



SPECIAL MEETING AGENDA – AMENDED

Date: 8/18/2020

Time: 5:00 p.m.

Closed Session: Teleconference

Regular Meeting Location: Joinwebinar.com – ID# 784-757-251

This amended agenda includes item G2.

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/publiccommentAugust18*
 - 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 784-757-251
 - Access the regular meeting real-time via telephone (listen only mode) at: (562) 247-8422
Regular Meeting ID 198-341-744 (# – 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.

Closed Session (Teleconference)

A. Call To Order

B. Roll Call

C. Closed Session

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

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

- C1. Public employment (Gov. Code section 54957.) City attorney recruitment

Regular Meeting (Joinwebinar.com – ID# 784-757-251)

D. Call To Order

E. Roll Call

F. Report from Closed Session

G. Regular Business

- G1. Adopt fiscal year 2020-21 City Council priorities and work plan ([Staff Report #20-169-CC](#)) –
continued from the August 11 meeting

- G2. Consideration of options for the unopposed District 5 election scheduled for November 3, 2020
([Staff Report #20-172-CC](#))

H. 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: 8/14/2020)

Agenda item C
Shaun Maguire, resident

There are notices posted all over Burgess Park that "facial covering" must be worn and social distancing observed. There seems to be no enforcement and many people are just treating this as a suggestion. Most people seem to be very aware in terms of steering clear of each other whilst moving around. However the skateboard park is a clear exception. Today at 5pm there were around 50 users of the skatepark and perhaps 5 were wearing masks. Clearly with this number these were not from one household. Why is there no enforcement? This is clearly a high risk cluster. At the same time there were two class groups on the fields with all participants, leaders and children all wearing masks. Why the double standard? Our medical facilities do not need to see an influx of young people into the hospital system. These young people are being selfish in not heeding the public postings. Enough - we need police enforcement or close the skatepark down and actually enforce through citations for those who climb the fences, as consistently happened when there was a shutdown of this facility.

Agenda item C
Mayrin Bunyagidj, resident

Given the heat wave we had just experiences this past weekend and moving forward in the coming months, what is the plan on having access to "cooling centers" for MP during a pandemic since our facilities are all closed? Also, with our facilities closed, what will polling centers look like in November?



STAFF REPORT

City Council

Meeting Date:

~~8/14/2020~~ 8/18/2020

Staff Report Number:

20-169-CC

Regular Business:

Adopt fiscal year 2020-21 City Council priorities and work plan

Recommendation

Staff recommends the City Council adopt the City Council's fiscal year 2020-21 priorities and work plan as outlined in Attachment A.

Policy Issues

The City Council adopts annual priorities to direct City resources.

Background

On March 5, 2019, the City Council adopted its 2019-20 priorities and work plan for the organization. The plan remained largely unchanged until the City Council's January 2020 action to adopt a resolution of intent to accept the Facebook offer to build a new community center and library in the Belle Haven neighborhood.

At their January 14, January 30, February 11 and March 3 meetings, the City Council conducted their annual goal setting exercise, with no final action by the City Council on their 2020 goals. On March 11, the City Council adopted a proclamation of local emergency due to the COVID-19 pandemic which necessitated the suspension of all regular business.

Since March 11, the City Council and City staff have focused the vast majority of their efforts on navigating the pandemic and challenges resulting from the pandemic such as the financial crisis. On June 23, the City Council adopted a balanced fiscal year 2020-21 budget incorporating substantial reductions to staff capacity, city services, and professional services typically appropriated to advance the City Council's adopted priorities and work plan. With the difficult budgetary decisions in the past, the City Council may now take this opportunity to consider its goals for fiscal year 2020-21.

Analysis

To assist in consideration of the City Council's adopted work plan, this staff report is dividing into three sections.

- Recommended top priority projects. The COVID-19 pandemic continues to impact the City's ability to perform essential, mandated and baseline services. The recommended top priorities reflect the management's best assessment of what is realistically possible given staff capacity, budgetary constraints, and the impacts of social distancing on operations. Several projects are carried over from the City Council's 2019-20 adopted work plan. The designation of individual work efforts as a "top priority" clarifies that staff may strategically realign limited resources to achieve the stated milestones for priority projects.

- Work plan projects. Work plan projects reflect City Council goals however resources may be shifted if necessary to make progress on top priority projects. The list of work plan projects does not represent City staff's recommendation. The listing is simply a compilation of previous work plan projects that continue into the new fiscal year as well new projects discussed at various points by the City Council. The City Council may remove a work plan item entirely or prioritize a work plan item. If the City Council directs that a project or projects be designated as top priority, the addition of the top priority may compete for the same limited resources already planned for the recommended top priority projects.
- Consolidation of complete or suspended project. Projects that are substantially complete or suspended and will be removed from the work plan upon City Council adoption.

In addition to the three sections above, Mayor Taylor and City Councilmember Nash prepared a list of City Council priorities and included as Attachment C.

Finally, the webpage documenting the City Council's goal setting actions over the past several years is provided as Attachment D.

Recommended top priorities

The following reflects the management's best assessment of what is realistically possible given staff capacity, budgetary constraints, and the impacts of social distancing on operations. Several projects are carried over from the City Council's 2019-20 adopted work plan. The designation of individual work efforts as a "top priority" clarifies that staff may strategically realign limited resources to achieve the stated milestones for priority projects. Projects are listed by department in reverse alphabetical order.

- Transportation master plan (Ref #1.)
The City Council adopted an updated transportation impact fee program December 10, 2019. The changes to the program went into effect in early February 2020. Since that time, staff has continued to work with the consultant team to develop the draft transportation master plan and incorporate feedback received during the engagement activities conducted in September and October 2019. While work on the plan has continued since the onset of the COVID-19 pandemic, the schedule has been delayed by approximately four months. In mid-July, the consultant team submitted the draft transportation master plan to staff, which is currently under review. Staff is developing plan for outreach, circulating the plan, and schedule in light of the limitations on in-person events. Staff anticipates releasing the draft plan in August for review by the Oversight and Outreach Committee and Complete Streets Commission and for approval by the City Council.
- 2022 Housing Element, zoning code update and related work (e.g., preparation of an Environmental Justice Element, Land Use Element amendments, rezonings, etc.) (Ref #2.) The preparation of the Housing Element – Regional Housing Need Allocation (RHNA) Cycle 6 (2023-2031) is critical to addressing local housing needs and for compliance with State law. The housing element process would involve a number of components, including the preparation of an environment justice element, updates to the land use and safety elements, potential zoning ordinance amendments and rezonings, environmental review (anticipated environmental impact report) and extensive public outreach, as well as require additional staff and consultant resources beyond the adopted budget. As new state laws have established stricter standards for site inventories, which will require additional data and analyses, the City will be taking a collaborative approach with other jurisdictions in San Mateo County (as part of 21 elements) to help leverage resources and streamline and strategically target work efforts. On June 30, 2020, following City Council's authorization, staff submitted an application for a Local Early Action

Planning (LEAP) grant for \$150,000. The funding would be earmarked for work on the housing element, but would only be a small portion of the estimated \$1.5 to \$2.0 million needed to complete the project. Staff anticipates returning to City Council for review of the scope of work and consultant selection process by the end of the second quarter of fiscal 20-21. Staff anticipates the preparation of the Environmental Justice Element to occur first to help set the policy framework for the Housing Element.

- **Belle Haven community center and library (Ref #3.)**

Staff provided an update on the project as an informational item July 28. At the same meeting, the City Council also approved the capital improvement program budget for fiscal year 2020-21, which included funding for the estimated City funding contribution for the base level project. Facebook and its design team is working on the latest design proposal for the new facility. Upon receiving an updated submittal from Facebook, staff will develop a project review timeline to share with the community.

- **COVID-19 pandemic local emergency response (Ref #4.)** The community and city organization continue to experience the devastating effects of the COVID-19 pandemic. In order to be responsive to a rapidly evolving situation, the City Council adopted local emergency resolution authorizing the city manager to exercise emergency powers to respond to the pandemic. The response may require extraordinary unanticipated demands on City resources that can impact provision of city services and progress on City Council adopted priorities and work plan.

- **Information technology master plan implementation, year 2 (Ref #5.)**

Activity No. 1: Network and system infrastructure enhancements

Complete:

- Realigned network and system infrastructure to support employees working remotely
- Implementation of network monitoring system
- Security enhancements for remote connections including multifactor authentication
- Validation of network security posture thru trial of security appliance
- Implementation of network monitoring system
- Part I of disaster recovery; enablement of routine cloud backup system

In progress:

- Upgrade internal and external networking components, server infrastructure and services
- Upgrade applications, database and security management platforms
- Cyber security vulnerability assessment and remediation (continuous)
- Part II of disaster recovery (full recovery in the cloud)

Activity No. 2: land management system replacement

Complete:

- Completed business analysis and needs assessment
- Launched application for city staff including online submittals for customers

In progress:

- Application enhancement and evaluation of additional components
- Implementation of paperless submittal

Activity No. 3: Geographic information system (GIS) enterprise implementation

Complete:

- Enhance existing ESRI GIS systems environment
- Configure new enterprise application features and functionality

In progress:

- Create and roll out enhanced GIS-related services to staff and the community

Activity No. 4: Operations and Asset management system implementation

Complete:

- Completed business analysis and needs assessment

In progress:

- Application configuration, testing and systems integration
- Application training for staff and system launch

Activity No. 5: Electronic document management system software selection

In progress:

- Work with department staff on needs assessment and application requirements
- Reach out to other cities or agencies for best-in-class product recommendations
- Work with product and service vendors on preliminary product evaluation
- Present to City Council findings and staff recommendations

Work plan projects

Work plan projects reflect City Council goals however resources may be shifted if necessary to make progress on top priority projects. The list of work plan projects does not represent City staff's recommendation. The listing is simply a compilation of previous work plan projects that continue into the new fiscal year as well new projects discussed at various points by the City Council. The City Council may remove a work plan item entirely or prioritize a work plan item.

- Transportation management association (TMA) formation (Ref #6.)

This work effort would prepare a feasibility study with recommendations about how to structure and fund a TMA. The City Council authorized a consultant agreement for this study in July 2019, and data collection occurred in fall 2019 (interviews, in-person 'drop-in' chats with small downtown businesses, and sharing a survey link to gather information and opinions about current commute habits.) On February 25, staff prepared an informational update for the City Council transmitting a summary of the data collection efforts for this effort. Staff planned to return in mid-March seeking City Council direction on the next steps for the study, but these efforts were delayed by approximately four months due to the COVID-19 pandemic. On July 16, the City Council directed staff to pursue evaluation of two TMA models – citywide and subregional. Staff will also coordinate with representatives of the Manzanita Talks on the potential subregional model as part of the final evaluation, before returning to the City Council with a final report in late 2020.

- Middle Avenue pedestrian and bicycle rail crossing planning (Ref #7.) Milestone complete, future phases to continue on work plan. On January 28, the City Council certified the environmental document and approved 30 percent plans for this project. These actions completed the grant-funded planning and environmental phase. Following these actions, staff submitted all required project completion documentation to the funding agency (SMCTA) by late June. In addition, May 12, the Santa Clara County board of supervisors approved \$1 million in funds from the Stanford Recreation Mitigation fund for the project. These funds were programmed in the 5-year capital improvement program adopted by the City Council July 28. Staff is preparing an application for Active Transportation Program funds, which is due in September. Additionally, ongoing and continuing coordination with Caltrain regarding design, construction timing, and utilities that must be relocated for the project (PG&E, telecommunications, etc.) is underway. Ongoing coordination related to property acquisition needed for the project is also underway.

- Short-term rental ordinance (Ref #8.) On July 28, 2020, the City Council appropriated \$35,000 for a short-term rental compliance contract, which would monitor and enforce beginning January 1, 2021 the City's municipal code for transient occupancy tax (TOT) collect for short-term rentals. The City Council's decision considered the extensive outreach and recommendation by the Housing Commission. As a next step, staff will select and contract with a firm to assist with monitoring and reporting on short term rental data and remitting TOT to the City.
- Accessory dwelling unit ordinance update (Ref #9.) On February 25, the City Council adopted urgency Ordinance no. 1066, which amended the Menlo Park Municipal Code to comply with recent State Legislation pertaining to accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs.) This was the first step in furthering ADU housing production. As a second step, staff will pursue "cleanup" amendments for internal consistency in the zoning ordinance for increased clarity for applicants. In addition, staff applied for and has been subsequently awarded an SB 2 grant. A portion of the funds is anticipated to be used to help fund additional work on ADU regulations and/or educational materials to support ADU production. At this point, staff recommends giving the urgency ordinance time to take effect before considering additional modifications given the recent changes are quite significant. Potential work on ADU regulations could also align with work on the upcoming housing element process.
- ConnectMenlo community amenities list update (Ref #10.) As part of the ConnectMenlo General Plan Update in 2016, the City Council adopted Resolution No. 6360, approving the community amenities list developed through the ConnectMenlo process. The list of amenities reflected the community's priority of benefits within the area generally bounded by Highway 101, Marsh Road, Bayfront Expressway and University Avenue, and was developed through an extensive outreach and input process that included a number of different stakeholders. Development projects seeking bonus level development are required to provide a community amenity. Since the adoption of the list, the City Council Subcommittee for District 1 in 2019 considered whether to change the amenities list, which can be done through adoption of a City Council resolution. If the City Council wishes to pursue changes to the community amenities list, they should provide staff with direction to either bring forward a resolution with the updated list previously provided by the Subcommittee (Attachment E) or establish a public engagement process with the community to update the amenities list. Additional funding for staffing and/or consultant resources may be needed to complete the latter effort.
- ECR/Downton specific plan area housing development incentives (Ref #11.) The City Council redirected staff to focus its efforts on establishing incentives and reducing development barriers to creating housing in the Specific Plan Area. These changes would likely include modifications to the development regulations (e.g., density and height,) but would not increase the residential cap. This plan would be focused in its scope and would not incorporate policy items such as allowing hotels to automatically develop at the bonus level, consideration for a mixed-use parking structure, and creation of a parking in-lieu fee previously identified by the City Council in its 2018 biennial review. This new focused work is consistent with recommendations made by the City Council Subcommittee for Districts 2 to 5. In April 2020, the City was awarded \$160,000 in SB 2 grant funds. Staff proposes to use apportion of the SB 2 grant funding to assist with the preparation of potential specific plan amendments. If the City Council wishes to prioritize this as a work plan item, staff would return to the City Council with a timeline and scope of work, including potential funding request for consultant resources. The work would need to be completed/adopted prior to the end of the grant term June 30, 2022, and is anticipated to commence

before the housing element process. The initial scope of work contemplates modification to the Specific Plan that would involve limited public outreach, not trigger an amendment to the general plan or the preparation of an environmental impact report. Any modifications that trigger one of those items would be folded into the housing element update process.

- Development and environmental review process education series (Ref #12.) The idea for an education series on the development and environmental review processes was an outcome of work done by the City Council subcommittees to help educate the public and interested parties about the City's development review process given the number of large, complex development projects occurring in the City. Work on this effort would be timely as the preparation of multiple environmental impact reports (EIR) are underway. The first EIR could be released as early as this Fall. If the City Council wishes to prioritize this item, staff would recommend that funding be allocated to this effort, which would allow staff to collaborate with a consultant on how to best present these complex topics. The education series could be three parts, focused on 1) overview of development in the City, 2) the development review process and 3) California Environmental Quality Act (CEQA) and the various levels of environmental review.
- Santa Cruz Avenue closure and economic development initiatives (Ref #13.) On June 19, the City Council adopted urgency Ordinance No. 1070 to help respond to the effects of COVID-19 on local businesses. The City developed a pilot program that partially closed Santa Cruz Avenue to vehicle traffic, suspended certain zoning requirements, streamlined permits for the use of outdoor spaces, and waived all fees associated with those permits. On July 16, the City Council, in response to feedback received and a recommendation by the Chamber of Commerce modified the pilot program by adjusting the location of the street closures and added personal services and fitness studios as allowed outdoor uses. Since then, the County of San Mateo has been placed on the State's watch list, and additional restrictions have been placed on local businesses. The City Council established the pilot program for a period of 90 days, ending September 17, 2020, although the future of economic recovery is still uncertain. Continuation or modifications to the program beyond the pilot period would have an impact on staffing resources. The economic development division management analyst II has since left the City, and there are limited resources available to fill that role. The City Council will receive a status update of the pilot program at its August 11 meeting.
- Citywide communication program development (Ref #14.) This work is substantially complete with implementation pending availability of staff resources and program funding.
- Climate action plan implementation (Ref #15.) The City Council approved a climate action plan (CAP) in July with a bold goal to reach carbon neutrality by 2030. Work will begin this year on three of the six CAP strategies, requiring across department collaboration and intense public engagement to develop innovative, equitable, and practical policies around building electrification and electric vehicle infrastructure for existing buildings. The initial investment to develop policy options and conduct public engagement has been budgeted. The first project milestones will be to hire a technical team of consultants and contractors and begin public engagement.
- Institutional bias reform (Ref #16.) The City Council received a report on institutional bias reform at their July 11 meeting. For 2020-21, staff recommends defining terms to establish a common language,

authorizing equity reviews of city departments, and training staff. A more detailed discussion is provided in Attachment B.

Complete and suspended projects

Staff has completed or substantially completed a number of projects. In addition, certain projects have been suspended indefinitely due to staff resources fully assigned to maintenance of essential and mandated services as well as top priority projects.

- Chilco Street improvement project. Completed and would be removed from work plan. The project included installation of new sidewalks, protected bike lanes, street restoration, landscaping, utilities and stormwater bio-retention facilities on Chilco Street between Bayfront Expressway and Hamilton Avenue. Construction was substantially completed in June.
- Transportation impact analysis guidelines. Completed, though follow up tasks to continue on work plan. On June 16 and 23, the City Council approved vehicle miles traveled thresholds of significance and adopted revised transportation impact analysis guidelines incorporating these thresholds. This work was required under Senate Bill (SB) 743, which established VMT as a new metric for identifying and mitigating transportation impacts within CEQA in an effort to meet the State's goals to reduce greenhouse gas (GHG) emissions, encourage infill development, and improve public health through more active transportation. The new guidelines are currently in effect and this work effort is completed though two follow up tasks were identified during adoption. Those include working with the Complete Streets Commission to develop study metrics for bicycles, pedestrians and transit; and incorporating edits into the general plan circulation element to ensure full synchronization with the new TIA guidelines and new metrics identified by the Complete Streets Commission.
- Near-term downtown parking and access strategies. Suspended, to be removed from work plan. Work was delayed by other project priorities, including the efforts to update the City's transportation impact analysis guidelines as summarized above. While the TIA guidelines are now complete, transportation staff capacity has been reduced by approximately one-third by freezing vacant staff positions. Further, downtown parking demand has decreased significantly during the pandemic, therefore staff has focused efforts on other downtown revitalization projects and the closure of Santa Cruz Avenue to vehicle traffic.
- Ravenswood Avenue Caltrain grade separation study. Suspended. The project was included in the 2018 City Council's work plan and the final project study report (PSR) was adopted by the City Council in early 2019. While the project was not prioritized in the City Council's 2019 work plan, staff was continuing to advance the project as resources allow. An additional scope of work was requested by the City Council to further evaluate a fully elevated grade separation over downtown, which the City Council approved January 14. However, transportation staff capacity has been reduced by approximately one-third by freezing vacant staff positions, and the project has been suspended since approval of the scope of work. On July 28, some members of the City Council identified a desire to see this project progress and requested staff return with identification of resources to advance this work. Staff has identified that one of the three vacant positions in the transportation division would need to be filled to advance this project.
- Parks and recreation facilities master plan. Complete, to be removed from work plan. The City Council accepted the Master Plan at their meeting October 15, 2019. City Council directed staff to identify

programmatic and straightforward projects to be included in future budgets, retain a cost estimator to determine costs and design and construction for projects listed as priority recommendations, provide a proposal for issuance of third phase of Measure T bonds as a possible funding strategy for priority recommendations. Subsequently, on January 28, the City Council also adopted the Belle Haven community center and library (Ref #3) as a priority project. Cost estimates for the priority recommendations were included in the five-year capital improvement plan adopted by City Council July 28. This information will help inform the possible use of Measure T bonds for the City Council to consider as part of the Belle Haven community center and library project.

- Market affordable housing preservation. Complete and ongoing. This type of preservation is accomplished through the acquisition of market rate housing (that is listed for sale) and conversion to deed restricted affordable units or through preservation of existing affordable housing (e.g., rehabilitation loan.) In 2018, a notice of funding availability (NOFA) was amended to include the preservation of “naturally affordable” (private ownership) market rate housing as an eligible activity. These types of preservation activities, acquisition for conversion and rehabilitation, help ensure that affordability is preserved, prevents displacement of existing lower income tenants, and restricts occupancy to income qualified households that meet the City’s below market rate (BMR) guideline preferences. This goal has resulted in City Council approving funding in 2019 to complete rehabilitation to preserve an existing affordable housing development owned by MidPen. The next NOFA is anticipated to be published in the fall of 2020.
- Single-family residential design review. Suspended. Due to competing priorities and staffing resources, work has yet to commence work on this item. The ability to initiate this project will be dependent upon the prioritization of this work in relation to other land use review and/or zoning changes.
- Zero waste ordinance implementation. Suspended. An informational item on project status to be provided in early September.
- Local minimum wage ordinance. Complete. The City Council must determine whether the inflation adjustment provided for in Menlo Park Municipal Code Section 5.76.030 (b) will move forward once the August CPI is published. The code stipulates “To prevent inflation from eroding its value, beginning January 1, 2021, and each first day of January thereafter, the minimum wage shall increase by an amount corresponding to the increase, if any, in the cost of living, not to exceed three percent (3%.)” With the cap, the maximum increase would be \$0.45 per hour or \$936 per year based on a full-time schedule of 40 hours per week. The Municipal Code allows the City Council to suspend the increase for up to one year.
- City Council procedures update. Suspended. At their March 10 meeting, the City Council directed staff to return with recommended edits to City Council policy as time affords.
- Local energy reach code ordinance. Complete.
- Public works and community development organizational study. Complete, to be removed from work plan. The consultant team, Matrix Consulting that performed the organizational reviews presented to the City Council October 29, 2019 and the reports were completed in early 2020. Work to implement the

report recommendations is ongoing, but some recommendations have been impacted by the COVID-19 pandemic, especially those that recommended addition of staff resources, due to budget constraints. In Public Works, the department is working toward American Public Works Association accreditation, which follows best practices to document internal policies, procedures and service levels; and updates to standard details and specifications are underway. In community development, staff is working toward developing a BMR housing audit program, consolidating building permit review comments, and enhancing online applications submittals.

- Stanford University 2018 general use permit (GUP) review. Suspended, to be removed from work plan. This work effort was suspended with Stanford University's withdrawal of their 2018 general use permit application in late 2019.
- Heritage tree ordinance update. Substantially complete. The remaining steps involve updates to the master fee schedule, violation penalties and replacement tree enforcement procedures

City Council priorities – 8.11.2020 Mayor Cecilia Taylor and City Councilmember Betsy Nash

Mayor Taylor and City Councilmember Nash prepared recommended priorities and work plan for City Council discussion as provided in Attachment C.

Impact on City Resources

With City Council adoption of 2020-21 priorities and work plan, staff will move forward with scoping projects and returning with an impact on City resources.

Environmental Review

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

Public Notice

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

Attachments

- A. Recommend City Council priorities and work plan
- B. Memo: Institutional bias reform
- C. Memo: City Council priorities – 8.11.2020 Mayor Cecilia Taylor and City Councilmember Betsy Nash
- D. Hyperlink – City Council's goal setting actions: menlopark.org/goalsetting
- E. Updated community amenities list

Report prepared by:

Rebecca Lucky, Sustainability Manager

Rhonda Coffman, Deputy Community Development Director - Housing

Dan Jacobson, Assistant Administrative Services Director

Staff Report #: 20-169-CC

Deanna Chow, Assistant Community Development Director - Planning
Nikki Nagaya, Public Works Director
Justin Murphy, Deputy City Manager
Nick Pegueros, Assistant City Manager



MEMORANDUM

Date: 8/11/2020

To: Nick Pegueros, Assistant City Manager

From: Adriane Lee Bird, Assistant Community Services Director

Re: Institutional Bias Reform for City Operations

The purpose of this memorandum is to outline a strategy to begin a multi-year effort to transform institutional practices that disadvantage some residents over others. In summary, the initial steps include:

- Establish common language for key institutional bias terms
- Develop a racial equity training curriculum and budget
- Initiate departmental equity reviews

Government has the ability to implement policy change at multiple levels to drive larger systematic transformation. Throughout the country, inequities between various populations are sustained by historical legacies and systems that repeat patterns of exclusion. Exclusion based on an individual's race and ancestral origin, gender and gender identity, religion, language, and education to name a few. Too often, historical exclusions lead to intergenerational impairment of wealth and opportunity to grow wealth. As a consequence, the historical exclusions largely segregate individuals in their access to education, health care, job opportunities, and access to public services.

The City Council has expressed an interest in City staff preparing a plan to identify institutional bias that perpetuates exclusion. Identification of institutional bias is the first step to developing policies and procedures necessary to adjust and remedy for the harm done by institutional bias.

Common language

To begin establishing a framework around institutional bias reform, a shared vocabulary is essential. Definitions are provided in Attachment A for key institutional bias terms.

Training curriculum

As a starting point, the City Council, members of the executive and management team and the City Attorney will partake in an intensive training on equity and addressing implicit bias, similar to the Race Forward or CircleUp Education trainings that a number of staff are familiar with. Staff will refine a customized training plan for the organization with a proposed budget of \$15,000 for phase I. By bringing racial equity awareness explicitly into operations and decision-making, it is more likely that the organization can identify institutional bias.

Prior to engaging in training for the remainder of City staff, the organization will conduct an employee survey to gauge understanding of issues surrounding institutional bias. The information from the survey will measure the knowledge, skills and experience of City employees in relation to race and

equity. By identifying gaps in knowledge, an appropriate citywide training (phase II) can be identified to match the needs of the organization.

Departmental equity evaluations

By retaining a third party consultant to conduct independent departmental equity reviews, the City can learn how longstanding systems, policies and practices, unintentionally or not, have created and continue to maintain inequities throughout the community. Staff recommends that reviews begin with the following departments: Administrative Services, Library and Community Services, Community Development, and Police. The review of Administrative Services will serve to examine processes in hiring and the advancement of employees as well as procurement and contracting processes. The review of Library and Community Services will determine spatial equity, access to services and facilities, as well as an equity audit of the library collection. One example is the ParkServe equity study by The Trust for Public Land which shows the demographic breakdown of populations (age, race and income) within a 10-minute walk to a park as well as the proportion of city land used for parks and recreation. (Attachment B) A review of Community Development can identify institutional bias in zoning ordinances, planning and development, while organizations such as the Center for Policing Equity can measure bias in policing.

Lastly, with a commitment to advance the conversation around equity and address institutional bias within City government, Menlo Park can reduce the disparities experienced by its most marginalized residents. Organizing staff can increase internal capacity to help drive external outcomes. A city equity committee formed by ambassadors at all levels of the organization, spanning all departments will support the implementation of equity initiatives. The equity committee will be tasked with creating a citywide policy on institutional bias reform to advance opportunities for all. The committee will also help plan trainings, facilitate dialogue around institutional bias, and operationalize new behaviors and policies to achieve equity.

Next steps:

- City Council to adopt definitions for key institutional bias terms.
- City Council to provide feedback on independent departmental equity reviews.
- Once training budget is approved, staff will identify and schedule a customized training for the members of the City Council and management staff as well as the City Attorney.
- Staff will create a citywide equity committee tasked with drafting a policy on institutional bias reform.
- Staff will assess the organization's knowledge of equity issues and return to City Council with a proposed training curriculum and budget as part of phase II.

Attachments:

- A. Definitions of key institutional bias terms
- B. ParkServe assessment of Menlo Park by The Trust for Public Land:
<https://www.tpl.org/city/menlo-park-california>.

Attachment A – Definitions for Key Institutional Bias Terms

Bias – Prejudice toward one group and its members relative to another group.¹

Community Indicator – The means by which we can measure socioeconomic conditions in the community. All community indicators should be disaggregated by race, if possible.

Contracting Equity – Investments in contracting, consulting, and procurement should benefit the communities a jurisdiction serves, proportionate to the jurisdictions demographics.

Equality – The state or quality of being equal; correspondence in quantity, degree, value, rank or ability.²

Equity – Justice according to natural law or right, specifically: freedom from bias or favoritism.³

Equity Result – The condition we aim to achieve in the community.

Explicit Bias – Biases that people are aware of and that operate consciously. They are expressed directly.

Implicit Bias – Biases people are usually unaware of and that operate at the subconscious level. Implicit bias is usually expressed indirectly.

Individual Racism – Pre-judgment, bias, or discrimination based on race by an individual.

Institutional Racism – Policies, practices, and procedures that work better for white people than for people of color, often unintentionally.

Performance Measure – Performance measures are at the county, department, or program level. Appropriate performance measures allow monitoring of the success of implementation of actions that have a reasonable chance of influencing indicators and contributing to results. Performance measures respond to three different levels: 1) Quantity—how much did we do?; 2) Quality—how well did we do it?; and 3) Is anyone better off? A mix of these types of performance measures is contained within the recommendations.

Racial Equity – Race can no longer be used to predict life outcomes and outcomes for all groups are improved.

¹ All definitions unless otherwise noted are from the Glossary of Frequently Used Terms from the Government Alliance on Race and Equity

² Dictionary.com <https://www.dictionary.com/browse/equality?s=t>

³ Merriam-Webster <https://www.merriam-webster.com/dictionary/equity>

Racial Inequity – Race can be used to predict life outcomes, e.g., disproportionality in education (high school graduation rates), jobs (unemployment rate), criminal justice (arrest and incarceration rates), etc.

Structural Racism – A history and current reality of institutional racism across all institutions, combining to create a system that negatively impacts communities of color.

Workforce Equity – The workforce of a jurisdiction reflects the diversity of its residents, including across the breadth (functions and departments) and depth (hierarchy) of government.⁴

⁴ All definitions unless otherwise noted are from the Glossary of Frequently Used Terms from the Government Alliance on Race and Equity



Everyone deserves a park within a 10-minute walk of home.

Is Menlo Park meeting that goal?

93% of residents live within a 10 minute walk of a park.

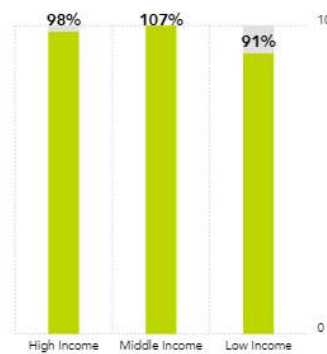


National average 55%

PERCENT OF RESIDENTS WITHIN A 10-MINUTE WALK OF A PARK BY AGE



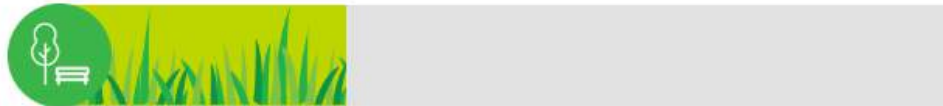
PERCENT OF RESIDENTS WITHIN A 10-MINUTE WALK OF A PARK BY INCOME



PERCENT OF RESIDENTS WITHIN A 10-MINUTE WALK OF A PARK BY RACE/ETHNICITY



32% of Menlo Park's city land is used for parks and recreation.



National median 15%

Where in Menlo Park are parks needed most?

Menlo Park has 16 parks

We've mapped park access in 14,000 cities and towns across the country. Our free mapping platform helps you pinpoint where to focus park investments in your city.

[EXPLORE THE MAP](#)



Search another city

[ParkServe methodology](#)

COUNCIL PRIORITIES - 8.11.2020

Mayor Cecilia Taylor & Councilmember Betsy Nash

Based on Black Lives Matter Resolution #6563

All actions should have aggressive, achievable, measurable goals.

Support construction of new Belle Haven Community Center and Library project.**Reform policing in Menlo Park so everyone can live their lives without fear.**

- Discuss partnering with NOBLE for holistic approach to conducting police reform
- Develop new public safety policies and practices based on an open dialogue about public safety in our town, with
 - input from the community,
 - data and other input from our police department and police union, Menlo Park Fire District, and
 - learning from reforms elsewhere.
- Restructure city budget to implement new public safety policy goals.

Reform our land use policies to reflect one united city.

- Develop and implement an equitable community amenities list for projects in the Bayside area.
- Revise how land use is counted.
 - Eliminate development 'double-dipping.' Commercial land that is redeveloped for residential use should not be added back as available square footage under the development cap for future commercial use.
 - Count residential by square footage as well as units.
 - Count hotel square footage as well as units. Count hotel common space and parking garage.
 - Count square footage used for parking garages.
- Develop and implement single citywide General Use Plan.
 - Land use, including density and heights, should have citywide standards
 - Specific plans for downtown and Bayside areas
 - Apply environmental justice policies (SB1000 and AB617).
- Develop and implement citywide standards for locating essential services near residential areas.
- Plan RHNA numbers using citywide equity lens.

COUNCIL PRIORITIES - 8.11.2020

Mayor Cecilia Taylor & Councilmember Betsy Nash

Based on Black Lives Matter Resolution #6563

All actions should have aggressive, achievable, measurable goals.

Prioritize climate action and empower the City's environmental leadership, recognizing that our most vulnerable residents are the most affected by this global issue.

- Develop and implement citywide Climate Action Plan.
 - Priorities:
 - Explore policy/program options to convert 95% of existing buildings to all-electric by 2030
 - Expand access to EV charging for multifamily and commercial properties
 - Eliminate the use of fossil fuels from municipal operations
 - Address:
 - Setting regional goals for increasing EVs and decreasing gasoline sales
 - Reduce vehicle miles traveled (VMT) by 25% or other amount recommended by Complete Streets Commission
 - Develop a climate adaptation plan to protect the community from sea level rise and flooding

Ensure that City services support all our residents, and everyone feels welcome.

- Review and document all city services, including contracted services, to ensure they are equitable citywide.
- Develop and implement resident communication strategy
- Address community needs exacerbated by COVID-19 pandemic
 - Food insecurity
 - Housing instability
 - Internet and technology insufficiencies

Revise City policies and practices to promote inclusion and equity.

- Implement hiring practice of interviewing a diverse slate of candidates (no hires approved without diverse interviews).
- Review all levels of city staffing to establish baseline data from which to measure diversity at all levels.
- Identify a vendor for equity training (GARE?) and prioritize training for City staff, starting with executive management and working through all managers/staff.
- Develop and implement standards of equity training for all contractors and consultants.

Ref #	Name	Project status	Tags	Project Source	Approval Required	How to finance	Primary challenge	Secondary challenge
1	Belle Haven neighborhood traffic management plan	Underway	Transit&Transportation, Qualityoflife	Community/MPT	City Council	CIP budget	Resident impact	Prioritization
2	Willow Road signal and signage modifications	Pending another agency's action	Transit&Transportation, Qualityoflife	Community/MPT	State of California	CIP budget	Interagency	Prioritization
3	New branch library	Underway	Infrastructure, Qualityoflife	Community/MPT	City Council	GO bond / ConnectMenlo/DA	Funding	Prioritization
4	New Belle Haven neighborhood pool	Parks & Recreation Facilities Master Plan	Infrastructure, Qualityoflife	Community/MPT	City Council	GO bond / ConnectMenlo/DA	Funding	Prioritization
5	Willow Road crosswalk timing modifications	Pending another agency's action	Transit&Transportation, Qualityoflife	Community/MPT	State of California	Operating budget	Interagency	Prioritization
6	New senior center	Parks & Recreation Facilities Master Plan	Infrastructure, Qualityoflife	Community/MPT	City Council	GO bond / ConnectMenlo/DA	Funding	Prioritization
7	New Onetta Harris community center	Parks & Recreation Facilities Master Plan	Infrastructure, Qualityoflife	Community/MPT	City Council	GO bond / ConnectMenlo/DA	Funding	Prioritization
8	Removal of sidewalk obstacles	Requires Council prioritization and funding	Infrastructure, Qualityoflife	Community/MPT	City Manager	CIP budget	City-wide need	Prioritization
9	New Belle Haven youth center	Parks & Recreation Facilities Master Plan	Infrastructure, Qualityoflife	Community/MPT	City Council	GO bond / ConnectMenlo/DA	Funding	Prioritization
10	Underground utilities in Belle Haven neighborhood	Requires Council prioritization and funding	Infrastructure, Qualityoflife	Community/MPT	City Council	GO bond / ConnectMenlo/DA	Funding	Interagency
11	Improved street surface, striping, and crosswalks	Requires Council prioritization and funding	Transit&Transportation, Qualityoflife	Community/MPT	City Manager	CIP budget	City-wide need	Funding
12	Improved emergency vehicle access	Requires Council prioritization and funding	Infrastructure, Qualityoflife	Community/MPT	City Council	CIP budget	City-wide need	Funding
13	Comprehensive, city-wide, shuttle system	Requires Council prioritization and funding	Transit&Transportation, Qualityoflife	Community/MPT	City Council	Operating budget	Funding	Interagency
14	Cooling centers for extreme heat days	Staff preparing recommendation	Qualityoflife	Community/MPT	City Manager	Operating budget	Prioritization	Funding
15	Activate the neighborhood services center	Staff preparing recommendation	Qualityoflife	Community/MPT	City Manager	Operating budget	Funding	Prioritization
16	Reactivate the Belle Haven neighborhood newsletter print edition	Staff preparing recommendation	Qualityoflife	Community/MPT	City Manager	Operating budget	Prioritization	
17	Increase OHCC hours to include mornings and weekends	Requires Council prioritization and funding	Qualityoflife	Community/MPT	City Council	Operating budget	Prioritization	Funding
18	Improve programming at the Belle Haven pool	Requires Council prioritization and funding	Qualityoflife	Community/MPT	City Council	Operating budget	Prioritization	Funding
19	Develop evacuation plan for District 1	Requires Council prioritization and funding	Qualityoflife	Community/MPT	City Manager	Operating budget	Prioritization	Funding
20	Improvements to private residences - solar panels, facade, landscaping, etc.	Requires Council prioritization and funding	Qualityoflife	Community/MPT	City Council	GO bond / ConnectMenlo/DA	Non-city function	Funding
21	Regulate private business employee shuttles	Requires Council prioritization and funding	Transit&Transportation, Qualityoflife	Community/MPT	City Council	Operating budget	Prioritization	Funding
22	Senior housing	Requires Council prioritization and funding	Qualityoflife	Community/MPT	City Council	GO bond / ConnectMenlo/DA	Non-city function	Funding
23	Improvements to education quality	Requires Council prioritization and funding	Qualityoflife	Community/MPT	City Council	GO bond / ConnectMenlo/DA	Interagency	Funding
24	Air quality monitoring	Staff preparing recommendation	Qualityoflife	Subcommittee	City Council	Operating budget	Interagency	Funding
25	Mitigate air quality	Requires Council prioritization and funding	Qualityoflife	Subcommittee	City Council	CIP budget	Prioritization	Funding

Full list

Ref #	Name	Project status	Tags	Project Source	Approval Required	How to finance	Primary challenge	Secondary challenge
26	Enhance landscaping and lighting and fill gaps in sidewalk to improve overall walk-ability (\$100/sqft)	Requires Council prioritization and funding	Transit&Transportation, Qualityoflife	ConnectMenlo	City Council	CIP budget	City-wide need	Funding
27	Address cut-through traffic with design features (\$100,000 per intersection)	Requires Council prioritization and funding	Transit&Transportation, Qualityoflife	ConnectMenlo	City Council	CIP budget	Resident impact	Prioritization
28	Install new bike lanes and pedestrian paths and connect them to existing facilities and Bay Trail (\$100.000/mile)	Requires Council prioritization and funding	Transit&Transportation, Qualityoflife	ConnectMenlo	City Council	CIP budget	City-wide need	Funding
29	Dumbarton rail: Utilize the right-of-way for new transit line between Redwood City and Menlo Park in the near term with stations and a new bike/pedestrian path (\$175 million)	Requires Council prioritization and funding	Transit&Transportation, Infrastructure	ConnectMenlo	City Council	GO bond / ConnectMenlo/DA	Interagency	Funding
30	Invest in new technology like pod cars and transit that uses separate tracks (\$TBD)	Requires Council prioritization and funding	Transit&Transportation, Infrastructure	ConnectMenlo	City Council	GO bond / ConnectMenlo/DA	Interagency	Funding
31	Increase the number of bus stops, bus frequency and shuttles, and bus shelter (\$5,000 per rider seat)	Requires Council prioritization and funding	Transit&Transportation, Qualityoflife	ConnectMenlo	City Council	Operating budget	Interagency	Funding
32	Local employers have a hiring preference for qualified residents	Requires Council prioritization and funding	Jobs&Training	ConnectMenlo	City Council	Operating budget	Prioritization	Non-city function
33	Provide programs that target students and young adults to be competitive in the job market, including existing tech jobs (\$10,000 per participant)	Requires Council prioritization and funding	Jobs&Training	ConnectMenlo	City Council	Operating budget	Interagency	Funding
34	Provide residents with job training programs that prepare them with job skills (\$10,000 per participant)	Requires Council prioritization and funding	Jobs&Training	ConnectMenlo	City Council	Operating budget	Interagency	Funding
35	Provide internships at local companies and scholarships to local youth to become trained for tech jobs (\$10,000 per participant)	Requires Council prioritization and funding	Jobs&Training	ConnectMenlo	City Council	Operating budget	Non-city function	Funding
36	Remove overhead power lines and install them underground along certain roads (\$200/ ft)	Requires Council prioritization and funding	Infrastructure, Qualityoflife	ConnectMenlo	City Council	GO bond / ConnectMenlo/DA	Funding	Interagency
37	Private home energy upgrades: Offer financial assistance or other incentives to help area residents pay for energy-efficient and water conserving home improvements (\$15.000/home)	Requires Council prioritization and funding	Qualityoflife	ConnectMenlo	City Council	GO bond / ConnectMenlo/DA	Funding	Non-city function
38	Improve the area's access to wifi, broadband, and other new technologies (\$250/ft)	Requires Council prioritization and funding	Infrastructure, Qualityoflife	ConnectMenlo	City Council	GO bond / ConnectMenlo/DA	Funding	Interagency
39	Construct soundwalls between Highway 101 and Kelly Park to reduce sound(\$600/ft.)	Requires Council prioritization and funding	Infrastructure, Qualityoflife	ConnectMenlo	City Council	CIP budget	Interagency	Funding
40	Improvements to the quality of student education and experience in Belle Haven (\$10,000/student)	Requires Council prioritization and funding	Jobs&Training, Qualityoflife	ConnectMenlo	City Council	Operating budget	Interagency	Funding
41	Medical center providing health care services and out-patient care (\$300/sqft)	Requires Council prioritization and funding	Qualityoflife	ConnectMenlo	City Council	GO bond / ConnectMenlo/DA	Non-city function	Funding
42	Expand library programs and activities, especially for children (\$300,000)	Requires Council prioritization and funding	Qualityoflife	ConnectMenlo	City Council	Operating budget	Prioritization	Funding
43	Integrate quality affordable housing units into new development (\$440,000/unit)	Requires Council prioritization and funding	Qualityoflife	ConnectMenlo	City Council	GO bond / ConnectMenlo/DA	Funding	Interagency
44	Increase the senior services at the Senior Center to include more aides and programs (\$100,000 per year)	Requires Council prioritization and funding	Qualityoflife	ConnectMenlo	City Council	Operating budget	Prioritization	Funding
45	Additional restroom at the community center (\$100,000)	Requires Council prioritization and funding	Infrastructure, Qualityoflife	ConnectMenlo	City Council	CIP budget	Prioritization	Funding
46	Remodel pool for year-round use with new heating and changing areas (\$300,000)	Requires Council prioritization and funding	Infrastructure, Qualityoflife	ConnectMenlo	City Council	CIP budget	Prioritization	Funding

Full list

Ref #	Name	Project status	Tags	Project Source	Approval Required	How to finance	Primary challenge	Secondary challenge
47	Plant trees along streets and parks to increase tree canopy (\$10,000/acre)	Requires Council prioritization and funding	Qualityoflife	ConnectMenlo	City Council	CIP budget	Prioritization	Funding
48	Improve access to the park and trails within Bedwell Bayfront Park (\$300,000)	Requires Council prioritization and funding	Infrastructure, Qualityoflife	ConnectMenlo	City Council	CIP budget	Prioritization	Funding
49	Expand space for community to plant their own produce and lower gardens	Requires Council prioritization and funding	Qualityoflife	ConnectMenlo	City Council	Operating budget	Prioritization	Funding
50	Provide a dedicated enclosed place where dogs can run (\$200,000 + land cost)	Requires Council prioritization and funding	Infrastructure, Qualityoflife	ConnectMenlo	City Council	CIP budget	Funding	Prioritization
51	A bank or credit union branch with an ATM (\$1.88 million)	Requires Council prioritization and funding	Qualityoflife	ConnectMenlo	City Council	GO bond / ConnectMenlo/DA	Non-city function	Funding
52	A full-service pharmacy that fills prescriptions and offers convenience goods (\$3.75 million)	Requires Council prioritization and funding	Qualityoflife	ConnectMenlo	City Council	GO bond / ConnectMenlo/DA	Non-city function	Funding
53	A range of dining options, from cafes to sit-down restaurants, serving residents and local employees (\$1.5 million)	Requires Council prioritization and funding	Qualityoflife	ConnectMenlo	City Council	GO bond / ConnectMenlo/DA	Non-city function	Funding
54	A full-service grocery store providing a range of good, including fresh fruits, vegetables and meat and dairy products (\$15 million construction; \$1.85 mil/year subsidy)	Requires Council prioritization and funding	Qualityoflife	ConnectMenlo	City Council	GO bond / ConnectMenlo/DA	Non-city function	Funding
55	District 1 webpage/portal	Staff preparing recommendation	Qualityoflife	Community/MPT	City Manager	Operating budget	Prioritization	



STAFF REPORT

City Council

Meeting Date: 8/18/2020
Staff Report Number: 20-172-CC

Regular Business: Consideration of options for the unopposed District 5 election scheduled for November 3, 2020

Recommendation

Staff recommends that the City Council consider options regarding the November 3, 2020 District 5 election.

Policy Issues

The City Council, pursuant to California Elections Code § 10229, has the option at a regular or special meeting before the election to adopt one of the following courses of action because only one person was nominated to be elected as a City Councilmember by District 5 at the general election scheduled for November 3, 2020:

1. Appoint to the office the person who has been nominated;
2. Appoint to the office any eligible elector if no one has been nominated (not applicable;)
3. Hold the election, if either no one or only one person has been nominated.

Background

On June 23, the City Council adopted Resolution No. 6562 (Attachment A) calling and giving notice of holding a General Municipal Election for two City Council seats in Districts 3 and 5, requesting that the City Council consolidate the election with the Presidential General Election to be held November 3, 2020, and contracting with the San Mateo County Chief Elections Officer and Assessor-County Clerk-Recorder for election services. The deadline for filing nomination papers expired on Friday, August 7. At the close of the candidate filing period, there were three candidates for one open seat in District 3, Jen Wolosin, Chelsea Nguyen, and Max Fennell, and one candidate for one open seat in District 5, Ray Mueller. There are no measures on the local ballot.

Analysis

Because there is one open seat in District 5 and the same number of candidates filed, and there is no other measure on the ballot, the City Council pursuant to California Elections Code §10229, has the option to adopt one of the following courses of action:

1. Appoint to the office the person who has been nominated;
2. Appoint to the office any eligible elector if no one has been nominated (not applicable;)
3. Hold the election, if either no one or only one person has been nominated.

Should the City Council wish to appoint the one candidate to fill the one District 5 seat on the Menlo Park City Council (Option No. 1,) staff has attached a draft resolution to that effect (Attachment B.) If appointed, the person appointed shall take office and serve as if elected at the November 3, 2020 municipal election.

A decision to cancel the election would preclude the opportunity for a write-in candidate to be nominated.

Impact on City Resources

Should the City Council wish to cancel the November 3, 2020 District 5 election, estimated savings of up to \$14,500 would be achieved. These funds are included in the fiscal year 2020-21 budget.

Public Notice

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 24 hours prior to the meeting. Pursuant to Government Code §6061, a public notice must be published in a newspaper of general circulation that informs the public that the November 3, 2020 election is uncontested and describes the three options, identified above. This notice was published in the August 15 edition of the Daily Post.

Attachments

- A. Resolution No. 6562 – calling the November 3, 2020 election
- B. Draft Resolution No. 6579– appoint to the office the person who has been nominated

Report prepared by:
Judi A. Herren, City Clerk

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

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

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

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

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

Resolution No. 6562
Page 2 of 2

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

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


AYES: Carlton, Combs, Mueller, Nash, Taylor

NOES: None

ABSENT: None

ABSTAIN: None

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

DocuSigned by:

 39280A20D0BE491...
 Judi A. Herren, City Clerk

RESOLUTION NO. 6579

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
CANCELLING THE NOVEMBER 3, 2020 DISTRICT 5 GENERAL MUNICIPAL
ELECTION AND APPOINTING THE ONE NOMINEE TO FILL THE DISTRICT 5
VACANCY ON THE MENLO PARK CITY COUNCIL**

WHEREAS, the City Council of the City of Menlo Park (“City”) approved Resolution No. 6562 calling and giving notice of holding a General Municipal Election for two City Council seats in Districts 3 and 5, requesting that the City Council consolidate the election with the Presidential General Election to be held November 3, 2020, and contracting with the San Mateo County Chief Elections Officer and Assessor-County Clerk-Recorder for election services; and

WHEREAS, there is no other item on the ballot other than the election of two (2) City Council seats in Districts 3 and 5; and

WHEREAS, the deadline for filing nomination papers to run for election has passed and only one (1) individual, Ray Mueller, has been nominated for the one (1) open District 5 seat on the City Council; and

WHEREAS, California Elections Code §10229 provides that if there is no other matter on the ballot and the number of persons nominated does not exceed the number of offices to be filled at the election, before the election, the City Council may adopt one of the following courses of action: (1) appoint to the office the person who has been nominated; (2) appoint to the office any eligible elector if no one has been nominated; or (3) hold the election, if either no one or only one person has been nominated; and

WHEREAS, on August 15, 2020, notice that the City Council would consider cancelling the District 5 general municipal election and appoint the City Councilmember was published in a newspaper of general circulation, pursuant to Government Code §6061.

NOW, THEREFORE, the City Council of the City does resolve as follows:

1. The City Council hereby cancels the District 5 general municipal election scheduled for November 3, 2020;
2. The City Council hereby appoints Ray Mueller to the office of District 5 City Councilmember for a four (4) year term. Ray Mueller shall take such office at the next City Council meeting after the results of the general November 3, 2020 County election have been certified by San Mateo County.
3. The City Council directs the City election official to transmit a copy of this Resolution, which partially supersedes Resolution No. 6562, to the County of San Mateo to inform them that the City’s District 5 election has been cancelled.

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

Judi A. Herren, City Clerk