



REGULAR MEETING AGENDA – AMENDED

Date: 9/8/2020

Time: 5:00 p.m.

Regular Meeting Location: Joinwebinar.com – ID# 368-932-883

This amended agenda includes an update to the Recommendation and Analysis of item E1.

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/publiccommentSeptember8*
 - 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 368-932-883
 - Access the regular meeting real-time via telephone (listen only mode) at:
(631) 992-3221
Regular Meeting ID 450-642-829 (# – 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# 368-932-883)

A. Call To Order

B. Roll Call

C. Public Comment

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

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

D. Presentations and Proclamations

- D1. Proclamation: National Preparedness Month September ([Attachment](#))
- D2. Proclamation: National Suicide Prevention Awareness Month ([Attachment](#))
- D3. Presentation: Fiscal year 2020-21 budget update

E. Study Session

- E1. Receive an update on Menlo Park Municipal Water operations including revenues, rates, capital projects and billing services; provide direction on water rates ([Staff Report #20-198-CC](#))

F. Consent Calendar

- F1. Accept the City Council meeting minutes for August 11 and 13, 2020 ([Attachment](#))

G. Regular Business – no staff presentations

- G1. Approve Resolution No. 6549 updating the City's conflict of interest code ([Staff Report #20-188-CC](#))
- G2. Authorize the Mayor to sign a comment letter on the California High Speed Rail Authority draft environmental impact report/environmental impact statement for the San Jose-San Francisco project section ([Staff Report #20-189-CC](#))

[Web form public comment received on item G2.](#)

- G3. Adopt Resolution No. 6583 authorizing submittal of a Bureau of Reclamation water and energy efficiency grant application for the automated meter infrastructure project; authorize the public works director to execute the financial assistance agreement if awarded a grant ([Staff Report #20-191-CC](#))
- G4. Adopt Resolution No. 6584 supporting the Middle Avenue Pedestrian and bicycle rail crossing project and submitting an application for Measures A and W pedestrian and bicycle program funding ([Staff Report #20-192-CC](#))

[Web form public comment received on item G4.](#)

- G5. Authorize the city manager to execute funding agreements with the Metropolitan Transportation Commission for grant funding for the Bedwell Bayfront Park entrance improvements project ([Staff Report #20-193-CC](#))

H. Regular Business

- H1. Update on and consideration of extension/modifications to the Downtown street closure and temporary outdoor use permit pilot program ([Staff Report #20-196-CC](#))

[Web form public comment received on item H1.](#)

- H2. Adopt Resolution No. 6585 authorizing the city manager to execute an amendment to the professional services agreement with Team Sheeper, Inc., to extend the term of the Belle Haven pool operations ([Staff Report #20-194-CC](#))
- H3. Provide clarification on air quality monitoring sensor purchase, installation, and communication with SMCLabs ([Staff Report #20-197-CC](#))
- H4. Review and adopt the updated City Council procedures ([Staff Report #20-195-CC](#))

I. Informational Items

- I1. City Council agenda topics: September 2020 to November 2020 ([Staff Report #20-190-CC](#))

J. City Manager's Report

K. City Councilmember Reports

- K1. Confirm voting delegate for the League of California Cities annual conference ([Attachment](#))

L. City Councilmember Requests

- L1. Refocus City Council 2020-21 priorities and direct specific land use planning work ([Staff Report #20-199-CC](#))

M. 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: 9/3/2020)

Agenda item C
Thomas Buch, resident

Due to the increasing number of days that have been declared "spare the air days" and the new normal for California in terms of wildfires and smoke, the issue of air pollution from gas powered leaf blowers and mowers is increasingly a problem for residents of Menlo Park. Other communities have recognized the health problems associated with the continued use of these machines. The comments on nextdoor.com are 100% against the use of these machines and most believe they should be banned completely. Merely relying on the current law of prohibiting them is not effective. For the past few months, violations of the MP ordinance is rampant. How do we, as homeowners, get a proposed ban introduced for the city council to consider? This is a long-standing issue.

Agenda item C
Ann Diederich, resident

I am a resident of Linifled Oaks and the parent of a Hillview Middle School student. I would love to have sent her to school by bike but has been going by bus instead because the El Camino crossing and the necessity of driving in the road down Ravenswood make biking unduly stressful and risky. I would love it if the next generation of kids from this side of town could use an underpass at Middle Ave and dedicated bike lanes down Middle Ave to improve safety as well as reduce the bike traffic jam around the school that currently happens as all the kids merge together on Santa Cruz. It would also be nice for Burgess side residents to be able to walk to grocery shopping and the new plaza.

PROCLAMATION

National Preparedness Month September 2020

WHEREAS, the State of California is prone to major disasters; and

WHEREAS, California often suffers severe fires during the hot dry summer seasons and in a major fire, residents may only have minutes before they must evacuate. Power may also be shut down for extended periods to prevent a wildfire, and residents need to be prepared; and

WHEREAS, Menlo Park, and the surrounding County, is also subject to major floods and everyone lives in an area with some flood risk; and

WHEREAS, California has the highest risk from damaging earthquakes in the United States and scientific evidence indicates that the Bay area is overdue for a major earthquake. Secondary disasters may include numerous fires and numerous vehicle accidents; and

WHEREAS, when disaster strikes, the entire Bay Area may sustain catastrophic damage to buildings, roads and airports, and bridges and infrastructure may be down for days or weeks; and

WHEREAS, during the COVID-19 pandemic, a major disaster would compound the difficulty of socially safe distancing measures should residents need to evacuate or relocate; and

WHEREAS, the loss of life and property, and injuries, can be greatly reduced if appropriate preparedness efforts are taking before a major emergency; and

WHEREAS, Menlo Park's residents must be prepared in their residences with the peace of mind that they and their families are prepared for major emergencies; and

WHEREAS, after a disaster our neighbors will be the first people that we will see. Getting to know them ahead of time, and having a plan to work together until outside help can arrive, helps to reduce emotional and physical pain and suffering, and the burden on our first responders; and

WHEREAS, the time it takes for our City to recover following a significant emergency will be greatly reduced by a well-prepared community; and

WHEREAS, the people of Menlo Park can hasten recovery from a major emergency by being prepared at work and home, and are thus strongly encouraged to make emergency preparedness efforts.

NOW, THEREFORE, BE IT PROCLAIMED I, Cecilia Taylor, Mayor of the City of Menlo Park, do hereby recognize September as the Menlo Park National Preparedness month and we urge our entire community to take tangible actions to prepare for emergencies to make our community safer for all people.

DocuSigned by:
Cecilia Taylor
4A373E6C54BE48A

Cecilia Taylor, Mayor
September 2020

PROCLAMATION

NATIONAL SUICIDE PREVENTION AWARENESS MONTH

WHEREAS; September is known around the United States as National Suicide Prevention Awareness Month and is intended to help promote awareness surrounding each of the Suicide Prevention resources available to us and our community. The simple goal is to learn how to help those around us and how to talk about suicide without increasing the risk of harm; and

WHEREAS; Suicidal thoughts can affect anyone regardless of age, gender, race, orientation, income level, religion, or background; and

WHEREAS; According to the CDC, each year more than 41,000 people die by suicide; and

WHEREAS; Suicide is the tenth leading cause of death among adults in the US, and the 2nd leading cause of death among people aged 10-24; and

WHEREAS; the City of Menlo Park is no different than any other community in the country, but chooses to publicly state and place our full support behind local educators, mental health professionals, athletic coaches, pack leaders, police officers, and parents, as partners in supporting our community in simply being available to one another; and

WHEREAS; local organizations like the San Mateo County Health Suicide Prevention Department and national organizations like the National Alliance on Mental Illness (NAMI) are on the front lines of a battle that many still refuse to discuss in public, as suicide and mental illness remain too taboo a topic to speak on; and

WHEREAS; every member of our community should understand that throughout life's struggles we all need the occasional reminder that we are all silently fighting our own battles; and

WHEREAS; I encourage all residents to take the time to inquire as to the wellbeing of their family, friends, and neighbors over the next few days and to genuinely convey their appreciation for their existence by any gesture they deem appropriate. A simple phone call, message, or video chat can go a long way towards helping someone realize that suicide is not the answer.

NOW THEREFORE, BE IT PROCLAIMED that I, Cecilia Taylor, Mayor of the City of Menlo Park, on behalf of the City Council, do hereby proclaim the month of September 2020, as National Suicide Prevention Awareness Month in the City of Menlo Park.

Cecilia Taylor, Mayor
September 2020



STAFF REPORT

City Council

Meeting Date:

9/8/2020

Staff Report Number:

20-198-CC

Study Session:

Receive an update on Menlo Park Municipal Water operations including revenues, rates, capital projects and billing services; provide direction on water rates

Recommendation

Staff recommends the City Council receive an update on Menlo Park Municipal Water (MPMW) operations including revenues, rates, capital projects and billing services. Staff is seeking direction and confirmation from City Council to:

1. Confirm proceeding with the 2021 water rate study.
2. Provide direction on whether to proceed [with a low-income program](#), to identify an alternate source of funding such as the City's general fund to cover the cost of the discounts, and when to implement the program.

Policy Issues

MPMW is a city-owned water service provider for a portion of the City of Menlo Park. The City Council acts as the governing body for MPMW and is responsible for ensuring the financial stability of the water system including setting customer rates, and approving capital plans and other expenditures.

Background

MPMW supplies water to approximately half of the City (Attachment A) to almost 4,400 residential, non-residential (commercial, industrial, institutional, irrigation,) and fire services. California Water Service (Calwater,) a private water company, provides water to the majority of the other half. There is a small portion served by the O'Connor Tract Cooperative Water Company, and a handful of residences served by Palo Alto Park Mutual Water Company. MPMW's sole water supply is purchased from the San Francisco Public Utilities Commission (SFPUC) and delivered to MPMW's two distinct service areas – the Sharon Heights area, and the area north and east of El Camino Real.

Water fund

MPMW operates as a self-supporting enterprise whereby water sale revenues must fully fund all water expenditures for operations and water capital improvement projects. This fiscal year's operating and capital budget is \$12 million. The water fund consists of two components: operating and capital. MPMW utilizes the operating and capital funds to balance each other in order to maintain a positive cash flow. The operating and capital funds have minimum annual target reserves for unanticipated emergencies as shown below.

| Table 1: Minimum annual target reserves | |
|---|---|
| Water fund components | Description |
| Operating fund | Equivalent to 120 days of operating expenses to cover fluctuations in day-to-day operations (about \$3.3 million for fiscal year 2019-20) |
| Capital fund | \$1 million for unexpected capital costs |

Water capital projects

On May 22, 2018, the City Council accepted the 2018 Water System Master Plan (WSMP, Attachment B) which recommends medium, high and very high priority capital improvement projects (CIPs) through year 2040 in order to address existing water system deficiencies and replace or rehabilitate aging infrastructure. Investing in the water infrastructure is important in order to limit main failures, water outages and potential liability that can result. The WSMP estimated that \$90 million is needed over the next 20-years to address the highest-priority infrastructure needs. On July 28, City Council adopted the five-year capital improvement plan which included \$27 million in water capital projects to be funded by the water fund over the next five-years (Attachment C.) Capital projects were scaled to match projected revenues, so projects may be delayed versus timelines recommended in the WSMP.

Water rates

The City Council last adopted five-year rates in 2015, and the fifth year of those rates went into effect July 1, 2019. MPMW’s current rates are shown in Attachment D and consist of the elements described below.

| Table 2: Current water rate elements | |
|--------------------------------------|---|
| Item | Description |
| Meter charge | A monthly service charge based on meter size. There is a different monthly service charge for fire services based on the size of the service connection. |
| Consumption charge | A charge based on the measured amount of water consumption (2 tiers.) Tier 1 applies to water consumption up to 6 centum cubic feet (ccf, where 1 ccf = 100 cubic feet = 748 gallons,) and tier 2 applies to water consumption above 6 ccf. |
| Capital facility surcharge | A charge based on the measured amount of water used and provides approximately \$1.6 million per year toward water capital projects. |
| Drought surcharge | Per the City’s water shortage contingency plan, there are 5 stages of drought (up to 10%, 20%, 30%, and 50% conservation levels.) Each stage corresponds to a list of conservation measures to implement, and the City Council declares the drought stage. MPMW is currently at stage 1 (no drought.) |
| Capacity charges | A one-time charge for new and upgraded connections to the MPMW system. It is based on the size of the service connection and recovers the value of system capacity provided for the new/upgraded service. |

Note: MPMW also collects a monthly service charges for fire services and water capacity charges for new and upgraded connections to the water system based on the size of the service connections.

There were plans to adjust its water rates in order to meet operating and capital expenditures over the next five-years. On September 24, 2019, the City retained Black and Veatch Management Consulting (B&V) to develop a comprehensive five-year 2020 water rate study (2020 Study) that would evaluate annual revenue requirements needed over the next five years in order to fund operating and capital expenses. In October 2019, staff met with several City Councilmembers individually in order to provide information about setting rates and answer questions about the process. B&V developed an interactive water rate model and completed the 2020 Study in early March 2020. Staff was on track to present findings and

recommendations to City Council in April 2020, mail the Proposition 218 notice to MPMW property owners, hold a public hearing in May 2020 to adopt the new rates, and implement the new rates July 1. Due to COVID-19, these activities did not occur. Instead, staff included an informational update on the 2020 Study at the April 14 City Council meeting that, due to COVID-19 and understanding the potential financial hardship water customers could face, staff would evaluate options to continue with existing rates as-is for fiscal year 2020-21 and would return to City Council with an update on possible next steps.

Utility billing services

Utility billing services consist of six components: meter reading, billing and collecting payments, customer service, a work order system for field activities, a collections process for overdue bills, and customer and utility web portals. On November 9, 2019, the City's previous billing contractor, Fathom, notified the City that they would be going out of business and all services would terminate November 30, 2019. At that time, staff focused on three goals: establishing a customer outreach plan, determining close-out procedures with Fathom, and continuing billing services. Water service to customers was not impacted during the billing services transition. At staff's request, Fathom issued their last bills November 15, 2019, in order to collect payments on those bills by the end of the month.

Billing services - Minol

On December 10, 2019, the City contracted with Minol to provide five of the six billing components (all except meter reading) for 12 months through December 31, with the option to extend the agreement for three additional one-year terms. Staff has worked extensively with Minol to design the new water bill and customer portal, provide historical customer billing information, use the new utility portal to lookup customer data and input notes, assign work order tickets for field investigations, establish business rules for billing and customer service, and develop outreach materials.

Minol mailed its first bills between February 19 and March 11 (dependent on meter read cycle) which included three to four months of water use since the last Fathom bill. Because of this, customers received much larger bills than normal. Accounting for this transition, since mid-November 2019, the City has not charged penalties for late payments or disconnected any services for nonpayment since Fathom announced stopping services. Staff's outreach to customers included emails, website updates, Nextdoor posts, weekly digests, and an insert included in the first bill (also available in English and Spanish on the City's website) explaining how to read the new bill and set up a new online account.

Meter reading services – first response metering (FRM)

Customer meters are manually read every month. FRM began providing meter reading services as Fathom's subcontractor in July 2019. In December 2019, the City retained FRM directly to continue meter reading services for the remainder of fiscal year 2019-20 at a cost less than the city manager's \$75,000 signing authority at the time. For fiscal year 2020-21, staff entered into another agreement with FRM up to the city manager's signing authority, and it is anticipated that these funds will provide meter reading services through February 2021.

Analysis

Water fund

The water fund has recently been impacted by COVID-19 as follows:

Water consumption

With the onset of COVID-19 in mid-March, there have been recognizable changes in water consumption comparing March to June 2020 to the previous March to June 2019 as shown below in Table 3. As expected, residential use increased 21 percent due to people sheltering-in-place and using more water as a

result, and commercial use decreased 38 percent and industrial use decreased 13 percent. Irrigation use for commercial, industrial, and large HOA residential accounts also increased 42 percent. Overall, water use was 3 percent higher for the March to June period compared to the year prior.

| | March – June 2019, CCF | March – June 2020, CCF | Percent Change |
|---------------|---------------------------|---------------------------|-------------------|
| Residential | | | 21% |
| Single-family | 115,333 | 135,304 | 17% |
| Multifamily | 38,928 | 51,547 | 32% |
| Commercial | 117,601 | 72,668 | -38% |
| Industrial | 60,804 | 52,880 | -13% |
| Irrigation | 39,719 | 56,574 | 42% |

Payment arrangement plans

Before COVID-19, customers could request a payment arrangement plan, make a 10 percent down payment of their outstanding balance, and pay the balance back within 12 months. On April 2, the Governor issued Executive Order N-42-20 prohibiting shut-offs of water service to residences and critical infrastructure sector small businesses. With COVID-19, MPMW is waiving down payment fees and not disconnecting any customers due to nonpayment or broken payment plans. As shown in Table 4, customers requesting payment arrangements have increased about seven times since December 2019.

| Month | No. of accounts | Percent increase |
|---------------|-----------------|------------------------|
| December 2019 | 8 | |
| August 2020 | 53 | ~7 times higher (563%) |

Water revenues

Customers would normally have 20 days to pay their bills before incurring penalties. Due to COVID-19, MPMW has not been charging penalties for overdue bills or disconnecting any water services. As of September 1, 638 water accounts had balances past due by 30 days or more, totaling \$640,832. See Table 5 below for a breakdown by customer type, number of accounts and amount overdue. As an example to read the table, there are 506 single-family residential customers (79 percent of the total 638 accounts with overdue bills) that have overdue bills totaling \$263,701, or 41 percent of the total \$640,832 owed.

| Customer Type | No. of accounts with overdue bills | % of total | Amount overdue, \$ | % of total |
|---------------|--|------------|--------------------|------------|
| Single-family | 506 | 79% | \$ 263,701 | 41% |
| Multifamily | 23 | 4% | \$ 38,439 | 6% |
| Commercial | 35 | 5% | \$ 175,277 | 27% |

| Table 5: Overdue bills by 30+ days | | | | |
|------------------------------------|------------------------------------|------------|--------------------|------------|
| Customer Type | No. of accounts with overdue bills | % of total | Amount overdue, \$ | % of total |
| Industrial | 33 | 5% | \$ 39,186 | 6% |
| Public/Institutional | 2 | <1% | \$ 1,739 | <1% |
| Irrigation | 14 | 2% | \$ 99,882 | 16% |
| Fire protection | 23 | 4% | \$ 16,925 | 3% |
| Construction meters | 2 | 0% | \$ 5,683 | 1% |
| Total * | 638 | | \$ 640,832 | |

* The Total amount includes \$283,650 not collected from 198 closed accounts.

Water rates

It is important that MPMW adjust its water rates for fiscal year 2021-22 in order to ensure sufficient funding for operating and capital expenditures going forward. Staff initiated the 2020 Study which can be updated into a 2021 Study for new annual water rates for fiscal year 2021-22 through 2025-26. In order to do this, B&V’s agreement, which expires September 30, would need to be amended and additional funds will be needed. Staff plans to return to City Council for these actions September 22. If approved, staff would proceed with the work and present the 2021 Study to City Council in spring 2021 in order to implement new rates July 1, 2021. If rates remain flat, investments to the water infrastructure would be delayed, putting the system at increased risk of main breaks and water outages for customers and for potential liability for MPMW for damages caused by these events.

Low-income rates

MPMW does not currently offer low-income rates. As part of introductory meetings on the water rate study with City Councilmembers in fall 2019, several City Councilmembers inquired about the potential to add low-income rates. Several agencies, including Calwater, which is regulated by the California Public Utilities Commission, and the cities of Palo Alto and Redwood City, provide low-income rates to single-family residential customers applied as either a preset monthly amount per residence or based on a percentage discount of the total monthly bill (normally 10 percent to 25 percent.) One method of establishing eligibility is to use the existing Pacific Gas and Electric (PG&E) California Alternate Rates for Energy (CARE) program as a basis for enrollment. The PG&E CARE program offers a minimum 20 percent discount on gas and electric rates. CARE eligibility is based on public assistance program participation or based on the number of individuals in a household and total gross household income.

According to PG&E, the City currently has approximately 1,164 enrolled CARE recipients with an additional 1,506 residents estimated to qualified but not enrolled in CARE for a total of 2,670 possible enrollees. As MPMW provides water to approximately half of the City, there are an estimated 1,335 possible enrollees within the MPMW service area. To make a low-income rate as fair as possible and continue to encourage water conservation, the discounted rate could be applied to the average monthly water use for all single-family accounts.

Table 6 below shows the potential costs to the City of different discounted percentages applied to the average monthly water use of 8 CCF (which equals a monthly bill of \$89.59 based on current rates.) Staff estimates the discounts to range between \$11,960 to \$35,880 annually for discounts ranging between 10 to 30 percent. Proposition 218 requires that rates are reasonable and proportionate to the cost of providing

service, and that one group of customers cannot subsidize another group of customers. Therefore, discounted rates are not eligible to be paid by the water fund, and would need to be paid by an alternate funding source, most likely the City’s general fund.

| Table 6: Potential low-income rate subsidy required | |
|---|----------------------|
| Discount | Total potential cost |
| 10% | \$11,960 |
| 15% | \$17,940 |
| 20% | \$23,920 |
| 25% | \$29,900 |
| 30% | \$35,880 |
| Estimates are for 1,335 potential enrollees in MPMW for an \$89.59 average monthly single-family residential bill as described above. | |

Potential cost savings to an individual customer is dependent on the discount chosen by the City. The discount could only be applied to single-family residences as they have individual water services and receive individual water bills.

In addition to the cost of the discounted rate, the City would need to develop a program including outreach material and an application as well as staff time to verify applications. At the August 25 City Council meeting, the City Council provided direction to pursue a low-income discount on solid waste rates as part of a study session. The staff report identified an estimated cost of \$55,000 for a third-party to develop and implement the program. There may be an opportunity to utilize a third-party to develop and implement both low-income water rates and solid waste rates which would require additional investigation.

If the City Council is interested in a low-income program, a decision would be needed when to implement the program. The program could be implemented at any time and does not need to coincide with the water rate study. If the City Council wishes to establish such a program, staff seeks City Council’s direction whether to proceed, to identify an alternate source of funding such as the City’s general fund to cover the cost of the discounts, and when to implement the program.

Utility billing services

The City will need to take action this fiscal year 2020-21 for billing services as described below.

Billing services - Minol

As expected with a major billing change of this nature, staff received a number of questions and concerns about customer’s bills since the transition in late 2019. The nature of these calls and complaints were the result of the following three situations:

1. Large first bill from Minol. Customers received larger bills than normal between February 19 and March 11 as bills included three to four months of water use since Fathom’s last bill in October/November 2019. As expected with any utility billing system change, Minol’s customer call center answered hundreds of calls relating to these first bills, not only the large water use and amounts owed, but also how to read the new bill, signup for a new online account, and setup automatic payments.
2. The onset of COVID-19 in mid-March. Governor Newsom issued Executive Order N-42-20 April 2, prohibiting shut-offs of water service to residences and critical infrastructure sector small businesses during the COVID-19 pandemic. The order required water agencies to offer alternate payment options if

customers could not pay their bills. Minol's customer call center received hundreds of calls related to billing, including stopping automatic payments and setting up payment arrangements.

3. Meter read cycle change. In June 2020, FRM rebalanced the meter read cycles, based on geography and other factors, in order to complete meter reading more efficiently so that Minol could complete billing in an efficient manner. Impacted customers received water bills one week later than normal which caused confusion with customers potentially receiving two bills within the same month. Staff worked with Minol to send letters to impacted customers a week prior to customers receiving the bill so they were aware of the change.

Staff worked with Minol to increase their customer service support and implement a customer service tracking system, and staff has seen a substantial decrease in calls and complaints. Staff is satisfied with Minol's level of service with the transition to the new billing software, monthly reports and ongoing customer service. Staff meets weekly with Minol and interacts with them on a daily basis. Minol provides the attention to detail needed to make sure all the utility billing components are addressed fully and to staff's satisfaction. They are responsive and readily available when needed.

Minol's agreement, which expires December 31, contains the option to extend the agreement for three additional one-year terms. Staff will continue to evaluate Minol for the remainder of this calendar year, and prior to deciding whether to extend the agreement for another year.

Meter reading services - FRM

Staff is satisfied with FRM's level of service in meter reading and providing the data to Minol for billing. FRM's current agreement is funded up to the city manager's signing authority of \$75,000, and it is anticipated that these funds will provide meter reading services through February 2021. Additional funds over the \$75,000 will be needed to continue meter reading through the end of this fiscal year. Staff plans to return to City Council in November to amend the agreement. The City Council's September 8 agenda also includes an update on a possible grant funding opportunity for automated meter reading, which would eliminate the need for manual meter reading in the future. Staff anticipates the project will be completed in two phases over two years to replace/retrofit every meter. Manual meter reading needs will gradually decrease over time until the project is completed, anticipated in fall 2023.

Recommended action

Staff is seeking direction and confirmation from City Council to:

1. Confirm proceeding with the 2021 water rate study.
2. Provide direction on whether to proceed [with a low-income program](#), to identify an alternate source of funding such as the City's general fund to cover the cost of the discounts, and when to implement the program.

Impact on City Resources

Pending City Council direction as part of this study session, financial resources may be necessary to support a low-income water rate program. Staff is continuing to monitor water fund revenues and adjust the capital improvement plan accordingly. If rates remain flat for fiscal year 2021-22 or beyond, investments to the water infrastructure would be delayed, putting the system at increased risk of main breaks and water outages for customers and for potential liability for MPMW for damages caused by these events.

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

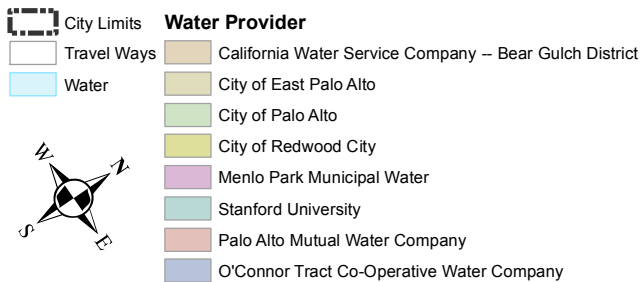
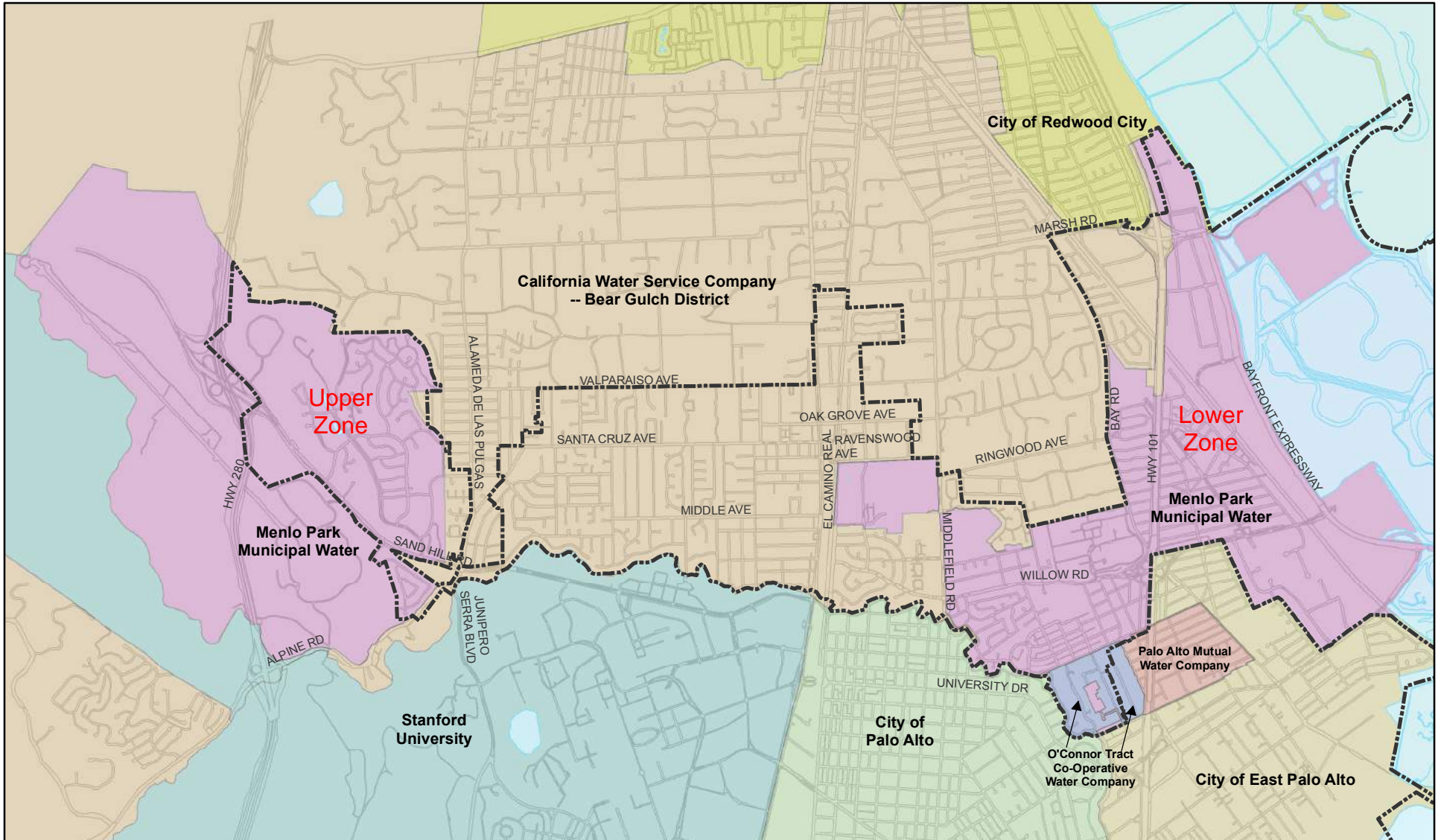
- A. Map - MPMW service area
- B. Hyperlink – 2018 water system master plan: menlopark.org/DocumentCenter/View/17167/MPMW-Water-System-Master-Plan-2018?bidId=
- C. Hyperlink – Five-year water capital improvement projects summary adopted July 28 and available: https://stories.opengov.com/menlopark/published/qQZ_q4bvk
- D. Five-year rate schedule, adopted July 21, 2015

Report prepared by:

Pam Lowe, Senior Civil Engineer

Report reviewed by:

Christopher Lamm, Assistant Public Works Director



Water Agencies Within and Surrounding Menlo Park





**Menlo Park Municipal Water District
2015/16 – 2019/20 Water Rates
(Adopted by City Council 7/21/15)**

| | Sept 1 2015 | July 1, 2016 | July 1, 2017 | July 1, 2018 | July 1, 2019 |
|--|----------------|-----------------|-----------------|-----------------|-----------------|
| MONTHLY FIXED METER CHARGE - All Customers | | | | | |
| <u>Meter Size</u> | | | | | |
| 5/8" | \$17.93 | \$20.08 | \$22.49 | \$25.19 | \$28.21 |
| 3/4" | \$17.93 | \$20.08 | \$22.49 | \$25.19 | \$28.21 |
| 1" | \$29.88 | \$33.47 | \$37.49 | \$41.99 | \$47.03 |
| 1-1/2" | \$59.77 | \$66.94 | \$74.97 | \$83.97 | \$94.05 |
| 2" | \$95.63 | \$107.10 | \$119.95 | \$134.34 | \$150.46 |
| 3" | \$179.30 | \$200.82 | \$224.92 | \$251.91 | \$282.14 |
| 4" | \$299.43 | \$335.36 | \$375.60 | \$420.67 | \$471.15 |
| 6" | \$597.67 | \$669.39 | \$749.72 | \$839.69 | \$940.45 |
| 8" | \$956.27 | \$1,071.02 | \$1,199.54 | \$1,343.48 | \$1,504.70 |
| 10" | \$1,374.63 | \$1,539.59 | \$1,724.34 | \$1,931.26 | \$2,163.01 |
| MONTHLY UNMETERED FIRE FIXED CHARGES | | | | | |
| <u>Meter Size</u> | | | | | |
| 1-1/2" | \$10.76 | \$12.05 | \$13.49 | \$15.11 | \$16.93 |
| 2" | \$17.21 | \$19.28 | \$21.59 | \$24.18 | \$27.08 |
| 3" | \$32.27 | \$36.15 | \$40.49 | \$45.34 | \$50.79 |
| 4" | \$53.90 | \$60.36 | \$67.61 | \$75.72 | \$84.81 |
| 6" | \$107.58 | \$120.49 | \$134.95 | \$151.14 | \$169.28 |
| 8" | \$172.13 | \$192.78 | \$215.92 | \$241.83 | \$270.85 |
| 10" | \$247.43 | \$277.13 | \$310.38 | \$347.63 | \$389.34 |
| 12" | \$462.59 | \$518.10 | \$580.28 | \$649.91 | \$727.90 |
| WATER CONSUMPTION CHARGE - All Customers, Rate per ccf* | | | | | |
| Tier 1: 0 - 6 ccf ** | \$4.51 | \$4.75 | \$5.01 | \$5.28 | \$5.57 |
| Tier 2: Over 6 ccf | \$4.64 | \$5.32 | \$6.09 | \$6.97 | \$7.98 |
| WATER CAPITAL SURCHARGE - All Customers, Rate per ccf* | | | | | |
| All Usage | \$0.63 | \$0.78 | \$0.97 | \$1.21 | \$1.50 |
| DROUGHT SURCHARGES - All Customers, Rate per ccf* | | | | | |
| Water Shortage Contingency Plan (adopted by City Council 5/24/16) | | | | | |
| Required Water Cutback % | | | | | |
| Stage 2: Up to 10% | \$0.11 | \$0.18 | \$0.26 | \$0.30 | \$0.36 |
| Stage 3: Up to 20% | \$0.29 | \$0.44 | \$0.63 | \$0.71 | \$0.85 |
| Stage 4: Up to 30% | \$0.52 | \$0.79 | \$1.11 | \$1.24 | \$1.48 |
| Stage 5: Up to 50% | \$1.25 | \$1.88 | \$2.63 | \$2.94 | \$3.50 |
| WATER CAPACITY CHARGES | | | | | |
| <u>Meter Size</u> (Increased annually by the ENR-CCI for San Francisco) | | 3.6% | 3.5% | 2.5% | 2.8% |
| 5/8" | \$4,852 | \$5,027 | \$5,203 | \$5,333 | \$5,482 |
| 3/4" | \$4,852 | \$5,027 | \$5,203 | \$5,333 | \$5,482 |
| 1" | \$8,087 | \$8,378 | \$8,671 | \$8,888 | \$9,137 |
| 1-1/2" | \$16,173 | \$16,755 | \$17,341 | \$17,775 | \$18,273 |
| 2" | \$25,877 | \$26,809 | \$27,747 | \$28,441 | \$29,237 |
| 3" | \$48,520 | \$50,267 | \$52,026 | \$53,327 | \$54,820 |
| 4" | \$81,028 | \$83,945 | \$86,883 | \$89,055 | \$91,549 |
| 6" | \$161,733 | \$167,555 | \$173,419 | \$177,754 | \$182,731 |

Larger sizes based on ratio of size to 5/8" – 3/4" meters.

* 1 ccf = one hundred cubic feet or approximately 748 gallons

** Tier 1 at least as much as SFPUC wholesale rate plus BAWSCA bond surcharge (\$0.46/ccf).



REGULAR MEETING MINUTES – DRAFT

Date: 8/11/2020

Time: 5:00 p.m.

Closed Session: Teleconference

Regular Meeting Location: [Joinwebinar.com](https://www.joinwebinar.com) – ID# 518-684-435

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 to order at 5:15 p.m.

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

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

C1. Closed session conference with real property negotiators pursuant to Government Code Section 54956.8.

Property: 700-800 El Camino Real, Menlo Park (APN: 071-333-200)

Agency Negotiating Parties: Heather Gould, City Manager Starla Jerome-Robinson, Deputy City Manager Justin Murphy, Public Works Director Nikki Nagaya, Senior Project Manager Morad Fakhrai

Negotiating Parties: Menlo Station Development Under negotiation: Price and terms of payment

No reportable actions.

Mayor Taylor adjourned the meeting at 6:10 p.m.

Regular Meeting ([Joinwebinar.com](https://www.joinwebinar.com) – ID# 518-684-435)

D. Call To Order

Mayor Taylor called the meeting to order at

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. Public Comment

- Christie Perego spoke in support of the downtown street closure and requested additional parking spaces for outdoor dining.

H. Presentations and Proclamations

H1. Proclamation: Recognizing The 75th Anniversary of the Atomic Bombings of Hiroshima and Nagasaki, Japan and Menlo Park-Bizen Peace Week ([Attachment](#))

[Web form public comment received on item H1](#) (Attachment).

Mayor Taylor read the proclamation.

- Judy Adams presented a video.

H2. Presentation: UC Berkeley on the housing inventory and local supply study from the Facebook Campus expansion project development agreement

Principal Planner Kyle Perata and Y-PLAN representatives Karen Chapple, Deborah McKoy, Mia Palacios, Ivette Contreras, Ashley Barraza, Nataly Manzanero, and Elizabeth Aviles made the presentation ([Attachment](#)).

The City Council received clarification on how ownership is determined, Airbnb findings, and discussed options for ADUs (accessory dwelling units). The City Council requested that the presentation be shared with all Menlo Park committees, commissions, and advisory body's and to return this item with the upcoming discussion of Bay Area Economics' study of Menlo Park's inclusionary housing requirements.

The City Council took a break at 7:45 p.m.

The City Council reconvene at 8:05 p.m.

- Karen Grove spoke in support of the study and sending presentation to all City advisory bodies. Grove also requested clarification on how the information will be used.
- Pamela Jones spoke in support of the study and sending to all City advisory bodies.
- Jen Wolosin spoke in support of the study encouraged continued participation from the students.
- Kevin Gallagher spoke in support of the study and the involvement of community stakeholders.

I. Consent Calendar

- I1. Accept the City Council meeting minutes for June 23 and July 14, 2020 ([Attachment](#))

The City Council provided edits to the July 14 minutes.

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

J. Regular Business – no staff presentations

- J1. Adopt Resolution No. 6578 authorizing the permanent installation of turn restrictions in the Willows neighborhood ([Staff Report #20-168-CC](#))

- Julie Forbes spoke in opposition of the permanent installation of turn restrictions in the Willows neighborhood.
- Penelope Huang spoke in support of the permanent installation of turn restrictions in the Willows neighborhood.
- Amar Murugan spoke in support of the permanent installation of turn restrictions in the Willows neighborhood.
- CHirs Decardy spoke in support of the permanent installation of turn restrictions in the Willows neighborhood.
- Brian Gilmer spoke in support of the permanent installation of turn restrictions in the Willows neighborhood.
- Paul Montgomery spoke in support of the permanent installation of turn restrictions in the Willows neighborhood.
- Tracy Morriss spoke in support of the permanent installation of turn restrictions in the Willows neighborhood.
- Tricia Barr spoke in support of the permanent installation of turn restrictions in the Willows neighborhood.
- Kris Doherty spoke in opposition of the permanent installation of turn restrictions in the Willows neighborhood.
- Kathleen Daly spoke in opposition and provided suggestion to the permanent installation of turn restrictions in the Willows neighborhood.

The City Council received clarification regarding the hours of the turn restrictions and the language on the no turn signs. The City Council requested staff review the operations at Menalto Street between O'Connor Street and Gilbert Street and provide an update after schools are back in session.

ACTION: Motion and second (Muller/Carlton), to adopt Resolution No. 6578 authorizing the permanent installation of turn restrictions in the Willows neighborhood, passed unanimously.

- J2. Approve the 2020-21 investment policy for the City and the former Community Development Agency of Menlo Park ([Staff Report #20-167-CC](#))

The City Council received clarification that no changes were made to the policy and it was recommended for approval by Finance and Audit Committee.

ACTION: Motion and second (Muller/Carlton), to approve the 2020-21 investment policy for the City and the former Community Development Agency of Menlo Park, passed unanimously.

- J3. Update the City Council and public on COVID-19 health emergency and the City's response ([Attachment](#))

The City Council discussed expanding the number of days for an issued parking permit.

K. Regular Business

- K1. Approve Resolution No. 6577 to amend all City salary schedules adopted on or after December 11, 2016 to add City Councilmembers ([Staff Report #20-166-CC](#))

Assistant Administrative Services Director Dan Jacobson made the presentation.

The City Council received clarification on the positions listed on the salary schedule and recommended the removal of obsolete positions including one clerical error in Exhibit L, where the correct effective date is July 7, 2019.

ACTION: Motion and second (Muller/Nash), to approve Resolution No. 6577 to amend all City salary schedules adopted on or after December 11, 2016 to add City Councilmembers including position title updates, passed unanimously.

- K2. Adopt fiscal year 2020-21 City Council priorities and work plan ([Staff Report #20-169-CC](#))

The City Council took a break at 9:46 p.m.

The City Council reconvene at 9:55 p.m.

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

- Kevin Gallagher requested clarification on the use of Facebook funds.

The City Council continued this item to August 18, 2020.

L. Informational Items

- L1. City Council agenda topics: August 2020 to October 2020 ([Staff Report #20-165-CC](#))

The City Council received clarification on Nos. 17., Community electronic vehicle infrastructure policy and program analysis, and 20, Authorize the Mayor to sign a comment letter on the California High Speed Rail Authority DEIR for the San Jose-San Francisco project.

- L2. Update on the Downtown street closure and temporary outdoor use permit pilot program ([Staff Report #20-170-CC](#))

[Web form public comment on L2](#) ([Attachment](#)).

Chamber of Commerce President Fran Dehn made the presentation.

The City Council requested this item to return as regular business.

- L3. Update on Facebook campus expansion project development agreement requirement to prepare a housing inventory and local supply study ([Staff Report #20-171-CC](#))

M. City Manager's Report

None.

N. City Councilmember Reports

City Councilmember Mueller requested the Mayor to review and sign comment letter on the California High Speed Rail Authority DEIR for the San Jose-San Francisco project. The City Council directed staff to return the draft letter for review and approval.

City Councilmember Carlton reported on the Peninsula Clean Energy refunds of electric bills and programs for electric bicycles and providing electric busses to municipalities and schools.

City Councilmembers Nash and Mueller reported on Rail Subcommittee meeting.

City Councilmember Nash reported on an email from Sustainable Silicon Valley.

Mayor Taylor reported on potential noise monitors as an outcome from participation in the SFO Airport/Community Roundtable meeting.

O. Adjournment

Mayor Taylor adjourned the meeting at 10:54 p.m.

Judi A. Herren, City Clerk

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/publiccommentAugust11*
 - 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 518-684-435
 - Access the regular meeting real-time via telephone (listen only mode) at:
(562) 247-8422
Regular Meeting ID 370-642-582 (# – 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).



SPECIAL MEETING MINUTES – DRAFT

Date: 8/13/2020
Time: 5:00 p.m.
Closed Session Location: Teleconference

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 to order at 5:09 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, Interim Police Chief Dave Spiller, Police Commander Tony Dixon, Information Technology Manager Sandy Pimentel, Assistant Administrative Services Director Dan Jacobson

C. Closed Session

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

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

Number of cases – 2.

C2. Threat to Public Services or Facilities (Government Code § 54957)

The City Council formed a subcommittee composed of Mayor Taylor and City Councilmember Carlton to work on an anti-hate or quality of life ordinance.

D. Adjournment

Mayor Taylor adjourned the meeting at 7:01 p.m.

Judi A. Herren, City Clerk

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*
*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.

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).

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

Meeting Date: 9/8/2020
Staff Report Number: 20-188-CC

Regular Business: Approve Resolution No. 6549 updating the City's conflict of interest code

Recommendation

Staff recommends that the City Council adopt Resolution No. 6549 updating the City's conflict of interest code.

Policy Issues

The proposed action is consistent with City policy.

Background

The Political Reform Act requires every local government agency to review its conflict of interest code biennially. A conflict of interest code tells public officials, governmental employees, and consultants what financial interests they must disclose on their Statement of Economic Interests (Form 700.) By October 1, the biennial notice (Attachment B) must be filed with the agency's code reviewing body. Menlo Park's code requires disclosure of financial interests of certain employees, consultants and members of Boards and Commissions if these persons are likely to be involved in decision-making that could affect their own financial interests.

All public employees must comply with the State's general conflict of interest laws by abstaining from influencing or making decisions that would affect their own financial interests. Additionally, each employee who holds a position designated in the City's Conflict of Interest Code must disclose specified types of financial interests in a report, Form 700, that is filed annually with the city clerk. The City's local code does not include the City Council, Planning Commission, city manager, city attorney or treasurer. These positions are required under Government Code §87200 to report to the FPPC. No other Commissions are required to report under the City's Conflict of Interest Code as the city attorney has determined they are advisory to the City Council only.

Analysis

The City Council last amended the Menlo Park Conflict of Interest Code August 22, 2017, by Resolution No. 6419. State law requires every local governmental agency to periodically review its conflict of interest code to determine whether it is accurate and up-to-date.

The proposed amendments to the list of designated positions attached to the Resolution (Attachment A) include additions, deletions and renaming of positions in order to align with the City's current job classifications and duties.

Impact on City Resources

There is no impact on City resources.

Environmental Review

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

Public Notice

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

Attachments

- A. Resolution No. 6549
- B. Biennial notice

Report prepared by:
Judi A. Herren, City Clerk

Report reviewed by:
Leigh Prince, Assistant City Attorney

RESOLUTION NO. 6549

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
AMENDING THE CITY'S CONFLICT OF INTEREST CODE FOR
DESIGNATED EMPLOYEES, CONSULTANTS, BOARDS, AND
COMMISSIONS OF THE CITY OF MENLO PARK**

WHEREAS, provisions of the Political Reform Act requires local agencies to adopt and promulgate conflict of interest codes; and

WHEREAS, the Fair Political Practices Commission (FPPC) has adopted a regulation, Title 2 , Division 6, California Code of Regulations section 18730, which contains the terms of a model conflict of interest code which meets the requirements of the Political Reform Act; and

WHEREAS, Title 2 California Code of Regulations section 18730 has been incorporated by reference in the City's Conflict of Interest Code; and

WHEREAS, the City's Conflict of Interest Code also includes, Exhibit A – 2020 Conflict of Interest Code detailing the designated positions and disclosure categories; and

WHEREAS, said Exhibit contains the listing of designated positions and disclosure categories which have been reviewed, and this review has disclosed that they should be amended to reflect current conditions; and

WHEREAS, the City of Menlo Park has previously adopted Resolution No. 6419, adopting a conflict of interest code for various City employees, consultants, boards and commissions.

NOW, THEREFORE, BE IT RESOLVED that the terms of Title 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the FPPC shall, along with Exhibit A – 2020 Conflict of Interest Code for the City of Menlo Park, which are attached hereto incorporated herein by reference, in which members, employees, and consultants are designated and disclosure categories are set forth, constitute the Conflict of Interest Code of the City of Menlo Park; and

BE IT FURTHER RESOLVED that all designated members, employees, and consultants of the City of Menlo Park set forth on Exhibit A –2020 Conflict of Interest Code shall file statements of economic interest with the City Clerk of the City of Menlo Park; and

BE IT FURTHER RESOLVED that Resolution No. 6419 is repealed by the adoption of this resolution, which shall control over prior versions.

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Resolution No. 6549

Page 2 of 4

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 eighth day of September, 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 eighth day of September, 2020.

Judi A. Herren, City Clerk

APPENDIX
CONFLICT OF INTEREST CODE – 2020 UPDATE
DESIGNATED POSITIONS
AND DISCLOSURE OBLIGATIONS¹
Proposed September 8, 2020

Acting/Assistant City Attorney
Assistant Administrative Services Director
Assistant City Manager
Assistant Community Development Director
Assistant Community Services Director
Assistant Library Services Director
Assistant Public Works Director
Assistant Public Works Director – Engineering
Assistant Public Works Director – Maintenance
Assistant Public Works Director – Transportation
Assistant to the City Manager
Associate Planner
Business Manager
City Clerk
Community Development Director
~~Community Services Director~~
Deputy City Clerk
Deputy City Manager
Deputy Community Development Director – Housing
Economic Development Manager
Engineering Services Manager/City Engineer
Finance and Budget Manager
Housing and Economic Development Manager
Housing Manager
Human Resources Director
Human Resources Manager
Human Resources Technician
Information Technology Manager
~~Information Technology Supervisor~~
Internal Services Manager
~~Library Services Director~~
Library and Community Services Director
Library Services Manager
Management Analyst II
Network Administrator
Permit Manager
Police Chief
Police Commander
Principal Planner
Public Engagement Manager
Public Works Director
Public Works Superintendent

¹ Positions covered under Government Code §87200 (City Council, Planning Commission, City Manager, City Attorney, and Administrative Services Director) are not covered by the local Conflict of Interest Code.

Public Works Supervisor – City Arborist
Public Works Supervisor – Facilities
Public Works Supervisor – Fleet
Public Works Supervisor – Parks
Public Works Supervisor – Streets
Recreation Coordinator
Recreation Supervisor
Revenue and Claims Manager
Senior Civil Engineer
Senior Management Analyst
Senior Planner
Senior Project Manager
Senior Transportation Engineer
Sustainability Manager
Transportation Director
Water System Supervisor

Consultant/Contract employees
Chief Operator – Menlo Park Municipal Water
Contract Planner
Transportation Consultant

Consultants:

An individual is a consultant if either of the following apply:

1. the person serves in a staff capacity with the agency and in that capacity performs the same or substantially all the same duties for the agency that would otherwise be performed by a person holding a position specified or that should be specified in the City's Conflict of Interest Code; or
2. the person makes a governmental decision listed in 2 CCR Section 19701(a)(2).

The city manager and/or the city attorney may determine in writing that a particular consultant is hired to perform a range of duties that are limited in scope and thus is not required to comply with the disclosure obligations in the conflict of interest code. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The city manager's and/or the city attorney's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

Disclosure obligations:

All designated employees and consultants required to file under the City of Menlo Park conflict of interest code must disclose in the following categories as defined by the FPPC:

- Investments (stocks, bonds and other interests)
- Investments, income and assets of business entities/trust
- Interests in real property
- Income, loans and business positions (Income other than gifts and travel payments)
- Income – gifts
- Travel payments, advances and reimbursements

2020 Local Agency Biennial Notice

Name of Agency: _____

Mailing Address: _____

Contact Person: _____ Phone No. _____

Email: _____ Alternate Email: _____

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code includes disclosure by those agency officials who make or participate in making governmental decisions.

This agency has reviewed its conflict of interest code and has determined that (*check one BOX*):

An amendment is required. The following amendments are necessary:

(*Check all that apply.*)

- Include new positions
- Revise disclosure categories
- Revise the titles of existing positions
- Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions
- Other (*describe*) _____

The code is currently under review by the code reviewing body.

No amendment is required. (If your code is over five years old, amendments may be necessary.)

Verification (to be completed if no amendment is required)

This agency's code accurately designates all positions that make or participate in the making of governmental decisions. The disclosure assigned to those positions accurately requires that all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding designated positions are reported. The code includes all other provisions required by Government Code Section 87302.

Signature of Chief Executive Officer

Date

All agencies must complete and return this notice regardless of how recently your code was approved or amended. Please return this notice no later than **October 1, 2020**, or by the date specified by your agency, if earlier, to:

(*PLACE RETURN ADDRESS OF CODE REVIEWING BODY HERE*)

PLEASE DO NOT RETURN THIS FORM TO THE FPPC.



STAFF REPORT

City Council

Meeting Date:

9/8/2020

Staff Report Number:

20-189-CC

Regular Business:

Authorize the Mayor to sign a comment letter on the California High Speed Rail Authority draft environmental impact report/environmental impact statement for the San Jose-San Francisco project section

Recommendation

Staff recommends that the City Council authorize the Mayor to sign a comment letter (Attachment A) on the California High Speed Rail Authority draft environmental impact report/environmental impact statement (EIR/EIS) for the San Jose-San Francisco project section.

Policy Issues

This action is consistent with the City Council's adopted rail policy (Attachment B) and prior actions taken by the City Council on the California High Speed Rail (HSR) project.

Background

Established in 1996, the California High Speed Rail Authority (Authority) is charged with planning, designing, constructing and operating a state-of-the-art high speed train system. The HSR system as a whole would serve San Diego to Sacramento, including other major cities in between. A branch of the system would separate and run from the Central Valley to the San Francisco Bay Area. The system is planned to access San Jose as well as San Francisco along the Peninsula within Caltrain right-of-way, with the nearest local stops at Millbrae to the north and San Jose to the south.

In December 2008, the Authority issued a notice of preparation (NOP) for an environmental impact report (EIR) for the San Francisco to San Jose project section of the proposed California HSR system and initiated project scoping and alternatives development. In mid-2011, the Authority suspended work on the EIR due to concerns from communities along the Caltrain corridor. In November 2011, a proposal for "blended system" operations were developed to allow HSR and Caltrain to operate together between San Jose and San Francisco.

On April 12, 2012, the Authority Board approved a memorandum of understanding (MOU) among and between the Metropolitan Transportation Commission (MTC,) the Peninsula Corridor Joint Powers Board (Caltrain,) the Authority, the San Mateo County Transportation Authority, the Santa Clara Valley Transportation Authority, the Transbay Joint Powers Authority, the City of San Jose, the City and County of San Francisco, and the San Francisco County Transportation Authority to pursue the blended system.

On October 30, 2012, the City Council adopted the Rail City Council Subcommittee mission statement, statement of principles and the City Council position statement on rail issues ("Rail Policy".) These

documents were prepared and adopted in response to HSR and Caltrain blended system preliminary planning concepts which included potential four-track elevated structures between San Jose and San Francisco. The City Council modified the Rail Policy May 5, 2015 and August 27, 2019 to allow consideration of an elevated rail option to be considered as part of the City's Ravenswood Avenue grade separation project. The Rail Policy expresses the City Council's adopted position on rail, as summarized below:

- Approves of a blended system proposal
- Opposes any elimination of California Environmental Quality Act (CEQA) for the HSR environmental review process
- Opposes addition of passing tracks in Menlo Park, or more than two tracks within the existing Caltrain right-of-way (Policy allows for very minor exceptions)

On February 18, 2016, the Authority released the 2016 business plan for the HSR project. On April 12, 2016, the City Council authorized staff to submit a comment letter on the business plan emphasizing the City's position on HSR. The Authority Board adopted the final business plan April 28, 2016. Subsequently, the 2018 business plan was released in June 2018. This document provides the community with the program's status and the Authority's approach to system implementation.

On June 7, 2016, the City Council authorized staff to submit a comment letter on the NOP of a Project EIR for the HSR System, San Francisco to San Jose project section, blended system Project. Staff submitted the comment letter to the Authority June 8, 2016.

Analysis

Draft EIR/EIS and proposed project description

On July 10, 2020, the Authority released the Draft EIR/EIS for the San Francisco to San Jose project section of the HSR System. The Draft EIR/EIS has been prepared and is being made available pursuant to CEQA and the National Environmental Policy Act (NEPA.) Originally, the project DEIR/DEIS documents were circulated for a 45-day comment period, which was extended to 60-days, ending September 9, 2020. Following City Council consideration and approval of the City's draft comment letter (Attachment A,) staff will submit it to the Authority.

At the August 4, Rail Subcommittee meeting, the Authority made a presentation to the subcommittee providing a description of the San Francisco to San Jose project section Alternatives A and B, potential project environmental impacts on Menlo Park and the potential mitigation measures. The presentation is attached as Attachment C.

The HSR project would use existing and in-progress infrastructure improvements developed by Caltrain for its Caltrain Modernization Program, including electrification of the Caltrain corridor as part of the Peninsula Corridor Electrification Project (PCEP) and positive train control. With the HSR project, blended service would operate in the Caltrain corridor with both intercity HSR trains and commuter Caltrain trains sharing the same rail corridor between San Francisco and San Jose.

Additional improvements beyond the Caltrain modernization program would be required to accommodate HSR services. HSR would modify tracks to support higher speeds while maintaining passenger comfort; modify stations and platforms to accommodate HSR trains passing through or stopping at existing stations; implement safety and security improvements for at-grade roadway crossings and at existing Caltrain stations; build a Light Maintenance Facility; and build communication radio towers at approximately 2.5-mile intervals along the entire corridor. The Authority is considering two alternatives a, Alternatives A and B,

which are identical within Menlo Park. No passing tracks are proposed within or through Menlo Park. In the report, the Authority indicates that Alternative A is its preference.

The project would operate in an existing rail corridor that in pre-COVID-19 times had passenger service consisting of 92 Caltrain trains per day between Santa Clara and San Francisco and approximately 6 freight trains per day. The HSR project would result in the following changes:

- Increase in the number of passenger trains—The HSR project would add an estimated 122 to 176 revenue trains and 12 nonrevenue trains per day to the Caltrain corridor (depending on location along the corridor.) Up to 28 of these trains may run at night through Menlo Park, during the hours of 10 p.m. to 7 a.m. During the peak hour, up to 4 trains per hour per direction will be added (for a total of 56 trains during the peak hours per day.)
- Change in passenger train technology—In order to operate a blended system efficiently, Caltrain operations would need to shift to 100 percent electric multiple unit (EMU) trains compared to only 75 percent EMUs with the PCEP. HSR would use 100 percent EMUs.
- Change in passenger train speeds—With track curve straightening, passenger service speeds would be up to 110 miles per hour (mph) in certain locations for both Caltrain and HSR service.

Specific to Menlo Park, under either Alternative A or B, the HSR project would:

- Use Caltrain electrification structures and tracks resulting in no new tracks and no change in elevation, except for track lateral shifts of 1-2 feet, north of Encinal Avenue
- Install 4-quadrant gates at Ravenswood Avenue, Oak Grove Avenue, Glenwood Avenue and Encinal Avenue
- Complete fencing along the train corridor
- Install a stand-alone radio site at either Garwood Way (the DEIR/DEIS refers to this location as Derry Lane, but it does not currently incorporate construction underway to realign and rename the roadway to Garwood Way) or Ravenswood Avenue contingent on the City's preference

Draft comment letter

Staff has prepared a draft comment letter, describing the City's position on HSR as well as specific comments on the Draft EIR/EIS (Attachment A.) The key issues highlighted in the comment letter include:

1. Noise (operations)

Many of the projected noise impacts under both alternatives would occur because of train warning noise as a train approaches the at-grade crossings on Ravenswood Avenue, Oak Grove Avenue, Glenwood Avenue and Encinal Avenue. The HSR Draft EIR/EIS identifies noise barriers as potential mitigation measures. In Menlo Park, the noise barriers would have heights ranging from 9 feet to 11 feet. The total length of the noise barriers in Menlo Park and some spanning into northern Palo Alto, which would be installed on either the northbound or southbound track side, is approximately 8,800 feet. The overlap of the noise barriers with Palo Alto is due to the Menlo Park residences being adjacent to the Palo Alto Avenue/Alma Street station in Palo Alto. Summary maps and tables extracted from the DEIR/DEIS showing the proposed locations are provided in Attachment D. The report states that the noise barriers can be solid or transparent, made of various colors, materials and surface treatments screened with vegetation, or treated with surface coatings to facilitate cleaning and removal of graffiti. With the estimated cost of \$70 per square foot provided in the report, the estimated construction cost for the noise barriers is \$6.5 M. The report indicates that the noise barriers can have secondary impacts on visual aesthetics and may require tree or vegetation removal. Consequently, the report indicates its implementation will require community approval from 75 percent of all affected parties in order to install barriers. The affected parties are the receptors or noise sensitive land use e.g., residence, hospital and school. The report did not specify what

process the Authority would use to get the community approval.

In lieu of the noise barriers, the report suggests for the communities experiencing noise impacts to pursue establishment of “Quiet Zones,” which the Authority cannot impose by its own initiative. The Federal Railway Administration (FRA) allows local agencies the possibility of establishing “Quiet Zones,” which would eliminate the requirements for all trains to routinely sound their warning horns when approaching at-grade highways/rail crossings. The HSR project includes the installation of four-quadrant gates at the at-grade crossings on Ravenswood Avenue, Oak Grove Avenue, Glenwood Avenue, and Encinal Avenue that would help Menlo Park to implement “Quiet Zones” should it choose to do so. Establishing “Quiet Zones” would eliminate the need for noise barriers as mitigation for the project, but would need to be coordinated with the City of Palo Alto for the Palo Alto Avenue/Alma Street crossing which would impact residences in Menlo Park.

Horn noise is already a major concern of property owners and residents along the rail corridor. With the proposed train frequency more than doubling, and 28 high-speed trains proposed to run between the hours of 10 p.m and 7 a.m, the additional noise is rightfully disclosed as a significant impact in the DEIR/DEIS. The City is supportive of the concept of “Quiet Zones” as a potential mitigation measure for noise. However, the DEIR/DEIS does not verify and disclose if the improvements planned by HSR will meet the City’s obligations for the FRA to establish a “Quiet Zone” in Menlo Park. Therefore, the City expects a commitment from the Authority before the certification of the environmental documents to fund all costs incurred by the City including staff time in implementing “Quiet Zones” per the FRA requirements for all the at-grade crossings in Menlo Park. The savings between the noise barriers (estimated at \$6.5M per the Authority’s own cost estimates,) if they are not implemented, and the cost of a “Quiet Zone” should be otherwise invested in reducing the impact of HSR on the communities it runs through.

2. *Noise (construction)*

The report indicates that construction noise and changes in traffic patterns during construction both during the day (above 80 dBA) and at night (above 70 dBA) would impact residences in Menlo Park. The DEIR/DEIS describes mitigation by a construction noise mitigation plan to be developed by the contractor constructing the project. Construction activities, especially near residences at night, are inherently disruptive. The measure should provide expected performance metrics about what noise levels are acceptable to set clear expectations to the contractor and those that would be impacted by the noise. As currently written, the noise mitigation plan describes that it should “minimize,” “limit” and “avoid” certain noisy activities, especially at night. This language does not provide assurance as to the level of noise that could be expected with construction and should be revised to provide more specificity.

3. *Vibration*

The report indicates that the vibration impacts from operations would be mitigated with a measures such as special work to reduce vibration from joints in the tracks, improving train vehicle suspension, retrofitting buildings to reduce the impacts, and to consider acquiring vibration easements if no other feasible measures exist. However, the specific design and implementation of this mitigation measure will not be identified until the final design. The City requests the Authority to provide the final proposed elements of the mitigation measure to be implemented for the City’s review and approval.

4. *Transportation*

Increased gate downtime at existing at-grade crossings on Ravenswood Avenue, Oak Grove Avenue, Glenwood Avenue, and Encinal Avenue resulting from increased train service along the corridor will affect Menlo Park roadways and intersections that cross and are adjacent to the crossing locations.

In the report, 14 city intersections were studied for potential impacts. Utilizing City's Transportation Impact Analysis (TIA) guidelines for the Level of Service (LOS) analysis, the following City intersections were determined to have significant impacts either in the AM or PM peak hour or both in the 2040 + Project conditions under both alternatives:

- El Camino Real at Glenwood Avenue/Valparaiso Avenue
- El Camino Real at Oak Grove Avenue
- Merrill Street at Oak Grove Avenue
- Alma Street at Oak Grove Avenue
- Laurel Street at Oak Grove Avenue
- El Camino Real at Santa Cruz Avenue
- El Camino Real at Menlo Avenue/Ravenswood Avenue
- Merrill Street at Ravenswood Avenue
- Laurel Street at Ravenswood Avenue

No mitigation measures were proposed in the report because CEQA no longer requires mitigation measures for intersections determined to have significant impacts based on LOS analysis. However, the City's TIA guidelines require improvement measures to address intersections that are noncompliant with general plan policy. The City requests the Authority to provide improvement measures for the City intersections that are noncompliant with general plan policy and address the project's share of the non-compliance.

5. *Emergency response – delays*

Increased gate downtime at the existing at-grade crossings on Ravenswood Avenue, Oak Grove Avenue, Glenwood Avenue, and Encinal Avenue resulting from increased train service along the corridor would also cause emergency response delays to the Menlo Park Police and Menlo Park Fire Protection District, which provide the emergency and fire services to Menlo Park. All four of these roadways are identified by the Fire District as emergency response routes that it uses in response to emergency medical calls, vehicle collisions, hazardous material incidents and fire incidents. As mitigation measures, the Authority proposes to implement emergency vehicle priority treatments which may include: signal pre-emption/priority, roadway improvements, new/expanded fire station, increase contracted services to address emergency response delays. The City is very concerned about how these delays will affect its residents and expects HSR to work closely with the City and the Menlo Park Fire Protection District to mitigate these emergency response delays, including a contribution toward future grade separations that would reduce such impacts.

6. *Bus transit service*

Increased gate downtime at the existing at-grade crossing on Ravenswood Avenue resulting from increased train service along the corridor will also impact bus transit operations, specifically for SamTrans Route 286. As a mitigation measure, the Authority proposes to install transit signal priority (TSP) at key intersections in the City. TSP is a general term for a set of operational improvements that use technology to reduce dwell time at traffic signals for transit vehicles by holding green lights longer or shortening red lights. TSP may be implemented at individual intersections or across

corridors or entire street systems. The City expects HSR to work closely with SamTrans and the City in the design and implementation of the TSP improvements in Menlo Park.

7. *Pedestrian and bicycle access and safety during construction*

The report indicates that during construction, the HSR project would provide safe access at all times to pedestrians and bicyclists at the construction sites. The City requests to review the Authority's traffic control plan involving pedestrian and bicycle access and safety at its construction sites in Menlo Park.

8. *Protected trees*

The report indicates that under both alternatives, construction may require trimming and removal of protected trees. Protected trees are defined in the report as trees that have special significance and are afforded protection by and specifically identified in county and city ordinances, codes or general plan. As a mitigation measure, the HSR project would use a project biologist to survey the work sites for protected trees before construction and establish endangered species act protection around trees that do not need to be removed. The HSR project would implement the compensatory mitigation for trees that could not be saved based on requirements set forth in the local government ordinances, policies and regulations. The City's heritage tree ordinance requirements would apply to trees removed or pruned by the project, and the City requires that the Authority complies with the regulations set out in this ordinance.

9. *Stand-alone radio site options*

The HSR project would include operation of new radio communications facilities under both alternatives. The purpose is to facilitate communications between HSR trains and the central operations controller. The communication facilities are located approximately every 2.5 miles along the rail corridor, and as such, the project seeks a Menlo Park site for the stand-alone radio, either near Garwood Way or Ravenswood Avenue. The DEIR/DEIS does not show the realignment and renaming of Derry Lane to Garwood Way with the construction of the Station 1300 project, currently underway. Staff has provided the approved plans to HSR. Staff recommends the preferred site be located between Ravenswood Avenue and Burgess Drive, across from Burgess Park and adjacent to commercial buildings with a goal of minimizing the visual nuisance from residences.

10. *Grade separation*

The HSR project is not proposing any grade separation improvements on the at-grade crossings. The City reiterates in the draft comment letter its position on grade separation and that the City is currently studying grade separation options for the at-grade crossings on the Caltrain corridor. A contribution toward future grade separations that would mitigate transportation and emergency response delay impacts identified in the DEIR/DEIS.

Impact on City Resources

The City has allocated resources to review and respond to Authority efforts on the San Francisco to San Jose segment. No additional funds or resources are required at this time.

Environmental Review

This City Council action does not require environmental review under the California Environmental Quality Act (CEQA.) The Authority is seeking comments on the Draft EIR/EIS of its San Francisco to San Jose project segment, which is due September 9, 2020.

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. Comment Letter to California High Speed Rail Authority
- B. Hyperlink – City of Menlo Park Rail Policy:
menlopark.org/DocumentCenter/View/6388/City-Council-Rail-Policy
- C. California High Speed Rail Authority Presentation to Rail Subcommittee August 4
- D. Hyperlink – Excerpts from DEIR/DEIS Section on noise and vibration:
https://hsr.ca.gov/docs/programs/san_francisco_san_jose/Draft_EIRS_FJ_V1-12_CH_3.4_Noise_Vibration.pdf

Report prepared by:
Rene Baile, Associate Transportation Engineer

Report reviewed by:
Kristiann Choy, Acting Transportation Manager



September 8, 2020

Brian P. Kelly
Chief Executive Officer
Attn: San Francisco to San Jose Section Draft EIR/EIS
California High-Speed Rail Authority
100 Paseo de San Antonio
San Jose, CA 95113

RE: Comments on the San Francisco to San Jose Draft EIR/EIS

Dear Mr. Kelly,

I am writing to submit the City of Menlo Park's comments on the Draft Environmental Impact Report/ Environmental Impact Statement (EIR/EIS) for the High Speed Rail (HSR) San Francisco to San Jose Section, Blended System Project.

The City would like this opportunity to reiterate its current position on HSR. Enclosed is a copy of the City's current Rail Policy. The City supports the "blended system" proposal for the San Francisco and San Jose segment outlined in the Memorandum of Understanding (MOU) between the Metropolitan Transportation Commission (MTC), the Peninsula Corridor Joint Powers Board (Caltrain), the California High-Speed Rail Authority (CHSRA), the San Mateo County Transportation Authority, the Santa Clara Valley Transportation Authority, the Transbay Joint Powers Authority, the City of San Jose, the City and County of San Francisco, and the San Francisco County Transportation Authority as approved by the CHSRA Board in April 2012.

The City is opposed to the addition of a third passing track along the rail line through Menlo Park and is pleased to see that the two alternatives that HSR is considering for the San Francisco to San Jose segment do not propose a third passing track through Menlo Park. That said, the Draft EIR/EIS identifies several issues of concern to the City, as summarized below.

The following specific comments are provided on the Draft EIR/EIS in order to minimize any potential impacts to the community:

1. Noise (Operations)

The HSR Draft EIR/EIS identifies noise barriers as potential mitigation measures. In Menlo Park, the noise barriers would have heights ranging from 9 to 11 feet. The total length of the noise barriers in Menlo Park and some

spanning into northern Palo Alto, which would be installed on either the northbound or southbound track side, is approximately 8,800 feet. The overlap of the noise barriers with Palo Alto is due to the Menlo Park residences being adjacent to the Palo Alto Avenue/Alma Street station in Palo Alto. With the estimated cost of \$70 per square foot provided in the report, the estimated construction cost for the noise barriers is \$6.5 M. As the report indicates noise barriers can have secondary impacts on visual aesthetics and may require tree or vegetation removal. Consequently, the report indicates its implementation will require community approval from 75% of all affected parties in order to install barriers.

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No mitigation measures were proposed in the report because CEQA does not require mitigation measures for intersections determined to have significant impacts based on LOS analysis. However, the City’s TIA guidelines require improvement measures to address intersections that are non-compliant with its General Plan policy. The City requests the Authority to provide improvement

measures for the City intersections that are non-compliant with General Plan policy and address the project's share of the non-compliance.

5. *Emergency Response – Delays*

Increased gate downtime at the existing at-grade crossings on Ravenswood Avenue, Oak Grove Avenue, Glenwood Avenue, and Encinal Avenue resulting from increased train service along the corridor would also cause emergency response delays to the Menlo Park Police and Menlo Park Fire Protection District, which provides the emergency and fire services to Menlo Park. All four of these roadways are identified by the Fire District as emergency response routes that it uses in response to emergency medical calls, vehicle collisions, hazardous material incidents, and fire incidents. As mitigation measures, the HSR proposes to implement emergency vehicle priority treatments which may include: signal pre-emption/priority, roadway improvements, new/expanded fire station, increase contracted services to address emergency response delays. The City is very concerned about how these delays will affect its residents and expects HSR to work closely with the City and the Menlo Park Fire Protection District to reduce these emergency response delays, including a contribution towards future grade separations that would mitigate such impacts.

6. *Bus Transit Service*

Increased gate downtime at the existing at-grade crossings on Ravenswood Avenue resulting from increased train service along the corridor would also impact bus transit operations, specifically for SamTrans Route 286. As a mitigation measure, the Authority proposes to install transit signal priority (TSP) at key intersections in the City. TSP is a general term for a set of operational improvements that use technology to reduce dwell time at traffic signals for transit vehicles by holding green lights longer or shortening red lights. TSP may be implemented at individual intersections or across corridors or entire street systems. The City expects the Authority to work closely with SamTrans and the City in the design and implementation of the TSP improvements in Menlo Park.

7. *Pedestrian and Bicycle Access and Safety During Construction*

The report indicates that during construction, HSR would provide safe access at all times to pedestrians and bicyclists at the construction sites. The City requests to review HR's traffic control plan involving pedestrian and bicycle access and safety at its construction sites in Menlo Park.

8. *Protected Trees*

The report indicates that under both alternatives, construction may require trimming and removal of protected trees. As a mitigation measure, HSR would use a project biologist to survey the work sites for protected trees prior to

construction and establish Endangered Species Act protection around trees that do not need to be removed. The HSR project would implement the compensatory mitigation for trees that could not be saved based on requirements set forth in the local government ordinances, policies, and regulations. The City's Heritage Tree ordinance requirements would apply to trees removed or pruned by the project, and the Authority must comply with the regulations set out in this ordinance.

9. *Stand-alone Radio Site Options*

The HSR project would include operation of new radio communications facilities under both alternatives. The purpose is to facilitate communications between HSR trains and the central operations controller. The communication facilities are located approximately every 2.5 miles along the rail corridor, and as such, the project seeks a Menlo Park site for the stand-alone radio, either near Garwood Way or Ravenswood Avenue. The DEIR/DEIS does not show the realignment and renaming of Derry Lane to Garwood Way with the construction of the Station 1300 project, currently underway. City staff has provided the approved plans to the Authority. The City requests the preferred site be located between Ravenswood Avenue and Burgess Drive, across from Burgess Park and adjacent commercial buildings with a goal of minimizing the visual nuisance from residences.

10. *Grade Separation*

The HSR project is not proposing any grade separations at the at-grade crossings as mitigation measures. However, the City considers grade separation a very important project that would address critical issues such as vehicular, pedestrian, and bicycle safety, train noise, and emergency response delays. The City is currently studying grade separation options for the at-grade crossings on the Caltrain corridor. A contribution towards future grade separations would mitigate transportation and emergency response delay impacts identified in the DEIR/DEIS.

The City appreciates this opportunity to provide comments on the HSR San Francisco to San Jose segment project Draft EIR/EIS. The City expects HSR to consider the comments raised in this letter and to work closely with the City on these issues.

If you have any questions, please contact Nikki Nagaya, Public Works Director, at 650-330-6770 or nhnagaya@menlopark.org.

Sincerely,

Cecilia Taylor, Mayor

Enclosure: Menlo Park Rail Policy

CALIFORNIA HIGH-SPEED RAIL SAN FRANCISCO TO SAN JOSE PROJECT SECTION

City of Menlo Park Rail Subcommittee

August 4, 2020



MISSION

CALIFORNIA HIGH-SPEED RAIL

To initiate the construction of a high-speed train system that utilizes an alignment and technology capable of sustained speeds of 200 miles per hour or greater.

Three principles guide our decisions:

1. Initiate high-speed rail service in California as soon as possible.
2. Make strategic, concurrent investments that will be linked over time and provide mobility, economic and environmental benefits at the earliest possible time.
3. Position ourselves to construct additional segments as funding becomes available.



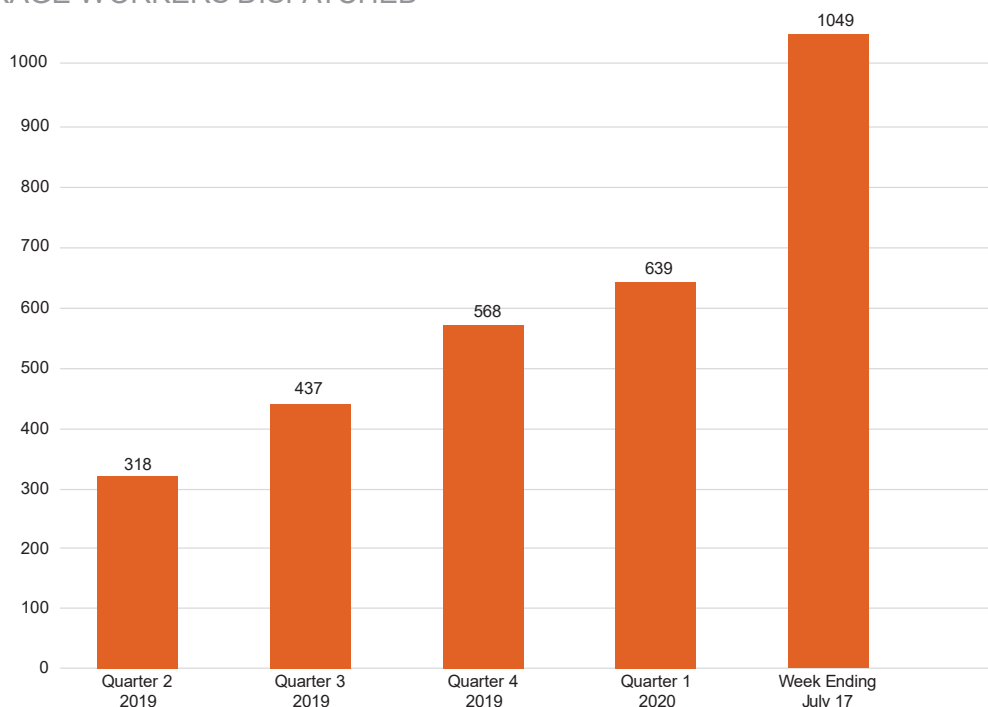
WHERE WE ARE IN 2020

- 350 miles of electrified high-speed rail on the way to or under construction
 - » 171 miles between Merced and Bakersfield
 - » 51 miles of the Caltrain Corridor being electrified
 - » 130 miles connecting Las Vegas to Southern California
- Remainder of Phase 1 (San Francisco to Los Angeles/Anaheim) environmental clearance underway
 - » 4 Draft EIR/EIS documents released in 2020



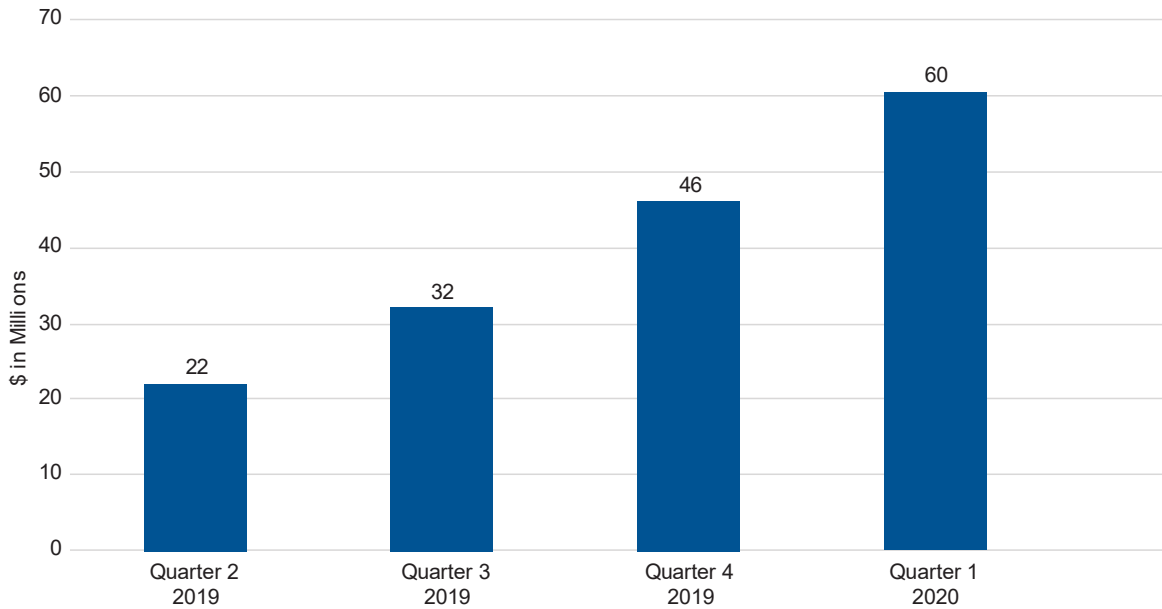
MOMENTUM PICKING UP IN THE FIELD

WEEKLY AVERAGE WORKERS DISPATCHED



MOMENTUM PICKING UP IN THE FIELD

AVERAGE MONTHLY EXPENDITURES BY QUARTER



OVER 4,000 CONSTRUCTION JOBS CREATED

JUNE 2020

- Over 4,000 construction jobs created across 119 miles of high-speed rail construction
 - » More than 73% of workers dispatched reported living within the Central Valley
- Targeted Worker Program requires that 30% of project work hours be performed by individuals who come from disadvantaged communities
- Extensive Safety and Hygiene Measures for COVID-19 on construction sites



[Click here to see more videos](#)



HIGH-SPEED RAIL CORRIDOR DEVELOPMENT ACT OF 2020

• Proposed legislation by Rep. Jim Costa:

- » Authorize \$32 billion through 2024 of federal funding to projects in designated high-speed rail corridors
 - » Reauthorize the High-Speed Rail Corridor Development Program
 - » Build upon the Passenger Rail Investment and Improvement Act of 2008 and the American Recovery and Reinvestment Act
 - » Award grants to fund projects from the state rail plan
- » Provide funding to complete construction of the full Phase I high-speed rail system from San Francisco to Los Angeles



HIGH-SPEED RAIL IN NORTHERN CALIFORNIA IN 2020



Planning



Diridon Integrated Station Concept

Environmental



San Francisco to Merced Corridor

Pre-Construction



Downtown Extension (DTX)

Construction



Caltrain Electrification

Operations



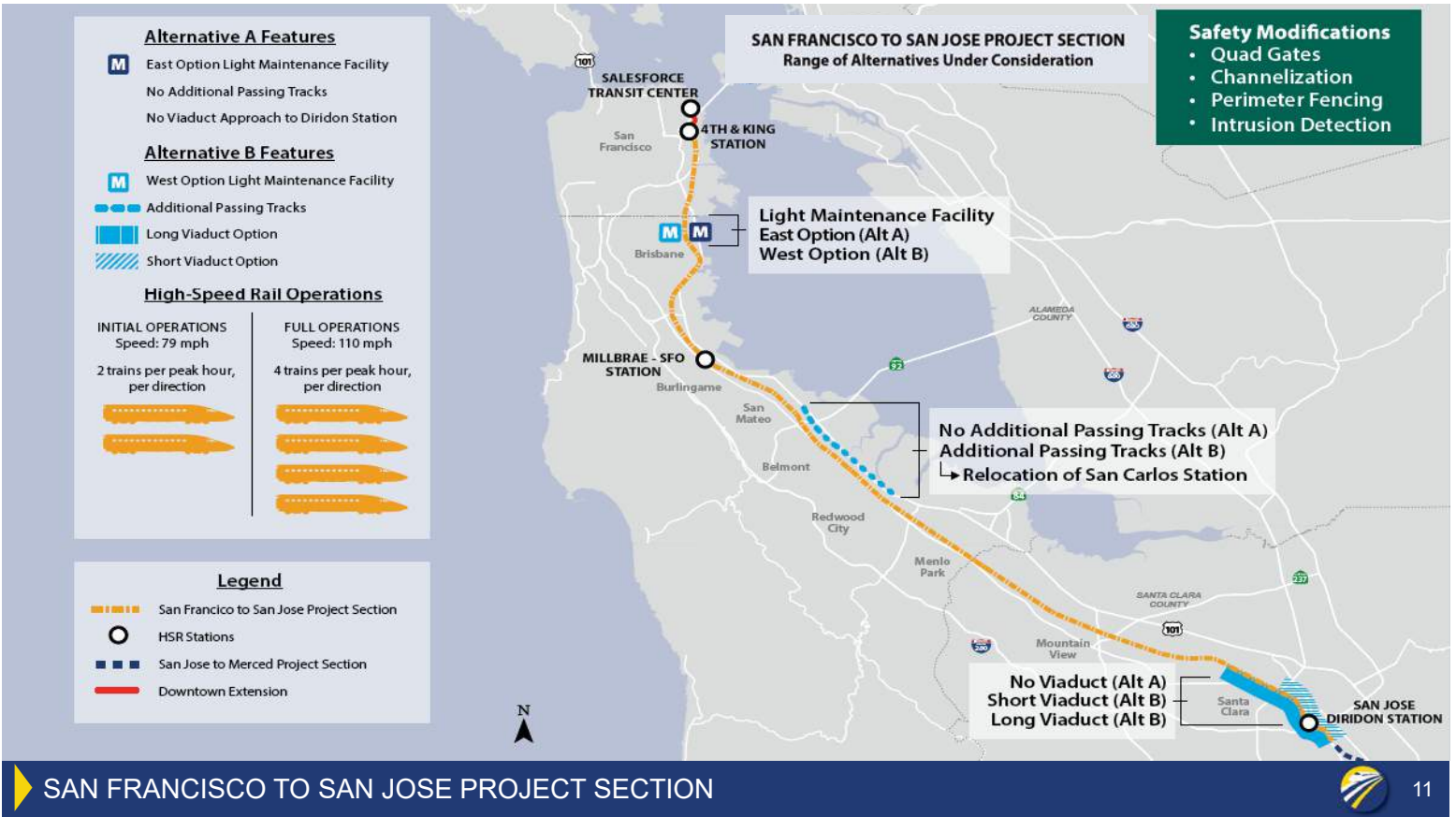
Salesforce Transit Center

SAN FRANCISCO TO SAN JOSE PROJECT SECTION



DEVELOPMENT & REVIEW OF ENVIRONMENTAL DOCUMENT





SAN FRANCISCO TO SAN JOSE

Project Elements in City of Menlo Park – Alternatives A & B

- Uses Caltrain electrification infrastructure and tracks
 - » No new tracks
 - » No change in elevation
 - » Minor track lateral shifts (north of Encinal)
- Track upgrades for up to 110 mph operations
 - » Installation of 4-quadrant gates at Encinal, Glenwood Ave, Oak Grove, and Ravenswood
 - » Complete corridor fencing
- Stand-alone radio site options at Ravenswood or at Derry Lane
 - » Potential relocation of Ravenswood site based on feedback from City staff

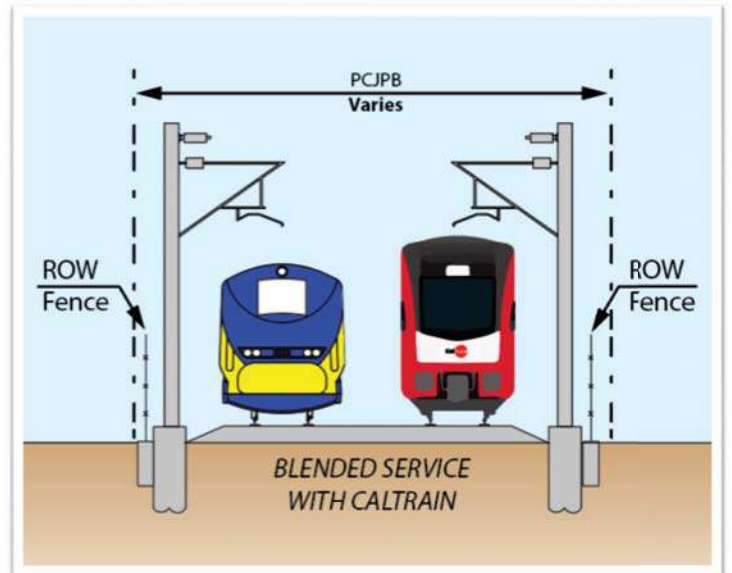


Figure: Blended service illustration

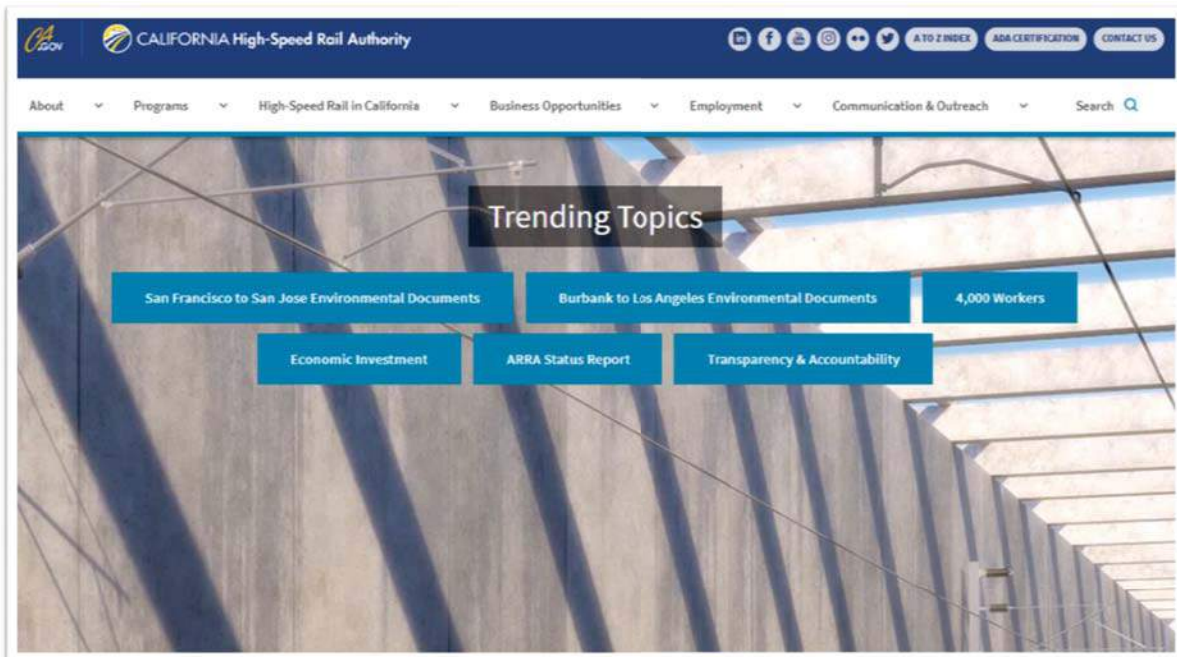
SAN FRANCISCO TO SAN JOSE

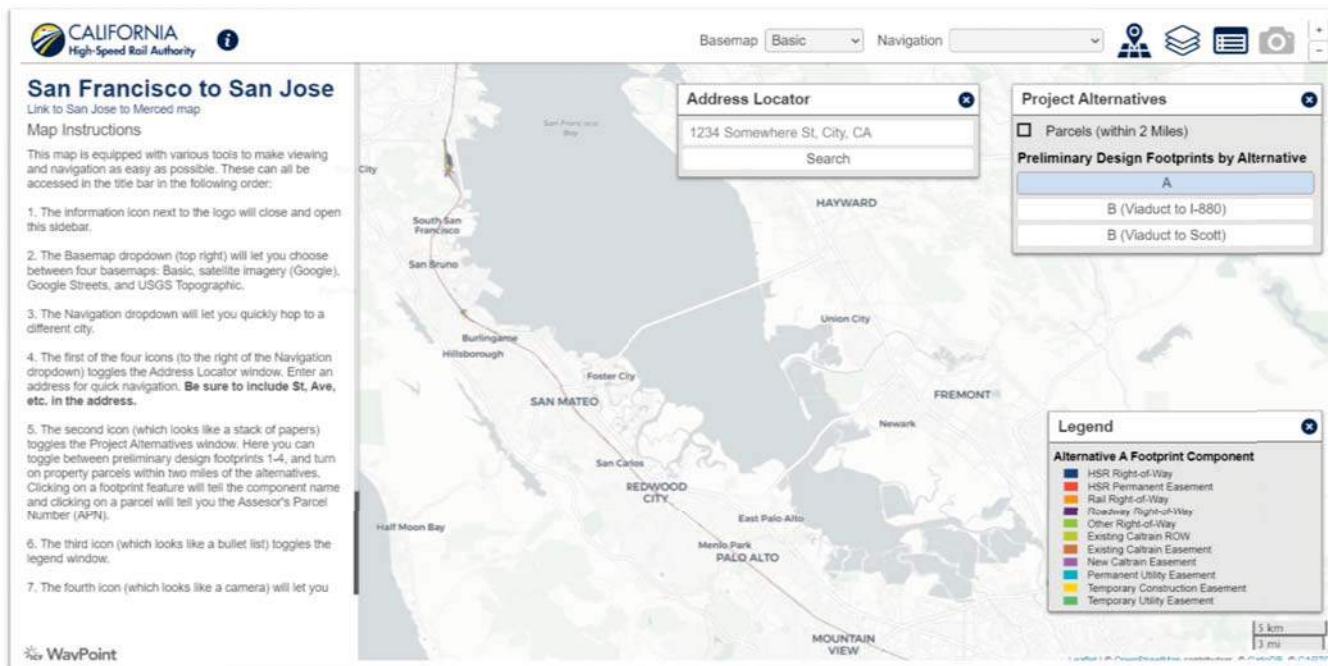
Key CEQA Impacts in City of Menlo Park – Alternatives A & B

| Impact | Detail | Proposed Mitigation |
|--------------------|--|--|
| Noise | Noise impacts from additional train frequency primarily from horns at grade crossings. | Noise Barriers (7 locations) leaving 15 severe impacts (less noise barriers needed if quiet zones are implemented and less residual severe impacts) |
| Vibration | Due to increased train frequency. Impact related to annoyance, not building damage | Design mitigation: location of special trackwork, track support system, building modifications (for sensitive equipment) |
| Emergency Response | <ul style="list-style-type: none"> Menlo Park Area east of rail corridor centered on Ravenswood Avenue and Oak Grove Avenue Menlo Park/Palo Alto—Area west of rail corridor along city boundaries just north of Sand Hill Road | Emergency vehicle priority treatments which may include: signal pre-emption/priority, roadway improvements, new/expanded fire station, increase contracted services. |

www.hsr.ca.gov

San Francisco to San Jose Draft EIR/EIS Walkthrough





SAN FRANCISCO TO SAN JOSE DRAFT ENVIRONMENTAL DOCUMENT: AVAILABLE NOW!

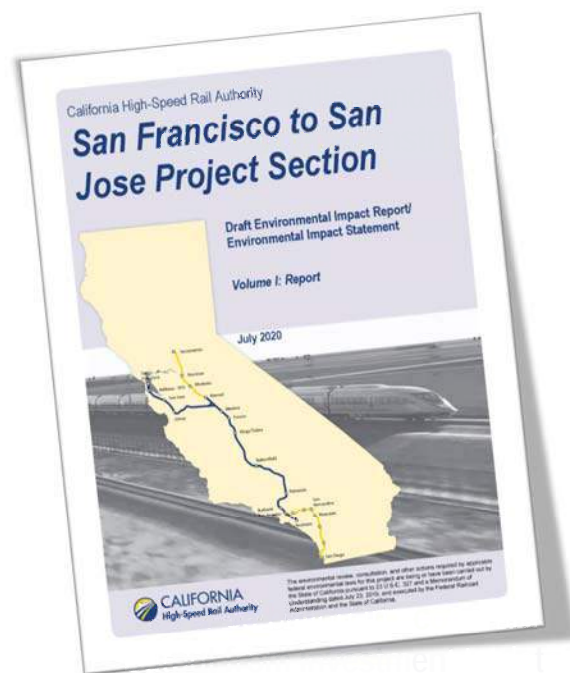
- Public comment period:
July 10 – September 9, 2020
- View or download at the Authority website:
» hsr.ca.gov/programs/environmental/eis_eir/draft_san_francisco_san_jose.aspx

Online comment form (comments can also be emailed or mailed):

- » hsr.ca.gov/programs/environmental/eis_eir/draft_san_francisco_san_jose_comment.aspx





For more information visit:

MeetHSRNorCal.org



HOW TO SUBMIT COMMENTS

PUBLIC COMMENT PERIOD: JULY 10 – SEPTEMBER 9

-  By Online Comment Form
» hsr.ca.gov/programs/environmental/eis_eir/draft_san_francisco_san_jose_comment.aspx
-  By Email
» san.francisco_san.jose@hsr.ca.gov
-  By Mail
» To "San Francisco to San Jose Project Section: Draft EIR/EIS," 100 Paseo de San Antonio, Suite 300, San Jose, CA 95113
-  Verbal Comments*
» Public Hearing on August 19th

COVID-19 UPDATE

Due to public health and safety requirements concerning the coronavirus, the public hearing for the Draft EIR/EIS may need to occur online and/or by teleconference only. Please check the Authority website (www.hsr.ca.gov) for more information, including up-to-date information on the planned hearing.





Headquarters

California High-Speed Rail Authority

770 L Street, Suite 620

Sacramento, CA 95814

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Northern California Regional Office

California High-Speed Rail Authority

100 Paseo De San Antonio, Suite 300

San Jose, CA 95113

Agenda item G2
Marcy Abramowitz, resident

The CHSR EIR assumes that the Caltrain line is "as is" when it projects \$6.5M in noise mitigation efforts. In other words, impacts, such as noise and vibration assume that rail will remain at grade.

With Option C being the City's "preferred option," grade separation option, we are looking at elevated tracks through much of the City. This will translate to substantially more noise, vibration and visual impacts from HSR to areas adjacent to the tracks, especially to residents of multi-dwelling units and single family homes.

We request that the City go on record that additional resources will be needed to address the significantly greater impacts of HSR on our city once grade separation is enacted.

Thank you.



STAFF REPORT

City Council

Meeting Date:

9/8/2020

Staff Report Number:

20-191-CC

Regular Business:

Adopt Resolution No. 6583 authorizing submittal of a Bureau of Reclamation water and energy efficiency grant application for the automated meter infrastructure project; authorize the public works director to execute the financial assistance agreement if awarded a grant

Recommendation

Adopt Resolution No. 6583 authorizing submittal of a Bureau of Reclamation WaterSMART water and energy efficiency grant application for the automated meter infrastructure project, and authorize the public works director to execute the financial assistance agreement if awarded a grant.

Policy Issues

Menlo Park Municipal Water (MPMW) is a city-owned water service provider for a portion of the City of Menlo Park, and the City Council acts as the governing body. The recommendation meets Policy LU-7.1 (Sustainability) of the 2016 general plan to promote sustainable operational practices that conserve resources and minimize waste.

Background

MPMW supplies water to approximately half of the City's residences and businesses through 4,400 service connections (Attachment A.) MPMW's sole water supply is purchased from the San Francisco Public Utilities Commission (SFPUC) for MPMW's two distinct service areas - the upper zone in the Sharon Heights area, and the lower zone located north and east of El Camino Real.

MPMW currently relies on an outside meter reading contractor to manually read meters on a monthly basis. The automated meter infrastructure (AMI) project, listed as a high priority in the 2018 water system master plan (WSMP,) will retrofit and/or replace existing water meters with new equipment capable of automatically transmitting hourly meter reads to MPMW. Doing so would improve meter read accuracy, enhance customer service, enable staff and water users to identify leaks earlier so corrective actions can be taken, and reduce water loss. The project is estimated to cost between \$3.5 million to \$4.5 million (2018 WSMP,) and \$1 million has been set aside thus far.

The five-year capital improvement plan presented to City Council July 28 shows proposed future funding for the AMI project of \$1,045,000 in fiscal year 2021-22 and \$1,535,000 in fiscal year 2022-23 for a total of \$3.58 million across all fiscal years. Following City Council approval of the capital improvement program, staff became aware of a grant opportunity for AMI.

Analysis

The Bureau of Reclamation's WaterSMART grants program, through water and energy efficiency grants (WEEG,) provides funding for projects that result in quantifiable and sustained savings and support broader reliability benefits. Eligible projects include installing meters that result in measurable water savings, and last fiscal year 2019-20, six of the 12 grants awarded to California agencies were for AMI projects.

Grant funding would begin in fiscal year 2021-22 and applicants must be capable of cost sharing 50 percent or more of the total project costs. Applicants must decide which phase to submit an application. Phase 1 is up to \$500,000 for projects completed within two years, and Phase 2 is up to \$1.5 million for projects completed within three years. The Bureau of Reclamation has not yet determined the total available funding for these grants, however, Phase 1 applications will be processed before Phase 2 applications. To ensure the possibility of receiving a grant, staff recommends applying for Phase 1 for the maximum \$500,000.

The application deadline is September 17 and requires submittal of a resolution (Attachment B) adopted by the City Council. Award recipients will be notified in spring 2021 to complete financial assistance agreements.

Staff plans to release the request for bids in early 2021, and begin replacing/retrofitting meters in fiscal year 2021-22.

Impact on City Resources

Receiving a grant will reduce project costs for AMI to be funded by the water fund.

Environmental Review

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

Public Notice

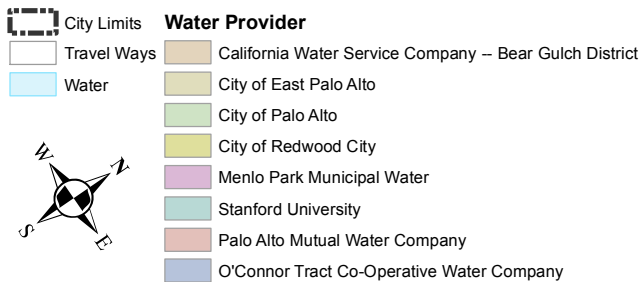
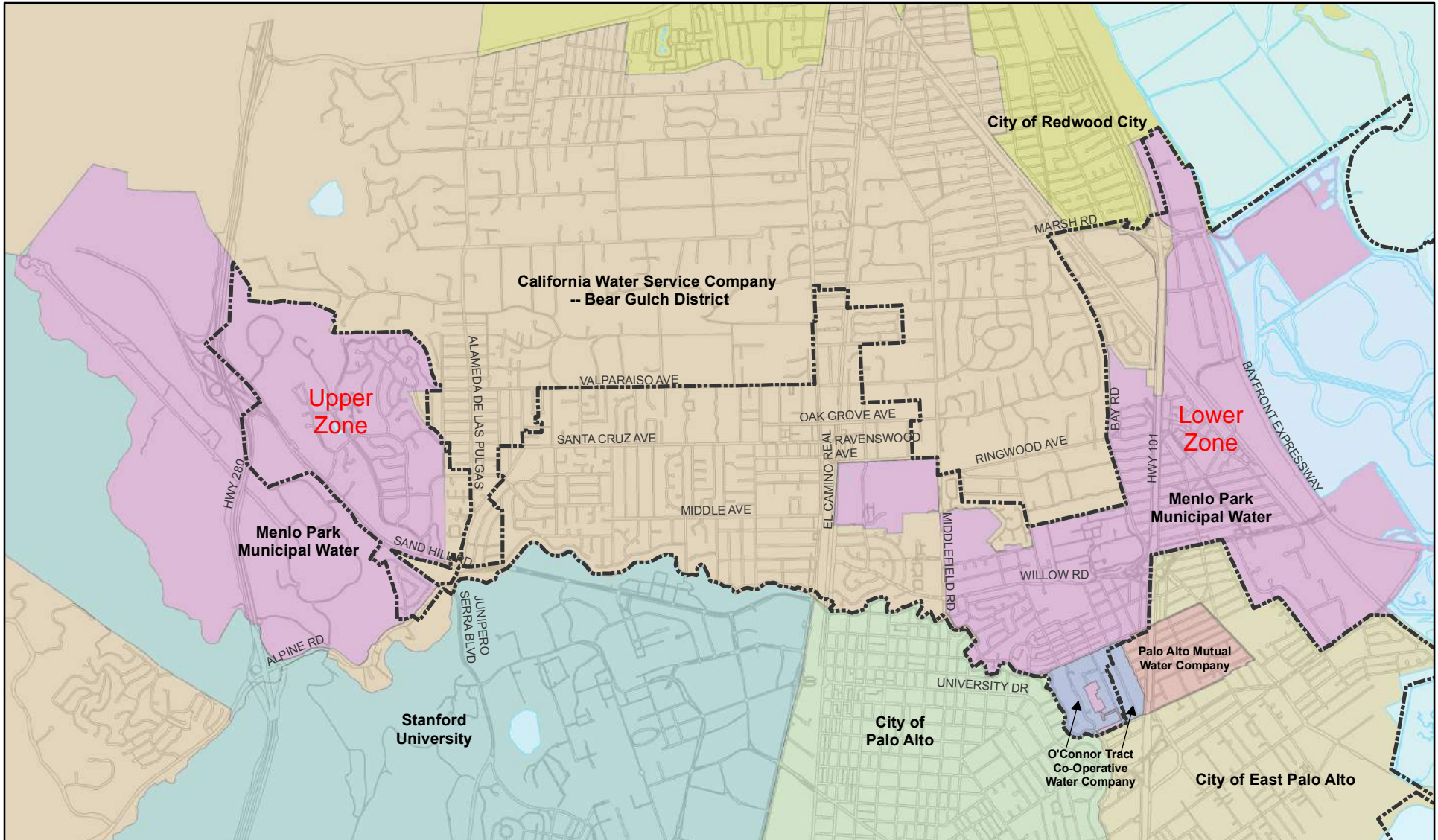
Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

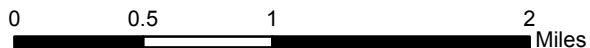
- A. Map - MPMW service area
- B. Resolution No. 6583

Report prepared by:
Pam Lowe, Senior Civil Engineer

Report reviewed by:
Christopher Lamm, Assistant Public Works Director



Water Agencies Within and Surrounding Menlo Park



RESOLUTION NO. 6583**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
AUTHORIZING SUBMITTAL OF A BUREAU OF RECLAMATION WATER AND
ENERGY EFFICIENCY GRANT APPLICATION FOR THE AUTOMATED METER
INFRASTRUCTURE PROJECT**

WHEREAS, Menlo Park Municipal Water (MPMW) is a city-owned water service provider for a portion of the City of Menlo Park, and the City Council acts as the governing body.

WHEREAS, MPMW supplies water to approximately half of the City's businesses and residences through 4,400 service connections.

WHEREAS, MPMW's sole water supply is purchased from the San Francisco Public Utilities Commission (SFPUC) for MPMW's two service areas – the upper zone in the Sharon Heights area, and the lower zone located north and east of El Camino Real.

WHEREAS, MPMW charges for water used by these customers using traditional mechanical meters that must be read manually on a monthly basis and have no additional capabilities.

WHEREAS, the City desires to implement an automated meter infrastructure (AMI) project. The proposed future AMI Project involves, among other things, the replacement or retrofitting of existing water meters with new smart meters capable of automatically transmitting hourly meter reads to MPMW. By upgrading to an AMI system, customers can be supplied with on demand, real time water consumption data enabling them to make more informed decisions about their water use.

WHEREAS, the United States Bureau of Reclamation offers financial assistance in the form of grant funding through the WaterSMART water and energy efficiency grant program (WEEG). For fiscal year (FY) 2020-21, the Phase 1 program provides up to a maximum of \$500,000 in grant funding, but not to exceed 50% of the total project cost.

WHEREAS, the project is estimated to cost between \$3.5 million to \$4.5 million, and \$1 million has been set aside thus far.

NOW, THEREFORE, the City Council of the City of Menlo Park hereby resolves as follows:

SECTION 1. The public works director, or designee, is authorized to sign and submit, for and on behalf of the City of Menlo Park, a grant application from the Bureau of Reclamation's WaterSMART water and energy efficiency program for the AMI Project up to the amount of \$500,000.

SECTION 2. The public works director or designee, is designated to provide the assurances, certifications, and commitments required for the grant application, including executing a financial assistance or similar agreement with the Bureau of Reclamation within established deadlines and any amendments or change forms.

SECTION 3. The public works director, or designee, is designated to represent the City of Menlo Park in carrying out the responsibilities under the grant agreement, including certifying disbursement requests on behalf of the City and compliance with applicable state and federal laws.

SECTION 4. If a grant award is made by the Bureau of Reclamation, the City of Menlo Park commits to providing up to \$500,000 in matching funds for the AMI Project plus any remaining balance.

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 eighth day of September, 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 eighth day of September, 2020.

Judi A. Herren, City Clerk



STAFF REPORT

City Council
Meeting Date: 9/8/2020
Staff Report Number: 20-192-CC

Regular Business: **Adopt Resolution No. 6584 supporting the Middle Avenue Pedestrian and bicycle rail crossing project and submitting an application for Measures A and W pedestrian and bicycle program funding**

Recommendation

Staff recommends that the City Council adopt Resolution No. 6584 (Attachment A) in support of the Middle Avenue pedestrian and bicycle crossing project (Project,) authorize staff to submit a grant application for Measures A and W pedestrian and bicycle program funding for the Project's final design and construction phases, and if awarded, authorize the city manager to enter into necessary funding agreements to accept the funds.

Policy Issues

The City Council identified the Middle Avenue pedestrian and bicycle rail crossing project as a high priority project in the 2019 work plan on March 12, 2019. The project is consistent with policies stated in the 2016 general plan circulation element, the El Camino Real and Downtown specific plan and is included in the City's five-year capital improvement plan (CIP) per Attachment B. These policies seek to maintain a safe, efficient, attractive, user-friendly circulation system that promotes a healthy, safe and active community and quality of life throughout Menlo Park.

City Council action is required to demonstrate support of the project and approve submittal of an application for Measures A and W Pedestrian and bicycle program grant funds for the Project.

Background

Funding program background

On November 2, 2004, the voters of San Mateo County approved the continuation of the collection and distribution by the San Mateo County Transportation Authority (TA) of the Measure A half-cent transportation sales tax and accompanying transportation expenditure plan for an additional 25 years, beginning January 1, 2009 (new Measure A.) In addition, on November 6, 2018, the voters of San Mateo County approved the Measure W half-cent sales tax for a 30-year period. The TA administers 50 percent of the Measure W funds. The San Mateo County Transit Districts administers the other 50 percent.

On August 7, the TA issued a call for projects for the Measures A and W pedestrian and bicycle program. The TA requires a governing board resolution from the City in support of the City's application. The Measures A and W pedestrian and bicycle program has a maximum award per jurisdiction of \$2,000,000.

Project background

The Measure A program has supported prior phases of this Project. On July 20, 2016, the TA programmed funds for the project from the Measure A pedestrian and bicycle program in the amount of \$490,000 with a

30 percent local match of \$210,000 for the preliminary engineering and environmental clearance phases.

On March 14, 2017, the City Council authorized the city manager to enter into an agreement with AECOM for the Project and authorized the city manager to enter into all necessary agreements and contract amendments without changes to the budget for this project. The consultant's scope of work consisted of preparation of the 30 percent design documents, environmental analysis and community engagement.

The project began in 2017 and the first community meeting was held on May 4, 2017, to present high-level options for an over and undercrossing of the railroad tracks near Middle Avenue. The feedback gathered at that meeting showed community consensus for an undercrossing, and staff proceeded to refine the undercrossing alternatives, before placing the project on hold to address other urgent priorities at the time.

In early 2019, the City Council identified this project as a high priority, and staff resumed work and re-initiated coordination with Caltrain on design and construction options. A second community meeting on the project was held on May 13, 2019, to discuss three undercrossing concepts. Approximately 25 people attended the meeting and provided feedback on the preferred crossing concept, preference of stair and ramp types, safety and security concerns, clarifications on designs and coordination with other projects. This feedback was incorporated into a recommended preferred alternative.

On August 27, 2019, the City Council unanimously passed a motion to select Concept 3 as the preferred alternative for the Middle Avenue pedestrian and bicycle rail crossing. The project is an undercrossing approximately 10-12 feet below the street/plaza elevation that aligns with a proposed raised crosswalk on Alma Street and is offset from the plaza at 500 El Camino Real (Stanford's Middle Plaza project.) The crossing location is outside of the existing Caltrain crossover tracks which was required by Caltrain for constructability and maintenance reasons. Following City Council's selection of a preferred alternative, staff advanced the engineering design and took steps to complete the scope of work as funded by the TA grant, which needed to be completed by February 2020.

On January 28, the City Council certified the project environmental document, an Addendum to the El Camino Real and Downtown specific plan environmental impact report, and approved the 30 percent project plans (Attachment C.) A link to the project's webpage is provided in Attachment D.

Analysis

The Project is critical to provide greater east-west connectivity, as El Camino Real, in addition to the Caltrain railroad tracks, are both a real and perceived barrier. Long crossing distances make traversing the street on foot inconvenient. This undercrossing would improve connectivity for neighborhoods on both sides of the Caltrain tracks with City amenities, and improve access to public transit and downtown Menlo Park. It would encourage the use of more active modes of transportation and contribute to a healthier Menlo Park. Staff is proposing to pursue funds from the Measures A and W program to complete the final design and construction phases for the Project. The grant application is required to be submitted by September 21, along with an approved resolution of support by the City Council. Currently identified possible funding sources are summarized in the Impact on City Resources section below. Additional outside funding opportunities to complete the project will be pursued as they are identified.

Next steps

The key milestones for the project are summarized in Table 1. The schedule to complete the project is contingent upon progress of Caltrain's electrification project. Caltrain initially indicated no construction work may be allowed within its corridor while its contractor is working on the electrification project. Staff will continue coordination with Caltrain to complete the project as soon as reasonably possible. The schedule

below assumes the construction work will begin after Caltrain’s electrification project is completed.

| Table 1: Key project milestones | |
|--|---|
| Coordination with Caltrain | On-going since 2015 |
| Negotiations to acquire right of way | On-going since August 20, 2019 |
| City Council selects preferred crossing tunnel alignment and layout | August 27, 2019 |
| Completion of environmental documents and 30% design plans (grant scope) | January 28, 2020 |
| Identify funds for construction | On-going since 2016 |
| Obtain other regulatory agency permits (Caltrain, CPUC, etc.) | Mid-2021 |
| Commence construction | Upon completion of Caltrain electrification project late-2022 |
| Goal for undercrossing opening | Late-2023 |

Impact on City Resources

The project is anticipated to have a construction cost estimate of approximately \$20 million, including right of way acquisition and utility relocations.

The budget for the capital improvement plan includes \$6.5 million to advance this project. Through the Measure A (2016) pedestrian and bicycle program grant awarded for this project, the TA reimbursed the City \$490,000. As part of the 500 El Camino Real (Middle Plaza) development agreement, Stanford is required to contribute 50 percent of the cost, up to \$5 million, toward the project.

The County of Santa Clara has awarded the City an additional \$1 million for this project as part of the Stanford University’s recreation mitigation fund.

For the remainder of the final design and construction costs, the City is exploring a combination of strategies to fund the project, including reducing the cost of the project through value engineering, tracking grant opportunities that could supplement local City contributions to keep the project on the schedule above, and contributing local funds from the Measure A or Measure W programs. One of those grant opportunities is the state’s active transportation program (ATP) Cycle 5, for which staff is currently preparing to submit an application in mid-September. If approved, the ATP grant will provide the required funds to complete the project.

| Table 2: Project budget | |
|---|---------|
| Preliminary project cost | \$20m |
| SMCTA grant (2016) | \$0.49m |
| City contribution (budgeted) | \$6.5m |
| Stanford University required contribution | \$5m |
| Santa Clara County | \$1m |
| SMCTA grant (2020,) if approved | \$2m |
| Funds needed | \$5.01m |

Environmental Review

An addendum to the Menlo Park El Camino Real and downtown specific plan environmental impact report (Specific Plan EIR) has been certified to analyze potential impacts from the implementation of the Middle Avenue pedestrian and bicycle rail crossing project as provided for under Section 15164 of the California Environmental Quality Act (CEQA) Guidelines.

Public Notice

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

Attachments

- A. Resolution No. 6584
- B. Hyperlink – Traffic and transportation section of the five-year capital improvement plan: [stories.opengov.com/menlopark/published/L3DGZoAmH](https://www.stories.opengov.com/menlopark/published/L3DGZoAmH)
- C. Hyperlink – January 28 City Council staff report: [menlopark.org/DocumentCenter/View/24052/H4-20200128-CC-MiddleCrossing](https://www.menlopark.org/DocumentCenter/View/24052/H4-20200128-CC-MiddleCrossing)
- D. Hyperlink – Middle Avenue pedestrian and bicycle crossing webpage: [menlopark.org/middlecrossing](https://www.menlopark.org/middlecrossing)

Report prepared by:
Morad Fakhrai, Senior Project Manager

Report prepared by:
Kristiann Choy, Acting Transportation Manager

RESOLUTION NO. 6584**RESOLUTION SUPPORTING THE MIDDLE AVENUE PEDESTRIAN AND BICYCLE RAIL CROSSING PROJECT AND SUBMITTING AN APPLICATION TO THE SAN MATEO COUNTY TRANSPORTATION AUTHORITY FOR PEDESTRIAN AND BICYCLE PROGRAM FUNDING**

WHEREAS, the City of Menlo Park (Sponsor) has identified there is a need to complete a gap in the regional and local bicycle and pedestrian networks, including an east-west connection across El Camino Real; and

WHEREAS, the Sponsor has developed and proposed the Middle Avenue pedestrian and bicycle rail crossing project (Project) would address this gap; and

WHEREAS, it will cost approximately \$20 million to implement the Project scope; and

WHEREAS, the City wishes to sponsor final design and construction of the Project; and

WHEREAS, the Sponsor seeks \$2 million for the Project; and

WHEREAS, the San Mateo County Transportation Authority (TA) issued a call for projects for the Measure A and W pedestrian and bicycle program on August 7, 2020; and

WHEREAS, the TA requires a governing board resolution from the Sponsor for the following items:

1. Supporting the Project and application for \$2 million in TA pedestrian and bicycle program funds for project; and
2. Committing the Sponsor to the completion of the Project, including the commitment of matching funds in the amount of \$18 million needed for implementation; and
3. Certifying that any funds awarded by the San Mateo County Transportation Authority will be used to supplement existing funds for program activities, and will not replace existing funds or resources; and
4. Authorizing the city manager of the Sponsor, or his/her designee, to sign a funding agreement with the TA, if funds are awarded, for TA pedestrian and bicycle program funding for the Project and to take any other actions necessary to give effect to this resolution.

NOW, THEREFORE, the City of Menlo Park, acting by and through its City Council, having considered and been fully advised in the matter and good cause appearing therefore,

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

- A) Directs staff to submit an application for TA Measures A and W Pedestrian and Bicycle Program funds for \$2 million for the Middle Avenue Pedestrian and Bicycle Rail Crossing Project.
- B) Authorizes the city manager, or his/her designee, to execute a funding agreement with the TA to encumber any TA pedestrian and bicycle program funds awarded.
- C) Commits to the completion of the Project, including the commitment of \$18 million of matching funds needed for implementation, if awarded the requested TA funds.
- D) Certifies that any funds awarded by the TA will be used to supplement existing funds for program activities, and will not replace existing funds or resources.

E) Takes any other actions necessary to give effect to this resolution.

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 eighth day of September, 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 eighth day of September, 2020.

Judi A. Herren, City Clerk

Agenda item G4
Meg Crocker, resident

As a Linfield Oaks resident, I am excited to see the Middle Ave crossing project move forward.

A crossing here will make it easier to access more shops and offices on foot or bicycle with less need to drive or bike on Ravenswood or El Camino. I bike and walk to Safeway, CVS, and other destinations in that area and beyond, but the existing routes aren't great especially for bicycles and sometimes it makes more sense just to drive.

For me Palo Alto's Homer Ave undercrossing is an example that is attractive and feels safe and convenient both on foot and bike. Something of that order it would be a great asset for Menlo Park.

Agenda item G4
Tara Moran, resident

I am a proud Menlo Park and love so many aspects of living in this community. There are three critical pieces that continues to keep us in Menlo Park 1) the amazing community and 2) access to amazing facilities and 3) the fact that we can access all of these facilities by bike. However, I live in West Menlo park and find it challenging to access many of the facilities that we love by bike because navigating down and crossing El Camino are so intimidating by bike. I strongly urge you to continue pursuing the railroad underpass and bike lanes along Middle avenue to accompany it. Thank you so much!

Tara

Agenda item G4
Angela Evans, resident

Dear City Council,

Thank you for all of the work you are doing to keep our city healthy and safe during these difficult times. I wanted to reiterate my support for the Middle Avenue Bike Cross infrastructure that you are discussing this evening. My family lives in West Menlo. The ability to bike directly to the library/Burgess without having to cross El Camino or go through downtown would be a game changer for so many families who criss-cross our town many times a day to get to and from Burgess. This infrastructure will go a long way in keeping cars off the roads during peak hours, helping with commute times and reducing CO2 outputs. Thank you very much for this consideration.

Sincerely, Angela Evans, West Menlo Park resident

Agenda item G4
Camille Kennedy, resident

I want to reiterate how great it would be to be able to access Burgess/Pool/Library with family without having to ride through downtown. As more families are staying local and working/schooling and playing from home, bike shops have seen a renewed interest in cycling at all levels. Personally I have seen dozens more families riding together (my own included) all throughout town. Specifically my kids have found Some new freedom biking from our home in allied arts over to Burgess and beyond. The bike bridge is a necessity For our community!!



STAFF REPORT

City Council

Meeting Date:

9/8/2020

Staff Report Number:

20-193-CC

Regular Business:

Authorize the city manager to execute funding agreements with the Metropolitan Transportation Commission for grant funding for the Bedwell Bayfront Park entrance improvements project

Recommendation

Staff recommends that the City Council authorize the city manager to execute funding agreements with the Metropolitan Transportation Commission (MTC) for a grant in the amount of \$520,000 for the Bedwell Bayfront Park entrance improvements (Project,) which is part of the Bedwell Bayfront Park master plan implementation.

Policy Issues

The project is consistent with the approved Bedwell Bayfront Park master plan. Guiding principles for the development of the master plan include the following general plan land use element goals, policies and programs:

- Goal LU-6: Preserve open-space lands for recreation; protect natural resources and air and water quality; and protect and enhance scenic qualities;
- Policy LU-6.6: Public Bay Access. Protect and support public access to the Bay for the scenic enjoyment of open water, sloughs and marshes, including restoration efforts, and completion of the Bay Trail;
- Program LU-7.G: SAFER Bay Process. Coordinate with the SAFER Bay process to ensure that the Menlo Park community's objectives for sea level rise/flood protection, ecosystem enhancement, and recreational trails are adequately taken into consideration.

Funding for the Project is included in the 2020-21 capital improvement plan adopted by the City Council July 28.

Background

Bedwell Bayfront Park is the City's largest park, consisting of approximately 160 acres, and is the only City-owned open space on the San Francisco Bay. Originally a sanitary landfill, construction of Bedwell Bayfront Park was completed in 1995. Currently, the park is designed as a passive open space with minimal improvements, including bike/pedestrian trails and restrooms. Users enjoy "passive-recreation" through activities that include hiking, running, bicycling, dog walking, bird watching, kite flying and photography. Staff manage and maintain the park grounds as well as the landfill components, which include a gas and leachate collection system and a flare.

In May 2015, the City Council adopted Resolution No. 6268 nominating portions of baylands in Menlo Park and East Palo Alto as a Priority Conservation Area (Attachment A) in coordination with the City of East Palo Alto and the Midpeninsula Regional Open Space District. In its simplest form, a priority conservation area

(PCA) identifies portions of land that represent regionally significant open space areas that have conservation, restoration and/or recreation value and positions those areas for access to potential funding sources. The Menlo Park and East Palo Alto Baylands PCA was subsequently approved by the Association of Bay Area Governments. Bedwell Bayfront Park is within the designated PCA.

The City Council adopted the Bedwell Bayfront Park master plan November 14, 2017 (Attachment B.) The master plan included recommendations to enhance the park entrance to make it a more pleasant experience and create a sense of arrival. Recommended entrance improvements are conceptually represented by Figure 21 of the master plan (Attachment C.)

Specific elements identified for the park entrance include:

- Entrance turnaround: A vehicular turnaround for vehicles that do not wish to enter the park or who arrived after the park has closed;
- Automated entry-control gates: Gates to control park access during park operating hours;
- Gateway sign: New gateway sign to clearly identify the City's and the park's name and increase visibility from all intersection directions. Sign will be constructed to be consistent with the City's branding standards;
- Landscaping: Native plantings along the entrance roadway to increase visual appeal and provide stormwater management;
- Bay Trail: Existing Bay Trail pathway upgrades to improve pedestrian and bicycle access and circulation;
- Sea Level Rise: Raise the elevation of the entrance road above the 100-year tidal flood elevation plus an additional 24 inches to accommodate future sea level rise.

In November 2018, staff developed a preliminary Project design (Attachment D) based on community input received during the master plan process. The design was refined based on a review of site constraints and pedestrian, bicycle and vehicular access requirements.

In January 2019, MTC issued a call for grant funding proposals for projects that improved the conservation, restoration, and/or recreational value of areas within or connected to designated PCAs. Staff submitted a PCA grant proposal for the project in July 2019. In December 2019, staff was notified that MTC had approved a grant award in the amount of \$520,000 for the project.

Analysis

In order to seek reimbursement of project expenses from the available grant funds, the City is required to enter into a series of agreements with MTC.

Master funding agreement

The master funding agreement specifies the terms and obligations to which the City must adhere to receive grant funding from MTC for planning, programming, transportation, transit and land use projects. The agreement has a term of 10 years following the effective date. It is general in nature and not specific to any project, thus allowing the agreement to apply to potential future funding opportunities available through MTC. The terms of the master funding agreement have no force and effect with respect to a project unless accompanied by a companion supplemental funding agreement.

Supplemental funding agreement

The supplemental funding agreement specifies the terms and conditions specific to the Project. In particular, the supplemental agreement details the task items for which grant funding will be reimbursed, the task item

deliverable(s) upon which payment will be made, estimated task item budgets, and estimated completion date for each task item.

Staff is requesting reimbursement of project expenses for environmental review, permits, easements, design documents and a portion of construction. Per the terms of the supplemental funding agreement, the Project work needs to be completed no later than November 31, 2023. Staff intends to pursue construction after completion of the Bayfront Canal and Atherton Channel flood protection project, which has a target completion date of December 2021.

Future projects that wish to obtain funding through MTC would be required to enter into separate supplemental agreements and obtain City Council approval.

Impact on City Resources

As of July 28, City Council has appropriated \$1,500,000 for implementation of the Bedwell Bayfront Park master plan. Based on the preliminary design efforts to date, the project is estimated to cost \$1,500,000 for design and construction.

Per the requirements of the grant, the City is required to provide two to one (2:1) minimum matching funds for the Project, or 66.6 percent. In other words, the project would need to expend \$1,040,000 in City funds in order to also obtain the full \$520,000 in grant funding.

As part of the Menlo Gateway project development agreement, the Bohannon Development Company contributed \$362,536 toward improvements identified in the Bedwell Bayfront Park master plan. Those funds will be used for this Project as a portion of the City's match requirement.

Environmental Review

A preliminary environmental assessment was performed for the Bedwell Bayfront Park master plan that anticipated minimal environmental impacts. The assessment concluded that master plan projects may qualify for a Mitigated Negative Declaration.

A focused environmental review of the Project will be completed prior to construction and will be brought to City Council for review as part of a future action item.

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 – May 19, 2015, City Council staff report:
menlopark.org/DocumentCenter/View/7140/D7---PCA-Resized?bidId=
- B. Hyperlink – October 10, 2017 City Council staff report:
menlopark.org/DocumentCenter/View/15973/G4---BBP-Master-Plan?bidId=
- C. Bedwell Bayfront Park master plan – figure 21
- D. Bedwell Bayfront Park entrance improvements – preliminary design

Staff Report #: 20-193-CC

Report prepared by:
Eric Hinkley, Associate Engineer

Report reviewed by:
Christopher Lamm, Assistant Public Works Director



Figure 21 Park entrance area enlargement

- Maintenance roads will be provided on the park’s perimeter via the Bay Trail and interior via asphalt trail. Maintenance access is required for trash collection, landfill operations, and emergency events.
- The park’s entrance will include a turn-around before the automated control arms for vehicles who do not wish to enter the park or who arrive when the park is closed.

3. Trails and Pathways

Trails and pathways includes pedestrian and bicycle circulation. Pedestrian circulation includes trails (paved and

unpaved) in the park’s interior and other pathways or sidewalks along the perimeter of the park. Bicycle circulation areas include the Bay Trail, bike parking, and interior bike trails. Figure 22 shows the different trail types included in the master plan.

Bicycle Access

- The Bay Trail will be 10’-0” wide with a 3’-0” wide shoulder on one side of the path (for joggers/pedestrians).
- Access to the park for bicycles is located at the entry to park off of the Bay Trail, shown in Figure 21.



Callander Associates
Landscape Architecture
Urban Design
Land Planning
Park and Recreation Planning
Environmental Planning
2025 Gateway Place, Suite 285
San Jose, CA 95110
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F 408.275.8047

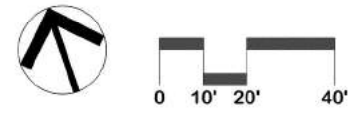
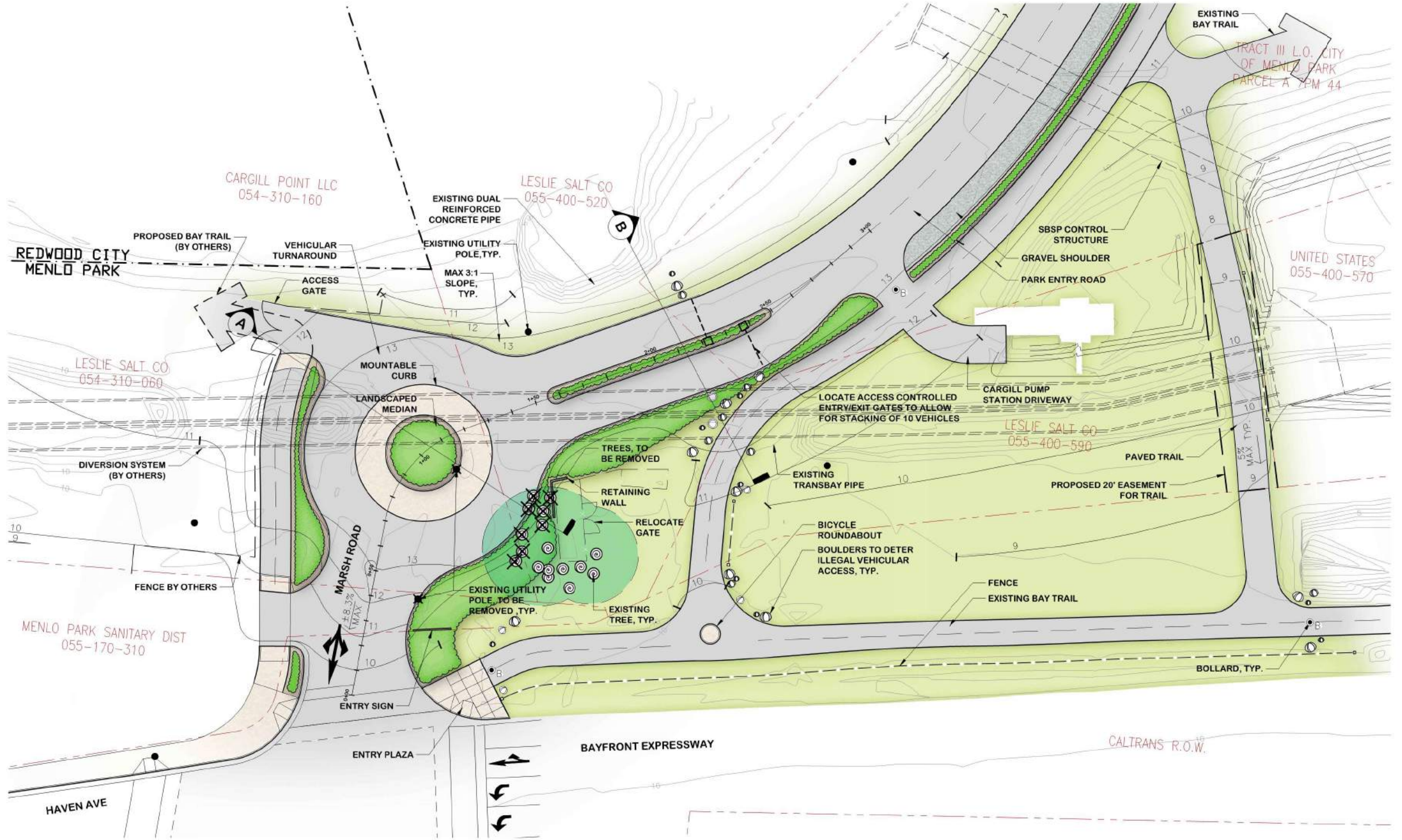
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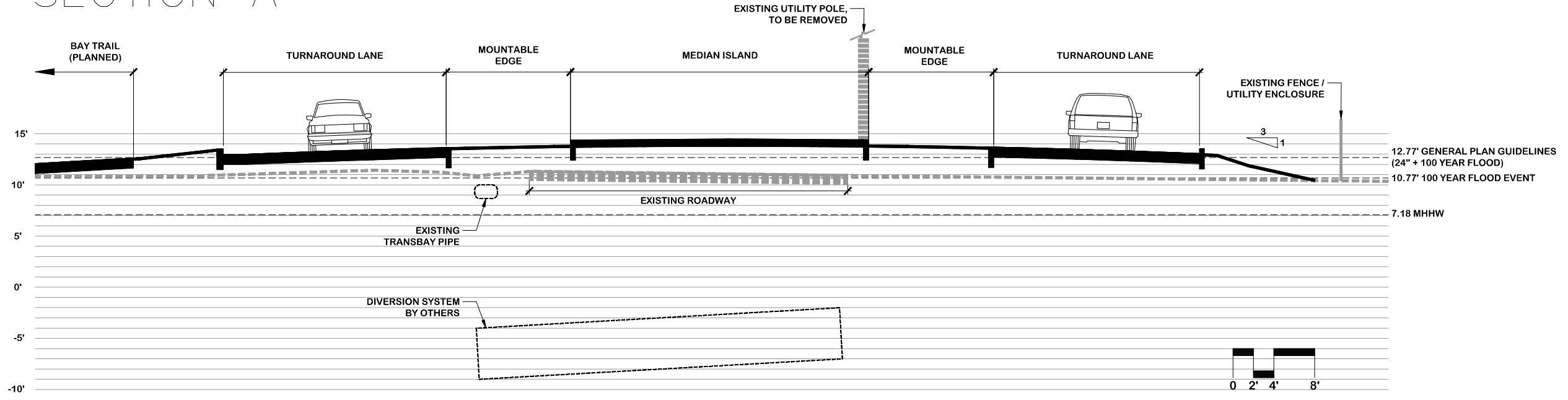
BEDWELL BAYFRONT PARK ENTRY EXHIBIT
BAYFRONT CANAL
Menlo Park, CA

| | |
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| Date | 4/9/19 |
| Scale | AS SHOWN |
| Drawn By | KK |
| Checked | MM |
| Project No. | 18080 |
| Cadd File | 18080_BS |

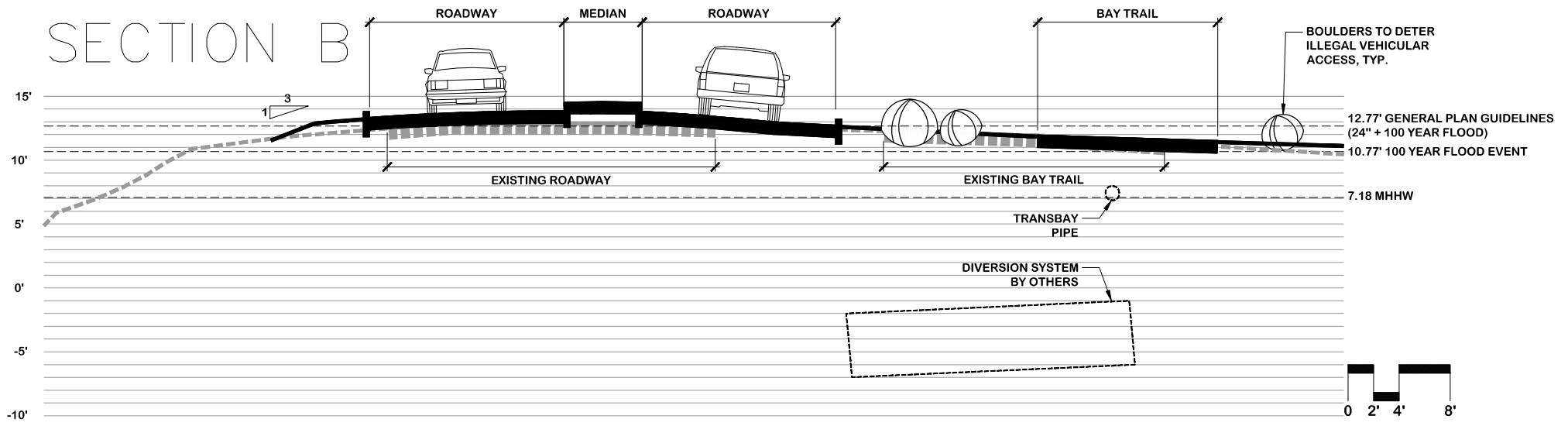
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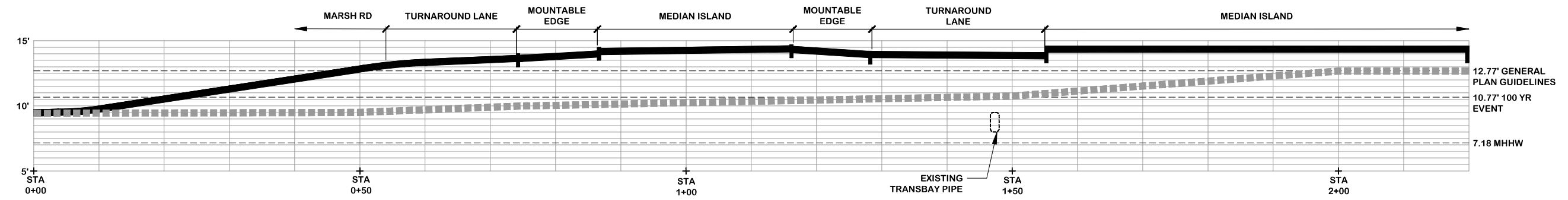
SECTION A



SECTION B



PROFILE



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BEDWELL BAYFRONT PARK ENTRY EXHIBIT
 BAYFRONT CANAL
 Menlo Park, CA

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| Date | 4/9/19 |
| Scale | AS SHOWN |
| Drawn By | KK |
| Checked | MM |
| Project No. | 18080 |
| Cadd File | 18080_BS |

Sheet No.
 2
 Page G-57
 of 2 of 2



STAFF REPORT

City Council Meeting Date: 9/8/2020
Staff Report Number: 20-196-CC

Regular Business: Update on and consideration of extension/modifications to the Downtown street closure and temporary outdoor use permit pilot program

Recommendation

Staff recommends that the City Council extend the temporary outdoor use permit pilot program and consider feedback received on the Downtown street closure and provide direction for any modifications, including amendments to the urgency ordinance.

Policy Issues

Businesses in Menlo Park have experienced substantial financial losses since the stay-at-home order was enacted March 16. As the COVID-19 pandemic continues to force people to change the way they interact with businesses, many local jurisdictions are considering how to increase the viability of those businesses in this new environment. The current temporary program closes portions of Santa Cruz Avenue, suspends certain zoning requirements, waives processing fees for the temporary outdoor use permit, and utilizes funding from the Downtown streetscape capital improvement plan (CIP) fund to acquire materials for the street closure and assistance with barricades for businesses. The City Council should consider whether to continue or modify the temporary outdoor use permit and street closure configuration as modified July 16 or end the program September 17 as originally adopted.

Background

The City Council took steps to help mitigate the economic impacts of COVID-19 by ensuring that local businesses remain viable while operating in a safe manner. On June 19, the City Council adopted an urgency ordinance that allowed the partial closure of Santa Cruz Avenue and for staff to implement a temporary outdoor use program. The City Council subsequently amended the urgency ordinance (Attachment A) July 16 to expand the allowed uses eligible for a temporary outdoor use permit and to modify the street closure pattern. As part of a 45-day review, staff prepared an information item for August 11. On August 25, the City Council received public testimony and had a robust discussion about the components of the urgency ordinance. While the City Council generally supported the extension of the temporary outdoor use permit beyond September 17, there were various considerations for potential modifications to the Santa Cruz Avenue closure configuration. The City Council continued the item to allow City Councilmembers to visit Downtown with these specific considerations in mind and meet with merchants. The August 11 and 25 staff reports are included as Attachments B and C, respectively. This staff report is scheduled as a regular business item so that the City Council may provide direction to staff and take action on the item if modifications are desired. If no action is taken by September 17, the program will come to an end.

Analysis

The Downtown street closure and temporary outdoor use permit pilot program was adopted with the understanding that it was both temporary and would need to be assessed and possibly adjusted during the term in order to be successful. The urgency ordinance established a 90-day expiration, ending September 17, for the street closure and pilot program. With the uncertainties of COVID-19, businesses continue to struggle in this pandemic economy. Like Menlo Park, many cities are trying to reimagine how spaces could be used and how to support our local businesses. The pilot program contains two main components, the Downtown street and right of way closure and the temporary outdoor use permit, which are discussed below. Changes to the ordinance could be adopted at the meeting of September 8.

Downtown street and right of way closure

The City Council should consider the feedback that has been received and provide direction to staff if modifications to the Santa Cruz Avenue street closure are desired. Given the varied feedback from written correspondence, public testimony and the Chamber of Commerce survey data, staff has identified three viable options for the Santa Cruz Avenue street closure.

- No Change – This option would retain the current street configuration, which was implemented in mid-July to address the desire for access to additional on-street parking and aid walk-in businesses. This scenario is reflected in the exhibit included as part of Attachment A.
- Reopen Santa Cruz Avenue in both directions – This option would reopen the travel lanes in Downtown and on-street parking spaces, and would continue to allow businesses to expand their outdoor operations in front of their storefronts as well as H continued use of the public parking plazas in Downtown and private parking lots for expanded outdoor operations.
- Reopen additional segments of Santa Cruz Avenue – This option would reopen portions of Santa Cruz Avenue while maintaining on-street parking areas as flex space to allow businesses to expand their operations. Based on the City Council discussion at its August 25 meeting, one such option is to reopen all southbound travel lanes along Santa Cruz Avenue while maintaining the existing closed portions of the northbound travel lanes from Doyle Street to Curtis and from Crane Street to Evelyn Street. The City Council may consider other partial closure configurations as well.

With the use of the Downtown streetscape capital funds, the City has been able to assist merchants with barricades, which safely delineate the business activity from vehicular traffic. Unless the City Council directs otherwise, staff will continue to use these funds to assist merchants with barriers for any scenario that continues to allow the use of public parking spaces.

The City Council may choose a different street configuration, but note that any temporary closure of a roadway and/or the removal of on-street parking spaces would require staff time to post signs, a 72-hour noticing period before the area can be closed, and resources to make changes in the field. In addition, the reopening of travel lanes could affect amenities in an outdoor space such as tents, umbrellas and other potential obstructions that could impact the visibility of pedestrians at crosswalks.

The City Council should also provide direction to staff on whether the travel lane of the closed portions of Santa Cruz Avenue should be maintained as clear space for walking and/or biking or if it can be used by merchants to expand their dining, service or sale of goods. While closing the travel lane would reduce the flexibility for social distancing while walking and create a detour for cyclists, the additional area would help

increase outdoor capacity and/or social distancing for patrons of the business. Several merchants have already extended their footprint into the travel lane and staff will work with the businesses to either reduce their use area to only the on-street parking spaces or update their outdoor plan to include the travel lane, depending on the direction by the City Council. If the City Council supports use of the travel lanes for business activity, the City Council should also approve a plan modification to post temporary signs stating no bicycles are allowed on the portions of Santa Cruz Avenue that are closed.

Temporary outdoor use permit

Staff has seen continued interest in the temporary outdoor use permit program and several merchants have expressed their gratitude for having the ability to expand their business into the on-street parking spaces, which has allowed them to keep their businesses in operation. Staff has continued to work diligently to review applications and coordinate the placement of barriers. However, the ability to closely liaise with businesses has been impacted by the recent loss of economic development staff. Extension of the permit program would continue to require reallocation of staff resources to respond to questions, manage the expedited review of the permits, and deploy barriers as requested to approved businesses.

As noted previously, staff has seen interest in the temporary outdoor use permit program. The majority of applications are from retailers and restaurants within the Downtown, but there is a growing interest from other sectors. Table 1 below summarizes the current permit application, with more details provided in Attachment D. The City Council could also consider whether to expand eligibility to other uses, but staff has not heard interest from other sectors.

| Table 1: Temporary outdoor use permit applications | | | |
|--|---------------|-----------------------|----------|
| Use | Downtown core | Outside downtown core | Approved |
| Dining | 8 | 1 | 4 |
| Retail | 3 | 0 | 1 |
| Personal service | 4 | 1 | 3 |
| Fitness studio | 1 | 0 | 1 |
| Total | 16 | 2 | 9 |

The City Council should consider whether the permit program should be extended beyond September 17, and if so, for how long. At the meeting of August 25, the City Council expressed general support for continuing the program. Based upon the uncertainty of COVID-19 and changing regulations, staff recommends that the City Council extend the temporary outdoor use permit program until January 18, 2021. The additional time would allow businesses to continue their operations through the holiday season, which is often a peak period for retail, restaurants and other service businesses. This date would also give the City Council the opportunity to decide at its first meeting in January 2021 whether to extend the program further based on the state of the pandemic at that point in time.

Next steps

Businesses and staff have invested a substantial amount of time into this program and want to see it succeed. Following City Council’s direction and adoption of changes to the urgency ordinance at the meeting of September 8, staff would begin implementation as directed. If the program remains as adopted,

with no change to the pilot program end date, staff would reopen Santa Cruz Avenue and the issued temporary outdoor use permits would expire September 17. Outdoor business operations permitted under this program would be required to cease at that time unless extended by the City Council.

Impact on City Resources

The City Council made \$300,000 in the downtown streetscape capital improvement fund available for any unexpected expenses related to the closure of Santa Cruz and implementation of the temporary outdoor use permit process. Approximately \$30,000 of the funds have been used in the procurement of trees, water-filled barricades and concrete k-rail additional to that which was provided by MPFPD (Menlo Park Fire Protection District) and Facebook. Staff will continue to utilize those funds on unexpected expenses related to the program.

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. Urgency Ordinance No. 1071
- B. Hyperlink – August 11, City Council staff report: menlopark.org/DocumentCenter/View/25906/L2-20200811-CC-update-on-the-Downtown-street-closure
- C. Hyperlink – August 25, City Council staff report: menlopark.org/DocumentCenter/View/25993/G1-20200825-CC-Downtown-street-closure-update
- D. Temporary outdoor use permit summary

Report prepared by:
Deanna Chow, Assistant Community Development Director

Report reviewed by:
Justin Murphy, Deputy City Manager

ORDINANCE NO. 1071**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF MENLO PARK AMENDING ORDINANCE 1070
CREATING A TEMPORARY OUTDOOR USE PERMIT FOR
RESTAURANTS AND OTHER BUSINESSES AND
TEMPORARILY CLOSING SANTA CRUZ AVENUE TO
ALLOW FOR SUCH USE**

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

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

- A. The Centers for Disease Control and Prevention has stated that based on current information a novel coronavirus named "COVID-19" is a serious public health threat;
- B. A complete clinical picture of this respiratory disease is not yet fully understood;
- C. On March 3, 2020, and pursuant to Section 101080 of the California Health and Safety Code, the San Mateo County Health Officer (the "Health Officer") declared a local health emergency throughout San Mateo County related to the novel coronavirus ("COVID-19");
- D. On March 4, 2020, the Governor of the State of California declared a state of emergency to help the state prepare for the spread of COVID-19;
- E. On March 11, 2020, the World Health Organization declared COVID-19 constituted a world pandemic;
- F. On March 11, 2020, the City Council of the City of Menlo Park declared a local emergency based on the current COVID-19 world pandemic;
- G. On March 14, 2020, the Health Officer prohibited all public or private gatherings of 50 or more people and urged the cancelation of all gatherings of 10 or more people in a single confined space;
- H. On March 16, 2020, the Health Officer issued an order that, among other things, directed all individuals currently living within San Mateo County to shelter in their place of residence ("Shelter-in-Place Order"), and authorized individuals to leave their residences only for certain "Essential Activities," Essential Governmental Functions," or to operate "Essential Businesses," all as defined in the Shelter-in Place;
- I. On March 19, 2020, Governor Newsom issued Executive Order No. N-33-20 ordering all individuals in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors;
- J. The Health Officer issued subsequent orders restricting residents' ability to operate businesses and restricting movement and commerce;

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

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

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

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

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

P. As a pilot program, the Chamber of Commerce recommended the closure of portions of Santa Cruz Avenue between Doyle Street to Evelyn Street. The closure plan and associated barricades were reviewed by the Director of Public Works and the Menlo Park Fire Protection District. On June 19, the City Council adopted urgency ordinance 1070 that allowed staff to close the street and implement the temporary outdoor permit program.

Q. Following implementation of the closure plan, many retailers voiced concerns about the lack of traffic flow on Santa Cruz. To address these concerns, on July 7, the Chamber of Commerce recommended an updated closure plan that would allow some of the blocked portions of Santa Cruz Avenue to reopen with one-way traffic. The City Council desires to implement that plan in order to address merchants' concerns.

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

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

T. Based upon the findings above, the City Council finds that this urgency ordinance is necessary for the immediate preservation of the public health, safety, and welfare. The City Council finds and determines that the immediate preservation of the public health, safety and welfare requires that this Ordinance be enacted as an urgency ordinance pursuant to Government Code Section 36937(b) and take effect immediately upon adoption. As described above, businesses in Menlo Park are facing unprecedented hardships related to COVID-19 and the shelter-in-place orders. It is anticipated that restaurants will begin to reopen for in-person dining within the next few days, and this Ordinance needs to become effective immediately in order to allow the City to permit businesses to expand into adjacent open public spaces. Therefore, this Ordinance is necessary for the immediate preservation of the public peace, health, safety and welfare and its urgency is hereby declared.

SECTION 2. TEMPORARY OUTDOOR USE PERMIT.

A. Downtown Businesses. Restaurants and other retail businesses and personal services and fitness studios located in Downtown may temporarily use private property or City public right of way or public parking plazas to provide or expand outdoor dining seating, conduct fitness classes or similar services or display their wares, subject to the terms and conditions of a Temporary Outdoor Use Permit. Downtown is defined as the area bounded by the El Camino Real, Menlo Avenue, University Drive and Oak Grove Avenue. Permits for use of public parking plazas shall be revocable upon 72-hour notice if the City determines the utilized parking spaces are needed for parking.

B. Outside Downtown Businesses. Restaurants and other retail businesses located outside of Downtown may temporarily use private property or public sidewalk to provide or expand outdoor dining seating, conduct fitness or similar services, or display their wares, subject to the terms and conditions of a Temporary Outdoor Use Permit.

C. Creation of Permit. The City Council authorizes the City Manager or their designee to create a Temporary Outdoor Use Permit application, to review applications for such a permit, and to issue such revocable and limited use permits with any necessary conditions of approval. Eligible business owners or their representative may apply to the City for a revocable Temporary Outdoor Use Permit. Before issuing the Temporary Outdoor Use Permit, the applicant's design and layout plans shall be approved by the Public Works Director or designee.

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

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

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

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

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

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

SECTION 7. EFFECTIVE DATE AND POSTING. This ordinance shall be effective immediately upon adoption and shall expire on September 17, 2020 unless extended by the City Council.

SECTION 8. AMENDMENT. This ordinance shall amend Ordinance 1070 adopted by the City Council on June 17, 2020. Where this ordinance is inconsistent with Ordinance No. 1070, this ordinance shall prevail.

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

AYES: Carlton, Combs, Mueller, Nash, Taylor

NOES: None

ABSENT: None

ABSTAIN: None








APPROVED:

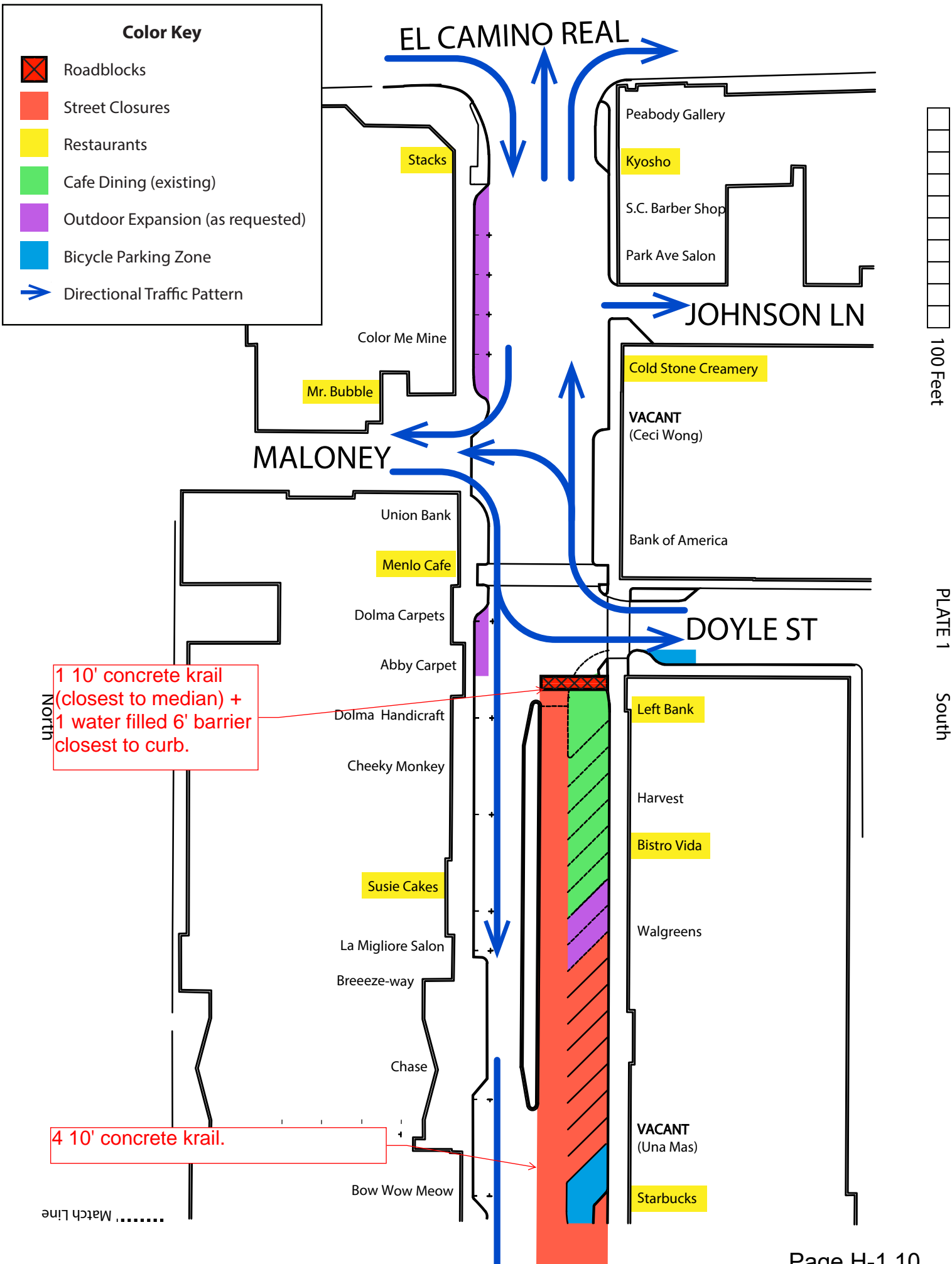
Cecilia Taylor, Mayor

ATTEST:

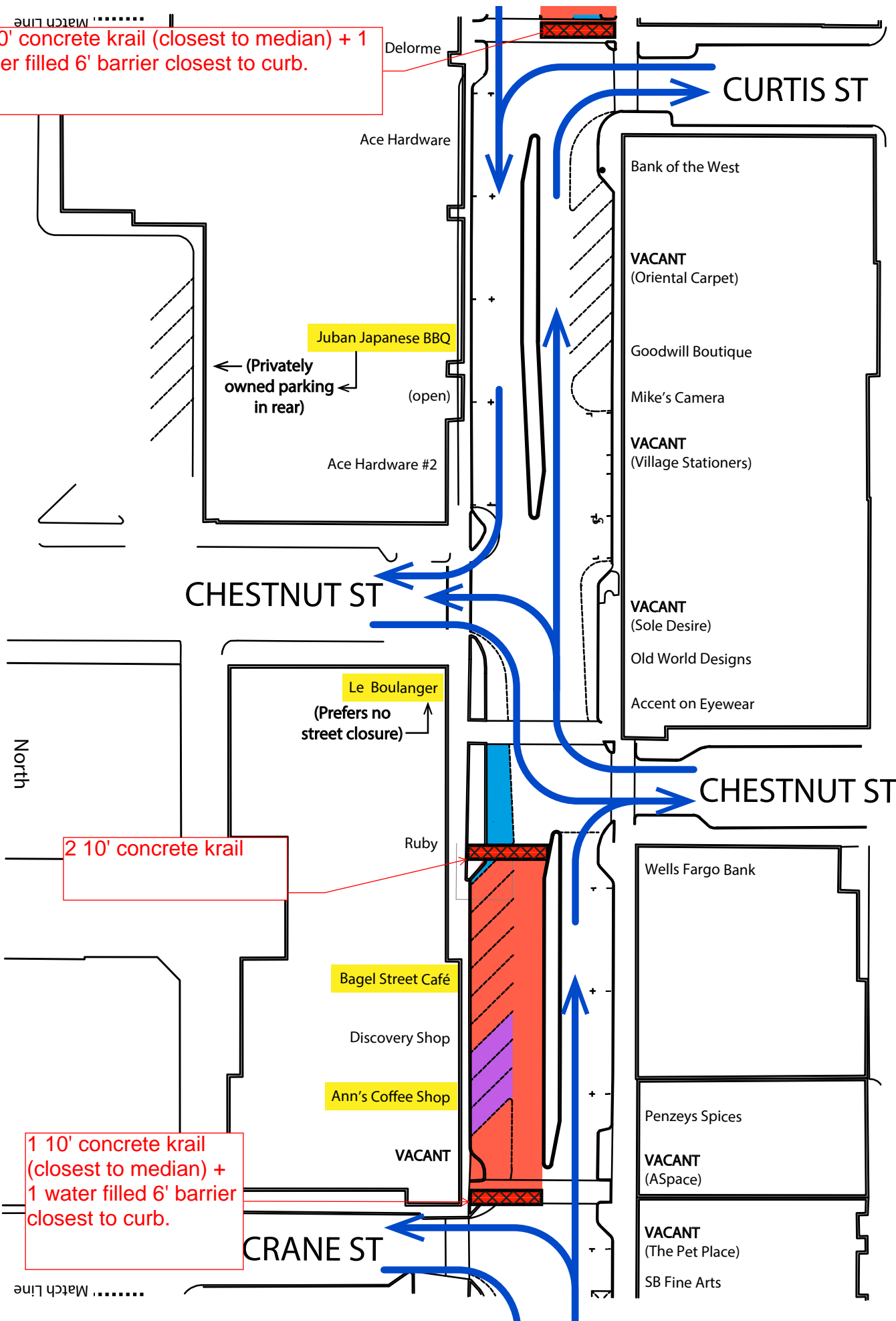
Judi A. Herren, City Clerk

Color Key

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



1 10' concrete krail (closest to median) + 1 water filled 6' barrier closest to curb.



Delorme

CURTIS ST

Ace Hardware

Bank of the West

VACANT (Oriental Carpet)

Goodwill Boutique

Mike's Camera

VACANT (Village Stationers)

Juban Japanese BBQ
(Privately owned parking in rear)

Ace Hardware #2

CHESTNUT ST

VACANT (Sole Desire)

Old World Designs

Accent on Eyewear

North

Le Boulanger
(Prefers no street closure)

CHESTNUT ST

2 10' concrete krail

Ruby

Wells Fargo Bank

Bagel Street Café

Discovery Shop

Ann's Coffee Shop

Penzey's Spices

VACANT (ASpace)

1 10' concrete krail (closest to median) + 1 water filled 6' barrier closest to curb.

VACANT

CRANE ST

VACANT (The Pet Place)

SB Fine Arts

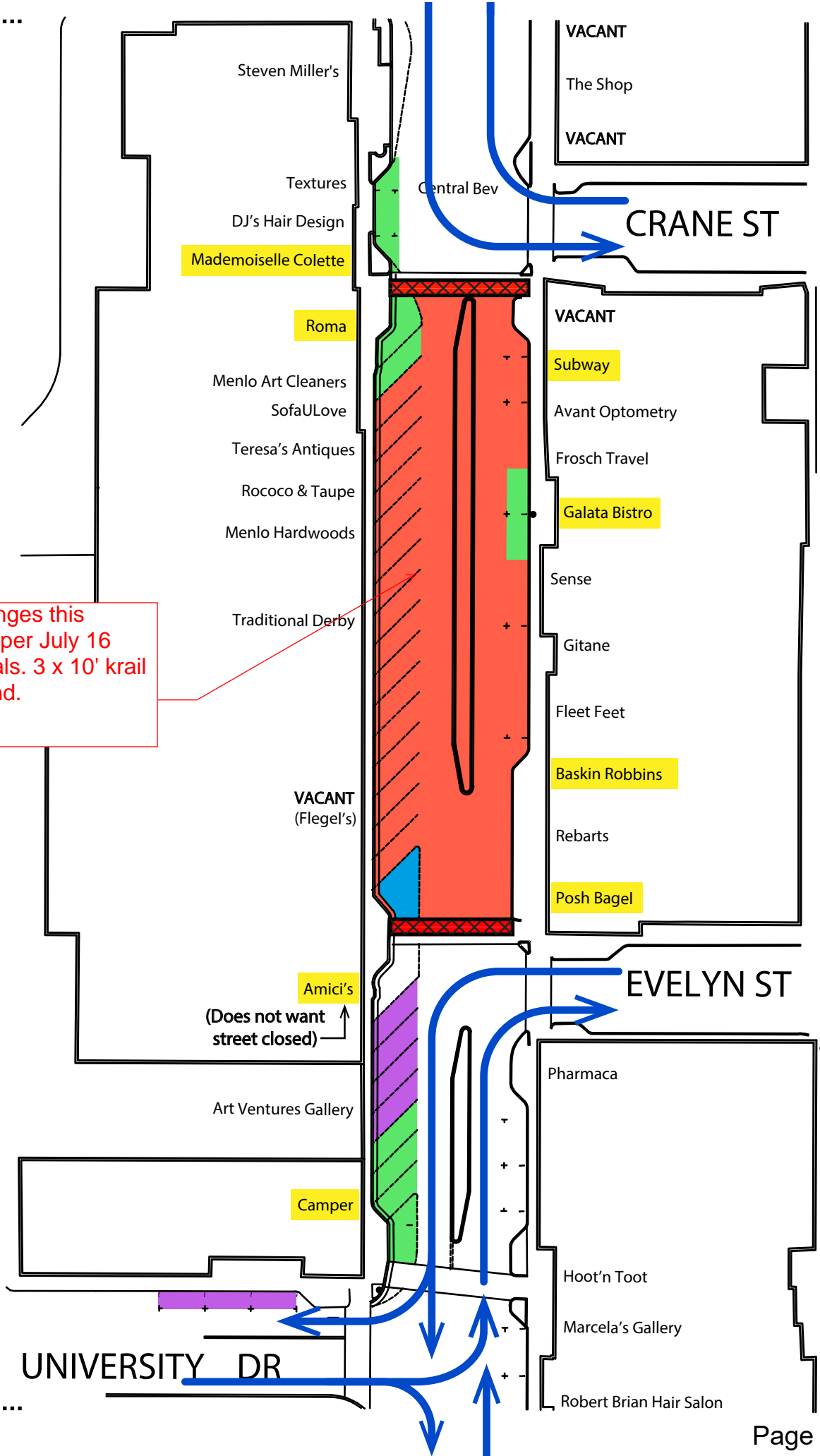
Match Line

PLATE 2 South

..... Match Line

North

..... Match Line



No changes this section per July 16 approvals. 3 x 10' krail each end.

Amici's
(Does not want street closed)

12 Restaurants in closed area; 3 not

PLATE 3 South

Temporary Outdoor Use Permit Summary (As of September 3, 2020)

| Address | Business | Status | Dining | Fitness | Personal | |
|------------------------|--|---------------------|--------|---------|----------|--------|
| | | | | | Services | Retail |
| 1 898 SANTA CRUZ AVE | Camper | Pending Resubmittal | Yes | No | No | No |
| 2 603 SANTA CRUZ AVE | Peabody Fine Art | Approved | No | No | No | Yes |
| 3 888 SANTA CRUZ AVE | Art Ventures Gallery | Pending Resubmittal | No | No | No | Yes |
| 4 641 SANTA CRUZ AVE | Bistro Vida | Approved | Yes | No | No | No |
| 5 1143 CRANE ST | Refuge | In Review | Yes | No | No | No |
| 6 1122 CRANE ST | Carpaccio - Outdoor Dining | Approved | Yes | No | No | No |
| 7 602 SANTA CRUZ AVE | Color Me Mine | Pending Resubmittal | No | No | No | Yes |
| 8 211 EL CAMINO REAL | Koma Sushi | Approved | Yes | No | No | No |
| 9 880 SANTA CRUZ AVE | Amici's | Pending Resubmittal | Yes | No | No | No |
| 10 635 SANTA CRUZ AVE | Left Bank | Pending Resubmittal | Yes | No | No | No |
| 11 600 SANTA CRUZ AVE | Stacks | Pending Resubmittal | Yes | No | No | No |
| 12 1149 CHESTNUT ST | Coffeebar g | Approved | Yes | No | No | No |
| 13 1900 EL CAMINO REAL | Serenity Day Spa | Pending Resubmittal | No | No | Yes | No |
| 14 650 MENLO AVE | Jasko Schroeder Salon | Approved | No | No | Yes | No |
| 15 1080 CURTIS ST | Chestnut Lane Hair Design | Pending Resubmittal | No | No | Yes | No |
| 16 1019 EL CAMINO REAL | SBM Fitness | Approved | No | Yes | No | No |
| 17 846 OAK GROVE AVE | Four tenants (various personal services) | Approved | No | No | Yes | No |
| 18 1143 CRANE ST | Charisma Salon | Approved | No | No | Yes | No |

Agenda item H1
Petrice Espinosa, resident

Dear Menlo Park City Council Members:

I am writing to express my support for extending the Downtown Street Closure and Temporary Outdoor Use Permit beyond Sept 17. Our community has positively embraced the changes that have been made. Several businesses have made major investments in creating a welcoming environment for downtown shop and restaurant patrons. We will not be eating inside again for a while due to COVID-19 and September-November are typically the best weather months in our region. Let's give these businesses a chance to continue to coax people downtown to enjoy a meal out and shopping. Also, Menlo Park needs to be able to compete with other local cities, namely Palo Alto's University Ave, California Ave, and DT Redwood City, when it comes to attracting patrons.

Let's keep downtown Menlo Park a desirable place to visit during the pandemic - and beyond.

Thank you,
Petrica Espinosa

Agenda item H1
Barry Moring

To the Council

I have worked in Menlo Park and lived in unincorporated Menlo Park for over forty years. During that time the vast majority of our dining-out, grocery, drugs, and hardware shopping has occurred within Menlo Park. I do believe in supporting the local business that keep our town alive.

I was very pleased to see Menlo attempt to support the downtown businesses during the Corona shut-down with the partial closure of Santa Cruz Avenue. I find my self visiting downtown more than ever. I would strongly encourage the council to maintain and improve the closer to help our local businesses survive during these difficult times- and maybe beyond. A vibrant downtown is critical to our community.



STAFF REPORT

City Council

Meeting Date:

9/8/2020

Staff Report Number:

20-194-CC

Regular Business:

Adopt Resolution No. 6585 authorizing the city manager to execute an amendment to the professional services agreement with Team Sheeper, Inc., to extend the term of the Belle Haven pool operations

Recommendation

Staff recommends that City Council adopt Resolution No. 6585 authorizing authorize the city manager to execute an amendment (Second Amendment; Attachment B) to the professional services agreement between the City of Menlo Park (City) and Team Sheeper, Inc. (Provider) to extend Provider's services at Belle Haven pool until the agreement expires August 31, 2021, or until construction commences at the Onetta Harris Community Center, whichever occurs first.

Policy Issues

City Council provides policy direction to the city manager regarding service provision to the community; provides authorization to the city manager to negotiate and execute professional services agreements with service providers; and sets prioritization for the use of City resources to serve the community.

Background

On March 27, 2018, City Council authorized the city manager to execute a professional services agreement with Provider to provide recreational aquatics programming at Burgess pool and Belle Haven pool.

On February 24, City Council authorized the city manager to execute a new professional services agreement with Provider (Attachment D) to terminate services at Belle Haven pool effective October 1 in preparation for the planned demolition of the Onetta Harris Community Center and adjacent city facilities for the new Belle Haven Community Center and Library (BHCCL) project, and continue services at Burgess pool for an extended term that expires August 31, 2021.

On March 13, City Council declared a local emergency closing all City facilities to the public, including Belle Haven pool and Burgess pool, to protect public health and safety from the COVID-19 pandemic.

On June 9, City Council authorized the city manager to amend the agreement with Provider (First Amendment; Attachment C) to update its terms and conditions in a manner that would allow operations to safely resume at Belle Haven pool and Burgess pool, with operational modifications and health precautions to protect public health and comply with health orders made necessary by the COVID-19 pandemic.

On July 28, City Council reviewed the revised timeline for the BHCCL project in light of delays caused by the COVID-19 pandemic, which indicated that BHCCL construction activity would commence in summer 2021 instead of October 2020 as previously planned.

Analysis

The First Amendment to Provider's professional services agreement calls for the termination of services at Belle Haven pool October 1. The BHCCL project timeline has been delayed and extended for several months due to the COVID-19 pandemic, with construction activities now projected to begin in summer 2021. Should City Council desire that services at Belle Haven pool continue until BHCCL construction begins, a Second Amendment to Provider's professional services agreement would be necessary to extend the term of the Belle Haven pool portion of the agreement. Because the exact date of the start of BHCCL construction activities is not yet known, staff recommends extending Provider's services at Belle Haven pool until the agreement expires August 31, 2021, or until construction commences at the Onetta Harris Community Center, whichever occurs first.

Impact on City Resources

Per the existing agreement, the \$5,000 per month Belle Haven pool management fee payment to Provider which corresponds to the annual funding amount that the City receives from Facebook, Inc. per section 9.1.1 of the development agreement dated December 14, 2016 and recorded in the official records of the county of San Mateo as Doc # 2016-133794, resumed beginning June 1 and was to continue until the pool was scheduled to close October 1 as was previously agreed upon in order to prepare for the construction of the new Belle Haven Community Center and Library project. The Second Amendment would extend the term of these payments from that same source and at the same rate through the end of the new agreement term, e.g., until the agreement expires August 31, 2021, or until construction commences at the Onetta Harris Community Center, whichever occurs first.

Also, as part of the current agreement the City is responsible for baseline maintenance and custodial services for the pools. However, under the amendment Provider is responsible for additional maintenance and sanitary services to ensure adequate sanitation as required by County Health orders to prevent COVID-19 transmission..

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. 6585
- B. Second amendment to professional services agreement
- C. First amendment to professional services agreement
- D. Professional services agreement

Staff Report #: 20-194-CC

Report prepared by:
Sean Reinhart, Library and Community Services Director

RESOLUTION NO. 6585

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
APPROVING THE SECOND AMENDMENT TO PROFESSIONAL SERVICES
AGREEMENT (MENLO PARK AQUATIC FACILITIES)**

WHEREAS, on March 27, 2018, the City of Menlo Park (“City”) Team Sheepar, Inc. (“Provider”) entered into the professional services agreement (“Agreement”) whereby Provider agreed to provide recreational aquatics programming at the Burgess pool and the Belle Haven pool;

WHEREAS, on February 24, 2020, by mutual written agreement, the City and Provider agreed to terminate Provider’s services at the Belle Haven pool effective October 1, 2020 due to a pending construction project at the Onetta Harris Community Center;

WHEREAS, the Agreement was renewed with respect to the Burgess pool for an extended term that expires on August 31, 2021;

WHEREAS, the City and Provider entered into an Amendment to professional services agreement dated June 9, 2020 (“First Amendment”) to respond to the COVID-19 pandemic;

WHEREAS, the City desires to extend the Provider’s services at the Belle Haven pool until the extended term of the Agreement expires on August 31, 2021 or until construction commences at the Onetta Harris Community Center, whichever occurs first.

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 does hereby resolve:

The City Council has reviewed the second amendment to professional services agreement (Menlo Park Aquatic Facilities) attached to this resolution and hereby authorizes the Mayor to execute the second amendment extending Provider’s services at the Belle Haven pool.

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 eighth day of September, 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 eighth day of September, 2020.

Judi A. Herren, City Clerk

SECOND AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT
(Menlo Park Aquatic Facilities)

This Second Amendment to Professional Services Agreement ("Second Amendment") is made and executed as of September 8, 2020, by and between the City of Menlo Park, a municipal corporation ("City") and Team Sheep, Inc., a California S Corporation ("Provider"), referred to herein collectively as "Parties." This Second Amendment modifies the Professional Services Agreement dated March 27, 2018 by and between the Parties regarding the provision of recreational aquatics programming ("Agreement"), as amended by the Amendment to Professional Services Agreement dated June 9, 2020 ("First Amendment").

RECITALS

The City and Provider are entering into Second this Amendment based on the following facts, understandings and intentions:

- A. On March 27, 2018, the Parties entered into the Agreement whereby Provider agreed to provide recreational aquatics programming at Burgess and Belle Haven Pools in the City of Menlo Park.
- B. On February 24, 2020, by mutual written agreement, the Parties agreed to terminate Provider's services at the Belle Haven Pool effective October 1, 2020 due to a pending construction project at the Onetta Harris Community Center.
- C. The Agreement was renewed for an Extended Term that expires on August 31, 2021 with respect to the Burgess Pool.
- D. The Parties desire to extend the Provider's services at the Belle Haven Pool until the Extended Term of the Agreement expires on August 31, 2021 or until construction commences at the Onetta Harris Community Center, whichever occurs first.

NOW THEREFORE, the Parties agree as follows:

- 1. Provider shall continue to provide services at the Belle Haven Pool in accordance with the terms and conditions of the Agreement, as amended by the First Amendment, until the Extended Term of the Agreement expires on August 31, 2021 or until construction commences at the Onetta Harris Community Center, whichever occurs first. If terminated prior to the expiration of the Extended Term, the City will provide at least 30 days written notice to Provider of the date that construction will commence at the Onetta Harris Community Center and Provider's services at the Belle Haven Pool will be terminated.
- 2. The City shall continue to pay Provider the Belle Haven Management Fee until the Extended Term of the Agreement expires on August 31, 2021 or until construction commences at the Onetta Harris Community Center, whichever occurs first.
- 3. Except to the extent expressly modified by this Second Amendment, the terms of the Agreement, as amended by the First Amendment, shall remain effective without impairment or modification.

4. This Second Amendment may be executed in counterparts, each of which shall be deemed an original, but all of which when taken together shall constitute one amendment.

IN WITNESS WHEREOF, the Parties have executed this Second Amendment by their duly authorized officers as of the date first set forth above.

CITY OF MENLO PARK

By: _____

Approved as to Form:

Interim City Attorney

ATTEST:

City Clerk

TEAM SHEEPER, INC
501 Laurel Street
Menlo Park, CA 94025

By: _____

Tim Sheeper, Chief Executive Officer

Approved as to Form:

Attorney for Team Sheeper

SECOND AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT
(Menlo Park Aquatic Facilities)

This Second Amendment to Professional Services Agreement ("Second Amendment") is made and executed as of September 8, 2020, by and between the City of Menlo Park, a municipal corporation ("City") and Team Sheep, Inc., a California S Corporation ("Provider"), referred to herein collectively as "Parties." This Second Amendment modifies the Professional Services Agreement dated March 27, 2018 by and between the Parties regarding the provision of recreational aquatics programming ("Agreement"), as amended by the Amendment to Professional Services Agreement dated June 9, 2020 ("First Amendment").

RECITALS

The City and Provider are entering into Second this Amendment based on the following facts, understandings and intentions:

- A. On March 27, 2018, the Parties entered into the Agreement whereby Provider agreed to provide recreational aquatics programming at Burgess and Belle Haven Pools in the City of Menlo Park.
- B. On February 24, 2020, by mutual written agreement, the Parties agreed to terminate Provider's services at the Belle Haven Pool effective October 1, 2020 due to a pending construction project at the Onetta Harris Community Center.
- C. The Agreement was renewed for an Extended Term that expires on August 31, 2021 with respect to the Burgess Pool.
- D. The Parties desire to extend the Provider's services at the Belle Haven Pool until the Extended Term of the Agreement expires on August 31, 2021 or until construction commences at the Onetta Harris Community Center, whichever occurs first.

NOW THEREFORE, the Parties agree as follows:

- 1. Provider shall continue to provide services at the Belle Haven Pool in accordance with the terms and conditions of the Agreement, as amended by the First Amendment, until the Extended Term of the Agreement expires on August 31, 2021 or until construction commences at the Onetta Harris Community Center, whichever occurs first. If terminated prior to the expiration of the Extended Term, the City will provide at least 30 days written notice to Provider of the date that construction will commence at the Onetta Harris Community Center and Provider's services at the Belle Haven Pool will be terminated.
- 2. The City shall continue to pay Provider the Belle Haven Management Fee until the Extended Term of the Agreement expires on August 31, 2021 or until construction commences at the Onetta Harris Community Center, whichever occurs first.
- 3. Except to the extent expressly modified by this Second Amendment, the terms of the Agreement, as amended by the First Amendment, shall remain effective without impairment or modification.

4. This Second Amendment may be executed in counterparts, each of which shall be deemed an original, but all of which when taken together shall constitute one amendment.

IN WITNESS WHEREOF, the Parties have executed this Second Amendment by their duly authorized officers as of the date first set forth above.

CITY OF MENLO PARK

By: _____

Approved as to Form:

Interim City Attorney

ATTEST:

City Clerk

TEAM SHEEPER, INC
501 Laurel Street
Menlo Park, CA 94025

By: _____

Tim Sheeper, Chief Executive Officer

Approved as to Form:

Attorney for Team Sheeper

AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT
(Menlo Park Aquatic Facilities)

This Amendment to Professional Services Agreement (“Amendment”) is made and executed as of June 9, 2020, by and between the City of Menlo Park, a municipal corporation (“City”) and Team Sheeper, Inc., a California S Corporation (“Provider”), referred to herein individually as “Party” and collectively as “Parties.” This Amendment modifies the Professional Services Agreement dated March 27, 2018 by and between the Parties regarding the provision of recreational aquatics programming (“Agreement”) and will become effective upon the approval by the City of the reopening the Burgess and Belle Haven Pools in accordance with the standards set by the San Mateo County Health Officer, as provided below.

RECITALS

The City and Provider are entering into this Amendment based on the following facts, understandings and intentions:

- A. On March 27, 2018, the Parties entered into the Agreement whereby Provider agreed to provide recreational aquatics programming at Burgess and Belle Haven Pools in the City of Menlo Park.
- B. On February 24, 2020, by mutual written agreement, the Parties agreed to terminate the Belle Haven Pool service effective October 1, 2020 in light of a pending construction project at the Onetta Harris Community Center.
- C. 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 the novel coronavirus named COVID-19.
- D. On March 10, 2020, the San Mateo County Health Officer issued a statement that evidence existed of widespread community transmissions of COVID-19 in San Mateo County.
- E. On March 11, 2020, the City Council of the City of Menlo Park declared a local emergency based on the COVID-19 world pandemic. Effective immediately, all City facilities were closed to the public.
- F. Effective March 12, 2020, Provider closed the Burgess Pool for all services with the goal of keeping people safe and preventing the spread of COVID-19.
- G. On March 16, 2020, the San Mateo Health Officer issued an order that, among other things, directed all individuals currently living within San Mateo County to shelter in their place of residence and authorized individuals to leave their residences only for certain essential activities (“Shelter-in-Place Order”).
- H. On March 27, 2020, the City pursuant to City of Menlo Park Director of Emergency Services/City Manager Emergency Order No. 2 (“Order No. 2”) closed all public facilities including the Burgess Pool and the Belle Haven Pool to help slow the spread of COVID-19.

- I. The State of California has developed a resilience roadmap 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).
- J. On May 15, 2020 the San Mateo County Health Officer issued a revised Shelter-in-Place Order, inclusive of appendixes, that in this second stage allows the reopening of public pools subject to certain safety precautions ("Revised Order"). A copy of the Revised Order is attached hereto as Exhibit A. The Revised Order was subsequently amended on May 29 to allow, with restrictions and safety measures, places of worship to hold services and retail stores to allow customers inside. The Parties anticipate that the County of San Mateo will continue to issue revised orders during this time of local emergency.
- K. On May 19, 2020, Provider submitted a plan to the City to operate the Burgess Pool in accordance with the Revised Order, but it was not legal to reopen based on the City's March 11, 2020 declaration of emergency and Order No. 2 closing public facilities, including the Burgess and Belle Haven pools. On June 2, Provider submitted a revised plan to reopen both the Burgess Pool and the Belle Haven Pool attached hereto as Exhibit B.
- L. The Parties desire to provide for a reopening process for the Burgess Pool and the Belle Haven Pool in the event the Director of Emergency Services modifies Order No. 2 and allows the opening of public facilities.
- M. The City and Provider desire to enter into this Amendment to memorialize the process of reopening the Burgess Pool and Belle Haven Pool throughout the stages, until the local emergency is terminated.

NOW THEREFORE, the Parties agree as follows:

- 1. The Parties agree that given the above described conditions, Provider has been unable to perform the Services described in the Agreement since March 12, 2020. The Parties further agree that until the City modifies Order No. 2, Provider is not legally allowed by the City to operate because public facilities are closed. The Parties further agree that the Agreement is in full force and effect and neither Party is in default.
- 2. The parties agree that Provider will resume services under the Agreement within five days, or earlier, of the Emergency Director's modification of Order No. 2 to allow the re-opening the pools.
- 3. While the local emergency is in effect, Provider shall adhere to the social distancing protocols and best practices established by the County of San Mateo Health Officer on May 15, 2020, a copy of which is attached hereto and incorporated herein as Exhibit C, and as may be modified from time to time. In addition, Provider shall comply with all legally required safety precautions identified in the Revised Order and any future orders issued by the Governor, the San Mateo County Health Officer or the City of Menlo Park affecting public swimming pools. Safety precautions include but are not limited to the use of personal protective equipment, social distancing requirements, symptom checks and tracking attendance. Furthermore, Provider shall continue to comply with any and all city,

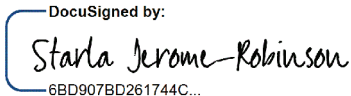
county, state and federal laws and regulations related to pool and aquatic program operations as required by the Agreement.

4. It is of critical importance to the City that the Belle Haven Pool be reopened at the same time as the Burgess Pool to ensure that recreational aquatics opportunities are available to the whole community. Provider agrees to reopen both the Burgess Pool and the Belle Haven Pool concurrently within five days or earlier from the modification of Order No. 2 allowing the reopening of the pools, consistent with the phases identified in the Provider's reopening plan, attached hereto as Exhibit B and provide any and all services included in the Scope of Services which are legally allowable pursuant to the Revised Order, including but not limited to lap swim. The use of the locker rooms is not allowed in the second phase of reopening. Limited use of bathrooms will be provided for as documented in Exhibit B.
5. Provider agrees to increase the services and provide any and all services included in the Scope of Services at both the Burgess Pool and the Belle Haven Pool as soon as provision of such services is both legally allowable pursuant to any state, county or local law and Provider is reasonably able to comply with any and all legally required safety precautions. SOLO swim team will be allowed to return to pool usage as soon as the Provider and SOLO agree upon and can accommodate the safety precautions required by San Mateo County Health Order. Prior to use of the pool, SOLO shall acknowledge in writing its acceptance of such precautions and agreement to abide by the terms of this Amendment. The City understands that the application of required safety precautions at the Burgess and Belle Haven pools is nuanced and that it is possible that activities that are allowed under existing health orders and directives may still be deemed unsafe by the Provider. In such situation, Provider shall provide written notice to and obtain consent, which may not be unreasonably withheld, from the City Manager or her designee for such adjustments.
6. In accordance with Paragraph 6 of the Agreement, the Parties will work together during the second and third stage to modify operations, access and schedule as appropriate. Provider agrees to provide weekly reports regarding capacity, residents/non-residents use, and fee subsidies provided for each pool and the Parties agree to meet and confer as necessary to address any issues. Any schedule modifications shall be subject to approval by the City Manager or her designee and shall be acted on within a commercially reasonable time (typically within 48 hours of request) and shall not be unreasonably withheld. The Parties acknowledge that the situation relative to COVID-19 may change rapidly and the stage may be increased or decreased. The Parties agree to allow a commercially reasonable time to respond to requests for modification. If the City returns to stage one and public facilities are again closed, Provider will cease operations immediately without need for a modification request.
7. The term of this Amendment shall continue until the fourth stage of the County's Orders and the City's termination of the local emergency after which time this Amendment will terminate and the Agreement will continue unamended.
8. The City shall pay the Provider the Belle Haven Management Fee for the period beginning June 1, 2020 through the pool's scheduled closing on October 1, 2020, as previously agreed.

9. Provider shall be granted access to the Burgess Pool and Belle Haven Pools only for preparation for opening no later than Friday June 5 through Tuesday June 9 and then after the Emergency Director's modification of Order No. 2 reopening the pools. Any time and expense to prepare the use of the pool prior to the modification of Order No. 2 shall be Provider's sole cost and expense understanding Order No. 2 may or may not be modified on June 9.
10. The Parties acknowledge that the COVID-19 crisis has placed Provider in a precarious financial position. Nevertheless, Provider is prepared to move forward and open the pools. In consideration of this Amendment, Provider shall have the right to terminate this Amendment and the original Agreement upon demonstrating to the City Manager that continuing operation would not be financially feasible with 30 days written notice provided to City.
11. In addition to the indemnification identified in Paragraph 24 of the Agreement, Provider specifically agrees to indemnify and hold the City, its Council, Commissions, agents, officers, volunteers or employees harmless from any and all claims, legal action or causes of action related to contraction of the COVID-19 virus at either pool alleged by any source, including but not limited to Provider's employees and pool patrons, during Provider's use of the Premises. Provider's indemnification obligation as set forth herein will include any and all costs, expenses, attorneys' fees and liability incurred by the Provider or any person in defending against such claims, whether the same proceed to judgment or not. The Provider will, at its own expense and upon written request by the City, defend any such suit or action brought against the City, its Council, Commissions, members, agents, officers, volunteers or employees. This section will survive the expiration or termination of this Amendment. This indemnity obligation will not cover any COVID-19 related claims that are based on the actions or negligence of the City, its employees, representatives or contractors (other than the Provider and its employees, subcontractors and agents).
12. Except to the extent expressly modified by this Amendment, the terms of the Agreement shall remain effective without impairment or modification.
13. This Agreement shall be effective only if the City allows Provider to open the pools in accordance with the San Mateo County Health officer's guidelines on or before June 12, 2020.
14. This Amendment may be executed in counterparts, each of which shall be deemed an original, but all of which when taken together shall constitute one Amendment.

IN WITNESS WHEREOF, the Parties have executed this Amendment by their duly authorized officers as of the date first set forth above.

CITY OF MENLO PARK

By:  _____
DocuSigned by:
Starla Jerome Robinson
6BD907BD261744C...

Approved as to Form:

DocuSigned by:
Cara E. Silver
CD6C53C794F6491... _____
Interim City Attorney

ATTEST:

DocuSigned by:
[Signature]
39280A20D0BE491... _____
City Clerk

TEAM SHEEPER, L.L.C.

501 Laurel Street
Menlo Park, CA 94025

By: DocuSigned by:
Tim Sheeper
8D6D1B94CF7B4BC... _____
Tim Sheeper, Chief Executive Officer

Approved as to Form:

DocuSigned by:
[Signature]
088537C219454F5... _____
Attorney for Team Sheeper



Public Health, Policy & Planning
225 37th Avenue
San Mateo, CA 94403
smchealth.org

Order No. c19-5d – Appendix C-2: Allowed Additional Activities

May 15, 2020

General Requirements

The “Additional Activities” listed below may resume, subject to the requirements set forth in the Order and to any additional requirements set forth below or in separate guidance by the Health Officer. These activities were selected to implement an initial measured expansion of activity based on health-related considerations including the risks of COVID-19 transmission associated with types and modes of activity, the ability to substantially mitigate transmission risks associated with the operations, and related factors, such as the following:

- **Increase in mobility and volume of activity**—the overall impact resumption of the activity will have on the number of people leaving their homes and interacting with others in the community;
- **Contact intensity**—the type (close or distant) and duration (brief or prolonged) of the contact involved in the activity;
- **Number of contacts**—the approximate number of people that will be in the setting at the same time;
- **Modification potential**—the degree to which mitigation measures can decrease the risk of transmission.

List of Additional Activities

Notwithstanding Section 15.a regarding outdoor recreation areas and shared recreation facilities, for the purposes of this Order Additional Activities include the following:

- (1) Indoor and outdoor pools, outdoor recreation areas, and outdoor shared recreation facilities may be opened, but only if they are actively monitored and managed to ensure that the facility is either (1) only used by members of the same household or (2) used in a manner that ensures that all social distancing, face covering and all other requirements (including the prohibitions against gathering and shared equipment), including Health Officer orders, are enforced. Any measures put in place must be reflected in the required posted written protocols.
 - a. Basis for Addition. Indoor and outdoor pools, outdoor recreation areas, and outdoor shared recreation facilities that are actively managed and monitored in a manner that ensures that the social distancing, face covering and all other requirements (including the prohibitions against gathering and shared equipment), including Health Officer orders, are enforced, the likelihood of transmission is significantly reduced.



**Team Sheepher
Burgess and Belle Haven Pool
Covid-19 Operations
2020 Reopening
Standard Operating Procedures**

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General Operations

Introduction

This document has been created to operate under the safety guidelines for covid -19 to ensure the safety of staff and participants. These policies and procedures will outline staff, consumer and facility operations. This document will be updated regularly as County, City, CDC guidelines change for the covid-19 response. Our company will align daily on updates and new guidelines, and this document will change as those guidelines are updated.

Phases in Reopening

These Phases are subject to change depending on county and city guidelines. The plan outlines what could be possible for us to offer to the community under current guidelines but could change as far as timeline.

Phase 1.

This phase will open the facility with minimal programming. The programming will be limited to Lap Swimming and Summer Camps. This will ensure that the facility is operating in a manner that is safe for all and will be able to adhere to county guidelines. We hope to move to phase 2 fairly quickly, once operations are smoothly operating.

Phase 2.

This phase will begin to add small amounts of programming within the facility. These programs will be Masters Swimming, Swim Lessons and Open Swim for families in the same household in designated areas for their family. Again, this phase will last as long as it takes for smooth operations, then the next phase will be undertaken.

Phase 3.

Phase 3 will consist of adding in Aqua-fit, potential locker rooms, more restroom usage for patrons, showers, front office and youth sports.

Phase 4.

This phase will only happen when guidelines allow normal operations with full programming. This will include continued enhanced cleaning and disinfecting. This phase will continue to modify all programming as guided by the county and city recommendations.

Facility Operations

San Mateo County Operating Guidelines

A letter from the San Mateo County Health Department

Dear Pool Owners,

On Friday, May 15, 2020, the San Mateo County Pool Program received the Health Officer's Order regarding the reopening of public pools. We are excited that San Mateo County residents now have a new option for exercise during this unprecedented time. Spas must continue to remain closed per this Order.

We received many inquiries about how to safely open public pools. The attached documents are guidelines for you to use as a reference. The Order must be adhered to in its entirety while allowing your pool to operate. You must post PROTOCOLS (unique to pools per Appendix C-2) and include all required information for PROTOCOLS FOR BUSINESSES (per May 15 Order, bullet 15.h), and SIGNAGE (per May 15 Order, bullet 15.h.vii). We have attached samples to assist you, but you can create your own. Protocols and signage must be posted conspicuously at the gate entry or other easily viewable location for patrons and law enforcement to review. We recommend that these documents be laminated or placed in plastic sleeves to prevent deterioration or water damage.

Refer to the attachments for details. Feel free to add additional protocols in the attached samples for further safe practices.

Highlights to remember:

- Pool operators (i.e., HOA, apartment and hotel management) are legally responsible for ensuring the pool's operation is compliant with the Order and must actively manage the pool's operation and compliance with the Order.
- Gatherings are still prohibited (i.e., the pool deck cannot be open for lingering/loitering of non-family members)
- Minimum of 6-foot Social Distancing (100% requirement, in and out of the pool)
- Face coverings are mandatory when not in the pool
- Locker rooms cannot be occupied
- Restrooms, if open, must have a rigorous cleaning and disinfection protocol

- Equipment in the pool area, including deck furniture, must be wiped down after EACH use

We will be resuming our inspections but will leave if site conditions are unsafe for our staff. If this occurs, you may be charged a reinspection fee.

Don't hesitate to contact our office (email: ngwong@smcgov.org) if you have any additional questions.

Sincerely,

San Mateo County Swimming Pool Program

Environmental Health Services San Mateo County Health (650) 372-6200

Order No. c19-5d – Appendix C-2: Allowed Additional Activities May 15, 2020

General Requirements

The “Additional Activities” listed below may resume, subject to the requirements set forth in the Order and to any additional requirements set forth below or in separate guidance by the Health Officer. These activities were selected to implement an initial measured expansion of activity based on health-related considerations including the risks of COVID-19 transmission associated with types and modes of activity, the ability to substantially mitigate transmission risks associated with the operations, and related factors, such as the following:

- **Increase in mobility and volume of activity**—the overall impact resumption of the activity will have on the number of people leaving their homes and interacting with others in the community;
- **Contact intensity**—the type (close or distant) and duration (brief or prolonged) of the contact involved in the activity;
- **Number of contacts**—the approximate number of people that will be in the setting at the same time;
- **Modification potential**—the degree to which mitigation measures can decrease the risk of transmission.

List of Additional Activities

Notwithstanding Section 15.a regarding outdoor recreation areas and shared recreation facilities, for the purposes of this Order Additional Activities include the following:

(1) Indoor and outdoor pools, outdoor recreation areas, and outdoor shared recreation facilities may be opened, but only if they are actively monitored and managed to ensure that the facility is either (1) only used by members of the same household or (2) used in a manner that ensures that all social distancing, face covering and all other requirements (including the prohibitions against gathering and shared equipment), including Health Officer orders, are enforced. Any measures put in place must be reflected in the required posted written protocols.

a. Basis for Addition. Indoor and outdoor pools, outdoor recreation areas, and outdoor shared recreation facilities that are actively managed and monitored in a manner that ensures that the social distancing, face covering and all other requirements (including the prohibitions against gathering and shared equipment), including Health Officer orders, are enforced, the likelihood of transmission is significantly reduced.

Burgess Pool

Entrance and Exiting Facility

Entrance

To enter the pool facility patrons must comply with county guidelines or will be refused service and not allowed to enter pool.

- 1.Social Distancing
- 2.Wearing a facemask
- 3.Temperature taken before entry

As patrons enter the facility there will be social distancing dots on the ground for them to line up at a minimum of 6ft apart. Patrons not wearing a mask will be asked to please put one on and if they do not have one, they will have to come back when they do have one. There will be a door monitor to ensure patrons are following facility guidelines.

Once patrons have confirmed lane reservation, they will be given a number of a lane and then taken to their appropriate lane. Swimmers will be spaced out on even and odd lanes. (See Exhibit)

Front Desk Entrance

The location of the front desk will be inside of the building where there will be two open doors to reduce high touch points in building. Patrons will wait outside the front desk area until called in by the entrance monitor. Staff will be trained and prepare to interact with the public in a safe manner. Staff will be required to wear a facemask at all times while on duty. There will be a plexiglass shield installed for the protection of the staff member and patron being served. All payments will be taken prior to patrons' arrival via

registration system online or through our App on Apple or google store or the patron may call in to the pool to reserve a space in the pool.

Extra cleaning of this area will be done on an hourly bases to the entire front desk area. Doors to the facility will be left open to ensure there is no high touch points for staff or patrons.

Exiting Pool

When Patrons lane time is up a whistle will sound and patrons will exit their lane, dress and exit through the back of the facility while continuing to follow social distancing guidelines. Patrons will have 5 minutes to exit pool and leave so that the next set of swimmers can be brought into the facility. There will be an exit door monitor to ensure no patrons enter in the through the exit and to ensure the safety of all exiting the facility. Patrons will exit to the rear of the facility. See Exhibit

Locker rooms

Locker rooms will be closed to the public for the unforeseen future (or phase 3). Patrons will have to come to the pool in their swimsuit prior to arrival to the pool.

Bathrooms

There will be one restroom available for patrons to use. This restroom with be disinfected after each use to ensure safety for anyone using the facility.

There will also be a staff restroom that will be closed to the public and will also be disinfected by a staff member after each use.

Belle Haven Pool

Entrance and Exiting Facility

Entrance

To enter the pool facility patrons must comply with county guidelines or will be refused service and not allowed to enter pool.

- 1.Social Distancing
- 2.Wearing a facemask
- 3.Temperature taken before entry

As patrons enter the facility there will be social distancing dots on the ground for them to line up at a minimum of 6ft apart. Patrons not wearing a mask will be asked to

please put one on and if they do not have one, they will have to come back when they do have one. There will be a door monitor to ensure patrons are following facility guidelines.

Once patrons have confirmed lane reservation, they will be given a number of a lane and then taken to their appropriate lane. Swimmer will be spaced out on even and odd lanes.

Front Desk Entrance

The location of the front desk will be inside building. Staff will be trained and prepare to interact with the public in a safe manner. Staff will be required to wear a facemask at all times while on duty. There will be a plexiglass shield installed for the protection of the staff member and patron being served. All payments will be taken prior to patrons' arrival via registration system online or through our App on Apple or google store.

Extra cleaning of this area will be done on an hourly bases to the entire front desk area. Doors to the facility will be left open to ensure there is no high touch points for staff or patrons.

Exiting Pool

When Patrons lane time is up a whistle will sound and patrons will exit their lane dress and exit through the back of the facility while continuing to follow social distancing guidelines. Patrons will have 5 minutes to exit pool and leave so that the next set of swimmers can be brought into the facility. There will be a exit door monitor to ensure no patrons enter in the through the exit and to ensure the safety of all exiting the facility. Patrons will exit to the rear of the facility. See Exhibit

Locker rooms

Locker rooms will be closed to the public for the unforeseen future (or phase 3). Patrons will have to come to the pool in their swimsuit prior to arrival to the pool.

Bathrooms

There will be one restroom available for patrons to use. This restroom with be disinfected after each use to ensure safety for anyone using the facility.

There will also be a staff restroom that will be closed to the public and will also be disinfected by a staff member after each use.

Cleaning/Disinfecting Program

To ensure safe operations of the facility there will be an increase of frequency, documentation and training on proper cleaning, protection and frequency of the facility.

General cleaning guidelines from the CDC

How to clean and disinfect

Clean

- **Wear disposable gloves** to clean and disinfect.
- **Clean surfaces using soap and water, then use disinfectant.**
- Cleaning with soap and water **reduces number of germs, dirt and impurities** on the surface. **Disinfecting kills germs** on surfaces.
- **Practice routine cleaning** of frequently touched surfaces.
 - - More frequent cleaning and disinfection may be required based on level of use.
 - Surfaces and objects in public places, such as shopping carts and point of sale keypads should be cleaned and disinfected before each use.
- **High touch surfaces include:**
 - Tables, doorknobs, light switches, countertops, handles, desks, phones, keyboards, toilets, faucets, sinks, etc.

Disinfect

- **Recommend use of disinfectant**
Follow the instructions on the label to ensure safe and effective use of the product.
Many products recommend:
 - Keeping surface wet for a period of time (see product label).
 - Precautions such as wearing gloves and making sure you have good ventilation during use of the product.

Always read and follow the directions on the label to ensure safe and effective use.

- Wear skin protection and consider eye protection for potential splash hazards
- Ensure adequate ventilation
- Use no more than the amount recommended on the label
- Use water at room temperature for dilution (unless stated otherwise on the label)
- Avoid mixing chemical products
- Label diluted cleaning solutions
- Store and use chemicals out of the reach of children and pets

You should never eat, drink, breathe or inject these products into your body or apply directly to your skin as they can cause serious harm. Do not wipe or bathe pets with these products or any other products that are not approved for animal use.

- **Diluted household bleach solutions may also be used** if appropriate for the surface.
 - Check the label to see if your bleach is intended for disinfection and has a sodium hypochlorite concentration of 5%–6%. Ensure the product is not past its expiration date. Some bleaches, such as those designed for safe use on colored clothing or for whitening may not be suitable for disinfection.
 - Unexpired household bleach will be effective against coronaviruses when properly diluted.
Follow manufacturer’s instructions for application and proper ventilation. Never mix household bleach with ammonia or any other cleanser.
Leave solution on the surface for **at least 1 minute**.
 - **To make a bleach solution**, mix:
 - 5 tablespoons (1/3rd cup) bleach per gallon of room temperature water
OR
 - 4 teaspoons bleach per quart of room temperature water
- Bleach solutions will be effective for disinfection up to 24 hours.
- **Alcohol solutions with at least 70% alcohol may also be used.**

Soft surfaces

For soft surfaces such as carpeted floor, rugs, and drapes

- **Clean the surface using soap and water** or with cleaners appropriate for use on these surfaces.
- **Launder items** (if possible) according to the manufacturer’s instructions. Use the warmest appropriate water setting and dry items completely.

OR

- **Disinfect with an EPA-registered household disinfectant.** These disinfectants meet EPA's criteria for use against COVID-19.
- **Vacuum as usual.**

Electronics

For electronics, such as tablets, touch screens, keyboards, remote controls, and ATM machines

- Consider putting a **wipeable cover** on electronics.
- **Follow manufacturer's instruction** for cleaning and disinfecting.
 - If no guidance, **use alcohol-based wipes or sprays containing at least 70% alcohol.** Dry surface thoroughly.

Cleaning and disinfecting your building or facility if someone is sick

- **Close off areas** used by the person who is sick.
 - Companies do not necessarily need to close operations, if they can close off affected areas.
- **Open outside doors and windows** to increase air circulation in the area.
- **Wait 24 hours** before you clean or disinfect. If 24 hours is not feasible, wait as long as possible.
- Clean and disinfect **all areas used by the person who is sick**, such as offices, bathrooms, common areas, shared electronic equipment like tablets, touch screens, keyboards, remote controls, and ATM machines.
- **Vacuum the space if needed.** Use vacuum equipped with high-efficiency particular air (HEPA) filter, if available.
 - Do not vacuum a room or space that has people in it. Wait until the room or space is empty to vacuum, such as at night, for common spaces, or during the day for private rooms.
 - Consider temporarily turning off room fans and the central HVAC system that services the room or space, so that particles that escape from vacuuming will not circulate throughout the facility.
- Once area has been **appropriately disinfected, it can be opened for use.**
 - **Workers without close contact** with the person who is sick can return to work immediately after disinfection.
- If **more than 7 days** since the person who is sick visited or used the facility, additional cleaning and disinfection is not necessary.
 - Continue routine cleaning and disinfection. This includes everyday practices that businesses and communities normally use to maintain a healthy environment.

Cleaning and disinfecting outdoor areas

- Outdoor areas, like **playgrounds in schools and parks** generally require **normal routine cleaning**, but **do not require disinfection.**

- Do not spray disinfectant on outdoor playgrounds- it is not an efficient use of supplies and is not proven to reduce risk of COVID-19 to the public.
- High touch surfaces made of plastic or metal, such as grab bars and railings should be cleaned routinely.
- Cleaning and disinfection of wooden surfaces (play structures, benches, tables) or groundcovers (mulch, sand) is not recommended.
- **Sidewalks and roads should not be disinfected.**
 - Spread of COVID-19 from these surfaces is very low and disinfection is not effective.

When cleaning

- **Regular cleaning staff** can clean and disinfect community spaces.
 - Ensure they are trained on appropriate use of cleaning and disinfection chemicals.
- **Wear disposable gloves and gowns for all tasks in the cleaning process, including handling trash.**
 - Additional personal protective equipment (PPE) might be required based on the cleaning/disinfectant products being used and whether there is a risk of splash.
 - Gloves and gowns should be removed carefully to avoid contamination of the wearer and the surrounding area.
- **Wash your hands often** with soap and water for 20 seconds.
 - Always wash immediately after removing gloves and after contact with a person who is sick.
 - Hand sanitizer: If soap and water are not available and hands are not visibly dirty, an alcohol-based hand sanitizer that contains at least 60% alcohol may be used. However, if hands are visibly dirty, always wash hands with soap and water.

Always read and follow the directions on the label to ensure safe and effective use.

- Keep hand sanitizers away from fire or flame
- For children under six years of age, hand sanitizer should be used with adult supervision
- Always store hand sanitizer out of reach of children and pets
- **Additional key times to wash hands** include:
 - After blowing one's nose, coughing, or sneezing.
 - After using the restroom.
 - Before eating or preparing food.
 - After contact with animals or pets.
 - Before and after providing routine care for another person who needs assistance (e.g., a child).

Training: All staff will be retrained on cleaning practices and what safety precautions are needed to clean facilities. There will be an added segment to this on infections disease and how to prevent spread of bacteria and viruses in a safe manor.

Documentation: All employees must document the time and work done for the cleaning duty. Each location in the facility will have different requirements of frequency and specifics depending on use of location.

Staff Operations

GENERAL GUIDELINES

Staff will be required to check in at the beginning of each shift with a manager at a designated location on site.

1. Temperature will be taken
2. Asked if they have had any symptoms
3. Then assigned duties for the day
4. Safety meeting and education
5. At the end of the day another temperate will be taken on their way out

During Shift:

1. Staff will have to wear a facemask at all times
2. Comply with social distancing guidelines
3. Staff will not share any items to be used for work or any other purposes

Daily Health checks

Employees will be required to fill out a digital daily health check form to ensure of their health and wellness and all others. This form will ask their name, temp, and symptoms in the last 48 hours. Once the form is filled out, they will be cleared for work

Patrons will have their temperature checked before entering the facility and signs will be posted about self-health and wellness checks. Patrons will be asked if they have felt any symptoms of illness at all that they not enter the facility or participate in any program. They will also be asked if they do test positive for covid-19 in the next 14 days of use of facility that they contact by email immediately.

Covid-19 Positive Operations

If an employee is found positive for Covid-19 and has been on site the facility will be closed for a minimum of 24 hours, until all other employees on that shift have been tested and are clear to work. Employees contacts at the facilities will be traced to ensure no others are found ill.

If a patron is found to have been at the facility and tested positive for covid-19 the facility will be shut down for a minimum of 24 hours to ensure we can trace possible infection and notify employees of possible exposure.

Daily PPE Requirements

Staff will be required to wear a facemask and sanitize their hands regularly. During an emergency there will be an increased level of PPE. This will be found in the emergency section of this document.

Patrons will be required to wear a facemask while walking through and around the facility. Patrons are allowed to remove their mask while swimming. They will be asked to wear the mask as they exit the facility.

Emergency Operations

Emergency Action Plan

Whistle Cadences

ONE BLAST: grab the attention of individual patron
TWO BLAST: grab the attention of another guard
THREE BLAST: activate the EAP
ONE LONG BLAST: clear the pool

Primary Guard

- Identify situation & activate EAP
- Approach Victim
 - Water emergency: Perform appropriate rescue
 - Land emergency: Size up the Scene & acquire Expressed Consent
- Primary assessment
- Perform appropriate care
- Secondary Assessment
- Report, Advise, Release

Secondary Guard (*most available guard*)

- Bring necessary equipment
 - Backboard
 - AED
 - First Aid
- **Bring first what is most important to the situation*
- Assign someone to call 911 & come back

- Assist Primary guard

Assisting Responders

- Clear pool & deck as needed
- Inform Front Desk of emergency
- Ensure EMS services are on their way
- Assist rescuers

When EMS Arrives

- Meet EMS on street & direct to emergency

When EMS Leaves

- *Primary guard & Leadership staff* - Report, Advise, Release

Lifeguard Emergency Response

In the event someone needs CPR staff will put on full PPE to include, Face Mask, Eye Protection and gloves.

General Prevention for COVID-19 Transmission During CPR and First Aid

While there is currently no specific data on COVID-19 transmission while performing CPR or giving first aid, it is reasonable to conclude that chest compressions have the potential to generate respiratory droplets or aerosols and close contact needed for some aspects of first aid may have risk of transmission.

PPE

For responders and those who may need to provide care to someone suspected to have COVID-19. We will require wearing PPE as recommended by CDC, this would be wearing respiratory protection using a respirator (e.g. N-95 mask), eye protection, disposable gloves and a disposable isolation gown if possible. Per CDC guidance facemasks are an acceptable alternative when there is shortage of N-95. During the COVID-19 pandemic, for all persons requiring CPR, personal protective equipment (PPE) such as gloves and face mask should be worn, if available.. We recognize that for lay responders, CPR and first aid is often performed for household members where there would have already been close contact and exposure.

We recommend placing a face mask or cloth covering over the mouth and nose of the victim may reduce the risk of transmission. If only 1 mask is available and it is a simple face mask, we recommend placing it on the victim.

Guidance for Performing a Breathing Assessment and Rescue Breaths in Children or Adults

While CPR with breaths has been shown to be beneficial when compared to compression-only CPR, during the COVID-19 outbreak, it is currently recommended that no rescue breaths be performed for adult cardiac arrest patients with confirmed or suspected COVID-19, due to the risk of disease transmission. The following measures are recommended and may be associated with a decreased risk of transmitting the virus:

- When assessing for normal breathing, we recommended that the CPR/first aid care provider looks for breathing but does not listen or feel for the victim's breathing, as this will minimize potential exposure.
- We recommend that adult victims of sudden cardiac arrest receive continuous compression-only CPR from their CPR/first aid care provider until emergency personnel arrive. *Note: Compression-only CPR saves lives compared to no CPR.*
- Cardiac arrests that occur after a breathing problem (which is often the case in infants and young children), drowning and drug overdoses may benefit from standard CPR that includes compressions and rescue breaths. *Note: It is recognized that in some of the cases, the victim may also have COVID-19. However, if a lay responder is unable or unwilling to provide rescue breathing with CPR, compression-only CPR should be initiated.*

Guidance for Compressions

Chest compressions and use if an AED is available is recommended for every cardiac arrest victim. Whether or not a cardiac arrest victim is suspected of having COVID-19, 9-1-1 should be called and, if available, an AED should be used.

Guidance for AED Application & Use

No studies to date have shown that defibrillation generates respiratory droplets or aerosols, and it is known that prompt use of AEDs save the lives of cardiac arrest victims. In addition, the current methods of automatic external defibrillation use hands-free methods via adhesive pads that allow performance without direct contact with the victim.

- If an AED is available, it should be applied and used consistently with the manufacturer's guidelines while waiting for emergency personnel to arrive.
- If gloves are available, they should be worn.
- The AED device should be cleaned with disinfectant after use.

Cleaning & Disinfection After First Aid Care

While still wearing personal protective equipment, clean and disinfect items that touched the victim. After cleaning, dispose of your personal protective equipment and perform hand hygiene. Surfaces should be cleaned using a detergent or soap and water prior to disinfection.

- For Hard Surfaces:
 - Diluted household bleach solutions, alcohol solutions with at least 70% alcohol and most common EPA-registered household disinfectants should be effective.
 - Products with EPA-approved emerging viral pathogens claims are expected to be effective against COVID-19 based on data for harder to kill viruses. Follow the manufacturer's instructions for all cleaning and disinfection products (e.g., concentration, application method and contact time, etc.). In their absence, products with label claims against human coronaviruses or other viruses should be used according to label instructions.

- For Soft or Porous Surfaces
 - For surfaces such as carpeted floor, rugs, and drapes; remove visible contamination if present, and clean with appropriate cleaners indicated for use on these surfaces.
 - After cleaning, wash items as appropriate in accordance with the manufacturer's instructions. If possible, wash items using the warmest appropriate water setting and dry completely or use products with the EPA-approved emerging viral pathogens claims that are suitable for porous surfaces.

- For Clothing:
 - Do not shake dirty laundry. This will minimize the possibility of dispersing virus through the air.
 - Launder items as appropriate in accordance with the manufacturer's instructions. If possible, launder items using the warmest appropriate water setting for the items and dry items completely.
 - If clothing cannot be immediately laundered, store in a sealed disposable bag.

- Alternatives to EPA-registered disinfectants include:
 - Diluted household bleach: Mix 5 tablespoons (1/3 cup) bleach per gallon of water, or 4 teaspoons bleach per quart of water. Make sure you have proper ventilation and that the bleach is not expired.
 - Alcohol solutions: Ensure your solution has at least 70% alcohol.

Program Operations Burgess

Lap Swimming

Patrons will register for a lane online or by phone prior to arriving at the aquatic facility, to include payment online only. We will not be accepting cash at this time. Patrons will line up on the side gate of the pool where there will be lines for them to stand to stage for their turn to come into the facility. All social distancing guidelines will be adhered to or the patron may be ask to leave to include.

1. **Wearing a facemask** until about to get into pool
2. **Stay 6 feet apart** from each other including staff

Once checked-in patrons will be allowed to walk to their lane once the group before them has left the facility. They will have 5 minutes to get into the pool and out of the pool after their swim. Patrons will stagger at either end of the pool to ensure social distancing. **There will be only 1 person lane** (unless family in the same household is swimming with each other). Once 35 minutes are up a guard will blow a whistle signaling each swimmer has 5 minutes to get out of the pool and exit through the back gate adjacent to the pool.

Open Swim

Open swim will have designated times for families and individuals to come a reserve a space in our play pool. Each family from the same household will have a lane in one of our bigger pools or in our baby pool to ensure social distancing. Each family can reserve a space in pool online for 1-hour increments as space permits.

Swim Lessons

The swim lesson programming guidelines will fully utilize the existing facility plan for covid-19 controls. The goal is to provide the highest level of swim lesson programming while maintaining social distance, minimizing contact to high touch areas and objects, and to maintain a consistent routine of disinfecting swim equipment and facility features.

Social distancing will be adhered to when arriving to the facility, checking in and staging within a designated staging area prior to the swim lesson. Participants will store their belongs at their assigned spot within the staging area.

Lessons will be held in either a private, instructor guided parent/children's lesson, and or a single family from the same household with parent in the water with kids and instructor on the deck with a facemask on. These lessons will also be staggered to avoid gatherings of people.

Camps

The goal of our summer camps will provide care for the children of the community in a fun and safe environment while following all county, city, and cdc guidelines for covid-19. We want to create this environment give families peace of mind while being care for at our facility.

Goal to run 4 morning camps and 4 pm camps in controlled groups of 12.

We will follow guidelines as followed:

Childcare establishments, summer camps, and other educational or recreational institutions or programs providing care or supervision for children of all ages. To the extent possible and compliant with any licensing requirements, these operations must also comply with the following conditions:

- 1.They must be carried out in stable groups of 12 or fewer children ("stable" means that the same 12 or fewer children are in the same group each day and for at least four consecutive weeks). No child will be added to the group if a child does not come to camp. These groups will remain the same for 3 weeks including staff.

- 2.Children shall not change from one group to another or attend more than one childcare establishment, summer camp, other educational or recreational instruction or program simultaneously.

3.If more than one group of children is at one facility, each group shall be in a separate rooms or spaces that cannot be accessed by children or adults outside the stable group. Groups shall not mix with each other.

4.Providers, educators and other staff cannot serve more than one group of children and shall remain solely with that group of children during the duration of the childcare establishment, summer camp, other educational or recreational institution or program.

Program Operations Belle Haven

Lap Swimming

Patrons will register for a lane online or by phone prior to arriving at the aquatic facility, to include payment online only. We will not be accepting cash at this time. Patrons will line up on the side gate of the pool where there will be lines for them to stand to stage for their turn to come into the facility. All social distancing guidelines will be adhered to or the patron may be ask to leave to include.

1. **Wearing a facemask** until about to get into pool
2. **Stay 6 feet apart** from each other including staff

Once checked-in patrons will be allowed to walk to their lane once the group before them has left the facility. They will have 5 minutes to get into the pool and out of the pool after their swim. Patrons will stagger at either end of the pool to ensure social distancing. **There will be only 1-person lane** (unless family in the same household is swimming with each other). Once 35 minutes are up a guard will blow a whistle signaling each swimmer has 5 minutes to get out of the pool and exit through the back gate adjacent to the pool.

Open Swim

Open swim will have designated times for families and individuals to come a reserve a space in our play pool. Each family from the same household will have a lane in one of our bigger pools or in our baby pool to ensure social distancing. Each family can reserve a space in pool online for 1-hour increments as space permits.

Swim Lessons

The swim lesson programming guidelines will fully utilize the existing facility plan for covid-19 controls. The goal is to provide the highest level of swim lesson programming while maintaining social distance, minimizing contact to high touch areas and objects, and to maintain a consistent routine of disinfecting swim equipment and facility features.

Social distancing will be adhered to when arriving to the facility, checking in and staging within a designated staging area prior to the swim lesson. Participants will store their belongs at their assigned spot within the staging area.

Lessons will be held in either a private, instructor guided parent/children's lesson, and or a single family from the same household with parent in the water with kids and instructor on the deck with a facemask on. These lessons will also be staggered to avoid gatherings of people.

Camps

The goal of our summer camps will provide care for the children of the community in a fun and safe environment while following all county, city, and cdc guidelines for covid-19. We want to create this environment give families peace of mind while being care for at our facility.

Goal: To run 1 camp in the morning and 1 in the afternoon, following

We will follow guidelines as followed:

Childcare establishments, summer camps, and other educational or recreational institutions or programs providing care or supervision for children of all ages. To the extent possible and compliant with any licensing requirements, these operations must also comply with the following conditions:

- 1.They must be carried out in stable groups of 12 or fewer children ("stable" means that the same 12 or fewer children are in the same group each day and for at least four consecutive weeks). No child will be added to the group if a child does not come to camp. These groups will remain the same for 3 weeks including staff.
- 2.Children shall not change from one group to another or attend more than one childcare establishment, summer camp, other educational or recreational instruction or program simultaneously.
- 3.If more than one group of children is at one facility, each group shall be in a separate rooms or spaces that cannot be accessed by children or adults outside the stable group. Groups shall not mix with each other.

4. Providers, educators and other staff cannot serve more than one group of children and shall remain solely with that group of children during the duration of the childcare establishment, summer camp, other educational or recreational institution or program.

Exhibit A

A. Facility Map Entrance and Exit

Burgess Pool



Exhibit A Continued



Exhibit A Continued



Exhibit A Continued

Belle Haven Pool



B.


Exhibit B: Health Check Form


Questions Responses 1

Employee Covid Check-In Sheet

Form description

Full Name *
Short answer text

Today's Date *
Month, day, year 

Time *
Time 

Temperature *
Short answer text

Symptoms (if any) *
Long answer text

C.
D.

Exhibit C: Thermometers



Exhibit D: General PPE information



Infection Prevention and Control

Taking off (Doffing) Personal Protective Equipment (PPE)

1 **Gloves**

A Grasp the outside edge of the glove near the wrist and peel away from the hand, turning the glove inside-out.

- ◆ Hold the glove in the opposite gloved hand.

B Slide an ungloved finger or thumb under the wrist of the remaining glove.

C Peel the glove off and over the first glove, making a bag for both gloves.

- ◆ Put the gloves in the garbage.

2 **HAND HYGIENE**

A Using an alcohol-based hand rub is the preferred way to **clean your hands**.

B If your hands look or feel dirty, soap and water must be used to wash your hands.

3 **Gown**

A Carefully unfasten ties.

B Grasp the outside of the gown at the back of the shoulders and pull the gown down over the arms.

C Turn the gown inside out during removal.

- ◆ Put in hamper or, if disposable, put in garbage.

4 **HAND HYGIENE**

- ◆ **Clean your hands.** (See No. 2)
- ◆ Exit the patient room, close the door and **clean your hands** again.

5 **Eye protection or face shield**

- ◆ Handle only by headband or ear pieces.
- ◆ Carefully pull away from face.
- ◆ Put reusable items in appropriate area for cleaning.
- ◆ Put disposable items into garbage.

6 **Mask or N95 respirator**

- ◆ Bend forward slightly and carefully remove the mask from your face by touching only the ties or elastic bands.
- ◆ Start with the bottom tie, then remove the top tie.
- ◆ Throw the mask in the garbage.

There are different styles of N95 respirators but all styles have the same basic steps for doffing.

7 **HAND HYGIENE**

- ◆ **Clean your hands.** (See No. 2)

Exhibit E: Facility Signs

**EVERYONE
MUST WEAR A
FACE COVERING***



Covering your face is now mandatory and helps prevent the spread of COVID-19.

Masks, bandanas, scarves, and cloth can be used. *This order does not apply to those 12 years old and less.

**...AND STAY 6 FEET
APART**

FOR MORE INFORMATION

- menlopark.org/coronavirus
- smchealth.org/coronavirus
- cdc.gov/coronavirus

EVERYONE MUST WEAR A FACE COVERING*

Covering your face is now mandatory and helps prevent the spread of COVID-19.



Masks, bandanas, scarves, and cloth can be used.

* This order does not apply to those 12 years old and less.

...AND STAY 6 FEET APART

This business is required to refuse service to anyone who does not comply.

Todos deben de usar una cobertura facial*

Cubrirse la cara ahora es obligatorio y ayuda a prevenir la propagación de COVID-19. Se pueden usar máscaras, pañuelos, bufandas y telas.

* Esta orden no aplica a aquellos que tengan 12 años de edad o menos.

...y mantenerse a 6 pies de distancia.

Este negocio está requerido a negarle el servicio a cualquier persona que no cumpla con este requisito.

每个人都必须佩带面罩*

现在要求强制性佩带面罩，帮助防止新型冠状病毒地传播。口罩，头巾，围巾和布料都可以。

* 该规定不适用于12岁及以下人群。

...并且保持6尺社交安全距离

商家不得为没有遵守规定的人提供服务。



COUNTY OF
SAN MATEO

www.smcgov.org



SAN MATEO
COUNTY HEALTH

SOCIAL DISTANCING DURING CORONAVIRUS

Social distancing is an action encouraged by public health officials to stop or slow down the spread of a highly contagious disease. This information is being provided to help you understand what you are being asked to do by the Health Officer.

STOP THE SPREAD OF CORONAVIRUS (COVID-19)

If you must be in a public space, maintain 6 feet of distance from others



What are social distancing measures?

Social distancing measures are taken to restrict when and where people can gather to stop or slow the spread of infectious diseases. Social distancing measures include limiting large groups of people coming together, closing buildings and canceling events. When in public spaces it is important to stay 6 feet away from other people.

Why would social distancing measures be used?

Since the start of the spread of coronavirus, social distancing measures will be used early on to slow the spread of the disease and provide our community with the valuable time needed to be better prepared.

What can I do?

Practicing good hygiene habits such as washing your hands and covering your cough will help to stop or slow the spread of many diseases. The San Mateo County Health website (www.smchealth.org) has 'Wash Your Hands' and 'Cover Your Cough' posters you can download and use.

It is important to follow any social distancing instructions from San Mateo County Health. Please stay informed and plan ahead.

IMPORTANT RESOURCES DURING THE COVID-19 PANDEMIC

For questions or concerns, please dial 2-1-1

For more information about health issues and emergency preparedness, please visit the following websites:

County Health: www.smchealth.org/coronavirus

San Mateo County: www.smcgov.org



U.S. CDC: www.cdc.gov/coronavirus/2019-ncov



SAN MATEO COUNTY HEALTH

Dial 2-1-1 for non-emergency, non-medical calls
smchealth.org/coronavirus

Exhibit F: Pool Documents



SAN MATEO COUNTY HEALTH
**ENVIRONMENTAL
HEALTH SERVICES**

PROTECT YOURSELF & OTHERS FROM COVID-19

DO:

- Show**er before entering the pool
- Stay at least 6 feet away from others to maintain social distancing**
- Keep your hands clean by washing hands with soap and water, especially after going to the bathroom, before eating, and after blowing your nose, coughing, or sneezing
- Wear face coverings except in the pool or exempted by the Health Officer.**

DON'T:

- Visit the pool or other public areas if you are sick with COVID-19, were recently exposed (within 14 days) to someone with COVID-19, or experience the following symptoms: *fever, cough, shortness of breath or difficulty breathing, chills, repeated shaking with chills, muscle pain, headache, sore throat, new loss of taste or smell***
- Gather in large group**

STAY INFORMED WITH THE SOCIAL DISTANCING PROTOCOL
San Mateo County COVID-19: smchealth.org/coronavirus
COVID-19 Hotline: Dial 211



SAN MATEO COUNTY HEALTH
ENVIRONMENTAL HEALTH SERVICES

Environmental Health Services
Pool Program
 2000 Alameda de las Pulgas, Suite #100
 San Mateo, CA 94403
 (650) 372-6200 FAX (650) 627-8224
 smhealth.org/food

PUBLIC SWIMMING POOLS DAILY CHECKLIST AND ATTENDANCE RECORD DURING COVID-19

A separate copy of this checklist should be maintained for each day a public pool is open during the COVID-19 Shelter in Place Order. One checklist may be kept for multiple pools within the same enclosure. The checklist shall be maintained for at least 90 days for possible review by personnel from the San Mateo County Environmental Health Services.

FACILITY NAME: DATE:

NAME OF SUPERVISING PARTY:

- | | YES | NO |
|---|--------------------------|--------------------------|
| 1. Sign(s) posted at each entrance regarding Guidelines for Pool Users? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Reduced pool capacity sign posted? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Designated personnel can maintain six-foot separation? | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Designated personnel has face covering? | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Restrooms cleaned & disinfected frequently? | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. High touch areas cleaned & disinfected frequently? | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Hand washing station or hand sanitizer station stocked & available? | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. Tape/markings to guide six-foot distancing? | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. Pool water is tested prior to opening the pool? | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. Pool water is tested at 4 hour intervals until pool is closed? | <input type="checkbox"/> | <input type="checkbox"/> |

| Time | Free Chlorine (ppm) | pH | Notes |
|--------------------------|---------------------|----|-------|
| Pool Open (i.e. 8:00 am) | | | |
| Midday (i.e. 12:00 pm) | | | |
| Pool Close (i.e. 4 pm) | | | |



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APPENDIX C-2 ALLOWED ADDITIONAL ACTIVITIES

SAMPLE GUIDELINES FOR PUBLIC SWIMMING POOLS SPAS MUST CONTINUE TO REMAIN CLOSED PER THIS ORDER (MAY 22, 2020)

FACILITY NAME

SITE ADDRESS/CITY/ZIP

THE HEALTH OFFICER'S ORDER PROHIBITS GATHERING AT THE POOL. THE POOL MUST BE ACTIVELY MONITORED AND MANAGED TO ENSURE THAT THE HEALTH OFFICER'S ORDERS ARE ENFORCED

Pool owner/operator (i.e., HOA, apartment and hotel management) are legally responsible for ensuring the pool's operation is compliant with the Order.

SIGNAGE

- Post a copy of the Social Distancing Sign at each gate entry or other easily viewable location.
- Post a copy of the Social Distancing Guidelines (Appendix C-2) at each gate entry or other easily viewable location.
- Other: _____

MEASURES TO PREVENT GATHERING AND ENSURE SOCIAL DISTANCING

- Ensure social distancing by (1) having members of the same household use the pool at the same time period or (2) in a manner that ensures the Health Officer orders are enforced (recommend dividing pool occupancy by half). Any measures put in place must be reflected in the required posted written protocols.
- Minimum six feet of social distancing is required in and out of the pool.
- No personal contact in and out of pool unless pool users are from the same household (No contact swim lessons).
- Lap swimming shall be separated by alternate lanes or maintain 6 feet social distancing. Only one person per lane.
- Face covering is required for all those on the pool deck. Do not wear a face covering while in the pool.
- Eliminate shared equipment and pool furniture in the facility or disinfect after each use.
- Place tape or other markings at least six feet apart in pool user line areas or any other area in the pool where pool users congregate (e.g. line for outdoor showers).
- Other: _____



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EXHIBIT C

APPENDIX C-2 ALLOWED ADDITIONAL ACTIVITIES

SAMPLE GUIDELINES FOR PUBLIC SWIMMING POOLS
SPAS MUST CONTINUE TO REMAIN CLOSED PER THIS ORDER (MAY 22, 2020)

FACILITY NAME

SITE ADDRESS/CITY/ZIP

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- No personal contact in and out of pool unless pool users are from the same household (No contact swim lessons).
- Lap swimming shall be separated by alternate lanes or maintain 6 feet social distancing. Only one person per lane.
- Face covering is required for all those on the pool deck. Do not wear a face covering while in the pool.
- Eliminate shared equipment and pool furniture in the facility or disinfect after each use.
- Place tape or other markings at least six feet apart in pool user line areas or any other area in the pool where pool users congregate (e.g. line for outdoor showers).
- Other: _____

MEASURES TO INCREASE SANITATION

Cleaning and Disinfecting Pools:

- Maintain proper disinfectant levels:

| Type | Free Chlorine | pH |
|-----------------------------|---------------|---------|
| Pools With Cyanuric Acid | 2-10 ppm | 7.2-7.8 |
| Pools Without Cyanuric Acid | 1-10 ppm | 7.2-7.8 |

- Ensure daily monitoring and recording of pool chemicals (chlorine, pH, and cyanuric acid). If the operator notices the chemicals are not within their appropriate range, the pool shall be closed until the chemicals are balanced to the correct levels.
- Recommend maintaining a checklist with attendance records to aid in contact tracing as needed.

Cleaning and Disinfecting Ancillary Areas:

- Keep locker rooms closed.
- Stock handwashing stations with liquid soap and paper towels. Provide hand sanitizer with at least 60% alcohol for pool users/visitors to use.
- Clean and disinfect frequently touched surfaces: handrails and ladders ADA liftdoor/gate handles surfaces of restrooms: handwashing stations diaper changing stations, and showers any multi-touch contact surface that have been identified
- *Examples of disinfectants: Alcohol solutions with at least 70% alcohol may be used for surfaces. Diluted household bleach solutions may also be used: To make a bleach solution, mix: 5 tablespoons (1/3rd cup) bleach per gallon of water as per CDC Guidelines**

MEASURES TO PROTECT EMPLOYEE HEALTH (IF APPLICABLE)

- Distribute a copy of the safety guidelines to each employee.
- Instruct employees not to come to work for at least 14 days if they are exhibiting COVID-19 symptoms and/or seek a health care provider.
- Check employees for symptoms (fever, cough, or shortness of breath) of illness prior to entering work space by following CDC guidelines.
- Employees shall wear face coverings in the workplace.
- Liquid soap, warm water, and paper towels are available to all employees for handwashing.
- Hand sanitizer (at least 60% alcohol) and other EPA approved disinfectants are available to all employees.
- Individual work stations are separated by at least six feet or with a physical barrier.

- All employees/attendants have been instructed to maintain at least six feet distance from pool users and from each other as much as practicable.
 - Sanitize all individual work stations and common touch points frequently.
 - Common areas such as break rooms and bathrooms are to be sanitized after each use.
- For indoor pools, make sure ventilation systems work properly. Increase air circulation by introducing
- outdoor air as much as possible by opening windows and doors or using fans.; however, do not open windows and doors if doing so poses a safety risk to staff, patrons, or swimmers.
 - Other: _____

Optional Measures:

For additional information refer to the latest Health Officer's order:
<https://www.smchealth.org/post/health-officer-statements-and-orders>

IT IS THE LEGAL RESPONSIBILITY OF THE POOL OWNER/OPERATOR TO ENSURE ALL APPLICABLE REQUIREMENTS ARE FOLLOWED TO PROTECT THE SAFETY OF THE POOL USERS. IF OPERATORS ARE UNABLE TO DO SO, THE POOL SHALL REMAIN CLOSED.

Contact the owner or person in charge listed below with any questions about the following safety measure protocols.

NAME _____

EMAIL _____ **PHONE NUMBER** _____

PROFESSIONAL SERVICES AGREEMENT
(Menlo Park Aquatic Facilities)

This Professional Services Agreement (“Agreement”) is made and executed as of March 27, 2018, by and between the City of Menlo Park, a municipal corporation (“City”), and Team Sheeper, Inc., a California S Corporation (“Provider”), referred to herein individually as “Party” and collectively as “Parties”.

WHEREAS, City is the owner of certain premises (“Premises”) described below, and desires to provide recreational aquatics programming for the benefit of the community at the Premises;

WHEREAS, City desires to engage Provider to provide the recreational aquatics programming, including swim instructors and certified lifeguards to provide lap swim, open swim, youth swim team, youth and adult swim lessons, youth camps, masters swim, aqua-fit classes and lane rentals for community swim teams and other community organizations at the Premises (“Services”) consistent with the current level of programming;

WHEREAS, Provider has been providing the Services pursuant to a Lease Agreement, which is expiring on March 31, 2018, and has the necessary professional expertise, qualifications and capability, and all required licenses and/or certificates to provide the services; and

WHEREAS, City and Provider desire to enter into this Agreement on the terms and conditions set forth below.

NOW, THEREFORE, the Parties agree as follows:

1. PREMISES. The Premises includes both the “Burgess Pool”, 501 Laurel Street, Menlo Park, CA and the “Belle Haven Pool”, 100 Terminal Avenue, Menlo Park, CA as defined herein. Burgess Aquatic Facility (“Burgess Pool”) consists of the fenced pool area at the City’s Civic Center campus at Burgess Park. Burgess Pool includes the lap pool, instructional pool, toddler activity pool, locker rooms and restrooms, offices, lawn area, pool mechanical room, lobby area, and all associated areas in the City of Menlo Park, County of San Mateo, State of California, as more particularly shown in Exhibit A, attached hereto and incorporated herein by reference. The Belle Haven Pool (“Belle Haven Pool”) is a six-lane x 25-meter outdoor swimming pool located adjacent to the Onetta Harris Community Center. Belle Haven Pool includes a locker room, shower facilities, mechanical room, office and small children’s wading pool in a fenced area as shown in Exhibit B, attached hereto and incorporated herein by reference.

2. SCOPE OF SERVICES. Provider shall perform the Services, as more particularly described in Exhibit C attached hereto and incorporated herein by this reference in accordance with the terms and conditions contained in this

Agreement. Performance of all Services shall be to the reasonable satisfaction of the City.

3. TERM. The term of this Agreement shall commence on April 1, 2018 and shall terminate on August 31, 2020 ("Term"). If not terminated as set forth hereinafter, this Agreement shall automatically renew for successive 12-month periods (each year an "Extended Term"), subject to all of the same terms and conditions contained in this Agreement. Not less than 180 days prior to the expiration of the Term or Extended Term, either of the Parties may provide written notice requesting either an evaluation of the terms and conditions of this Agreement or termination of this Agreement. In the event no such notice of termination is given, this Agreement shall automatically continue for an Extended Term.

4. BELLE HAVEN POOL MANAGEMENT FEE. The City shall pay Provider a management fee for the operation of the Belle Haven Pool in an amount not to exceed Five Thousand Dollars (\$5,000) per month or Sixty Thousand Dollars (\$60,000) per year, unless otherwise approved by the City Council. The City currently receives annual funding for the Belle Haven Pool from Hibiscus Properties, LLC ("Facebook") pursuant to Section 9.1.1 of the Development Agreement dated December 14, 2016 and recorded in the Official Records of the County of San Mateo as Document Number 2016-133794. In addition to the management fee, pursuant to the terms of the prior Lease Agreement, the City shall pay to Provider Five Thousand Dollars (\$5,000) per month for the period January 1, 2018 through March 31, 2018 for a total of Fifteen Thousand Dollars (\$15,000) for operating the Belle Haven Pool, subject to and upon receipt by the City of funds from Facebook covering that time period. To the extent Provider has been paid all or any portion of the management fee directly by Facebook, the City shall be relieved from the requirement to pay such amount to Provider. If and when such annual funding is reduced or terminated, the City may terminate the Services at the Belle Haven Pool after providing 30 days' advance written notice to Provider. Provider shall be paid pro rata for Services performed at the Belle Haven Pool up to the termination date. If the Services at the Belle Haven Pool are terminated, the management fee shall also terminate.

5. EXCLUSIVE USE OF PREMISES. Subject to the terms of this Agreement, Provider shall have exclusive use of the Premises for the purposes of conducting aquatics programs, including, but not limited to, a masters swim program, swim team, swim lessons, fitness training, recreational swimming, community rentals and other aquatics programs and providing for reasonable public access to and use of the Premises pursuant to Section 6 of this Agreement. Provider shall have the exclusive right to staff, supervise and contract for such use of the Premises, subject to the terms of this Agreement. The Parties specifically agree that Provider shall accommodate the SOLO swim team's use of Burgess Pool in accordance with schedule and terms set forth in Exhibit D, which shall not

be modified without mutual agreement of Provider and SOLO, unless SOLO is in breach of its contract with Provider.

Provider shall have non-exclusive use of the locker rooms, as depicted on Exhibit A and Exhibit B, to accommodate Provider's use of the Premises. The Parties agree that use of the locker rooms shall be limited to persons participating in programs and activities offered by Provider or City or other members of the public upon payment to Provider of fees for such use. Specifically, City reserves the right to use the locker rooms for any City program, including facility rentals and programs and for public use on a "pay for use" basis. Provider may only refuse locker room access when patrons fail to follow the rules of conduct approved by the City. Patrons shall have the right to appeal Provider's decision to the Director of Community Services, if the patron feels denial of locker room access was unreasonable. The Director of Community Services' decision shall be final.

6. OPERATION, COMMUNITY ACCESS AND SCHEDULING. Provider may operate the Premises between the hours of 5 a.m. to 10 p.m. seven days a week, 365 days a year. Provider currently operates the Burgess Pool from 5:45 a.m. to 8:00 p.m., and until 10:00 p.m. on Tuesdays and Thursdays Monday through Sunday and the Belle Haven Pool from 3:00 p.m. to 7:00 p.m. Monday through Friday. Provider may reasonably modify, subject to prior written approval from the City, which shall not be unreasonably withheld, the current schedule at either the Burgess Pool or the Belle Haven Pool if staffing is not possible or if it is not financially feasible to operate during certain hours. The City will provide its consent or objection to the requested change within 10 business days or the request will be deemed approved.

Provider will be responsible for the scheduling of the Premises. Provider shall provide reasonable public access and community use of the Premises. Provider will not reduce the public access and community use without prior City approval from the Director of Community Services who is authorized to finalize the City's schedule of use of the Premises. When evaluating the pool space and time allocation, Provider shall consider and give scheduling priority for programs based on the number and percentage of City residents.

Burgess Pool: Minimum public access and community use will include:

- a. Year-round lap swim, seven days per week (except holidays);
- b. Seasonal open/recreational swim daily from Memorial Day through Labor Day for a reasonable amount of time and with adequate pool space;
- c. Reasonable availability for other community organizations/users;
- d. Programs and reasonable accommodation for all ages and abilities;
- e. Inclusive programs for people with disabilities when possible; and
- f. Winter programming subject to the City's provision a dome over the instructional pool, if possible.

Belle Haven Pool: Minimum public access and community use will include:

- a. Open to the public for a minimum of 10 weeks during the summer season in June, July, and August. During that time period, the pool shall be open for a minimum of six days a week, Monday through Saturday; and
- b. Open/recreational swim hours will be at least three hours per day, six days per week but will be allowed on a “pool sharing” basis with other programming.

7. PROGRAM REGISTRATION AND FEES. Provider shall be responsible for having a method for the public to register and pay for programs. Provider shall collect all program fees for the Services provided pursuant to this Agreement. The program fees charged by Provider shall be as follows:

- a. The fees charged by the Provider for public lap swimming, open/recreational swim, and swim lessons shall be comparable to rates and fees charged by other aquatic facilities in surrounding communities and in alignment with the approved business model.
- b. Provider shall provide rental space for other community organizations and users for competitive youth swimming programs, instructional programs, fitness training, etc., on a reasonable and comparable fee basis.
- c. Review of the program fees shall be included in the annual report to the City. Although Provider is responsible for setting program fees, Provider shall consider both City input and market rates in establishing the program fees.
- d. The City will provide limited conference room space at the Arrillaga Family Gymnasium free of charge for Provider’s team meetings and trainings, subject to availability.
- e. The City will make sports field space at Burgess Park available free of charge for Provider camps and programs in exchange for pool use for City camps and programs, both subject to availability.

8. REVENUE SHARING. Provider shall maintain an annual profit and loss statement (“Statement”) during the Term and any Extended Term of this Agreement. The Parties acknowledge that the Provider’s Statement includes revenue from the Services at the Premises and also Menlo Fit/Boot Camp revenue and triathlon team revenue. If Provider’s revenue from the Services provided pursuant to this Agreement, exclusive of Menlo Fit/Boot Camp revenue and 2/3 of the triathlon team revenue, exceeds Three Million One Hundred Forty Thousand (\$3,140,000) in a single calendar year, Provider shall pay to the City 30 percent such revenue within 60 days of the end of the year.

9. PROGRAM ADMINISTRATION. Provider shall have adequate administrative staff and assistance to support all hours of operation. Policies and procedures for handling registration, refunds, and complaints are required. Provider shall maintain a customer database and appropriate records retention.

Provider shall develop sufficient communication and marketing in order to inform the public of the programs and services. The City will provide reasonable marketing space in the tri-annual activity guide for the Provider to promote their aquatics programs at the Premises, subject to availability. Provider shall be responsible for meeting the deadlines and providing accurate and sufficient information to City staff.

Provider shall take appropriate steps to maintain a high level of customer service and overall satisfaction at all times. Provider shall be engaged with City staff and regional aquatics groups throughout the year and shall attend an annual meeting convened by the City. Additionally, Provider shall prepare and provide an annual report no later than January 30 of each year to City staff, which will be presented to the City's Parks & Recreation Commission for review and comment by the Commission at its February meeting. The annual report should include the following items:

- a. Total program hours by program area;
- b. Participation statistics by program area including resident and non-resident percentages;
- c. Customer satisfaction survey results;
- d. User group feedback by program area or rental;
- e. Pool schedule and allocation by program for previous year and projections to the upcoming year;
- f. Fees by program area and a fee comparison to other public pools in the region;
- g. Annual audits and reviews demonstrating standards of care, outlined in Section 12, below, are met;
- h. Risk management documentation, outlined in Section 13, below; and
- i. Training certifications listed by staff member.

Provider shall maintain reasonable evidence and documentation of this information and have these records accessible to the City at any time following 10 days written notice.

In the event of a third-party dispute or conflict arising out of or related to this Agreement, the City will use best efforts to notify and discuss the issue with Provider before engaging in any dialogue with the third-party involved.

10. COMPLIANCE WITH LAWS AND REGULATIONS. Provider shall comply with all city, county, state, and federal laws and regulations related to pool and aquatic program operations. These regulators and laws include but are not limited to:

- a. City of Menlo Park
- b. Menlo Park Fire Department
- c. San Mateo County Health Department
- d. California Department of Health Services

- e. California Department of Labor
- f. Occupational Safety and Health Administration (OHSA)
- g. Emergency Medical Services Authority (EMSA)
- h. Consumer Product Safety Commission & Virginia Graeme Baker Act
- i. Americans with Disabilities Act
- j. California Department of Fair Employment and Housing

11. HEALTH AND SAFETY. Provider shall maintain health and safety standards in a reasonable and acceptable manner for the Premises, participants, and its employees in compliance with City standards and the other regulatory agencies listed in Section 10 above. These standards include but are not limited to:

- a. Employee Injury and Illness Prevention Plan
- b. Hazardous Materials Communications and Business Plan
- c. Blood borne Pathogens and Bio Hazardous Exposure Control Plan
- d. Lifting and Fall Prevention
- e. Electrical Safety
- f. Emergency Action Planning
- g. First Aid
- h. Heat Illness and Sun Protection
- i. Confined Spaces
- j. Chemical Storage
- k. Personal Protective Equipment
- l. Recreational Waterborne Illnesses (RWI's)
- m. Signage

Provider is responsible for keeping up to date with all changes, additions, or amendments to the laws, regulations and codes related to pool operations and aquatics programs.

12. STANDARD OF CARE. Provider shall provide aquatic programs and manage the Premises in a manner that is comparable to or above the standard of care that is reasonable and acceptable for a public pool in the surrounding communities. This standard of care should be demonstrated in all areas of operations including: supervision and lifeguard coverage, surveillance techniques, staff training, record keeping, basic maintenance and janitorial services during business hours, cleanliness of facilities, safety, and risk management. Provider is expected to ensure this standard of care by conducting annual audits by qualified external experts and including this information in the annual report to City staff and the City's Parks and Recreation Commission identified in Section 9, above.

13. RISK MANAGEMENT. The Provider shall take all appropriate and necessary steps to provide adequate risk management planning to minimize liability or negligence by the Provider. The Provider shall manage their risk by demonstrating proficiency in the following areas:

- a. Emergency Action Plan - staff training plan, drills conducted, emergency equipment and communication process.
- b. Facilities & Equipment - inspection, maintenance, and checklists.
- c. Supervision - quality, quantity, lesson plans and progression.
- d. Training - requirements and appropriate staff.
- e. Documentation - manuals, waivers, medical screening, skills screening, risk information provided to public, policies and evaluations.

14. EMERGENCY ACTION PLAN AND PROCEDURES. Provider shall create and maintain all emergency procedures and emergency action plans for the Premises. An emergency action plan is required under Title 29 of Federal Regulations Sections 1910.38/.120/.156, and Title 8 California Code of Regulations, Sections 3220 and 3221. The emergency action plan covers all employees and non-employees who may be exposed to hazards arising from emergency situations. It must contain information for all of the Provider's employees, including administration and line level employees using the plan in order to reduce the severity of emergency situations and minimize the risk to life and property.

15. MAINTENANCE, REPAIR, CUSTODIAL AND LANDSCAPING. The City will be responsible for the maintenance and repair of the equipment and facilities at the Premises, including:

- a. Burgess Pool: three pools, appropriate signage, offices, lobby, locker rooms and shower area, restrooms, pool decks, fences and gates, lawn area, supply storage areas, equipment/mechanical rooms, chemical storage areas, and lights.
- b. Belle Haven Pool: two pools, appropriate signage, office, locker rooms and shower area, restrooms, pool decks, fences and gates, supply storage areas, equipment/mechanical rooms, chemical storage areas, and lights.

If in the course of operating the Premises, Provider identifies any equipment, facilities or portion thereof in need of maintenance or repair, Provider shall notify the City's Public Works Director or his/her designee as soon as possible and the City shall be responsible for performing the necessary maintenance or repair work. If any maintenance or repair work requires immediate emergency attention, Provider may engage a preferred City contractor directly after obtaining consent from the City's Public Works Director or his/her designee. Provider shall be reimbursed by the City for any costs incurred by Provider in addressing the immediate/emergency maintain/repair work. If the Facilities or equipment are damaged due to the willful misconduct or negligence of Provider, its employees, subcontractors, or program participants, Provider is responsible for any necessary repair or replacement of such damage at Provider's sole cost and expense.

Provider shall employ or contract one full-time custodial support staff from 3:00 a.m. to noon, consistent with Provider's current practice. The City will provide

janitorial service during midday and Saturday and Sunday evenings. The City and Provider shall coordinate custodial services to ensure the Premises is maintained in an orderly, clean and professional condition. The City shall provide all incidental facility supplies, such as paper towels, toilet paper, etc. The City agrees to reimburse Provider, upon approval by the Public Works Director, or his/her designee, up to Two Hundred Dollars (\$200) per month for the purchase of incidental supplies. The City shall provide landscaping services for the Premises.

The City shall provide and be billed directly for all necessary pool chemicals. Provider shall employ or contract for a Certified Pool Operator. Provider shall maintain standard operation procedure manuals and maintenance records and logs. These records will include: daily pool and chemical log and checklists for routine maintenance and janitorial duties (daily, weekly, monthly, quarterly, bi-annually, and annually).

16. UTILITIES. The City shall provide, without cost to Provider, all utilities necessary to operate the Premises for the purposes identified in this Agreement, including water, sewer, stormwater, electricity, gas, telephone and internet. Provider shall modify operations to comply with any conservation requirements imposed by any utility operator. Provider shall consult with and obtain City approval prior to making any operational changes that would impact utility costs and regulatory compliance.

17. INSURANCE. Provider shall acquire and maintain Workers' Compensation, Employer Liability, and Commercial General Liability relating to the Provider's use of the Premises. The insurance company or companies must be approved by the City. Provider will furnish City with certificates and copies of information or declaration pages of the insurance required. Provider would need to provide the City with 30 days' notice if any changes, cancellation, or non-renewals. Provider is required to disclose any self-insured retentions or deductibles, which shall be subject to City's approval, not to be unreasonably withheld. Provider's insurance shall apply separately to each insured against whom a claim is made or a suit is brought, except with respect to the limits of the insurer's liability (cross liability endorsement). Provider's insurance coverage shall be primary insurance with respect to City, its Council, Boards, Commissions, agents, officers, volunteers or employees, and any insurance or self-insurance maintained by City, for themselves, and their Council, Boards, Commissions, agents, officers, volunteers or employees shall be in excess of Provider's insurance and not contributory with it.

The minimum amounts of coverage corresponding to these categories of insurance per insurable event shall be as follows:

| Insurance Category | Minimum Limits |
|---------------------------|--|
| Workers' Compensation | Statutory Minimum - include endorsement waiving the insurer's right of subrogation against the City, its |

| | |
|------------------------------|---|
| Employer's Liability | <p>officers, officials, employees and volunteers.</p> <p>One Million Dollars (\$1,000,000) per accident for bodily injury or disease – include endorsement adding the City, its officers, officials, employees and volunteers as additional insured for both ongoing operations as well as products and completed operations; include endorsement to provide primary insurance and waive any rights of contribution from the City's coverage.</p> |
| Commercial General Liability | <p>Three Million Dollars (\$3,000,000) per occurrence for bodily injury, personal injury and premises damages. Must include all areas in Insurance Service Office (ISO) Form No. CG 00 01 (including Products and Completed Operations if food is served or for repairs done by the tenant, Contractual Liability, Broad form property damage, Participants and spectators coverage, and Personal and Advertising injury liability)</p> |

If Provider fails to maintain any of the insurance coverage required herein, then City will have the option to terminate this Agreement or may purchase replacement insurance or pay the premiums that are due on existing policies in order that the required coverage may be maintained. Provider is responsible for any payments made by City to obtain or maintain such insurance.

Provider shall require any subcontractor who uses the Premises more than once in any 12-month period to maintain and carry the same coverage as described above, which policies shall name the City as an additional insured. Provider shall require such subcontractor to obtain and provide a certificate of insurance evidencing said coverage to the City.

Each Party hereby waives and agrees to obtain from each insurance carrier of the insured a "subrogation waiver endorsement" waiving its right of recovery to the extent of insurance proceeds, against the other Party, the other Party's officers, directors, agents, representatives, employees, successors and assigns with respect to any loss or damages, including consequential loss or damage to the insured's property caused or occasioned by any peril or perils (including negligent acts) covered by any policy or policies carried by the Party.

18. INSPECTIONS AND AUDITS. The City reserves the right to conduct periodic and regular site inspections and operational audits.

- a. **Safety:** Provider will be required to comply with the City's safety program guidelines and protocol. Quarterly inspections by an outside vendor will be conducted and recommendations for compliance will be enforced. City staff will be responsible for following up with the Provider on specific safety issues identified in the quarterly inspection. The Provider will be required to comply with the City's requests in a timely manner. In addition, documentation demonstrating compliance with all city, county, state and federal regulations will be required to be kept up to date and reviewed on an annual basis or more frequently as deemed necessary by the City.
- b. **Maintenance:** City staff reserves the right to conduct weekly, monthly, quarterly, and annual inspections relative to Provider's responsibilities pursuant to this Agreement, including inspections relating to pool chemistry, pool equipment, and safety practices.
- c. **Operations:** An annual operational audit will be conducted by an external expert and industry professional approved by the City. An observational audit, lifeguard skills assessment, and site inspection shall be conducted annually. An overall operational audit shall be conducted every two years. This audit should include but may not be limited to: staff skills assessment, staff selection and training procedures, policies and procedures review, site inspection, code compliance and record keeping practices, and adherence to aquatic safety standards.
- d. **Financial Review/Audit:** Provider shall provide complete financials for all aquatics programs and/or programs operated out of the Premises (with administrative costs/salaries that may be related to both aquatics and non-aquatics programs fairly allocated between such programs) prepared in accordance with generally accepted accounting principles for each calendar year during the Term of this Agreement for City staff and outside consultant review. The purpose for such review shall be for determining appropriate revenue sharing, if any, pursuant to Section 8. Provider agrees, upon the City's request, to make all books and records available to the City for review such that the City is provided the opportunity to confirm the accuracy of the financial reports provided.

19. CITY ACCESS. The City shall have access to the Premises or any part thereof for municipal purposes, which may include the performance of maintenance and repairs in or upon the Premises, the inspection of the Premises, or the use, maintenance, repair of adjoining areas. When City access will be during the Provider's operational hours and may impact the provision of Services, the City shall provide prior notice and coordinate access with the Provider.

20. IMPROVEMENTS. Provider shall not make, nor cause to be made, nor allow to be made, alterations or improvements to the Premises, without the prior

written consent of City, not to be unreasonably delayed or withheld. All improvements or alterations constructed or installed shall be removed and the Premises restored to substantially the same condition existing prior to such construction or installation, upon the termination of this Agreement, unless the prior written approval of City is secured, allowing such improvements or alterations to remain in place, in which case, title thereto shall vest in City. All improvements undertaken pursuant to this Agreement will be at City's sole expense and the City will be responsible for the use and maintenance of the improvements.

21. NOISE. Except in the event of an emergency, Provider shall not use any amplified sound, whistles, bullhorns, music, etc., between the hours of 5:30 a.m. to 8:00 a.m., and/or from 8:00 p.m. to closing during any day of operation. In order to minimize impacts of major events on residents of the surrounding neighborhood, Provider will notify the City on a quarterly basis of all swimming meets or other large group events beyond normal operations to allow the City to notify the neighborhood in advance of such events.

22. PARKING. Provider shall instruct its patrons to park away from the nearest residences before 8:00 a.m. and after 8:00 p.m.

23. WAIVER OF CLAIMS. Except as it relates to claims asserted by anyone related to or arising from The City's failure to fulfill its obligations to maintain, repair, clean and/or landscape in accordance with this Agreement, including, without limitation Section 15 hereof, Provider waives all claims against City, its Council, Commissions, agents, officers, volunteers, contractors or employees for any damages to the improvements in, upon or about the Premises and for injuries to any employees of Provider or their agents, invitees or sub-contractors in or about the Premises from any cause arising at any time, where City had no involvement or where such damages or injuries did not arise out of the instruction or guidance of the City. In no event shall the City be responsible for loss of profits or any consequential damages to Provider.

24. INDEMNIFICATION. Except as it relates to claims asserted by anyone related to or arising from The City's failure to fulfill its obligations to maintain, repair, clean and/or landscape in accordance with this Agreement, including, without limitation Section 15 hereof, Provider will defend, indemnify and hold City, its Council, Commissions, agents, officers, volunteers or employees harmless from any damage or injury to any person, or any property, from any cause of action arising at any time from the use of the Premises by Provider, and Provider's invitees, program participants, and visitors, or from the failure of Provider to keep the Premises in good condition, including all claims arising out of the negligence of Provider, but excluding any damage or injury caused by the willful misconduct or negligence of City or its employees, agents or contractors. City will defend, indemnify and hold Provider, its members, agents, officers, volunteers or employees harmless from any damage or injury to any person, or any property,

from any cause of action arising at any time from the willful misconduct or negligence of City or its employees, agents or contractors.

Each Party's indemnification obligation set forth above will include any and all costs, expenses, attorneys' fees and liability incurred by any indemnified Party or person in defending against such claims, whether the same proceed to judgment or not. Each Party will, at its own expense and upon written request by a Party to be indemnified as provided hereinabove, defend any such suit or action brought against the Party to be indemnified, its Council, Commissions, members, agents, officers, volunteers or employees (as applicable). This Section will survive the expiration or termination of this Agreement.

25. HAZARDOUS MATERIALS. Provider shall not use or store any Hazardous Materials in, on, or about the Premises except in compliance with all applicable federal, state, and local laws, statutes, ordinances, and governmental regulations, and the highest standards prevailing in the industry for storage and use of any such Hazardous Materials, nor allow any Hazardous Materials to be brought in the Premises, except to use in the ordinary course of Provider's business, and then only after written notice to City of the Hazardous Materials to be used by Provider. Provider shall not cause or permit the escape, release, or disposal of any Hazardous Materials in the Premises.

In addition, Provider shall, at City's request, execute affidavits, representations, or other documents concerning Provider's best knowledge and belief regarding the presence of any Hazardous Materials in the Premises. Provider shall indemnify, defend, and hold harmless City from any liability, cost, or expense, including reasonable attorneys' fees, arising from the use, storage, release or disposal of any Hazardous Materials in, on, or about the Premises by Provider, its agents, employees, contractors, or invitees. The provisions of this section shall survive the expiration or earlier termination of this Agreement.

For the purposes of this Agreement, the term "Hazardous Material" shall mean any substance or material which has been designated hazardous or toxic by any federal, state, county, municipal, or other governmental agency or determined by such agency to be capable of endangering or posing a risk of injury to, or adverse effect on, the health or safety of persons, the environment, or property, including without limitation those substances or materials described in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. Section 9601, et seq.

26. ATTORNEY'S FEES. In any legal action brought by either Party to enforce the terms of this Agreement, the prevailing party is entitled to all costs incurred in connection with such an action, including reasonable attorneys' fees.

27. ARBITRATION. Any dispute regarding the breach of this Agreement shall be decided by binding arbitration pursuant to the rules of the American

Arbitration Association, and not by court action, except as otherwise provided in this Section or as allowed by California law for judicial review of arbitration proceedings. Judgment on the arbitration award may be entered in any court having jurisdiction. The Parties may conduct discovery in accordance with California Code of Civil Procedure. This provision shall not prohibit the Parties from filing a judicial action to enable the recording of a notice of pending action for order of attachment, receivership, injunction, or other provisional remedy. Venue for the resolution of any such dispute or disputes shall be in San Mateo County, California.

BY INITIALING IN THE SPACE BELOW YOU ARE AGREEING TO HAVE ANY DISPUTE ARISING OUT OF THE MATTER INCLUDED IN THE ARBITRATION OF DISPUTES' PROVISION DECIDED BY NEUTRAL ARBITRATION AS PROVIDED BY CALIFORNIA LAW AND YOU ARE GIVING UP ANY RIGHTS YOU MIGHT POSSESS TO HAVE THE DISPUTE LITIGATED IN A COURT OR BY JURY TRIAL. BY INITIALING IN THE SPACE BELOW YOU ARE GIVING UP YOUR JUDICIAL RIGHTS TO DISCOVERY AND APPEAL, UNLESS THOSE RIGHTS ARE SPECIFICALLY INCLUDED IN THE ARBITRATION OF DISPUTES PROVISION. IF YOU REFUSE TO SUBMIT TO ARBITRATION AFTER AGREEING TO THIS PROVISION, YOU MAY BE COMPELLED TO ARBITRATE UNDER THE AUTHORITY OF THE CALIFORNIA CODE OF CIVIL PROCEDURE. YOUR AGREEMENT TO THIS ARBITRATION PROVISION IS VOLUNTARY.

WE HAVE READ AND UNDERSTAND THE FOREGOING AND AGREE TO SUBMIT DISPUTES ARISING OUT OF THE MATTERS INCLUDED IN THE ARBITRATION OF DISPUTES PROVISION TO NEUTRAL ARBITRATION.

Provider

City

28. VENUE. Provider agrees and hereby stipulates that the proper venue and jurisdiction for resolution of any disputes between the parties arising out of this Agreement is San Mateo County, California.

29. ASSIGNMENT AND NONTRANSFERABILITY. Provider understands and acknowledges that assignment of this Agreement is absolutely prohibited without the written consent of City, and any attempt to do so without City's written consent may result in termination of the Agreement at the will of City. Notwithstanding the foregoing, City shall grant permission to Provider to contract with other entities or organizations to provide some of the programs at the Premises for certain hours, subject to prior approval by the City, which shall not be unreasonably withheld. Such use is contingent, in part, upon said entity or organization indemnifying and insuring City in the same manner and amount that Provider has indemnified and insured City under this Agreement. City, its Council, Boards, Commissions, agents, officers, volunteers and employees shall be named

as additional insureds. Any insurance policy maintained by a such an entity organization will be in addition to, and shall not replace, any insurance required of Provider.

30. LIENS AND ENCUMBRANCES. Provider shall have no authority to do anything that may result in a lien or encumbrance against the Premises. Without limiting the foregoing, however, Provider agrees to pay promptly all costs associated with the activities associated with this Agreement and not to cause, Agreement, or suffer any lien or encumbrance to be asserted against the Premises. In the event that Provider causes, leases, or suffers any lien or encumbrance to be asserted against the Premises related to activities associated with this Agreement, Provider, at its sole cost and expense, shall promptly cause such lien or encumbrance to be removed.

31. TERMINATION OF AGREEMENT.

a. Default. City or Provider shall have the right to terminate this Agreement by written notice to the other party for any default or breach of any term or condition of this Agreement by the other Party; provided, however, the non-defaulting and non-breaching Party must first deliver written notice to the other Party of any such default or breach, and if such breach or default exists for more than 30 days after the delivery of such notice without being cured, the non-defaulting and non-breaching Party may elect to terminate this Agreement by giving written notice of such termination to the defaulting Party. Termination shall be effective on the date specified in the notice, which date shall not be less than 30 days nor more than 180 days following such notice. In addition to termination, the non-defaulting and non-breaching Party shall be entitled to pursue any and all other remedies provided by law.

b. City Dissatisfaction. If City and/or Menlo Park community believes Provider has not satisfied community needs with respect to public access, service and program quality, public safety, noise restrictions and/or parking, City may deliver written notice to Provider of such dissatisfaction and the Parties shall meet and confer within 15 days of Provider's receipt of such notice. If the matter is not resolved to the City Manager's satisfaction, City may terminate this Agreement by giving written notice of such termination to Provider. Termination shall be effective not less than 90 days after the date of such notice. Provider shall have the right to appeal such termination to the City Council within 10 days of Provider's receipt of such notice. Upon receipt of Provider's timely appeal, the Council shall place the matter on the City Council agenda and make the final determination with regard to the termination of the Agreement and shall give written notice to Provider of such final determination. If the City Council determines the Agreement

should be terminated, termination of the Agreement shall be effective not less than 90 days after the date of such notice.

c. City Expense. The City may terminate this Agreement, effective 90 days from the date of the notice, if the City's costs for maintenance and repair (Section 15), and utilities (Section 16) are exceeding the amounts budgeted by the City for such costs.

d. Provider's Option. Provider may terminate the Agreement at Provider's option upon the occurrence of any of the following: (1) upon the death of Tim Sheeper; (2) upon the disability of Tim Sheeper, if such disability prevents him from running Provider's business operations for a continuous period of 60 consecutive days; or (3) upon financial hardship, which shall require not less than six month written notice to terminate Agreement based on financial hardship.

Termination shall be effective on the later of 90 days after the date of any such notice, the date of termination specified in the notice or such later effective date as is required pursuant to any specific provision of this Agreement. In the event Provider does not elect to terminate the Agreement as permitted herein, the Agreement shall remain in full force and effect for the remainder of the Term, unless subsequently terminated for another cause or event as specified herein.

32. CONDITION OF PREMISES UPON TERMINATION. Upon the effective termination of the Agreement, Provider shall restore the Premises to its condition prior to the execution of this Agreement, excluding (a) wear and tear and natural deterioration based on the passage of time, (b) items subject to the City's obligations to maintain, repair, clean and/or landscape in accordance with this Agreement, including, without limitation Section 15 hereof, and (c) other changes or improvements to the Premises previously approved by the City, remove all personal property, including furniture, furnishings, vehicles, and equipment, belonging to Provider or Provider's employees, invitees, and agents. Should Provider fail to perform those obligations by the effective termination date, the Parties agree to the following:

- a. Such remaining property shall be deemed abandoned and Provider waives all provisions for disposition of abandoned personal property required by California law including but not limited to California Code of Civil Procedure Section 1980 et. seq. (requiring notice for reclaiming abandoned property and public sale for disposition).
- b. City has the right to take action to remove Provider's personal property. Should City exercise this right, Provider shall be liable to City for:
 - i. the actual cost of this removal, demonstrated by valid receipts and invoices;
 - ii. a 15 percent overhead to City for reasonable costs in contracting and supervising the removal work; and

- iii. any attorneys' fees incurred by City to remove Provider from the Property after termination, if necessary. Invoices must be paid within 10 days of submission of invoice to Provider. If not paid within this time, then interest will be charged at 10 percent or the maximum extent allowed by law, whichever is less.

33. NOTICE. All notices under this Agreement shall be in writing and, unless otherwise provided herein, shall be deemed validly given if sent by certified mail, return receipt requested, or via recognized overnight courier service, addressed as follows (or to any other mailing address which the party to be notified may designate to the other party by such notice). All notices properly given as provided for in this section shall be deemed to be given on the date when sent. Should City or Provider have a change of address, the other party shall immediately be notified as provided in this section of such change.

Provider

Team Sheeper, Inc.
Attn: Tim Sheeper
501 Laurel Street
Menlo Park, CA 94025
(650) 369-7946

City

City of Menlo Park
Attn: City Manager
701 Laurel Street
Menlo Park, CA 94025
(650) 330-6610

34. COMPLETE AGREEMENT. This Agreement contains the entire agreement between the Parties with respect to the matters set forth herein and supersedes all prior or contemporaneous agreements (whether oral or written) between the Parties with respect to the matters set forth herein.

35. AMENDMENT. This Agreement may be amended only by a written instrument executed by the Parties.

36. AUTHORITY. The individuals executing this Agreement on behalf of Provider represent and warrant that they have the legal power, right and actual authority to bind Provider to the terms and conditions of this Agreement.

37. NO WAIVER. Waiver by either Party of a breach of any covenant of this Agreement will not be construed to be a continuing waiver of any subsequent breach. City's receipt of rent with knowledge of Provider's violation of a covenant does not waive City's right to enforce any covenant of this Agreement. No waiver by either Party of a provision of this Agreement will be considered to have been made unless expressed in writing and signed by all parties.

IN WITNESS WHEREOF, the Parties have executed this Agreement by their officers therein duly authorized as of the date and year first written above.

CITY OF MENLO PARK

By: _____

ATTEST:

City Clerk

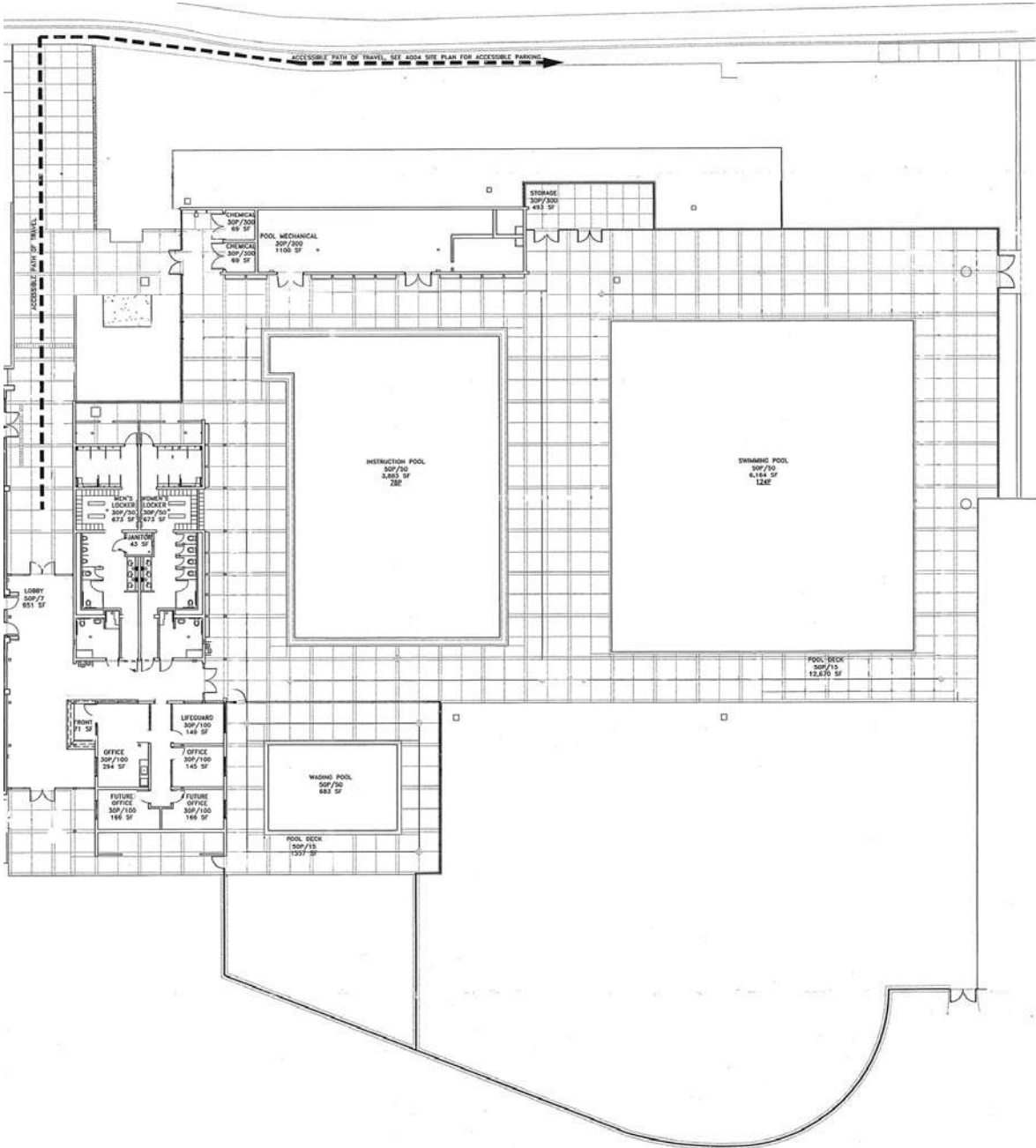
TEAM SHEEPER, L.L.C.
501 Laurel Street
Menlo Park, CA 94025

By: _____
Tim Sheeper, Chief Executive Officer

Exhibits

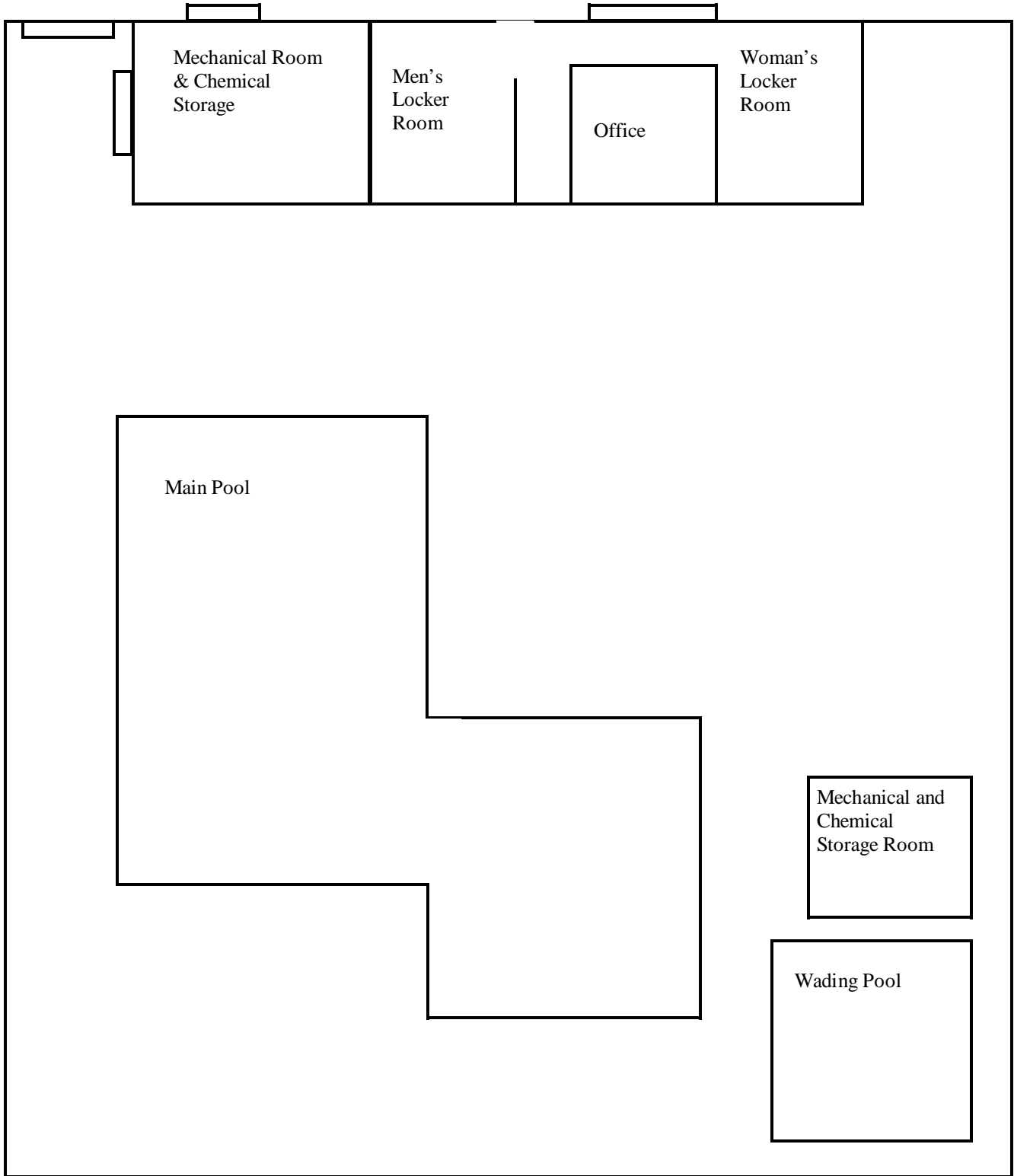
- A. Burgess Pool Site Map
- B. Belle Haven Pool Site Map
- C. Scope of Services
- D. SOLO Schedule and Terms

EXHIBIT A
BURGESS POOL MAP



BELLE HAVEN POOL MAP :

Parking Lot



Menlo Swim and Sport
2018 Scope of Services

1. Lap Swim

Description: Community based, non-structured, fitness swimming in both performance and instructional pools with the goal of having lane availability whenever the business is open. Drop-in and membership options

Frequency: 7 days/wk, year-round

Times: Opening to closing

Belle Haven: Weekdays during all open hours, year-round

2. Open Swim

Description: Community-based, non-structured, play and family time in both the performance and instructional pool. Increasing pool availability during warmer high demand seasons. Drop-in and seasonal memberships options.

Frequency: 7 days/wk, year-round

Times: Late morning to evening hours, all-day on weekends

Belle Haven: Summer focus-4 hours/daily

3. Menlo Aquatics-Youth Year-Round Swim Team

Description: Community-based, structured and programmed with performance incentives including weekend off-site coached events and competitions. Segmented and serving various age-groups from 6-18 year olds. Monthly memberships.

Frequency: 6 days/wk, year-round

Times: After school to late evening weekdays and late morning on Saturdays

Belle Haven: Full program not available, but Belle Haven is used during summer.

4. Menlo Mavericks-Youth Summer Swim Team

Description: Community-based, introductory-level, structured and coached 10-week program that is part of a regional competitive league with weekday and weekend events. Monthly memberships.

Frequency: Monday-Saturday, summer only

Times: Morning and afternoon hours throughout the summer

Belle Haven: Not available

5. Menlo Mavericks-Youth Water Polo Team

Description: Community-based, year-round team that serves introductory and intermediate level players that compete locally and regionally. Monthly memberships.

Frequency: 3 days/wk

Times: Afternoons year round

Belle Haven: Only available at Belle Haven

6. Menlo Swim School

Description: Community-based, year-round service that targets individuals 6 months to adults. Small group, semi-private and private instruction that teaches to class ability level. Various segmented levels that supports time efficient and optimum improvement. Monthly membership.

Frequency: 7 days/wk, year-round.

Times: Mornings to late evening with a long lunch break.

Belle Haven: Available spring, summer and fall

7. Camp Menlo-Summer and School Holiday Camps

Description: Community based, seasonal program that serves youth from 4.5-15 year olds with 5 different offerings of week-long camps. Pre and post camp care is available. Most campers take part in a small group swim lesson each day. Weekly fee.

Frequency: Monday-Friday for 10 weeks spanning the summer months.

Times-Early morning to late afternoon options.

Belle Haven: Not available at Belle Haven

8. Menlo Masters-Adult Swim Team

Description: Community-based, year-round team that serves introductory to advanced participants. Stroke and fitness improvement along with growth of interpersonal relationships and connection to the community are the goals. Local, regional and international competitions are a part of the curriculum. Monthly memberships and daily drop-ins available.

Frequency: Several daily workouts available

Times: Before work, lunch-time and weekend morning offerings

Belle Haven: Not available

9. Team Sheeper Triathlon-Adult Triathlon Program

Description: Community-based, year-round team that serves introductory to advanced participants. Improving personal skills and fitness along with community connection are the main goals. Monthly membership.

Frequency: A few workouts on daily basis year round

Times: Before work, lunch-times and evenings during the week and morning on weekends

Belle Haven: Not available

10. Aqua Fit-Adult Water Exercise

Description: Community based, year-round program that targets the non-swimming fitness seekers including the senior population seeking respite from gravity based land exercises. Cardio-vascular and muscular strength improvement is focused upon. Monthly memberships and daily drop-ins available.

Frequency: Offered daily, excluding Saturday

Times: Early mornings weekdays and Sunday, evenings on Tuesday and Thursday

Belle Haven: Not available

11. Aqua Wellness- Adult Water Therapy

Description: Community based, year-round program that targets individuals who need assistance with range-of-motion in joints, muscular strength and coordination or are in recovery from an illness or surgical procedure. Monthly memberships or daily drop-ins available.

Frequency: 3 mornings per week

Times: Mid to late morning hours

Belle Haven: Not available

12. Menlo Mavens-Women's Water Polo Team

Description: Community based, year-round program that attracts beginners to high level players. The uniqueness of the program serves as a connection point for many women who thrive on interacting with other inspiring and courageous women in the community. The team competes locally, regionally and internationally. Monthly membership and drop-in options available.

Frequency: 2 time per week

Times: Weekday evening and weekend morning

Belle Haven: Annual weekend tournament is hosted at Belle Haven

13. Pro Services-Private Premium Coaching

Description: Personal and tailored premium coaching available for clients who do not fit into our established group structure or for those who want the extra attention from a professional level instructor. Monthly memberships or per session fee available.

Frequency: Daily, year-round

Time: Flexible and available all open hours

Belle Haven: Available during open hours with a highly experienced professional

14. Safety Academy-Lifeguard Certification Courses

Description: Red Cross certified lifeguard classes are instructed by our Red Cross certified instructors for anyone in the community or region who are seeking their Red Cross lifeguarding certification. A 3-day, 30+ hour course that blends on-site learning and on-line learning. Certification class fee.

Frequency: Monthly year-round, and weekly during peak summer months

Times: Friday evenings, and full day Saturdays and Sundays.

Belle Haven: A portion of the classes are conducted at Belle Haven

15. Community Rentals and Clinics

Description: For profit and not for profit community based rentals agreements are entered into throughout the year. An underwater hockey team, a youth swim team (SOLO), a triathlon team (Team in Training) are the year-long agreements. Along with Boy scouts, Cub scouts, Girl Scouts and public and private schools, personal swim clinics. Full pool and individual lane rentals are available

Frequency: Daily, year-round

Time: Various times throughout the year

Belle Haven: Synchronized swimming is the predominant agreement

16. Menlo Boot Camp-Adult Land Based Exercise Classes

Description: Community based, year-round program focused on improving general functional strength and well-being for adults. Strength and endurance exercises are used in a group setting that forms community and purpose for life-long vitality and mobility. Monthly memberships and daily drop-in options available.

Frequency: Weekdays, year-round

Times: Early and mid-morning hours

Belle Haven: Not available

17. Pro Shop-Food and Merchandise

Description: Support of fuel and gear for the community members using the aquatic or surrounding campus at Burgess Park. Low prices on food and merchandise and the high accessibility of the store make it a convenience for staff and participants.

Frequency: Daily, year-round

Times: During all open hours

Belle Haven: Available on a reduced scale.

EXHIBIT D
SOLO SCHEDULE AND TERMS

The SOLO Aquatics swim team (“SOLO”) will be able to use Burgess Pool and Belle Haven Pool on the following terms:

- a. Lane space will be provided from 4:00 to 5:30 p.m., Monday through Friday, eight (8) lanes in Burgess performance pool September 1st through May 31st.
- b. Lane space will be provided from 4:00 to 5:30 p.m., Monday through Friday, four (4) lanes in Burgess performance pool June 1st through August 31st. Additional lanes may be provided at current rental rates during summer if Provider agrees and open swim attendance allows.
- c. Rental rate will be \$14 per lane hour for the term of the Agreement.
- d. SOLO may elect to opt out of any of the hours provided for herein with 30 days notice.
- e. SOLO will be billed thirty (30) days in advance and on a monthly basis. Any payment not received by Provider within fifteen (15) days of the due date shall be subject to a late payment penalty of five percent (5%) of the amount due.
- f. When the Belle Haven Pool is operational, youth swim team rental shall have the option to use the Belle Haven Pool at agreed upon rates and times.
- g. Youth swim team will have access lobby area of the Burgess Pool for marketing purposes to be approved by Provider in advance.
- h. SOLO shall provide proof of insurance listing the Provider and City as additional insureds.
- i. SOLO shall comply with all of the facilities policies and rules of conduct.
- j. SOLO may not allow any other organization or individual to use any of the privileges or services provided by the Provider
- k. SOLO is responsible for the control and supervision of all participants in their program.
- l. If storage is provided for equipment at the request by SOLO, the Provider is not responsible for any damages or losses to the SOLO’s equipment.
- m. They City and Provider reserve the right to close the pool(s) at any time for maintenance or any safety reason. Provider will make every attempt to give notice when possible and assist with informing the SOLO and its participants.
- n. Provider shall have the right to terminate its agreement with SOLO by written notice to the SOLO for any default or breach of any term or condition herein. SOLO will be provided not less than thirty (30) days notice and opportunity to cure any notice of default. Provider shall provide City with a copy of any notice of default provided to SOLO.

- o. City requires a written agreement on a form approved by the City Attorney between the two parties with a copy provided to the City no later than the commencement of the Term of the Agreement between the City and Provider; provided however, Provider shall not be considered in default of the terms and provisions of the Agreement if SOLO has refused to execute a written agreement with Provider on such form approved by the City Attorney.



STAFF REPORT

City Council Meeting Date: 9/8/2020
Staff Report Number: 20-197-CC

Regular Business: Provide clarification on air quality monitoring sensor purchase, installation and communication with SMCLabs

Recommendation

Provide clarification on the acquisition and installation of three air quality monitoring sensors in the Belle Haven neighborhood and the issuance of a letter to the County of San Mateo's SMCLabs urging expedited installation of SMCLabs sensors allocated to the Belle Haven neighborhood.

Policy Issues

As an emergency item added to the August 28 City Council meeting agenda, City Council directed staff to acquire and install air quality monitoring sensors in the Belle Haven neighborhood and send a letter to the County of San Mateo's SMCLabs urging installation of the air quality monitors allocated for the Belle Haven neighborhood.

Background

At their August 28 meeting, City Council provided direction to staff to 1) purchase three PurpleAir air quality monitoring sensors for the Belle Haven neighborhood and 2) issue a letter to the County of San Mateo urging the expedited installation of the SMCLabs air quality monitoring sensors allocated for the Belle Haven neighborhood.

Analysis

As of Thursday, September 3, the air quality monitoring sensors procured by SMCLabs, a division of San Mateo County, are scheduled for installation at two sites in the Belle Haven neighborhood in the next several weeks. In consideration of the installation date, staff requests confirmation of the City Council's August 28 direction provided as follows:

1. Purchase three PurpleAir air quality monitoring sensors for the Belle Haven neighborhood
City staff seeks clarification on City Council direction to purchase and install three City-owned PurpleAir air quality monitoring sensors in the Belle Haven neighborhood.

Staff investigated the purchase of three PurpleAir sensors, and the units are on backorder six to eight weeks due to high consumer demand. If City Council direction remains unchanged, staff will place the PurpleAir sensors order and identify sites with the requisite power and Wi-Fi/broadband connectivity in the Belle Haven neighborhood.

As an alternative to PurpleAir, City staff contacted Clarity, the vendor selected to supply SMCLabs with sensors for the Belle Haven neighborhood. Clarity air quality monitoring sensors, Attachment A, are available for installation in shorter lead times than PurpleAir. While readily available and entirely wire-free, e.g., no power or Wi-Fi required, each device costs \$1,000 per year. The Clarity website, Attachment B, provides data that tracks closely with reading from official air quality monitoring sites. If the City purchases an additional three Clarity air quality monitoring sensors, the Belle Haven neighborhood will have five sensors. A budget for ongoing costs of \$1,000 per unit is necessary for future fiscal years.

2. Letter to San Mateo County

City staff seeks clarification on City Council direction regarding the letter given the new information on SMCLabs installation schedule for the Belle Haven neighborhood's air quality monitoring sensors.

City staff drafted a letter to County Manager Callagy from the Mayor and city manager. City staff finalized the letter August 30 and scheduled delivery to County Manager that afternoon, Attachment C. Before sending the letter, the City received confirmation that SMCLabs intends to install the air quality sensors in the next two weeks. With positive progress on the installation schedule, and at the Mayor's request, the staff held the letter to County Manager Callagy. The city manager advised the full City Council of the Mayor's request August 30.

Impact on City Resources

Staff has already committed the resources to research product availability and prepare the letter urging expedited installation of the SMCLabs air quality monitoring sensors. If the City Council directs purchasing Clarity air quality monitoring sensors, the annual cost is \$1,000 per unit.

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.

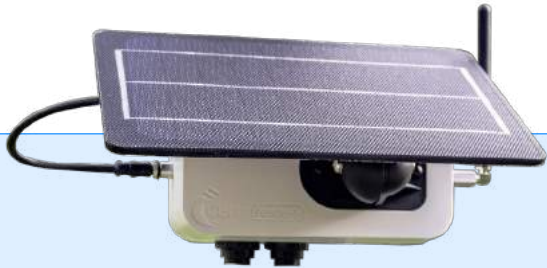
Attachments

- A. Clarity sensor service features
- B. Hyperlink – <https://openmap.clarity.io/>
- C. Draft letter to County Manager Mike Callagy

Report prepared by:
Nick Pegueros, Assistant City Manager

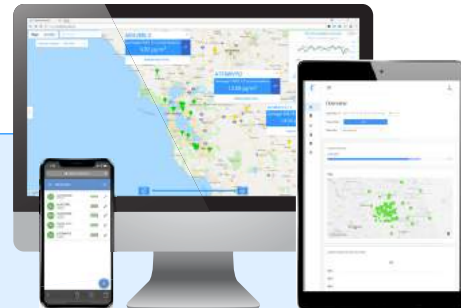
SERVICE FEATURES

Clarity offers a full service monitoring infrastructure to offload the tedious and costly prerequisites of air quality management so you can focus on the important work.



Clarity Node-S

- Self-powered by solar panel and battery
- Weatherproof UV-resistant, IPX3-rated enclosure
- Internal global SIM card allows for flexible deployment sites
- Service includes cellular connectivity and cloud data storage costs
- Complimentary replacements under warranty



- **Clarity Dashboard:** Deploy and manage devices; view, download, plot, and analyze data on cloud-based web app account
- **REST API:** Retrieve measurements and device metadata
- **Clarity OpenMap:** Share public data; embed with iframe on any website

- **Deployment Support:** Access to siting and deployment best practices
- **Dedicated Project Manager:** Make sense of your data and achieve your monitoring goals with help from a qualified air quality project manager
- **Remote Calibration:** Receive an initial sensor calibration when a reference station co-location is made available to Clarity for at least 1 month. Ongoing calibration possible with continuous co-location.
- **Knowledge Base:** Find answers to most commonly asked questions & best practices
- **Technical Support:** Access to Clarity Support for device troubleshooting

NODE-S SPECIFICATIONS

Air Quality Measurements

| Parameter | Technology | Range | Accuracy (Typical) |
|-----------------------|---|--|---|
| PM _{2.5} | Laser Light Scattering with Calibration | 0-1000 µg/m ³ 1 µg/m ³ resolution | Correlation (R ²) with FEM instrument > 0.8 95% Confidence interval: < 100 µg/m ³ : ± 10 µg/m ³ ≥ 100 µg/m ³ : within ± 10% of measured value |
| PM ₁₀ | Laser Light Scattering with Calibration | 0-3000 µg/m ³ 1 µg/m ³ resolution | Correlation (R ²) with FEM instrument > 0.7 95% Confidence interval: < 450 µg/m ³ : ± 45 µg/m ³ ≥ 450 µg/m ³ : within ± 10% of measured value |
| Nitrogen Dioxide | Electrochemical Cell with Calibration | 0-3000 ppb 1 ppb resolution | Correlation (R ²) with FRM instrument > 0.7 95% Confidence interval: < 200 ppb: ± 30 ppb ≥ 200 ppb: ± 15% |
| AQI (US EPA Standard) | Based on PM _{2.5} /NO ₂ | 0-500 | — |
| Internal Temperature | Band-gap | -20-70° C | ± 0.2° C |
| Internal Humidity | Capacitive | 0-100% RH | Within ± 2% of measured value |

Operating Conditions

| | |
|-----------------------|---------------|
| Weatherproof Rating | IPX3 |
| Operating Temperature | -10° to 55° C |
| Operating Humidity | 10% to 98% RH |
| UV Exposure | UV-resistant |

Communication

| | |
|-------------------------------|---|
| Device-to-Cloud Communication | Cellular (2G/3G/4G LTE) |
| Data Retrieval from Cloud | Web-based User Interface (Dashboard) Programmatic Access (API) Web-based Data Sharing Interface (OpenMap) |
| Measurement Frequency | Customizable depending on sunlight ≥ 15 minutes (default) ≥ 3 minutes (max) |

Power

External Power

| | |
|-------------------|---|
| Power Consumption | 1W (sensing) 1.5W (uploading) <5mW (sleeping) |
| Input Voltage | 110-240V @ 50/60Hz |

Solar Power

| | |
|--------------|---|
| Solar Panel | 5W |
| Battery Life | 15 Days (at default sampling frequency without solar power harvesting) 2 Years (with solar power harvesting) |

Schematic Diagram

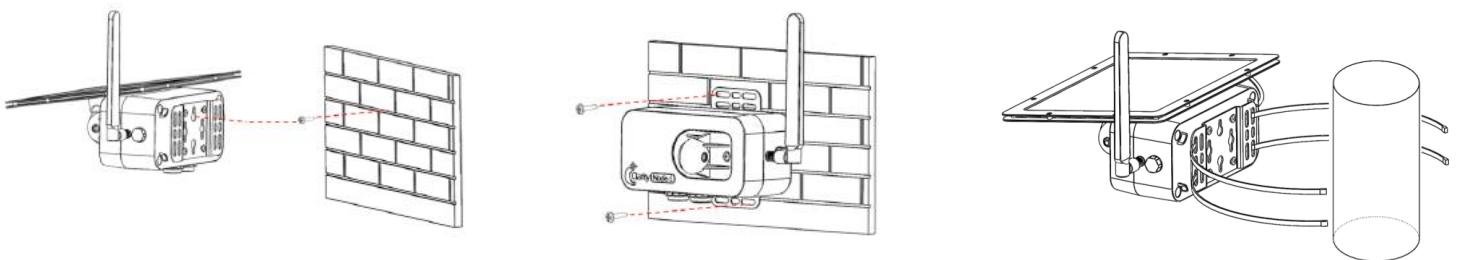
Weight 1275 g



Deployment Scenarios

The devices are deployed in three mounting scenarios: hanging onto a panel (left), screwing into a wall (middle), or attaching to a pole (right).

The mounting bracket attaches to the enclosure in different orientations dependent on the desired mounting scenario. The swivel external antenna adjusts to maximize signal strength for wireless communication. The solar panel should be angled at the most efficient degree for solar power harvesting.





August 27, 2020

Mike Callagy
County of San Mateo
400 County Center, 1st Floor
Redwood City, CA 94063

Via e-mail: mcallagy@smcgov.org

RE: Request to expedite installation of SMCLab's air quality monitors in the Belle Haven neighborhood of Menlo Park

Dear Mr. Callagy,

On Tuesday, August 25, the City Council took urgent action to add a discussion of air quality and the impact of wildfire pollution on our community. On behalf of the City of Menlo Park, we want to thank you, your staff, and the Board of Supervisors for their diligent work to keep our County safe.

The reason for our letter is to urge San Mateo County Labs to expedite the installation of the Clarity air quality monitors procured by the County and allocated to the Belle Haven neighborhood of Menlo Park. We very much appreciate the County's leadership over the past year to acquire and plan the Clarity monitors' deployment so that County public health officials and members of the community have access to reliable air quality data in real-time. Our understanding is that the County has paused the installation of the air quality monitors due to the County's COVID-19 response.

We indeed share the County's caution and prioritization of limited resources in this unprecedented time. Simultaneously, reliable air quality data that is monitored by County Public Health Officials will help us improve the lives of residents in a neighborhood that is home to some of the County's most vulnerable residents. Please authorize an expedited installation of the Clarity air quality monitors allocated to the Belle Haven neighborhood of Menlo Park.

Thank you for your consideration. We look forward to receiving the installation timeline.

Sincerely,

Cecilia Taylor
Mayor

Starla Jerome-Robinson
City Manager

cc: The Honorable Warren Slocum, President, County of San Mateo Board of Supervisors
The Honorable David Canepa, Vice President, County of San Mateo Board of Supervisors
Members of the City of Menlo Park City Council

DRAFT



STAFF REPORT

City Council

Meeting Date:

9/8/2020

Staff Report Number:

20-195-CC

Regular Business:

Review and adopt the updated City Council procedures

Recommendation

Staff recommends that the City Council review and adopt the following City Council procedures:

1. #CC-20-004 – Commissions/Committees policies and procedures, roles and responsibilities (Attachment A)
2. #CC-20-018 – Closed Session meetings (Attachment C)
3. #CC-20-014 – Videoconference meeting participation (Attachment E)
4. #CC-20-016 – City Councilmember calendars (Attachment G)
5. #CC-20-015 – Special project budgets for City Councilmembers (Attachment H)
6. #CC-20-019 – Cooling centers activation (Attachment I)

Policy Issues

The City Council establishes policies and procedures that govern commission/committee activities. On occasion, the City Council must update the policy and procedures to align existing practice or to address new needs.

Background

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

Analysis

Amended procedure: Commissions/Committees policies and procedures, roles and responsibilities – The current Commissions/Committees Procedure #CC-19-004 was adopted in 1991 and subsequently edited in 2001, 2011, 2013, 2017, and 2019. City Council Procedure #CC-19-004 outlines the procedures, roles and responsibilities of the City Council-appointed advisory bodies for optimal functioning. The updates provided in procedure #CC-20-004 (Attachment A) brings the policy up to date and includes best practices for recording, publishing, and maintaining advisory body meeting videos.

Amended procedure: Closed session meetings – The proposed changes to the City Council procedures on closed session meetings reflects current City Council practices with the clean version provided as Attachment C and a redlined version as Attachment D.

New procedure: Videoconference meeting participation – The City Council received a draft version of City Council Procedure #CC-20-014 at their August 25 meeting. The procedure is necessary to standardize the public experience when City Councilmembers, Commission/Committee members and staff participate in

open public meetings. Attachment E provides a clean version of the recommended procedure and Attachment F provides the redline version reflecting changes from August 25.

New procedures: City Councilmember calendars and Special projects budget – The City Council subcommittee on City Council procedures discussed the possibility of creating a sunshine procedure to make the City Council’s calendars public. A tool is easily accessible to publish City Councilmember calendars, however the infrastructure necessary to support the calendars is not. Staff recommends two procedures to make City Councilmember calendars publicly accessible. First, City Council Procedure #CC-20-016 (Attachment G,) establishes the procedure for City Councilmembers to publish their calendars publicly. Second, City Council Procedure #CC-20-015, Attachment H, establishes special projects budgets for City Councilmembers and provides dedicated staff support to assist the City Councilmembers in managing their public calendars including other administrative tasks such as coordinating constituent meetings.

New procedure: Cooling centers activation – Last year staff developed an administrative policy to guide the opening of cooling centers for residents in need of relief during high heat periods. The proposed procedure provides City Council direction to staff to activate cooling centers during periods of extreme heat as determined by the National Weather Service.

Impact on City Resources

The procedures all have differing impacts:

1. #CC-20-004 –Commissions/Committees policies and procedures, roles and responsibilities. This procedure has an estimated need of between two and five-hours per week to download, upload and trim/edit videos for posting on the City’s YouTube channel (Attachment J) for all City advisory bodies.
2. #CC-20-018 –Closed session meeting. This procedure is not expected to result in increased staff requirements.
3. #CC-20-014 –Videoconference meeting participation. The impacts of videoconference meetings are substantially accounted for as part of the adaptation required for the COVID-19 pandemic. Staff estimates that each videoconference meeting requires an additional two to three hours of staff time above the previous time dedicated to City Council and commission and committee meetings. The added time is necessary to coordinate the videoconference meeting logistics and to post the meeting video.
4. #CC-20-016 –City Councilmember calendars. The ability to post a public calendar already exists within Microsoft Outlook. The staff support to assist City Councilmembers, however is not available and requires funding under the special project budgets procedure.
5. #CC-20-015 –Special project budgets for City Councilmembers. The procedure provides for an allocation to be determined as part of the annual budget process by calendar year. If the City Council desires to begin the special projects budgets for the balance of 2020, City Councilmembers Mueller and Carlton would not have access to the budget given that their terms expired in 2020. Staff recommends allocation of \$40,000 for 2020-21 in the temporary staffing budget to assist City Councilmembers with administrative tasks such as publishing their calendars.
6. #CC-20-019 –Cooling centers activation. Under normal circumstances, the cost to operate cooling center is minimal given regular programming of the facilities.

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-20-004 Commissions/Committees Policies and Procedures, Roles and Responsibilities – clean version
- B. City Council Procedure #CC-20-004 Commissions/Committees Policies and Procedures, Roles and Responsibilities – redline version
- C. City Council Procedure #CC-20-018 –Closed Session meetings – clean version
- D. City Council Procedure #CC-20-018 –Closed Session meetings – redline version
- E. City Council Procedure #CC-20-014 –Videoconference meeting participation – clean version
- F. City Council Procedure #CC-20-014 –Videoconference meeting participation – redline version
- G. City Council Procedure #CC-20-016 –City Councilmember calendars
- H. City Council Procedure #CC-20-015 –Special project budgets for City Councilmembers
- I. City Council Procedure #CC-20-019 –Cooling centers activation
- J. Hyperlink – City YouTube channel: [youtube.com/cityofmenlopark](https://www.youtube.com/cityofmenlopark)

Report prepared by:

Judi Herren, City Clerk

Nick Pegueros, Assistant City Manager

COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

City Council Procedure #CC-20-004
Effective XX XX, 2020

ATTACHMENT A



| |
|--|
| Purpose |
| To define policies and procedures and roles and responsibilities for Menlo Park appointed commissions and committees. |
| Authority |
| Upon its original adoption, this policy replaced the document known as “Organization of Advisory Commissions of the City of Menlo Park.” |
| Background |
| <p>The City of Menlo Park currently has eight active Commissions and Committees. The active advisory bodies are: Complete Streets Commission, Environmental Quality Commission, Finance and Audit Committee, Housing Commission, Library Commission, Parks and Recreation Commission, Planning Commission, and the Sister City Committee. Those not specified in the City Code are established by City Council ordinance or resolution. Most of these advisory bodies are established in accordance with Resolution No. 2801 and its amendments. Within specific areas of responsibility, each advisory body has a primary role of advising the City Council on policy matters or reviewing specific issues and carrying out assignments as directed by the City Council or prescribed by law.</p> <p>Seven of the eight commissions and committees listed above are advisory in nature. The Planning Commission is both advisory and regulatory and organized according to the City Code (Ch. 2.12) and State statute (Government Code 65100 et seq., 65300-65401).</p> <p>The City has an adopted Anti-Harassment and Non-Discrimination Policy (CC-95-001), and a Travel, meal, and lodging policy (CC-19-002), which are also applicable to all advisory bodies.</p> |
| Policies and procedures |
| <p><u>Relationship to City Council, staff and media</u></p> <ul style="list-style-type: none"> • Upon referral by the City Council, the commission/committee shall study referred matters and return their recommendations and advise to the City Council. With each such referral, the City Council may authorize the City staff to provide certain designated services to aid in the study. • Upon its own initiative, the commission/committee shall identify and raise issues to the City Council’s attention and from time to time explore pertinent matters and make recommendations to the City Council. • At a request of a member of the public, the commission/committee may consider appeals from City actions or inactions in pertinent areas and, if deemed appropriate, report and make recommendations to the City Council. • Each commission/committee is required to develop an annual workplan which will be the foundation for the work performed by the advisory body in support of City Council. The plan, once finalized by a majority of the commission/committee, will be formally presented to the City Council for direction and approval no later than September 30 of each year and then reported out on by a representative of the advisory body at a regularly scheduled City Council meeting at least annually, but recommended twice a year. The proposed workplan must align with the City Council’s adopted workplan. When modified, the workplan must be taken to the City Council for approval. The Planning Commission is exempt from this requirement as its functions are governed by the Menlo Park municipal code (Chapter 2.12) and State law (Government Code 65100 et seq., 65300-65401). • Commissions and committees shall not become involved in the administrative or operational matters of City departments. Members may not direct staff to initiate major programs, conduct large studies or establish department policy. City staff assigned to furnish staff services shall be available to provide general staff assistance, such as preparation of agenda/notice materials and minutes, general review of |

COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

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

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

Role of City Council commission/committee liaison

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

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

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

City staff liaison

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

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

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

Recommendations, requests and reports

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

City Council referrals

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

Public appearance of commission/committee members

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

Disbanding of advisory body

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

Meetings and officers

1. *Agendas/notices/minutes*

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

COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

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appropriate staff, as requested.

- Original agendas, minutes and video recordings shall be filed and maintained by support staff in accordance with the City's adopted records retention schedule.
- The official record of the commissions/committees will be preserved by preparation of action minutes.
- Meetings are open to the public and are recorded when held in the City Council Chambers or performed via videoconferencing.

2. *Conduct and parliamentary procedures*

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

3. *Lack of a quorum*

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

4. *Meeting locations and dates*

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

made available to the public.

The schedule of Commission/Committee meetings is as follows:

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

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

5. *Off-premises meeting participation*

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

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

6. *Selection of chair and vice chair*

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

G. Memberships

Appointments/oaths

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

Application and selection process

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

Attendance

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

Compensation

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

COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

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Policy CC-19-002).

Conflict of interest and disclosure requirements

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

Qualifications, compositions, number

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

Reappointments, resignations, removals

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

Term of office

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

Vacancies

- Vacancies are created due to term expirations, resignations, removals or death.
- Vacancies are listed on the City Council agenda and posted by the city clerk in the City Council Chambers bulletin board and on the city website.

COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

City Council Policy #CC-20-004
Effective XX XX, 2020

- Whenever an unscheduled vacancy occurs in any commission/committee, a special vacancy notice shall be posted within 20 days after the vacancy occurs. Appointment shall not be made for at least 10 working days after posting of the notice (Government Code 54974).
- On or before December 31 of each year, an appointment list of all regular advisory commissions/committees of the City Council shall be prepared by the city clerk and posted in the City Council Chambers bulletin board and on the City’s website. This list is also available to the public (Government Code 54972, Maddy Act).

Roles and responsibilities

Complete Streets Commission

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

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

Environmental Quality Commission

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

- Assist in developing sustainable building policies and programs for private and public development projects
- Develop a community-wide environmental sustainability policy with metrics to measure and evaluate progress
- Develop and evaluate resource conservation and pollution prevention programs and policies, such as solid waste reduction and water conservation
- Implement Climate Action Plan
- Maximize the urban canopy through programs and policies

Finance and Audit Committee

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

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

Housing Commission

The Housing Commission is charged primarily with advising the City Council on housing matters including housing supply and housing related problems. Specific focus areas include:

- Inclusion of housing program information in city publications
- Community outreach for awareness and input
- El Camino Real/Downtown Specific Plan implementation as it relates to housing locations
- General Plan and Housing Element updates

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Library Commission

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

- The scope and degree of library activities
- Maintenance and protection of City libraries
- Evaluation and improvement of library service
- Acquisition of library materials
- Coordination with other library systems and long range planning
- Literacy and English as a second language (ESL) programs

Parks and Recreation Commission

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

- Provide high quality and inclusive programs and services that meet the diverse and changing needs of all Menlo Park residents and neighboring communities
- Ensure City Parks and Community Facilities are well-maintained, upgraded and/or expanded to improve accessibility and usage by a diverse population, while promoting sustainable environmental design and practices
- Improve class and program offerings, venues, partnerships and sponsorships to increase the quality and accessibility of educational, recreational, sporting, artistic, and cultural programs in the City of Menlo Park
- Support initiatives, partnerships and projects that intersect with the City's Park and Community Services resulting in well-coordinated efforts to meet the needs of residents

Planning Commission

The Planning Commission is organized according to State Statute.

- Considers and grants or denies use permits and architectural control
- Considers and recommends action on environmental impact reports and subdivisions
- Initiates special area planning and rezoning studies; monitors the changing needs of the city in relationship to the General Plan as well as the recommendations of the General Plan amendments
- Recommends action on rezoning proposals and conditional development permits
- Takes action on variances

Sister City Committee

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

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

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| Special advisory bodies | | |
|---|--------------------|-------|
| <p>The City Council has the authority to create standing committees, task forces or subcommittees for the City, and from time to time, the City Council may appoint members to these groups. The number of persons and the individual appointee serving on each group may be changed at any time by the City Council. There are no designated terms for members of these groups; members are appointed by and serve at the pleasure of the City Council.</p> <p>Any requests of city commissions or committees to create such ad hoc advisory bodies shall be submitted in writing to the city clerk for City Council consideration and approval.</p> | | |
| Procedure history | | |
| Action | Dates | Notes |
| Enacted | March 13, 2001 | |
| Revised | September 18, 2001 | |
| Revised | April 5, 2011 | |
| Revised | June 5, 2019 | |
| Proposed | September 8, 2020 | |

COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

City Council Procedure #CC-1920-004
 Effective 6/5/2019 XX XX, 2020
 Resolution No. 6477



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| Purpose |
| To define policies and procedures and roles and responsibilities for Menlo Park appointed commissions and committees. |
| Authority |
| Upon its original adoption, this policy replaced the document known as "Organization of Advisory Commissions of the City of Menlo Park." |
| Background |
| <p>The City of Menlo Park currently has eight active Commissions and Committees. The active advisory bodies are: Complete Streets Commission, Environmental Quality Commission, Finance and Audit Committee, Housing Commission, Library Commission, Parks and Recreation Commission, Planning Commission, and the Sister City Committee. Those not specified in the City Code are established by City Council ordinance or resolution. Most of these advisory bodies are established in accordance with Resolution No. 2801 and its amendments. Within specific areas of responsibility, each advisory body has a primary role of advising the City Council on policy matters or reviewing specific issues and carrying out assignments as directed by the City Council or prescribed by law.</p> <p>Seven of the eight commissions and committees listed above are advisory in nature. The Planning Commission is both advisory and regulatory and organized according to the City Code (Ch. 2.12) and State statute (Government Code 65100 et seq., 65300-65401).</p> <p>The City has an adopted Anti-Harassment and Non-Discrimination Policy (CC-95-001), and a Travel, meal, and lodging policy <u>Travel and Expense Policy</u> (CC-9419-002), which are also applicable to all advisory bodies.</p> |
| Policies and procedures |
| <p><u>Relationship to City Council, staff and media</u></p> <ul style="list-style-type: none"> • Upon referral by the City Council, the commission/committee shall study referred matters and return their recommendations and advise to the City Council. With each such referral, the City Council may authorize the City staff to provide certain designated services to aid in the study. • Upon its own initiative, the commission/committee shall identify and raise issues to the City Council's attention and from time to time explore pertinent matters and make recommendations to the City Council. • At a request of a member of the public, the commission/committee may consider appeals from City actions or inactions in pertinent areas and, if deemed appropriate, report and make recommendations to the City Council. • Each commission/committee is required to develop an annual workplan which will be the foundation for the work performed by the advisory body in support of City Council. The plan, once finalized by a majority of the commission/committee, will be formally presented to the City Council for direction and approval no later than September 30 of each year and then reported out on by a representative of the advisory body at a regularly scheduled City Council meeting at least annually, but recommended twice a year. The proposed workplan must align with the City Council's adopted workplan. When modified, the workplan must be taken to the City Council for approval. The Planning Commission is exempt from this requirement as its functions are governed by the Menlo Park municipal code (Chapter 2.12) and State law (Government Code 65100 et seq., 65300-65401). • Commissions and committees shall not become involved in the administrative or operational matters of City departments. Members may not direct staff to initiate major programs, conduct large studies or establish department policy. City staff assigned to furnish staff services shall be available to provide |

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

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

Role of City Council commission/committee liaison

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

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

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

City staff liaison

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

- Developing a rapport with the Chair and commission/committee members.
- Providing a schedule of meetings to the city clerk's office and commission/committee members, arranging meeting locations, maintaining the minutes and other public records of the meeting, and preparing and distributing appropriate information related to the meeting agenda.
- Advising the commission/committee on directions and priorities of the City Council.
- Informing the commission/committee of events, activities, policies, programs, etc. occurring within the scope of the commission/committee's function.

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

Recommendations, requests and reports

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

City Council referrals

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

Public appearance of commission/committee members

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

Disbanding of advisory body

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

Meetings and officers

1. Agendas/notices/minutes

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

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all regular, special, canceled and adjourned meetings. Copies of all meeting agendas, notices and minutes shall be provided to the City Council, city manager, city attorney, city clerk and other appropriate staff, as requested.

- Original agendas, ~~and~~ minutes and video recordings shall be filed and maintained by support staff in accordance with the City's adopted records retention schedule.
- The official record of the commissions/committees will be preserved by preparation of action minutes.
- Meetings are open to the public and are recorded when held in the City Council Chambers or performed via videoconferencing.

2. *Conduct and parliamentary procedures*

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

3. *Lack of a quorum*

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

4. *Meeting locations and dates*

- Meetings shall be held in designated City facilities, as noticed.
- All commissions/committees with the exception of the Planning Commission, Finance and Audit Committee and Sister City Committee shall conduct regular meetings once a month. Special meetings may also be scheduled as required by the commission/committee. The Planning Commission shall hold regular meetings twice a month. The Finance and Audit Committee and Sister City Committee shall hold quarterly meetings.
- Monthly regular meetings shall have a fixed date and time established by the commission/committee. Changes to the established regular dates and times are subject to the approval of the City Council. An exception to this rule would include any changes necessitated to fill

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a temporary need in order for the commission/committee to conduct its meeting in a most efficient and effective way as long as proper and adequate notification is provided to the City Council and made available to the public.

The schedule of Commission/Committee meetings is as follows:

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

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

5. *Off-premises meeting participation*

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

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

6. *Selection of chair and vice chair*

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

G. Memberships

Appointments/oaths

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

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Application and selection process

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

Attendance

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

Compensation

COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

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- Members shall serve without compensation (unless specifically provided) for their services, provided, however, members shall receive reimbursement for necessary travel expenses and other expenses incurred on official duty when such expenditures have been authorized by the City Council (See Policy CC-0119-002).

Conflict of interest and disclosure requirements

- A Conflict of Interest Code has been updated and adopted by the City Council and the Community Development Agency pursuant to Government Code §87300 et seq. Copies of this Code are filed with the city clerk. Pursuant to the adopted Conflict of Interest Code, members serving on the Planning Commission are required to file a Statement of Economic Interest with the city clerk to disclose personal interest in investments, real property and income. This is done within 30 days of appointment and annually thereafter. A statement is also required within 30 days after leaving office.
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Qualifications, compositions, number

- In most cases, members shall be residents of the City of Menlo Park and at least 18 years of age.
- Current members of any other City commission/committee are disqualified for membership, unless the regulations for that advisory body permit concurrent membership. Commission/Committee members are strongly advised to serve out the entirety of the term of their current appointment before seeking appointment on another commission/committee.
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Complete Streets Commission – nine (9) members

Reappointments, resignations, removals

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- Resignations must be submitted in writing to the city clerk, who will distribute copies to City Council and appropriate staff.
- The City Council may remove a member by a majority vote of the City Council without cause, notice or hearing.

Term of office

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

Vacancies

COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

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- Vacancies are listed on the City Council agenda and posted by the city clerk in the City Council Chambers bulletin board and on the city website.
- Whenever an unscheduled vacancy occurs in any commission/committee, a special vacancy notice shall be posted within 20 days after the vacancy occurs. Appointment shall not be made for at least 10 working days after posting of the notice (Government Code 54974).
- On or before December 31 of each year, an appointment list of all regular advisory commissions/committees of the City Council shall be prepared by the city clerk and posted in the City Council Chambers bulletin board and on the City's website. This list is also available to the public (Government Code 54972, Maddy Act).

Roles and responsibilities

COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

City Council Policy #CC-01-000420-004

Effective 6/5/2019 XX XX, 2020

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Complete Streets Commission

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

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

Environmental Quality Commission

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

- ~~Assist in developing sustainable building policies and programs for private and public development projects~~
- ~~Develop a community-wide environmental sustainability policy with metrics to measure and evaluate progress~~
- ~~Develop and evaluate resource conservation and pollution prevention programs and policies, such as solid waste reduction and water conservation~~
- ~~Implement Climate Action Plan~~
- ~~Maximize the urban canopy through programs and policies~~
 - ~~Preserving heritage trees~~
 - ~~Using best practices to maintain city trees~~
 - ~~Preserving and expanding the urban canopy~~
 - ~~Making determinations on appeals of heritage tree removal permits~~
 - ~~Administering annual Environmental Quality Awards program~~
 - ~~Organizing annual Arbor Day Event; typically a tree planting event~~
 - ~~Advising on programs and policies related to protection of natural areas, recycling and waste reduction, environmentally sustainable practices, air and water pollution prevention, climate protection, and water and energy conservation.~~

Finance and Audit Committee

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

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

Housing Commission

The Housing Commission is charged primarily with advising the City Council on housing matters including housing supply and housing related problems. Specific focus areas include:

- ~~Inclusion of housing program information in city publications~~
- ~~Community outreach for awareness and input~~
- ~~EI Camino Real/Downtown Specific Plan implementation as it relates to housing locations~~
- ~~General Plan and Housing Element updates~~

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COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

City Council Policy #CC-01-000420-004

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- ~~• Community attitudes about housing (range, distribution, racial, social economic problems~~
- ~~• Programs for evaluating, maintaining, and upgrading the distribution and quality of housing stock in the City~~
- ~~• Planning, implementing and evaluating City programs under the Housing and Community Development Act of 1974~~
- ~~• Members serve with staff on a loan review committee for housing rehabilitation programs and a first time homebuyer loan program~~
- ~~• Review and recommend to the City Council regarding the Below Market Rate (BMR) program~~
- ~~• Initiate, review and recommend on housing policies and programs for the City~~
- ~~• Review and recommend on housing related impacts for environmental impact reports~~
- ~~• Review and recommend on State and regional housing issues~~
- ~~• Review and recommend on the Housing Element of the General Plan~~
- ~~• The five most senior members of the Housing Commission also serve as the members of the Relocation Appeals Board (City Resolution 4290, adopted June 25, 1991).~~

Library Commission

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

- The scope and degree of library activities
- Maintenance and protection of City libraries
- Evaluation and improvement of library service
- Acquisition of library materials
- Coordination with other library systems and long range planning
- Literacy and English as a second language (ESL) programs

Parks and Recreation Commission

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

- Provide high quality and inclusive programs and services that meet the diverse and changing needs of all Menlo Park residents and neighboring communities
- Ensure City Parks and Community Facilities are well-maintained, upgraded and/or expanded to improve accessibility and usage by a diverse population, while promoting sustainable environmental design and practices
- Improve class and program offerings, venues, partnerships and sponsorships to increase the quality and accessibility of educational, recreational, sporting, artistic, and cultural programs in the City of Menlo Park
- Support initiatives, partnerships and projects that intersect with the City's Park and Community Services resulting in well-coordinated efforts to meet the needs of residents
- ~~• These programs and facilities established primarily for the participation of and/or use by residents of the City, including adequacy and maintenance of such facilities as parks and playgrounds, recreation buildings, facilities and equipment~~
- ~~• Adequacy, operation and staffing of recreation programs~~
- ~~• Modification of existing programs and facilities to meet developing community needs~~
- ~~• Long range planning and regional coordination concerning park and recreational facilities~~

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Planning Commission

The Planning Commission is organized according to State Statute.

- Considers and grants or denies use permits and architectural control
- Considers and recommends action on environmental impact reports and subdivisions

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COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

City Council Policy #CC-01-000420-004

Effective 6/5/2019XX XX, 2020

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- ~~Initiates special area planning and rezoning studies; monitors the changing needs of the city in relationship to the General Plan as well as the recommendations of the General Plan amendments~~
- ~~Recommends action on rezoning proposals and conditional development permits~~
- ~~Takes action on variances~~
- ~~The Planning Commission reviews development proposals on public and private lands for compliance with the General Plan and Zoning Ordinance.~~
- ~~The Commission reviews all development proposals requiring a use permit, architectural control, variance, minor subdivision and environmental review associated with these projects. The Commission is the final decision making body for these applications, unless appealed to the City Council.~~
- ~~The Commission serves as a recommending body to the City Council for major subdivisions, rezoning's, conditional development permits, Zoning Ordinance amendments, General Plan amendments and the environmental reviews and Below Market Rate (BMR) Housing Agreements associated with these projects.~~
- ~~The Commission works on special projects as assigned by the City Council.~~

Sister City Committee

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

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

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COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

City Council Policy #CC-01-000420-004

Effective ~~6/5/2019~~ XX XX, 2020

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Special advisory bodies

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

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

Procedure history

| Action | Dates | Notes |
|-----------------|---------------------------|-------|
| <u>Enacted</u> | <u>March 13, 2001</u> | |
| <u>Revised</u> | <u>September 18, 2001</u> | |
| <u>Revised</u> | <u>April 5, 2011</u> | |
| <u>Revised</u> | <u>June 5, 2019</u> | |
| <u>Proposed</u> | <u>September 8, 2020</u> | |

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CLOSED SESSION MEETINGS

City Council Procedure #CC-20-018
Effective XX XX, 2020



| Purpose | | |
|--|-------------------|-------|
| <p>The ability of the City Council to conduct sessions not open to the public is restricted by state law to ensure open proceedings. This procedure outlines certain defined circumstances exist wherein a city council may meet without the public in attendance.</p> | | |
| Circumstances for closed sessions | | |
| <p>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 (GC §54956.8).</p> <p>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.</p> <p>Compensation: Salaries and benefits of employees; City Council meets in closed session to review its position and instruct designated representatives (GC §54957.6).</p> <p>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 (GC §54957.6).</p> | | |
| Scheduling | | |
| <p>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.</p> <p>Closed session meetings may also be scheduled as special meetings.</p> | | |
| Public comment | | |
| <p>Prior to closed session, any member of the public may address the City Council on the closed session item as it appears on the agenda. Once the Mayor closes public comment, members of the public and staff or consultants not contributing to the closed session shall leave the meeting.</p> | | |
| Report out of closed session | | |
| <p>At the next agendized meeting of the City Council, the Mayor shall report any action taken by the City Council in closed session.</p> | | |
| Disclosure of closed session content or substance | | |
| <p>It is critical to stress that there shall be no disclosure of closed session confidential information. City 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.</p> | | |
| Procedure history | | |
| Action | Dates | Notes |
| Draft procedure presented | September 8, 2020 | |
| Procedure adoption | | |

CLOSED SESSION MEETINGS

City Council Procedure #CC-20-018
Effective XX XX, 2020

ATTACHMENT D



| |
|--|
| Purpose |
| The ability of the City Council to conduct sessions not open to the public is restricted by state law to ensure open proceedings. This procedure outlines certain defined circumstances exist wherein a city council may meet without the public in attendance. |
| Circumstances for closed sessions |
| <p>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 (GC §54956.8).</p> <p>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.</p> <p>Compensation: Salaries and benefits of employees; City Council meets in closed session to review its position and instruct designated representatives (GC §54957.6).</p> <p>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 (GC §54957.6).</p> |
| Scheduling |
| 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. Closed session meetings may also be scheduled as special meetings. |
| Public comment |
| Prior to closed session, any member of the public may address the City Council on the closed session item as it appears on the agenda. Once the Mayor closes public comment, members of the public and staff or consultants not contributing to the closed session shall leave the meeting. |
| Report out of closed session |
| At the next agenda meeting of the City Council, the Mayor shall report any action taken by the City Council in closed session. |
| Disclosure of closed session content or substance |
| It is critical to stress that there shall be no disclosure of closed session confidential information. City 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. |

CLOSED SESSION MEETINGS

City Council Policy #CC-20-018

Effective XX XX, 2020

| Procedure history | | |
|---------------------------|-------------------|-------|
| Action | Dates | Notes |
| Draft procedure presented | September 8, 2020 | |
| Procedure adoption | | |

VIDEOCONFERENCE MEETING PARTICIPATION

City Council Procedure #CC-20-014
Effective XX XX, 2020

ATTACHMENT E



| Purpose | | |
|--|-----------------|---|
| <p>The main purpose of videoconferencing is to enable face-to-face communication between two or more people in different locations. All city council, commission, and committee videoconference meetings shall be conducted on a standardized platform provided by the City. City council, commission and committee members are collectively referred to as “Members” for this policy.</p> | | |
| Equipment | | |
| <p>Members shall maintain equipment necessary for a videoconference including sufficient broadband access, webcam and microphone to participate in the meeting with minimal interruption. If the equipment requirement presents a hardship, a Member may submit an equipment request to the city clerk. Requests will be considered on a case-by-case basis. Staff will provide Members with links to technical specifications for the videoconference tool(s) used by the City.</p> | | |
| Videoconference protocols | | |
| <p>To promote public access to the City’s deliberative process, the following guidelines shall be followed</p> <ol style="list-style-type: none">1. Members shall control their own webcam and microphone throughout the meeting.2. The chair may direct staff to mute microphones to minimize feedback.3. To request to speak, Members shall raise their hand and the chair will recognize speakers one at a time. Microphones must remain on mute until recognized by the chair.4. Members and the City staff liaison shall enable their webcam to the greatest extent possible during the meeting using a background furnished by the City. All other City staff shall remain off-camera until requested by the chair.5. Only City staff is authorized to display meeting content (e.g., presentations, agendas, speaker timer, etc.) for the duration of the meeting; allowing keyboard and mouse controls to external consultants or presenters. | | |
| Public participation | | |
| <p>To promote public participation, staff will provide the chair with an agenda outline to prompt for public input at the appropriate times in the meeting. The public may provide written public comment by emailing the staff liaison at least one-hour in advance of the meeting. Live, audio public comment can be provided using a traditional telephone, smartphone or other computer-assisted audio. If using a smartphone or computer audio, when the chair calls for public comment on an agenda item, the staff liaison will instruct the public to engage the “raised hand” feature to alert City staff of their live public comment. City staff will acknowledge the speaker by name and open their microphone for a period of 3-minutes; unless the chair has limited public comment speaker times. If the public is unable to utilize a microphone, the public may submit a written comment to the Members using the question window in the videoconference tool. A member of the public may only address the Members once per agenda item. All Members, public participants, and City staff should refrain from using the videoconferencing tool’s chat or question feature outside of receiving non-audio public comment to avoid violating the Brown Act.</p> | | |
| Procedure history | | |
| Action | Dates | Notes |
| Draft procedure presented | August 25, 2020 | City Council continued item; edited to reflect City Council discussion and presented on September 8, 2020 |
| Procedure adoption | | |

VIDEOCONFERENCE MEETING PARTICIPATION

City Council Procedure #CC-20-014
Effective XX XX, 2020

ATTACHMENT F



| Purpose | | |
|--|-----------------|---|
| <p>The main purpose of videoconferencing is to enable face-to-face communication between two or more people in different locations. All city council, commission, and committee videoconference meetings shall be conducted on a standardized platform provided by the City. City council, commission and committee members are collectively referred to as “Members” for this policy.</p> | | |
| Equipment | | |
| <p>Members shall maintain equipment necessary for a videoconference including sufficient broadband access, webcam and microphone to participate in the meeting with minimal interruption. If the equipment requirement presents a hardship, a Member may submit an equipment request to the city clerk. Requests will be considered on a case-by-case basis. Staff will provide Members with links to technical specifications for the videoconference tool(s) used by the City.</p> <p>Attachment A outlines the system requirements for most videoconferencing platforms.</p> | | |
| Videoconference protocols | | |
| <p>To promote public access to the City’s deliberative process, the following guidelines shall be followed</p> <ol style="list-style-type: none"> 1. Members shall control their own webcam and microphone throughout the meeting. 2. The chair may direct staff to mute microphones to minimize feedback. 3-2. Members shall keep their cameras active for the duration of the meeting using a background furnished by the City. 4-3. To request to speak, Members shall raise their hand and the chair will recognize speakers one at a time. Microphones must remain on mute until recognized by the chair. 5-4. Members and the City staff liaison shall enable their webcam continuously to the greatest extent possible during the meeting using a background furnished by the City. All other City staff shall remain off-camera until requested by the chair. 6-5. Only City staff is authorized to display meeting content (e.g., presentations, agendas, speaker timer, etc.) for the duration of the meeting; allowing keyboard and mouse controls to external consultants or presenters. | | |
| Public participation | | |
| <p>To promote public participation, staff will provide the chair with an agenda outline to prompt for public input at the appropriate times in the meeting. The public may provide written public comment by emailing the staff liaison at least one-hour in advance of the meeting. Live, audio public comment can be provided using a traditional telephone, smartphone or other computer-assisted audio. If using a smartphone or computer audio, when the chair calls for public comment on an agenda item, the public-staff liaison will instruct the public is to engage the “raised hand” feature to alert City staff of their live public comment. City staff will acknowledge the speaker by name and open their microphone for a period of 3-minutes; unless the chair has limited public comment speaker times. If the public is unable to utilize a microphone, the public may submit a written comment to the Members using the question window in the videoconference tool. A member of the public may only address the Members once per agenda item. All Members, public participants, and City staff should refrain from using the videoconferencing tool’s chat or question feature outside of receiving non-audio public comment to avoid violating the Brown Act.</p> | | |
| Legislative Procedure history | | |
| Action | Dates | Notes |
| Proposed Draft procedure presented | August 25, 2020 | City Council continued item; edited to reflect City Council discussion and presented on September 8, 2020 |
| Procedure adoption | | |

CITY COUNCILMEMBER CALENDARS

City Council Procedure #CC-20-016
Effective XX XX, 2020

ATTACHMENT G



Purpose

To promote public transparency into the business meetings of City Councilmembers this procedure establishes the requirements for maintaining a publicly accessible calendar for each City Councilmember.

Responsibility

Each City Councilmember is responsible for keeping a weekly calendar disclosing meetings involving city business in compliance with this procedure.

Resources and process

Resources

The following resources are available to City Councilmembers:

1. A City-provided Microsoft Outlook account on the menlopark.org domain
2. A City-provided device (laptop or tablet) sufficient to use email and calendar tools for all City operations
3. A City-provided videoconference application
4. City staff support to maintain publicly accessible calendars

Process

1. Staff will enable a “public” calendar on all City Councilmember email accounts. The public calendars will be accessible on the City website under the City Council page.
2. A complete calendar contains the following details for each meeting where City business is discussed:
 - a. Date and time of the meeting
 - b. Meeting attendees.
 - i. Required name disclosure:
 1. All City Councilmembers,
 2. Members of City Council appointed commissions and committees,
 3. City staff,
 4. City consultants/vendors/contract staff, or
 5. Any individual or business with a development application pending or contemplated in the City of Menlo Park.
 - ii. Optional name disclosure:
 1. Residents,
 2. Elected officials of other agencies,
 3. Members of the media, or
 4. A properly noticed public meeting
 - c. Topic(s) discussed. For meetings with “optional name disclosure,” the meeting topic may be listed as:
 - i. Constituent relations,
 - ii. Regional affairs, or
 - iii. Confidential.
 - d. Meeting location
 - i. City-owned facility – for example City Hall, Senior Center, Main Library, Nealon Park,
 - ii. Public location – for example the name of a café, hotel or eatery,
 - iii. Applicant site or premises – list applicant’s address, or
 - iv. Online or telephone.
 - e. Gifts provided, if any – for example swag, meals and beverages, de minimis water/soda does not need to be reported.
 - f. Exemptions. The following types of meetings/information are exempt from this policy:
 - i. Personal appointments;
 - ii. Information protected by the attorney-client or attorney work product privilege;

CITY COUNCILMEMBER CALENDARS

City Council Policy #CC-20-016

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- iii. Information regarding personnel or recruitment issues;
- iv. Information about criminal investigations;
- v. Other similar privileged information,

Calendars shall be posted to the City's website once a week, on Tuesday, by 7:30 AM, for the previous seven (7) days. When the calendar is complete, the City Councilmember or the assisting staff member will notify the city clerk that their calendar is ready for posting. The city clerk's office shall post the calendar as soon as possible thereafter.

Compliance

Compliance monitoring

City staff will record the following compliance matters for all posted City Councilmember calendars and calendars that are not "ready for posting" by 7:30 a.m. Tuesdays.

- "Posted" – City Councilmember calendar was timely posted.
- "Unposted" – City Councilmember calendar was not posted in accordance with the procedure. When the City Councilmember remedies the unposted calendar, the city clerk's office will report the remedy date.

Compliance reporting

City staff will transmit quarterly reports to the full City Council at their second regular meeting of every quarter.

Noncompliance

Only the City Council can hold themselves accountable for complying with this procedure.

Procedure history

| Action | Dates | Notes |
|---------------------------|-------------------|-------|
| Draft procedure presented | September 8, 2020 | |
| Procedure adoption | | |

SPECIAL PROJECT BUDGETS FOR CITY COUNCILMEMBERS

City Council Procedure #CC-20-015
Effective XX XX, 2020

ATTACHMENT H



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|--|
| <p>Purpose</p> <p>City Councilmembers are elected by district and each district possesses unique needs given their physical geography, land uses, demographics and socioeconomic composition. This procedure provides a project budget for City Councilmembers (Members) to use at their discretion to meet the needs of their district.</p> |
| <p>Establishing City Councilmember project budgets</p> <p>As part of the annual budget process, the City Council shall determine the budget available to each Member in the upcoming calendar year. The allocation shall be equal in all years. In those calendar years where the Member's seat is up for re-election, the budget is zero.</p> |
| <p>Procedure</p> <p>Members shall direct all requests to the city clerk with a copy to the city manager. The city clerk shall log the request and work with the city manager to assign the project to a city staff member.</p> <p>The city staff member will provide the city clerk's office with an initial estimate of the cost to fulfill a request and a projected timeline. The city clerk's office will provide the estimate to the requesting Member. If the requesting Member decides to move forward, the Member will give the city clerk confirmation to move forward with the project.</p> <p>The assigned staff member will fulfill requests on a first come, first served basis. If the initial cost estimate is insufficient, the staff member will provide a weekly accounting of their time on the project.</p> |
| <p>Eligible expenses</p> <p>The Member's project budget may be used for efforts that benefit the entire district represented by the Member. Examples include districtwide mailings, telephone town halls, and information events pertaining to City services. To comply with State law, a councilmember's photo or signature shall not appear on any mailing exceeding 200 constituents or more. In addition to direct costs, the project budget will also be charged for staff time at the fully burdened rate.</p> |
| <p>Prohibited expenses</p> <p>The following expenses are prohibited unless authorized by a majority of the City Council at a properly agenzed and noticed meeting.</p> <ul style="list-style-type: none"> • <u>Policy development</u>. The Member's budget may not be used to develop a policy, program, or service that conflicts with the policy position of the City Council. • <u>Recurring expenses</u>. The Member's budget may not commit the City to ongoing expenses or increase the City's liabilities. • <u>Reimbursements</u>. Members may not request post-expense reimbursement. The City must make direct payment for all requests following established administrative procedures. • <u>Gifts</u>. Gifts to any individual or group including nominal amounts typically used to recognize a special achievement or demonstrate appreciation. • <u>Contributions</u>. Members may not use their budget to make contributions to any nonprofit, community project, event, association, political campaign. |
| <p>Administrative support</p> <p>Administrative staff support shall be available to Members to assist with scheduling meetings, maintaining their public calendar, and provide miscellaneous clerical assistance. Administrative support is not charged to the district's allocation; however, staff will keep detailed records of their time supporting each Member. Any performance issues of the staff member assigned to assist the Member shall be directed to the city clerk and not directly to the employee.</p> |

SPECIAL PROJECT BUDGETS FOR CITY COUNCILMEMBERS

City Council Policy #CC-20-015

Effective XX XX, 2020

| Oversight and transparency | | |
|--|-------------------|-------|
| <p><u>Oversight</u> Members have the discretion to use the project budget as authorized by this policy and in compliance with the Menlo Park Municipal Code and administrative procedures established to minimize loss or inappropriate uses of public funds. The city manager shall retain management authority over the use of the funds and may request full City Council direction if a request conflicts with City Council established policies, procedures, priorities or work plan.</p> | | |
| <p><u>Transparency</u> All uses of the project budget shall be posted on the City's publicly accessible budget portal.</p> | | |
| Procedure history | | |
| Action | Dates | Notes |
| Draft procedure presented | September 8, 2020 | |
| Procedure adoption | | |

COOLING CENTER ACTIVATION PROCEDURE

City Council Procedure #CC-20-019
Effective XX XX, 2020

ATTACHMENT I



Purpose

This procedure establishes criteria for activating city-operated cooling centers during periods of extreme heat as defined by the National Weather Service.

Definitions

Cooling center - A facility where residents may seek relief from extreme heat during daytime hours. A cooling center provides residents a safe and accessible public space with air conditioning, seating and cold water.

Excessive heat warning – The National Weather Service declares an excessive heat warning based on a number of environmental factors such as temperature and humidity. As a national standard, an excessive heat warning is issued within 12 hours of the onset of the following criteria: heat index of at least 105 degrees Fahrenheit for more than three (3) hours per day for two (2) consecutive days, or a heat index more than 115 degrees Fahrenheit for any period.

Heat advisory – The National Weather Service declares a heat advisory based on a number of environmental factors such as forecast temperature during the day and night as well as humidity. As a national standard, a heat advisory is issued within 12 hours of the onset of the following conditions: heat index of at least 105 degrees Fahrenheit but less than 115 degrees Fahrenheit for less than three (3) hours per day, or nighttime lows above 80 degrees Fahrenheit for two (2) consecutive days.

Procedure

On days when the National Weather Service issues a heat advisory or excessive heat warning for the 94025 ZIP code, the City Manager will activate two or more City-operated facilities as cooling centers. When cooling centers are activated per this procedure, at minimum one facility will be activated in the downtown area and one in the bay side area. The designated cooling centers will be made available and accessible to the public and will offer air conditioning, seating, and cold water during the facilities' regular operating hours. The cooling centers will be monitored and supervised by City personnel. The City Manager may authorize extended operating hours in some facilities depending on need and the duration of extreme heat events; however, at no time will extended operating hours begin before sunrise or end later than sunset.

The City's ability to safely operate cooling centers may be impaired by concurrent public emergencies or threats, for example, when shelter-in-place orders are in effect, or in the aftermath of a disaster event that renders public facilities inaccessible or unsafe to enter. In such situations, the Emergency Operations Director and/or City Manager shall make a determination about whether cooling centers can be safely activated.

At the direction of the City Manager, the Library and Community Services department will manage the day-to-day operations of cooling centers. When the National Weather Service issues a heat advisory or excessive heat warning, the Library and Community Services Director or designee shall alert the public information officer (PIO), who will then advise community members of the locations and hours of designated cooling centers. Notifications will be distributed via a multichannel marketing strategy in order to reach the broadest number of residents possible, including community members of all ages with varying levels of technology access, the City's most vulnerable populations and those in the immediate proximity. Media platforms include outlets such as the City's website, electronic newsletter and social media accounts, as well as physical signage in front of each designated facility. This information will also be provided to local media outlets and first responders in the community. Additionally, the PIO's message will include tips on how to stay safe in extreme heat.

COOLING CENTER ACTIVATION PROCEDURE

City Council Policy #CC-20-019
 Effective XX XX, 2020

| City-operated cooling center locations | | |
|--|-------------------|-------|
| <p>During a heat advisory or excessive heat warning, the City Manager will activate two or more city-operated cooling centers – at minimum, one facility in the downtown area and one in the bay side area. The City Manager may authorize extended operating hours in some locations depending on community need and the duration of excessive heat events; however, at no time will extended operating hours begin before sunrise or end later than sunset.</p> <p>City-operated facilities that may be activated as cooling centers include:</p> <p>Downtown area</p> <p>Arrillaga Family Recreation Center 700 Alma St. During regular operating hours (subject to change)</p> <p>Main Library 800 Alma St. During regular operating hours (subject to change)</p> <p>City Council Chambers 701 Laurel St. Hours as needed</p> <p>Bay side area</p> <p>Belle Haven Branch Library 413 Ivy Drive During regular operating hours (subject to change)</p> <p>Onetta Harris Community Center 100 Terminal Ave. During regular operating hours (subject to change)</p> <p>Menlo Park Senior Center 110 Terminal Ave. During regular operating hours (subject to change)</p> | | |
| Other cooling center locations | | |
| <p>When City-operated cooling centers are activated per this procedure, the City PIO may also advise the public of cooling centers in or near Menlo Park that are operated by entities other than the City, for example by providing links to cooling centers operated by San Mateo County, school districts, neighboring cities and private entities, provided that those locations are free and accessible to the general public and generally meet the criteria for a cooling center as defined in this procedure.</p> | | |
| Procedure history | | |
| Action | Dates | Notes |
| Draft procedure presented | September 8, 2020 | |
| Procedure adoption | | |



STAFF REPORT

City Council

Meeting Date: 9/8/2020
Staff Report Number: 20-190-CC

Informational Item: City Council agenda topics: September 2020 to November 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 November 10. 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: September 2020 to November 2020

Report prepared by:
Judi A. Herren, City Clerk

Tentative City Council Agenda

| # | Title | Department | Item type |
|----|---|------------|-------------------------|
| 1 | Investment portfolio review as of September 30, 2020, receive and file | ASD | Consent |
| 2 | Quarterly financial review of general fund operations as of September 30, 2020, receive and file | ASD | Consent |
| 3 | Agreement for financial accounting software | ASD | Regular |
| 4 | Consider waiver of additional TOT from Hotel Nia | ASD | Regular |
| 5 | Budget amendments | ASD | Regular-no presentation |
| 6 | Local Emergency Declaration Renewal (COVID-19) | CA | Regular-no presentation |
| 7 | BAE inclusionary study | CDD | Regular |
| 8 | CVLT BMR fund request for acquisition of existing housing for conversion to affordable | CDD | Regular |
| 9 | Final Action for 201 El Camino Real (Architectural Control, Major Subdivision, BMR Agreement, and IS/MND) | CDD | Regular |
| 10 | MidPen 1300 block Willow Road BMR funding request | CDD | Regular |
| 11 | Notifying final Planning Commission actions, review of large/impactful projects | CDD | Regular |
| 12 | UC Berkeley recommendation by Yplan | CDD | Regular |
| 13 | Agreement to prepare an EIR for mixed-use project at 123 Independence Drive | CDD | Regular-no presentation |
| 14 | Housing Commission work plan | CDD | Regular-no presentation |
| 15 | Consider applicants and make appointment to fill EQC vacancy | CMO | Commission Report |
| 16 | Advisory body workplans update | CMO | Informational |
| 17 | Approve scope and formation of two task forces for 2030 Climate Actions No. 1 (building electrification) and No.2 (Electric Vehicle Infrastructure) | CMO | Regular |
| 18 | Issue Prop 218 Notice for Solid Waste Rates | CMO | Regular |
| 19 | MPCC Term Sheet | CMO | Regular |
| 20 | Sister City Committee recommendation to form a separate association for sister city activities | CMO | Regular |
| 21 | Annual records destruction, resolution adoption | CMO | Regular-no presentation |
| 22 | EQC work plan report, approval | CMO | Regular-no presentation |
| 23 | Multifamily Electric Vehicle Infrastructure Gap Analysis | CMO | Study Session |
| 24 | Formation of Independent or Advisory Redistricting Commission for local elections | CMO, CA | Regular |
| 25 | Adopt Resolution to Abandon Alto Lane (Public ROW adjacent to 201 ECR) | PW | Regular |
| 26 | Amend agreement with Black & Veatch for the Water Rate Study | PW | Regular-no presentation |
| 27 | Approval of Bayfront Canal drainage easement | PW, CA | Regular |
| 28 | Approval of MOU with FSLR re flood control project | PW, CA | Regular |



Carla
Stalla
(Sudi)

Council Action Advised by August 31, 2020

June 30, 2020

TO: Mayors, City Managers and City Clerks

**RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES
League of California Cities Annual Conference & Expo – October 7 – 9, 2020**

The League’s 2020 Annual Conference & Expo is scheduled for October 7 – 9. An important part of the Annual Conference is the Annual Business Meeting (during General Assembly) on Friday, October 9. At this meeting, the League membership considers and takes action on resolutions that establish League policy.

In order to vote at the Annual Business Meeting, your city council must designate a voting delegate. Your city may also appoint up to two alternate voting delegates, one of whom may vote in the event that the designated voting delegate is unable to serve in that capacity.

Please complete the attached Voting Delegate form and return it to the League’s office no later than Wednesday, September 30. This will allow us time to establish voting delegate/alternate records prior to the conference.

Please note the following procedures are intended to ensure the integrity of the voting process at the Annual Business Meeting. These procedures assume that the conference will be held in-person at the Long Beach Convention Center as planned. Should COVID-19 conditions and restrictions prohibit the League from holding an in-person conference, new procedures will be provided.

- **Action by Council Required.** Consistent with League bylaws, a city’s voting delegate and up to two alternates must be designated by the city council. When completing the attached Voting Delegate form, please attach either a copy of the council resolution that reflects the council action taken, or have your city clerk or mayor sign the form affirming that the names provided are those selected by the city council. Please note that designating the voting delegate and alternates must be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.
- **Conference Registration Required.** The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. Conference registration will open by the end of July at www.cacities.org. In order to cast a vote, at least one voter must be present at the Business Meeting and in possession of the voting delegate card. Voting delegates and alternates need to pick up their conference badges before signing in and picking up the voting delegate card at the Voting Delegate Desk. This will enable them to receive the

special sticker on their name badges that will admit them into the voting area during the Business Meeting.

- **Transferring Voting Card to Non-Designated Individuals Not Allowed.** The voting delegate card may be transferred freely between the voting delegate and alternates, but *only* between the voting delegate and alternates. If the voting delegate and alternates find themselves unable to attend the Business Meeting, they may *not* transfer the voting card to another city official.
- **Seating Protocol during General Assembly.** At the Business Meeting, individuals with the voting card will sit in a separate area. Admission to this area will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate. If the voting delegate and alternates wish to sit together, they must sign in at the Voting Delegate Desk and obtain the special sticker on their badges.

The Voting Delegate Desk, located in the conference registration area of the Long Beach Convention Center, will be open at the following times: Wednesday, October 7, 8:00 a.m. – 6:00 p.m.; Thursday, October 8, 7:00 a.m. – 4:00 p.m.; and Friday, October 9, 7:30 a.m.–11:30 a.m.. The Voting Delegate Desk will also be open at the Business Meeting on Friday, but will be closed during roll calls and voting.

The voting procedures that will be used at the conference are attached to this memo. Please share these procedures and this memo with your council and especially with the individuals that your council designates as your city's voting delegate and alternates.

Once again, thank you for completing the voting delegate and alternate form and returning it to the League's office by Wednesday, September 30. If you have questions, please call Darla Yacub at (916) 658-8254.

Attachments:

- Annual Conference Voting Procedures
- Voting Delegate/Alternate Form



CITY: Menlo Park

**2020 ANNUAL CONFERENCE
VOTING DELEGATE/ALTERNATE FORM**

Please complete this form and return it to the League office by Wednesday, September 30, 2020. Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.

In order to vote at the Annual Business Meeting (General Assembly), voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

Please note: Voting delegates and alternates will be seated in a separate area at the Annual Business Meeting. Admission to this designated area will be limited to individuals (voting delegates and alternates) who are identified with a special sticker on their conference badge. This sticker can be obtained only at the Voting Delegate Desk.

1. VOTING DELEGATE

Name: _____

Title: _____

2. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

3. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

PLEASE ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES.

OR

ATTEST: I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate(s).

Name: _____

Email jaherren@menlopark.org

Mayor or **City Clerk** _____
(circle one) (signature)

Date _____ Phone 650-330-6621

Please complete and return by Wednesday, September 30, 2020

League of California Cities
ATTN: Darla Yacub
1400 K Street, 4th Floor
Sacramento, CA 95814

FAX: (916) 658-8240
E-mail: dyacub@cacities.org
(916) 658-8254



Annual Conference Voting Procedures

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to League policy.
2. **Designating a City Voting Representative.** Prior to the Annual Conference, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the Voting Delegate Form provided to the League Credentials Committee.
3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the Voting Delegate Desk in the conference registration area. Voting delegates and alternates must sign in at the Voting Delegate Desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the Business Meeting.
4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the Credentials Committee at the Voting Delegate Desk, may sign petitions to initiate a resolution.
5. **Voting.** To cast the city's vote, a city official must have in his or her possession the city's voting card and be registered with the Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates, but may not be transferred to another city official who is neither a voting delegate or alternate.
6. **Voting Area at Business Meeting.** At the Business Meeting, individuals with a voting card will sit in a designated area. Admission will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate.
7. **Resolving Disputes.** In case of dispute, the Credentials Committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the Business Meeting.



STAFF REPORT

City Council

Meeting Date:

9/8/2020

Staff Report Number:

20-199-CC

City Councilmember

Request:

Refocus City Council 2020-21 priorities and direct specific land use planning work

Recommendation

City staff seek direction on requests from Mayor Taylor and City Councilmember Nash to improve the focus of City Council 2020-21 priorities and direct specific land use planning work. Per City Council Procedure #CC-20-013 – “City Councilmember requests” a majority of the City Council may direct the following:

- 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.

Policy Issues

At their August 25 meeting, the City Council adopted City Council Procedure #CC-20-013 – “City Councilmember requests,” Attachment A, to assist in determining the full City Council’s desire to move forward with work on requests by one or two City Councilmembers.

Background

At their August 18 meeting, the City Council adopted their top five priorities for 2020-21 and four suspended (or bike rack) initiatives. Also, at staff’s request, the City Council deferred action on 11 work plan items. Attachment B summarizes the updated list of priorities, yet-to-be approved work plan projects and the bike rack.

Analysis

For the City Council’s August 18 meeting, Mayor Taylor and City Councilmember Nash presented a memo, Attachment C, detailing specific modifications to the City’s goal-setting process. In recent years, the City Council’s goal setting process generally resulted in a list of stand-alone projects or initiatives. Attachment C outlines the following goals most with specific work efforts outlined to achieve the goal:

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

- Reform our land use policies to reflect one united city.
- Prioritize climate action and empower the City's environmental leadership, recognizing that our most vulnerable residents are the most affected by this global issue.
- Ensure that City services support all our residents, and everyone feels welcome.
- Revise City policies and practices to promote inclusion and equity.

Staff's summary of City Council priorities and work plan, Attachment B, and the memo from City Councilmember Nash and Mayor Taylor, Attachment C, overlap in certain aspects. For example, both lists include the new Community Campus project (formerly referred to as the BHCCL project.) However, the overlap in planning efforts is less clear to staff and requires additional discussion to understand the intent of Attachment C. On September 3, City Councilmember Nash emailed the following request to City Manager Jerome-Robinson with a copy to Mayor Taylor:

Mayor Taylor and City Councilmember Nash request the following item be added to City Council agenda for discussion as soon as possible:

Engage M-Group to perform a high-level review of development in the Bayfront.

- *Explore the amount and type of existing, proposed and potential development, compared with development anticipated under the 25-year ConnectMenlo plan.*
- *Evaluate current and potential impacts of the development in Bayfront using the City's Guiding Principles as described in ConnectMenlo.*
- *What lessons have been learned that can inform our process as we move into the Housing Element update?"*

For context relative to the long-range planning desired, staff drafted Attachment D to begin the discussion of the relationship between various mandated long-range planning efforts and their demand on resources and timelines. Attachment D serves as the springboard for a September 29 special meeting (tentative) to continue City Council priority and work plan discussions.

Impact on City Resources

Unknown. Staff estimates that initial assessment and discussion of Attachments C and D have far exceeded the customary one to two hours allocated to explore City Councilmember ideas, concerns and requests.

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-20-013 – "City Councilmember requests"
- B. City Council approved priorities, August 18

Staff Report #: 20-199-CC

- C. Request from Mayor Taylor and City Councilmember Nash – “City Council priorities – 8.11.2020”
- D. Memo: planning projects

Report prepared by:
Nick Pegueros, Assistant City Manager

CITY COUNCILMEMBER REQUESTS

City Council Procedure #CC-20-013
Adopted August 25, 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, Councilmembers may send the request via email to the city manager, with a copy to the Mayor and Vice Mayor, or via email to city.council@menlopark.org. The request must be received no later than two (2) business days prior to publication of the meeting agenda. 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 may send the request via email to the city manager, with a copy to the Mayor and Vice Mayor, or via email to city.council@menlopark.org. The request must be received no later than two (2) business days prior to publication of the meeting agenda. The request will automatically appear under “City Council initiated items” at the end of the City Council’s regular agenda.

CITY COUNCILMEMBER REQUESTS

City Council Policy #CC-20-013

Adopted August 25, 2020

2

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:

- 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. An item that the City Council would like to act on after agenda posting is considered a non-agendized item.

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 | City Council continued item to August 25, 2020 |
| Procedure adoption | August 25, 2020 | Draft procedure amended at City Council direction. Staff edit to clarify definition of a “non-agendized item” |

2020-21 City Council Priorities and Work Plan
Approved August 18, 2020

10 20 30 40 50 60 70 80 90 100

| Ref # | Priority projects (Approved August 18, 2020) | Lead Department | 0 | -- | % Complete | -- | 100 |
|-------|--|-------------------------|------------------------------------|----|------------|----|-----|
| 1 | Transportation master plan (TMP) | Public Works | | | | | |
| 2 | 2022 Housing Element, zoning code update and related work | Community Development | | | | | |
| 3 | Belle Haven community center and library | City Manager's Office | | | | | |
| 4 | COVID-19 pandemic local emergency response | City Manager's Office | | | | | |
| 5 | Information Technology Master Plan implementation | Administrative Services | | | | | |
| Ref # | Work plan projects (No action taken on August 18, 2020) | Lead Department | 0 | -- | % Complete | -- | 100 |
| 6 | Transportation management association (TMA) formation | Public Works | | | | | |
| 7 | Middle Avenue pedestrian & bicycle rail crossing planning | Public Works | | | | | |
| 8 | Short-term rental ordinance | Community Development | | | | | |
| 9 | Accessory dwelling unit ordinance update | Community Development | | | | | |
| 10 | ConnectMenlo community amenities list update | Community Development | | | | | |
| 11 | ECR/Downtown Specific Plan area housing development incentives | Community Development | | | | | |
| 12 | Development and environmental review process education series | Community Development | | | | | |
| 13 | Santa Cruz Ave closure and economic development initiatives | Community Development | | | | | |
| 14 | Citywide communication program development | City Manager's Office | | | | | |
| 15 | Climate Action Plan implementation | City Manager's Office | | | | | |
| 16 | Institutional bias reform | City Manager's Office | | | | | |
| Ref # | Suspended projects (Approved August 18, 2020) | Lead Department | 0 | -- | % Complete | -- | 100 |
| 17 | Near-term downtown parking and access strategies | Public Works | | | | | |
| 18 | Ravenswood Avenue Caltrain grade separation study | Public Works | | | | | |
| 19 | Single-Family residential design review | Community Development | | | | | |
| 20 | City Council procedures update | City Manager's Office | | | | | |
| | | | Complete | | | | |
| | | | In progress / Implementation phase | | | | |
| | | | Suspended | | | | |

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.



MEMORANDUM

Date: 9/3/2020
To: Starla Jerome-Robinson, City Manager
From: Deanna Chow, Assistant Community Development Director
Re: City Council Priority and Work Plan – Planning Projects

The City Council is considering a number of land-use related priority projects and work plan items that would require a considerable amount of staffing and consultant resources as well as community, Commission and City Council involvement. As the City Council deliberates over its project priorities and work plan, the attached table has been prepared to provide a little more context for Planning projects to inform the City Council's discussion.

The projects identified in the attached table (Attachment A) are a subset of the full project list containing the 2020-21 City Council priorities and work plan (Attachment A of the August 11 City Council staff report and Attachment B to this memo). These projects are ones that would require the Planning Division to be in the lead or to dedicate staffing to help achieve them. These projects cannot be undertaken concurrently given the complexity of the work and the resources needed to accomplish the projects. However, staff has begun to outline how the projects can be accomplished over the next several years based upon our initial understanding of the work plan items. The table considers several factors for how the projects can be accomplished as noted below:

- **Project and Description:** Name and brief description of the project.
- **Priority Type:** The priority type reflects the City Council's discussion at its meeting on August 18.
- **CM Nash & Taylor 8.11.20 List, Land Use (Bullet Reference):** A reference note indicates alignment between the full City Council's list and the Mayor and City Councilmember Nash's list.
- **Sequence:** The number in the sequence columns reflects the order in which projects occur.
- **Staff Resources:** The dollar figure ranges from one to four dollar signs, depending on the level of Planning staffing needed to complete the project. All of the projects would also involve staff from other Departments, which have not been factored into this chart.
- **Consultant Resources:** Consultant assistance is anticipated for many of the projects and depending on the number of components, complexity, and/or technical skills, resources are needed to augment and support staff in the projects. The dollar signs in the chart range from one to four depending on the anticipated cost for services, but the amount would be determined once a scope of work is finalized.
- **Grant Funding:** Several of the projects will be supported by partial grant funding.
- **Public Engagement Level:** The chart provides a spectrum of public participation to help define the public's role in the process. The chart identifies the anticipated level of participation for each of the projects based upon the initial scope of work. A change in the level of participation could affect the timeline and budget of a project.
- **Timeline:** The chart attempts to identify when a project would be initiated and completed.

Following the City Council's direction to staff on the priority and work plan items, staff can return to the Council with more detailed information regarding needed staffing and consultant resources based upon the information outlined in the chart or as modified by the City Council.

Attachments

- A. Draft planning division action plan
- B. Hyperlink – Fiscal year 2020-21 City Council priorities and work plan August 11 staff report:
menlopark.org/DocumentCenter/View/25905/K2-20200811-CC-City-Council-priorities

| Project | Description | Priority Type | CM Nash & Taylor 8.11.2020 List, Land Use (Bullet Reference) | Sequence | Staff Resources | Consultant Resources | Grant Funding |
|---|--|---------------|---|---------------------------------|-----------------|----------------------|---------------|
| 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. | Priority | 3rd & 5th Bullet | Overarching | \$\$\$\$ | \$\$\$\$ | Partial |
| 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. | Work Plan | n.a. | 4 (if two phases, then 1 and 5) | \$\$ | \$\$ | Partial |
| 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. | Work Plan | 1st Bullet | 2 | \$ | N/A | No |
| ECR/Downtown 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 inlieu 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. | Work Plan | 3rd bullet (partial) | 3 | \$\$ | \$\$ | Partial |
| 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. | Work Plan | n.a. | 1 | \$ | \$ | No |
| 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. | Work Plan | <i>Revise City policies and practices to promote inclusion and equity</i> | | | | |
| 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. | Bike Rack | n.a. | TBD | \$\$\$ | \$\$ | No |
| Revise how land use is counted | <ul style="list-style-type: none"> o 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. o Count residential by square footage as well as units. o Count hotel square footage as well as units. Count hotel common space and parking garage. o Count square footage used for parking garages. | New | 2nd bullet under heading | TBD | \$ | \$\$ | No |

<https://menlopark.org/DocumentCenter/View/25943/G1-20200811-CC-City-Council-priorities>

Consultant
 \$ - less than \$25,000
 \$\$ - up to \$100,000
 \$\$\$ - up to \$250,000
 \$\$\$\$ - over \$250,000

| Project | Public Engagement Level | | | | | 2020 | | 2021 | | | | 2022 | | | | 2023 | |
|---|-------------------------|---------------|---------|-------------|---------|------|---------|------|----|----|---------|------|----|----|----|------|----|
| | Inform | Consult | Involve | Collaborate | Empower | Q3 | Q4 | Q1 | Q2 | Q3 | Q4 | Q1 | Q2 | Q3 | Q4 | Q1 | Q2 |
| 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.) | | | X | | | | | | | | | | | | | | |
| Accessory dwelling unit ordinance update (Ref #9.) | X (1st phase) | X (5th phase) | | | | | Phase 1 | | | | Phase 5 | | | | | | |
| ConnectMenlo community amenities list update (Ref #10.) | X | | | | | | | | | | | | | | | | |
| ECR/Downtown specific plan area housing development incentives (Ref #11.) | | X | | | | | | | | | | | | | | | |
| Development and environmental review process education series (Ref #12.) | X | | | | | | | | | | | | | | | | |
| Institutional bias reform (Ref #16.) | | | X | | | | | | | | | | | | | | |
| Single-family residential design review. Suspended. | | | X | | | | | | | | | | | | | | |
| Revise how land use is counted | X | | | | | | | | | | | | | | | | |

<https://menlopark.org/DocumentCenter/V>

Consultant
 \$ - less than \$25,000
 \$\$ - up to \$100,000
 \$\$\$ - up to \$250,000
 \$\$\$\$ - over \$250,000