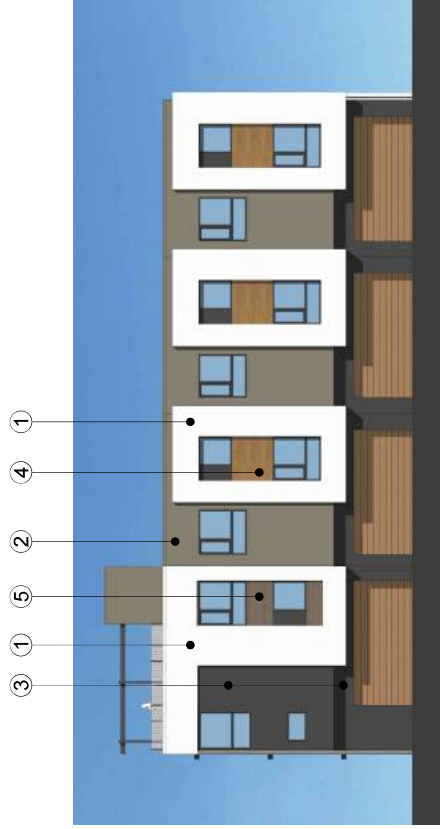
LEGEND	
①	CEMENT PLASTER COLOR 1
②	CEMENT PLASTER COLOR 2
③	CEMENT PLASTER COLOR 3
④	SIMULATED WOOD SIDING COLOR 1
⑤	SIMULATED WOOD SIDING COLOR 2



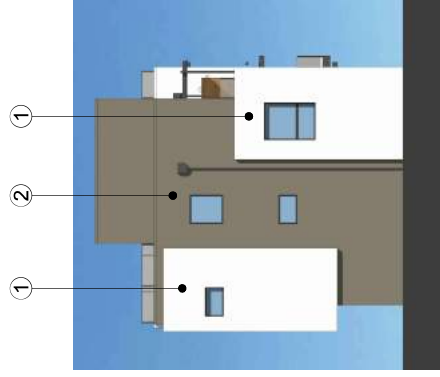
1. TYP. TOWNHOME STYLE B - FRONT



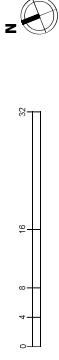
2. TYP. TOWNHOME STYLE B - SIDE



3. TYP. TOWNHOME STYLE B - REAR



4. TYP. TOWNHOME STYLE B - SIDE



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Sheet Title:
BUILDING ELEVATIONS: TOWNHOMES
 Job No. 19034
 Date: 07/29/2020
 Scale: 1/8" = 1'-0"

Sheet No.
A3.03



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 SAN FRANCISCO, CA
 94108
 TEL: 415.954.1960

Menlo Park Mixed Use Plan
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 The Sobrato Organization
 10600 North De Anza Boulevard, Suite 200
 Cupertino, CA

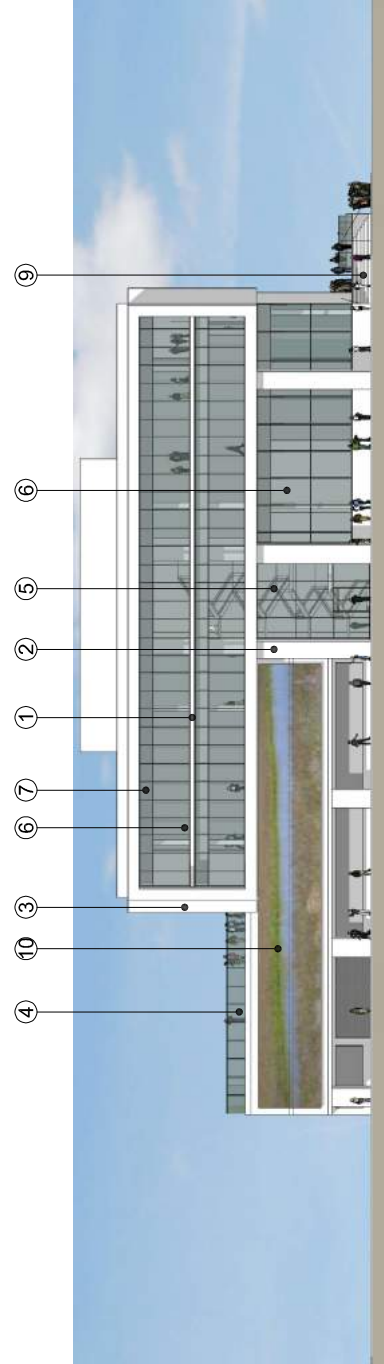
Sheet Title:
**BUILDING
 ELEVATIONS:
 OFFICE**
 Job No. 17042
 Date: 07/29/2020
 Scale: 1/16"=1'-0"

Sheet No:
A3.04

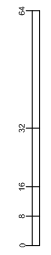
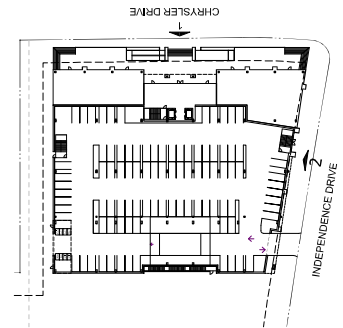
LEGEND	
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②	COLUMN CLADDING
③	PROJECTING CLADDING
④	CLEAR GLASS RAILING, TYP.
⑤	POINT-SUPPORTED GLAZING, TYP.
⑥	MULLION-SUPPORTED GLAZING, TYP.
⑦	PLENUM SPANDREL
⑧	VINE PLANTING
⑨	CAST CONCRETE STAIRS
⑩	DECORATIVE SCREEN
⑪	GREEN SCREEN / PLANTING



1. CHRYSLER DRIVE (EAST ELEVATION)

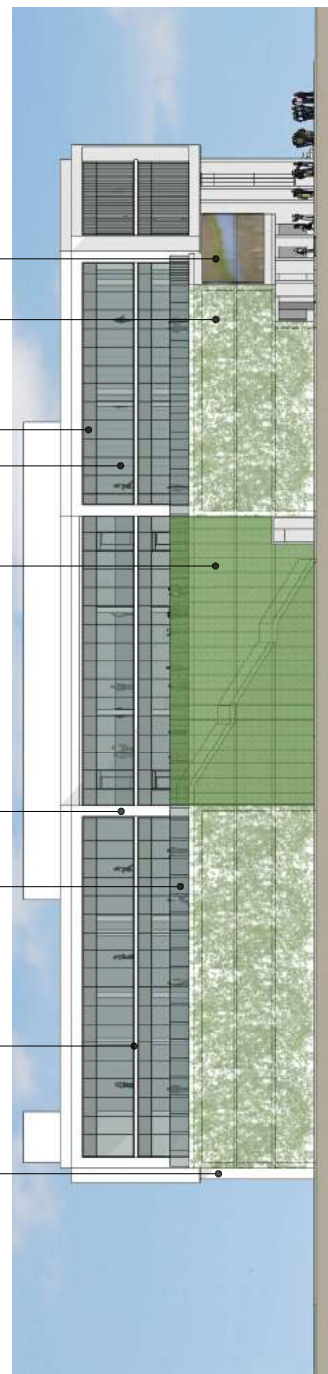


2. INDEPENDENCE DRIVE (SOUTH ELEVATION)

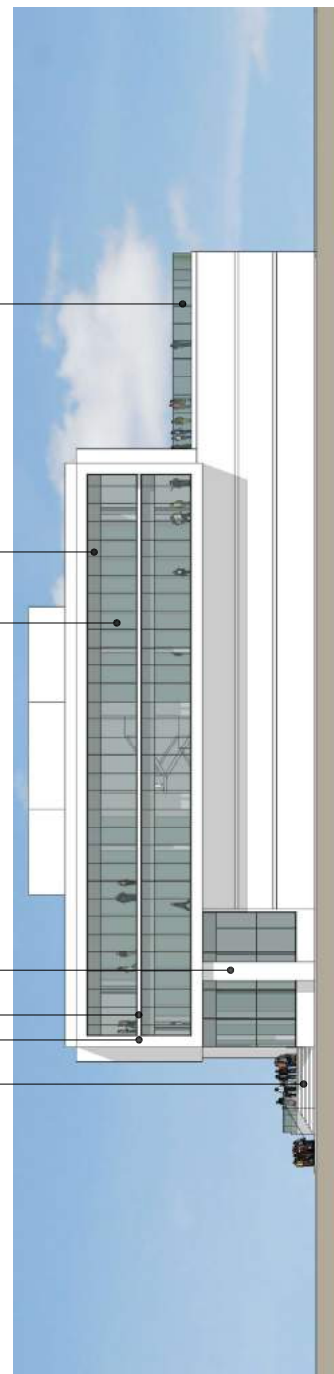


LEGEND

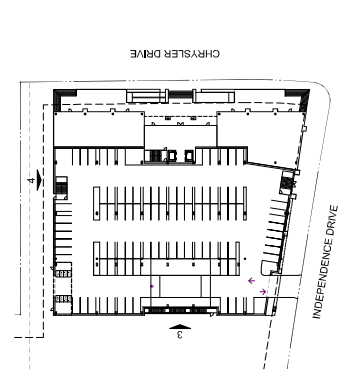
- ① PROJECTING SLAB EDGE
- ② COLUMN CLADDING
- ③ PROJECTING CLADDING
- ④ CLEAR GLASS RAILING, TYP.
- ⑤ POINT-SUPPORTED GLAZING, TYP.
- ⑥ MULLION-SUPPORTED GLAZING, TYP.
- ⑦ PLENUM SPANDREL
- ⑧ VINE PLANTING
- ⑨ CAST CONCRETE STAIRS
- ⑩ DECORATIVE SCREEN
- ⑪ GREEN SCREEN / PLANTING

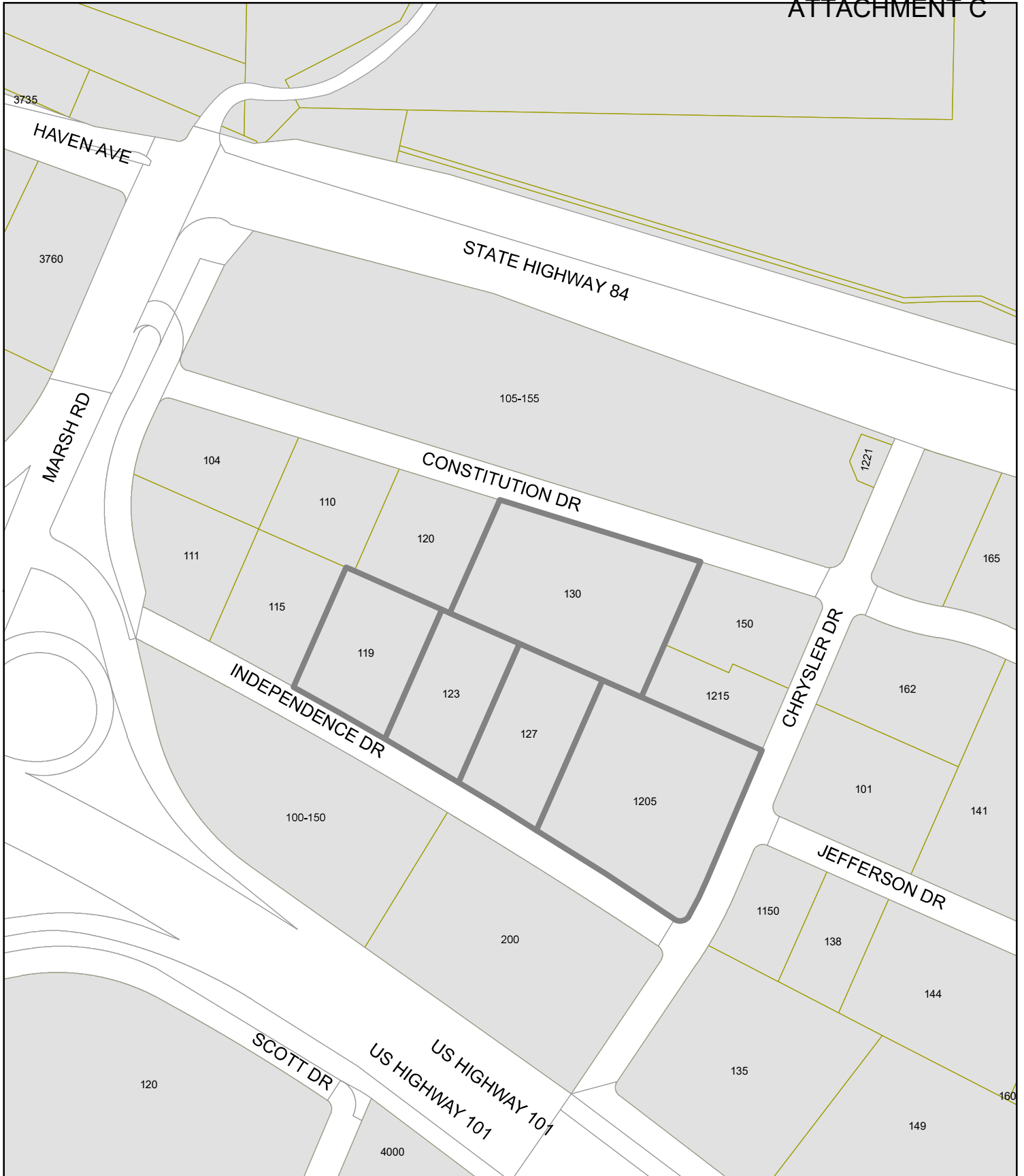


3. WEST ELEVATION



4. NORTH ELEVATION





CITY OF MENLO PARK

LOCATION MAP

123 INDEPENDENCE DRIVE PROJECT

DRAWN: TAS CHECKED: DMC DATE: 7/28/20 SCALE: 1" = 300' SHEET: 1



Agenda item E4
Pamela Jones, resident

Mayor Taylor, Vice Mayor Combs, Council members Nash, Mueller, and Carlton, and Staff,

There have been multiple discussions by the Council and Planning Commission regarding the Connect Menlo General Plan update approved in December 2016 and flawed assumptions effecting all current and future decisions. The language in the General Plan was created mainly to satisfy developers ability to build their projects. Since the Facebook Expansion and Connect Menlo were conducted simultaneously, clear separation was not made evident to the public. The agenda for many meetings tended to exclude residents' concerns as seen by the settlement agreement with East Palo Alto and on-going expressed concerns by residents living in the M2 area.

During the past 3.5 years we have seen the results of increased development in M2 and the negative effects on the residential areas of District 1. The negative impacts include but are not limited to substantial increased cut-through traffic, displacement of residents, and failure to provide "promised" amenities in a timely manner.

This project does not fall under SB-330 as it does not appear to address "very low, low-, or moderate income households or an emergency shelter unless the local agency makes specified written findings based on a preponderance of the evidence in the record." The City has not provided housing studies with complete data utilized for all housing studies completed since 2016. This data must include study perimeters, data collected, analyzes, and summary. Without this information it is difficult to determine housing supply by income level is required.

Please note that all previous housing studies performed by Keyser Marston Associates (KMA) in the M2 area, prior to the Connect Menlo General Plan, indicated the projects would have minimal or no effect on Belle Haven residents or East Palo Alto.

This project and all subsequent projects should be put on hold until all current in-progress EIRs have been completed in M2 and issues with Connect Menlo General Plan have been resolved.

Respectfully, Pamela D Jones, MP resident



STAFF REPORT

City Council

Meeting Date: 7/28/2020

Staff Report Number: 20-159-CC

Consent Calendar: **Appropriate \$50,000 for telework policy implementation through the end of calendar year 2020**

Recommendation

Staff recommends that the City Council appropriate \$50,000 to implement a telework stipend for City staff through the end of calendar year 2020.

Policy Issues

The City Council maintain control over appropriation of funds. The request was not included in the City Council adopted fiscal year 2020-21 budget and requires City Council approval.

Background

On March 11 the City Council ratified the city manager's proclamation of a local emergency due to the COVID-19 pandemic. At the time, the City Council direct that all city facilities be closed and nonessential programs be suspended until safe to resume. While the City has reactivated certain nonessential services, approximately 45 percent (45%) of City employees are teleworking, either 100 percent of the time or on a reduced telework schedule, to ensure social distancing during this public health crisis.

With the increased adoption of information technologies that support telework (e.g., wireless networking and video teleconferencing,) more organizations and employees are embracing telework arrangements. Telework is a flexibility arrangement that allows eligible City employees an opportunity to perform all or part of their work remotely in an appropriate workspace that is not provided by the City. Prior to COVID-19, many agencies, including the city, have researched and implemented telework arrangements as a tool to ease transportation congestion, and a perk for recruiting and retaining the workforce.

Telework enables employees access to the City's information network on a city-provided device (e.g., laptop or mobile phone.) Devices usually need some additional software to enable access. Departments work with the Human Resources and Information Technology divisions to coordinate and set up telework arrangements that factor in ergonomics, safety and security.

Analysis

With the resurgence of COVID-19 cases locally and across the nation, the city manager has directed City staff who are able to work from home to plan on working from home through the end of calendar year 2020. The direction is necessary to avoid expensive modification to existing workspaces to protect the safety of employees through the implementation of social distancing guidelines prescribed by public health officials. Staff has prepared an administrative policy to establish standardized guidelines and

expectations while the public health emergency requires strict social distancing (Attachment A.)

The City's telework policy provides employees with basic hardware and software equipment necessary for telework including: laptop computer, wireless keyboard and mouse, wired headset, second monitor and adjustable office chair.

Outside of the equipment listed above, the current telework standard requires additional expenditure that were not previously contemplated as essential. To work effectively, City staff require sufficient broadband connectivity. Additionally, staff may need to print certain material using their personal printers and provide basic office supplies. Rather than incur the costs of administrative centralized purchasing of upgraded internet bandwidth, printer supplies and office supplies, staff recommends authorizing a monthly stipend of \$75 for all employee working from home beginning in August 2020.

Impact on City Resources

The appropriation requires \$50,000 from unassigned fund balance in the general fund. As of June 30, the general fund's unassigned fund balance is estimated at \$2.32 million.

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. Telework policy

Report prepared by:
Theresa DellaSanta, Human Resources Manager

EMERGENCY COVID-19 PANDEMIC TELEWORK POLICY ATTACHMENT A

Administrative Procedure #CM-20-003

Effective 07/07/2020



Purpose

This procedure temporarily supersedes Administrative Policy #CM-20-002 to provide guidance specific to the COVID-19 pandemic and its impacts on the work place.

Definitions

"Telework" – Telework is a flexibility arrangement that allows eligible City employees an opportunity to perform all or part of their work remotely in an appropriate workspace that is not provided by the City. This arrangement can be on an ad-hoc (e.g., as needed) basis, or on a regular, recurring schedule.

General provisions

Until such time as the city manager determines that city-provided workspace is available for workgroups or individual staff members, the standard work arrangement shall be that employees telework. Employees are required to perform their duties remotely and comply with existing personnel policies, procedures, rules and regulations. In the event of a conflict between this procedure, applicable memoranda of understanding (MOUs), City personnel rules and regulations, and federal and state labor laws, those rules, agreements and rules or regulations shall prevail over this policy.

Ground rules

- Teleworker's salary, job responsibilities, benefits and City-sponsored insurance coverage do not change as a result of teleworking.
- Teleworkers will take all precautions necessary to secure confidential information and prevent unauthorized access to any City system from designated workplaces.
- Teleworker's tax implications related to the remote work space are the responsibility of the employee, who is advised to consult a tax expert.
- Teleworkers are covered by workers' compensation laws when performing work duties at their designated alternate locations during regular work hours. Employees who suffer a work-related injury or illness while teleworking must notify their supervisor and complete any required forms immediately.
- The City is not liable for damages to an employee's personal or real property while the employee is working at an alternate worksite.

Eligibility

This policy shall apply to all City employees except those designated by the city manager as performing essential or mandated services which cannot be performed remotely including but not limited to the following:

- Essential public safety personnel (patrol, dispatch, records)
- Building inspection personnel (inspections and permitting)
- Water personnel
- Emergency maintenance (public works maintenance)
- Internal support services (information technology and fleet maintenance).

Responsibilities

Teleworker responsibilities shall be the following:

- Establish a dedicated workspace to safely conduct telework, to the greatest extent possible
- Maintain and use a private broadband/internet services while teleworking
- Maintain and use a private mobile, landline, city-issued device or VOIP telephone service while teleworking
- Keep a regular telework schedule in coordination with your supervisor to ensure your availability to the public and members of your team
- Secure any and all city-provided equipment against damage or loss

EMERGENCY COVID-19 PANDEMIC TELEWORK POLICY

Administrative Procedure #CM-20-003

Effective 07/07/2020

- If an employee cannot 100% telework through the end of calendar year 2020, they must notify their supervisor immediately to request office space. Office space will be provided as soon as practicable in compliance with public health guidance to protect worker safety.

Employer procedures/responsibilities shall be the following:

- The teleworker’s supervisor will prepare a project and duties work plan with the teleworker spanning the period from the date this policy takes effect through December 31, 2020 to maximize communication about expectations and milestones
- Supervisors will review the work plan with the teleworker at least monthly to ensure that the department and work unit objectives are met
- Provide basic hardware and software equipment necessary for telework including: laptop computer, wireless keyboard and mouse, wired headset, second monitor, and adjustable office chair
- Provide teleworkers with a telework allowance to use at their discretion for all other telework supply or equipment expenses. Amount determined by City Manager upon approval.
- On notification that an employee cannot 100 percent telework through the end of calendar year 2020, the City will identify a workspace as soon as practicable in compliance with public health guidance to protect worker safety. The location of the workspace is at the sole discretion of the City.

Procedure history

Action	Date	Notes
City Manager approved	07/07/2020	



STAFF REPORT

City Council

Meeting Date: 7/28/2020
Staff Report Number: 20-154-CC

Consent Calendar: Review and adopt City Council Procedure #CC-20-012 – “City Councilmember requests”

Recommendation

Staff recommends that the City Council review and adopt City Council Procedure #CC-20-012 – “City Councilmember requests.”

Policy Issues

Chapter 3 of the City Council procedures manual (Attachment C) establishes the procedure for City Councilmembers to request an item to be considered on a future agenda. The City Council adopts and retains full control over the procedures governing their operations.

Background

The City Council establishes procedures, as necessary, to promote transparency in the City Council's operations and ensure efficient staff operations.

Analysis

The proposed procedure, #CC-20-012 – City Councilmember requests (Attachments A and B,) updates the section of Chapter 3 of the current City Council procedures manual to ensure a transparent process when individual City Councilmembers make request for staff work or an agenda item. The policy is formatted in the City's contemporary policy and procedure template. In addition to formatting changes, the procedure more fully describes the agenda item request process and the process to request staff work. Staff will continue to work updating the other chapters of the existing City Council procedures manual and present to the City Council.

Impact on City Resources

None.

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. City Council Procedure #CC-20-012 – clean version
- B. City Council Procedure #CC-20-012 – redline version
- C. City Council procedures manual

Report prepared by:
Judi Herren, City Clerk

CITY COUNCILMEMBER REQUESTS

City Council Procedure #CC-20-012
Effective XXXX XX, 2020



Purpose

The purpose of this procedure is to provide transparency into requests by individual City Councilmembers that results in the use of staff time. The policy applies to all City Councilmembers equally and allows the full City Council to determine how to use limited City resources.

For this procedure, a “City Councilmember request” is defined as a request to use City resources in a manner that exceeds the City Council approved budget, priorities, or work plan. This includes requests directed to the city manager, city attorney, and all City staff members. This procedure also applies to City Council appointed commissions and committees.

Requests to add items to a future agenda

To make a request

To request consideration of an item at future City Council meetings, the Mayor, Vice Mayor, and City Councilmembers should email city.council@menlopark.org requesting the addition of a specific item for City Council action no later than ten (10) business days prior to the desired City Council meeting. The request will automatically appear under “City Council initiated items” at the end of the City Council’s regular agenda.

Initial City Council consideration of request

As an agenda item under “City Council initiated items” the City Council may discuss the item and ask staff questions regarding preliminary scope, analysis, and resource requirements. After discussion, with a motion and second, the City Council may take one of the following actions:

- Direct the city manager to prioritize staff resources to prepare a formal staff report for further City Council consideration and/or action, or
- Direct the item to an advisory body for preparation of a formal staff report with no additional staff support required, or
- Direct the city manager to prepare a formal staff report for further City Council consideration as resources are available, or
- Defer action to the City Council’s annual goal setting process.

If the request does not receive sufficient City Council support, the item is not considered further.

City Council action

When the staff report is available, the report will be placed under “City Council initiated items” for City Council discussion and action at the next City Council meeting, regardless of agenda load management exercised by the Mayor, Vice Mayor, and city manager.

Request to modify operations or for special projects

To make a request

To request consideration of a change in operations or for a special project, a City Councilmember should email the city.council@menlopark.org requesting City Council consideration of an operational change action no later than ten (10) business days prior to the desired City Council meeting. The request will automatically appear under “City Council initiated items” at the end of the City Council’s regular agenda.

Initial City Council consideration of request

As an agenda item under “City Council initiated items” the City Council may discuss the item and ask the city manager the preliminary assessment of the scope, analysis, and resource requirements of the request. After discussion, with a motion and second, the City Council may take one of the following actions:

CITY COUNCILMEMBER REQUESTS

City Council Policy #CC-20-012

Adopted XXXX XX, 2020

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- Direct the city manager to prioritize staff resources to prepare a formal staff report for further City Council consideration and/or action, or
- Direct the city manager to prepare a formal staff report for further City Council consideration as resources are available, or
- Defer action to the City Council's annual budget process.

If the request does not receive sufficient City Council support, the item is not considered further.

City Council action

When the staff report is available, the report will be placed under "City Council initiated items" for City Council discussion and action at the next City Council meeting, regardless of agenda load management exercised by the Mayor, Vice Mayor, and city manager.

Emergency and non-agendized items

Emergency and non-agendized items may be added to an agenda only in accordance with State law. Emergency items are only those matters affecting public health or safety such as work stoppages, disasters and other severe emergencies. Adding an emergency item requires a majority vote. Emergency items are very rare. More likely, after the agenda is posted an item arises that the City Council would like to act on.

Non-agendized items may be added to the agenda only if the City Council makes findings that (1) the need to consider the item arose after the posting of the agenda, and; (2) there is a need to take immediate action at this meeting of the City Council. These findings must be approved by a four-fifths vote; if less than five members of the City Council are present, the findings require a unanimous vote of those present.

Emergency and non-agendized items are not be used to bypass the City Councilmember request process above.

Procedure history

Action	Date	Notes
Draft procedure presented	July 28, 2020	
Procedure adoption		

CITY COUNCILMEMBER REQUESTS

City Council Procedure #CC-20-012
Effective XXXX XX, 2020



Purpose

The purpose of this procedure is to provide transparency into requests by individual City Councilmembers that results in the use of staff time. The policy applies to all City Councilmembers equally and allows the full City Council to determine how to use limited City resources.

For this procedure, a “City Councilmember request” ~~s item~~ is defined as a request to use City resources in a manner that exceeds the City Council approved budget, priorities, or work plan. This includes requests directed to the city manager, city attorney, and all City staff members. This procedure also applies to City Council appointed commissions and committees.

Requests to add items to a future agenda

~~A councilmember may request an item be considered on a future agenda and, upon agreement of a majority of Council, staff will prepare a staff report if formal Council action is required. Councilmembers may make this request verbally during a meeting or may submit written requests. Normally, the process involves two steps: initial consideration of the request by the full City Council at the soonest possible regularly scheduled meeting; and, if a majority agrees, the matter is then scheduled for further consideration on an upcoming meeting agenda.~~

To make a request

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CITY COUNCILMEMBER REQUESTS

City Council Policy #CC-20-012

Adopted XXXX XX, 2020

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Request to modify operations or for special projects

To make a request

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Initial City Council consideration of request

As an agendized item under “City Council initiated items” the City Council may discuss the item and ask the city manager the preliminary assessment of the scope, analysis, and resource requirements of the request. After discussion, with a motion and second, the City Council may take one of the following actions:

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Emergency and non-agendized items are not be used to bypass the City Council member request initiated agenda item process above.

Procedure history

Action	Date	Notes
Draft procedure presented	July 28, 2020	
Procedure adoption		

Procedures Manual Menlo Park City Council

CITY OF MENLO PARK

Mission Statement

It is the mission of the City government to ensure that Menlo Park is a desirable and vibrant community in which to live and do business, and to respond to the values and priorities of the residents so as to provide for the community's current and future needs.

Explicitly, the City fulfills its function by:

- Addressing the needs of the residents through the City Council, the appointed commissions and the City staff.
- Providing easy and open access to information and encouraging dialogue, enabling residents to actively engage in civic life.
- Providing for the safety of its residents, businesses and visitors.
- Providing timely and responsive service.
- Providing special assistance to those in need.
- Functioning effectively, efficiently and with accountability.
- Creating a positive and desirable workplace environment for City employees.
- Managing change for the betterment of the City.
- Creating and maintaining a viable revenue stream and providing for the unpredictable nature of our economy.
- Implementing and maintaining City infrastructure, facilities and programs.
- Formulating sound environmental policies.
- Recognizing and supporting the City's diverse neighborhoods and population.
- Acting as a responsible member of the greater region.

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- C. List of City Council Policies
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Introduction

The Menlo Park City Council establishes policies and priorities for the community and is responsible for the fiscal health of the public corporation.

Purpose of the Procedures Manual

City of Menlo Park staff prepared a procedures manual to assist the City Council by documenting currently accepted practices. Through agreement of the City Council and staff to be bound by these practices, the effective administration of City Council affairs is greatly enhanced. While attempting not to be overly restrictive, procedures are established so that expectations and practices can be clearly articulated to guide councilmembers in their actions. It is anticipated that this Procedures Manual will be reviewed and revised from time to time.

Overview of city documents

This procedures manual provides a summary of important aspects of City Council activities. However, it cannot incorporate all material and information necessary for undertaking the business of the City Council. Many other laws, policies, plans and documents exist which bind the City Council to certain courses of action and practices. A summary of some of the most notable documents that establish City Council direction is provided below.

Municipal Code: The Municipal Code contains local laws and regulations adopted by ordinances. The administrative chapter of the Municipal Code addresses the role of the City Council, Mayor and Mayor Pro Tempore. It also describes the organization of City Council meetings and responsibilities as well as the appointment of certain city staff positions and advisory commissions. In addition to these administrative matters, the Municipal Code contains a variety of laws. The Municipal Code is available on the City's website.

California Government Code: The California Government Code contains many requirements for the operation of city government. Many of these requirements are also replicated within the Municipal Code to ensure there is broad awareness of such requirements. Menlo Park is a "General Law" city, which means it is organized in accordance with provisions of the Government Code. Also described within the Government Code is the Council-City Manager form of government. This form of government prescribes that the City Council's role is to establish policies and priorities, while the role of the City Manager is to oversee the operations of the city government.

Annual Budget: The City's annual budget provides a description of city services and the resources used to provide services. The document contains both a broad overview of the budget as well as descriptions of programs and services organized for convenience by lead department. The City operates on a July 1 through June 30 fiscal year.

General Plan:

The General Plan is a legal document, required by the California Government Code, which serves as the City of Menlo Park's "constitution" for the development and the use of its land. It is a comprehensive, long-term document, detailing proposals for the physical development of the city, and of any land outside its boundaries but within its designated "sphere of influence."

Orientation of new councilmembers

It is important that councilmembers have an understanding of the full range of services and programs provided by the organization. As new members join the City Council, the City Clerk coordinates with department heads to provide tours of City facilities and meetings with key staff.

City Council: Powers and Responsibilities

City Council generally

The powers of the City Council to establish policy are quite broad. Essentially, the City Council may undertake any action related to city affairs other than those forbidden or preempted by state or federal law. Specifically, the City Council has the power, in the name of the city, to do and perform all acts and things appropriate to a municipal corporation and for the general welfare of its inhabitants which are not specifically forbidden by the Constitution and laws of the State of California.

It is important to note that the City Council acts as a body. No member has any extraordinary powers beyond those of other members. While the Mayor and Mayor Pro Tem have some additional ceremonial and administrative responsibilities as described below, in the establishment of policies, voting and in other significant areas, all councilmembers are equal. It is also important to note that policy is established by at least a majority vote of the City Council. While individual councilmembers may disagree with decisions of the majority, a decision of the majority does bind the City Council to a course of action. In turn, it is staff's responsibility to ensure the policy of the City Council is upheld. Actions of staff to pursue the policy direction established by a majority of the City Council do not reflect any bias against councilmembers who held a minority opinion on an issue.

The City Council has occasionally debated whether it should take positions of a broader nature or limit itself to purely municipal functions. Historically, Menlo Park's city councils have chosen to not take positions on issues outside of their immediate authority to effect, such as issues of international concern. The propensity of the City Council to involve itself in such issues reflects the personalities and outlooks of the councilmembers who make up the two-year City Council sessions.

A councilmember may not simultaneously hold two public offices that are incompatible. Offices are incompatible, if any significant clash of duties exists between the two offices, if the dual office holdings would be improper for reasons of public policy, or if either officer exercises a supervisory, auditory or removal power over the other. Councilmembers are encouraged to and often participate and provide leadership in regional and state programs and meetings. Councilmembers are strongly encouraged to report to the City Council on matters discussed at subcommittees and other regional or state board/agency/group activities in which they have been involved.

Role of Mayor and Mayor Pro Tempore

Mayor: As reflected in the Municipal Code, the Mayor is to preside at all meetings of the City Council and perform such other duties consistent with the office as may be imposed by the City Council or by vote of the people. The Mayor does not possess any power of veto. As presiding officer of the City Council, the Mayor is to faithfully communicate the will of the City Council majority in matters of policy. The Mayor is also recognized as the official head of the city for all ceremonial purposes.

The Mayor, unless unavailable, shall sign all ordinances, and other documents that have been adopted by the City Council and require an official signature; except when the City Manager has been authorized by City Council action to sign documents. In the event the Mayor is unavailable, the Mayor Pro Tempore's signature may be used.

Traditionally, the Mayor has also been assigned by the City Council to consult and coordinate with the City Manager in the development of agendas for meetings of the City Council. The scope of such review focuses on the timing of business items and the volume of business that can be considered at any one meeting. Such review does not allow for a unilateral unlimited delay of items to be considered by the City Council or the introduction of new items not otherwise part of the City Council's identified priorities or staff's work plan. Should any significant disagreement arise regarding the scheduling of items, these matters are to be resolved by the full City Council. The staff maintains a "tentative" City Council agenda item calendar that programs when matters will likely be considered at future meetings.

Mayor Pro Tempore: The City Council has specified that the Mayor Pro Tempore shall perform the duties of the Mayor during the Mayor's absence. The Mayor Pro Tempore shall serve in this capacity at the pleasure of the City Council.

Appointment of City Manager, City Attorney

The City Council appoints two positions within the city organization: the City Manager and City Attorney. Both positions serve at the will of the City Council. The City Manager is an employee of the City and has an employment agreement that specifies certain terms of employment including an annual evaluation by the City Council. The City Manager is responsible for all other personnel appointments within the City. The current City Attorney is a part-time employee, and a partner in a local law firm that has served the City for many years.

Role during a disaster

The City Council has some special, extraordinary powers in the case of a disaster. Some meeting restrictions and expenditure controls are eased in such extreme situations. In critical situations the City Council may be directed by the City Manager/ Emergency Services Director to assemble in the City's Emergency Operations Center (EOC), located within the Police Department, to provide policy guidance and to receive information in an emergency. Should the City Council not be available during an emergency, state law specifies a hierarchy of others who may serve in place of the City Council. The most likely scenario is that the County board of supervisors would serve in the place of the City Council. When necessary, the Incident Commander of the City EOC or Disaster Coordinator may request the activation of a MAC (Multi-Agency Coordination Center). One possible location of a MAC could be the Menlo Park Fire District's USAR Building located in Menlo Park.

The City Council also has the responsibility to declare a local emergency. Emergency proclamations are normally made when there is an actual incident or threat of disaster or extreme peril to the safety of persons and property caused by natural or man-made situations. The local proclamation is the first step toward a State and Federal declaration which would then activate eligible State and Federal disaster relief programs to provide financial relief to both local government and the public.

Appointment of advisory bodies

The city has a number of standing advisory bodies. City Council Policy #CC-01-004, Commissions/Committees Policies and Procedures and Role, contains guidelines on the appointment, roles and responsibilities of the various commissions. These procedures apply to all appointments and reappointments to standing advisory bodies.

In addition, resident committees and task forces are occasionally appointed by the City Council to address issues of interest. A task force or other ad hoc body is a body created by the City Council for a specific task. City Council subcommittees, when used, are to help the City Council do its job. Committees ordinarily will assist the City Council by preparing policy alternatives and implications for City Council deliberation. City Council subcommittees will normally not have direct dealings with staff operations. City Council subcommittees may not speak or act for the City Council. Subcommittees will be used sparingly and ordinarily in an ad hoc capacity. This policy applies to any group that is formed by City Council action, whether or not it is called a subcommittee. Unless otherwise stated, a subcommittee ceases to exist as soon as its task is complete. The City Council may assign, and specify the role of, one or two councilmembers to the task force (if more, it becomes a defacto City Council meeting). Unless otherwise specified, councilmembers have all the rights, and only the rights, of ordinary citizens with respect to task forces and other ad hoc bodies.

Note that both appointed advisory bodies and ad hoc committees are usually subject to the open meetings laws commonly known as the Brown Act.

City Council relationship with advisory bodies

The City Council has determined that councilmembers should not lobby commissioners for particular votes. However, councilmembers may attend meetings as residents and request that commissioners consider certain issues during their deliberations or in unusual instances as councilmembers to reflect the views of the City Council as a body.

Councilmembers choosing to attend commission or committee meetings should be sensitive to the fact that they are not participating members of the body. Councilmembers have the rights, and only the rights, of ordinary citizens with respect to commissions – including the right to write to and speak to the commission during public comment periods.

Role of commission liaisons

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

Councilmembers should be sensitive to the fact that they are not participating members of the commission, but are there rather to create a linkage between the City Council and commission. In interacting with commissions, councilmembers are to reflect the views of

the City Council as a body. Being a Commission liaison bestows no special right with respect to Commission business.

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

City Council Meetings

General procedures

By resolution, the City Council has adopted a modified version of Roberts Rules of Order.

Presiding officer: The Mayor is the presiding officer and acts as chair at City Council meetings. In the absence or incapacity of the Mayor, the Mayor Pro Tempore serves as presiding officer.

Seating arrangement of the City Council: The Mayor Pro Tempore is seated immediately next to the Mayor. The Mayor, with the approval of individual councilmembers, shall establish the seating arrangement for regular City Council meetings.

Quorum: Three-fifths of the councilmembers constitute a quorum for the transaction of business.

Meeting schedule

The City Council approves and follows an annual calendar that reflects its priorities and coincides with the budgeting process, beginning at the start of the calendar year. A Capital Improvement Plan is reviewed in February for the following fiscal year, in order to reflect the commitment of resources required. Other City Council priorities are overlaid on the calendar as time permits.

Regular meetings are usually held in the City Council Chambers, 701 Laurel St., on Tuesdays at 7 p.m., with study sessions and closed sessions generally being convened earlier, as needed, or at the end of the meeting at the conclusion of public business.

On occasion, the City Council meeting will be held in alternative locations such as the Senior Center. No City Council meeting will typically be held in the event that a regular meeting of the City Council falls on a legal holiday or the day after a holiday. Other meetings throughout the year may be canceled as well. Councilmembers should inform the City Manager's assistant as soon as possible if they intend to be out of town on a set meeting date. In recognition of the personal and professional obligations which may conflict with attending City Council meetings, Councilmembers are not compelled to participate in routine Council meetings remotely as it can present a hardship due to technological limitations, noticing compliance and time zone differences.

Special meetings

Special meetings may be called by the Mayor or by three members of the City Council. Written notice must be given to the City Council and to the media 24 hours before a special meeting. No business other than that officially noticed may be discussed.

Public Comment: At all regular and special meetings, public comments must be permitted before or during consideration of any agenda item. Public comment is appropriate on any matter within the jurisdiction of the City Council.

Meeting notices and minutes: Notice requirements of the Brown Act are complied with for all meetings; action minutes of the meeting are taken by the City Clerk or designee and made available for public inspection.

Agenda development

The City Council adopts a yearly meeting calendar identifying meeting dates and cancellations to aid councilmembers and staff with planning and scheduling. A medium-range “tentative” City Council calendar that reflects an estimate of when various items will be scheduled over the next few weeks is available on the City’s website. A copy of the draft agenda is transmitted to the Mayor for review on the Monday one-week before the meeting. Staff is required to submit reports for a Tuesday City Council meeting to the City Clerk by noon on the Thursday of the week preceding the meeting. All agenda materials are available Thursday evening before the Tuesday City Council meeting. Website posting includes a tentative City Council calendar that shows City Council meeting dates and planned agenda items 3-5 weeks in advance.

Given this agenda development schedule, it is usually extremely difficult when councilmembers request at a Tuesday meeting that a report be prepared for consideration the following meeting. For this reason, it will usually require at least one week for the preparation of a report requested by the City Council. Complex reports will require more time to prepare, and an estimated time of completion can be provided to the City Council. The ability to schedule new agenda items depends on the nature of the item itself, other agenda subjects that are already scheduled and the amount of time available.

Placing items on the agenda

City Council: A councilmember may request an item be considered on a future agenda and, upon agreement of a majority of Council, staff will prepare a staff report if formal Council action is required. Councilmembers may make this request verbally during a meeting or may submit written requests. Normally, the process involves two steps: initial consideration of the request by the full City Council at the soonest possible regularly scheduled meeting; and, if a majority agrees, the matter is then scheduled for further consideration on an upcoming meeting agenda.

Members of the public: A member of the public may request that an item be placed on a future agenda during public comment or through other communication with councilmembers. Upon approval of a majority of the City Council, the item will be agenda item and a staff report may be prepared. The City Manager will inform the City Council of the potential impact the request will have on established priorities or staff workload and seek approval by the City Council before authorizing the work or scheduling the item as appropriate.

Emergency and Non-Agenda items: Emergency and non-agenda items may be added to an agenda only in accordance with state law. Emergency items are only those matters affecting public health or safety such as work stoppages, disasters and other

severe emergencies. Adding an emergency item requires a majority vote. Emergency items are very rare. More likely, after the agenda is posted an item arises that the City Council would like to act on. Non-agendized items may be added to the agenda only if the City Council makes findings that (1) the need to consider the item arose after the posting of the agenda, and; (2) there is a need to take immediate action at this meeting of the City Council. These findings must be approved by a four-fifths vote; if less than five members of the City Council are present, the findings require a unanimous vote of those present.

Notification and advertising

The City attempts to well publicize matters of significant neighborhood or community public interest that appear on a City Council agenda, as well as all matters where advertising is required by law. Advertisements and notifications are intended to inform all interested individuals.

Order of Business

The City Council established the order of business for meetings through the adoption of a policy on meeting procedures. Technically, the order of the agenda is as follows: roll call; special business; proclamations; council, committee and staff reports; public comment #1; appointments to boards/commissions/committees; consent calendar; public hearings; regular business; written communications; information items; adjournment. The following section describes the various types of meeting components.

- 1. Closed Sessions** (closed to the public): The ability of the City Council to conduct sessions not open to the public is restricted by state law to ensure open proceedings. Certain defined circumstances exist wherein a city council may meet without the public in attendance. Such circumstances include:

Real Property: The purchase, sale, exchange or lease of real property with the City's negotiator; the real property and the person(s) with whom the City may negotiate must be announced in open session before the closed session (Cal Govt Code 54956.8).

Litigation: Pending or a significant exposure to litigation or the decision to initiate litigation; the litigation title must be identified in open session before the closed session unless the City Council states that to do so would jeopardize its ability to conclude existing settlement negotiations or effectuate service of process.

Compensation: Salaries and benefits of employees; City Council meets in closed session to review its position and instruct designated representatives (Cal Govt Code §54957.6).

Personnel: A closed session is held to discuss the appointment, employment, evaluation of performance, or dismissal of a public employee, or to hear a complaint against the employee unless the employee requests a public hearing (Cal Govt Code §54957.6).

It is critical to stress that there shall be no disclosure of closed session confidential information. Councilmembers, employees of the City, or anyone else present shall

not disclose to any person, including affected/opposing parties, the press or anyone else, the content or substance of any discussion which takes place in a closed session without City Council direction and concurrence. Whenever possible, written reports received for closed session items will be turned in at the end of the meeting.

Typically, closed sessions will be scheduled before the public portions of the meeting or at the end of the meeting after public business has been concluded. This is done so public portions of the meeting are not interrupted by closed sessions. In addition, such sessions may require the attendance of special legal counsel and consultants. In an attempt to manage the costs of these professionals, it is beneficial to conduct closed sessions at a time certain. On occasion, during the course of a regular meeting, an issue arises that requires the City Council to adjourn to a closed session on the advice of the City Attorney.

2. **Study Session:** From time to time, the City Council will hold study sessions. These meetings are normally scheduled before the regular session. The purpose of study sessions is to give the City Council a less formal and more interactive forum to discuss issues in advance of any official action to be taken. Staff often presents policy alternatives and is more directly engaged in the dialogue. Meetings are open to the public and are broadcast and videotaped when held in the City Council Chambers and at the direction of the City Council. While general direction may be given to staff or the proponent behind the topic of discussion, no formal action by the City Council is taken in a study session.
3. **Public Comment:** The City Council receives general public comment about issues not on the agenda. Comments on agenda items should not be heard until the appropriate item is called. Individuals desiring to speak are to address the City Council from the speaker podium after giving their name and place of residence. Speaker cards may be required and should be filled out, including the speaker's actual jurisdiction of residence, and given to the City Clerk before Public Comment.

Comments should focus on a specific matter within the City Council's jurisdiction. Members of the public are encouraged to present written comments, preferably in advance of the meeting, as a way to fully communicate their thoughts on agenda or non-agenda items. When written materials are presented, they should be submitted to the City Clerk for distribution and record keeping ahead of time. Comments are typically limited to three minutes per speaker so that all have an opportunity to address the City Council.

Videos, PowerPoint presentations or similar display requests may accompany in-person testimony but are subject to the same speaking time limits. Prior notice and coordination with the City Clerk is strongly encouraged and the Mayor reserves the privilege to limit such requests as necessary for the effective conduct of the meeting. Speakers are to address their comments to the City Council from the podium.

Public comment on regular business items normally follows staff's presentation of the staff report, clarifying questions from councilmembers and applicant comments as necessary and appropriate. Typically, applicants or appellants are limited to a maximum of 10 minutes. The City Council will then hear public comment.

4. **Commission Reports:** Commission reports provide an opportunity for designated members of appointed boards to address the City Council on matters of importance or to update the City Council and community on studies that are underway.
5. **Consent Calendar:** Those items on the City Council agenda that are considered to be of a routine and noncontroversial nature by the City Manager are placed on the "Consent Calendar." These items shall be approved, adopted, accepted, etc., by one motion of the City Council. Typical consent calendar items include the final reading and adoption of ordinances, various resolutions approving agreements, awards of contracts, minor budgetary adjustments, meeting minutes, status reports, and reports of routine city operations.

Councilmembers may request that any item listed under "Consent Calendar" be removed from the Consent Calendar, and the City Council will then take action separately on this item. A member of the public may request that an item listed under "Consent Calendar" be removed and City Council action taken separately on the item; the City Council must concur with such a request. Items that are removed ("pulled") by councilmembers for discussion will typically be heard after other Consent Calendar items are approved unless the majority of the City Council chooses an earlier or later time.

Councilmembers are encouraged to contact the City Manager's office before Noon on the day of a City Council meeting day to provide notification of items to be removed from the Consent Calendar. This practice allows the City Manager to notify staff that may need to be present to respond to removed items. Equally important, it also allows the Manager to inform staff who do not need to be present at the meeting. Unless contacted in advance of the meeting with sufficient time, the presumption is that staff will not be present.

6. **Public Hearing:** In the case of public hearings, once the City Council has voted to close the hearing, no member of the public shall be permitted to address the City Council or the staff from the audience, except at the discretion of the presiding officer (Mayor).
7. **Regular Business Items:** Regular items are shown on the agenda and are normally taken in the order listed.
8. **Informational Items:** Informational items may contain a status update, background report or a preview of a larger item coming before the City Council at a future meeting.
9. **Councilmember Reports:** Provides councilmembers an opportunity to introduce matters not currently before the City Council, including brief announcements, to pose questions of staff and make requests for items to be placed on the agenda at a future meeting. Examples of appropriate communications would be information of general interest received from outside agencies, comments or inquiries received from the public, requests to agenda future items, or announcements of interest to the public.

State law provides that the City Council can take action only on such matters that have been noticed at least three days (72 hours) in advance of the regular meeting,

or 24 hours in the case of a special meeting, unless special circumstances are found to exist (as mentioned above). Formal action or approval on non-agendized items is not allowed, and such items should be placed on the agenda of the next available regular meeting.

10. Written Communications: The City Council has established a practice of placing written communication between councilmembers requesting items to be agendized and select letters sent by agencies to councilmembers on the meeting agenda so that this correspondence receives wide distribution. If letters or emails from the public are received on the day of or just before a meeting, copies will be placed at the councilmembers' positions on the dais.

Discussion Rules

To assist the City Council in the orderly discussion of items, rules are followed which represent accepted practices for the management of City Council meetings.

- 1. Obtaining the floor:** A councilmember or staff shall first address the Mayor and gain recognition. Comments and questions should be directed through the chair and limited to the issue before the City Council. Cross-exchange between councilmembers and public should be avoided.
- 2. Questions to staff:** A councilmember shall, after recognition by the Mayor, address questions to the City Manager, City Attorney, department head or designated staff member. Councilmembers with questions on an agenda item should preferably contact staff before the meeting in order to allow staff time to research a response for the meeting.
- 3. Interruptions:**
 - a. Once recognized, a councilmember is considered to have the floor, and another councilmember may not interrupt the speaker except to make a point of order or point of personal privilege. In such a circumstance, the councilmember holding the floor shall cease speaking until the point of order or privilege is resolved.
 - b. Upon being recognized by the Mayor, members of the staff shall hold the floor until completion of their remarks or until recognition is withdrawn by the Mayor.
- 4. Discussion:** A councilmember should not speak more than once on a particular subject until every other councilmember has had the opportunity to speak. Councilmembers are encouraged to discuss items during the decision-making process and may ask staff to respond when appropriate. The Mayor normally allows other members to speak first, then will give his/her views and summarize.
- 5. Tabling procedure:** Tabling an item immediately stops discussion and causes a vote to postpone a matter indefinitely or to a time and date certain. A motion to "continue" an agenda item has the same effect, but is generally used when a scheduling problem arises or when insufficient time is available to address the matter thoroughly.
- 6. Right of protest:** A councilmember is not required to state reasons for a dissenting vote.

- 7. Calling for the question:** The purpose of calling for the question is to disallow further debate and put an issue to an immediate vote. A councilmember may move to “call for the question” on an item which is being considered. The motion requires a second, is not debatable and must pass by a four-fifths vote. If the motion carries, the item is no longer debatable and the City Council must vote on it.
- 8. Conducting business at a late hour.** According to City Council policy, all regular meetings of the City Council are to end by midnight unless there is a two-thirds, three-fourths, or four-fifths (based on the number of Councilmembers present) vote taken by 11:00 p.m. to extend the meeting. The motion to extend is to include the title of the items to be considered after 11:00 p.m. and a new ending time for the meeting. The City Clerk will alert the City Council at or before 11:00 p.m. New items of business will not be discussed after 11:00 p.m. unless the motion to consider such item(s) was passed

Voting procedures

When present, all councilmembers are to vote (affirmative, dissenting, abstention). Failure of a seated councilmember to express a vote constitutes an affirmative vote.

No ordinance, resolution or motion shall be passed or become effective without an affirmative vote by the majority with a quorum present.

A conflict of interest shall be declared whenever appropriate and in compliance with state law. The affected councilmember will step down from the dais and leave the City Council Chambers.

Councilmembers may declare general consensus at the discretion of the presiding officer, if there are no negative votes or objections.

Tie vote: A tie vote is equivalent to a motion that has failed. The presiding officer may publicly explain the effect of the tie vote for the audience or may direct a member of the staff to do so.

Motions: There are a number of types of motions, each of which must meet certain requirements before a vote can be taken. A reference guide to motions is provided in chart form in Appendix A of this manual.

Reconsideration: Reconsideration of an item shall be allowed in accordance with the following City Council guideline: A councilmember of the prevailing majority when the previous vote was taken must make a motion for reconsideration. The City Council has determined that any motion for reconsideration should be made at the meeting immediately following that at which the action was taken. No motion for reconsideration will be entertained after this time unless the City Council determines significant new information has arisen which warrants such action.

Other guidelines

Other guidelines have been developed to ensure that meetings of the City Council are conducted in a civil and professional manner. Councilmembers and staff shall:

1. Work to preserve appropriate order and decorum during all meetings.
2. Discourage side conversations, disruptions, interruptions or delaying efforts.

3. Inform the Mayor before departing from a meeting.
4. Limit disruptive behavior. The Mayor will call persons demonstrating rude, boisterous, or profane behavior to order. If such conduct continues, the Mayor may call a recess, request the removal of such person(s) from the City Council Chambers, adjourn the meeting, or take such other appropriate action. The City Council has a policy to discourage applause, booing or other similar behaviors from the public during meetings.
5. Recognize that only the City Council, staff, advisory body chairs or designated representatives, and those authorized by the presiding officer shall be permitted to sit at the City Council or staff tables.
6. Limit breaks of the City Council to 5-10 minutes. The City Council has authorized the Mayor to resume the meeting if a quorum exists and other members have not returned from the break within the announced time period.
7. Impose time limits on speakers. While the City Council encourages and embraces the need for and right of public participation, it acknowledges that public comments must, at times, be limited. Therefore, the City Council authorizes the Mayor, as presiding officer, to poll the audience for an indication of the number of people wishing to speak, and to impose time limits per speaker. Typically, speakers are limited to three minutes but a shorter time limit may be established as deemed necessary. When a member of the public is to speak on behalf of others in attendance, a maximum time limit of nine minutes is usually imposed or as otherwise allowed in the discretion of the presiding officer. After the time limit, the City Council may ask questions of the speaker for clarification, if needed. Each speaker will be thanked for his or her participation.

Values of respect: The City Council has also recognized the importance of approaching the public's business in an environment of personal respect and courtesy, which places emphasis on the consideration of policy and avoids personalization of comments. Some guidelines utilized by the City Council include:

1. Discussion should focus on policy matters
2. Personal criticism of members is inappropriate
3. Proper decorum should be displayed as other members express their views
4. Treat members of the public equally, applying rules in a fair and consistent manner
5. Members of the public are advised to treat all public speakers with due respect and to refrain from verbal expressions in support of or opposition to (such as clapping or booing) any public speakers' comments.

Enforcement of order: The Police Chief or his designee acts as the Sergeant-At-Arms. Any councilmember may request the presiding officer to enforce the rules of protocol. Upon motion and majority vote, the presiding officer shall be required to do so.

Open meeting laws ("The Brown Act")

Operations and procedures of the City and City Council incorporate requirements of the state's open meeting law (commonly referred to as the Brown Act). Because this law is such an important part of local government operations, some specific requirements of the law are highlighted below.

Applicability and penalties: The entire city organization conducts its business in compliance with the Ralph M. Brown Act, State Government Code §54950 et seq. The intent of the Act is to ensure that deliberation and actions of local public agencies are conducted in open and at public meetings.

A. Applicability: The Act applies to the City Council and all commissions, boards and City Council-appointed subcommittees (except if comprised entirely of two councilmembers) and task forces that advise the City Council. Staff cannot promote actions that would violate the Act.

B. Meetings: All meetings shall be open and public. A City Council meeting takes place whenever a quorum (3 or more members) is present and information about the business of the body is received; discussions qualify as a meeting. Social functions (e.g., receptions, dinners) do not fall under the Act unless city business is discussed.

Serial meetings take place when any member of City Council contacts more than one other member of the City Council or any city staff member contacts more than two councilmembers for the purpose of deliberating or acting upon an item pending before the City Council. This restriction does not apply to the public or media who may contact all councilmembers. Correspondence that merely takes a position on an issue is acceptable. Note that the Brown Act applies to City councilmembers immediately after their election and before their swearing-in ceremony.

C. Agendas: Agendas for regular meetings must be posted 72 hours in advance of the meeting and must meet various requirements.

D. Actions: No action can be taken on any item not appearing on the posted agenda.

Exceptions:

1. An emergency exists (determined by a majority of the City Council).
2. The need to take action arose subsequent to the agenda being posted and there is a need for immediate action (determined by a two-thirds vote of the City Council; or if less than two-thirds are present, by unanimous vote).
3. The item was continued to another meeting that was scheduled and posted within five days of the original agenda.

E. Public input: The public, by law, has an opportunity to address the Council on any item of interest to the public that is within the jurisdiction of the Council, at the time the matter is heard. The Mayor has the right to establish a time limit on speakers and the total time allocated for a particular issue. Three minutes per speaker has been standard, but in unusual cases either shorter or longer periods may be established by the Mayor or the City Council.

F. Public disruptions: A portion or all of the public may be removed if willful disruption makes conducting the meeting "unfeasible"; the press may remain unless they participate in the disruption.

G. Correspondence: All writings distributed for discussion or consideration at a public meeting are public records.

H. Special meetings: Special meetings may be called by the Mayor or a majority of the City Council with strict notification requirements for delivery to the media and the City Council 24 hours before the time of the meeting.

I. Emergency meetings: Emergency meetings may be called without notification due to the disruption or threatened disruption of public facilities. Only work stoppages or crippling disasters that impair the public health and/or safety qualify for emergency meetings.

J. Other provisions: The Brown Act provides many other restrictions and requirements; this chapter is intended merely as a City Council summary and overview, and nothing in this Chapter supersedes the provisions of the Brown Act. Please check with the City Attorney and/or the City Clerk for more information.

City Council Communications

Overview

Perhaps the most fundamental role of a councilmember is communication—communication with the public to assess community opinions and needs—communication with staff to provide policy direction and to gain an understanding of the implications of various policy alternatives. Because the City Council performs as a body (that is, acting based on the will of the majority as opposed to individuals), it is important that general guidelines be understood when speaking as a councilmember. Equally important, when members are expressing personal views and not those of the City Council, the public should be so advised.

Councilmember correspondence

Members of the City Council may occasionally be called upon to write letters to citizens, businesses or other public agencies. Typically, the Mayor will be charged with transmitting the City's position on policy matters to outside agencies on behalf of the City Council. Correspondence sent on behalf of the City Council is placed on official City letterhead and is signed by the Mayor or City Manager. Individual members of the City Council may prepare letters to constituents in response to inquiries or to provide requested information. Individualized councilmember letterhead can be made available for this purpose, and staff can assist in the preparation of such correspondence. Councilmembers are required to provide copies of any correspondence on City letterhead to every councilmember and the City Manager.

On occasion, members may wish to transmit correspondence on an issue upon which the City Council has yet to take a position or about an issue for which the City Council has no position. In these circumstances, members should use their personalized letterhead and clearly indicate within letters that they are not speaking for the City Council as a whole, but for themselves as one member of the City Council.

After the City Council has taken a position on an issue, official correspondence should reflect this position. While members who may disagree with a position are free to prepare correspondence on such issues as private citizens, City letterhead, official City Council title, and staff support should not be utilized in order to avoid confusion. In addition, City letterhead and staff support cannot be utilized for personal or political purposes.

councilmembers may be asked to prepare letters of recommendation for students and others seeking appointment. It is appropriate for individual councilmembers to utilize City letterhead and their City Council titles for such letters. No review by the full City Council is required, however, copies will be kept on file.

Speaking for “the City”

Similar to written correspondence, when members are requested to speak to groups or are asked the City Council's position on an issue, the response should reflect the

position of the City Council as a whole. Of course, a councilmember may clarify their vote on a matter by stating, for example, “While I voted against “X,” the City Council voted in support of it.” When representing the City at meetings or other venues, it is important that those in attendance gain an understanding of the City Council’s position rather than that of an individual councilmember.

When dealing with members of the media, it is usually the Mayor who represents the position and interest of the City Council. When the City Manager or Department Heads are contacted, they too will refer the media first to the Mayor for comment. Similarly, when the City issues a Press Release, the Mayor is consulted in terms of any councilmember quotes or references. The City Manager decides whether staff are available to respond to media requests directly or not.

Local ballot measures

At times, measures that affect City Council policy may be placed on the ballot. There are restrictions regarding what actions a City Council or individual councilmembers may take on ballot measures. Guidelines as to what is permissible are available from the City Clerk or City Attorney upon request.

State legislation, propositions

The City has been a member of the League of California Cities for many years. In addition, the City has a representative on the City/County Association of Governments (C/CAG). Both of these groups actively track legislation at the state level. Either through the advisories received from these two organizations or as a result of City staff following key legislative bills of importance to the City, the Council is at times requested to take a position or an action on pending state legislation. Unless Council has previously acted on a similar bill in the recent past, in which the City’s position is clear, the Council has a practice of requiring analysis and discussion of bills before taking an official position. The analysis includes a summary of the legislation’s purpose and a listing of those entities both in support of and against the proposed legislation. As a framework for screening bills that are pending to determine if the City should weigh in, Appendix B serves as a Legislative Policy Guide, with the explicit understanding that the City will express itself on legislation dealing with issues that will directly effect its financial stability or effective operation, and that the City may enter into alliances with other entities to promote common goals.

Proclamations

Ceremonial proclamations are often requested of the City in recognition of an event or individual. Proclamations are not statements of policy but a manner in which the city can make special recognition of an event (e.g., Recycling Week) or individual. As part of his/her ceremonial responsibilities, the Mayor is charged with administration of proclamations. Individual councilmembers do not issue proclamations. Proclamations can be sent to the requester or presented at a City Council meeting as arranged with the requesting body and at the Mayor’s discretion.

Interactions with City Staff

Overview

City Council policy is implemented on a daily basis through staff. Therefore, it is critical that the relationship between Council and staff be well understood by all parties so that policies and programs may be implemented successfully. The City of Menlo Park has a long tradition of positive relationships between councilmembers and city staff. To maintain these effective relationships it is important that roles are clearly recognized.

Council-Manager form of government

Like most California cities, Menlo Park has adopted a City Council-City Manager form of government. The Council appoints a City Manager to implement policy, enforce laws, direct the daily operations of city government, and prepare and monitor the municipal budget. The Municipal Code specifies roles and responsibilities and requires that councilmembers work through the City Manager in dealing with City staff unless simply requesting information from department heads or other staff members. The City Manager is responsible to the City Council as a body rather than to individual councilmembers.

Council-Manager relationship

The employment relationship between the City Council and the City Manager reflects the fact that the City Manager is the chief executive officer of the City. The City Manager has an employment agreement with the City Council. Regular communication between the City Council and City Manager is important in maintaining effective interpersonal relations. All dealings with the City Manager, whether in public or private, should be consistent with the authority of the City Manager in administrative and personnel matters. Councilmembers should avoid situations that can result in City staff being directed, intentionally or unintentionally, by one or more councilmembers. Further, councilmembers should avoid involving themselves in matters regarding individual City employees or related affairs.

The City Council evaluates the City Manager's performance on a regular basis to ensure that both the City Council and City Manager are in agreement about organizational performance and priority goals that are based on mutual trust and common objectives.

As in any professional relationship, it is important that the City Manager keep the City Council informed. The City Manager respects that the final responsibility for establishing the policy direction of the City is held by the City Council. The City Manager communicates with City Council in various ways. In addition to the formal City Council meetings, there are periodic briefing meetings with individual councilmembers and written memoranda and email. Communication must be undertaken in such a way that all councilmembers are treated similarly and kept equally informed. It is also important that the City Council provide ongoing feedback, information and perceptions to the City Manager including responses to written communications and surveys requesting feedback in a timely manner.

City Manager code of ethics

The City Manager is subject to a professional code of ethics that binds the City Manager to certain practices that are designed to ensure his or her actions are in support of the City's best interests. Violations of such standards can result in censure. Appendix D is a copy of the City Manager's Code of Ethics.

City Council-City Attorney relationship

The City Attorney is the legal adviser for the City Council, City Manager and departments. The general legal responsibilities of the City Attorney are to: 1) provide legal assistance necessary for formulation and implementation of legislative policies and projects; 2) represent the City's interest, as determined by the City Council, in litigation, administrative hearings, negotiations and similar proceedings; 3) prepare ordinances, resolutions, contracts and other legal documents to best reflect and implement the purposes for which they are prepared; and 4) keep the City Council and staff apprised of court rulings and legislation affecting the legal interest of the City. It is important to note that the City Attorney does not represent individual councilmembers, but the City Council as a whole.

Roles and information flow

Objectives: It is the intent of staff to ensure councilmembers have free and easy access to information from the City and to ensure that such information is communicated completely, with candor and without bias. Individual councilmembers may not intervene in staff decision-making, the development of staff recommendations, scheduling of work, or executing department priorities without the prior knowledge and approval of the City Council as a whole. This is necessary to protect staff from undue influence and pressure from individual councilmembers, and to allow staff to execute the priorities given by management and the City Council as a whole without fear of reprisal.

City Council roles: The full City Council retains power to accept, reject, amend, influence, or otherwise guide and direct staff actions, decisions, recommendations, service levels, workloads and schedules, departmental priorities, and the performance of City business. Councilmembers who wish to influence the actions, decisions, recommendations, workloads, work schedule and priorities of staff, must receive support from a majority of the City Council to do so as a matter of City Council policy.

Should a councilmember become dissatisfied about a department, he/she should always talk it over with the City Manager. Concerns about a department head must be taken to the City Manager only.

Access to information: Individual councilmembers as well as the City Council as a whole shall receive the full cooperation and candor of staff in being provided with any requested information. The City Manager or appropriate staff will inform council when a critical or unusual event occurs about which the public would be concerned.

To assist the City Manager in his ability to monitor the flow of information, requests for information are best tracked if submitted in writing, either in memorandum form or through email. And to ensure proper responsiveness, councilmembers are asked to "cc" both the department head and the City Manager on all correspondence with staff.

There are limited restrictions when information cannot be provided. Draft documents (e.g., staff reports in progress, administrative draft EIRs) under review are not available for release until complete and after review by city management. In addition, there are legal restrictions on the City's ability to release certain personnel information even to councilmembers. Certain aspects of Police Department affairs (access to restricted or confidential information related to crimes) may not be available to councilmembers.

Councilmembers have a responsibility in this information flow as well. It is critical that they make use of staff reports and commission minutes. Councilmembers should come to meetings well prepared – having read staff reports and attachments, and requesting in advance any necessary and available information from staff. Councilmembers with questions on an agenda item should preferably contact staff before the meeting in order to allow staff members time to research a response for the meeting.

Staff roles: The City Council recognizes the primary functions of staff as serving the community, executing City Council policy and actions and in keeping the City Council informed. Staff is obligated to take guidance and direction only from the City Council as a whole or from the appropriate management supervisors through the City Manager. Staff is directed to report to the City Manager any attempts by individual councilmembers to unduly direct or otherwise pressure them into making, changing or otherwise influencing recommendations.

City staff will make every effort to respond in a timely and professional manner to all requests made by individual councilmembers for information or assistance; provided that, in the judgment of the City Manager, the request is not of a magnitude, either in terms of workload or policy, which would require that it would be more appropriately assigned to staff through the direction of the full City Council. Requests from an individual councilmember determined by the City Manager to take one hour or more of staff time to complete, may be included on the formal City Council agenda for full City Council discussion.

Information distribution

In cases where a staff response to an individual councilmember request involves written materials that may be of interest to other councilmembers, the City Manager will provide copies of the material to all other councilmembers. In making this judgment, the City Manager will consider whether the information is significant, new, otherwise not available to the City Council or of interest to the City Council.

Magnitude of information requests

Any information, service-related request, or revised policy position perceived as necessary by individual councilmembers, and that cannot be fulfilled based on the above guidelines, should be submitted by the individual councilmember in writing to the City Council as a whole. When raised at a City Council meeting, the full City Council can decide whether and when to agendaize the request for further consideration. The City Manager will seek necessary clarification as to whether the City Council desires staff research or a report prepared; and, if so, the relative priority that should be given to such a request in light of other priorities and potential workload impacts.

Staff relationship with advisory bodies

Staff support and assistance is typically provided to commissions and task forces. However, advisory bodies do not have authority over City employees. While staff may work closely with advisory bodies, staff members remain responsible to their immediate supervisors and ultimately the City Manager and the City Council. The members of the commission/ board/committee are responsible for the functions of the advisory body, and the chairperson is responsible for committee compliance with City policies and practices as outlined in the Commission Handbook.

Staff support often includes preparation of an agenda and its posting in compliance with the Brown Act. Staff may also prepare reports providing background on the issue, alternatives, a recommendation and appropriate backup materials, if necessary. Advisory body members should have sufficient information to reach decisions based upon a clear explanation of the issues. The assigned staff person may take minutes as needed. Staff members are to assist the advisory body chair to ensure appropriate compliance with state and local laws and regulations.

It is important that advisory bodies wishing to communicate recommendations to the City Council do so through approved City Council agenda procedures. In addition, if a commission wishes to correspond with an outside agency, that correspondence will be prepared by staff for review by the City Manager and approval by the City Council. Individuals who would like staff to perform research or for the commission to review a particular issue must gain the approval for such a request from the full City Council before any work is planned or done. Each Commission establishes a 2-year work plan that is in line with the City Council's goals, which guides the commissions' activities and projects.

Restrictions on political involvement by staff

Local governments are non-partisan entities. Professional staff, as reflected within the principles of the Council-Manager form of government, formulates recommendations in compliance with City Council policy and for the good of the community and is not influenced by political factors. For this reason, it is very important to understand the restrictions of staff in any level of political involvement through campaigns, fundraisers or other means.

By working for the City, staff members do not surrender rights to be involved in local elections. Indeed, laws are in place to preserve those rights. However, there are limitations to such involvement. Different restrictions apply to management and to general employees.

General employees have no restrictions while off the job. No participation in campaigns or other activities may take place while on the job. No City resources may be used by staff in support of any campaign. Even while off the job, no employee may participate in campaign or other activities in a City uniform. For example, posing for a promotional photograph for a candidate for local office while in uniform is inappropriate. The support of the City Council in these matters is requested. A councilmember asking staff to sign petitions or similar items can similarly create an awkward situation.

For management staff, the City Manager strongly discourages any involvement in a local campaign even while on personal time. Such involvement could erode the tenet that staff is to provide an equal level of service to all councilmembers. The City Manager specifically prohibits any political involvement in local campaigns by department heads.

Support provided to City Council

Staff support

General administrative support to councilmembers is provided through the City Manager's Office. Administrative services including scheduling of appointments and receipt of telephone messages are available as needed. Sensitivity to the workload of support staff members in the City Manager's Office is appreciated. Should requested tasks require significant time commitments, prior consultation with the City Manager is requested.

Office equipment/technology

To enhance councilmembers' ability to communicate with staff and the public, the City Council office is equipped with a computer and telephones with voicemail. The City Council can also receive and send email and faxes.

Councilmembers may be connected from their home to the City's computer network. Information Technology staff will provide initial assistance in setting up necessary software and hardware. While staff will maintain those computer applications related to City affairs, staff cannot provide assistance for personal computer applications. Each councilmember is provided the use of a tablet device. When individual councilmembers have completed their term of office, any technology must be returned to the City.

These technologies facilitate efficient communication by councilmembers. However, their use also raises important legal issues to which councilmembers must pay special attention. First, the Brown Act prohibits elected officials from using "technological devices" to develop a concurrence by a majority regarding an action to be taken by the legislative body. "Technological devices" under the Brown Act include phones, faxes, computer email, public access cable TV and video. Councilmembers should not use email, faxes or phones for communicating with other councilmembers in order to develop a majority position on any particular issue that may come before the full City Council. Particular caution is advised when using or responding to email received via the "CCIN" feature on the City's website and email directory. Correspondence sent using CCIN automatically goes to all five councilmembers, certain staff and to the local newspapers.

Second, be aware that most emails sent by councilmembers probably are public records under the Public Records Act. Even though it does not create paper, sending email is more similar to mailing a letter than placing a telephone call. The information in the email is stored on the computer network until deleted, and may continue to exist on the network's backup systems even after being deleted. As a result, emails can become records of the City maintained in the course of business, and thus available for public disclosure under the Public Records Act.

Finally, the City's email system is intended for the conduct of official business, and not for political reasons. See CHAPTER 8 for a detailed discussion on the prohibition against using City property and funds for personal or political purposes.

Meeting rooms

An office is available adjacent to the City Manager's Office for shared use by councilmembers. Councilmembers can also reserve larger meeting space for use by contacting the City Manager's Office staff.

Mail and deliveries

Councilmembers receive a large volume of mail and other materials from the public, private interests and staff. The City Manager's Office staff maintains a mailbox for each councilmember. Meeting agenda materials are available for pick up Thursday evenings and are posted on the City's website. Councilmembers are encouraged to return unwanted binders, reports and documents to staff.

Financial Matters

City Council compensation

State law and the Municipal Code provide for modest compensation to councilmembers. State law limits an increase in City Council salaries to 5 percent per year, effective only following the next election after adoption. Currently, councilmembers receive a stipend of \$640 per month. Councilmembers are also eligible for participation in group insurance benefits including retirement, medical, dental, vision, and life insurance plans available at the level provided to management employees.

Expenditure allowance

The annual city budget includes limited funding for members to undertake official City business. Eligible expenses include travel for attendance at conferences or educational seminars, and the purchase of publications and annual subscriptions. Travel expense reimbursement for meals does not allow reimbursement for alcohol. Donations to organizations are not eligible nor are meals for individuals other than councilmembers. Available funds are disbursed on a first come first served basis, with the Mayor and City Manager monitoring expenses during the year. City Council Policy #CC-91-0002 pertains to travel and meeting expenses.

Expenditure guidelines

It is important to note that any expense must be related to City affairs. Public property and funds may not be used for any private or personal purpose. Courts have ruled that this prohibition includes personal political purposes. For example, reimbursement could not be allowed to pay for meals at a meeting designed to discuss political or campaign strategies. It is also inappropriate for City funds to pay for a meal or other expenses of a private citizen.

City budgetary practices and accounting controls apply to expenditures within the City Council budget. Reimbursement requests should be made through the City Manager's Office monthly with receipts. Expenditure records are public information. Questions arising as to the proper application or interpretation of the adopted policy will result in the City Manager conferring with the Mayor.

Conflicts and Liability

Conflict of interest

State laws are in place to prevent an action by a councilmember that would or may constitute a conflict of interest. The purpose of such laws and regulations is to ensure that all actions are taken in the public interest. At any time a councilmember believes a potential for conflict of interest exists, he/she is encouraged to consult with the City Attorney or private legal counsel for advice. Staff may also request an opinion from the City Attorney regarding a councilmember's potential conflict. Laws that regulate conflicts are very complicated. Violations may result in significant penalties including criminal prosecution.

There are two primary laws that govern conflicts of interest for public officials in California - the Political Reform Act and Government Code §1090. In general terms, the Political Reform Act prohibits a public official from having a financial interest in a decision before the official; §1090 prohibits a public official from having an interest in government contracts.

The Political Reform Act prohibits public officials from making, participating in, or in any way attempting to use their official position to influence a governmental decision in which they know, or have reason to know that they have a financial interest. Therefore, if a public official has a conflict of interest, the official must disqualify himself or herself from acting on or participating in the decision before the City. Once a year councilmembers and certain staff are required to file statements of economic interests.

Government Code §1090 is similar to the Political Reform Act, but applies only to City contracts in which a public official has a financial interest. The financial interests covered by §1090 are different from those in the Political Reform Act. A councilmember having an interest in a contract may preclude the City from entering into the contract at all. In addition, the penalties for violating §1090 are severe. If a councilmember believes that he or she may have any financial interest in a contract that will be before the City Council, the councilmember should immediately seek advice from the City Attorney or the councilmember's personal attorney.

There are a number of other restrictions placed on City Council actions that are highlighted in the League of California Cities' Guide. Such restrictions include prohibitions on secrecy and discrimination as well as assurance that all city funds are spent for public purposes. Violations of these restrictions may result in personal liability for individual councilmembers.

City Attorney advice

The City Attorney has an affirmative duty to protect the City and City Council from conflicts of interest wherever possible. It is critical to note that while the City Attorney can render advice on the interpretation of State laws and regulations on conflict matters, such advice is solely an interpretation of the law. The only authority that can provide

binding interpretations on such matters is the State Fair Political Practices Commission (FPPC). Individual councilmembers or the full City Council may also solicit opinions on such matters directly from the FPPC; however, such opinions often take time to develop and may not readily respond to urgent matters. It is important to note that the City Attorney does not represent individual councilmembers, but the City Council as a whole.

Conflict of interest forms

Annual disclosure statements are required of all councilmembers, designated commissioners and senior staff which indicate potential conflicts of interest including sources of income, ownership of property and receipt of loans and gifts. Councilmembers and the City Manager often serve on the governing board of other agencies as a result of their positions. These agencies also require submittal of disclosure forms. These forms require information including income, loans, receipt of gifts, and interest in real property among other items.

Liability

The City is a large institution offering a variety of services and may occasionally find itself subject to legal actions through lawsuits. For example, those involved in automobile accidents sometimes choose to take actions against a City since the accident occurred on a City roadway. The City must always approach its responsibilities in a manner that reduces risk to all involved; however, with such a wide variety of high-profile services all risk cannot be eliminated. The City belongs to an agency with other governments to manage insurance and risk activities.

It is important to note that violations of certain laws and regulations by individual councilmembers may result in that councilmember being personally liable for damages that would not be covered by the City's insurance. Examples may include discrimination, harassment or fraud.

Additional Training and Resource Materials

League of California Cities

The League is an association of virtually all cities in California. It provides many services including the production of educational conferences for local officials, publication of various newsletters and the monthly magazine *Western City*. The League has lobbyists on staff to represent the interest of cities before the state Legislature and federal government and supports committees having local officials as members that are organized to address issues as they arise. The City of Menlo Park participates in League activities through the Peninsula Division.

The League of California Cities produces a number of publications on substantive issues in city and local government. These publications are available for purchase from the League.

Local Government Commission

The Commission is a California-based organization that focuses largely on planning and resource conservation issues. It conducts workshops, offers periodic seminars and publishes newsletters.

International City/County Management Association (ICMA)

ICMA is a professional association of local government chief executives/city managers. The association has an extensive list of publications to assist local officials.

Institute for Local Government (ILG)

The Institute for Local Government also produces publications. For ILG publications please go to www.ca-ilg.org/publications.

APPENDIX A – Reference Guide to Motions

Type of Motion	Second Required	Debatable	Amendable	Priority Over Pending Motion	Reconsider	Interrupt Speaker
Adjourn	Y	n/a	n/a	Y	n/a	n/a
Amend or Substitute ¹	Y	Y	Y	Y	Y	n/a
Appeal	Y	Y	n/a	n/a	Y	Y
Call the Question ⁷	Y	n/a	n/a	Y	n/a	n/a
Take Up New Business Past 12 pm ⁸	Y	Y	n/a	Y	n/a	n/a
Limit Debate	Y	n/a	Y	Y Except “table”	Y	n/a
Main Motion	Y	Y	Y	n/a	Y	n/a
Nominations	n/a	Y	n/a	n/a	n/a	n/a
Personal Privilege or Point or Order	n/a	n/a	n/a	Y	Y	Y
Postpone to Time Certain	Y	Y	Y	Y	Y	n/a
Previous Question	Y	n/a	n/a	Y	Y	n/a
Recess or Adjourn to Time Certain	Y	Y	Y	n/a	n/a	n/a
Reconsider	Y ²	Y ³	n/a	n/a	n/a	⁴
Table or Take From Table	Y	n/a	n/a	Y ⁵	n/a	n/a
Take up Out of Order	Y	n/a	n/a	n/a	n/a	n/a
Withdraw a Motion ⁶	n/a	n/a	n/a	Y	Y	Y

“Y” indicates that this action can be taken, is necessary, is required, is permitted or is applicable

“n/a” indicates that this action cannot be taken, is unnecessary or is inapplicable

- 1 Limit of three substitute motions.
- 2 May only be made by a person who voted on prevailing side; not applicable to “table” motions. Must be made within two meetings of original action.
- 3 If prior motion was debatable.
- 4 Except for request for later action.
- 5 Highest subsidiary motion – takes precedence over all motions except adjourn and privilege.
- 6 Must be voted unless there is no objection.
- 7 Requires 4/5 vote.
- 8 Requires ¾ vote taken by 11:00 p.m. to extend beyond midnight.

LEGISLATIVE POLICY GUIDE

The City Council of Menlo Park believes:

- In conducting the business of government with openness, respect, and civility, and including the involvement of all stakeholders in establishing goals and in solving problems.
- The vitality of cities is dependent upon their fiscal stability and local autonomy, and that local self-governance is the cornerstone of democracy.

Therefore:

- The City supports legislation that reflects the need to conduct the public's business in public.
- The City opposes legislation that mandates costly and unnecessary procedures.
- The City supports the use of the general plan as a guide to meeting community planning needs, and opposes mandatory review or approval by another level of government and legislation that restricts the land use authority of cities.
- The City emphasizes efficiency and effectiveness to achieve the best possible use of city resources and believes the state should implement fiscal and legislative reforms in order to allow local government to adequately finance its service responsibilities, with accountability to the taxpayers for its programs.
- The City supports additional funding for local transportation and other critical unmet infrastructure needs and enhanced autonomy for local transportation decision-making.
- The City supports strategic alliances with counties, schools, other cities and local agencies, nonprofit and civic organizations and business and professional associations.

September 2005

City Council Policies

CC 86	Naming and/or Changing the Name of Facilities
CC 90-001	Tenant/Landlord & Dispute Resolution Service
CC 91-0001	Board and Commission Attendance Policy
CC 91-0002	Travel, Meeting, Conference, Training and Meal Expenses
CC 91-0003	City Council Meeting Procedures
CC 92-0001	Commuter Check Program
CC 92-0002	Transportation Allowance Program
CC 92-004	Award Authority for Purchases and Professional Services
CC 93-001	Selection of Mayor
CC 95-001	Anti-Harassment and Non-Discrimination Policy
CC 01-0004	Commission/Committees Policies and Procedures and Roles and Responsibilities
CC 02-0003	Veteran's Preference Policy



ICMA Code of Ethics with Guidelines

The ICMA Code of Ethics was adopted by the ICMA membership in 1924, and most recently amended by the membership in October 2019. The Guidelines for the Code were adopted by the ICMA Executive Board in 1972, and most recently revised in June 2019.

The mission of ICMA is to advance professional local government through leadership, management, innovation, and ethics. To further this mission, certain principles, as enforced by the Rules of Procedure, shall govern the conduct of every member of ICMA, who shall:

Tenet 1. We believe professional management is essential to efficient and democratic local government by elected officials.

Tenet 2. Affirm the dignity and worth of local government services and maintain a deep sense of social responsibility as a trusted public servant.

GUIDELINE

Advice to Officials of Other Local Governments. When members advise and respond to inquiries from elected or appointed officials of other local governments, they should inform the administrators of those communities.

Tenet 3. Demonstrate by word and action the highest standards of ethical conduct and integrity in all public, professional, and personal relationships in order that the member may merit the trust and respect of the elected and appointed officials, employees, and the public.

GUIDELINES

Public Confidence. Members should conduct themselves so as to maintain public confidence in their position and profession, the integrity of their local government, and in their responsibility to uphold the public trust.

Influence. Members should conduct their professional and personal affairs in a manner that demonstrates that they cannot be improperly influenced in the performance of their official duties.

Length of Service. For chief administrative/executive officers appointed by a governing body or elected official, a minimum of two years is considered necessary to render a professional service to the local government. In limited circumstances, it may be in the best interests of the local government and the member to separate before serving two years. Some examples include

refusal of the appointing authority to honor commitments concerning conditions of employment, a vote of no confidence in the member, or significant personal issues. It is the responsibility of an applicant for a position to understand conditions of employment, including expectations of service. Not understanding the terms of employment prior to accepting does not justify premature separation. For all members a short tenure should be the exception rather than a recurring experience, and members are expected to honor all conditions of employment with the organization.

Appointment Commitment. Members who accept an appointment to a position should report to that position. This does not preclude the possibility of a member considering several offers or seeking several positions at the same time. However, once a member has accepted a formal offer of employment, that commitment is considered binding unless the employer makes fundamental changes in the negotiated terms of employment.

Credentials. A member's resume for employment or application for ICMA's Voluntary Credentialing Program shall completely and accurately reflect the member's education, work experience, and personal history. Omissions and inaccuracies must be avoided.

Professional Respect. Members seeking a position should show professional respect for persons formerly holding the position, successors holding the position, or for others who might be applying for the same position. Professional respect does not preclude honest differences of opinion; it does preclude attacking a person's motives or integrity.

Reporting Ethics Violations. When becoming aware of a possible violation of the ICMA Code of Ethics, members are encouraged to report possible violations to ICMA. In reporting the possible violation, members may choose to go on record as the complainant or report the matter on a confidential basis.

Confidentiality. Members shall not discuss or divulge information with anyone about pending or completed ethics cases, except as specifically authorized by the Rules of Procedure for Enforcement of the Code of Ethics.

Seeking Employment. Members should not seek employment for a position that has an incumbent who has not announced his or her separation or been officially informed by the appointive entity that his or her services are to be terminated. Members should not initiate contact with representatives of the appointive entity. Members contacted by representatives of the appointive entity body regarding prospective interest in the position should decline to have a conversation until the incumbent's separation from employment is publicly known.

Relationships in the Workplace. Members should not engage in an intimate or romantic relationship with any elected official or board appointee, employee they report to, one they appoint and/or supervise, either directly or indirectly, within the organization.

This guideline does not restrict personal friendships, professional mentoring, or social interactions with employees, elected officials and Board appointees.

Conduct Unbecoming. Members should treat people fairly, with dignity and respect and should not engage in, or condone bullying behavior, harassment, sexual harassment or discrimination on the basis of race, religion, national origin, age, disability, gender, gender identity, or sexual orientation.

Tenet 4. Serve the best interests of the people.

GUIDELINES

Impacts of Decisions. Members should inform their governing body of the anticipated effects of a decision on people in their jurisdictions, especially if specific groups may be disproportionately harmed or helped.

Inclusion. To ensure that all the people within their jurisdiction have the ability to actively engage with their local government, members should strive to eliminate barriers to public involvement in decisions, program, and services.

Tenet 5. Submit policy proposals to elected officials; provide them with facts and advice on matters of policy as a basis for making decisions and setting community goals; and uphold and implement local government policies adopted by elected officials.

GUIDELINE

Conflicting Roles. Members who serve multiple roles – working as both city attorney and city manager for the same community, for example – should avoid participating in matters that create the appearance of a conflict of interest. They should disclose the potential conflict to the governing body so that other opinions may be solicited.

Tenet 6. Recognize that elected representatives of the people are entitled to the credit for the establishment of local government policies; responsibility for policy execution rests with the members.

Tenet 7. Refrain from all political activities which undermine public confidence in professional administrators. Refrain from participation in the election of the members of the employing legislative body.

GUIDELINES

Elections of the Governing Body. Members should maintain a reputation for serving equally and impartially all members of the governing body of the local government they serve, regardless of party. To this end, they should not participate in an election campaign on behalf of or in opposition to candidates for the governing body.

Elections of Elected Executives. Members shall not participate in the election campaign of any candidate for mayor or elected county executive.

Running for Office. Members shall not run for elected office or become involved in political activities related to running for elected office, or accept appointment to an elected office. They shall not seek political endorsements, financial contributions or engage in other campaign activities.

Elections. Members share with their fellow citizens the right and responsibility to vote. However, in order not to impair their effectiveness on behalf of the local governments they serve, they shall not participate in political activities to support the candidacy of individuals running for any city, county, special district, school, state or federal offices. Specifically, they shall not endorse candidates, make financial contributions, sign or circulate petitions, or participate in fund-raising activities for individuals seeking or holding elected office.

Elections relating to the Form of Government. Members may assist in preparing and presenting materials that explain the form of government to the public prior to a form of government election. If assistance is required by another community, members may respond.

Presentation of Issues. Members may assist their governing body in the presentation of issues involved in referenda such as bond issues, annexations, and other matters that affect the government entity's operations and/or fiscal capacity.

Personal Advocacy of Issues. Members share with their fellow citizens the right and responsibility to voice their opinion on public issues. Members may advocate for issues of personal interest only when doing so does not conflict with the performance of their official duties.

Tenet 8. Make it a duty continually to improve the member's professional ability and to develop the competence of associates in the use of management techniques.

GUIDELINES

Self-Assessment. Each member should assess his or her professional skills and abilities on a periodic basis.

Professional Development. Each member should commit at least 40 hours per year to professional development activities that are based on the practices identified by the members of ICMA.

Tenet 9. Keep the community informed on local government affairs; encourage communication between the citizens and all local government officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.

Tenet 10. Resist any encroachment on professional responsibilities, believing the member should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.

GUIDELINE

Information Sharing. The member should openly share information with the governing body while diligently carrying out the member’s responsibilities as set forth in the charter or enabling legislation.

Tenet 11. Handle all matters of personnel on the basis of merit so that fairness and impartiality govern a member’s decisions, pertaining to appointments, pay adjustments, promotions, and discipline.

GUIDELINE

Equal Opportunity. All decisions pertaining to appointments, pay adjustments, promotions, and discipline should prohibit discrimination because of race, color, religion, sex, national origin, sexual orientation, political affiliation, disability, age, or marital status.

It should be the members’ personal and professional responsibility to actively recruit and hire a diverse staff throughout their organizations.

Tenet 12. Public office is a public trust. A member shall not leverage his or her position for personal gain or benefit.

GUIDELINES

Gifts. Members shall not directly or indirectly solicit, accept or receive any gift if it could reasonably be perceived or inferred that the gift was intended to influence them in the performance of their official duties; or if the gift was intended to serve as a reward for any official action on their part.

The term “Gift” includes but is not limited to services, travel, meals, gift cards, tickets, or other entertainment or hospitality. Gifts of money or loans from persons other than the local government jurisdiction pursuant to normal employment practices are not acceptable.

Members should not accept any gift that could undermine public confidence. De minimus gifts may be accepted in circumstances that support the execution of the member’s official duties or serve a legitimate public purpose. In those cases, the member should determine a modest maximum dollar value based on guidance from the governing body or any applicable state or local law.

The guideline is not intended to apply to normal social practices, not associated with the member’s official duties, where gifts are exchanged among friends, associates and relatives.

Investments in Conflict with Official Duties. Members should refrain from any investment activity which would compromise the impartial and objective performance of their duties. Members should not invest or hold any investment, directly or indirectly, in any financial business, commercial, or other private transaction that creates a conflict of interest, in fact or appearance, with their official duties.

In the case of real estate, the use of confidential information and knowledge to further a member's personal interest is not permitted. Purchases and sales which might be interpreted as speculation for quick profit should be avoided (see the guideline on "Confidential Information"). Because personal investments may appear to influence official actions and decisions, or create the appearance of impropriety, members should disclose or dispose of such investments prior to accepting a position in a local government. Should the conflict of interest arise during employment, the member should make full disclosure and/or recuse themselves prior to any official action by the governing body that may affect such investments.

This guideline is not intended to prohibit a member from having or acquiring an interest in or deriving a benefit from any investment when the interest or benefit is due to ownership by the member or the member's family of a de minimus percentage of a corporation traded on a recognized stock exchange even though the corporation or its subsidiaries may do business with the local government.

Personal Relationships. In any instance where there is a conflict of interest, appearance of a conflict of interest, or personal financial gain of a member by virtue of a relationship with any individual, spouse/partner, group, agency, vendor or other entity, the member shall disclose the relationship to the organization. For example, if the member has a relative that works for a developer doing business with the local government, that fact should be disclosed.

Confidential Information. Members shall not disclose to others, or use to advance their personal interest, intellectual property, confidential information, or information that is not yet public knowledge, that has been acquired by them in the course of their official duties.

Information that may be in the public domain or accessible by means of an open records request, is not confidential.

Private Employment. Members should not engage in, solicit, negotiate for, or promise to accept private employment, nor should they render services for private interests or conduct a private business when such employment, service, or business creates a conflict with or impairs the proper discharge of their official duties.

Teaching, lecturing, writing, or consulting are typical activities that may not involve conflict of interest, or impair the proper discharge of their official duties. Prior notification of the appointing authority is appropriate in all cases of outside employment.

Representation. Members should not represent any outside interest before any agency, whether public or private, except with the authorization of or at the direction of the appointing authority they serve.

Endorsements. Members should not endorse commercial products or services by agreeing to use their photograph, endorsement, or quotation in paid or other commercial advertisements, marketing materials, social media, or other documents, whether the member is compensated or not for the member's support. Members may, however, provide verbal professional references as part of the due diligence phase of competitive process or in response to a direct inquiry.

Members may agree to endorse the following, provided they do not receive any compensation: (1) books or other publications; (2) professional development or educational services provided by nonprofit membership organizations or recognized educational institutions; (3) products and/or services in which the local government has a direct economic interest.

Members' observations, opinions, and analyses of commercial products used or tested by their local governments are appropriate and useful to the profession when included as part of professional articles and reports.



STAFF REPORT

City Council

Meeting Date:

7/28/2020

Staff Report Number:

20-163-CC

Consent Calendar:

Authorize the city manager to submit a letter of support for a joint grant application to investigate the feasibility of first/last mile autonomous vehicles

Recommendation

Staff recommends that the City Council authorize the city manager to submit a letter of support for Stage 1 of a joint partnership grant application to investigate the feasibility of first/last mile autonomous vehicles in Menlo Park.

Policy Issues

Micromobility options like first/last mile autonomous vehicles support a variety of policies. These new technological advancements in transportation concurrently support various cities policies and programs, such as the City's transportation demand management (TDM) policy, potential future Transportation Management Association (TMA,) and the climate action plan (CAP.) By addressing first/last mile issues, these vehicles could solidify the alternative transportation network to offer solutions to single-occupancy vehicles that contribute to congestion and greenhouse emissions in Menlo Park. These transportation advancements support a variety of guidelines outlined in the 2016 general plan circulation element:

- Policy CIRC-3.3: "Support efforts to fund emerging technological transportation advancements, including connected and autonomous vehicles, emergency vehicle pre-emption, sharing technology, electric vehicle technology, electric bikes and scooters, and innovative transit options."
- Policy CIRC-4.1: "Encourage the safer and more widespread use of nearly zero-emission modes, such as walking and biking, and lower emission modes like transit, to reduce greenhouse gas emissions."
- Program CIRC-6.B: "Participate in the formation of a TMA to assist local residents, employees, students, and other community members in identifying and taking advantage of travel options between employment centers and rail connections, downtown and nearby cities."

If this program were to be successful, it may also help realize the 25 percent vehicle miles traveled (VMT) reduction goal set in the City's 2020 CAP adopted by the City Council July 14.

Background

A major challenge of public transportation in suburban areas is providing frequent service while balancing coverage due to riders' trips often starting and ending outside of dense corridors. This creates an imbalance, leading to the challenge of providing slower, infrequent service for coverage, or faster, frequent service that does not serve everyone. SamTrans and local shuttles provide service in Menlo Park, but first/last mile connectivity is limited with gaps of up to one to 3 miles connecting riders with higher frequency service.

The advent of micromobility options, such as bicycle share, electric scooters (e-scooters,) and electric bicycles (e-bicycles) in the last five to 10 years has somewhat closed the gap. Micromobility has empowered people to use these more environmentally friendly options for short trips and/or to connect with public transportation. Riders looking for options for short or first/last mile trips can now cheaply use the shared networks, or trial a vehicle before purchasing it for their personal use.

Staff has been tracking micromobility and its deployment in other Bay Area cities for application in Menlo Park. These options reach residents farther from SamTrans or shuttle routes, and workers in the business parks where transportation options are limited in the midday.

Prospect Silicon Valley (PSV) is an organization that connects the public and private sectors in the interest of advancing transportation & mobility, energy and buildings in urban settings. The City has partnered with them previously on strategies to incentivize commuter benefits programs. PSV has worked with Électricité de France (EDF,) with interest in research & development conducted in renewable energy and emerging transportation technology such as hybrid, electric vehicles.

PSV and EDF invited the City Menlo Park as a potential partner to apply for a National Science Foundation (NSF) Civic Innovation Challenge grant (Attachment A.) If the City were to proceed, it would join the project to vet autonomous first/last mile vehicles to fill a gap in the transportation network. PSV and EDF already have commitment from the Cities of East Palo Alto and Fremont to proceed with Stage 1 of this two-stage NSF grant, and were seeking the City's commitment to expand the collaboration.

At the July 16 City Council meeting, staff introduced this potential opportunity during the TMA Feasibility study session. The goal was to gauge the City Council's interest in proceeding and return for formal approval to issue a letter of support as part of the application process. City Council raised several questions about the pilot program including the allocation of staff time, pilot timeline, defining lead partners, liability, and the logistics of Stage 1 and Stage 2 and provided direction to staff to bring the item back as part of the July 28 City Council meeting for formal consideration. The analysis section below responds to these questions.

Analysis

Overview of grant program and proposal

This NSF Civic Innovation Challenge grant is offering research institutes and cities the opportunity to vet new, emerging technological advancements in transportation on a larger scale and in real-world conditions. This two-stage project is broken down as Stage 1 (\$50,000 for planning) and Stage 2 (\$1,000,000 for full deployment.) In this pilot project, PSV and EDF would research and test the application of autonomous first/last mile vehicles in cities, such as East Palo Alto, Fremont and Menlo Park, if the City opts to participate. There are a variety of vehicle types depending on company, but they are generally electric tricycles or quad-cycles, with their size lying somewhere in between a bicycle and a mini motor vehicle (e.g., SMART car-sized) with speeds of up to 20 mph. These vehicles would offer a bicycle-share type experience, but with greater accessibility for people that may not be able or interested in bicycling.

As aforementioned, these vehicles would be electric tricycles or quad-cycles. Given the maximum speed and smaller size, the vehicle would safely travel in the bicycle lane. The innovative factor of these vehicles

is how autonomous mode is utilized:

- A user looking for a ride would summon a vehicle via smartphone.
- The vehicle is summoned from a centralized storage facility, and travels to the user autonomously.
- Once the user has the vehicle in tow, they take control manually to their destination.
- After the user is done, the vehicle then returns to the storage facility autonomously where it can be recharged for its next trip using a contactless charging system.

These autonomous first/last mile vehicles provide a potential solution to solving short trips under three to 5 miles, including first/last mile trips. While the City has great connectivity and frequencies along the El Camino corridor with the SamTrans ECR bus and Caltrain, connectivity in the other direction across town is more limited. East of El Camino Real, there are all-day buses with SamTrans routes 281 and 296, along with the City of Menlo Park M3-Marsh Road and M4-Willow shuttles during morning and evening peak times. West of El Camino Real, there is only the SamTrans 286 bus that runs during the morning and evening peak times and the City of Menlo Park M2-Belle Haven community shuttle. This presents limited to no transit options for residents of Sharon Heights and central Menlo Park, and in general limited options if a resident or employee is not close to transit. Further, transit ridership has been reduced significantly in light of the COVID-19 pandemic, so providing additional options for residents or employees to access transit could benefit the recovery of those systems.

These vehicles offer mobility options that currently do not exist, along with a redundancy of options in case a bus or shuttle is missed and a vital Caltrain connection is necessary. These vehicles would offer an alternative to a single-occupancy vehicle or Uber/Lyft ride for first/last mile trips, or those that are very short and accessible by bicycle. This would offer an alternative to extraneous car trips that would add congestion and pollute more than electric vehicles. This could offer residents and employers new options that are not possible due to budget or coverage constraints of SamTrans and the shuttles, all while supporting TDM, a future TMA and the CAP. Not only would these vehicles support mobility in general, but it could also help the local economy by promoting the patronization of local businesses and restaurants due to greater midday mobility for those on a lunch break.

City of Menlo Park involvement

PSV and EDF are currently looking for a letter of support from the City to include as part of their Stage 1 application for the NSF grant. This letter would indicate that the City is willing to commit staff resources to development of the Stage 1 application. This letter is needed by August 3. As outlined in Table 1, it is anticipated that approximately 40 hours of staff time is necessary over a six-month period, primarily from the TDM Coordinator. This project generally falls under the purview of the TDM Coordinator to advance innovative TDM programs and first/last mile solutions, including those that might be part of a possible TMA.

Table 1: Stage 1 City-committed resources		
Task	Description	Estimated Staff Time / Resources
Stage 1 logistics meetings	Eight one-hour meetings to coordinate Stage 1 logistics with project team.	16 hours
Meetings to prepare for Stage 2 logistics	Up to two meetings to coordinate logistics for Stage 2 application and deployment	Eight hours
Community meetings	Two community meetings to share project concept and listen to concerns from local residents and employers.	Eight hours Community meeting rooms or digital conference calls
Total stage 1 resources	For the period of September 2020 to March 2021	Up to 40 hours Community meeting rooms or digital conference calls

While there are still unknowns and concerns regarding the operations of the vehicles and the project, staff sees the Stage 1 planning phase as an opportunity to assess the pilot project and operating terms with limited staff time. Table 2 illustrates the time commitment and risk for Stage 1 of the NSF grant. In Stage 1, planning will be done to identify the deployment of Stage 2, such as vehicle logistics, installation of associated infrastructure, and any challenges associated with autonomous technologies.

Table 2: NSF stages 1 and 2 breakdown		
Tasks	Stage 1: Planning phase	Stage 2: Full deployment phase
Application deadline	<ul style="list-style-type: none"> • August 3, 2020 	<ul style="list-style-type: none"> • March 31, 2021
Duration after award	<ul style="list-style-type: none"> • Four months 	<ul style="list-style-type: none"> • 12 months
City commitment (prior to application)	<ul style="list-style-type: none"> • First letter of support 	<ul style="list-style-type: none"> • Second letter of support
City commitment (during stage)	<ul style="list-style-type: none"> • 20 hours of staff time plus 20 hours of preparation • Meeting venues 	<ul style="list-style-type: none"> • Staff time (hours TBD) • Meeting venues • Space for the vehicles
EDF, PSV commitment	<ul style="list-style-type: none"> • Lead applicant • Research, logistics 	<ul style="list-style-type: none"> • Lead applicant • Research, logistics
Technical/Vehicle partner commitment	<ul style="list-style-type: none"> • N/A, only planning phase 	<ul style="list-style-type: none"> • Lead agency for installation, deployment of vehicles in cities
Liability / insurance	<ul style="list-style-type: none"> • N/A, only planning phase 	<ul style="list-style-type: none"> • TBD, determining with Stage 1 research

Assuming this partnership is awarded the Stage 1 grant, staff will weigh the pros and cons of moving forward with Stage 2 with the research conducted in Stage 1. If recommended to proceed, staff would provide an update and seek approval from the City Council prior to moving forward with Stage 2.

Table 3 lists the timeline for the rest of the project. Since this project will not deploy the vehicles until the 2021 to 2022 timeframe, it gives the City time to plan accordingly should it decide to proceed.

Table 3: Next steps and schedule	
Completion of tasks	Schedule
City Council meeting Introduce topic as part of TMA update	July 14, 2020
City Council meeting Consent item	July 28, 2020
NSF Civic innovation challenge grant Application Stage 1 deadline	August 3, 2020
Stage 1 Planning phase	4 Months after award
City Council meeting Consent item	February/March 2021
NSF Civic innovation challenge grant Stage 2 Deadline	March 31, 2021
Stage 2 Implementation phase	12 Months after award

Impact on City Resources

It is anticipated that 40 hours of staff time primarily from the TDM Coordinator will be used over a period of six months for Stage 1. Based on the needs of the City at the time, staff will return to City Council to recommend whether to continue with the partnership and an estimate of staff time and resources needed for Stage 2.

Environmental Review

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

Public Notice

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

Attachments

None.

Report prepared by:
Nicholas Yee, Transportation Demand Management Coordinator

Report reviewed by:
Kristiann Choy, Acting Transportation Manager



STAFF REPORT

City Council

Meeting Date:

7/28/2019

Staff Report Number:

20-162-CC

Consent Calendar:

Award of a construction contract to Pavement Coatings Co. for the 2020 street preventive maintenance project

Recommendation

Staff recommends that the City Council award a construction contract to Pavement Coatings Co. for the 2020 street preventive maintenance project in the amount of \$1,224,016 and approve a contingency in the amount of \$183,600.

Policy Issues

This project is consistent with the City's goals of maintaining and enhancing the City's municipal infrastructure and facilities, extending the life and improving the City's roadway network, and maintaining safe infrastructure.

Background

The City is responsible for maintaining approximately 96 miles of streets and accordingly, every two years staff performs a street preventive maintenance project that stabilizes and extends the condition of selected street sections throughout the City. To analyze and identify street sections within the City's network that are most in need of maintenance and rehabilitation, the City uses a pavement management program (PMP) that is approved by the Metropolitan Transportation Commission (MTC.) The program has been proven to be effective to maintain the City street network, evaluate and predict pavement conditions, and assess maintenance funding to keep City streets at an appropriate level of service. The program is periodically used to update and forecast maintenance needs and develop asphalt maintenance projects. The City is a PMP certified agency. The City's current PCI, based on the latest available data is 80 ("excellent" condition), and has improved over the last 10 years using these project delivery methods. Some transportation funds require the City to maintain PCI of 70 to use those funds for multimodal improvements, and the City is exceeding that target.

As part of the PMP, MTC through a matching grant program, commissions consultants to work with staff to field inspect and assess the condition of the City's street network every two years. Obtaining current field conditions for each street segment in the network allows a more precise evaluation for targeting the street sections to be included for preventive maintenance, resurfacing or reconstruction work. For 2020, 38 base street sections (Attachment A) were chosen from a list of street sections to be in an appropriate condition to require the application of a preventive maintenance seal coat. The application of a thin layer of sealing material is a cost-effective method used to extend the service life of streets that are in good to very good condition, which is applied before a street begins to exhibit signs of concerning or major failure (e.g., extensive cracking and potholes). Streets that show signs of failure and deterioration receive a different type of treatment, and are either resurfaced with an asphalt overlay or reconstructed. Due to the differing nature of the work between streets that require preventive maintenance versus resurfacing/reconstruction, the City

issues separate contracts for each type of project.

Analysis

The 2020 street preventive maintenance project will address road surface protection work consisting of roadway preparation, needed deep pavement repairs of damaged roadway areas, replacement of striping and markings, repair of tree root damage at roadway and curb and gutter areas as needed, and installation of Americans with Disabilities Act (ADA) curb ramps where required at intersections where microsealing will be installed. The project is partially funded from the Senate Bill 1: The Road Repair and Accountability Act of 2017 (SB1.) The streets listed for work are consistent with the streets approved for eligible funds as part of City Council Resolution No. 6555 adopted April 1.

The project base bid includes 38 street sections to receive preventive maintenance requiring low or minor spot repairs and other improvements such as tree root repairs at damaged road areas, followed by either a slurry seal or microsurfacing seal coat treatment. Three of the 38 base bid street sections will receive microsurfacing instead of slurry seal (Attachment A.) The three street sections chosen for microsurfacing were identified as having more traffic and or more shaded areas making them good candidates for microsurfacing because microsurfacing dries quicker than slurry seals and can be used when conditions would not allow slurry seal to be placed successfully. Microsurfacing can trigger other costly improvements, so streets need to be carefully evaluated before utilizing this treatment method. Five other alternate street sections were included in the project contract documents as add alternates. The intent was to consider these additional segments depending on the bid results and available funding (Attachments A and B.)

Bids for this project were opened July 8, with the results as summarized in Table 1.

Contractor	Base bid	Add alternate	Total bid
Engineer's estimate	\$1,050,000	\$270,500	\$1,320,500
Pavement Coatings Co.	\$982,916	\$241,100	\$1,224,016
Graham Contractors, Inc.	\$1,103,070	\$298,840	\$1,401,910

Before issuing bids, staff researched construction cost trends due to the COVID-19 pandemic to inform the engineer's estimate. Staff expected costs to continue to escalate due to increasing labor demand and material costs. Labor costs have increased due to a shorten construction window in 2020 due to COVID-19 while workload has remained constant. Two bids were received, with one above and one below the engineer's estimate. In accordance with the project contract documents, the basis for award of the construction contract shall be based on the low base bid, which was submitted by Pavement Coatings Co. for the 38 street sections for the base bid.

Upon evaluation by staff, the low base bid is considered reasonable for the work involved in the project and the current construction environment. To maximize the benefit to the community, staff is recommending the inclusion of the five street sections in the add alternates, which would increase the number to 43 streets to receive preventive maintenance this year. Staff has not worked with Pavement Coatings Co. on previous street maintenance projects, however has verified the background and references of Pavement Coatings Co. and is comfortable with its prior performance based on the background check.

Impact on City Resources

The construction contract budget for the 2020 street preventive maintenance project is summarized in Table 1. Funding for the project is available in the 2019-20 capital improvement program, Street Resurfacing project, from the Highway users’ (gas) tax funds. Additional funding for project contingency and inspection and testing services would need to be appropriated to the project as part of the adoption of the fiscal year 2020-21 capital improvement program, anticipated for a separate City Council action July 28.

Table 2: Construction contract budget	
Item	Amount
Construction contract amount (base bid)	\$982,916
Construction contract amount (bid alternate)	\$241,100
Total construction contract amount	\$1,224,016
Inspection and testing services	\$200,000
Contingency	\$183,600
Total project budget	\$1,607,616
Available funds (fiscal year 2019-20)	\$1,300,000
Programmed funds (fiscal year 2020-21)*	\$307,616

*Fiscal year 2019-20 funds will be used for the construction contract award (\$1,224,016) and ancillary project costs will draw from fiscal year 2020-21 funds to be appropriated by the City Council as part of the adoption of the fiscal year 2020-21 capital improvement program.

Environmental Review

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

Public Notice

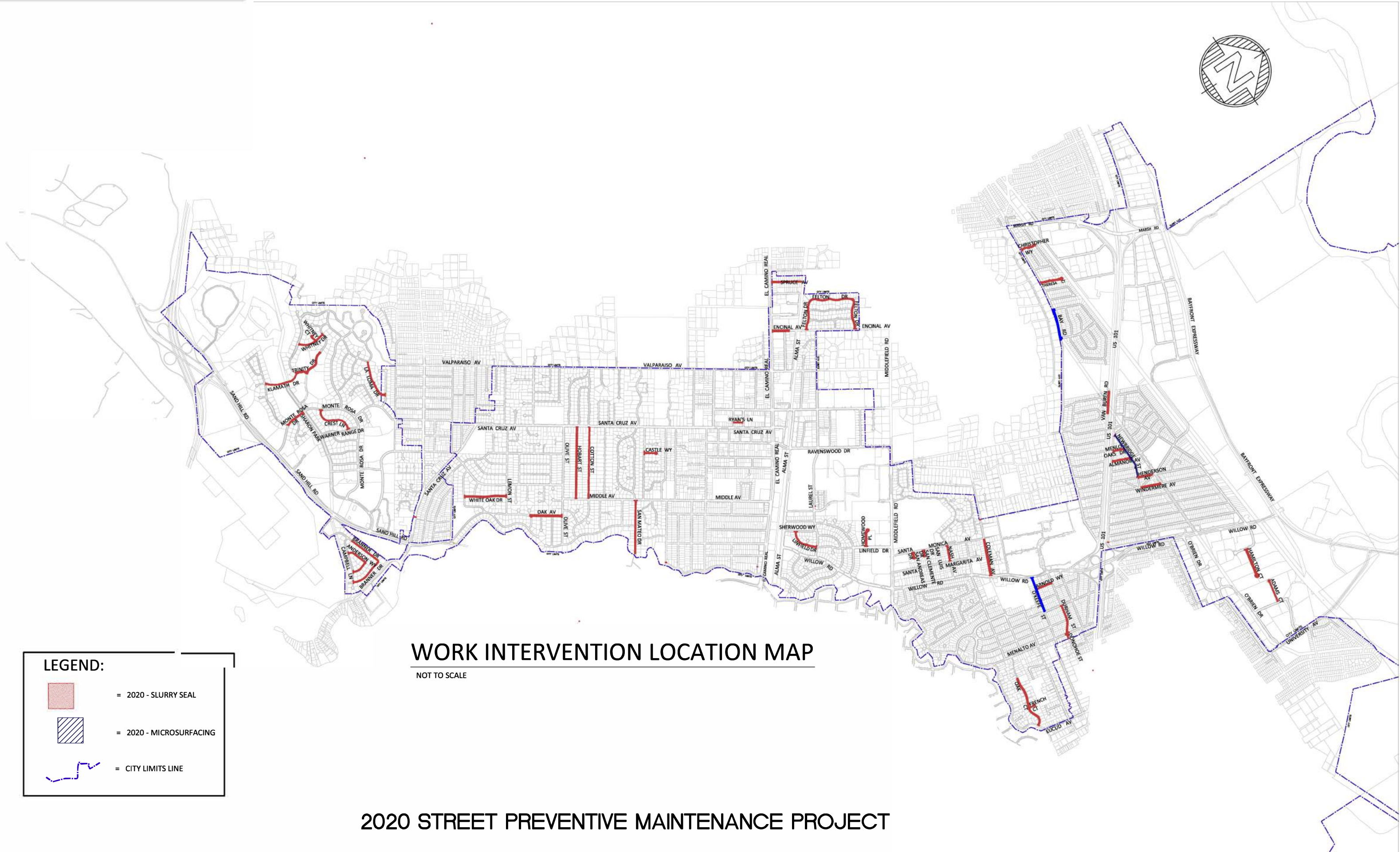
Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

- A. Street work location map
- B. 2020 street preventive maintenance project street sections listing

Report prepared by:
Rodolfo Ordonez, Associate Engineer




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



WORK INTERVENTION LOCATION MAP

NOT TO SCALE

LEGEND:

-  = 2020 - SLURRY SEAL
-  = 2020 - MICROSURFACING
-  = CITY LIMITS LINE

2020 STREET PREVENTIVE MAINTENANCE PROJECT

2020 Street Preventive Maintenance Project			
Project Locations			
Item	Street name	Begin cross street	End cross street
1	Almanor Av.	Pierce Rd.	Newbridge St.
2	Anderson Wy.	Campbell Ln. WB	Campbell Ln. EB
3	Arnold Wy.	Durham St.	O'Keefe St.
4	Bay Rd.	Greenwood Dr.	Hedge Rd.
5	Branner Dr.	136 N/O Campbell Ln.	End of Campbell Ln.
6	Castle Wy.	Windsor Dr.	End of Castel Wy.
7	Christopher Wy.	Bay Rd.	Lorelei Ln.
8	Crest Ln.	Warner Range Av.	Monte Rosa Dr.
9	Donohoe St.	Menalto Av.	City Limit
10	Durham St.	Laurel Av.	Menalto Av.
11	Felton Dr.	Encinal Av. S. End	Encinal Av. N. End
12	French Ct.	Oak Ct.	End
13	Henderson Av.	Newbridge St.	End at Ivy Dr.
14	Hobart St.	Santa Cruz Av.	Middle Av.
15	Homewood Pl.	Lindfield Dr.	End
16	Klamath Dr.	Trinity Dr.	Siskiyou Dr.
17	La Loma St.	Bellair Wy.	Tioga Dr.
18	Lassen Dr.	Whitney Dr.	Trinity Dr.
19	Lindfield Dr.	Sherwood Wy.	Laurel St.
20	Menlo Oaks Dr.	Pierce Rd.	Newbridge St.
21	Monte Rosa Dr.	Siskiyou Dr.	Sharon Park Dr.
22	Nash Av.	Santa Monica Av.	Santa Margarita Av.
23	Newbridge St.	Henderson Av.	Marker Pl/ Pierce Rd.
24	Oak Av.	Olive St.	Brandon Wy.
25	Oak Ct.	Woodland Av.	1500' NW Woodland Av.

26	O'Keefe St.	Willow Rd.	Laurel St.
27	Ryans Ln.	Crane St.	Chestnut St.
28	San Andreas Dr.	Santa Monica Av.	End of San Andreas Dr.
29	San Clemente Av.	Santa Monica Av.	End of San Clemente Dr.
30	San Mateo Dr.	Middle Av.	End of San Mateo Dr.
31	Spruce Av.	El Camino Real/City Limit	End of Spruce Av.
32	Theresa Ct.	Bay Rd.	End of Theresa Ct.
33	Trinity Dr.	Lassen Dr.	Kilamath Dr.
34	Van Buren Rd.	Sonoma Av.	End of Van Buren Rd.
35	White Oak Dr.	Lemon St.	Knoll Ln.
36	Whitney Ct.	Whitney Dr.	End of Whitney Ct.
37	Whitney Dr.	Lassen Dr.	Trinity Dr.
38	Windermere Dr.	Ivy Dr.	End of Newbridge St.

2020 Street Preventive Maintenance Project

ALTERNATE STREETS

Project Locations

Item	Street name	Begin cross street	End cross street
1	Adams Ct.	Adams Dr.	End of Adams Ct.
2	Coleman Av.	Willow Rd.	Santa Monica Av.
3	Cotton St.	Santa Cruz Av.	Middle Av.
4	Encinal Av.	El Camino Real	RxR Crossing
5	Hamilton Ct.	Hamilton Av.	End



STAFF REPORT

City Council

Meeting Date:

7/28/2020

Staff Report Number:

20-161-CC

Regular Business:

Adopt Resolution No. 6576 adopting the five-year capital improvement plan for fiscal year 2020-21

Recommendation

Staff recommends the City Council adopt Resolution No. 6576 (Attachment A) adopting the five-year capital improvement plan (Attachment B) for fiscal year 2020-21. This action would:

1. Appropriate \$18.8 million in funds to 26 projects as identified in Attachment B and summarized below (Table 2) in fiscal year 2020-21
2. Repurpose \$2.27 million in funds from 7 projects as identified below (Table 3) to fund fiscal year 2020-21 needs
3. Transmit the City's plan for capital needs in future years

Policy Issues

The City Council typically adopts the capital improvement plan (CIP) as part of the budget adoption process annually in June. In light of the COVID-19 pandemic and its financial impacts, staff separated adoption of the CIP from adoption of the operating budget, which occurred June 23.

Background

The City Council's annual goal-setting process kicked off January 14 with a study session, followed by January 28 adoption of a resolution of intent that prioritizes construction of a new community center and library in the Belle Haven neighborhood, and a January 30 goal-setting workshop. The results of those deliberations led to a February 11 informational item update, where five infrastructure projects or service initiatives were identified as high priority efforts by the City Council for the year ahead:

- Belle Haven community center and library
- Completion of the transportation master plan
- Continued work on the Middle Avenue pedestrian and bicycle rail crossing project
- Continued work on the selection of a preferred alternative for railroad grade separation
- Wireless antennae encroachment permit review process development

During the January 30 goal-setting workshop, the City Council also requested a future study session on the 2019-20 CIP. On February 25, staff provided an informational report transmitting the 2019-24 CIP, as excerpted from the 2019-20 budget document.

On March 3, the City Council held a study session on the CIP and heard a presentation from staff (Attachment C.) The presentation included information on the process to develop the annual CIP, a summary of how projects are prioritized for delivery, and status updates of the 73 currently funded projects. The financial balances remaining for each project as of December 2019 were also summarized in the presentation. Following the presentation and public comment, the item was continued to a future meeting.

On April 28, City Council held a study session to continue the CIP review and to review funding priorities in light of the COVID-19 pandemic and anticipated fiscal impacts. Staff presented recommendations (Attachment D) for the 2019-20 and planned 2020-21 CIP. City Council directed staff to return the CIP as part of the 2020-21 budget item after exploring alternatives to repurpose additional projects anticipated next year.

On May 12, 19, 22, 26 and 28, the City Council met to consider budget-balancing measures necessary to offset the anticipated changes in revenue for fiscal year 2020-21. These meetings including information to review the CIP following direction received during the April 28 study session. However, the focus of the City Council discussions was on the operating budget.

On June 2, the City Council reviewed specific recommendations for the CIP including projects that were identified to be reconsidered and a funding strategy for needs in fiscal year 2020-21 (Attachment E.) The City Council discussed the CIP at length and ultimately deferred any significant financial changes to the CIP. Therefore, the adopted 2020-21 fiscal year budget (public hearing June 9 and adoption June 23) substantially retained all previously approved projects (2019-20 and earlier.)

On June 8, the Planning Commission adopted Resolution 2020-01 that determined all of the current CIP projects set to receive funding in the fiscal year 2020-21 proposed budget correlate with adopted goals of the City's general plan and should be prioritized to address areas of our community disproportionately impacted by the pandemic and the resulting economic dislocations.

Staff is returning July 28 to adopt the fiscal year 2020-21 CIP and incorporate changes to projects that were funded in prior fiscal years.

Analysis

The following section includes a summary of:

- Proposed capital funding strategy
- Fiscal year 2020-21 funding recommendations and major project efforts
- Fiscal year 2021-25 plan
- Carry-over projects
- City Council requested actions

Proposed capital funding strategy

As described above, the City Council requested the project and funding priorities in the CIP be reviewed in response to the COVID-19 pandemic and anticipated fiscal impacts. In response, staff has reviewed the CIP and has utilized the strategy in Table 1 to develop funding recommendations for the 2020-21 CIP.

Table 1: Capital funding strategy summary

Criteria	Application
Is the project requisite? <ul style="list-style-type: none"> • Mandated by law (federal, state or local) • Necessary to maintain a City asset to preserve its useful life • Repair/replace a deficient condition • Leverages other funding sources (such as grants, with expenditure timeline requirements) 	If yes, consider project to retain funds. If no, consider for delay or repurpose to another project.
Would currently allocated staffing resources allow the project to proceed?	If yes, consider retaining funds. If no, consider for delay or repurpose to another project.
What is the project’s priority?	Higher priority (Tier 1) consider to retain funds over lower priorities (Tiers 2, 3).
Are multiple funding source available?	If yes, use most restrictive and least constrained applicable sources first.

Fiscal year 2020-21 funding recommendations and major project efforts

The fiscal year 2020-21 proposed capital plan includes \$18.8 million in funds for appropriation to 26 projects, which allows for continued progress on ongoing projects and annual capital maintenance programs. The proposed funding levels represent a 21 percent decrease overall from the planned fiscal year 2020-21 capital plan in last year’s budget. No new projects have been proposed for fiscal year 2020-21, but significant resources have been realigned to support the funding needs for the Belle Haven community center and library project, which was prioritized by the City Council January 28 and is now itemized in the CIP.

Staff formulated these recommendations after reviewing the planned fiscal year 2020-21 projects against the criteria listed in Table 1. These recommendations assume that current staffing levels are maintained, existing vacant positions would remain unfilled through fiscal year 2020-21, and no additional vacancies occur.

Table 2 below summarizes the projects for which staff recommends funds be appropriated for fiscal year 2020-21. Projects that have funds remaining from prior fiscal years (carry-over projects) are identified and discussed later in this report. In summary, the funding sources include the following approximate amounts:

- \$4.8 million from construction street impact fee
- \$4.4 million from general capital fund
- \$2.0 million from water capital fund
- \$1.8 million from recreation in lieu fee fund
- \$1.0 million from transportation impact fee fund
- \$1.2 million from grants
- \$3.6 million from other sources (highway users’ tax, SB1, Measure W, library system improvement fund downtown parking and the landscaping assessment district)

The \$4.4 million from the general capital fund is comprised of the approximately \$3.0 million capital transfer from the general fund for 2020-21 and repurposing \$2.27 million in funds from carry-over projects, discussed later in this report. The projects funded through the general capital fund were reduced 65 percent

from \$12.5 million to \$4.4 million.

Table 2: Proposed appropriations for fiscal year 2020-21		
Project category and name	Funding source	Amount
<u>City buildings and systems:</u>		
Belle Haven community center and library	Various (see Att B)	\$3.85m
Buildings (minor)	General fund CIP	\$0.25m
<u>Environment:</u>		
Climate action plan implementation	General fund CIP	\$0.10m
Electric vehicle chargers at City facilities	Grant	\$0.40m
<u>Parks and recreation:</u>		
Aquatic center maintenance	General fund CIP	\$0.40m
Bedwell Bayfront Park master plan implementation	General fund CIP/grant	\$1.35m
Park improvements (minor)	General fund CIP	\$0.20m
Park pathways repair	General fund CIP	\$0.25m
Park playground equipment (Willow Oaks and Burgess)	Rec in lieu	\$0.20m
Sports fields renovations	General fund CIP	\$0.30m
Tennis court maintenance	General fund CIP	\$0.12m
<u>Stormwater:</u>		
Bayfront Canal and Atherton Channel flood protection	General fund CIP	\$1.20m
<u>Streets and sidewalks:</u>		
Chilco streetscape improvements	Construction impact fee	\$2.86m
Downtown parking utility underground	Downtown parking	\$0.50m
Downtown streetscape improvement	Downtown amenities	\$0.10m
Haven Ave streetscape improvement	Grant	\$0.30m
Ravenswood Ave. (Alma St. to Marcussen Dr.) Street resurfacing	Highway users' tax	\$0.85m
Sidewalk repair program	Various (see Att B)	\$0.55m
Street resurfacing program	Various (see Att B)	\$2.33m
Streetlight conversion	General fund CIP	\$0.65m
Willow Rd. (Middlefield Rd. to Bay Rd.) street resurfacing	Construction impact fee	\$1.00m
Willow Oaks bike connector	Transp. Impact fee	\$0.50m
<u>Traffic and transportation:</u>		
Traffic signal modifications	Transp. impact fee	\$0.35m
Transportation (minor)	Transp. Impact fee	\$0.18m
<u>Water system:</u>		
Reservoir No. 2 roof replacement	Water fund	\$0.60m
Fire flow capacity improvements	Water fund	\$0.60m

Each of the projects is described further in Attachment B. The following sections provide a brief overview of the major work efforts planned for the upcoming year.

Belle Haven community center and library

On January 28, the City Council adopted a resolution of intent that prioritizes construction of a new community center and library in the Belle Haven neighborhood in partnership with Facebook. In the proposed CIP, resources are realigned to fund the City's baseline commitment to deliver the project,

including \$3.05 million from the general capital fund, recreation in lieu fee program, and library system improvement fund. In addition, \$0.80 million in water capital funds are identified for the replacement of a water main servicing the proposed building. It is expected that these funds would cover the baseline project costs, such as fixtures, equipment and furnishings and the permitting costs associated with the project. The City Council is anticipated to consider additional project enhancements, such as the Belle Haven pool, sustainability improvements and emergency operations capabilities, later in 2020. A more detailed update on the status of this project and next steps is provided as an informational item (agenda item G-2) also on the City Council's agenda for July 28.

Annual maintenance projects

Of the 26 funded projects this fiscal year, 11 are annual maintenance programs to complete minor repairs to existing facilities, such as buildings, transportation infrastructure, parks, pools, sports fields and tennis courts. These programs serve three critical purposes. First, they allow funds to be accessed to conduct routine preventative maintenance of the assets to maximize the useful life of each facility. Second, they provide the opportunity to serve as a savings account for more significant investments that may only occur every 3-5 years, such as sports field renovation/reconstruction, while reducing the fluctuation of appropriations annually. Third, they provide an emergency contingency fund for a more significant capital cost in case of equipment failure or if an unanticipated need arises. As such, these programs represent over \$5.5 million of the \$18.8 million of planned investments in fiscal year 2020-21, and are funded primarily through the general capital, transportation impact fee and water capital funds.

Willow Oaks park improvements

A number of projects have been identified for improvements at Willow Oaks park, including improvements to the dog park, construction of restrooms, playground safety modifications, and the construction of a bicycle path to Elm Street. Staff anticipates these project efforts would be coordinated, even though they are itemized as separate projects with discrete funding sources as part of the CIP. Further, during the June 2 City Council meeting, some City Councilmembers expressed concerns with advancing significant upgrades to playground equipment with the City's constrained budget. Staff has therefore incorporated a reduction in the recreation in lieu fee funds planned for the playground modifications to pursue design work in fiscal year 2020-21 in coordination with the other work planned in the park. However, construction would be phased at a later date and would focus on replacing playground equipment to address the 2015 playground safety audit.

Fiscal year 2021-2025 plan

Projects and funds programmed for future years, 2021 through 2025, are shown in the CIP as part of the budget process. Funds for future years are not appropriated, but the programmed funds show funds anticipated to be prioritized based on information at the time. Each year, staff reviews the CIP to ensure that the funding levels are up-to-date, makes recommendations that are incorporated in the draft budget, and the City Council – through budget adoption – appropriates funds for the current year. The 2021-2025 CIP includes a limited number of new projects for future years that were added this year. Key projects of note are summarized further below.

Staff will continue to review future year projects as current projects are completed and capacity is created for new projects. Staff recognizes that the 2021-25 plan must continue to evolve given the current levels of uncertainty around future year funding levels in sources like the highway users' tax (gas tax,) sales taxes, grant and infrastructure stimulus opportunities, and impact fees.

Willow Road and Newbridge Street Bicycle and Pedestrian Improvements

On September 24, 2019 and January 28, 2020, the City Council authorized staff to execute an agreement with MidPen Housing for transportation improvements to support their application to the state's Affordable

Housing and Sustainable Communities program for the housing project at 1317-1385 Willow Road. The project was proposed to add a protected bicycle lane on the south-west bound direction of Willow Road between Hamilton Avenue and Newbridge Street; widen sidewalks on Newbridge Street; and add a bicycle route on Van Buren Road to connect to the Ringwood Avenue bicycle and pedestrian overcrossing. The grant would have provided approximately \$2.8 million for these projects. Unfortunately, the project was not awarded funds in this round. Staff will continue to look for funds from alternative funding sources, such as the state or regional Active Transportation Program, or countywide Measure A or Measure W programs. As such, the project has been programmed for a tentative future year at this time.

Water projects

Water capital projects are solely funded by funds collected from Menlo Park Municipal Water ratepayers. The water system CIP has been updated to align with expected available revenues for this and future fiscal years, but significant capital investment needs for emergency water supplies and storage remain to be programmed. As summarized in an update to the City Council April 14, due to the pandemic and the City's response, staff delayed presenting the five-year rate study to City Council this spring. Understanding the potential financial hardship caused to customers by COVID-19, existing rates continued for fiscal year 2020-21. Staff has tentatively scheduled a study session to provide the City Council an update on the water system August 11.

Carry-over projects

As described above, in order to fund the projects requiring general capital fund resources in 2020-21, staff reviewed carry-over projects (those funded in 2019-20 or earlier fiscal years.) A list of carry-over projects and the funding amounts remaining are included as Attachment F. These are attached separately this year, as staff is continuing to proceed with integration of the OpenGov financial platform and this is a work in progress. As described in the memorandum transmitted to the City Council May 12, the projects identified in Table 3 were recommended to be removed or delayed, and their funds repurposed for current needs. Many of these projects remain important work efforts, but they represent those that are a relatively lower priority, resource constrained, or require other work as a prerequisite before they can be initiated.

In addition, staff also identified the need for additional funding for the City's baseline funding needs to deliver the Belle Haven community center and library project. Staff reviewed potential scenarios to complete the funding proposal for this project, and recommends repurposing funds previously set aside for renovations to the main library, \$0.44 million from the library system improvements fund. This project would be delayed to a future fiscal year. Table 3 summarizes the carry-over projects that have been incorporated for reconsideration.

Table 3: Carry-over projects repurposed in 2020-21 and recommended next step		
Project name	Amount	Next step
Facilities maintenance master plan	\$0.15m	Delayed to 22-23
Welcome to Menlo Park monument signs	\$0.18m	Delayed to 22-23
Oak Grove, University, Crane bicycle project extension	\$0.08m	Removed, reconsider priority after TMP adoption
Willows neighborhood complete streets study	\$0.30m	Removed, reconsider priority after TMP adoption
Downtown parking structure study	\$0.72m	Delayed to 22-23 and adjusted amount
Furniture replacement	\$0.40m	Removed
Main library improvements	\$0.44m	Delayed, identify priority as pandemic response continues
Total	\$2.27m	

Additionally, alternative funding sources for two projects (downtown streetscape improvements and Ravenswood Avenue Caltrain grade separation study) were identified in the May 12 memo to City Council. Modifying the funding sources for these projects was not incorporated into the staff recommendations at this time, as there was not consensus from the City Council to incorporate those changes during the June 2 meeting.

City Council requested actions

In summary, staff is requesting City Council adopt the fiscal year 2020-2025 CIP.

1. Appropriate \$18.8 million in funds to 26 projects as identified in Attachment A and summarized in Table 2 in fiscal year 2020-21
2. Repurpose \$2.27 million in funds from 7 projects (Table 3) to fund fiscal year 2020-21 needs
3. Transmit the City’s plan for capital needs in future

Impact on City Resources

The capital improvement program is adopted annually through the budget adoption process. Specific recommendations to modify funding amounts planned for capital projects are listed above in the analysis section and are detailed in Attachment E. Direction from the City Council would be used to inform possible budget amendments for 2019-20 in light of the City’s response to COVID-19 and anticipated fiscal impacts and the 2020-21 proposed budget.

Environmental Review

This action is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines §§ 15378 and 15061(b)(3) as it has no potential for resulting in any direct or indirect physical change in the environment. Individual projects within the capital improvement program would continue to be evaluated individually under CEQA as the projects proceed.

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. 6576 adopting the five-year CIP
- B. Hyperlink – OpenGov CIP proposal: stories.opengov.com/menlopark/published/RqEZIAK0n
- C. Hyperlink – March 3 meeting minutes including presentation to City Council on 2019-24 CIP: menlopark.org/AgendaCenter/ViewFile/Minutes/_03032020-3399
- D. Hyperlink – April 28 staff report: menlopark.org/DocumentCenter/View/24854/H1-20200428-CC-CIP-overview
- E. Hyperlink – June 2 staff report: menlopark.org/DocumentCenter/View/25229/F1-20200602-CC-Direction-on-one-time-money-revenue-cip-to-balance-budget?bidId=
- F. Carry-over projects and funds remaining

Report prepared by:

Eren Romero, Business Manager

Chris Lamm, Assistant Public Works Director

Dan Jacobson, Assistant Administrative Services Director

Nicole H. Nagaya, Public Works Director

Report reviewed by:

Justin I. C. Murphy, Deputy City Manager

RESOLUTION NO. 6576

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
ADOPTING THE CAPITAL IMPROVEMENT PLAN FOR FISCAL YEARS 2020–
25**

WHEREAS, on March 3, the City Council held a study session to consider the five-year capital improvement plan and priority projects; and

WHEREAS, in April 2020 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, the City Council held a second study session on the five-year capital improvement plan and directed staff to explore alternatives to the previously adopted capital improvement plan in light of the financial crisis, considered changes to projects, and provided direction to continue evaluating the capital improvement plan in context of the fiscal year 2020-21 operating budget; and

WHEREAS, in five meetings in May, the City Council considered service level changes within the City's operating budget and potential impacts on transfers and available resources within the capital improvement plan; and

WHEREAS, on June 2, the City Council considered the use of one-time money from the capital improvement plan to support operating needs and directed staff maintain capital improvement plan resources as close to the previously-planned level as economically feasible; and

WHEREAS, on June 8, the Planning Commission adopted Resolution 2020-01 that determined all of the current capital improvement plan projects set to receive funding in the fiscal year 2020-21 proposed budget correlate with adopted goals of the City's General Plan and should be prioritized to address areas of our community disproportionately impacted by the pandemic and the resulting economic dislocations; 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, adopted the fiscal year 2020-21 operating budget and carryover appropriations; and

WHEREAS, the City of Menlo Park, acting by and through its City Council, having considered the capital improvement plan for fiscal years 2020-2024 at its public meeting on July 28, 2020;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Menlo Park that the City Council does hereby adopt the capital improvement plan for fiscal years 2020-24 as summarized in Exhibit A and as modified according to majority City Council direction at adoption.

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

Judi A. Herren, City Clerk

Project and fund	2020-21	2021-22	2022-23	2023-24	2024-25
Chrysler Pump Station Improvements	-	-	5,000,000	-	-
General Capital Improvement Fund	-	-	5,000,000	-	-
Downtown Parking Utility Underground	-	-	5,000,000	-	-
Downtown Parking Permits	-	-	5,000,000	-	-
Haven Avenue Streetscape Improvement	300,000	-	-	-	-
Transportation Fund	300,000	-	-	-	-
Middle Avenue Caltrain Crossing Design and Construction	-	1,000,000	-	-	-
Transportation Fund	-	1,000,000	-	-	-
Grand Total	300,000	1,000,000	10,000,000	-	-

CIP EXPENDITURES

Project and fund	2020-21	2021-22	2022-23	2023-24	2024-25
Aquatic Center Maintenance	400,000	400,000	400,000	400,000	400,000
General Capital Improvement Fund	400,000	400,000	400,000	400,000	400,000
Automated Water Meter Reading	-	1,045,000	1,535,000	-	-
Water Capital Fund	-	1,045,000	1,535,000	-	-
Bayfront Canal and Atherton Channel Flood Protection	1,200,000	-	-	-	-
General Capital Improvement Fund	1,200,000	-	-	-	-
Bayfront Expressway, Willow Road and Marsh Road Adaptive Signal	-	-	-	-	-
County Transp Tax Fund	-	-	-	-	-
Bedwell Bayfront Park Collection and Leachate Systems Repair	-	-	-	-	-
Marsh Rd Landfill @ Bayfront	-	-	-	-	-
Bedwell Bayfront Park Master Plan Implementation	1,350,000	-	2,500,000	-	-
General Capital Improvement Fund	1,350,000	-	2,500,000	-	-
Belle Haven Community Center & Library	3,850,000	-	-	-	-
Library System Impv'T Fund	520,000	-	-	-	-
Measure T - 02 Go Bonds	-	-	-	-	-
Rec-In-Lieu Fund	1,570,000	-	-	-	-
Water Capital Fund	800,000	-	-	-	-
General Capital Improvement Fund	960,000	-	-	-	-
Burgess Pool Lobby Renovation	-	125,000	-	-	-
General Capital Improvement Fund	-	125,000	-	-	-
Calwater Alma Interconnection	-	140,000	1,500,000	-	-
Water Capital Fund	-	140,000	1,500,000	-	-
Chilco Streetscape and Sidewalk Installation	2,860,000	-	-	-	-
Construction Impact Fee Fund	2,860,000	-	-	-	-
Chrysler Pump Station Improvements	-	-	-	-	-
Highway Users Tax Fund	-	-	-	-	-
General Capital Improvement Fund	-	-	-	-	-
City Buildings (Minor)	250,000	500,000	500,000	500,000	500,000
General Capital Improvement Fund	250,000	500,000	500,000	500,000	500,000
City Buildings HVAC Modifications	-	-	-	-	-
General Capital Improvement Fund	-	-	-	-	-
Civic Center Campus Improvements	-	300,000	300,000	-	-
General Capital Improvement Fund	-	300,000	300,000	-	-
Climate Action Plan	100,000	100,000	100,000	100,000	100,000
General Capital Improvement Fund	100,000	100,000	100,000	100,000	100,000
Corporation Yard Master Plan	-	100,000	-	-	-
General Capital Improvement Fund	-	100,000	-	-	-
Cost of Service/Fee Study	-	100,000	-	-	-
General Capital Improvement Fund	-	100,000	-	-	-
Downtown Parking Structure Study	-	-	100,000	-	-
Downtown Parking Permits	-	-	-	-	-
General Capital Improvement Fund	-	-	100,000	-	-
Downtown Parking Utility Underground	500,000	-	5,000,000	-	-
Downtown Parking Permits	500,000	-	5,000,000	-	-
Downtown Streetscape Improvement	100,000	-	-	-	-
Downtown Public Amenity Fund	100,000	-	-	-	-
General Capital Improvement Fund	-	-	-	-	-
El Camino Real Crossings Improvements	-	-	-	-	-
Transportation Impact Fees	-	-	-	-	-
Electric Vehicle chargers at City facilities	400,000	-	-	-	-
General Capital Improvement Fund	400,000	-	-	-	-
Emergency Operations Center	-	150,000	-	15,000,000	-
General Capital Improvement Fund	-	150,000	-	15,000,000	-
Emergency Water Storage/Supply	-	800,000	2,550,000	3,060,000	-
Water Capital Fund	-	800,000	2,550,000	3,060,000	-
Facilities Maintenance Master Plan	-	-	150,000	-	-
General Capital Improvement Fund	-	-	150,000	-	-
Fire Flow Capacity Improvements	600,000	1,092,727	-	-	1,779,100
Water Capital Fund	600,000	1,092,727	-	-	1,779,100
Fire Plans and Equipment Replacement for City Buildings	-	-	-	-	-
General Capital Improvement Fund	-	-	-	-	-
Gatehouse Fence Replacement	-	-	-	-	-
General Capital Improvement Fund	-	-	-	-	-
Haven Avenue Streetscape Improvement	300,000	-	-	-	-
Transportation Fund	300,000	-	-	-	-
Hydration Stations	-	-	-	-	-
Garbage Service Fund	-	-	-	-	-

Information Technology Master Plan and Implementation	-	2,500,000	2,500,000	2,500,000	2,500,000
General Capital Improvement Fund	-	2,500,000	2,500,000	2,500,000	2,500,000
Lower Zone 10" Check Valve at Burgess SFPUC Turnout	-	-	-	98,600	-
Water Capital Fund	-	-	-	98,600	-
Lower Zone 12" Check Valves (2) for Hill SFPUC Turnout	-	-	-	195,900	-
Water Capital Fund	-	-	-	195,900	-
Main Library Improvements	-	-	-	-	-
General Capital Improvement Fund	-	-	-	-	-
Middle Avenue Caltrain Crossing Design and Construction	-	9,900,000	-	-	-
Transportation Fund	-	1,000,000	-	-	-
Transportation Impact Fees	-	8,900,000	-	-	-
Middlefield and Linfield Drive Santa Monica Avenue Crosswalk Improvements	-	880,000	-	-	-
County Transp Tax Fund	-	880,000	-	-	-
Middlefield Road (Woodland to Ravenswood) Street Reconstruction	-	150,000	3,000,000	-	-
Construction Impact Fee Fund	-	150,000	3,000,000	-	-
Oak Grove Safe Routes to School and Green Infrastructure	-	-	-	-	-
General Capital Improvement Fund	-	-	-	-	-
Palo Alto Pope-Chaucer Interconnection	-	344,300	-	-	-
Water Capital Fund	-	344,300	-	-	-
Park Improvements (Minor)	200,000	200,000	200,000	200,000	200,000
General Capital Improvement Fund	200,000	200,000	200,000	200,000	200,000
Park Pathways Repairs	250,000	500,000	500,000	500,000	500,000
General Capital Improvement Fund	250,000	500,000	500,000	500,000	500,000
Park Playground Equipment	200,000	550,000	600,000	-	-
Rec-In-Lieu Fund	200,000	550,000	600,000	-	-
Parking Plaza 7 Renovations	-	2,000,000	-	-	-
Downtown Parking Permits	-	2,000,000	-	-	-
Parking Plaza 8 Renovations	-	-	2,000,000	-	-
Downtown Parking Permits	-	-	2,000,000	-	-
Parks and Recreation Master Plan Implementation	-	15,000,000	-	-	-
Measure T - 02 Go Bonds	-	13,000,000	-	-	-
Rec-In-Lieu Fund	-	2,000,000	-	-	-
Post Earthquake Operational Plan	-	58,500	-	-	-
Water Capital Fund	-	58,500	-	-	-
Ravenswood Avenue (Alma to Marcussen Dr) Street Resurfacing	850,000	-	-	-	-
Highway Users Tax Fund	850,000	-	-	-	-
Ravenswood Avenue/Caltrain Grade Separation	-	-	5,000,000	-	-
General Capital Improvement Fund	-	-	5,000,000	-	-
Reservoir No. 2 Roof Replacement	600,000	-	-	-	-
Water Capital Fund	600,000	-	-	-	-
Reservoirs #1 & #2 Mixers	-	-	-	-	-
Water Capital Fund	-	-	-	-	-
San Francisquito Creek Upstream of 101 Flood Protection	-	1,500,000	-	-	-
General Capital Improvement Fund	-	1,500,000	-	-	-
Santa Cruz and Middle Avenues Resurfacing	-	-	-	-	-
Construction Impact Fee Fund	-	-	-	-	-
Sea Level Rise Resiliency	-	-	-	-	-
General Capital Improvement Fund	-	-	-	-	-
Sharon Road Sidewalk Installation	-	-	-	-	-
General Capital Improvement Fund	-	-	-	-	-
Sidewalk Repair Program	550,000	550,000	550,000	550,000	550,000
Sidewalk Assesment	250,000	250,000	250,000	250,000	250,000
General Capital Improvement Fund	300,000	300,000	300,000	300,000	300,000
Sport Field Renovations	300,000	300,000	300,000	300,000	300,000
General Capital Improvement Fund	300,000	300,000	300,000	300,000	300,000
Stormwater Master Plan	-	-	-	-	-
General Capital Improvement Fund	-	-	-	-	-
Street Resurfacing Project	2,325,000	1,550,000	1,575,000	2,600,000	1,600,000
Construction Impact Fee Fund	1,000,000	-	-	1,000,000	-
Highway Users Tax Fund	500,000	850,000	850,000	850,000	850,000
Measure W	300,000	150,000	150,000	150,000	150,000
SB1 LSRP Capital Fund (Hut Rrm)	525,000	550,000	575,000	600,000	600,000
Streetlight Conversion	650,000	1,200,000	-	1,300,000	-
General Capital Improvement Fund	650,000	1,200,000	-	1,300,000	-
Tennis Court Maintenance	120,000	120,000	120,000	120,000	120,000
General Capital Improvement Fund	120,000	120,000	120,000	120,000	120,000
Traffic Signal Modifications	350,000	350,000	350,000	350,000	350,000
Transportation Impact Fees	350,000	350,000	350,000	350,000	350,000

CIP EXPENDITURES

Transit Improvements	-	-	-	-	-
Transportation Impact Fees	-	-	-	-	-
Transportation Projects (Minor)	175,000	175,000	175,000	175,000	175,000
County Transp Tax Fund	-	-	-	-	-
Transportation Impact Fees	175,000	175,000	175,000	175,000	175,000
General Capital Improvement Fund	-	-	-	-	-
Water Main Replacement Project	-	1,854,000	1,800,000	2,565,000	4,420,000
Water Capital Fund	-	1,854,000	1,800,000	2,565,000	4,420,000
Welcome to Menlo Park Monument Signs	-	-	-	-	180,000
General Capital Improvement Fund	-	-	-	-	180,000
Willow Oaks Park Bicycle Connector	500,000	-	-	-	-
Transportation Impact Fees	500,000	-	-	-	-
Willow Oaks Park Improvements	-	-	-	-	-
Rec-In-Lieu Fund	-	-	-	-	-
Willow Place Bridge Abutment Repairs	-	250,000	-	-	-
General Capital Improvement Fund	-	250,000	-	-	-
Willow Road (Middlefield to US 101) Street Resurfacing	1,000,000	-	-	-	-
Construction Impact Fee Fund	1,000,000	-	-	-	-
Willow Road and Newbridge Street Bicycle and Pedestrian Improvements	-	-	2,800,000	-	-
Transportation Fund	-	-	2,800,000	-	-
Willow Road Transportation Study	-	-	-	-	-
Transportation Fund	-	-	-	-	-
Willow/101 Interchange	-	-	-	-	-
General Capital Improvement Fund	-	-	-	-	-
Grand Total	19,980,000	44,784,527	36,105,000	30,514,500	13,674,100

Capital Improvement Program - Carryover Fund Estimates					
City Building and Systems					
Name	Status	Carryover Budget Estimate (Dec 2019)	Funding Source 1	Funding Source 2	Recommendations
Belle Haven Youth Center	N/A	\$1,138,060	General Capital		Was repurposed to BHCCL project per Council action on January 28.
City Buildings (Minor)	Various	\$1,271,910	General Capital		
City Buildings HVAC Modifications	Design	\$530,300	General Capital		
Cost of Service / Fee Study	Done	\$48,187	General Capital		
Facilities Maintenance Master Plan	Not Started	\$150,000	General Capital		Delayed project. See Table 3.
Fire Plan and Equipment Replacement for City Buildings	Design		General Capital		
Furniture Replacement	Not Started	\$400,000	General Capital		Removed project. See Table 3.
Gatehouse Fence Replacement	Design	\$72,047	General Capital		
Information Technology Master Plan and Implementation	Study/Plan	\$1,779,454	General Capital		
Main Library Improvements	Not Started	\$436,743	Lib. Syst. Imp.		Delayed project and repurposed for BHCCL. See Table 3.
Environment					
Name	Status	Carryover Budget Estimate (Dec 2019)	Funding Source 1	Funding Source 2	Recommendations
Climate Action Plan Implementation	Study/Plan	\$307,980	General Capital		
Electric Vehicle Chargers at City Facilities	Design	\$22,391	General Capital		
Hydration Stations	Construction	\$340,005	Solid Waste Services		
Sea Level Rise Resiliency Plan	Not Started	\$150,000	General Capital		
Parks and Recreation					
Name	Status	Carryover Budget Estimate (Dec 2019)	Funding Source 1	Funding Source 2	Recommendations
Aquatic Center Maintenance (Annual)	Design	\$646,881	General Capital		
Bedwell Bayfront Park Collection and Leachate System Repair	Design	\$4,052,368	Bayfront Park Landfill		
Bedwell Bayfront Park Master Plan Implementation	Design	\$150,000	General Capital	Grant	
Civic Center Campus Improvements	Pre-Design	\$89,952	General Capital		
Park Improvements (Minor)	Various	\$196,098	General Capital		
Park Pathways Repair	Design	\$698,111	General Capital		
Sports Field Renovations	Not Started	\$300,000	General Capital		
Tennis Court Maintenance	Done	\$338,610	General Capital		
Willow Oaks Park Improvements	Not Started	\$808,830	Rec In Lieu		

Stormwater					
Name	Status	Carryover Budget Estimate (Dec 2019)	Funding Source 1	Funding Source 2	Recommendations
Bayfront Canal and Atherton Channel Flood Protection	Design	\$182,295	General Capital		
Chrysler Pump Station	Design	\$10,752,973	General Capital	Grant	
San Francisquito Creek Upstream of 101 Flood Protection	Design	\$89,841	General Capital		
Stormwater Master Plan	Study/Plan	\$39,659	General Capital		
Streets and Sidewalks					
Name	Status	Carryover Budget Estimate (Dec 2019)	Funding Source 1	Funding Source 2	Recommendations
Chilco Street and Sidewalk Installation	Done	\$34,617	General Capital		
Downtown Parking Structure Study	Not Started	\$720,718	General Capital		Delayed project. See Table 3.
Downtown Parking Utility Underground	Pre-Design	\$161,000	Downtown Parking Permits		
Downtown Streetscape Improvement	Construction	\$303,288	General Capital		
Oak Grove SRTS and Green Infrastructure	Done		Measure A		
Plaza 7 Renovations	Not Started	\$200,000	Downtown Parking Permits		
Plaza 8 Renovations	Not Started	\$200,000	Downtown Parking Permits		
Pierce Road Sidewalk and San Mateo Drive Bike Route Installation	Bid/Award	\$1,160,651	TIF	Grant	
Ravenswood Avenue (Alma to Marcussen) Street Resurfacing	Pre-Design	\$100,000	Highway Users Tax		
Santa Cruz and Middle Avenue Resurfacing	Construction	\$2,219,046	Const. Impact Fee	Grant	
Sharon Road Sidewalk Installation	Design	\$899,970	General Capital		
Sidewalk Repair Program	N/A	\$456,940	Sidewalk Assessment	General Capital	
Street Resurfacing Project	N/A	\$1,834,450	Const. Impact Fee	Highway Users Tax	
Streetlight Conversion	Pre-Design	\$75,000	General Capital		
Welcome to Menlo Park Monument Signs	Not Started	\$180,000	General Capital		Delayed project. See Table 3.
Willow Road (Middlefield to US-101) Street Resurfacing	Pre-Design	\$150,000	Const. Impact Fee		

Traffic and Transportation

Name	Status	Carryover Budget Estimate (Dec 2019)	Funding Source 1	Funding Source 2	Recommendations
Bayfront Expressway, Willow Road and Marsh Road Adaptive Signage	Construction	\$60,440	Measure A	Grant	
El Camino Real Crossing Improvements	Design	\$261,401	TIF		
Haven Avenue Streetscape Improvements	Design	\$1,067,930	TIF	Grant	
Middle Avenue Caltrain Crossing Study Design and Construction	Design	\$6,137,882	TIF	Grant	
Middlefield Road and Linfield Drive, Santa Monica Ave. Crosswalk	Not Started	\$80,000	Measure A		
Oak Grove, University, Crane Bicycle Extension	Not Started	\$80,825	General Capital		Removed project. See Table 3.
Ravenswood Avenue Caltrain Grade Separation	Study/Plan	\$295,477	General Capital		
Traffic Signal Modifications	Design	\$959,000	TIF		
Transit Improvements	Construction	\$28,788	TIF		
Transportation Master Plan	Study/Plan	\$24,157	General Capital		
Transportation Projects (Minor)	Done	\$505,986	TIF	Measure A	
Willow Road Transportation Study	On Hold	\$159,692	TIF		
Willows Neighborhood Complete Streets	Not Started	\$300,000	General Capital		Removed project. See Table 3.
Willow/101 Interchange Landscaping	Design	\$185,138	General Capital		

Water System

Name	Status	Carryover Budget Estimate (Dec 2019)	Funding Source 1	Funding Source 2	Recommendations
Automated Meter Reading	Pre-Design	\$1,090,680	Water Fund		
Emergency Water Storage/Supply	Done	\$2,152,253	Water Fund		
Reservoir No. 2 Roof Replacement	Design	\$4,032,685	Water Fund		
Reservoirs No. 1 and No. 2 Mixers	Design	\$98,908	Water Fund		
Urban Water Management Plan	Study/Plan	\$140,000	Water Fund		
Water Main Replacement Project (Annual)	Construction	\$2,184,143	Water Fund		



STAFF REPORT

City Council

Meeting Date:

7/28/2020

Staff Report Number:

20-160-CC

Regular Business:

Appropriate \$35,000 from the general fund unassigned fund balance for fiscal year 2020-21 for a short-term rental compliance contract to activate enforcement of municipal code for transient occupancy tax collection for short-term rentals

Recommendation

Staff recommends the City Council:

1. Appropriate \$35,000 from the general fund unassigned fund balance for fiscal year 2020-21 for a short-term rental compliance contract to activate enforcement of municipal code for transient occupancy tax collection for short-term rentals, and
2. Consider new transient occupancy tax revenue derived from short-term rentals be allocated to affordable housing activities and programs.

Policy Issues

Short-term rentals are subject to the Menlo Park municipal, code, Chapter 3.16, transient occupancy tax (TOT;) however, the City does not currently have a specific mechanism or resources in place to monitor and manage compliance with the ordinance, with the exception of more traditional lodging, such as hotels. Policy decisions related to short-term rental regulation have both housing and revenue implications.

Background

On January 10, 2017, the City Council held a study session and considered 15 enhanced housing policies to address the local housing crisis. Staff presented potential policies that have been commonly used or considered in other cities at that time, and the City Council referred these to the Housing Commission. One of the proposals included adoption of an ordinance to regulate short-term lodging/vacation rentals. The City Council identified a short-term rental ordinance as a project of importance in their 2019 work plan, and the Housing Commission initiated work on this item in June 2019.

A short-term residential rental typically refers to:

- a furnished dwelling unit or a furnished bedroom in a dwelling unit,
- a rental for a short duration such as one night or one week, and almost always for 30 days or less.

In most cases, short-term rental hosts rent out rooms within a dwelling or an entire house, apartment or secondary dwelling unit to guests. Common names used for these rentals include vacation home rental, short-term vacation rental, short-term rental, executive suites and apartment hotel. They are most commonly advertised through online vacation property rental applications such as Airbnb, Vacation Rentals by Owners (VRBO) and Booking.com. These types of short-term rentals generally accommodate visitors or temporary residents as opposed to permanent residents. They are different from hotels in that they usually occur in buildings designed and approved for residential purposes.

Data obtained from AirDNA, a web-based application that provides metrics on the short-term rental market, indicated the number of short-term rental listings in Menlo Park ranged between 400-500 during the last two quarters of 2019. AirDNA's data also indicated that most short-term rentals are "unhosted," versus a "hosted" rental such as a bedroom within an occupied home.

Analysis

In the summer of 2019, the Housing Commission and staff initiated the study, analysis and community outreach process for considering a short-term rental regulation. The process commenced with a short-term rental overview presentation provided by staff at the July 10, 2019, Housing Commission meeting. A copy of the presentation is attached to this staff report in Attachment A. The overview included a summary of regional short-term rental regulations and ordinances, rental market data including Menlo Park short-term rental information, common key short-term rental issues, enforcement methods, regulatory options and a general timeline for this work item. The Housing Commission assigned their housing policy subcommittee to work with staff to plan a community outreach strategy and conduct additional research and analysis of short-term rental data.

Community engagement and outreach planning

Staff and the subcommittee met in July 2019, to conduct a preliminary analysis of the problems related to short-term rentals and to determine the appropriate community engagement and outreach process necessary to obtain comprehensive stakeholder input. An initial list of stakeholders was identified and a set of specific questions were prepared to obtain input on the type and methods of community engagement and outreach recommended for short-term rentals. The initial questions were intended to primarily solicit input that would help determine the best approach to conducting community outreach on short-term rentals.

In addition to internal City stakeholders, which includes Finance, police, community development, city manager and the city attorney, the initial list of external community stakeholders included:

- People who rent out a room and rely on short-term rentals for living expenses (bridging income)
- Short-term renters/guests (e.g., various types such as entry level tech workers that rent a room)
- Single family homeowners
- Community based organizations and nonprofit organizations
- Members of community based organizations and groups
- Employees of nonprofits
- Tenants of rental properties
- Owners of permitted secondary dwelling units (SDUs), also known as accessory dwelling units (ADU's)
- Large businesses in or near Menlo Park
- Corporate lease apartments operators
- Developers
- Travel agents
- Rental property owners and managers
- Businesses that provide support services to short-term rentals
- Property/real estate organizations
- Apartment, real estate and homeowner associations
- Local hotel operators

Community engagement and outreach process

During the latter part of July and early August 2019, initial stakeholder outreach was conducted through direct contact and conversations with various organizations, businesses, groups and individuals including local community members. All but a few stakeholders initially contacted were willing to provide input on outreach and on short-term rentals. Some of the organizations, businesses and groups that provided input included:

- Housing Leadership Council
- Nuestra Casa
- HIP Housing
- EPA Can Do
- Stanford Graduate School of Business
- Legacy Partners
- California Apartment Association
- Bay Area Chapter of the Institute of Real Estate Management
- Bay Area Homeowners Network.

Additionally, individuals that were short-term rental hosts and guests were contacted. While most that were contacted were more than willing to share their perspectives and recommendations, hotel operators contacted did not respond.

Community responses

On August 7, 2019, the Housing Commission received an update from the housing policy subcommittee on their progress, including findings, information and stakeholder input on short-term rental regulations. There were several community members that also provided public comment on this agenda item and comments that were received through email in advance of the meeting were shared with the Commission.

The majority of the comments and input received indicated that there was a strong preference that there be no limitations placed that in any way would restrict or limit short-term rentals. However, there were also some comments that were in favor of regulation that would increase the amount of long-term rental units by prohibiting any short-term rentals, and regulating short-term rentals in large, multi-family apartment buildings, including regulation for corporately leased units. On September 25, 2019, the Housing Commission approved the conclusion of the short-term rental outreach, based on the input received.

On January 28, staff provided an informational report to the City Council summarizing the Housing Commission short-term rental regulation community outreach process and community input. One public comment was provided to City Council based on the staff report, which expressed concerns about lack of housing availability, corporate leases, and the outreach process conducted. Informational status updates on the short-term rental regulation process update were provided to the Housing Commission at the January 8 and February 5 meetings and no related public comments were received.

Short-term rental issues identified

There are a number of common short-term rental issues including noise, parking, impact on neighborhood character, housing availability and safety. These issues vary in different communities, with vacation destinations experiencing very different issues than locations such as Menlo Park, which draws many professionals visiting local businesses or educational institutions.

Based on the public comments and stakeholder input provided, two primary areas of concern with short-term rentals were identified: rental housing availability for residents and collection of TOT. Although common concerns with short-term rentals can include noise, safety, garbage and parking, these concerns were not identified during the outreach process as areas of concern in Menlo Park at this time.

Housing availability

The availability of housing can have implications on the cost of housing. Short-term rentals can be a concern as they may reduce the inventory of longer-term rental housing, which can generally cause an increase in rent rates. This can be a significant concern when housing demand exceeds supply. A summary of Menlo Park's housing inventory and short-term rental market data was used to conduct the analysis that follows.

The data from the last two quarters of 2019 available on the short-term rental market, from AirDNA, provides estimated information and is not completely accurate; however, it is the best data that can be accessed at this time. The AirDNA estimates of rental listings for Menlo Park includes the number of listings, average nightly rental rates, average occupancy rate and type of listing. Some of the listings may be double counted, as the same rental may be listed on two or more short-term rental websites, such as Airbnb and VRBO. The estimates also include some rental listings that are not located within incorporated Menlo Park. These two factors produce higher estimates than the actual number of rentals. Data that are more accurate can be obtained through other means, which will be addressed later in this staff report.

There are approximately 14,000 dwelling units in Menlo Park, and based on data from AirDNA for 2019, active rental listings range between 400-500, including hosted (e.g., room in a house) and unhosted (e.g., entire unit) units. Given the two data factors mentioned in the previous paragraph, staff estimates the short-term rental listings are presumably much lower, potentially in the 200-250 range, when backing out rentals that appear to be outside of incorporated City limits.

Based on the higher estimates of 400-500, active rental listings range from 2.8 percent to 3.5 percent of the total housing inventory in Menlo Park. Of the estimated total, approximately 70 percent, or 280-350 of rental listings are unhosted, entire homes or apartments units, with an average nightly rate of \$247. The balance of the rental listings, approximately 30 percent, or 120-150 are hosted private rooms within a house or apartment with an average nightly rate of \$100. The average occupancy rate is 70 percent overall.

Based on the lower estimates of 200-250 rental listings, considering the two data variables previously mentioned, the total percentage of housing inventory range decreases to 1.4 to 1.8 percent. Using the higher estimates from AirDNA, the Housing Commission did not identify housing availability as an area of significant concern that warranted regulation at this time. However, they agreed that it should be monitored, and if needed, the City should consider more restrictive regulations on short-term rentals in the future.

Other concerns - corporate leases

Corporately leased units remove rental units from the local rental stock. The use of corporate leases is a growing trend that is affecting housing availability. Staff obtained information that indicates there are a significant number of newer multi-family rental units in Menlo Park that are under corporate leases. Commonly, in the Bay Area, employee recruitment firms secure corporate leases to make units available to prospective employees. These units generally encompass upscale, furnished units and are sublet for an intermediate term of 60-120 days. They allow out-of-area workers (generally in the tech field) to acclimate to the Bay area while finding longer-term housing. Some units that are under corporate lease are rented on a short-term basis, during periods of vacancy. Based on information staff confirmed with property management during the fall of 2019 from at least two of the newer, high-density multi-family residential properties, approximately 25 percent to 35 percent of their units are under corporate leases.

The information on corporate leases was provided to City Council on January 28, 2019, in an informational staff report on the Housing Commission short-term rental regulation process, included in attachment B. The City Council expressed concern and requested that staff conduct further research on potential separate regulations that may be considered. Staff plans to bring that research back at a later time. In the meantime

staff has been tracking San Francisco's pilot program regulating corporate leases. In early February, the San Francisco Planning Commission adopted a recommended ordinance, but in light of COVID-19, it has not yet advanced to the Board of Supervisors. The version of the legislation approved by the commission would create a new residential use characteristic and would require annual reporting from an owner or operator. Furthermore, the ordinance would principally permit corporate rentals in buildings with nine units or less, but would allow no more than 25 percent of the building's total units to be leased in this capacity. In buildings with more than 10 residential units, corporate rentals would be prohibited unless the owners or operators seek a conditional use authorization. San Francisco's proposed program leverages its extensive rental registration database (due to rent control regulations). Replicating a similar model in Menlo Park would take considerable staff resources and thus staff is not yet prepared to recommend this exact approach to the City Council.

Accessory dwelling units – short-term rental prohibition

Several new state laws, including AB 881, SB 13 and AB 68, took effect January 1, prohibiting cities from allowing short-term rentals of ADUs permitted after January 1. These requirements were included in the recent City Council adoption of urgency Ordinance No. 1066 on February 25, amending Chapter 16.79 and Section 16.04.295 of the Menlo Park Municipal Code to comply with recent State Legislation pertaining to ADUs and junior ADUs. These new laws aim to increase the availability of rental housing that might otherwise be used as short-term rentals.

Transient occupancy tax

The second and most significant area of concern identified was the TOT that is not being remitted to the City as required. The estimated amount of unpaid TOT is significant based on the estimated nightly rental and occupancy rate data from AirDNA, which potentially is close to one million dollars, based on 2019 occupancy and rental rate data. Short-term rentals are subject to the Menlo Park municipal code, Chapter 3.16, TOT, which requires registration and remittance of TOT for houses or multi-family units leased for less than 30 days. Although required by the City's ordinance, staff estimates only about 10 percent of TOT from short-term rentals are remitted to the City. The City currently does not have a specific mechanism or staff resources in place to monitor and manage compliance with the ordinance, with the exception of hotels.

Short-term rental compliance services

Tracking and identifying short-term rentals requires a substantial effort and specific expertise and many municipalities have contracted with specialized, web-based compliance management service providers to implement and enforce short-term rental regulations. There is a growing number of short-term rental compliance management providers, such as Host Compliance and LODGINGRevs. Staff has explored the use of a contracted short-term rental compliance management service that could assist with the identification and compliance of short-term rentals located within Menlo Park and have interviewed two providers and plans to interview a few others. They provide a broad range of services that can include:

- Address identification
- Compliance and monitoring outreach
- Rental activity monitoring
- Registration/permitting
- Transit occupancy tax auditing for registered short-term rentals
- Report generation
- Phone hotlines

The menu of services is optional for each jurisdiction based on their preferences and requirements. The initial approach they each use is similar, by first identifying short-term rental listings within the jurisdiction, providing notification to short-term rental hosts of the City's existing TOT ordinance and then processing

required registrations. For short-term rental hosts in Menlo Park, a “transient occupancy registration certificate” is issued per the TOT ordinance. The registration would require information verifying the owner and rental location addresses and acknowledgment of the City’s TOT ordinance. Following registration, each short-term rental host would then be able to easily remit required taxes to the City through a web-based application. Both of the service providers interviewed stated that they are successful in obtaining an average of 90 percent compliance rate within the first year.

There are many valuable benefits with this approach to short-term rental compliance. First, it will provide the City with accurate data on short-term rentals located in Menlo Park, including the number of listings, occupancy rate, rental rates and locations. This data can be used by the City to monitor short-term rental activity going forward, rather than using estimates. This information would also be extremely useful to inform future considerations to modify or increase short-term rental regulation as the housing inventory increases in Menlo Park. It would also ensure that correct amounts of TOT are remitted as required. Based on the range of services that staff has identified that would be beneficial for short-term rental compliance needs, the cost of a compliance management firm can range from \$18,000 to \$25,000 per year. The initial services identified include address identification, outreach, rental activity monitoring, registration, and report generation.

Use of new transit occupancy tax revenue

During the course of the short-term rental regulation outreach and discussion process, the Housing Commission recommended that the City Council consider using TOT revenue from short-term rentals for affordable housing activities and programs. Some other municipalities that have recently adopted new short-term rental regulations have agreed to allocate new TOT revenues to affordable housing. Some allocated all new related short-term TOT revenues (e.g., City of Redwood City,) others have designated a percentage (e.g., cities of Oakland and Sonoma,) and some have not allocated any of these funds for affordable housing.

TOT revenues are recognized as general fund monies and would need to be allocated for affordable housing by the City Council through the budget process. Currently the City has a substantial amount of below market rate (BMR) funds that limit the uses to certain activities through the BMR ordinance and guidelines. New affordable housing funds might be used to support innovative new programs such as a low interest loan program for ADU development.

Summary

The common theme in almost every discussion or conversation held during the outreach on short-term rental regulation was that there was no desire for additional regulation that would place any controls or limits on short-term rentals, with few exceptions. All indicated they agreed the TOT should be collected from short-term rentals through some type of enforcement mechanism, such as a regulation, policy or other means. The City’s existing TOT ordinance already includes requirements for the registration of short-term rentals and the payment of TOT; however, the City currently does not have a specific mechanism in place to monitor and manage compliance with the ordinance, with the exception of hotels. The City also does not currently have access to accurate data related to the short-term rental market that would be useful in monitoring any growth as housing development continues. A new short-term rental regulation is not proposed at this time, rather, the recommendation is to use a contracted short-term rental compliance service to enforce the existing City TOT ordinance, requiring registration and payment of taxes. This solution will also help the City with collection of accurate data that can be utilized for any future regulation to address short-term rental concerns related housing availability, neighborhood character or others.

On March 4, the Housing Commission received a staff report and presentation from staff summarizing the short-term rental process and actions requested, with the staff report included in Attachment C. Two public

comments were received at this meeting in support of the outreach process conducted. The Housing Commission made a unanimous recommendation to move forward their recommendation to the City Council on short-term rental regulation that included a) authorize staff to select a short-term rental compliance service provider and enter into contract for services to initiate and implement compliance services and b) recommend new TOT revenue be allocated to affordable housing activities and programs. Currently, the presence of COVID-19 has adversely affected the City's revenues and housing stability. The additional TOT collected from short-term rentals, when travel resumes, would financially benefit the City. The City Council may wish to have future discussion on how to allocate the additional TOT funds once there is more accurate data available, which would be available approximately twelve months from initiation of compliance services.

Impact on City Resources

The annual estimated cost of a contracted short-term rental compliance service is \$25,000 plus a one-time initial fee of \$5,000. Staff recommends funds be appropriated from the general fund unassigned fund balance for fiscal year 2020-21 for a short-term rental compliance contract in the amount of \$35,000, to cover the one-year contract, one-time initial fee and a contingency of \$5,000. The amount of new TOT revenue will be determined by the actual number of short-term rentals that register and remit tax, however, based on AirDNA data, is expected to substantially exceed the cost of the annual contract. The general fund unassigned fund balance as of June 30 is estimated to be \$2.32 million.

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 is 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. Short term rentals presentation – Introduction and overview (July 10, 2019)
- B. Hyperlink: City Council staff report, January 28 – menlopark.org/DocumentCenter/View/24053/11-20200128-CC-Short-Term-Rental-Community-Engagement-Overview
- C. Hyperlink: Housing Commission staff report, March 4 – menlopark.org/DocumentCenter/View/24455/D3--20-003-HC---Short-Term-Rental-Regulation-?bidId=

Report prepared by:

Rhonda Coffman, Deputy Community Development Director – Housing

Report reviewed by:

Justin Murphy, Deputy City Manager
Cara Silver, Interim City Attorney



SHORT TERM RENTAL REGULATION

Introduction & Overview



OUTLINE

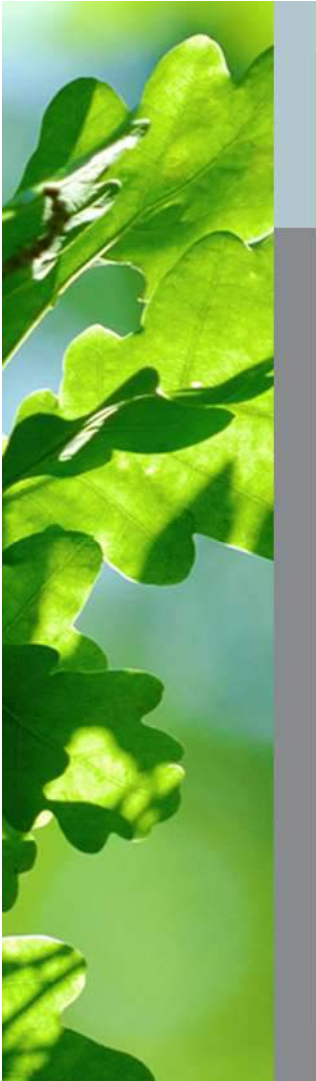
- City Council Initiative – Work Plan Item
- Housing Commission Role & Community Engagement
- Summary of Regional Regulations & Ordinances
- Short Term Rental Market
- Key Issues
- Regulation & Enforcement Methods
- Next Steps





CITY COUNCIL INITIATIVE

- City Council identified Short Term Rental ordinance as a project of importance in the 2019 work plan
- City Council referred item to the Housing Commission
- “Project on a Page”



HOUSING COMMISSION

- **Role**
 - Make an informed recommendation to City Council on a Short Term Rental Ordinance
- **Subcommittee**
 - Community engagement planning and process
 - Review and analyze data and best practices
 - Summarize key findings and make recommendations to Housing Commission
- **Community Engagement**
 - Outreach
 - Host community meetings and/or workshops
 - Conduct survey/s
- **Staff**
 - Support HC and staff the subcommittee
 - Provide data resources and conduct analysis
 - If directed, draft ordinance



PROJECT ON A PAGE - TIMELINE

Phase I – Project scoping and data collection (1st-2nd Quarter 2019)

- Determine the scope of the project
- Gather data on existing units (residence and building type, operator presence, length of each stay, number of total stays, transient occupancy tax and business license requirements, zoning considerations, etc.)

Phase II - (2nd – 3rd Quarter 2019)

- Draft a shared definition for short-term rentals and identify potential impacts to consider in any regulation
- Conduct outreach to community stakeholders and hold community meetings
- Prepare a draft ordinance

Phase III - (4th Quarter 2019)

- Proposed draft ordinance for City Council consideration



REGULATORY STRATEGIES

- Don't regulate at this time
- Tax only
- Regulate lightly (few rules)
- Regulate heavily
- Ban





SHORT TERM RENTAL TRADE OFFS

Advantages of Short Term Rentals

- Hotel tax revenue (TOT)
- Extra spending on local goods and services
- Additional income for homeowners (if they rent an extra bedroom occasionally)

Concerns / Disadvantages

- Loss of housing stock
- Effects on hotel industry
- Incompatibility with residential neighborhoods/loss of community character
- Other – disability access, safety



COMMON CONCERNS WITH STR'S

- Reduce noise, parking, traffic and trash problems
- Eliminate house parties
- Reduce STR's impact on neighborhood character
- Ensure building safety
- Improve City's responsiveness to neighbor complaints
- **Stem STR's negative impact on housing availability**
- Improve permit and **tax compliance to increase tax revenue**
- Ensure a level playing field between law abiding traditional lodging providers and illegal short-term rentals
- Reduce tension between short-term rental property owners and their neighbors
- Other?



LOCAL ORDINANCES AND TRENDS

Short Term Rental Ordinances

- Millbrae (eff. 8/29/18)
- Pacifica (eff. 7/10/18)
- Redwood City (eff. 5/1/19)
- South San Francisco (adopted 6/26/19)
- San Mateo County (eff. 6/2017)
 - Coastal Zone only

Ordinances Currently Under Review for Adoption

- Brisbane
- San Bruno



REGULATORY OPTIONS

- Prohibition
- Applicability (e.g. single family residence, ADU's)
- Quantitative restrictions
- Geographic restrictions
- Concentration
- Operational requirements
- Rental period
- Owner occupancy requirements
- Permitting
- Enforcement





SHORT TERM RENTAL MARKET



- Industry Market Context
 - 800% growth since 2011 (approx. 8MM)
 - Airbnb 4.5MM, HomeAway 1.5MM, Booking.com 1.2M, TripAdvisor 0.8M
 - Over 200 web platforms

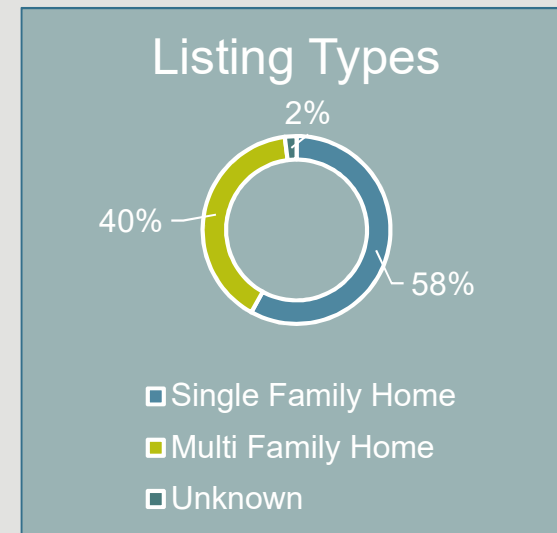
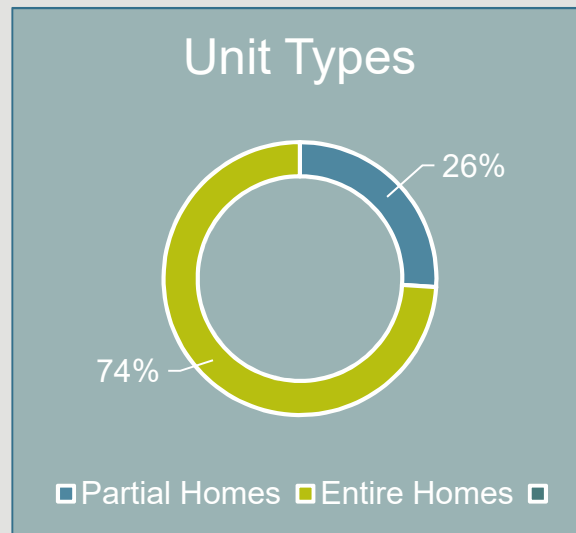
- Approximately 396-524 short term rental listings in Menlo Park as of February 2019
 - Approx. 3-4% of total housing stock

- Transit occupancy tax – revenue that could potentially be used to support other city services or affordable housing programs



MENLO PARK DATA

Median Nightly Rate (USD) - \$172



Source: Host Compliance data as of 2/2019



REGULATION & ENFORCEMENT

- Generally less than 10% of STR owners voluntarily get a permit and pay all of their hotel taxes
 - Menlo Park has some STR owners that voluntarily remit taxes
- Manual compliance and monitoring is ineffective and prohibitively expensive
 - Listings on 100's of websites
 - Monitoring listings nearly impossible as listings are changed, added or removed
 - Address data hidden making it difficult to identify owners
 - Difficult to collect taxes as there is no way to verify how often properties are rented and for how much



NEXT STEPS





REGULATORY STRATEGIES

- Don't regulate at this time
- **Tax only**
- **Regulate lightly (few rules)**
- **Regulate heavily**
- Ban



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Dated: 3/23/2020

DocuSigned by:
Starla Jerome Robinson
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City Manager

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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


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

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

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

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

Dated: 3/27/2020

DocuSigned by:

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 Director of Emergency Services

Approved as to form:

DocuSigned by:

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 Interim City Attorney

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Dated: 4/17/2020

DocuSigned by:
Starla Jerome Robinson
 6BD907BD261744C...

 Director of Emergency Services

Approved as to form:

DocuSigned by:
Cara E. Silver
 CD6C53C794F6491...

 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.

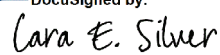
NOW, THEREFORE, the Director of Emergency Services does hereby make the following order:

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.

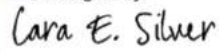
Dated: 5/8/2020

DocuSigned by:

 6BD907BD261744C

 City Manager

Approved as to Form:

DocuSigned by:

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 Interim City Attorney

DIRECTOR OF EMERGENCY SERVICES/CITY MANAGER EMERGENCY ORDER NO.6

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;

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, on June 4, 2020, the County Health Officer modified the Shelter In Place order to eliminate the May 31, 2020 expiration and to expand the list of permitted activities. In particular County Health Order No. c19-5e – Appendix C-2 allowed additional activities that included indoor and outdoor pools, outdoor recreation areas, and outdoor shared recreation facilities may be opened, provided they are actively monitored and managed. Subsequently, the County of San Mateo issued additional guidelines to assist in re-opening public pools.

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:

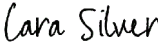
1. Effective 7:00 a.m. on June 10, 2020, Order Number 2 is hereby modified and superseded by this Order No. 6.
2. Burgess Pool and Belle Haven Pool may re-open to the public.
3. The City Manager reserves the right to modify this order.

Dated: 6/10/2020

DocuSigned by:

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 City Manager

Approved as to Form:

DocuSigned by:

 CD6C53C794F6491...
 Interim City Attorney

DIRECTOR OF EMERGENCY SERVICES/CITY MANAGER EMERGENCY ORDER NO.7

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

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 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 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, directed all individuals currently living within San Mateo County to shelter in their place of residence (“Shelter-in-Place Order”), and authorized individuals to leave their residences only for certain “Essential Activities,” Essential Governmental Functions,” or to operate “Essential Businesses,” all as defined in the Shelter-in Place Order;

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 April 29, 2020, the Health Officer modified the Shelter-In-Place to continue through May 31, 2020, but allowed some businesses to open and some low-risk activities to resume, subject to social distancing and health/safety protocols;

WHEREAS, the State prepared a resilience roadmap to safely reopening that 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) and has identified that the state is currently in stage 2;

WHEREAS, on June 4, 2020, the Health Officer further modified the Shelter-In-Place order to eliminate the May 31, 2020 expiration and to expand the list of permitted activities to include indoor and outdoor pools, outdoor recreation areas, and outdoor shared recreation facilities that are actively monitored and managed;

WHEREAS, on June 17, 2020, to be consistent with the state’s resilience roadmap, the Health Officer issued a new order that rescinded the Shelter-In-Place Order, subject to continued adherence to face covering requirements;

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 in the City of Menlo Park as affected by such emergency.

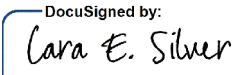
NOW, THEREFORE, the Director of Emergency Services does hereby make the following order:

1. Effective 7:00 a.m. on June 25, 2020, Order Number 2 is hereby modified and superseded by this Order No. 7.
2. In addition to those public facilities opened by Order No. 6, the following public facilities may re-open to the public: Burgess Park skate park; all public tennis courts, and all public basketball courts and public restrooms associated with re-opened facilities.
3. Facility users shall adhere to applicable State and County required social distancing precautions, including but not limited to wearing face covering.
4. The City Manager reserves the right to modify this order.

Dated: 6/24/2020

DocuSigned by:

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 City Manager

Approved as to Form:
 DocuSigned by:

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 Interim City Attorney



STAFF REPORT

City Council

Meeting Date: 7/28/2020

Staff Report Number: 20-155-CC

Informational Item: City Council agenda topics: August 2020 – September 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 September 22. 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: August 2020 – September 2020

Report prepared by:
Judi A. Herren, City Clerk

Tentative City Council Agenda

#	Title	Department	Item type
1	Previous years' salary schedule amendments	ASD	Regular
2	City Council Policy #CC-01-1996 as recommended by the City Council Community Funding sub-committee, approve revisions	ASD	Consent
3	Approval of Amended Gatehouse Lease with Junior League and Chamber of Commerce	CA	Regular
4	BAE inclusionary study	CDD	Regular
5	Check-in on Santa Cruz Closure	CDD	Informational
6	USGS property information	CDD	Informational
7	Y-Plan Presentation (FB study)	CDD	Presentation
8	Confirm voting delegate for the League of California Cities Annual Conference	CMO	City Councilmember Report
9	Conflict of interest code update, resolution adoption	CMO	Consent
10	Annual records destruction, resolution adoption	CMO	Consent
11	BHCCL Update	CMO	Informational
12	Community electronic vehicle infrastructure policy and program analysis	CMO	Study Session
13	EQC work plan report, approval	CMO	Consent
14	Issue Prop 218 Notice for Solid Waste Rates	CMO	Regular
15	Minutes	CMO	Consent
16	Solid waste rates	CMO	Study Session
17	Formation of Independent or Advisory Redistricting Commission for local elections	CMO, CA	Regular
18	700-800 El Camino Real, purchase and sale agreement	PW	Closed Session
19	Approve Willows neighborhood turn restrictions	PW	Consent
20	Agreement with SZS Engineering for the ADA Self Evaluation and Transition Plan	PW	Consent
21	Provide an update on the water system operations and capital projects since COVID-19	PW	Study Session
22	Approval of Bayfront Canal Drainage Easement	PW, CA	Regular
23	Approval of MOU with FSLR re Flood Control project	PW, CA	Regular

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

Meeting Date: 7/28/2020
Staff Report Number: 20-164-CC

Informational Item: Update on the Belle Haven community center and library project

Recommendation

The purpose of this informational item is to provide the City Council and members of the public a brief update on the Belle Haven community center and library project.

Policy Issues

As an informational item, there are no policy issues. Staff will identify any applicable policy issues for the City Council consideration as part of any action items related to the project.

Background

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

On January 28, the City Council approved a resolution of intent to collaborate with Facebook and accept the offer. On February 11, City Council conducted a study session to discuss current service levels and directed staff regarding changes to the preliminary recommendations. On February 25, City Council approved the interim service levels, appropriated \$1 million for interim services, waived purchasing requirements and expressed a willingness to convene special City Council meetings with 24-hour noticing related to any potential contracts in excess of the city manager's spending authority (currently \$78,000.)

On March 10, the City Council initiated the process to abandon public utilities easements and a portion of Terminal Avenue currently occupied by Kelly Park, the Menlo Park Senior Center and the Belle Haven pool. The City Council completed the abandonment process June 23.

On April 7, the City Council voted unanimously to reaffirm the project as a top priority in light of the impacts COVID-19 pandemic. On April 14, the City Council received an Informational Item on the project. On April 21, the City Council took two actions: confirming the next steps and timeline for the project review and expressing support for the draft plan for interim services subject to continued due diligence and final subsequent City Council approval.

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

Analysis

This staff report serves as an update on the project since the April 21 City Council meeting.

As part of the June 9 City Council staff report on the operating budget, staff provided an update that the overall project schedule for the project was delayed. Facebook needed additional time to ensure that the proposed design for the new facility was consistent with the project budget. At that point in time, the estimated timeline for City Council approval of the project was September 2020, resulting in the need to decommission facilities in late March/early April 2021 with demolition occurring approximately one or two months thereafter.

Additional time has been needed to work through the design issues. As such, it appears that the project will not be ready for City Council approval until late 2020 at the earliest. With this delay, there would be a corresponding delay in the decommissioning and demolition process until summer 2021 at the earliest. Staff has shared this revised timeline with the City Council Subcommittee. While awaiting the updated submittal from Facebook, the City Council subcommittee has recommended holding a telephone town hall meeting to provide an update to the community and field questions about the project. The target date of the telephone town hall is Thursday, August 13 in the early evening. The typical cost of a telephone town hall meeting is \$5,000 and would be charged against the City's budget for this project.

Upon receiving an updated submittal from Facebook, staff will develop a timeline corresponding with the meeting schedule outlined in the April 21 staff report as follows:

- Planning Commission study session
- City Council review of a term sheet to summarize the content of the more detailed agreement
- City Council approval of the final interim services plan (see summary below)
- Planning Commission public hearing to make a recommendation on the project
- City Council public hearing on agreement, project and CEQA determination

Interim services plan

As considered at the April 21 City Council meeting, the draft interim services during construction of the new facility includes the following assuming compliance with any applicable health orders at the time:

Senior services

- Locate the program in existing rooms in the Arrillaga Family Recreation Center, which would result in reduced access to certain rooms for the other programs/uses from 8 a.m. to 3 p.m. on weekdays.
- Consider potential minor modifications to kitchen if needed for county health department compliance.
- Increase transportation offering to the Civic Center Campus (Burgess Park) for Menlo Park seniors.
- Explore installation of portables or some other improvement on Burgess Campus for summer camps in 2021 and 2022.

Recreation classes

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

Center for community meeting rooms or other programming.

After school child care

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

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

Capital improvement plan budget

As a separate agenda item on the July 28, the City Council will be considering the capital improvement plan (CIP) budget for fiscal year 2020-21. As part of this review, staff is proposing a funding plan for the City's base-level funding commitments for the project. Additional funding for the replacement of the pool or other enhancements would be considered later after receiving the updated design proposal from Facebook.

Public Notice

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

Attachments

- A. Hyperlink – project page: menlopark.org/bellehaven

Report prepared by:

Justin Murphy, Deputy City Manager