



REGULAR MEETING AGENDA – AMENDED

Date: 9/22/2020

Time: 5:00 p.m.

Regular Meeting Location: Joinwebinar.com – ID# 824-212-843

This amended agenda includes a revised staff report for item H1. Summary of options for forming re-districting commission following release of 2020 census information (Staff Report #20-207-CC).

NOVEL CORONAVIRUS, COVID-19, EMERGENCY ADVISORY NOTICE

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

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- How to participate in the meeting
 - Submit a written comment online: menlopark.org/publiccommentSeptember22*
 - 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 824-212-843
 - Access the regular meeting real-time via telephone (listen only mode) at: (415) 655-0060
Regular Meeting ID 449-349-599 (# – 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.
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Regular Meeting (Joinwebinar.com – ID# 824-212-843)

A. Call To Order

B. Roll Call

C. Public Comment

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

D. Presentations and Proclamations

D1. Certificate of Recognition: John Butler ([Attachment](#))

E. Consent Calendar

E1. Accept the City Council meeting minutes for August 18 and 25, 2020 ([Attachment](#))

F. Regular Business – no staff presentations

F1. Adopt Resolution No. 6588 to approve amendments to the salary schedule as of September 19, 2020 ([Staff Report #20-209-CC](#))

F2. Adopt Resolution No. 6589 to amend the fiscal year 2020-21 budget to allocate carried over capital funds to capital improvement plan projects ([Staff Report #20-215-CC](#))

F3. Review and confirm the need for continuing the local emergency ([Staff Report #20-216-CC](#))

F4. Amend the agreement with Black & Veatch Management Consulting to develop the 2021 Water rate study for Menlo Park Municipal Water ([Staff Report #20-210-CC](#))

F5. Adopt Resolution No. 6590 proposing to abandon Alto Lane public right-of-way adjacent to 201 El Camino Real ([Staff Report #20-217-CC](#))
[Web form public comment on item F5.](#)

- F6. Appoint a new alternate representative to the County of Santa Clara Community Resources Group for Stanford University ([Staff Report #20-211-CC](#))
- F7. Adopt Resolution No. 6591 authorizing the city manager to accept the MTC OneBayArea Grant in the amount of \$647,000 and execute program supplement agreement No. 017-F with Caltrans and subsequent amendments necessary for the construction of the Santa Cruz and Middle Avenues street rehabilitation project ([Staff Report #20-218-CC](#))
- F8. Service adaptation update - childcare services ([Staff Report #20-214-CC](#))

G. Regular Business

- G1. Waive formal bid requirements and authorize the city manager to enter into a five-year agreement with OpenGov for financial accounting software-as-a-service for a total of \$814,700 and appropriate funds ([Staff Report #20-212-CC](#)) ([Presentation](#))
- G2. Reaffirm prior direction to acquire and install three air quality monitoring sensors and provide direction on use of data collected ([Staff Report #20-208-CC](#))

H. Informational Items

- H1. Summary of options for forming re-districting commission following release of 2020 census information ([Staff Report #20-207-CC](#))
- H2. City Council agenda topics: October 2020 to November 2020 ([Staff Report #20-213-CC](#))

I. City Manager's Report

- I1. Update on Santa Cruz Avenue closure ([Presentation](#))

J. City Councilmember Reports

K. 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: 9/17/2020)

Certificate of Recognition

Presented to

John Butler

In honor of your graduation from the
San Mateo County Health's Lived Experience Academy (LEA)

Presented this twenty-second day of September 2020

DocuSigned by:
Cecilia Taylor
4A373F6C54BE48A...

Cecilia Taylor, Mayor
City of Menlo Park



SPECIAL MEETING MINUTES – DRAFT

Date: 8/18/2020

Time: 5:00 p.m.

Closed Session: Teleconference

Regular Meeting Location: [Joinwebinar.com](https://www.joinwebinar.com) – ID# 784-757-251

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,
Human Resources Director Theresa DellaSanta

C. Closed Session

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

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

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

No reportable actions.

Mayor Taylor adjourned to the Regular Meeting at 5:55 p.m.

Regular Meeting ([Joinwebinar.com](https://www.joinwebinar.com) – ID# 784-757-251)

D. Call To Order

Mayor Taylor called the meeting to order at 6:09 p.m.

E. Roll Call

Present: Carlton, Combs, Nash, Mueller, Taylor

Absent: None

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

F. Report from Closed Session

August 18, 2020 – No reportable actions.

August 11, 2020 – No reportable actions.

August 13, 2020 – 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.

G. Regular Business

Mayor Taylor reordered the agenda.

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

- Karen Grove spoke in support of conducting the unopposed District 5 election.
- Pam Jones spoke in support of conducting the unopposed District 5 election.

The City Council received clarification on write-in candidacy qualifications and discussed the options of holding and cancelling the election.

ACTION: Motion and second (Taylor/ Nash) to conduct the unopposed District 5 election scheduled for November 3, 2020, passed 3-1-1 (Combs dissenting and Mueller abstaining).

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

Assistant City Manager Nick Pegueros introduced the item.

- Lydia Lee spoke in support of the transportation master plan (TMP) on the City Council list of priorities.
- Diane Baily spoke in support of the City Council priorities and work plan.
- Karen Grove spoke in support of the City Council priorities and work plan.
- Josie Gaillard spoke in support of environment and climate issues as a top priority.

The City Council discussed and received clarification on the completed, in progress, and suspended projects.

The City Council took a break at 7:26 p.m.

The City Council reconvened at 7:50 p.m.

The City Council discussed retaining Ravenswood Avenue Caltrain grade separation study, single-family residential design review, and near-term downtown parking and access strategies and not removing from workplan. The City Council discussed the priorities as presented by Mayor Taylor and City Councilmember Nash.

The City Council took a break at 9:36 p.m.

The City Council reconvened at 9:53 p.m.

ACTION: Motion and second (Mueller/ Carlton) to approve the top five projects, returning a reconciled list including Mayor Taylor and City Councilmember Nash recommendation and staff's recommendation, and including the Complete Streets Commission proposal to the TMP (#1), passed 4-1 (Nash dissenting) (Attachment).

ACTION: Motion and second (Nash/ Combs) to approve removing all items from the 2019-20 work plan that is complete or suspended except Ravenswood Avenue Caltrain grade separation study, single-family residential design review, near-term downtown parking and access strategies, and City Council procedures update, passed unanimously (Attachment).

H. Adjournment

Mayor Taylor adjourned the meeting at 10:26 p.m.

Judi A. Herren, City Clerk

NOVEL CORONAVIRUS, COVID-19, EMERGENCY ADVISORY NOTICE

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 - Submit a written comment online:
menlopark.org/publiccommentAugust18*
 - Record a comment or request a call-back when an agenda topic is under consideration:
Dial 650-474-5071*
 - Access the regular meeting real-time online at:
joinwebinar.com – Regular Meeting ID 784-757-251
 - Access the regular meeting real-time via telephone (listen only mode) at:
(562) 247-8422
Regular Meeting ID 198-341-744 (# – no audio pin)
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REGULAR MEETING MINUTES – DRAFT

Date: 8/25/2020

Time: 5:00 p.m.

Regular Meeting Location: Joinwebinar.com – ID# 488-664-435

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.

Regular Meeting (Joinwebinar.com – ID# 488-664-435)

A. Call To Order

Mayor Taylor called the meeting to order at 5:05 p.m.

B. Roll Call

Present: Carlton, Combs, Nash, Mueller, Taylor

Absent: None

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

C. Public Comment

- Kathleen Daly spoke on concerns regarding stormwater inspection charges for commercial retailers.

Mayor Taylor requested adding an emergency Regular Business item requesting City Council direction on opening cooling stations and installation of air quality monitors to this agenda.

ACTION: Motion and second (Taylor/ Carlton) to add emergency Regular Business item regarding City Council direction on opening cooling stations and installation of air quality monitors to this agenda, passed unanimously.

City Council direction on opening cooling stations and installation of air quality monitors (emergency item)

- Pamela Jones commented on the microclimates in Menlo Park and questioned where air quality monitors should be placed in the City.

The City Council received clarification on the air quality monitor program with the County and the purchase of Purple Air Monitors or other air quality monitors while waiting for the County program installation. The City Council discussed the City’s liability for City placed monitors or the lack of monitors and where the City purchased monitors would be placed. The City Council also discussed the usage of the cooling stations and current administrative policy.

ACTION: Motion and second (Mueller/ Nash) to purchase three air quality monitors limited to \$2,000 with a strong disclaimer by the city attorney regarding City liability, passed 3-2 (Carlton and Combs dissenting).

ACTION: Motion and second (Mueller/ Nash) to send a letter from Mayor Taylor and city manager to the County SMC Labs and Air Quality District urgently requesting the installation of the program monitors and for staff to develop criteria for cooling stations during the COVID-19 pandemic, passed unanimously.

D. Study Session

- D1. Provide direction on the solid waste rate review process ([Staff Report #20-181-CC](#))

Sustainability Manager Rebecca Lucky and R3 Consulting Group representatives Garth Schultz and Claire Wilson made the presentation (Attachment).

The City Council received clarification on the allocation for the cost per city, the complexity of the process, deposit/penalty of construction waste, and residential verse commercial rate increases. The City Council directed staff to conduct a five-year study, setting effective date as January 1, 2021, and establish a 20 percent rate reduction for low-income solid waste customers.

The City Council took a break at 7:26 p.m.

The City Council reconvened at 7:52 p.m.

E. Consent Calendar

- E1. Accept the City Council meeting minutes for July 14, 16, and 28, 2020 ([Attachment](#))

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

F. Regular Business – no staff presentations

- F1. Review and adopt City Council Procedure #CC-20-013 –“City Councilmember requests” ([Staff Report #20-154-CC](#)) – **continued from 7/28**

The City Council discussed the proposed removed language, 10-day action length, issues with technology and City Councilmember reports.

ACTION: Motion and second (Carlton/ Nash) to adopt City Council Procedure #CC-20-013 –“City Councilmember requests” changing the 10-business days to two-business days prior to the publication of agenda and having the option of sending the request to CCIN (city.council@menlopark.org) or directly to the city manager with a carbon copy (cc) to the Mayor, passed unanimously.

- F2. Review and adopt City Council Procedure #CC-20-014 – “Videoconference meeting participation” ([Staff Report #20-182-CC](#))

The City Council continued item F2. to a future meeting.

- F3. Approve first amendment to interim city attorney services agreement with Jorgenson, Siegel, McClure & Flegel, LLP ([Staff Report #20-178-CC](#))

The City Council received clarification on the roll over hours.

ACTION: Motion and second (Nash/ Carlton) to approve the first amendment to interim city attorney services agreement with Jorgenson, Siegel, McClure & Flegel, LLP, passed unanimously.

- F4. Appropriate \$150,000 for contract planning services and authorize the city manager to sign an amended contract with the M-Group for a total contract amount of \$200,000 ([Staff Report #20-184-CC](#))

ACTION: Motion and second (Carlton/ Nash) to appropriate \$150,000 for contract planning services and authorize the city manager to sign an amended contract with the M-Group for a total contract amount of \$200,000, passed unanimously.

- F5. Adopt Resolution No. 6580 approving guidelines for written protests of utility rate increases subject to Proposition 218 ([Staff Report #20-175-CC](#))

The City Council received clarification on protest guidelines.

ACTION: Motion and second (Carlton/ Combs) to adopt Resolution No. 6580 approving guidelines for written protests of utility rate increases subject to Proposition 218, passed unanimously.

- F6. Adopt a resolution designating the public works director and assistant public works director as the City's authorized agents to obtain federal financial assistance from the California Office of Emergency Services and Federal Emergency Management Agency ([Staff Report #20-187-CC](#))

The City Council discussed the authorizing agents for the City.

ACTION: Motion and second (Combs/ Carlton) to adopt a resolution designating the public works director and assistant public works director as the City's authorized agents to obtain federal financial assistance from the California Office of Emergency Services and Federal Emergency Management Agency, passed unanimously.

- F7. Award a construction contract to Golden Bay Construction, Inc. for the Pierce Road sidewalk and San Mateo Drive bike route installation project ([Staff Report #20-185-CC](#))

ACTION: Motion and second (Carlton/ Combs) to award a construction contract to Golden Bay Construction, Inc. for the Pierce Road sidewalk and San Mateo Drive bike route installation project, passed unanimously.

- F8. Adopt Resolution No. 6582 accepting the Alcoholic Beverage Control grant to support programs deterring alcohol sales to minors ([Staff Report #20-186-CC](#))

ACTION: Motion and second (Carlton/ Combs) to adopt Resolution No. 6582 accepting the Alcoholic Beverage Control grant to support programs deterring alcohol sales to minors, passed unanimously.

- F9. Authorize the city manager to enter in an agreement with SZS Engineering to develop a self-evaluation and transition plan pursuant to the Americans with Disabilities Act ([Staff Report #20-177-CC](#))

ACTION: Motion and second (Nash/ Combs) to authorize the city manager to enter into an agreement with SZS Engineering to develop a self-evaluation and transition plan pursuant to the Americans with Disabilities Act including adding the Laurel Campus to page F-9.5 to the report, passed unanimously.

F10. Approve the 2020-21 Finance and Audit Committee workplan ([Staff Report #20-176-CC](#))

The City Council received clarification on staff's request for approval of the workplan and not the parking lot items

ACTION: Motion and second (Carlton/ Combs) to approve the 2020-21 Finance and Audit Committee workplan, passed unanimously.

The City Council took a break at 10:02 p.m.

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

G. Regular Business

G1. Update on and consideration of extension/modifications to the Downtown street closure and temporary outdoor use permit pilot program ([Staff Report #20-179-CC](#))

Assistant Community Development Director Deanna Chow made a presentation (Attachment).

- Theresa Beltramo spoke in opposition of the street closure.
- Chamber of Commerce President Fran Dehn provided comments, highlighting the Chamber of Commerce's survey and to think about the decision in two parts – the Santa Cruz Avenue street closure and the citywide outdoor operation permit. The Chamber recommended that the permit to allow outdoor business expansions should be extended beyond the original 90 days.

The City Council discussed the challenges facing businesses in Downtown, alternatives to the design of the closure of Santa Cruz Avenue, aesthetics of the barricades, and overall timeline and permitting process.

ACTION: By acclamation, the City Council voted to continue the meeting past 11 p.m.

The City Council directed that Mayor Taylor and City Councilmember Carlton (as a pair), City Councilmembers Mueller and Nash (as a pair), and Vice Mayor Combs visit Downtown to evaluate the current street closure for the next meeting.

The City Council continued item G1. to a future meeting.

G2. Adopt Resolution No. 6581 to approve amendments to the salary schedule as of August 30, 2020 to include salary ranges for information technology staff needs and receive update on personnel vacancies as of August 18, 2020 ([Staff Report #20-180-CC](#))

ACTION: Motion and second (Nash/ Carlton) to adopt Resolution No. 6581 to approve amendments to the salary schedule as of August 30, 2020 to include salary ranges for information technology staff needs and receive update on personnel vacancies as of August 18, 2020, passed unanimously.

H. Informational Items

H1. City Council agenda topics: September 2020 to October 2020 ([Staff Report #20-173-CC](#))

- H2. Update on future City Council agenda items related to the Bayfront Canal and Atherton Channel flood protection project and associated drainage easement ([Staff Report #20-174-CC](#))
- H3. Update on the actuarial valuation for the other post-employment benefits trust fund as of June 30, 2019 ([Staff Report #20-183-CC](#))

The City Council discussed the impacts on liabilities from layoffs.

I. City Manager's Report

- I1. Update the City Council and public on COVID-19 health emergency and the City's response ([Attachment](#))

None.

J. City Councilmember Reports

None.

K. Adjournment

Mayor Taylor adjourned the meeting at 12:05 a.m.

Judi A. Herren, City Clerk

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joinwebinar.com – Regular Meeting ID 488-664-435
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(914) 614-3221
Regular Meeting ID 775-418-569 (# – no audio pin)
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STAFF REPORT

City Council

Meeting Date:

9/22/2020

Staff Report Number:

20-209-CC

Regular Business:

Adopt Resolution No. 6588 to approve amendments to the salary schedule as of September 19, 2020

Recommendation

City staff recommends that the City Council approve the following amendments to the salary schedule with no change in authorized full-time equivalent personnel:

1. Add extra help retired annuitant classification to allow full compliance with California Public Employees' Pension Reform Act (PEPRA)

Policy Issues

The City Council retains sole authority to amend the salary schedule and budget for full-time equivalent personnel (FTEs.)

Background

The City of Menlo Park's (City) salary schedule identifies job classifications that have been approved by City Council (e.g., accountant, administrative assistant) and the hourly rates of pay for each classification at each step. The requested change to the salary classification schedule is a result of the addition of extra help retired annuitant classification to comply with PEPRA; all other salaries in the classification schedule remain the same.

Staff has identified the need to create a separate and unique classification of retired annuitant in order to appropriately classify retired individuals whom the City may hire to perform specialized work for a limited duration.

Analysis

Retired annuitants

A "retired annuitant" is a California Public Employees Retirement System (CalPERS) retiree who, without applying for reinstatement from retirement, returns to work with a CalPERS employer in a designated retired annuitant position. There are two types of retired annuitant employment: "extra help" and interim (or acting) "vacant position" employment.

Extra-help retired annuitants are subject to the requirements of PEPRA, which added sections 7522.56 and 7522.57 to the Government Code effective January 1, 2013. PEPRA sets forth post-retirement employment requirements relevant to all retirees who are employed by CalPERS employers on or after January 1, 2013. To confirm compliance with PEPRA, the City should add a classification for Extra help retired annuitant to its salary schedule.

When the City hires an extra-help retired annuitant to perform extra-help work, it must meet the following

requirements:

1. There must be a six-month break in service from the date of retirement to the date of hire as a retired annuitant for individuals who retired from miscellaneous classifications; There are exceptions for firefighters and police.
2. They are limited to no more than 960 working hours per fiscal year;
3. A retiree's compensation cannot be less than the minimum nor exceed the maximum monthly base salary paid to other employees performing comparable duties, and they are not entitled to any benefit, incentive or other compensation;
4. These appointments are of a limited duration; and the retirees' skills are reflected in their work history which demonstrate he or she has the relevant experience and skill set needed to perform the desired work.

The City employs such retired individuals and has complied with these requirements; however, the City has inadvertently placed these retirees in the same classification as their regular career counterparts who are represented by a bargaining unit.

The creation of this unique and separate classification will ensure extra-help retired annuitants are appropriately classified, assist the City to more efficient track and monitor their work status in a limited, temporary capacity, and allow full compliance with the requirements of PEPRA.

Salary schedule for this classification with an hourly rate range of \$15.00 - \$120.00.

Impact on City Resources

The recommended salary ranges do not impact the City Council adopted fiscal year 2020-21 budget. No new FTEs result from the action.

Environmental Review

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

Public Notice

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. 6588
- B. Amended salary schedule

Report prepared by:

Nick Pegueros, Assistant City Manager

Theresa DellaSanta, Human Resources Manager

RESOLUTION NO. 6588

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
AMENDING THE SALARY SCHEDULE EFFECTIVE SEPTEMBER 19, 2020**

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

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

BE IT FUTHER RESOLVED that any previous enacted compensation provisions contained in Resolution No. 6581 and subsequent amendments shall be superseded by this Resolution.

BE IT FURTHER RESOLVED that the changes herein shall be effective September 19, 2020.

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

Judi A. Herren, City Clerk

Classification Title	Minimum (Step A)	Step B	Step C	Step D	Maximum (Step E)
Accountant I	\$ 82,778	\$ 86,918	\$ 91,264	\$ 95,827	\$ 100,619
Accountant II	\$ 90,666	\$ 94,952	\$ 99,432	\$ 104,213	\$ 109,180
Accounting Assistant I	\$ 58,702	\$ 61,484	\$ 64,323	\$ 67,328	\$ 70,443
Accounting Assistant II	\$ 64,323	\$ 67,328	\$ 70,443	\$ 73,736	\$ 77,196
Administrative Assistant	\$ 64,516	\$ 67,530	\$ 70,655	\$ 73,958	\$ 77,428
Administrative Services Director	\$ 160,531		Open Range		\$ 227,436
Assistant Administrative Services Director	\$ 126,578		Open Range		\$ 181,949
Assistant City Manager	\$ 169,530		Open Range		\$ 250,180
Assistant Community Development Director	\$ 126,578		Open Range		\$ 181,949
Assistant Community Services Director	\$ 129,495		Open Range		\$ 181,949
Assistant Engineer	\$ 99,840	\$ 104,597	\$ 109,598	\$ 114,831	\$ 120,301
Assistant Library Services Director	\$ 129,495		Open Range		\$ 181,949
Assistant Planner	\$ 90,459	\$ 94,713	\$ 99,253	\$ 103,983	\$ 108,950
Assistant Public Works Director	\$ 140,650		Open Range		\$ 181,949
Assistant to the City Manager	\$ 121,835		Open Range		\$ 159,205
Associate Civil Engineer	\$ 112,028	\$ 117,391	\$ 122,987	\$ 128,929	\$ 135,174
Associate Engineer	\$ 105,867	\$ 110,935	\$ 116,223	\$ 121,838	\$ 127,740
Associate Planner	\$ 99,253	\$ 103,983	\$ 108,950	\$ 114,163	\$ 119,627
Associate Transportation Engineer	\$ 117,391	\$ 122,987	\$ 128,929	\$ 135,174	\$ 141,724
Asst. Public Works Director - Engineering	\$ 140,650		Open Range		\$ 181,949
Asst. Public Works Director - Maintenance	\$ 140,650		Open Range		\$ 181,949
Asst. Public Works Director - Transportation	\$ 140,650		Open Range		\$ 181,949
Building Custodian	\$ 58,643	\$ 61,423	\$ 64,259	\$ 67,261	\$ 70,373
Building Inspector	\$ 96,166	\$ 100,790	\$ 105,594	\$ 110,642	\$ 115,925
Business Manager	\$ 99,250	\$ 104,023	\$ 108,981	\$ 114,192	\$ 119,643
Child Care Teacher I	\$ 52,473	\$ 54,852	\$ 57,337	\$ 59,949	\$ 62,785
Child Care Teacher II	\$ 58,643	\$ 61,423	\$ 64,259	\$ 67,261	\$ 70,373
Child Care Teacher's Aide	\$ 39,369	\$ 41,150	\$ 43,012	\$ 44,938	\$ 46,922
City Clerk	\$ 121,835		Open Range		\$ 159,205
City Councilmember	n/a		Annual Rate		\$ 7,680
City Manager	\$ 197,605		Open Range		\$ 272,924
Code Enforcement Officer	\$ 82,725	\$ 86,635	\$ 90,722	\$ 95,086	\$ 99,617
Communications and Records Manager	\$ 114,941	\$ 120,520	\$ 126,308	\$ 132,399	\$ 138,766
Communications Dispatcher	\$ 83,883	\$ 87,848	\$ 91,993	\$ 96,416	\$ 101,012
Communications Training Dispatcher	\$ 87,848	\$ 91,993	\$ 96,416	\$ 101,012	\$ 105,841
Community Development Director	\$ 160,316		Open Range		\$ 227,436
Community Development Technician	\$ 70,355	\$ 73,612	\$ 77,052	\$ 80,667	\$ 84,457
Community Service Officer	\$ 68,789	\$ 72,024	\$ 75,359	\$ 78,936	\$ 82,725
Construction Inspector	\$ 90,722	\$ 95,086	\$ 99,617	\$ 104,380	\$ 109,363
Contracts Specialist	\$ 72,641	\$ 76,057	\$ 79,579	\$ 83,356	\$ 87,357
Custodial Services Supervisor	\$ 67,478	\$ 70,601	\$ 73,900	\$ 77,368	\$ 81,003
Deputy City Clerk	\$ 75,350	\$ 78,936	\$ 82,725	\$ 86,635	\$ 90,722
Deputy City Manager	\$ 164,671		Open Range		\$ 227,436
Deputy Comm. Dev. Director - Housing	\$ 126,553		Open Range		\$ 170,578
Economic Development Manager	\$ 121,835		Open Range		\$ 159,205
Engineering Services Manager/City Engineer	\$ 140,650		Open Range		\$ 181,949
Engineering Technician I	\$ 75,624	\$ 79,126	\$ 82,883	\$ 86,860	\$ 90,967
Engineering Technician II	\$ 84,779	\$ 88,768	\$ 92,942	\$ 97,398	\$ 102,039
Enterprise Applications Support Specialist I	\$ 89,483	\$ 93,957	\$ 98,655	\$ 103,587	\$ 108,767
Enterprise Applications Support Specialist II	\$ 99,250	\$ 104,023	\$ 108,981	\$ 114,192	\$ 119,643
Equipment Mechanic	\$ 75,350	\$ 78,936	\$ 82,725	\$ 86,635	\$ 90,722
Executive Assistant	\$ 73,663	\$ 77,119	\$ 80,742	\$ 84,540	\$ 88,516
Executive Assistant to the City Mgr	\$ 78,474	\$ 82,398	\$ 86,518	\$ 90,844	\$ 95,385
Extra Help Retired Annuitant	\$ 31,200		Open Range		\$ 249,600
Facilities Maintenance Technician I	\$ 62,785	\$ 65,676	\$ 68,789	\$ 72,024	\$ 75,359
Facilities Maintenance Technician II	\$ 68,789	\$ 72,024	\$ 75,359	\$ 78,936	\$ 82,725
Finance and Budget Manager	\$ 126,553		Open Range		\$ 170,578
GIS Analyst I	\$ 86,844	\$ 91,186	\$ 95,746	\$ 100,534	\$ 105,561
GIS Analyst II	\$ 99,250	\$ 104,023	\$ 108,981	\$ 114,192	\$ 119,643
Gymnastics Instructor	\$ 42,010	\$ 43,910	\$ 45,893	\$ 47,941	\$ 50,146
Housing & Economic Development Manager	\$ 121,835		Open Range		\$ 159,205
Housing Manager	\$ 121,835		Open Range		\$ 159,205
Human Resources Director	\$ 160,531		Open Range		\$ 227,436
Human Resources Manager	\$ 126,553		Open Range		\$ 170,578
Human Resources Technician	\$ 68,162	\$ 71,387	\$ 74,574	\$ 78,213	\$ 81,891
Information Technology Manager	\$ 126,553		Open Range		\$ 170,578
Information Technology Specialist I	\$ 73,419	\$ 77,091	\$ 80,946	\$ 84,994	\$ 89,245
Information Technology Specialist II	\$ 81,576	\$ 85,410	\$ 89,427	\$ 93,632	\$ 98,122
Internal Services Manager	\$ 126,553		Open Range		\$ 170,578
Junior Engineer	\$ 80,540	\$ 84,567	\$ 88,796	\$ 93,236	\$ 97,898
Librarian I	\$ 70,373	\$ 73,663	\$ 77,119	\$ 80,742	\$ 84,540
Librarian II	\$ 78,936	\$ 82,725	\$ 86,635	\$ 90,722	\$ 95,086
Library and Community Services Director	\$ 156,348		Open Range		\$ 227,436
Library Assistant I	\$ 54,852	\$ 57,337	\$ 59,949	\$ 62,785	\$ 65,676
Library Assistant II	\$ 59,949	\$ 62,785	\$ 65,588	\$ 68,789	\$ 72,024
Library Assistant III	\$ 65,588	\$ 68,789	\$ 72,024	\$ 75,359	\$ 78,556
Library Services Manager	\$ 126,553		Open Range		\$ 170,578
Literacy Program Manager	\$ 81,003	\$ 84,813	\$ 88,801	\$ 93,058	\$ 97,493
Maintenance Worker I	\$ 59,949	\$ 62,785	\$ 65,588	\$ 68,789	\$ 72,024
Maintenance Worker II	\$ 65,588	\$ 68,789	\$ 72,024	\$ 75,359	\$ 78,936

City of Menlo Park
PROPOSED Salary Schedule - Effective 09/19/2020

Classification Title	Minimum (Step A)	Step B	Step C	Step D	Maximum (Step E)
Management Analyst I	\$ 86,844	\$ 91,186	\$ 95,746	\$ 100,534	\$ 105,561
Management Analyst II	\$ 99,250	\$ 104,023	\$ 108,981	\$ 114,192	\$ 119,643
Network Administrator	\$ 116,454	\$ 122,028	\$ 127,846	\$ 134,022	\$ 140,514
Office Assistant	\$ 53,872	\$ 56,329	\$ 58,878	\$ 61,668	\$ 64,516
Parking Enforcement Officer	\$ 59,949	\$ 62,785	\$ 65,588	\$ 68,789	\$ 72,024
Permit Manager	\$ 112,897	\$ 118,298	\$ 123,961	\$ 129,869	\$ 136,144
Permit Technician	\$ 70,355	\$ 73,611	\$ 77,052	\$ 80,667	\$ 84,456
Plan Check Engineer	\$ 113,095	\$ 118,509	\$ 124,158	\$ 130,156	\$ 136,461
Planning Technician	\$ 80,667	\$ 84,456	\$ 88,430	\$ 92,588	\$ 97,027
Police Chief	\$ 173,217	Open Range			\$ 250,180
Police Commander	\$ 155,896	Open Range			\$ 227,436
Police Corporal (2080 hours)	\$ 112,337	\$ 117,954	\$ 123,852	\$ 130,044	\$ 136,546
Police Corporal (2184 hours)	\$ 117,954	\$ 123,852	\$ 130,044	\$ 136,546	\$ 143,373
Police Officer (2080 hours)	\$ 104,378	\$ 109,597	\$ 115,076	\$ 120,830	\$ 126,872
Police Officer (2184 hours)	\$ 109,597	\$ 115,076	\$ 120,830	\$ 126,872	\$ 133,216
Police Records Specialist	\$ 65,588	\$ 68,789	\$ 72,024	\$ 75,359	\$ 78,936
Police Recruit	n/a	Hourly Rate			\$ 84,546
Police Sergeant (2080 hours)	\$ 128,626	\$ 135,057	\$ 141,810	\$ 148,900	\$ 156,345
Police Sergeant (2184 hours)	\$ 135,057	\$ 141,810	\$ 148,900	\$ 156,345	\$ 164,163
Principal Planner	\$ 119,845	\$ 127,349	\$ 133,443	\$ 139,804	\$ 144,522
Program Aide/Driver	\$ 37,665	\$ 39,369	\$ 41,150	\$ 43,012	\$ 44,938
Program Assistant	\$ 53,658	\$ 56,104	\$ 58,643	\$ 61,423	\$ 64,259
Project Manager	\$ 105,867	\$ 110,935	\$ 116,223	\$ 121,838	\$ 127,740
Property and Court Specialist	\$ 68,789	\$ 72,024	\$ 75,359	\$ 78,936	\$ 82,725
Public Engagement Manager	\$ 126,553	Open Range			\$ 170,578
Public Works Director	\$ 164,671	Open Range			\$ 227,436
Public Works Superintendent	\$ 124,351	Open Range			\$ 170,578
Public Works Supervisor - City Arborist	\$ 99,813	\$ 104,598	\$ 109,582	\$ 114,817	\$ 120,311
Public Works Supervisor - Facilities	\$ 100,523	\$ 105,342	\$ 110,361	\$ 115,635	\$ 121,167
Public Works Supervisor - Fleet	\$ 102,122	\$ 107,018	\$ 112,117	\$ 117,473	\$ 123,093
Public Works Supervisor - Park	\$ 95,018	\$ 99,572	\$ 104,318	\$ 109,301	\$ 114,531
Public Works Supervisor - Streets	\$ 95,018	\$ 99,572	\$ 104,318	\$ 109,301	\$ 114,531
Recreation Coordinator	\$ 70,601	\$ 73,900	\$ 77,368	\$ 81,003	\$ 84,813
Recreation Supervisor	\$ 86,915	\$ 91,015	\$ 95,392	\$ 99,937	\$ 104,716
Revenue and Claims Manager	\$ 99,250	\$ 104,023	\$ 108,981	\$ 114,192	\$ 119,643
Senior Accountant	\$ 104,267	\$ 109,196	\$ 114,347	\$ 119,846	\$ 125,558
Senior Accounting Assistant	\$ 70,755	\$ 74,061	\$ 77,488	\$ 81,109	\$ 84,915
Senior Building Inspector	\$ 107,932	\$ 113,095	\$ 118,509	\$ 124,158	\$ 130,156
Senior Civil Engineer	\$ 123,383	\$ 129,344	\$ 135,610	\$ 142,181	\$ 149,109
Senior Communications Dispatcher	\$ 91,993	\$ 96,416	\$ 101,012	\$ 105,841	\$ 110,894
Senior Engineering Technician	\$ 90,967	\$ 95,259	\$ 99,840	\$ 104,597	\$ 109,598
Senior Equipment Mechanic	\$ 82,905	\$ 86,949	\$ 91,039	\$ 95,255	\$ 99,775
Senior Facilities Maintenance Technician	\$ 75,350	\$ 78,936	\$ 82,725	\$ 86,635	\$ 90,722
Senior GIS Analyst	\$ 111,656	\$ 116,959	\$ 122,515	\$ 128,396	\$ 134,599
Senior Information Technology Specialist	\$ 88,798	\$ 93,238	\$ 97,900	\$ 102,795	\$ 107,934
Senior Librarian	\$ 91,015	\$ 95,392	\$ 99,937	\$ 104,716	\$ 109,716
Senior Library Assistant	\$ 72,147	\$ 75,668	\$ 79,226	\$ 82,895	\$ 86,742
Senior Maintenance Worker	\$ 75,350	\$ 78,936	\$ 82,725	\$ 86,635	\$ 90,722
Senior Management Analyst	\$ 111,656	\$ 116,959	\$ 122,515	\$ 128,396	\$ 134,599
Senior Office Assistant	\$ 58,878	\$ 61,668	\$ 64,516	\$ 67,530	\$ 70,655
Senior Planner	\$ 108,950	\$ 114,163	\$ 119,627	\$ 125,329	\$ 131,384
Senior Police Records Specialist	\$ 68,789	\$ 72,024	\$ 75,359	\$ 78,936	\$ 82,725
Senior Program Assistant	\$ 65,165	\$ 68,210	\$ 71,411	\$ 74,766	\$ 78,284
Senior Project Manager	\$ 116,454	\$ 122,028	\$ 127,846	\$ 134,022	\$ 140,514
Senior Sustainability Specialist	\$ 81,721	\$ 85,631	\$ 89,729	\$ 94,007	\$ 98,548
Senior Transportation Engineer	\$ 123,383	\$ 129,344	\$ 135,610	\$ 142,181	\$ 149,109
Senior Water System Operator	\$ 77,316	\$ 80,895	\$ 84,675	\$ 88,648	\$ 92,813
Sustainability Manager	\$ 121,835	Open Range			\$ 159,205
Sustainability Specialist	\$ 70,373	\$ 73,663	\$ 77,119	\$ 80,742	\$ 84,540
Transportation Demand Management Coord.	\$ 92,760	\$ 97,179	\$ 101,822	\$ 106,694	\$ 111,801
Transportation Director	\$ 164,671	Open Range			\$ 227,436
Transportation Manager	\$ 126,553	Open Range			\$ 170,578
Water Quality Specialist	\$ 80,742	\$ 84,540	\$ 88,516	\$ 92,760	\$ 97,179
Water System Operator I	\$ 64,244	\$ 67,122	\$ 70,099	\$ 73,563	\$ 76,987
Water System Operator II	\$ 70,287	\$ 73,541	\$ 76,977	\$ 80,589	\$ 84,375
Water System Supervisor	\$ 96,222	\$ 100,808	\$ 105,624	\$ 110,678	\$ 115,975



STAFF REPORT

City Council
Meeting Date: 9/22/2020
Staff Report Number: 20-215-CC

Regular Business: **Adopt Resolution No. 6589 to amend the fiscal year 2020-21 budget to allocate carried over capital funds to capital improvement plan projects**

Recommendation

The recommendation is that City Council adopt Resolution No. 6589 to amend the fiscal year 2020-21 budget to allocate carried over capital funds to capital improvement plan (CIP) projects.

Policy Issues

City Council retains control of budgetary appropriations and amendments to adopted budgets.

Background

Due to the timing and extensive effects of the COVID-19 pandemic, the fiscal year 2020-21 budget development process was atypical in comparison to prior years. The City Council adopted the operating budget and estimated funds remaining on capital projects appropriated in prior years, “carryover,” June 23, and adopted the CIP with new appropriations for capital projects July 28.

Analysis

As a result of considering the operating budget and CIP separately due to the complexity and challenges of the fiscal year 2020-21 budget development cycle, the carryover amounts previously appropriated were not allocated to the particular continuing projects and used the best estimates available at the time of operating budget adoption. In order to correctly allocate these carryover funds, a clerical budget amendment may distribute the adopted funds, updated with more current estimated totals, to the projects approved to continue at adoption of the CIP July 28. It is important to note that while the estimated carryover amounts are updated since budget adoption, they are not final until completion of the City’s independent audit and publication of financial statements, estimated in December. Any further amendments to match the audited carryover amounts will be included in the midyear budget review, targeted for February 2021.

Table 1 below outlines the carryover amounts adopted by fund, the projects which require allocation, and the amended totals after updating carryover estimates. Each specific project requiring allocation is outlined by fund in Exhibit A of Attachment A.

Table 1: Clerical carryover amendments needed			
Fund	Adopted carryover total	Allocated projects	Amended carryover total
General CIP fund	\$ 14,451,331	30	\$ 19,823,902
Highway user tax fund	1,733,630	3	1,672,377
Construction impact fee fund	3,246,982	3	4,515,792
Sidewalk assessment fund	-	1	2,512
County transportation tax fund	752,176	4	609,544
Downtown parking permits fund	437,130	3	561,692
Recreation-in-lieu fund	1,276,198	1	910,829
Marsh Road landfill fund	4,639,336	1	4,031,379
Library system improvement fund	478,660	1	418,041
Transportation impact fee fund	3,321,916	8	9,555,007
Water capital fund	12,120,389	6	10,966,895
Solid waste fund	-	1	333,003
SB1 LSRP capital fund	802,338	0	-
Storm drainage fund	25,608	0	-
Total	\$ 43,285,694	62	\$ 53,400,973

Impact on City Resources

This action is a clerical amendment necessary to reconcile the two components of the fiscal year 2020-21 adopted budget and does not impact 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 this agenda item being listed, at least 72 hours prior to the meeting.

Attachments

- A. Resolution No. 6589 amending the fiscal year 2020-21 budget

Report prepared by:

Ying Chen, Accountant II

Eren Romero, Business Manager

Dan Jacobson, Assistant Administrative Services Director

Report reviewed by:

Nikki Nagaya, Public Works Director

Nick Pegueros, Assistant City Manager

RESOLUTION NO. 6589

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
AMENDING THE FISCAL YEARS 2020–21 BUDGET**

WHEREAS, in March, 2020 the novel coronavirus COVID-19 pandemic and pursuant economic effects substantially altered the fiscal year 2020-21 budget development cycle and necessitated a bifurcation of the operating and capital improvement plan budgets; and

WHEREAS, the City of Menlo Park, acting by and through its City Council, having considered the proposed budget document dated June 9, 2020 and related written and oral information at the meeting held June 23, 2020, adopted the fiscal year 2020-21 operating budget and carryover appropriations; and

WHEREAS, the City of Menlo Park, acting by and through its City Council, having considered the capital improvement plan for fiscal years 2020-2024 at its public meeting on July 28, 2020 adopted the fiscal years 2020-24 capital improvement plan; and

WHEREAS, the reconciliation of the adopted carryover appropriations and adopted capital improvement plan requires allocations by approved project;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Menlo Park that the City Council does hereby amend the fiscal year 2020-21 budget as summarized in Exhibit A and as modified according to majority City Council direction at approval.

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

Judi A. Herren, City Clerk

Fund Name	Fund Number	Adopted Carryover Total	Amended Carryover-Project	Amount	Amended Carryover Total	
General CIP Fund	851	\$ 14,451,331	13020	Info Tech Master Plan & Implmt	\$ 1,764,404	\$ 19,823,902
			20010	Street Resurfacing Project	296,709	
			20011	Sidewalk Repair Program	5,004	
			20053	Byfrnt Cnl AthrtnChnl Fld Prot	217,391	
			20056	Chrysler Pump Station Repairs	8,156	
			20061	Chrysler Pump Station Improvmt	10,654,223	
			20066	Downtown Streetscape Imprvmt	297,269	
			20070	Chilco Street and Sidewalk Ins	31,896	
			20074	Oak Grove Sidewalk & Green Inf	4,650	
			20078	Stormwater Master Plan	330,061	
			20079	Sharon Rd Sidewalk instal.	888,001	
			20081	Streetlight Conversion	75,000	
			25052	Climate Action Plan	282,529	
			25056	Civic Center Campus Impv	61,924	
			25057	Aquatic Center Maint (Annual)	643,174	
			25059	Tennis Court Maintenance	63,471	
			25060	Park Pathways Repairs	666,027	
			25061	Sport Field Renovations	300,000	
			25062	Bedwell Bayfront Park Master P	143,456	
			27021	PD Bldg Conversion	531,650	
			27033	City Buildings (Minor)	1,261,774	
			27050	Fire Plans & Equip Replacement	170,116	
			27052	Gatehouse Fence Replacement	70,031	
			70084	SFC Upstream-101 Flood Protect	82,995	
			70086	Willow - 101 Interchange	204,652	
			70094	Ravenswood Ave/Caltrain Grade	325,933	
			70102	Transportation Master Plan	24,157	
			70107	Transportation Projects-Minor	172,119	
80001	Sea Level Rise Resiliency Plan	150,000				
80002	Electric Veh chg at City Fac	97,130				
Highway User Tax Fund	835	1,733,630	20010	Street Resurfacing Project	1,372,377	1,672,377
			20061	Chrysler Pump Station Improvmt	200,000	
			20085	Ravenswood Ave Resurfacing	100,000	
Construction Impact Fee Fund	843	3,246,982	20010	Street Resurfacing Project	1,843,114	4,515,792
			20073	St. Cruz & Middle Ave. Resurfa	2,522,678	
			20086	Willow Rd Resurfacing	150,000	
Sidewalk Assessment Fund	839	-	20011	Sidewalk Repair Program	2,512	2,512
County Transp Tax Fund	834	752,176	20074	Oak Grove Sidewalk & Green Inf	71,346	609,544
			70107	Transportation Projects-Minor	338,739	
			70112	St Monica X walk (Middlefield/	80,000	
			70109	Bayfront,Willow,Marsh Adp Sign	119,459	
Downtown Parking Permits Fund	758	437,130	20076	Downtown Parking Utility Under	161,692	561,692
			20083	Parking Plaza 8 Renovation	200,000	
			70075	Parking Plaza 7 Renovations	200,000	
Rec-in-Lieu Fund	801	1,276,198	25029	Willow Oaks Park Imprv	910,829	910,829
Marsh Rd Landfill @ Bayfront Fund	754	4,639,336	25035	BdwilByfrnt PrkCol/Lchte SysRp	4,031,379	4,031,379
Library System Impv'T Fund	453	478,660	27062	Menlo Park Community Campus	418,041	418,041
Transportation Impact Fees Fund	710	3,321,916	70082	ECR Crossings Improvements	307,087	9,555,007
			70083	ECR Lane Reconfiguration Study	68,154	
			70095	Haven Ave Streetscape Improv	1,035,028	
			70097	Transit Improvements	37,568	
			70101	Middle Ave Caltrain Crsg Stdy	6,009,120	
			70106	Traffic Signals Modifications	979,322	
			70107	Transportation Projects-Minor	18,784	
			70110	Pierce Rd Sidewalk & S.Mateo B	1,099,944	
Transportation Fund	711	-	70098	Willow Road Transportation Stu	159,692	159,692
Water Capital Fund	855	12,120,389	77003	Water Main Replacement Project	2,832,402	10,966,895
			77007	Reservoirs #1 & #2 Mixers	98,908	
			77012	Emergency Water Storage/Sup	2,837,176	
			77015	Reservoir 2 Roof Replacement	3,996,870	
			77019	Automated Water Meter Reading	1,077,377	
			77021	Urban Water Management Plan	124,162	
Solid Waste Fund	753	-	80003	Hydration Stations	333,003	333,003
SB1 LSRP Capital Fund(HUT Rrm)	846	802,338			-	-
Storm Drainage Fund	713	25,608			-	-
Total		\$43,285,694			\$53,560,665	\$53,560,665



STAFF REPORT

City Council

Meeting Date:

9/22/2020

Staff Report Number:

20-216-CC

Regular Business:

Review and confirm the need for continuing the local emergency

Recommendation

Staff recommends that the City Council review and confirm the need for continuing the local emergency originally established by the City Council March 11 in Resolution No. 6550.

Policy Issues

Chapter 2.44 of the City's Municipal Code authorizes the director of emergency services ("Director") to proclaim a local emergency subject to ratification by the City Council within 24 hours. On March 11, the Director proclaimed a local emergency based on conditions of extreme peril to the safety of persons and property within City resulting from COVID-19. On March 11, the City Council ratified the Director's proclamation. The decision to continue the declaration of a local emergency is a policy decision for the City Council.

Background

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

State action

On March 4, the Governor of the State of California declared a state of emergency. On March 19, Governor Newsom issued Executive Order No. N-33-20 ordering all individuals in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors. On August 28, the Governor announced the Blueprint for a Safer Economy, a statewide, stringent and slow plan for living with COVID-19 for the long haul. The plan imposes risk-based criteria on tightening and loosening COVID-19 allowable activities and expands the length of time between changes to assess how any movement affects the trajectory of the disease. Based on recent data, each county will fall into one of four colored tiers – Purple (Widespread), Red (Substantial), Orange (Moderate) and Yellow (Minimal) – based on how prevalent COVID-19 is in each county and the extent of community spread. That color will indicate how sectors can operate.

It relies on two leading health metrics: number of cases per 100,000 residents and percentage of COVID-19 tests that come back positive. In addition, counties will also be required to show they are targeting resources and making the greatest efforts to prevent and fight COVID in communities and with individuals with the highest risk, and demonstrate improvements in outcomes.

County action

On March 3, the San Mateo County Health Officer (“Health Officer”) declared a local health emergency throughout San Mateo County related to COVID-19. On March 10, the Health Officer issued a statement that evidence exists of widespread community transmission of COVID-19 and the San Mateo County board of supervisors ratified and extended the declaration of a local health emergency. On March 16, the County Health Officer issued an order that, among other things, directed all individuals currently living within San Mateo County to shelter in their place of residence and authorized individuals to leave their residences only for certain essential activities. Recognizing the need to continue to limit the transmission of COVID-19, April 29, the County Health Officer ordered the shelter-in-place to continue through May 31. Most recently, June 18, the County rescinded its shelter in place order and incorporated the State’s shelter in place order.

City action

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

Analysis

City Council Resolution No. 6550 requires the City Council to review the need for continuing the local emergency until the City Council terminates the emergency. The City Council originally proclaimed the local emergency March 11. The City Council confirmed the local emergency May 1 and again June 23.

The County of San Mateo is currently in the purple (widespread) tier. Some neighboring counties have moved into the red tier and the city is hopeful that the County of San Mateo will move in a similar direction soon. Even a red tier requires extreme diligence and staff is requesting the City Council to again review and confirm the need for continuing the local emergency.

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

Impact on City Resources

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

Public Engagement

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

Environmental Review

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

Public Notice

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

Attachments

A. Resolution No. 6550

Report prepared by:
Cara Silver, Interim City Attorney

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

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

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

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

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

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

I, Judi Herren, City Clerk of Menlo Park, do hereby certify that the above and foregoing City Council Resolution was duly and regularly passed and adopted at a meeting by said City Council on the eleventh day of March, 2020, by the following votes:

||

||

AYES: Carlton, Combs, Mueller, Nash, Taylor

NOES: None

ABSENT: None

ABSTAIN: None

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



Judi A. Herren, City Clerk

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

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

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

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

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

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

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

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

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

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

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

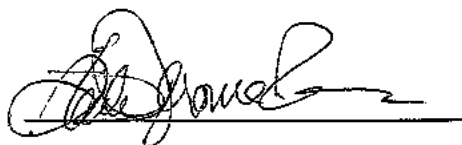
WHEREAS, City commits to meet and confer in good faith with employee bargaining groups regarding impacts on working conditions resulting from the City's emergency response or potential economic downturn; the commitment to meet and confer in good faith shall not impede the City's ability to protect life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

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

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

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

Dated:



Director of Emergency Services



STAFF REPORT

City Council

Meeting Date:

9/22/2020

Staff Report Number:

20-210-CC

Regular Business:

Amend the agreement with Black & Veatch Management Consulting to develop the 2021 Water rate study for Menlo Park Municipal Water

Recommendation

Staff recommends that the City Council amend the agreement with Black & Veatch Management Consulting (B&V) to extend agreement terms and add \$21,978 to develop the 2021 water rate study (2021 Study) for Menlo Park Municipal Water (MPMW.)

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 sets water rates. The City Council is responsible for setting customer rates that cover the costs for providing water, which it does based on completion of a rate study and a public rate hearing.

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 is a self-supporting water fund enterprise where revenues from water sales directly finance water operations and water capital improvement projects. This fiscal year's operating and capital budget is \$12 million.

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 B and consist of the elements described below.

Table 1: Current water rates	
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 amount of water consumption measured in centum cubic feet (ccf, where one ccf = 100 cubic feet = 748 gallons) in two tiers as follows: <ul style="list-style-type: none"> • Tier 1 (lower rate) applies every customer for up to the first 6 ccf • Tier 2 (higher rate) applies to water consumption above 6 ccf
Capital facility surcharge	The capital facility surcharge is based on the measured amount of water used and provides approximately \$1.6 million per year toward water capital projects.
Drought surcharge	There are five stages of drought with each stage representing a specific drought scenario (up to 10%, 20%, 30%, and 50% conservation levels.) Per the City's water shortage contingency plan, 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.	

On September 24, 2019, the City retained B&V to develop a comprehensive five-year 2020 water rate study (2020 Study), and their existing agreement expires September 30. Below was the schedule to complete the 2020 Study and present proposed new rates to City Council that, if approved, would have been effective starting July 1, 2020.

Table 2: 2020 Study original schedule	
Date	Description
October 2019	City Councilmember informational meetings (prior to initiating the Study)
October 2019 – February 2020	Develop the draft water rate study
April 2020	City Council meeting to obtain feedback on water rates and approval to mail the Proposition 218* notice to MPMW property owners
May 2020	Public hearing to hear protests and to adopt a resolution setting new rates for the next five years
July 1, 2020	New rates become effective, and then are adjusted annually for the next five years on July 1
*Proposition 218 requires MPMW mail a notice to every property owner served by MPMW to provide information about the proposed rates and allow an opportunity to submit written protests at least 45 days before a City Council public hearing to adopt new rates. Rates cannot be adopted if more than 50 percent of property owners submit written protests.	

The rate study evaluates annual revenue requirements needed over the next five years in order to fund current and planned operating and capital programs. In October 2019, staff met with several City Councilmembers 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, mail the Proposition 218 notice to MPMW property owners, hold a public hearing in May to adopt the new rates, and implement the new rates on July 1. Due to the COVID-19 pandemic, staff did not present the five-year rate study to City Council as originally planned. 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.

On September 8, City Council held a study session to provide direction on the rate study and receive an update on the MPMW operations. The City Council directed staff to proceed with the 2021 rate study and develop a low income rate program identifying potential fund sources. Staff plans to return to City Council in early 2021 with an update on audited financials for the water fund for fiscal year 2019-20 and to provide a rate comparison with other water supply agencies.

Analysis

MPMW is a self-supporting water fund enterprise where revenues from water sales directly finance water operations and water capital improvement projects. No other City funds are used to support operations. On July 28, staff presented the five-year capital improvement plan to City Council which included projects to be funded by the water fund (Attachment C.) The City Council funded approximately \$2 million in water capital projects in fiscal year 2020-21, and the plan forecasted almost \$27 million over the next five years.

In order to ensure sufficient funding in the future for operating and capital expenditures, the 2020 Study (which covered fiscal years 2020-21 through 2024-25) will need to be updated to cover fiscal years 2021-22 through 2025-26. In order to accomplish this, staff recommends amending B&V’s agreement by extending the agreement terms and adding additional funding to update the 2020 Study and develop the 2021 Study. If approved, staff anticipates presenting the updated 2021 Study to City Council in spring 2021, in order to implement new rates on July 1, 2021. Table 3 provides a tentative schedule.

Table 3: 2021 Study tentative schedule	
Date	Task
February 2021	B&V completes the 2021 Study
March 2021	City Council meeting to obtain feedback on water rates and approval to mail the Proposition 218 notice to MPMW property owners
May 2021	Public hearing to hear protests and to adopt a resolution setting new rates for the next five years
July 1, 2021	New rates become effective, and then are adjusted annually for the next five years on July 1

Of the total \$88,726 to complete the 2020 Study, there is \$18,408 remaining. Per B&V’s proposal to develop the 2021 Study (Attachment D), an additional \$21,978 (which includes a 10 percent contingency) is needed to update the 2020 Study and develop the 2021 Study. Table 4 summarizes the costs.

Table 4: Cost summary			
Study	Cost	10% Contingency	Total
2020 Study	\$80,660	\$8,066	\$88,726
2021 Study update	\$19,980	\$1,998	\$21,978
Subtotal	\$100,640	\$10,064	\$110,704

Impact on City Resources

There are sufficient funds available in the water fund to complete the 2021 rate study.

Environmental Review

This action is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines §§ 15378 and 15061(b)(3) as it has no potential for resulting in any direct or indirect physical change in the environment.

Public Notice

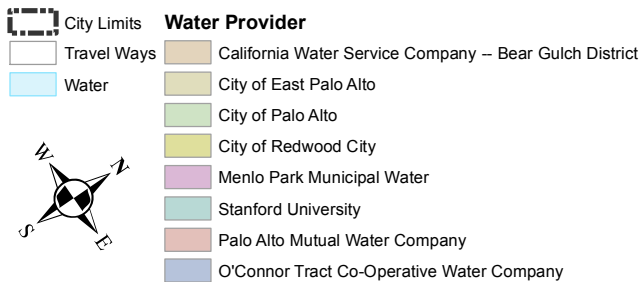
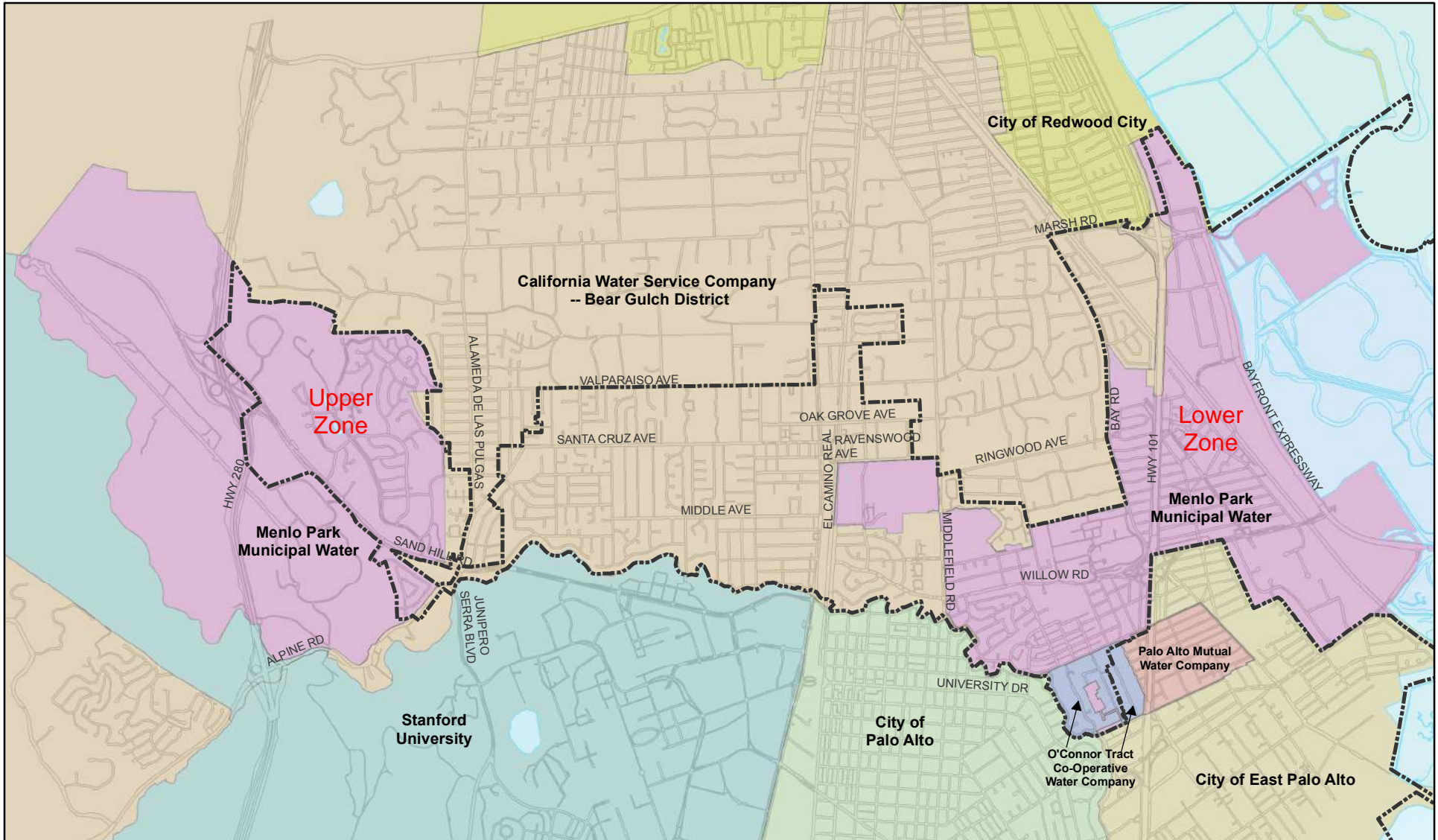
Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

- A. MPMW service area
- B. Rate schedule adopted July 21, 2015
- C. Hyperlink – Five-year water capital improvement projects summary adopted July 28 and available: https://stories.opengov.com/menlopark/published/qQZ_q4bvk
- D. Black & Veatch proposal for the 2021 water rate study

Report prepared by:
Pam Lowe, Senior Civil Engineer

Report reviewed by:
Chris Lamm, Assistant Public Works Director



Water Agencies Within and Surrounding Menlo Park



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**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).

17 September 2020

Pam Lowe
City of Menlo Park
Public Works Department
701 Laurel St.
Menlo Park, CA 94025

Subject: Addendum #1 – Water Rate Study 2020

Dear Ms. Lowe:

In response to Menlo Park Municipal Water's (MPMW) request for a proposal to update the Water Rate Study, Black & Veatch Management Consulting, LLC (Black & Veatch) presents this letter proposal for your considerations.

In late 2019 and early 2020, Black & Veatch worked with the City to perform a water rate study for fiscal year's 2021 to 2025 with an expected rate schedule implementation date of July 1, 2020. In March 2020, the City was impacted by COVID-19 resulting in the study to come to a temporary halt. The City continued to evaluate rate adjustments, but after careful consideration, MPMW, staff decided to hold off on rate adjustments for fiscal year 2021.

MPMW has asked Black & Veatch to submit a proposal addendum for updating the Water Rate Study for fiscal year's 2022 to 2026. The following describes the tasks and fees related to an update.

SCOPE OF SERVICES

The following scope of services lists the proposed services related to the update based on the work already provided to MPMW.

Task 1: Project Management

Black & Veatch will continue to perform general administrative duties, including client correspondence, invoicing, budget/scope management, project documentation, and administer project controls using Black & Veatch's proprietary internal project tracking system.

Task 2: Financial Planning

Black & Veatch will update the ten-year financial plan developed for the MPMW for fiscal year's 2022-2031. The specific items include but not limited to:

- Incorporate customer and usage data for fiscal year 2020. COVID-19 has impacted consumption patterns for all customer classes. Therefore, it is important to analyze these impacts through an analysis of customer information data.
- Update the revenue projections for revenue from rates and miscellaneous revenue based on updated customer information data and budgets.

- Update the projections for revenue requirements which include operation and maintenance expenses, routine capital outlay, debt service, and major capital improvement projects.
- Prepare cash flow analyses summarizing the above projections of revenues and revenue requirements to determine the adequacy of revenues under existing rate levels to meet operating and capital needs for the ten-year study period.
- Review the financing strategy for the major capital improvement program based on consideration of available funding, loans from other sources, water revenue bonds, and pay as you go financing.

Task 3: Cost of Service Analysis

Black & Veatch will update the cost of service analysis developed for the MPMW. The specific items include but not limited to:

- Update the existing plant assets based on an updated fixed asset register.
- Review cost allocations to functional cost components and cost causative components.
- Derive updated units cost of service and distribute cost to each of the respective customer classes. Black & Veatch will utilize industry accepted cost allocation methodologies, as recognized by the American Water Works Association (AWWA).

Task 4: Rate Design

Black & Veatch will update the rate design developed for the MPMW. The specific items include but not limited to:

- Develop rates based on a two-tier system for all customers based on costs. This was the recommended structure prior to the halt.
- Develop rates associated with alternatives examined in the original study which included:
 - A uniform rate for all customers.
 - A two-tier rate for residential and uniform rate for non-residential by class.
 - A two-tier rate for single family residential and uniform rate for multi-family and non-residential.
 - A two-tier rate for single family residential and multi-family and a uniform rate for non-residential.
- Update the typical bill and comparison to other Bay Area Water Supply and Conservation Agency members.

Task 5: Capacity Charges

Black & Veatch will update the rate design developed for the MPMW. The specific items include but not limited to:

- Update the existing plant assets based on an updated fixed asset register.
- Review base service units associated with a single-family household.
- Develop updated capacity charges.

Task 6: Meetings, Reports and Model

Meetings

Black & Veatch recommends three additional video conference call. These consist of:

- Kick-off meeting to discuss the goals and objective of the update and any changes since the original Water Rate Study.
- Review development of projected revenue and revenue requirements and resulting magnitude of increases. Alternative cash flow scenarios will be determined if necessary. For the capacity charges, review base service units associated with a single-family household.
- Review and obtain feedback on the cost of service analysis and water rate schedules, typical bills and peer benchmarking.

Reports

Black & Veatch will prepare a draft report similar to the original Water Rate Study report which will include a discussion of all assumptions, study approach, summary of findings of the financial plan, results of the cost of service analysis, proposed rate schedules.

Based on a review of the draft report by MPMW, Black & Veatch will prepare a final report. Black & Veatch will deliver an electronic PDF copy.

Model

Black & Veatch will update the rate model used in the original Water Rate Study and will be provided to the City for future use.

SCHEDULE

Based on the Scope of Services, Black & Veatch anticipates updates to be completed within three-months of receipt of written notice to proceed. The schedules assume timely receipt of requested data, turn-around on materials submitted for review and access to MPMW staff, City Council and other stakeholders for meetings.

COST

Black & Veatch proposes to perform the scope of service herein on a time-and-materials basis for a not-to-exceed amount of \$19,980 inclusive of anticipated direct expenses. Direct expenses include but are not limited to mileage, car rental, hotels, meals, and reproduction costs.

Task Description	Project Director	Technical Advisor	Project Manager	Financial Analyst	Total Cost
Team Member	Bui	Lemoine	Morales	Soo	
Hourly Rate	\$305	\$275	\$255	\$175	
Task 1: Project Management	1		6	4	\$2,535
Task 2: Financial Plan	1		6	18	\$4,985
Task 3: Cost of Service Analysis	1		5	10	\$3,330
Task 4: Rate Design			6	10	\$3,280
Task 5: Capacity Charges	1		4	6	\$2,375
Task 6: Meetings, Report and Model	2		3	12	\$3,475
Total Hours	6	0	30	60	\$19,980
Direct Expenses					\$0
Total Fee Tasks					\$19,980

Upon request and authorization, any additional services or meetings not identified in the scope of services will be bill on an hourly basis according to the hourly rates schedule below. Direct expenses are charged at direct out-of-pocket costs. Payment terms are net 30.

Job Description	Team Member	Hourly Billing Rates
Financial Analyst	Staff	\$175
Senior Analyst	Staff	\$200
Consultant	Staff	\$235
Project Manager	Alberto Morales	\$255
Technical Advisor	Pam Lemoine	\$275
Project Director	Ann Bui	\$305

The amount above does not include the remaining balance of the original Water Rate Study which is \$10,341. Most of the scope associated with the remaining balance is for planned community and City Council meetings. The amount will remain open for these meetings or MPMW can choose to reallocate the cost towards other services.

If you require any additional information, or have questions regarding this proposal, please do not hesitate to contact me at 949-302-6017 or BuiA@bv.com.

Very truly yours,
BLACK & VEATCH MANAGEMENT CONSULTING, LLC

A handwritten signature in blue ink, appearing to read "Ann Bui".

Ann Bui
Managing Director



STAFF REPORT

City Council

Meeting Date:

9/22/2020

Staff Report Number:

20-217-CC

Regular Business:

Adopt Resolution No. 6590 proposing to abandon Alto Lane public right-of-way adjacent to 201 El Camino Real

Recommendation

Staff recommends that the City Council adopt Resolution No. 6590 (Attachment A) to abandon Alto Lane, a public right-of-way adjacent to 201 El Camino Real.

Policy Issues

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

Background

The developer of 201 El Camino Real is proposing a mixed-use redevelopment for the site. The property is currently bisected by Alto Lane and is bounded by El Camino Real to the northeast and Cambridge Avenue to the southeast. Currently, there is a 20-foot wide public street over the existing Alto Lane right-of-way (Attachment B.)

Analysis

The developer of 201 El Camino Real is requesting that the City abandon the Alto Lane public right-of-way adjacent to 201 El Camino Real to accommodate a mixed-use development. This project would involve the construction of a mixed-use building, which would be partially located on the aforementioned portion of Alto Lane. The mixed-use building would contain a subterranean parking garage (with two floors underground), restaurant and retail uses on the ground floor, and 12 residential units on the second and third floors. In addition, two detached townhomes are proposed to be constructed at 612 Cambridge Avenue, and the parking for these townhomes is proposed to be located in the parking garage within the mixed-use building.

At its October 5, meeting, the Planning Commission will hear the proposed development at 201 El Camino Real to recommend the following actions for the project:

- Environmental review, specifically an initial study/mitigated negative declaration (MND)
- Use permit
- Architectural control
- Major subdivision
- Below market rate (BMR) agreement, which accounts for two proposed BMR units in the mixed-use building
- Alto Lane abandonment

Following the Planning Commission meeting, tentatively scheduled for October 27, the City Council will hear these items and determine a final action.

Alto Lane is a public right-of-way that runs parallel to El Camino Real along certain blocks between Middle Avenue and Creek Drive. This particular portion of Alto Lane between Cambridge Avenue and Partridge Avenue is not a through street and ends midblock. Upon approval and recordation of the abandonment, the right-of-way would revert to the adjacent property owners since the City does not own the land in fee. The City Council approved a similar abandonment of a portion of Alto Lane between College Avenue and Partridge Avenue in 2013.

A new public service easement (PSE) would be dedicated within the project site to accommodate public utilities and public access. There are existing public utilities on Alto Lane. The utility companies have no objection to the Alto Lane abandonment as long as their utilities are relocated to the new PSE. All existing utilities on Alto Lane will be relocated to the new PSE as part of the development of 201 El Camino Real project.

The owner of the adjacent 239 – 251 El Camino Real property does not object to the proposed abandonment, and a small part of Alto Lane adjacent to 239 – 251 El Camino Real would be transferred to that lot. The 201 El Camino Real parcel, portion of Alto Lane, and associated parking lot would be merged so that the proposed improvements would not cross any property lines.

Abandonment procedure

The applicable abandonment procedure is a three-step process that first requires that City Council adopt a Resolution of Intent to abandon public right-of-way and easements. The Resolution forward the abandonment request to the Planning Commission for its consideration at its October 5 meeting, and sets the time and date for the City Council public hearing as October 27, at 5 p.m. The Planning Commission would review the abandonment to determine if it is compatible with the City's general plan, and forward its recommendation to the City Council for approval of the abandonment at the public hearing. Staff would advertise notices of the public hearing in the newspaper and at the site in accordance with the requirements of the Streets and Highways Code. An affidavit of posting would then be filed with the city clerk. Should the utility agencies, affected parties, Planning Commission, and City Council consider the abandonment favorably, a Resolution ordering the vacation and abandonment of the public right-of-way would be recorded after the new PSE is dedicated and public utilities are relocated.

Impact on City Resources

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

Environmental Review

An initial study and mitigated negative declaration, collectively referred to as the MND, have been prepared and circulated for public review in compliance with the California Environmental Quality Act (CEQA.) The MND analyzes the potential environmental impacts of the project as a whole, which includes the abandonment discussed in this staff report. The public review period began September 3 and ends October 2. The MND is available for review at the City's website (Attachment C.) Hard copies of the MND are also available upon request. As of the preparation of this staff report, staff has not received any correspondence on the MND.

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. 6590

B. Alto Lane vacation exhibit

Hyperlink – initial study and mitigated negative declaration: menlopark.org/1383/201-EI-Camino-Real

Report prepared by:

Ebby Sohrabi, Senior Civil Engineer

Report reviewed by:

Chris Lamm, Assistant Public Works Director

RESOLUTION NO. 6590

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
DECLARING THE INTENTION OF SAID CITY TO ABANDON PUBLIC RIGHT-
OF-WAY ADJACENT TO 201 EL CAMINO REAL**

WHEREAS, the City Council of the City of Menlo Park has considered the abandonment of public right-of-way adjacent to the property at 201 El Camino Real as shown in Exhibit A, which is attached and made apart thereto; and

WHEREAS, the Planning Commission is scheduled to review the proposed abandonment for consistency with the City's general plan at its meeting on October 5, 2020; and

WHEREAS, the City Council will hold a public hearing on October 27, 2020 at approximately 5 p.m. as required by law to determine whether said public right-of-way shall be abandoned.

NOW, THEREFORE, BE IT RESOLVED, that a Resolution of Intention of the City Council of the City of Menlo Park does hereby propose the abandonment of public right-of-way adjacent to the property at 201 El Camino Real.

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

AYES:

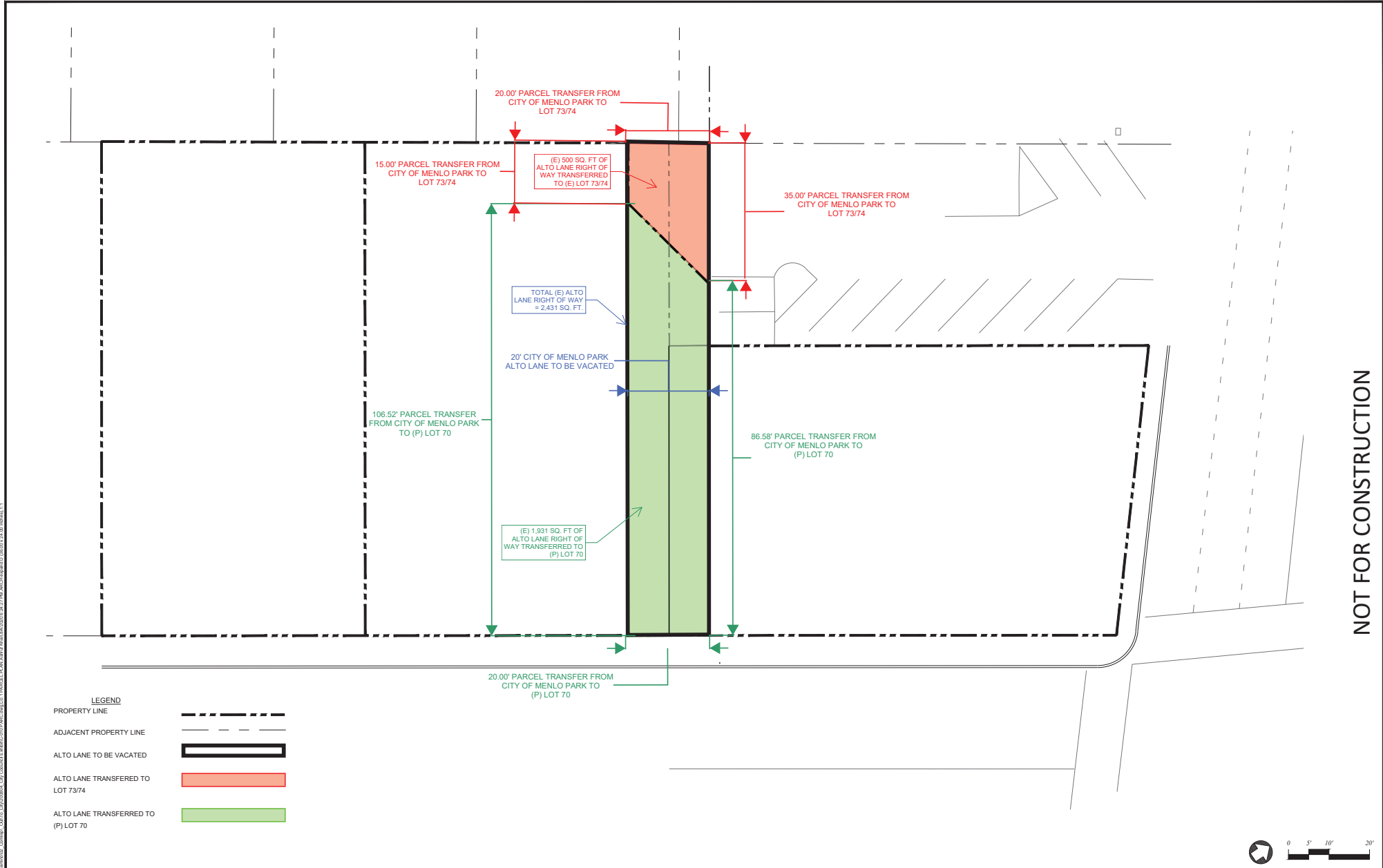
NOES:

ABSENT:

ABSTAIN:

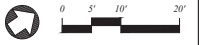
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this twenty-second day of September, 2020.

Judi A. Herren, City Clerk



NOT FOR CONSTRUCTION

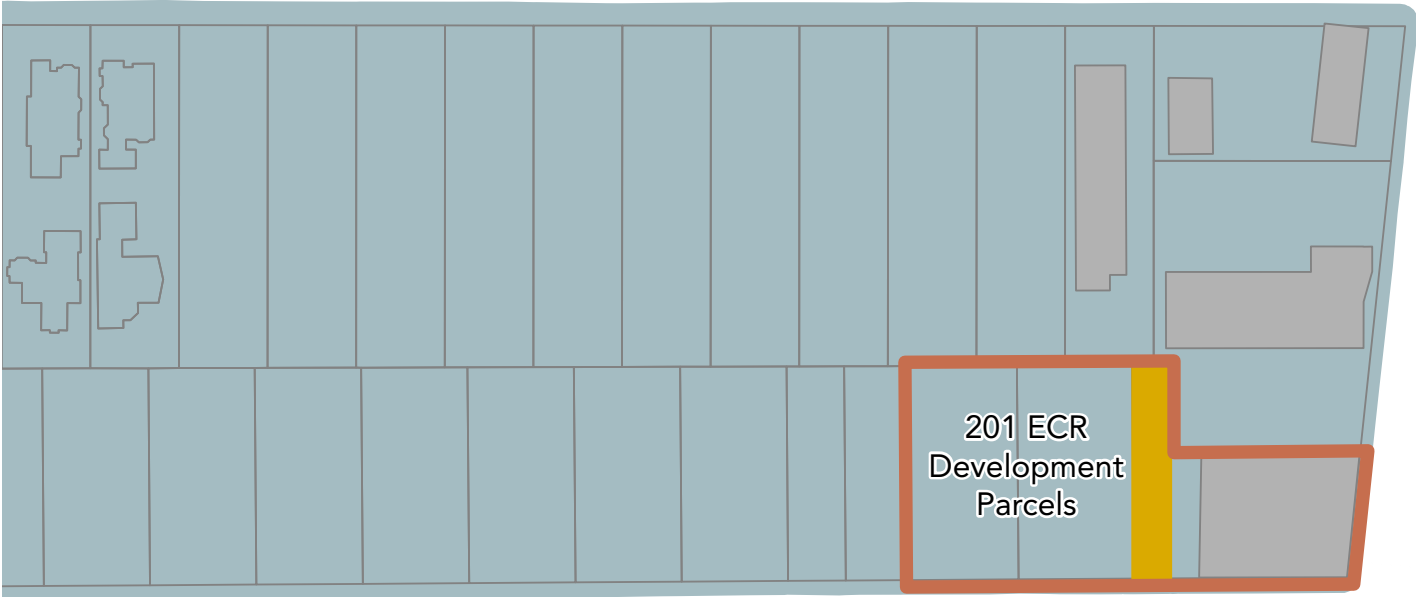
LEGEND	
PROPERTY LINE	
ADJACENT PROPERTY LINE	
ALTO LANE TO BE VACATED	
ALTO LANE TRANSFERRED TO LOT 73/74	
ALTO LANE TRANSFERRED TO (P) LOT 70	



		ALTO LANE VACATION		DRAWN BY: AK/TS	APPROVED ON:	JOB NO. 17-214	SHEET EXH
		201 EL CAMINO REAL at CAMBRIDGE AVE MENLO PARK, CALIFORNIA 94025		CHK. BY: CB	DATE: 08/04/2020		

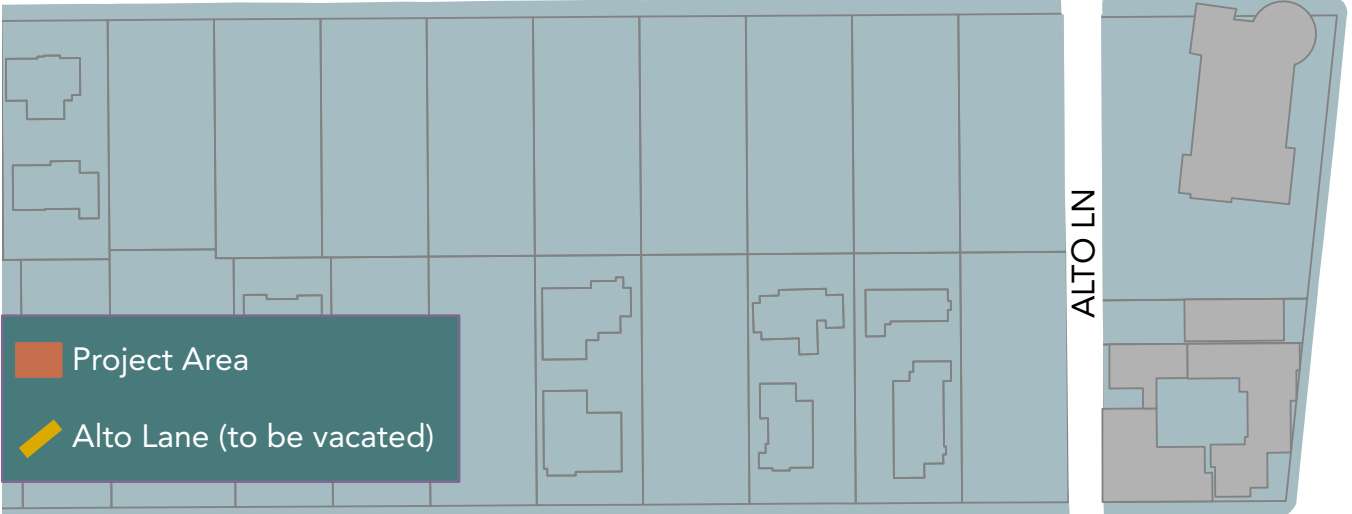


PARTRIDGE AVE





201 ECR
Development
Parcels

CAMBRIDGE AVE

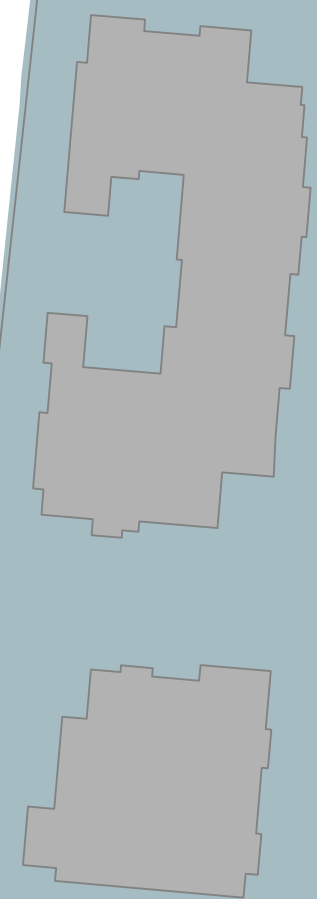


ALTO LN

 Project Area
 Alto Lane (to be vacated)

HARVARD AVE

EL CAMINO REAL



Alto Lane Vacation Exhibit

Agenda item F5
Tim Gernitis, resident

City Council members,

I'm writing in concern to Agenda item F5. in tomorrow's council meeting. (Adopt Resolution No. 6590 proposing to abandon Alto Lane public right-of-way adjacent to 201 El Camino Real (Staff Report #20-217-CC); for review on council meeting date 09/22/2020)

As a homeowner on a nearby block, I'd like to recognize that Alto Ln. serves as an important bicycle and walking route for families in our area to travel to Palo Alto. My understanding is the resolution to abandon Alto Lane behind 201 El Camino Real provides no condition that a bicycle- and pedestrian-friendly pathway would continue to connect the Oasis property (241 El Camino Real) to Cambridge Ave.

I ask that the council please consider the loss of the current public bicycle- and pedestrian-friendly route when evaluating this resolution. And, if the council considers this route important to the community, ensure that a safe, public bicycle- and pedestrian-friendly way be part of the new 201 El Camino Real development.

Best,
Tim Gernitis

766 Partridge Ave.
Menlo Park
Tim
Gernitis

Agenda item F5
Steve Atkinson

Dear City Councilmembers:

We represent the applicant for the project connected with the proposed abandonment of a dead end portion of Alto Lane north of Cambridge.

A comment was submitted for this matter by Mr Tim Gernitis. He asserts that Alto Lane serves as an important bike walking route for persons in the area traveling to Palo Alto.

We respectfully disagree with the claim that this is an important route. Alto Lane dead ends into the rear of the property to the north, 239-251 El Camino, and there is no easement or other official access from that end of Alto Lane to El Camino or any point to the north

In any event, the proposed project improves access along El Camino by providing a much wider sidewalk than present, in addition the project provides a pedestrian path that provides a connection between Cambridge and the rear of 239-251 El Camino. Finally, to the extent that the Council wishes to address the issue of a pedestrian connection to make up for the loss of this short dead end section of Alto, that can be appropriately addressed by the Planning Commission, and by the City Council when it takes final action on the abandonment. This issue is no reason not to pass this resolution, which just formally initiates the abandonment process.

Thank you.

City Manager's Office

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

Meeting Date: 9/22/2020
Staff Report Number: 20-211-CC

Regular Business: **Appoint a new alternate representative to the County of Santa Clara Community Resources Group for Stanford University**

Recommendation

City staff recommends that the City Council consider appointing a new alternate representative to the County of Santa Clara Community Resources Group for Stanford University (CRG) following City Councilmember Mueller's decision to relinquish his appointment as alternate representative to CRG.

Policy Issues

The City Council retains sole discretion to appoint representatives to certain outside boards, commissions, committees, and organizations seeking Menlo Park elected officials to represent the interests of Menlo Park residents.

Background

On December 17, 2019 the City Council appointed representatives and alternates to subcommittees, commissions and regional boards (Attachment A) with City Councilmember Nash serving as primary and City Councilmember Mueller serving as alternate on the CRG.

At the June 9 City Council meeting, under City Councilmember Reports, City Councilmember Mueller requested that Mayor Taylor replace him as a representative on the CRG, as Mayor Taylor was a member of the disbanded City Council Ad Hoc Subcommittee of Stanford General Use Permit (GUP.)

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. 2019 City Council appointments

Report prepared by:
Judi A. Herren, City Clerk



2020 CITY COUNCIL ASSIGNMENTS TO SUBCOMMITTEES, COMMISSIONS AND REGIONAL BOARDS

City Council
 701 Laurel St., Menlo Park, CA 94025
 tel 650-330-6610
menlopark.org/citycouncil

City Council standing committee, local liaison assignments, and outside agencies.			
Assignment	Details	Meeting time / location	Representative / alternate
<p>Community Grant Funding</p> <p>Each fiscal year, in accordance with the City Council’s adopted policy for the use of up to 1.7 percent of projected general fund property tax revenues to support the human service needs of Menlo Park residents, the Community Funding subcommittee meets to review and make recommendations to the City Council and how to best allocate the funding.</p>	<p>Standing Committee</p>	<p>Typically meet annually in November</p>	<p>Primary: Carlton</p> <p>Alternate: Combs</p>
<p>Menlo Park Chamber of Commerce</p> <p>The Mayor and Mayor Pro Tem generally serve as the liaisons to the Chamber of Commerce and attend Chamber board meetings to provide updates and hear from board members.</p>	<p>Type: Community organization</p> <p>Website: http://menloparkchamber.com</p>	<p>Meets monthly on the 3rd Thursday with City representatives joining at 8 a.m., in the Chamber of Commerce Board Room</p>	<p>Primary (Mayor): Taylor</p> <p>Alternate (Vice Mayor): Combs</p>
<p>Rail Subcommittee (same members appointed to the Caltrain Modernization Local Policy Group)</p> <p>The City Council Rail Subcommittee provides input and oversight related to all rail-related projects. Primarily this includes the Caltrain Modernization Program, Dumbarton Rail Corridor and High Speed Rail. The City Council adopted its rail policy on October 30, 2012, to guide decisions regarding rail projects.</p>	<p>Standing Committee</p>	<p>TBD / As needed</p>	<p>Primary: Nash</p> <p>Alternate: Mueller</p>

Commission liaison and member assignments			
<p>Belle Haven Neighborhood Library Advisory Committee – recommended to disband (2 members, not liaisons)</p> <p>The Belle Haven Neighborhood Library Advisory Committee is charged primarily with advising the staff and consultants on matters related to the branch portion of the Library System Improvements project. Specifically, this includes: Participation in the library needs assessment and; Providing input to staff and consultants regarding the branch portion of the library system improvements.</p>	<p>City Council-appointed advisory body</p>	<p>TBD / As needed</p>	<p>Member:</p> <p>Member:</p>
<p>Complete Streets Commission</p> <p>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. 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 and; Establishing parking restrictions and requirements according to Municipal Code sections 11.24.026 through 11.24.02.</p>	<p>City Council-appointed advisory body</p>	<p>Meets monthly on the 2nd Wednesday, 7 p.m., in the City Council Chambers</p>	<p>Liaison: Combs</p>

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<p>Environmental Quality Commission</p> <p>The Environmental Quality Commission is charged primarily with advising the City Council on matters involving environmental protection, improvement and sustainability. Commission priorities: 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 and; Maximize the urban canopy through programs and policies.</p>	<p>City Council-appointed advisory body</p>	<p>Meets monthly on the 3rd Wednesday, 6:30 p.m., in the Downtown Conference Room, 1st Floor, City Hall</p>	<p>Liaison: Nash</p>
<p>Finance and Audit Committee (2 members, not liaisons)</p> <p>The role of this committee is to facilitate public understanding of the city's financial reporting processes and to assist staff in the delivery of timely, clear and reliable financial information to the public. Committee priorities: The committee reviews the external financial audit and the city's investment portfolio on an annual basis.</p>	<p>City Council-appointed advisory body</p>	<p>Meets 3rd Wednesday of every quarter at 5:30 p.m. in the Sharon Heights Conference Room, 2nd Floor, City Hall. Additional special meetings as needed.</p>	<p>Member: Mueller Member: Combs</p>
<p>Heritage Tree Task Force – recommended to disband</p> <p>The Heritage Tree Task Force represent the community's diverse interests and concerns while working collaboratively with city staff. Review and discuss policy options regarding potential changes to the heritage tree ordinance. Determine and recommend a preferred option for updating the heritage tree ordinance for presentation to City Council for its consideration.</p>	<p>City Council-appointed advisory body</p>	<p>TBD / As needed</p>	<p>Member: Member:</p>

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<p>Housing Commission</p> <p>The role of the Housing Commission is to make recommendations to the City Council on issues related to housing policy, to implement City Council policy decisions and represent the city where needed on housing matters. Commission priorities: 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 and; General plan and housing element updates.</p>	<p>City Council-appointed advisory body</p>	<p>Meets monthly on the 2nd Wednesday, 6:30 p.m., in the Cypress Room, Arrillaga Family Recreation Center,</p>	<p>Liaison: Nash</p>
<p>Library Commission</p> <p>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 and; Literacy and English as a second language (ESL) programs.</p>	<p>City Council-appointed advisory body</p>	<p>Meets monthly on the 3rd Monday, 6:30 p.m., in the Downstairs Meeting Room, Main Library, 800 Alma St.</p>	<p>Liaison: Carlton</p>

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<p>Parks and Recreation Commission</p> <p>The Parks and Recreation Commission will strive for excellence in teamwork to: Affirm the diversity in the community; Be financially responsible; Be responsive to community needs for leisure, cultural and social programs; Maintain a liaison between the community and City Council; Maintain its availability, visibility and accessibility to the community and the media; Preserve and protect open space and park lands and; Promote safety in all facilities and programs.</p> <p>Commission priorities: 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 and; 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.</p>	<p>City Council-appointed advisory body</p>	<p>Meets monthly on the 4th Wednesday, 6:30 p.m., in the Cypress Room, Arrillaga Family Recreation Center,</p>	<p>Liaison: Mueller</p>
<p>Planning Commission</p> <p>Established according to state law, the Planning Commission makes decisions in many areas of the land use process and also makes recommendations to the City. Council in other areas: 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 and; Takes action on variances.</p>	<p>City Council-appointed advisory and quasi-judicial body</p>	<p>Meets twice monthly on a schedule adopted once a year, 7:00 p.m., in the City Council Chambers</p>	<p>Liaison: Combs</p>

<p>Sister City Committee (2 members, not liaisons)</p> <p>The Sister City Committee advises the City Council on sister city and friendship city relations and related programming. Committee priorities: To develop a program plan consisting of projects, exhibits, contacts and exchanges of all types to foster and promote the objectives of the mission statement; To implement the approved program plan upon request of the City Council; To keep the community informed concerning the sister city program; To advise the City Council on matters pertaining to any sister city affairs and; To perform such other duties as may be assigned to the committee by the City Council.</p>	<p>City Council-appointed advisory body</p>	<p>Meets quarterly on the 2nd Wednesday of the month, 3:00 p.m., in the Downtown Conference Room, 1st Floor, City Hall. Additional special meetings as needed.</p>	<p>Member: Carlton</p> <p>Member: Taylor</p>
<p>Transportation Master Plan Oversight and Outreach Committee (2 members, not liaisons)</p> <p>Roles and responsibilities: Provide advisory input and recommendations to the consultant and staff regarding the outreach process and draft Transportation Master Plan materials and submittals; Guide and keep the project process on track to meet the key milestones and; Reach out to community members to share content and encourage participation at community engagement activities such as workshops/meetings and other planning activities</p>	<p>City Council-appointed advisory body</p>	<p>Meets as needed.</p>	<p>Member: Nash</p> <p>Member: Mueller</p>

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Regional assignments			
<p>Airport Community Roundtable</p> <p>Eighteen cities, the operator of San Francisco International Airport (SFO) the City and County of San Francisco and the County of San Mateo comprise the Roundtable, a voluntary public forum established in 1981 for the discussion and implementation of noise mitigation strategies at SFO.</p>	<p>Type: Voluntary public forum</p> <p>Started: 1981</p> <p>Website: http://sforoundtable.org</p>	<p>Generally, 1st Wednesdays at 7 p.m. at Millbrae City Hall</p> <p>Confirmed dates: February 6, 2019</p>	<p>Primary: Taylor</p> <p>Alternate: Carlton</p>
<p>Association of Bay Area Governments (ABAG)</p> <p>The Association of Bay Area Governments (ABAG) is the comprehensive regional planning agency and Council of Governments for the nine counties and 101 cities and towns of the San Francisco Bay Region. The region encompasses Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma counties. Its work covers areas such as land use, housing, environmental quality and economic development.</p>	<p>Type: Joint Powers Authority</p> <p>Started: 1961</p> <p>Website: https://abag.ca.gov/</p>	<p>General Assembly meets 1-2 times annually (April and October)</p>	<p>Primary: Taylor</p> <p>Alternate: Combs</p>
<p>Caltrain Modernization Local Policy Group</p> <p>The Caltrain Modernization Program will electrify and upgrade the performance, operating efficiency, capacity, safety and reliability of Caltrain's commuter rail service.</p>	<p>Type: Advisory body</p> <p>Started: 2012</p> <p>Website: http://www.caltrain.com/projectsplans/CaltrainModernization/Local_Policy_Maker_Group.html</p>	<p>Meets monthly on the 4th Thursday, 5:30 p.m., in the Edward J. Bacciocco Auditorium, SamTrans Administrative Offices, 2nd Floor, 1250 San Carlos Ave., San Carlos, CA</p>	<p>*Same as City Council Rail Subcommittee</p> <p>Primary: Nash</p> <p>Alternate: Mueller</p>
<p>City/County Association of Governments (C/CAG)</p> <p>The City/County Association of Governments of San Mateo County (C/CAG) deals with issues that affect the quality of life in general; transportation, air quality, stormwater runoff, hazardous waste, solid waste and recycling, land use near airports and abandoned vehicle abatement. C/CAG provides a unique forum for the cities and the County to work together on common issues to develop cost-effective solutions. The Board consists of 21 members with one from each city (20) and the County of San Mateo.</p>	<p>Type: Joint Powers Authority</p> <p>Website: http://ccag.ca.gov</p>		<p>Primary: Carlton</p> <p>Alternate: Nash</p>

<p>County of Santa Clara Community Resources Group for Stanford University</p> <p>The Stanford University Community Resource Group (CRG) is composed of 8-12 members. The group serves as a mechanism for information exchange and perspectives on Stanford development issues. Members are appointed by the County Planning Director in consultation with the District 5 Supervisor.</p>	<p>Website: https://www.sccgov.org/sites/dpd/Programs/Stanford/Pages/StanfordCRG.aspx</p>	<p>Meets monthly on the 2nd Thursday, 7–8:30 p.m., at the Palo Alto Art Center, 1313 Newell Road, Palo Alto, CA</p>	<p>Primary: Nash</p> <p>Alternate: Mueller</p>
<p>Emergency Services Council (San Mateo County Joint Powers Authority)</p> <p>The Emergency Services Council oversees the emergency planning, training and exercises in the various cities and reviews and recommends policies, programs and plans for adoption.</p>	<p>Type: Joint Powers Authority</p> <p>Website: https://hsd.smcsheriff.com/emergency-services-council</p>	<p>Meets quarterly on Thursdays, 5-7 p.m.</p>	<p>Primary: Taylor</p> <p>Alternate: Combs</p>
<p>Facebook Local Community Fund</p> <p>The Facebook Local Community Fund, a partner fund of Philanthropic Ventures Foundation, designed to support 501(c)(3) non-profits serving the East Palo Alto and Belle Haven communities through grant funds awarded following review by the community fund board of directors.</p>	<p>Type: 501(c)(3) public charity</p> <p>Website: http://www.venturesfoundation.org/programs/community-initiatives/facebook-local-community-fund/</p>	<p>Meets as needed</p>	<p>Primary: Mueller</p> <p>Alternate: Carlton</p>
<p>Grand Boulevard Initiative Taskforce</p> <p>The Grand Boulevard is a collaboration of 29 cities, counties, local and regional agencies united to improve the performance, safety and aesthetics of El Camino Real. Starting at the northern Daly City city limit (where it is named Mission Street) and ending near the Diridon Caltrain Station in central San Jose (where it is named The Alameda), the initiative brings together for the first time all of the agencies having responsibility for the condition, use and performance of the street.</p>	<p>Website: http://grandboulevard.net</p>	<p>Meets quarterly on Wednesdays</p>	<p>Primary: Nash</p> <p>Alternate: Combs</p>
<p>League of California Cities – Peninsula Division</p> <p>Representing Peninsula cities from San Francisco to Gilroy, division members work together through the League to identify priorities on issues that impact on the quality of life in our communities, our region and our state.</p>	<p>Website: https://www.cacities.org/Member-Engagement/Regional-Divisions/Peninsula-Division</p>	<p>The Peninsula Division holds four meetings a year, with an occasional special meeting as warranted. Division dinners are open to all division members.</p>	<p>Primary: Taylor</p> <p>Alternate: Combs</p>

<p>HEART Board Member Agency Committee (MAC)</p> <p>The MAC is composed of nine public HEART Board Members and a City Council member from each member city that does not have a representative on the HEART Board. The purpose of the MAC is to engage with cities that are not on the HEART Board and to provide you with the opportunity to comment on HEART's financial and program activities.</p>	<p>Website: https://www.heartofsmc.org/events/member-agency-committee-mac-meeting/</p>	<p>Meets as needed.</p>	<p>Primary: Nash</p> <p>Alternate: Mueller</p>
<p>Peninsula Clean Energy Authority (PCE)</p> <p>Peninsula Clean Energy is San Mateo County's official electricity provider. Peninsula Clean Energy offers lower rates and the added benefit of two electricity options, each with a different percentage of sustainable energy. ECOplus rates are 5% below PG&E's standard rates. ECO100 offers 100% renewable, ghg-free energy at a cost of just \$0.01 per Kwh extra</p>	<p>Type: Joint Powers Authority</p> <p>Started: 2016</p> <p>Website: http://www.peninsulacleanenergy.com</p>	<p>Meets monthly on the 4th Thursday, 6:30 p.m., at the Peninsula Clean Energy Office, 2075 Woodside Road, Redwood City, CA</p>	<p>Primary: Carlton</p> <p>Alternate: Nash</p>
<p>San Francisquito Creek Joint Powers Authority</p> <p>The San Francisquito Creek JPA is an agency empowered to protect and maintain the 14-mile San Francisquito Creek and its 45 square-mile watershed and address concerns regarding flooding and environmental preservation. Members include the cities of Menlo Park, East Palo Alto, and Palo Alto; the counties of San Mateo and Santa Clara; as well as Stanford and the Santa Clara Valley Water District.</p>	<p>Type: Joint Powers Authority</p> <p>Website: http://sfcjpa.org</p>	<p>Meets monthly on the 4th Thursday of the month at 6 p.m. in the Menlo Park City Council Chambers</p>	<p>Primary: Combs</p> <p>Alternate: Taylor</p>
<p>San Mateo County Council of Cities – City Selection Committee</p> <p>The San Mateo County elected officials meet once a month to discuss issues of interest and usually a speaker is part of the program. (Bylaws require the Mayor to be the voting member.)</p>			<p>Primary (Mayor): Taylor</p> <p>Alternate (Mayor Pro Tem): Combs</p>
<p>South Bayside Waste Management Authority</p> <p>RethinkWaste is a joint powers authority of twelve public agencies in San Mateo County, and organized to jointly manage the franchise agreement with Recology San Mateo County for the collection of garbage, recycling and green waste.</p>	<p>Type: Joint Powers Authority</p> <p>Started:</p> <p>Website: http://rethinkwaste.org</p>	<p>Meets monthly on the 4th Thursday of the month at 2 p.m. in the San Carlos Library conference room</p>	<p>Primary (Mayor): Carlton</p> <p>Alternate: Taylor</p>



STAFF REPORT

City Council

Meeting Date:

9/22/2020

Staff Report Number:

20-218-CC

Regular Business:

Adopt Resolution No. 6591 authorizing the city manager to accept the MTC OneBayArea Grant in the amount of \$647,000 and execute program supplement agreement No. 017-F with Caltrans and subsequent amendments necessary for the construction of the Santa Cruz and Middle Avenues street rehabilitation project

Recommendation

Staff recommends that the City Council adopt Resolution No. 6591 (Attachment A) authorizing the City manager to accept the Metropolitan Transportation Commission (MTC) OneBayArea Grant (OBAG) in the amount of \$647,000 and execute program supplement agreement No. 017-F (Attachment B) with Caltrans and subsequent amendments necessary to administering agency-state agreement No. 04-5273F15 for the construction of the Santa Cruz and Middle Avenues street rehabilitation project.

Policy Issues

The Project is included in the City's capital improvement plan and is consistent with the 2016 general plan circulation element. Rehabilitating the pavement on these two streets will also help the City meet pavement maintenance thresholds set by the Metropolitan Transportation Commission, which allows continued eligibility for transportation funds from county and regional sources.

A resolution from the City's governing body, authorizing the city manager to execute the program supplement agreement, is an OBAG program requirement before requesting funding reimbursement.

Background

On January 24, 2017, the City Council adopted Resolution No. 6366 authorizing staff to apply for federal funds on the project per the One Bay Area Grant. The OBAG is a regional transportation funding program, administered by the MTC, supporting projects such as roadway maintenance, streetscape enhancements and safe routes to school. Santa Cruz and Middle Avenues were chosen due to their proximity to Priority Development Areas, need for repaving, and role in providing access to local schools such as Hillview Middle School and Oak Knoll Elementary School.

On January 22, Caltrans, the agency delegated to manage OBAG funds on behalf of the federal government, authorized a \$647,000 construction grant for the project. Subsequently, the City received program supplement agreement No. 017-F (Agreement) from Caltrans. This Agreement covers the City's obligations regarding the use of federal funds and the administration of the project and is referenced as Attachment B.

The project spans Santa Cruz Avenue (from Olive Street to Avy Avenue) and Middle Avenue (from Olive Street to San Mateo Drive.) Key improvements generally include:

- Three-inch asphalt grind and overlay at roadway limits
- New rectangular rapid flashing beacon at Santa Cruz Avenue and Lemon Street/N. Lemon Avenue
- Installation of storm drains and adjusting utilities to finished grade
- Installation of signing and striping
- Installation of Americans with Disabilities compliant (ADA) curb ramps along Middle Avenue
- Installation and repair of concrete curbs, gutters and ADA sidewalks, driveways, and curb ramps along Santa Cruz Avenue

The project was advertised for construction bidding in February, and staff received six bids March 10, with Interstate Grading & Paving offering the lowest price at \$1,913,510. On April 21, the City Council awarded a construction contract to Interstate Grading & Paving for \$1,913,510, and appropriated an additional \$410,000 from the construction street impact fee fund, for construction.

Analysis

The project is currently in construction with work having begun in July 2020. Installation of sidewalks, gutters, ramps, and driveways along northern Santa Cruz Avenue is in progress with the south-side (odd house numbers) substantially complete with work continuing on the north-side (even house numbers.) The contractor will then advance concrete curb ramp work on Middle Avenue before sequencing paving the roadways of both streets. Construction is tentatively scheduled for completion by December 2020.

Upon completion of the project, staff will submit project documentation in accordance with the project supplement agreement requesting reimbursement of the \$647,000 awarded through the grant. Execution of the agreement is required to enable Caltrans to refund the City and is required for reimbursement.

Impact on City Resources

This project is included in the capital improvement program and has \$2,500,000 in total funding (including \$647,000 from the OBAG grant.) As noted, the project will be reimbursed from OBAG after construction. Any surplus funds from the project thereafter will be refunded to the construction street impact fee fund.

Environmental Review

This project is categorically exempt pursuant to California Environmental Quality Act (CEQA) Guidelines §§ 15301(c) and 15301(d) Existing Facilities.

Public Notice

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

Attachments

- A. Resolution No. 6591
- B. Program supplement agreement No. 017-F

Staff Report #: 20-218-CC

Report prepared by:
Michael Fu, Senior Civil Engineer

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

RESOLUTION NO. 6591

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
AUTHORIZING THE CITY MANAGER TO ACCEPT THE MTC
ONEBAYAREA GRANT IN THE AMOUNT OF \$647,000 AND EXECUTE
PROGRAM SUPPLEMENT AGREEMENT NO. 017-F WITH CALTRANS
AND SUBSEQUENT AMENDMENTS NECESSARY FOR THE
CONSTRUCTION OF THE SANTA CRUZ & MIDDLE AVENUES STREET
REHABILITATION PROJECT**

WHEREAS, the City of Menlo Park is eligible to receive federal funding for pedestrian and bicycle improvement projects through the California Department of Transportation (Caltrans);

WHEREAS, in 2017, the City applied for the Metropolitan Transportation Commission (MTC) OneBayArea Grant (OBAG) fund for the construction of the Santa Cruz & Middle Avenues Street Rehabilitation Project (Project);

WHEREAS, on January 22, 2020, the Project's OBAG construction grant application was approved by Caltrans in the amount of \$647,000 and staff subsequently received Program Supplement Agreement No. 017-F from Caltrans, the agency responsible for administering the grant fund for the Federal government;

WHEREAS, Program Supplement Agreement No. 017-F incorporates the Administering Agency (City) - State Agreement for Federal Aid executed on April 17, 2008, and stipulates the City's obligations regarding the use of Federal funds and administration of the Project during the construction phase; and

NOW, THEREFORE, BE IT RESOLVED, the City Council of Menlo Park does hereby authorize the City Manager to accept the OBAG fund in the amount of \$647,000 and execute Program Supplement Agreement No. 017-F to Administering Agency-State Agreement for Federal-Aid Project No. 04-5273F15 to construct the Project; and,

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

Judi A. Herren, City Clerk

PROGRAM SUPPLEMENT NO. F017
to
ADMINISTERING AGENCY-STATE AGREEMENT
FOR FEDERAL-AID PROJECTS NO 04-5273F15

Adv Project ID **Date:** January 28, 2020
 0419000342 **Location:** 04-SM-0-MLP
 Project Number: STPL-5273(026)
 E.A. Number:
 Locode: 5273

This Program Supplement hereby adopts and incorporates the Administering Agency-State Agreement for Federal Aid which was entered into between the Administering Agency and the State on _____ and is subject to all the terms and conditions thereof. This Program Supplement is executed in accordance with Article I of the aforementioned Master Agreement under authority of Resolution No. _____ approved by the Administering Agency on _____ (See copy attached).

The Administering Agency further stipulates that as a condition to the payment by the State of any funds derived from sources noted below obligated to this PROJECT, the Administering Agency accepts and will comply with the special covenants or remarks set forth on the following pages.

PROJECT LOCATION: Santa Cruz Avenue from Olive St to Orange Avenue and Middle Avenue from Olive Street to San Mateo Drive

TYPE OF WORK: Road Rehabilitation and Install Rectangular Rapid Flashing Beacon **LENGTH:** 0.0(MILES)

Estimated Cost	Federal Funds		Matching Funds	
	Z230		LOCAL	OTHER
\$2,525,950.00	\$647,000.00		\$1,878,950.00	\$0.00

CITY OF MENLO PARK

By _____
 Title _____
 Date _____
 Attest _____

STATE OF CALIFORNIA
Department of Transportation

By _____
Chief, Office of Project Implementation
Division of Local Assistance

Date _____

I hereby certify upon my personal knowledge that budgeted funds are available for this encumbrance:

Accounting Officer 

Date 1/28/20 \$647,000.00

SPECIAL COVENANTS OR REMARKS

1. A. The ADMINISTERING AGENCY will advertise, award and administer this project in accordance with the current published Local Assistance Procedures Manual.

B. ADMINISTERING AGENCY agrees that it will only proceed with work authorized for specific phase(s) with an "Authorization to Proceed" and will not proceed with future phase(s) of this project prior to receiving an "Authorization to Proceed" from the STATE for that phase(s) unless no further State or Federal funds are needed for those future phase(s).

C. STATE and ADMINISTERING AGENCY agree that any additional funds which might be made available by future Federal obligations will be encumbered on this PROJECT by use of a STATE-approved "Authorization to Proceed" and Finance Letter. ADMINISTERING AGENCY agrees that Federal funds available for reimbursement will be limited to the amounts obligated by the Federal Highway Administration.

D. Award information shall be submitted by the ADMINISTERING AGENCY to the District Local Assistance Engineer within 60 days of project contract award and prior to the submittal of the ADMINISTERING AGENCY'S first invoice for the construction contract.

Failure to do so will cause a delay in the State processing invoices for the construction phase. Attention is directed to Section 15.7 "Award Package" of the Local Assistance Procedures Manual.

E. ADMINISTERING AGENCY agrees, as a minimum, to submit invoices at least once every six months commencing after the funds are encumbered for each phase by the execution of this Project Program Supplement Agreement, or by STATE's approval of an applicable Finance Letter. STATE reserves the right to suspend future authorizations/obligations for Federal aid projects, or encumbrances for State funded projects, as well as to suspend invoice payments for any on-going or future project by ADMINISTERING AGENCY if PROJECT costs have not been invoiced by ADMINISTERING AGENCY for a six-month period.

If no costs have been invoiced for a six-month period, ADMINISTERING AGENCY agrees to submit for each phase a written explanation of the absence of PROJECT activity along with target billing date and target billing amount.

ADMINISTERING AGENCY agrees to submit the final report documents that collectively constitute a "Report of Expenditures" within one hundred eighty (180) days of PROJECT completion. Failure of ADMINISTERING AGENCY to submit a "Final Report of Expenditures" within 180 days of PROJECT completion will result in STATE imposing sanctions upon ADMINISTERING AGENCY in accordance with the current Local Assistance Procedures Manual.

F. Administering Agency shall not discriminate on the basis of race, religion, age, disability, color, national origin, or sex in the award and performance of any Federal-

SPECIAL COVENANTS OR REMARKS

assisted contract or in the administration of its DBE Program Implementation Agreement. The Administering Agency shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of Federal-assisted contracts. The Administering Agency's DBE Implementation Agreement is incorporated by reference in this Agreement. Implementation of the DBE Implementation Agreement, including but not limited to timely reporting of DBE commitments and utilization, is a legal obligation and failure to carry out its terms shall be treated as a violation of this Agreement. Upon notification to the Administering Agency of its failure to carry out its DBE Implementation Agreement, the State may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

G. Any State and Federal funds that may have been encumbered for this project are available for disbursement for limited periods of time. For each fund encumbrance the limited period is from the start of the fiscal year that the specific fund was appropriated within the State Budget Act to the applicable fund Reversion Date shown on the State approved project finance letter. Per Government Code Section 16304, all project funds not liquidated within these periods will revert unless an executed Cooperative Work Agreement extending these dates is requested by the ADMINISTERING AGENCY and approved by the California Department of Finance.

ADMINISTERING AGENCY should ensure that invoices are submitted to the District Local Assistance Engineer at least 75 days prior to the applicable fund Reversion Date to avoid the lapse of applicable funds. Pursuant to a directive from the State Controller's Office and the Department of Finance; in order for payment to be made, the last date the District Local Assistance Engineer can forward an invoice for payment to the Department's Local Programs Accounting Office for reimbursable work for funds that are going to revert at the end of a particular fiscal year is May 15th of the particular fiscal year. Notwithstanding the unliquidated sums of project specific State and Federal funding remaining and available to fund project work, any invoice for reimbursement involving applicable funds that is not received by the Department's Local Programs Accounting Office at least 45 days prior to the applicable fixed fund Reversion Date will not be paid. These unexpended funds will be irrevocably reverted by the Department's Division of Accounting on the applicable fund Reversion Date.

H. As a condition for receiving federal-aid highway funds for the PROJECT, the Administering Agency certifies that NO members of the elected board, council, or other key decision makers are on the Federal Government Exclusion List. Exclusions can be found at www.sam.gov.

2. A. ADMINISTERING AGENCY shall conform to all State statutes, regulations and procedures (including those set forth in the Local Assistance Procedures Manual and the Local Assistance Program Guidelines, hereafter collectively referred to as "LOCAL ASSISTANCE PROCEDURES") relating to the federal-aid program, all Title 23 Code of

SPECIAL COVENANTS OR REMARKS

Federal Regulation (CFR) and 2 CFR Part 200 federal requirements, and all applicable federal laws, regulations, and policy and procedural or instructional memoranda, unless otherwise specifically waived as designated in the executed project-specific PROGRAM SUPPLEMENT.

B. Invoices shall be formatted in accordance with LOCAL ASSISTANCE PROCEDURES.

C. ADMINISTERING AGENCY must have at least one copy of supporting backup documentation for costs incurred and claimed for reimbursement by ADMINISTERING AGENCY. ADMINISTERING AGENCY agrees to submit supporting backup documentation with invoices if requested by State. Acceptable backup documentation includes, but is not limited to, agency's progress payment to the contractors, copies of cancelled checks showing amounts made payable to vendors and contractors, and/or a computerized summary of PROJECT costs.

D. Indirect Cost Allocation Plan/Indirect Cost Rate Proposals (ICAP/ICRP), Central Service Cost Allocation Plans and related documentation are to be prepared and provided to STATE (Caltrans Audits & Investigations) for review and approval prior to ADMINISTERING AGENCY seeking reimbursement of indirect costs incurred within each fiscal year being claimed for State and federal reimbursement. ICAPs/ICRPs must be prepared in accordance with the requirements set forth in 2 CFR, Part 200, Chapter 5 of the Local Assistance Procedural Manual, and the ICAP/ICRP approval procedures established by STATE.

E. STATE will withhold the greater of either two (2) percent of the total of all federal funds encumbered for each PROGRAM SUPPLEMENT or \$40,000 until ADMINISTERING AGENCY submits the Final Report of Expenditures for each completed PROGRAM SUPPLEMENT PROJECT.

F. Payments to ADMINISTERING AGENCY for PROJECT-related travel and subsistence (per diem) expenses of ADMINISTERING AGENCY forces and its contractors and subcontractors claimed for reimbursement or as local match credit shall not exceed rates authorized to be paid rank and file STATE employees under current State Department of Personnel Administration (DPA) rules. If the rates invoiced by ADMINISTERING AGENCY are in excess of DPA rates, ADMINISTERING AGENCY is responsible for the cost difference, and any overpayments inadvertently paid by STATE shall be reimbursed to STATE by ADMINISTERING AGENCY on demand within thirty (30) days of such invoice.

G. ADMINISTERING AGENCY agrees to comply with 2 CFR, Part 200, Uniform Administrative Requirements, Cost Principles and Audit Requirement for Federal Awards.

H. ADMINISTERING AGENCY agrees, and will assure that its contractors and subcontractors will be obligated to agree, that Contract Cost Principles and Procedures, 48 CFR, Federal Acquisition Regulations System, Chapter 1, Part 31, et seq., shall be

SPECIAL COVENANTS OR REMARKS

used to determine the allowability of individual PROJECT cost items.

I. Every sub-recipient receiving PROJECT funds under this AGREEMENT shall comply with 2 CFR, Part 200, 23 CFR, 48 CFR Chapter 1, Part 31, Local Assistance Procedures, Public Contract Code (PCC) 10300-10334 (procurement of goods), PCC 10335-10381 (non-A&E services), and other applicable STATE and FEDERAL regulations.

J. Any PROJECT costs for which ADMINISTERING AGENCY has received payment or credit that are determined by subsequent audit to be unallowable under 2 CFR, Part 200, 23 CFR, 48 CFR, Chapter 1, Part 31, and other applicable STATE and FEDERAL regulations, are subject to repayment by ADMINISTERING AGENCY to STATE.

K. STATE reserves the right to conduct technical and financial audits of PROJECT WORK and records and ADMINISTERING AGENCY agrees, and shall require its contractors and subcontractors to agree, to cooperate with STATE by making all appropriate and relevant PROJECT records available for audit and copying as required by the following paragraph:

ADMINISTERING AGENCY, ADMINISTERING AGENCY'S contractors and subcontractors, and STATE shall each maintain and make available for inspection and audit by STATE, the California State Auditor, or any duly authorized representative of STATE or the United States all books, documents, papers, accounting records, and other evidence pertaining to the performance of such contracts, including, but not limited to, the costs of administering those various contracts and ADMINISTERING AGENCY shall furnish copies thereof if requested. All of the above referenced parties shall make such AGREEMENT, PROGRAM SUPPLEMENT, and contract materials available at their respective offices at all reasonable times during the entire PROJECT period and for three (3) years from the date of submission of the final expenditure report by the STATE to the FHWA.

L. ADMINISTERING AGENCY, its contractors and subcontractors shall establish and maintain a financial management system and records that properly accumulate and segregate reasonable, allowable, and allocable incurred PROJECT costs and matching funds by line item for the PROJECT. The financial management system of ADMINISTERING AGENCY, its contractors and all subcontractors shall conform to Generally Accepted Accounting Principles, enable the determination of incurred costs at interim points of completion, and provide support for reimbursement payment vouchers or invoices set to or paid by STATE.

M. ADMINISTERING AGENCY is required to have an audit in accordance with the Single Audit Act of 2 CFR 200 if it expends \$750,000 or more in Federal Funds in a single fiscal year of the Catalogue of Federal Domestic Assistance.

N. ADMINISTERING AGENCY agrees to include all PROGRAM SUPPLEMENTS adopting the terms of this AGREEMENT in the schedule of projects to be examined in ADMINISTERING AGENCY's annual audit and in the schedule of projects to be

SPECIAL COVENANTS OR REMARKS

examined under its single audit prepared in accordance with 2 CFR, Part 200.

O. ADMINISTERING AGENCY shall not award a non-A&E contract over \$5,000, construction contracts over \$10,000, or other contracts over \$25,000 [excluding professional service contracts of the type which are required to be procured in accordance with Government Code sections 4525 (d), (e) and (f)] on the basis of a noncompetitive negotiation for work to be performed under this AGREEMENT without the prior written approval of STATE. Contracts awarded by ADMINISTERING AGENCY, if intended as local match credit, must meet the requirements set forth in this AGREEMENT regarding local match funds.

P. Any subcontract entered into by ADMINISTERING AGENCY as a result of this AGREEMENT shall contain provisions B, C, F, H, I, K, and L under Section 2 of this agreement.



STAFF REPORT

City Council
Meeting Date: 9/22/2020
Staff Report Number: 20-214-CC

Regular Business: Service adaptation update - childcare services

Recommendation

Staff recommends that City Council receive and file an update on childcare services. No action required.

Policy Issues

City Council provides policy direction to the city manager regarding service provision to the community; ratifies declarations of local emergencies; authorizes the City operating budget; and sets prioritization for the use of City resources to serve the community.

Background

On March 11 (Attachment A), City Council declared a local emergency in response to the COVID-19 pandemic and directed the city manager to close all nonessential City facilities to protect public health and safety.

On May 26 (Attachment B), City Council directed staff to reopen the city-provided childcare programs as soon as possible, to the extent possible. City staff prepared service adaptation plans for modified preschool childcare services at Belle Haven Child Development Center (BHDCDC) and Menlo Children's Center (MCC), and for modified school-age childcare services at summer camps and afterschool care programs.

On June 9, (Attachment C), City Council held a public hearing to review the proposed fiscal year 2020-21 annual operating budget including the projected costs of providing significantly modified childcare services at reduced enrollment capacity in compliance with public health orders.

On June 23, (Attachment D), City Council adopted a fiscal year 2020-21 annual operating budget that included significant expenditure reductions and personnel layoffs throughout the city organization, enhanced general fund subsidy to support childcare program operations, combined library and community services into a single department, and eliminated a department head position.

On July 6, the BHDCDC preschool childcare, Onetta Harris Community Center (OHCC) summer camp, and MCC summer camp programs reopened with significant modifications and reduced enrollment capacity to comply with public health orders and prevent the spread of COVID-19.

On July 20, the MCC preschool childcare program reopened with significant modifications and reduced enrollment capacity to comply with public health orders and prevent the spread of COVID-19.

On August 24, the MCC and OHCC afterschool care programs reopened with significant modifications and reduced enrollment capacity to comply with public health orders and prevent the spread of COVID-19.

Analysis

The COVID-19 pandemic’s impacts to the functioning of society continue to be severe, extensive, persistent and unparalleled. The city’s childcare programs, already challenged by high operating costs and complex licensing requirements even before the pandemic, were significantly impacted and changed by the pandemic, possibly forever. The city’s ability to directly provide safe, economically viable childcare services has been challenged by the health and safety restrictions imposed on childcare programs by the state and county, and compounded by the ongoing risk to employees and program participants of potential exposure to COVID-19.

One of COVID-19’s most significant impacts to childcare has been to enrollment. In addition to the decline in enrollment due to enrollment caps imposed by the state, informal surveys of participating families undertaken during the programs’ registration periods indicated that several families feel uneasy with the risk of sending their children into any childcare program and are choosing not to enroll their children at this time. Other families indicated that their work/home circumstances had changed due to job loss, remote work, multigenerational cohabitation, and other factors leading to those families deciding not to return their children to childcare at this time. A few families indicated that they had found childcare services with other providers due to cost or their closer proximity to home as opposed to work.

The chart in Table 1 shows the current enrollment and capacity by program. Until recently, public health orders limited enrollment to “stable cohorts” of no more than 12 children. On August 31, the Governor’s updated “blueprint for a safe economy” revised the limit to no more than 14 children. Childcare centers will expand classrooms to reach the new 14 student capacity as demand increases and new children enter the program.

Table 1. Current childcare enrollment by program/cohort as of September 10

Table 1. September 10 - childcare program enrollment					
	Pre-COVID enrollment capacity	Current max. allowable enrollment*	Current enrollment as of 9/10/2020	Current staff (FTE)**	
BHCDC preschool classroom 1	24	14	12	2.50	
BHCDC preschool classroom 2	24	14	11	2.50	
BHCDC preschool classroom 3	24	14	12	2.50	
BHCDC preschool classroom 4	24	14	10	2.50	
BHCDC preschool classroom 5 (new)		14	6	2.00	
MCC preschool classroom	24	14	12	2.00	
MCC early preschool/ toddler classroom***	36	14	10	2.00	
OHCC afterschool group 1	40	14	12	1.50	
OHCC afterschool group 2	31	14	12	2.00	
OHCC afterschool group 3 (new)		14	12	1.75	
MCC afterschool	70	14	6	0.75	
Total	297	154	115	22.00	

* State of California increased the maximum allowable enrollment from 12 to 14 on 8/31/20

** FTE = Full Time Equivalent. 1.0 FTE = 40 hours/week

*** Was two separate classrooms (24 early preschool, 12 toddler) pre-Covid; now combined due to low enrollment

Classroom occupancy has fluctuated at various times in both preschool locations as a result of children being temporarily out of the program due to illness, precautionary measures including at-home quarantines of children who were potentially exposed to COVID-19 outside of the childcare program, families withdrawing from the program due to changes in residency or other circumstances, and phased entry of new children into the program, among other factors.

Enrollment at BHCDK has been at or near capacity since the program restarted in July. BHCDK opened four classrooms in July with 32 of the 48 spots filled; in August the number grew to 44. To meet demand, a fifth classroom was opened in early September bringing total enrollment to 51. Demand for the low-cost and subsidized childcare provided at BHCDK remains strong and the overall program is expected to reach full capacity by November. At MCC the enrollment opened in July with 24 students in three classrooms with a total capacity of 36 at the time. Enrollment remained steady with 24 in August, then decreased to 22 students in September. Enrollment at MCC has consistently been below capacity resulting in two of the three classrooms (early preschool and toddlers) being combined in mid-August and staff transferred to BHCDK where demand is greater.

Enrollment challenges are not unique to the City's childcare programs. According to a recent survey by National Association for the Education of Young Children (Attachment E), childcare enrollment is down substantially nationwide and 63 percent of programs across all settings expect to be operating at or below 80 percent of enrollment past the end of this summer. At the same time, many local childcare providers now find themselves in need of new or larger locations to stay financially viable, due to economic pressures and/or increased space needs to accommodate reduced classroom sizes and social distancing requirements. City staff is aware of several local childcare providers who are actively seeking new or expanded locations to house their childcare operations.

Impact on City Resources

City Council's adopted fiscal year 2020-21 operating budget includes enhanced general fund subsidy to support childcare operations in consideration of enrollment and capacity limitations imposed by public health orders. The reduced enrollment capacity will result in substantially lower program revenues – primarily generated through enrollment fees – in fiscal year 2020-21 compared to the previous fiscal year, without a corresponding reduction in expenditures due to operational and safety requirements.

The chart in Table 1 shows the projected first quarter (Q1) revenues and expenditures by program. Q1 is the financial reporting period beginning July 1, and ending September 3.

Table 2. Projected Q1 revenues and expenditures by program

Table 2: Childcare program financial projections Fiscal year 2020-21 Q1 (July 1 to September 30, 2020)					
Program	Projected revenue	Projected expenditure	Projected surplus/ (deficit)	9/10/20 enrollment	Adopted Q1 budget surplus/ (deficit)*
MCC preschool	99,794	228,400	(128,606)	22	(35,903)
MCC summer camp and afterschool	17,678	103,354	(85,676)	6	(10,557)
BHCDC preschool**	126,978	377,827	(250,849)	51	(115,909)
OHCC summer camp	10,044	10,820	(776)		(10,455)
OHCC afterschool	10,800	26,653	(15,853)	36	(45,129)
Q1 total	265,294	747,054	(481,760)	115	(217,953)
Annualized (Q1x4)	1,061,176	2,988,216	(1,927,040)		(871,812)

*Annual adopted budget divided by four

** Projected revenues include anticipated grant reimbursement for Q1

It is unclear how long the pandemic-related limitations on enrollment will remain in effect, however the Governor’s Blueprint for a Safe Economy provides some indication of how state-imposed limitations will change according to the county’s progress—or lack thereof—toward suppressing community spread of the virus and reducing cases. Staff’s best estimate is that childcare programs in San Mateo County will likely remain subject to current restrictions through the end of calendar year 2020 and some restrictions through summer 2021.

Environmental Review

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

Public Notice

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

Attachments

- A. Hyperlink – March 11 City Council meeting minutes: menlopark.org/AgendaCenter/ViewFile/Minutes/_03112020-3409
- B. Hyperlink – May 26 City Council meeting minutes: menlopark.org/AgendaCenter/ViewFile/Minutes/_05262020-3443
- C. Hyperlink – City Council Staff Report #20-122-CC: menlopark.org/DocumentCenter/View/25288/I1-Budget-public-hearing-slip-sheet
- D. Hyperlink – City Council Staff Report #20-141-CC: menlopark.org/DocumentCenter/View/25499/F2-20200623-CC-Budget
- E. Hyperlink – NAEYC pandemic surveys: naeyc.org/pandemic-surveys

Report prepared by:

Dan Jacobson, Assistant Administrative Services Director

Rani Singh, Business Manager

Adriane Lee Bird, Assistant Community Services Director

Sean Reinhart, Library and Community Services Director

Report reviewed by:

Nick Pegueros, Assistant City Manager



STAFF REPORT

City Council
Meeting Date: 9/22/2020
Staff Report Number: 20-212-CC

Regular Business: **Waive formal bid requirements and authorize the city manager to enter into a five-year agreement with OpenGov for financial accounting software-as-a-service for a total of \$814,700 and appropriate funds**

Recommendation

Staff recommends that the City Council waive formal bid requirements and authorize the city manager to enter into a five-year agreement with OpenGov for financial accounting software-as-a-service (SaaS) and appropriate a total of \$814,700 consisting of:

1. One-time implementation appropriation of \$127,000 from the general capital improvement plan fund under the information technology (IT) master plan
2. A 10 percent implementation contingency of \$12,700 from the general capital improvement plan fund under the IT master plan
3. Annual subscription costs of \$135,000, totaling \$675,000, from the IT internal service fund

Policy Issues

City Council procedure #19-001 sets award authority and bid requirements for procurement. The recommended purchase exceeds the fiscal year 2020-21 threshold of \$200,000 for formal bid requirements and would require a waiver to procure. In addition, the recommended software solution exceeds the city manager's purchasing authority and requires City Council approval.

Background

The City currently conducts its financial accounting operations through a software system named Cayenta, a Harris product, and has been a Cayenta customer since 1989 with the last software upgrade conducted in 2016. As a component of enterprise resource planning (ERP) systems, upgrading the City's core financial accounting system has been a planned project within the IT master plan since its adoption. The complexity of such systems is complicated by the limitations of the current system and therefore sequenced after other high-need software systems such as land management and budgeting. The rapid switch to remote work due to the COVID-19 pandemic has exacerbated the limitations of the current system and necessitated a more rapid adoption schedule. Further complicating matters, the workload requirements of the annual independent audit, preparation of financial statements, and preparation of the annual budget creates a relatively narrow window of potential "go-live" times.

During a special meeting August 12, the Finance and Audit Committee was apprised of the search for a replacement and expressed support for a software upgrade but did not believe any action falls under the Committee's purview.

Analysis

Evaluation criteria

Identification of a replacement system for the City’s financial accounting software was driven by a number of limitations in the current system as well as requirements to facilitate accurate, secure, and proper separation of duties according to generally accepted accounting principles (GAAP) and Governmental Accounting Standards Board (GASB) guidance. Staff created a list of criteria to guide evaluation of potential replacement solutions. Each criterion includes a scale for evaluation and prioritization is in descending order of importance. These criteria and scales are presented in Table 1 with expanded descriptions following.

Priority	Criterion	Rating type	Range high score	Range low score
1	Service provision model	Range	Cloud-based	On premises
2	Meets security requirements	Yes/No	N/A	N/A
3	Functionality and integration with other systems	Range	Functionality beyond minimum, automated integrations	Minimum necessary functionality
4	Implementation go-live date for mandatory modules	Range	February 2021	May 2021
5	Total cost of ownership over five years	Range	Lowest net cost	Highest net cost
6	Ability to fit current processes	Range	Low/no retraining	High retraining

Service provision model

One limitation of the current system is the on-premises model, which slows processes and requires an active virtual private network (VPN) connection. In addition, on-premises solutions require regular upgrades in order to maintain maximum functionality, whereas many cloud solutions incorporate software updates automatically. As a result, cloud-based solutions are considered preferable to the on-premises model.

Security requirements

Security was considered a binary criterion, where any solutions which do not meet the City’s standards for data security and breach protocol would be disqualified.

Functionality and integration with other systems

Another major limitation of the current system is the need for manual entries for many processes. Currently, these include the use of external systems for recurring journal entries, purchase requisitions, payment processing and asset depreciation. Mandatory modules under this criterion include general ledger (GL) for full fund accounting and accounts payable (AP) with encumbrances. Additional functionality for purchasing workflow management, fixed asset accounting, cashiering/cash management, and automated integrations with other software systems such as land management, asset management, budgeting and reporting, and payroll were considered to be value-added beyond these minimum needs. Finally, this criterion includes evaluations of the capability of the system to meet the City’s accounting needs, as staff evaluated a range of potential solutions including lower-cost alternatives not created specifically for governmental accounting.

Implementation go-live date for mandatory modules

Major annual financial projects include budget development in spring-summer and independent audit and financial statement preparation in summer-fall. As a result, the optimal go-live date for a replacement system is early spring in order to conduct implementation in the fall and winter, training in winter and spring,

and complete accounting needs in a single system for a fiscal year ending on June 30. While this creates an aggressive implementation schedule for a system of this nature, the alternative is an implementation in spring of 2022 or later, resulting in at least an additional year using outdated legacy systems. Staff ratings for this criterion favor earlier implementation in order to maximize time using the new solution prior to the fiscal year-end close for 2020-21.

Total cost of ownership over five years

This criterion incorporates the actual monetary costs of a replacement system, including implementation and subscription or ongoing cost, as well as the potential for avoided costs relative to retirement of the current system and reductions in staff time requirements due to increased functionality or automations. It is important to note that no time value discount was applied to costs in future years as the current economic climate indicates very little potential for earnings on invested cash, though some solutions offer discounts for advance payment and which may be a prudent use of City resources.

One major category of potentially avoided costs is that of personnel. Currently, manual processes involve multiple systems which are not fully integrated and greatly reduce visibility in the workflow, increase throughput time, and require rework at multiple stages. Any avoided costs are unlikely to be realized until the selected replacement is implemented and processes are fully stabilized, anticipated for fiscal year 2022-23. For solutions which offer substantial avoided personnel costs, these may be realized through attrition and would not require layoffs of current staff.

Ability to fit current processes

Irrespective of the current system’s functionality, staff believes most accounting workflows to be sound, and, as a result, this criterion focuses on the ability of a given solution to quickly incorporate these workflows for users in both the finance division and line departments.

Overall solution evaluations

After evaluating six potential vendors, staff separated the candidate solutions into two tiers based on scoring in the aforementioned criteria, falling into either revolutionary or incremental improvements over the current system. In addition, the total five-year cost of ownership, net of avoided costs, risk level due to implementation and fit for governmental accounting, and the recommended rank are also included in Table 2 and each solution is described in greater detail in Attachment A.

Vendor	Rating tier	Total software cost	Total cost of ownership	Risk level	Rank
OpenGov	Revolutionary	\$ 814,700	\$ (62,901)	Low	1
Tyler Munis	Revolutionary	978,243	100,641	Low	2
Central Square	Revolutionary	1,085,973	208,372	Low	3
MIP Fund Accounting	Incremental	155,900	(145,739)	Medium	4
Cayenta	Incremental	615,996	148,363	Low	5
Sage Intacct	Incremental	435,910	(57,717)	High	6

Next steps

If approved, staff will begin implementation starting in September 2020 with a “go-live” date in March 2021 for GL and AP modules. Staff will be trained citywide from February-June 2021 and the fiscal year 2020-21 audit and financial statements will be prepared in the new system. The current system will be retired in fiscal year 2021-22 following the transfer of prior years’ financial records.

If additional direction is required, staff will incorporate any necessary changes and target a February 2022 implementation date.

Impact on City Resources

The general capital improvement plan fund has available resources under the IT master plan for implementation costs which may be partially or fully reimbursable using CARES Act funds. Subscription costs for operations may be prepaid from the IT internal service fund and repaid through internal service fund charges to other funds over the course of the agreement, incorporated into annual operating budgets.

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. Accounting software solution evaluations memorandum

Report prepared by:

Ying Chen, Accountant II

Dan Jacobson, Assistant Administrative Services Director

Report reviewed by:

Nick Pegueros, Assistant City Manager



MEMORANDUM

Date: 9/18/2020
To: Starla Jerome-Robinson, City Manager
From: Dan Jacobson, Assistant Administrative Services Director
Re: Financial accounting software solution evaluations

Over the course of August and September, the City’s professional accounting staff evaluated a number of potential solutions to replace the legacy Cayenta system for core financial accounting needs. The solutions evaluated are described in greater detail below and include the individual scorecards for each. The solutions are presented in order of the final recommendations by staff.

OpenGov

OpenGov solutions are purpose built for government agencies, recently growing to over 1,000 customers in the nation representing Cities, Counties, State Agencies, Special Districts and School Districts. Over 80 are OpenGov ERP customers and the closest ERP customer to Menlo Park is Portola Valley.

Table A1: OpenGov solution evaluation		
Priority	Criterion	Rating
1	Service provision model	Cloud-based
2	Meets security requirements	Yes
3	Functionality and integration with other systems	Additional functionality for capital assets and cash management; integration with land management, assets, payroll, and budgeting
4	Implementation go-live date for mandatory modules	March 2021
5	Implementation cost	\$ 127,000
	Total five-year subscription cost	\$ 675,000
	Total five-year avoided costs	\$ (877,601)
6	Ability to fit current processes	High; customizable workflows

Of particular note, OpenGov is currently the City’s budgeting and reporting software. As such, OpenGov has largely completed an interface with the current accounting system and the risk of cost or time overages for extracting data from the legacy Oracle database is mitigated. OpenGov includes additional functionality beyond the GL and AP modules which can reduce workload requirements in the areas of capital asset depreciation and cash management. OpenGov also poses the lowest total cost of ownership for the “revolutionary” tier of solutions, achieved primarily through lower implementation costs than other solutions, a pre-payment discount, and substantial potential for reduced personnel costs due to automation and end-to-end electronic workflows. The largest risk is that of early adoption, where the user community is not as developed and mature as for other solutions. Anticipated avoided costs include 1.5 full-time equivalent (FTE) staff beginning in fiscal year 2022-23. The total cost of implementation for OpenGov is \$127,000 and the annual subscription cost is \$135,000, totaling \$675,000, for the five-year agreement utilizing pre-payment to achieve a discount.

Tyler Munis

Custom-built for government agencies, Tyler Munis is used by thousands of public sector agencies nationwide and 130 in California. Nearby Munis customers include the Cities of Vacaville and Rohnert Park.

Table A2: Tyler Munis solution evaluation		
Priority	Criterion	Rating
1	Service provision model	Cloud-based
2	Meets security requirements	Yes
3	Functionality and integration with other systems	Additional modules available for capital assets and cash management; integration with land management, assets, payroll, and bank reconciliation
4	Implementation go-live date for mandatory modules	March 2021
5	Implementation cost	\$ 266,175
	Total five-year subscription cost	\$ 685,450
	Total five-year avoided costs	\$ (877,601)
6	Ability to fit current processes	High; customizable workflows

The number of Tyler Munis customers is indicative of its ability to provide powerful and high-quality accounting solutions. In addition, Tyler Munis has a full ERP suite, creating opportunity to use additional modules beyond the necessary minimum functionality of GL and AP. Similar to OpenGov, data transfer integrations are available for a number of other systems in use by the City such as land management, assets, payroll, and bank reconciliation. These functions create potential for reduced personnel costs due to automation and full-process, customizable workflows, though it is important to note that these are unlikely to be realized until fiscal year 2022-23. The most substantial risk with Tyler Munis is that the legacy data from the current system prove to be problematic to extract and implementation is delayed, mitigated by extensive experience converting other systems. The implementation costs are higher than other “revolutionary” accounting systems but customer references indicate that cost overruns are extremely rare and the service is accompanied by a very high level of support. The total cost of implementation for Tyler Munis is \$266,175 and the total subscription cost is \$137,090, totaling \$575,962, for the five-year agreement



Central Square

Central Square solutions are similarly public agency oriented, with a customer base of over 7,500 public sector agencies nationwide. Central Square financial customers include nearby agencies such as Mountain View and Santa Rosa.

Table A3: Central Square solution evaluation		
Priority	Criterion	Rating
1	Service provision model	Cloud-based
2	Meets security requirements	Yes
3	Functionality and integration with other systems	Additional modules available for capital assets and cash management; integration with land management, assets, and payroll
4	Implementation go-live date for mandatory modules	April 2021
5	Implementation cost	\$ 366,040
	Total five-year subscription cost	\$ 683,329
	Total five-year avoided costs	\$ (877,601)
6	Ability to fit current processes	High; customizable workflows

Central Square integrates well with OpenGov for budgeting and reporting and has powerful workflow customization tools which are anticipated to avoid a similar amount of future personnel costs as OpenGov and Tyler Munis, 1.5 FTEs starting in fiscal year 2022-23. Similar to OpenGov, Central Square includes additional functionality beyond the GL and AP modules which can reduce workload requirements in the areas of capital asset depreciation and cash management. The implementation team has experience with Oracle databases and has vetted an implementation timeline which would be live in April 2021. The total cost of implementation for Central Square is \$366,040 and the annual subscription cost ranges from \$123,600 to \$150,333, totaling \$683,329, over the five-year agreement.

MIP Fund Accounting

MIP Fund Accounting core customers are both non-profit organizations and includes government agencies. MIP customers include over 100 local government agencies and approximately 25 in California. Nearby agencies using MIP include the West Bay Sanitary District and the City of Blue Lake.

Table A4: MIP Fund Accounting solution evaluation		
Priority	Criterion	Rating
1	Service provision model	Cloud-based
2	Meets security requirements	Yes
3	Functionality and integration with other systems	Additional modules available for other financial processes; multiple systems necessary to complete all core processes
4	Implementation go-live date for mandatory modules	March 2021
5	Implementation cost	\$ 71,403
	Total five-year subscription cost	\$ 77,357
	Total five-year avoided costs	\$ (301,640)
6	Ability to fit current processes	Moderate

One of the lower cost options evaluated, MIP Fund Accounting does provide the necessary core functionality as well as a number of optional MIP modules which could encompass the majority of financial processes. As a low-cost option, the modular functions are less integrated than with other solutions such as OpenGov, Tyler Munis, or Central Square and, in several cases, rely on third-party systems, as in the purchase requisition process. As compared to the current system, the cloud-based system and options for additional modules represent an incremental improvement and substantially lower operating cost. However, the requirement to operate in multiple systems and create custom integrations with other City operations limits any potential avoided personnel costs compared with the current system. The primary risk associated with MIP is the complexity of converting the current system's data and reliance on a third-party to complete the data conversion which could result in increased costs and delay in implementation. The total cost of implementation for MIP is estimated to be \$71,403 and the annual subscription cost totals \$77,357 over the five-year agreement.

Cayenta

The City’s current system, Cayenta, is designed for government agencies and serves a number of local agencies including Milpitas and San Jose.

Table A5: Cayenta solution evaluation		
Priority	Criterion	Rating
1	Service provision model	Cloud-based
2	Meets security requirements	Yes
3	Functionality and integration with other systems	Additional modules available for fixed assets and cash management; limited functionality for integration with other City operations
4	Implementation go-live date for mandatory modules	March 2021
5	Implementation cost	\$ 216,800
	Total five-year subscription cost	\$ 377,516
	Total five-year avoided costs	\$ (467,633)
6	Ability to fit current processes	High

The City currently operates on version 7.7 of Cayenta but may be upgraded to the current version, 9.0. The updates include a number of additional functions including web-based procurement review and approvals. Cayenta has met the City’s accounting requirements for a number of years but does not, even at the most current version, offer the same degree of end-to-end workflow management and automation that some solutions offer, resulting in an incremental improvement to the current functionality. An upgrade to the current system is unlikely to result in significantly reduced personnel costs in future years though it is important to note that the risk of implementation is very low as there would be no need to convert current data. The total cost of implementation is \$216,800 and the annual subscription totals \$377,516 over five years.



Sage Intacct

Sage Intacct was created for medium-sized businesses but does have a non-profit business unit which can accommodate the necessary fund accounting processes the City utilizes. Sage was non-responsive with the number of local government agencies and California-specific agencies served.

Table A6: Sage Intacct solution evaluation		
Priority	Criterion	Rating
1	Service provision model	Cloud-based
2	Meets security requirements	Yes
3	Functionality and integration with other systems	Additional third-party modules available for a variety of processes; potentially limited integration options
4	Implementation go-live date for mandatory modules	February 2021
5	Implementation cost	\$ 120,000
	Total five-year subscription cost	\$ 303,910
	Total five-year avoided costs	\$ (493,627)
6	Ability to fit current processes	Moderate

Another lower-cost solution evaluated, Intacct is not specifically created for use by government agencies but could be configured to accommodate the accounting requirements of the City. Intacct offers a number of additional modules which could increase functionality above the current system, but utilizes a partnership model and, as such, would likely require a large degree of customization in order to maximize utility. The workflows and automations native to the solution are likely, however, to reduce future personnel costs. The largest risks inherent with Intacct are lack of familiarity with governmental accounting by the implementation team and limited community knowledge base as well as the aforementioned risk associated with data conversion. Collectively, these make Intacct the highest risk option despite its relatively low cost. The total cost of implementation is estimated to be \$120,000 and the subscription cost is \$303,910 over five years.





FINANCIAL ACCOUNTING SOFTWARE

September 22, 2020



RECOMMENDED ACTION

- Waive formal bid requirements for purchase over \$200,000
- Authorize the City Manager to execute a contract with OpenGov for financial accounting software-as-a-service
- Appropriate funds:
 - \$127,000 + 10 percent contingency from the General CIP fund under the IT Master Plan for implementation
 - \$675,000 from the IT internal service fund for subscription costs

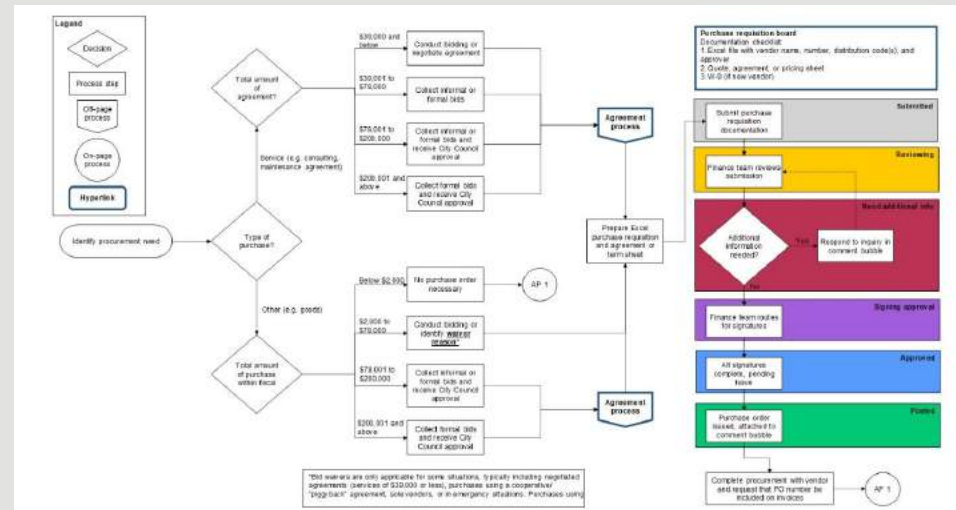


COVID-19 EFFECTS ON FINANCE DIVISION

- On-premises vs cloud-based model
- Manual, labor-intensive vs automated processes
- Timing of regular finance division activities
 - Financial statements (CAFR)
 - Annual budget process

EXAMPLE PROCESS IMPROVEMENT

- Purchase requisition process; >90% of procurement needs
- Current state
 - 6+ systems used
 - Rework at multiple steps
 - ~1 week process time
 - Low visibility
- Future state
 - 1-2 systems
 - No rework
 - Automated approvals
 - Full-process visibility





RECOMMENDED ACTION

- Waive formal bid requirements for purchase over \$200,000
- Authorize the City Manager to execute a contract with OpenGov for financial accounting software-as-a-service
- Appropriate funds:
 - \$127,000 + 10 percent contingency from the General CIP fund under the IT Master Plan for implementation
 - \$675,000 from the IT internal service fund for subscription costs



SELECTION CRITERIA USED

- Service model
- Security
- Functionality and integration
- Implementation schedule
- Price/total cost of ownership
- Ability to fit current processes





GOVERNMENTAL ACCOUNTING

- System of record for financial activity
- Full fund accounting
- Encumbrances for committed funds
- GAAP and GASB guidelines



STAFF REPORT

City Council

Meeting Date:

9/22/2020

Staff Report Number:

20-208-CC

Regular Business:

Reaffirm prior direction to acquire and install three air quality monitoring sensors and provide direction on use of data collected

Recommendation

Provide clarification on the acquisition and installation of three air quality monitoring sensors north of US Highway 101 and provide direction on the use of data collected.

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 north of Highway 101 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 Menlo Park area north of US Highway 101 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.

At their September 8 meeting, City Council initially considered staff's request for clarification on earlier direction given the material new information regarding the installation schedule of the SMCLabs air quality monitoring sensors. The City Council retracted direction to issue a letter to the County of San Mateo given the new information. With regard to the purchase of three PurpleAir air quality monitoring sensors, the City Council deferred action requesting information on whether the order can be canceled.

Analysis

Material new information on County of San Mateo air quality monitoring sensors (Attachment A)

County staff have been extremely responsive to the City Council's request for urgent action to install sensors allocated to the Belle Haven neighborhood approximately on year ago. The County completed their due diligence purchasing process and selected Clarity air quality sensors for the project. COVID-19 social distancing protocols hampered sensor installation however, at the urging of City Council, the County staff successfully completed their work Monday, September 14. The installation captures air quality data from the three corners forming the Belle Haven neighborhood and are accessible via web link in Attachment A.

Reaffirmation of prior direction to acquire and install three PurpleAir air quality sensors

With the material new information regarding the installation of three Clarity sensors north of US Highway

101, City staff seeks City Council reaffirmation of prior direction to acquire and install three PurpleAir sensors in the north of US Highway 101. Staff purchased the sensors totaling \$927.02 including tax and shipping, excluding installation costs. Delivery is anticipated in approximately five to six weeks. The City may cancel the order with a penalty of 10 percent or \$83.70. If reaffirmed, staff will explore locations with the requisite electrical and internet connectivity. The cost of siting and installation are unknown. No additional resources will be devoted to the project until City Council reaffirms direction on PurpleAir sensors.

Use of Clarity and/or PurpleAir data

As a matter of policy, the City has deferred public health matters to the County public health department or regional agencies with subject matter expertise. For air quality, the City relies on the Bay Area Air Quality Management District (BAAQMD) and the United States Environmental Protection Agency's AirNow (AirNow) collaboration. The City does not have an active air quality monitoring staff resource to respond to fluctuations in air quality. Accordingly, unless directed otherwise, City staff will not use Clarity or PurpleAir data to replace BAAQMD or AirNow public health alerts.

Impact on City Resources

The cost of installing and maintaining the PurpleAir monitors has yet to be quantified and will likely depend on-site specific conditions. As a City Council urgency item, the city manager has dedicated the assistant city manager and deputy city manager to focus on enacting the City Council direction. The assistant public works director – maintenance and public works supervisor – streets were both instrumental in the installation.

Environmental Review

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

Public Notice

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

Attachments

A. Hyperlink – <https://openmap.clarity.io/>

Report prepared by:
Nick Pegueros, Assistant City Manager



STAFF REPORT

City Council
Meeting Date: 9/22/2020
Staff Report Number: 20-207-CC

Informational Item: Summary of options for forming re-districting commission following release of 2020 census information

Recommendation

This is an information item, which does not require action by the City Council.

The purpose of this report is to provide background on the redistricting process and to summarize the new State laws that have been enacted since the City's original districting process. It is important to note that an independent redistricting commission is not elected, but a neutral selection process should be used. Staff plans on coming back to the City Council in the next few months to seek direction on forming an independent or other form of redistricting commission. A recent bill signed by the Governor extends the city's deadline for completing the redistricting process from October 8, 2021 to April 17, 2022. Also, additional budget resources will be needed to engage a demographer and an outreach consultant.

Policy Issues

On October 4, 2017, the City Council adopted an ordinance transitioning from at-large to by-district city councilmember elections under Elections Code § 10010. Once the federal census is completed in 2020, State law requires the City Council to review and adjust the boundaries of its districts to ensure compliance with the Voting Rights Act.

Background

Until 2018, Menlo Park's five City Councilmembers were elected at large. In 2018, the City transitioned from at large to by district elections. In 2018, elections in Districts 1, 2 and 4 took place. In November 2020, elections in Districts 3 and 5 will take place completing the full transition to district-based elections. This transition was prompted by a letter dated August 21, 2017, from Kevin Shenkman of Shenkman & Hughes asserting that the City's at large elections violated the California Voting Rights Act (CVRA.)

The California Voting Rights Act

The CVRA was enacted to implement the California constitutional guarantees of equal protection and the right to vote. The purpose of the CVRA is to prevent an at-large election system from diluting minority voting power and impairing underrepresented groups from influencing the outcome of a race. While modeled after the federal Voting Rights Act of 1965 ("FVRA")¹, the CVRA lowers the threshold required to establish a voting rights violation. The CVRA made fundamental changes to voting rights in California, making it easier for plaintiffs in California to challenge at-large voting systems which can dilute the voting power of underrepresented groups.

¹ 52 USC § 10301 *et seq.*

New State legislation

Following the City Council's 2018 transition to district elections, the State enacted two additional laws governing the redistricting process. The first law, effective January 1, 2020, is called the Fair Maps Act which creates standardized redistricting criteria aimed to keep communities together and to prohibit partisan gerrymandering. It also contains expanded community outreach and public hearing requirements and timelines, which more closely track the State redistricting schedule. (See Attachment A for comprehensive summary of the Fair Maps Act.) The second law SB 1018, effective January 1, 2019, expanded the methods for re-drawing district maps. Under this legislation, in addition to appointing an advisory and an independent commission, the City Council may instead elect to appoint a hybrid commission (similar to the method used by Menlo Park to form its original districts in 2018) or contract with a County's independent commission. The new redistricting process is described in more detail below.

District boundary criteria

Once a City has transitioned to district elections, State law requires the City Council to examine and, if necessary, adjust the City Council district boundaries every 10-years to ensure compliance with the Voting Rights Act. Adoption of the new map must occur sometime between August 1, 2021 and October 8, 2021.² A new map may not be adopted before August 1, 2021, though cities may begin outreach hearings before August.

Certain legally required criteria must be observed when re-drawing districts:

- Each City Council district shall contain a nearly equal population;
- A districting plan shall be drawn in a manner that complies with the Federal Voting Rights Act and the Equal Protection Clause of the U.S. Constitution; and
- City Council districts shall not be drawn with race as the predominate factor.³

Additionally, the Fair Maps Act now requires the City Council to adopt district boundaries using specific criteria as set forth in the following order of priority:

1. To the extent practicable, city council districts shall be geographically contiguous. Areas that meet only at the points of adjoining corners are not contiguous. Areas that are separated by water and not connected by a bridge, tunnel, or regular ferry service are not contiguous.
2. To the extent practicable, the geographic integrity of any local neighborhood or local community of interest shall be respected in a manner that minimizes its division. A "community of interest" is a population that shares common social or economic interests that should be included within a single district for purposes of its effective and fair representation. Communities of interest do not include relationships with political parties, incumbents or political candidates.
3. City Council district boundaries should be easily identifiable and understandable by residents. To the extent practicable, city council districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the city.
4. To the extent practicable, and where it does not conflict with the preceding criteria in this subdivision, city council districts shall be drawn to encourage geographical compactness in a manner that nearby areas of population are not bypassed in favor of more distant populations.⁴

² Elections Code Section 21602.

³ *Shaw v. Reno*, 509 U.S. 630 (1993).

⁴ Elections Code Section 21601. Prior to January 1, 2020, State law authorized use of the following districting criteria: (1) topography; (2) geography; (3) cohesiveness, continuity, integrity and compactness of territory, and community of interests of the city council districts.

State law does not allow city council district boundaries to be drawn for the purpose of favoring or discriminating against a political party.

Process for establishing district boundaries

SB 1018 provides additional methods for adjusting boundaries. There are now five methods available to general law cities: (1) the City Council may adopt districts itself⁵; (2) the City Council may appoint an advisory commission to recommend district boundaries for City Council adoption⁶; (3) the City Council may establish an independent redistricting commission to either adopt or recommend new boundaries to the City Council⁷; (4) the City Council may establish a hybrid independent redistricting commission to either adopt or recommend new boundaries to the City Council⁸; and (5) a City may contract with the County to draw boundaries.⁹ These options are discussed in more detail below. A chart comparing some of the key differences is included as Attachment B.

City Council draws own map

State law authorizes the City Council to draw its own map. While this is technically authorized under State law, few cities do this as it is time consuming for city councils to draw and review maps and it creates an appearance of bias.

Advisory Commission

The process for establishing an advisory commission is similar to other local boards and commissions. The commission shall consist of residents and the City may specify the qualifications and selection process for commissioners. Current City Councilmembers or family, staff member or paid campaign staff of a City Council member may not serve on the commission.

Independent and Hybrid Commissions

State law authorizes the City Council to transfer redistricting authority to an independent redistricting commission. The manner of appointment is set by the City Council, but commissioners cannot be appointed directly by the City Council. Commissioners must pass an extensive list of possible disqualifications and there are post-service limitations on their ability to run for local office, serve on a local board or commission, seek city employment or otherwise contract with the City. Los Angeles, Santa Barbara, and San Diego counties have independent commissions, along with the cities of Berkeley, Chula Vista, Escondido, Long Beach, Modesto, Oakland, Sacramento, San Diego, San Francisco and Santa Barbara.

A hybrid commission is formed in a manner similar to an independent commission and has similar pre-service and post-service limitations, but a hybrid commission is required to submit two or more maps to the City Council and the City Council must select one of the submitted maps. The City Council is not permitted to alter the selected map in any way except as needed to comply with federal or State law.

Contract with County Redistricting Commission

Under new State law, cities may also contract with a county Independent redistricting commission to adjust the City's map boundaries. San Mateo County currently does not have an independent districting commission, but this option would be available to the City if such a commission were formed in the future. The County commission is required to hold at least three public hearings in the local jurisdiction before adopting the new boundaries.

⁵ Elections Code Section 21601

⁶ Elections Code Section 23001.

⁷ Elections Code Section 23001.

⁸ Elections Code Section 23001.

⁹ Elections Code Section 23004.

Process for appointing committee members

There are several methods for selecting commissioners. The main models are described below:

- *City Council appointment*
Elected officials directly appoint commissioners. In some jurisdictions, each City Councilmember may appoint one member; in other jurisdictions, people apply to serve on the commission and the governing board collectively selects the commissions. In addition to opening the commission to all residents, the City Council may want to include one or more chairs of existing city commissions, such as the Planning Commission. This model is not available if the City Council elects to appoint an independent or hybrid commission.
- *Independent appointment*
After an open application process, a selection body, which is independent of the governing board, appoints the commissioners. For example, in Escondido a panel of retired judge's reviews applications and appoints commissioners. In San Francisco, the County's Elections Commission appoints a subset of the commissioners.
- *Random draw and commission appointment*
After an open application process, an independent selection body removes ineligible applicants and creates a sub-pool of the most qualified candidates. A subset of commissioners is selected at random from that sub-pool. Those commissioners then select the final commissioners from the remaining applicants in the sub-pool. This method follows the model of the State Redistricting Commission and is intended to prevent the governing board from influencing who serves on the commission.

Some ordinances require or encourage geographic or ethnic diversity on the commission. Many ordinances require prospective commissioners to meet certain eligibility qualifications, generally to ensure their political independence from incumbent officeholders. For example, incumbents and recent candidates for political office, as well as their family members and employees, are often prohibited from serving on the commission.

Public hearings and community outreach

Before adopting a final map, the City Council must hold at least four public hearings to provide input regarding the composition of one or more City Council district. These hearings shall consist of:

- At least one public hearing before the City Council draws draft map(s.) This hearing may be conducted by City staff, a consultant **or** an advisory redistricting commission.
- At least two public hearings after the City Council has drawn draft map(s.)
- At least one public hearing or public workshop shall be held on a Saturday, on a Sunday **or** after 6 p.m. on a weekday Monday through Friday.¹⁰

The City Council shall take steps to encourage residents, including those in underrepresented communities and non-English speaking communities, to participate in the redistricting public review process. A good faith effort satisfies the requirement and includes:

- Providing information to media organizations that provide City news coverage, including media organizations that serve language minority communities.
- Providing information through good government, civil rights, civic engagement, or community groups or organizations that are active in the City, including those active in language minority communities, or that have requested to be notified concerning City redistricting.

¹⁰ Elections Code § 21607.

Timeline

The timeline for re-drawing district boundaries is dependent on the dates the 2020 census is completed and the population data is delivered to the states and individual counties. The current deadline for completing the census counts was recently moved from October 31, 2020 to September 30, 2020; but that date is currently being challenged in federal court.¹¹ In addition, a recent bill extends the time for general law cities to complete redistricting from October 8, 2021 to April 17, 2022.¹²

Based on the most recent information, which is subject to change, here is the current schedule:

September 30, 2020: Census counts must be delivered to States. [This could be extended by courts.]

April 1, 2021: The census bureau must send census counts to States. This information is used to redraw legislative districts based on population changes.

April 17, 2022: City must complete its re-districting process. [This new date is now specified in AB 1276.]

Analysis

In 2017, the City utilized a process similar to the now statutorily defined “hybrid” commission process (Attachment C.) The Committee, which was randomly selected, submitted two maps to the City Council for consideration – one map consisted of five districts and the other map contained six districts with an elected at-large mayor. The City Council’s implementing resolution indicated its intent to select one of the maps proposed by the Committee.

The Committee conducted eight hearings over a six-week period and considered approximately 40 different map configurations. The Committee’s work was conducted during a compressed period to take advantage of a safe harbor State law encouraging transitions from at large to by district elections.

The City conducted a range of outreach methods both for Committee recruitment as well as map drawings. Ultimately, 29 applicants applied for the nine-member Committee, with one being disqualified because they lived in unincorporated Menlo Park (e.g., within San Mateo County.)

For the 2020 redistricting process, staff recommends the City Council make the following decisions:

1. Whether to appoint an independent districting commission or some other redistricting commission;
2. Clarify whether there should be any additional local requirements to serving on the redistricting commission;
3. Establish how many residents should be on commission;
4. If advisory, establish role of commission;
5. Establish selection process;
6. Establish timeline for commission recruitment, selection and final action; and
7. Provide input on community outreach.

¹¹ National Urban League, et al v. Wilbur Ross, United States District Court (Northern District), Case No. 20-CV-05799-LHK.

¹² This extension is codified in AB 1276, which was just signed by the Governor on September 20, 2020 and which becomes effective January 1, 2021.

Impact on City Resources

For the 2017 districting, the City Council budgeted \$75,000 for outside consultant demographic services and additional legal fees. Given the mandated steps required under the FAIR Maps Act, it is likely a similar amount would be required for redistricting. In addition, the City Council may want to appropriate additional funds for the greater community outreach.

Environmental Review

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

Public Notice

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

Attachments

- A. League of Women Voters FAIR maps summary
- B. Chart comparing districting commission models
- C. Resolution No. 6418 establishing an Advisory Districting Committee

Report prepared by:
Cara E. Silver, Interim City Attorney



The FairMaps California Local Redistricting Toolkit



Toolkit Contents

- I. What is redistricting and why do we do it?
- II. What are the rules?
- III. What is the timeline?
- IV. Beyond the law: options to deal with potential gerrymandering
- V. Resources
- VI. Background: the California Voting Rights Act (CVRA)
- VII. California local redistricting rules

I. What is redistricting and why do we do it?

Depending on how the government is organized, lawmakers can either represent a whole geographic area or they can represent a part of an area that we call a “**district.**” For example, U.S. Senators from California represent everyone in the state, but U.S. Representatives in Congress are elected by residents of a specific election district.

Every ten years after the federal census, district lines must be adjusted to ensure that each district contains the same number of residents. This process is called **redistricting**: the redrawing of election district boundaries.

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The U.S. Constitution requires that every American receive as close to equal representation as possible in government - for example, one congressional district shouldn't include more people than another congressional district. As time passes, the population of election districts can change dramatically, leaving some people overrepresented and others underrepresented in government. Redistricting equalizes the population between districts to help reach the ideal of equal representation.

Federal congressional and state legislative districts are redrawn by the state - either by the legislature or by some form of commission. Local redistricting is the process of redrawing the boundaries of local election districts, such as county supervisor, school board, or city council districts. The U.S. Supreme Court has held that local governments must redistrict at least once every ten years. This local redistricting is generally done using data from the federal census about who, how many, and where people live in California.¹

Redistricting determines which communities are placed together into a district and whether communities are split up across different districts. The decisions made during the redistricting process determine whether residents have fair representation in government and whether their representatives will reflect their interests.

Gerrymandering happens when the election district boundaries are drawn in a way that gives a particular set of people - like a political party or racial group, an unfair political advantage over another. The League of Women Voters opposes gerrymandering.

Democracy depends on voters having the opportunity to choose their representatives. When elected officials redraw the lines of their own districts, they get to design their own territory and choose who their voters are. This distorts representative democracy. It can lead to manipulation of various types. Racially discriminatory manipulation weakens the voting strength of targeted minority communities. Partisan manipulation favors one political party over another.

The League of Women Voters believes that to be fair, districts should be drawn in a transparent manner by politically independent special commissions that use unbiased criteria to help keep communities intact and to ensure that everyone is equally represented.

¹ For more information about the U.S. Census check online at [census.ca.gov](https://www.census.ca.gov).

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A Historical Note: The League of Women Voters of California & State Redistricting

Each state lawmaker and House of Representatives member represents people who live in a specific election “district.” These lines were traditionally drawn by the state legislature. In 2008, California voters adopted the Voters FIRST Act. Since then, every 10 years, after the U.S. Census, the [California Citizens Redistricting Commission](#) adjusts the boundary lines for California’s Congressional districts and state legislative districts to make sure each district has about the same number of people (a process called “redistricting”).

The [League of Women Voters of California](#) was a leader in the movement to create California’s independent Citizens Redistricting Commission in order to ensure that the process is transparent, equitable, and free of discrimination; that community members can provide input to shape district maps; that partisanship is minimized; and that our election district maps are drawn fairly. Furthermore, we built in rules to guarantee that Commission members reflect California’s diversity.

II. What are the rules for local redistricting?

Local redistricting involves any county, city, school district, community college district, or special district that is divided into districts or divisions. These local governments are required to review their current district boundaries and redistrict based on new population figures from the census. Beyond that, the rules vary for each government agency – whether city, county, school board, or special district. Some of the rules for the process are set by state law and some local governments adopt their own custom-made rules.

The League of Women Voters’ goal is to ensure that districts are drawn in a way that will keep communities together. Keeping communities whole, in a single political district, increases communities’ ability to influence or even determine who gets elected to represent that district. This also makes it more likely that representatives will listen to the community and be responsive to its needs.

While there are rules for state-level redistricting in California, similar criteria to guide decision-making, and requirements to ensure a transparent and open public process, do not necessarily apply at the local level. See the table of [California Local Redistricting Rules](#) referenced in Section VII below to check the rules for each form of local government.

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A. Who gets to draw the new local election districts?

District boundaries are usually drawn by “**incumbents**,” meaning those elected politicians who are currently in office. Many incumbents will be running for re-election in the same districts where they are drawing the lines. So, for example, in most cities the current city council gets to decide on the new council districts that will be used for the next decade. There are a few exceptions, where local independent commissions have been adopted, which are discussed in Section D below.

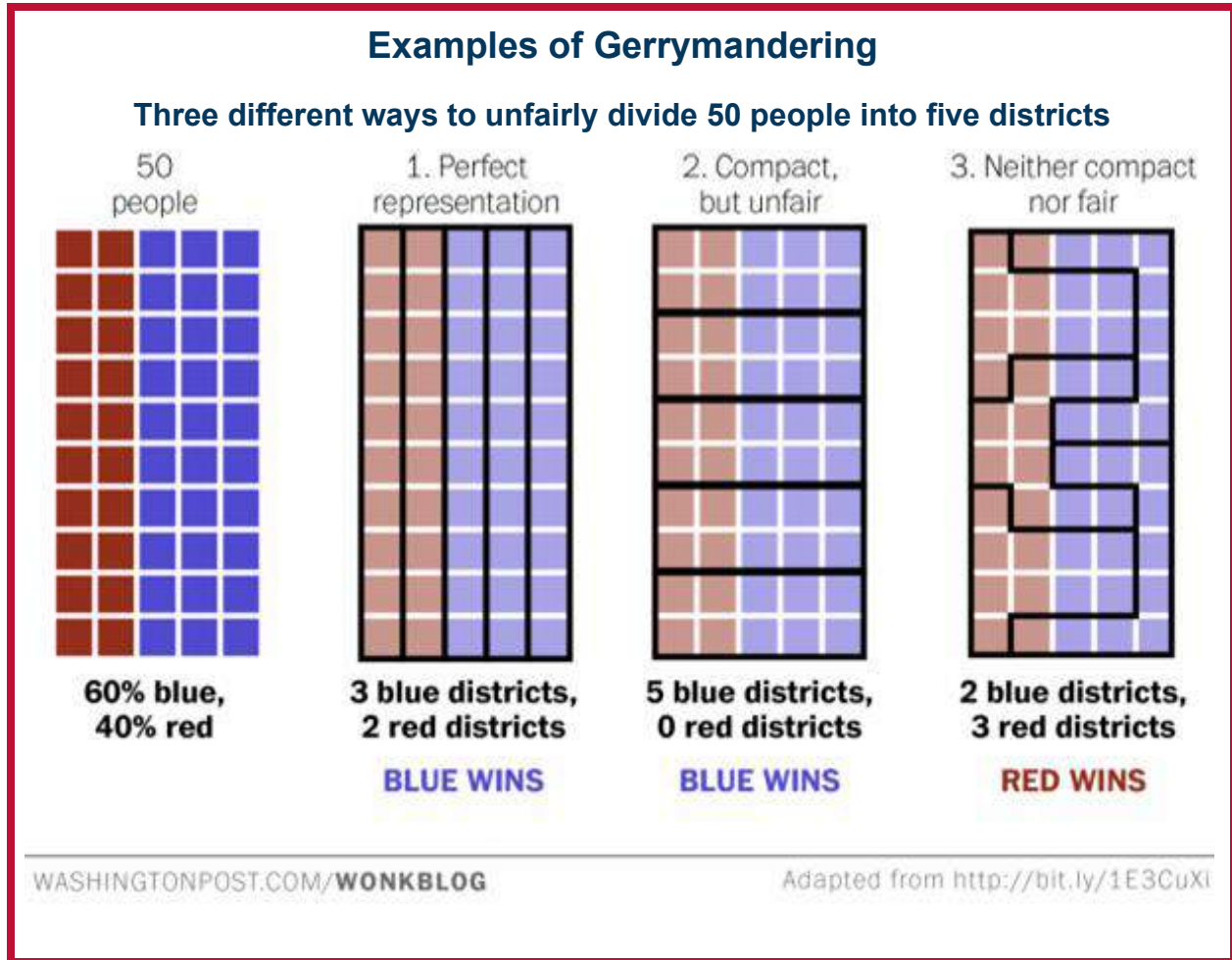
B. Why is politician-controlled redistricting a problem?

Putting elected officials in charge of drawing their own districts creates an incentive for those officials to draw districts that are favorable either to them or to their political allies. This sometimes leads to districts that are purposefully drawn to enhance the influence of certain groups and/or to reduce the influence of other groups - for example racial and ethnic minorities or members of a favored political party. This is referred to as “gerrymandering.”

Two of the most common techniques for gerrymandering are “cracking” and “packing.” “**Cracking**” is when a targeted group is split up into multiple districts to dilute its voting power, so members of that group cannot elect a representative in any district. “**Packing**” is when a targeted group is over-concentrated into a single district to reduce its voting power in other districts, so members of that group end up with fewer representatives than their votes deserve. The “Examples of Gerrymandering” graphic on the next page illustrates how geographic areas could be unfairly divided.



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Please note that odd-looking districts **do not** necessarily equal gerrymandering, and simple looking districts do not always mean good representation has been achieved. Districts need to reflect communities, and communities may have a wide variety of geographic boundaries.

C. What are the rules for local redistricting?

The rules for local redistricting vary. For an annotated list of the rules check the table of [California Local Redistricting Rules](#) referenced in Section VII below.

Note that each type of local California government -- county, city, school district, special district -- has different rules and different timelines for the redistricting process.

A new law, [the Fair Maps Act \(AB 849 Bonta\)](#), establishes criteria and timelines for city and county redistricting in California. These requirements **do not** apply to school boards or special districts.

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D. Exceptions: local governments with independent commissions

Some local governments have adopted local commissions. Los Angeles, Santa Barbara, and San Diego counties have independent commissions, along with the cities of Berkeley, Chula Vista, Escondido, Long Beach, Modesto, Oakland, Sacramento, San Diego, San Francisco, and Santa Barbara. In addition, many local governments, like the cities of Los Angeles and San Jose, have citizen advisory commissions to recommend new district lines to the governing board.

Many of these cities and counties are recruiting applicants to serve on their local commissions during 2020. To find out more about how to engage with the local commissions in these areas, contact the [local League of Women Voters](#) in that area or email your question to redistricting@lwvc.org.

III. What is the timeline for local redistricting?

Local redistricting will begin sometime after the release of U.S. Census data, which must occur by April 1, 2021. The deadline for completion of local redistricting may vary by the type of jurisdiction (e.g. city council vs. school board) and by when they hold their next local election after the release of census data (e.g. whether local elections are consolidated with either the state primary election or the state general election). Check the table of [California Local Redistricting Rules](#) in Section VII below for details about timelines. Note that under state law, California's [charter cities](#)² have the ability to adopt their own timeline for redistricting.

IV. Beyond the law: options to deal with potential gerrymandering

Beyond ensuring that each local government complies with the rules that apply to it (which we definitely want to do!) local groups can advocate for more transparency and more representative districts. State law now provides a floor - a base level of requirements for jurisdictions. We can advocate for a better process than just complying with the law.

How to Advocate for a Fair Mapping Process

Meet with Elected Officials. Remind the relevant elected officials of the laws governing their redistricting, and that you are watching and care about the process. Advocate for them to request or allocate sufficient funds to support outreach efforts. Check out this [Public Participation Guide for Elections Officials](#) that was designed for the implementation of another law, the Voter's Choice Act. Many of the principles apply to any situation involving public civic engagement.

² For more information on Charter cities check cacities.org/Resources/Charter-Cities.

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Public Meetings. Make sure that you show up and are prepared to make brief comments and provide feedback. Coordinate with other people and groups to strengthen the impact of your engagement.

Write and use social media! Get the word out to the community and to elected officials. Common tools are:

- Letters to elected officials
- Articles in the media
- Op-eds and letters to the editor of news publications
- Facebook, Twitter and Instagram - use the hashtag #FairMaps and #FairMaps(Jurisdiction's name)

Encourage the Use of Redistricting Best Practices. Ask elected officials not to just comply with the law, but to apply “best practices” to their process. These include:

- **Enhanced Outreach.** Better public outreach and increasing the number of hearings will improve both transparency and the diversity of community voices involved in the process. For example, you can suggest:
 - A dedicated web page be created for public redistricting information.
 - An easy, online way to submit written feedback be provided.
 - For example, show them this [elegant online portal](#) that San Mateo County created for Voter's Choice Act feedback.
 - Plain-language outreach materials are developed, translated in all languages commonly spoken in the community, and distributed through channels such as mailings, print media, radio public service announcements, social media, handouts sent home with school children, and community based organizations.³
 - More hearings are scheduled than required.
 - Hearings be dedicated to redistricting and not held in tandem with other time-consuming matters.
 - Hearings are held at varied times, including weekends and evenings, to help engage members of the public who can't attend hearings during traditional business hours.
 - Remote access be made available through video or phone conferencing.
 - Proceedings be videotaped and posted on a public website.
- **Targeted Outreach.** Encourage outreach to underrepresented communities including language-minorities, youth, people of color, and people with disabilities. For example, you can suggest:
 - Hearings be held in diverse neighborhoods, near public transit and good parking, at different times of the day and/or days of the week.
 - Translated materials, simultaneous language translation, and American Sign Language interpretation be provided.
 - Childcare and food be offered.

³ The [Best Practices Manual for Official Voter Information Guides](#) and the [Center for Civic Design](#) (civicdesign.org) offer excellent ideas for well-designed, plain-language materials. These ideas can be applied more broadly than the voting context.

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- All hearing spaces are ADA-compliant and accessible to people with disabilities.
- **Ranked criteria.** Redistricting requires making choices among competing interests, which opens the door to manipulation. Applying criteria that are ranked in order of priority (like those mandated for California state, county, and city redistricting) minimizes opportunities for abuse and helps to promote a process that will result in a more representative democracy.

Collaborate with other community-based organizations.

- Work together to elevate underrepresented groups and ensure that a diversity of voices is present in the redistricting process.
- Join forces to train people in the community as to how to participate effectively.
- Encourage residents to identify and define the boundaries of their communities and ask that the decision-making body not split their community.
- Create a plan to review maps together, show up and speak at public meetings, and submit feedback.

Many community members, especially those who have been historically underrepresented in our electorate, have never had the opportunity to provide formal public feedback. Terms of art like “public comment,” “speaker’s card,” and “adjourn” may be novel. Approaching a microphone in front of an imposing dais could feel intimidating. Local Leagues are uniquely well-suited to offer coaching and support but must also be cognizant of the need to step back and help promote the voices of a diversity of leaders.

Engage with your local redistricting commission, if your city or county has one (see Section II.D. above).

- Work with community groups to recruit applicants to your local commission, with the goal of establishing a commission that is representative of your city or county’s demographics.
- Consider applying to the commission yourself or inviting any of your colleagues who are committed to fair redistricting to apply.

V. Resources

- [Redistricting and Transparency: Recommendations for Redistricting Authorities and Community Organizations](#), Brennan Center, bit.ly/BrennanRedistricting.
- [All About Redistricting](#), Professor Justin Levitt, Loyola Law School, redistricting.lls.edu.
- [Strong Rules for Creating Maps](#), Brennan Center, bit.ly/StrongRedistrictingRules.
- Local redistricting resources: localredistricting.org/research, localredistricting.org
- Redistricting Best Practices: [Guide to Best Practices in Districting](#), bit.ly/BestRedistrictingPracticesAAAJ-ALC

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- Online outreach material for specific local redistricting commissions
 - [Oakland Redistricting Materials](#)
 - [Sacramento Redistricting Materials](#)
 - [Long Beach Redistricting Materials](#)

VI. Background: the California Voting Rights Act (CVRA)

The California Voting Rights Act (CVRA) was signed into law in 2002. It builds on the Voting Rights Act enacted in 1965. In particular, the CVRA provides that at-large elections may not be used in local elections if they dilute the votes of a minority group – if, in effect, the minority group is unable to elect candidates of their choice or otherwise influence the outcome of the election. A voter – or group of voters – may sue to enforce this act. You can learn more about the CVRA [here](#). (*Note: this document is out of date, but provides basic background.*)

Over the years since its passage, there have been an increased number of lawsuits and complaints based on the CVRA. As a result, more local governments are using district elections. Whether a jurisdiction engages in districting (establishing districts for the first time) or redistricting, the criteria for drawing the district lines are the same; however, some of the requirements for public participation and outreach may differ. Jurisdictions that recently districted using 2010 Census data must still engage in the redistricting process once the 2020 Census data is released.

VII. California local redistricting rules

See the three-page chart [online](#) or printed beginning on the next page.

**Comparison of Advisory, Independent and Hybrid Redistricting Commissions
Updated September 14, 2020**

	Advisory Commission	Independent Commission	Hybrid Commission
Statutory Authority	Elections Code 23002	Elections Code 23003	Elections Code 23003
Scope	Recommends a districting map to the City Council	Has authority to independently adopt City districting map	Recommends two or more districting maps to the City Council and the Council must select one
Qualifications/ Selection Process	<ul style="list-style-type: none"> • City may prescribe the manner in which members are appointed to the commission. • Person who is elected city official, or a family member, staff member or paid campaign staff of elected official of city shall not be eligible. • City may impose additional requirements and restrictions on members of the commission in excess of those prescribed by State law. 	<ul style="list-style-type: none"> • Must be resident of City. • Commissioners may not be comprised entirely of members from same political party preference. • City may prescribe the manner in which members are appointed to the commission, provided it uses an application process open to all eligible residents and not appointed by City Council. • City may also impose additional qualifications and restrictions on members of the commission in excess of those prescribed by State law. 	<ul style="list-style-type: none"> • Must be resident of City. • Commissioners may not be comprised entirely of members from same political party preference. • City may prescribe the manner in which members are appointed to the commission, provided it uses an application process open to all eligible residents and not appointed by City Council. • City may also impose additional qualifications and restrictions on members of the commission in excess of those prescribed by State law.
Member Disqualification	<ul style="list-style-type: none"> • A person who is an elected official of the City • A family member, staff member, or paid campaign staff of an elected official of the City 	<ul style="list-style-type: none"> • A person who is an elected official of the City • A family member, staff member, or paid campaign staff of a city councilmember. • A person, or the person's spouse, who has done any of the following in the preceding <u>eight years</u> (or a non-spouse family member in the preceding <u>four</u> years) shall not be appointed to serve on a commission: <ul style="list-style-type: none"> (A) Served as an officer of, employee of, or paid consultant to, a campaign committee or a candidate for city council. (B) Served as an officer of, employee of, or paid consultant to, a political party or as an elected or appointed member of a political party central committee. 	<ul style="list-style-type: none"> • A person who is an elected official of the City • A family member, staff member, or paid campaign staff of an elected official of the City • A person, or the person's spouse, who has done any of the following in the preceding <u>eight years</u> (or a non-spouse family member in the preceding <u>four</u> years) shall not be appointed to serve on a commission: <ul style="list-style-type: none"> (A) Served as an officer of, employee of, or paid consultant to, a campaign committee or a candidate for city council. (B) Served as an officer of, employee of, or paid consultant to, a political party or as an elected or appointed member of a political party central committee.

		<p>(C) Served as a staff member or a consultant to, or who has contracted with, a currently serving city councilmember.</p> <p>(D) Been registered to lobby the city.</p> <p>(E) Contributed five hundred dollars (\$500) or more in a year to any city council candidate.</p>	<p>(C) Served as a staff member or a consultant to, or who has contracted with, a currently serving city councilmember.</p> <p>(D) Been registered to lobby the city.</p> <p>(E) Contributed five hundred dollars (\$500) or more in a year to any city council candidate.</p>
Conduct Prohibitions While Serving on Committee		<p>While serving on the commission, members may not:</p> <ul style="list-style-type: none"> • Endorse, work for, volunteer for, or make a campaign contribution to, a candidate for city council. 	<p>While serving on the commission, members may not:</p> <ul style="list-style-type: none"> • Endorse, work for, volunteer for, or make a campaign contribution to, a candidate for city council.
Post-Service Conduct Prohibitions		<ul style="list-style-type: none"> • For <u>5 years</u> commencing on appointment to the commission, a commission member is prohibited from being a candidate for an elective office of the City if: <ul style="list-style-type: none"> a. The election for that office will be conducted using district boundaries adopted by the commission on which the member served b. The election for that office will be conducted using district boundaries adopted by the City pursuant to recommendations by the commission on which the member served • For <u>4 years</u> commencing with appointment to the commission, a commission member may not: <ol style="list-style-type: none"> (1) Accept employment as a staff member of, or consultant to, an elected official or candidate for elective office of the City. (2) Receive a noncompetitively bid contract with the City. (3) Register as a lobbyist for the City. • For <u>2 years</u> commencing with appointment to the commission, a commission member may not accept an appointment to an office of the City. 	<ul style="list-style-type: none"> • For <u>5 years</u> commencing on appointment to the commission, a commission member is prohibited from being a candidate for an elective office of the City if: <ul style="list-style-type: none"> a. The election for that office will be conducted using district boundaries adopted by the commission on which the member served b. The election for that office will be conducted using district boundaries adopted by the City pursuant to recommendations by the commission on which the member served • For <u>4 years</u> commencing with appointment to the commission, a commission member may not: <ol style="list-style-type: none"> (1) Accept employment as a staff member of, or consultant to, an elected official or candidate for elective office of the City. (2) Receive a noncompetitively bid contract with the City. (3) Register as a lobbyist for the City. • For <u>2 years</u> commencing with appointment to the commission, a commission member may not accept an appointment to an office of the City.

<p>Commission Requirements</p>	<ul style="list-style-type: none"> • Form 700 likely required • Subject to the Brown Act • Subject to Public Records Act 	<ul style="list-style-type: none"> • Must file Form 700 • Subject to the Brown Act • Subject to Public Records Act • Commission shall be subject to same redistricting deadlines, requirements and restrictions that apply to the City • Commission shall publish a map of the proposed new district boundaries and make it available to the public for at least 7 days before the map may be adopted • Commission shall not draw districts favoring or discriminating against incumbents or candidates 	<ul style="list-style-type: none"> • Must file Form 700 • Subject to the Brown Act • Subject to Public Records Act • Commission shall be subject to same redistricting deadlines, requirements and restrictions that apply to the City • Commission shall publish a map of the proposed new district boundaries and make it available to the public for at least 7 days before the map may be adopted • Commission shall not draw districts favoring or discriminating against incumbents or candidates
<p>Public Hearings</p>	<p>Council must conduct 4 hearings before map adoption. Advisory commission may conduct the pre-map hearing on behalf of Council.</p>	<p>Commission must conduct at least three public hearings before map adopted</p>	<p>Commission must conduct at least three public hearings before map adopted</p>

RESOLUTION NO. 6418**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MENLO PARK ESTABLISHING AN ADVISORY
DISTRICTING COMMITTEE PURSUANT TO
ELECTIONS CODE SECTION 23002**

WHEREAS, members of the City Council of the City of Menlo Park ("City") are currently elected in "at-large" elections, in which each City Councilmember is elected by the registered voters of the entire City; and

WHEREAS, California Government Code Section 34886 in certain circumstances, authorizes the legislative body of a city of any population to adopt an ordinance to change its method of election from an "at-large" system to a "district-based" system in which each city councilmember is elected only by the voters in the district in which the candidate resides; and

WHEREAS, the City received a certified letter on August 21, 2017, from Kevin Shenkman of the law firm of Shenkman & Hughes asserting that the City's at-large city councilmember electoral system violates the California Voting Rights Act ("CVRA") and threatening litigation if the City declines to voluntarily change to a district-based election system for electing city councilmembers; and

WHEREAS, a violation of the CVRA is established if it is shown that racially polarized voting impairs the ability of a protected class to elect their preferred candidates (Elections Code Sections 14027 and 14028). "Racially polarized voting" means voting in which there is a difference in the choice of candidates or other electoral choices that are preferred by voters in a protected class, and in the choice of candidates and electoral choices that are preferred by voters in the rest of the electorate (Elections Code Section 14026(e)); and

WHEREAS, although the letter was not accompanied by any evidence to support the claim of a CVRA violation, the City Council has directed staff to initiate the process to establish by-district elections to avoid costs associated with defending a lawsuit based on the CVRA, even if that lawsuit settles; and

WHEREAS, the California Legislature in amendments to Elections Code Section 10010, has provided a method whereby a jurisdiction can expeditiously change to a by-district election system and avoid the high cost of litigation under the CVRA; and

WHEREAS, the City denies its election system violates the CVRA or any other provision of law and asserts the City's election system is legal in all respects and further denies any wrongdoing whatsoever in connection with the manner in which it has conducted its City Council elections; and

WHEREAS, despite the foregoing, the City Council has concluded it is in the public interest to begin the process of transitioning from at-large to district-based elections due to the uncertainty of litigation to defend against a CVRA lawsuit, the potentially extraordinary cost of such a lawsuit, even if the City were to prevail; and

WHEREAS, on October 4, 2017, the City Council adopted a Resolution expressing its Intent to transition from at-large to district based elections; and

WHEREAS, Elections Code 23002 authorizes the City Council to appoint an advisory districting committee and Menlo Park Municipal Code Section 2.04.200 requires the City Council to form committees by Resolution; and

WHEREAS, the City Council desires to receive input on district boundaries from a geographically diverse sector of the community, including the Belle Haven neighborhood which is the subject of the CVRA complaint; and

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 as follows:

SECTION 1. Establishment. There shall be established the Menlo Park Advisory Districting Committee, hereinafter "Committee." The Committee shall be established by January 20, 2018 and shall exist until the City Council adopts an ordinance establishing City Council district boundaries for the November 2018 election.

SECTION 2. Purview. The Committee shall present two recommendations to the City Council: (1) a recommendation for dividing the City into five voting districts and (2) a recommendation for dividing the City into six voting districts (with an at-large elected mayor). Each submitted districting map shall also contain an election sequencing recommendation. Election sequencing shall take into account the City's practice of staggering elections every two years and in accordance with State law shall not cut any existing city councilmember's term short.

SECTION 3. Membership. The Committee shall consist of up to 9 Committee members. Committee members shall consist of a diverse group of residents.

SECTION 4. Selection Process. The Committee member selection process is designed to produce a qualified, independent and impartial Committee. Committee members shall be selected through an open application process. Any person who meets the minimum Committee member qualifications in Section 5 may apply to serve on the Committee.

A. The City Clerk shall initiate and widely publicize the Committee application process. To promote a large and diverse applicant pool, the City Clerk shall seek assistance from a broad range of community-based organizations to encourage

qualified persons to apply. The application period shall be open through January 8, 2018.

B. At the end of the application period, the City Clerk shall review and verify the information contained in each application, including applicants' eligibility to serve on the Committee under Section 5. The City Clerk shall remove from the applicant pool any applicant who does not meet the minimum Committee member qualifications.

C. The City Clerk shall, at a public meeting of the City Council, randomly select 3 names from that subpool. Those 3 shall serve as Committee members.

D. Those initial 3 Committee members shall, by majority vote at a public meeting, select the final up to 6 Committee members from the remaining applicants in the subpool.

E. The initial 3 Committee members should select applicants taking into account the following factors:

(1) The Committee should not be comprised entirely of members who are registered to vote with the same political party preference.

(2) Committee members should reasonably reflect the City of Menlo Park's diverse geography and reside in diverse areas throughout the city.

(3) Race/ethnicity may be considered without using formulas, quotas or ratios.

(4) Gender, age, economic class, sexual orientation and party registration may be considered in selecting Committee members.

(5) Committee members shall be impartial, know the jurisdiction's neighborhoods and communities, appreciate the jurisdiction's diversity and work well with others.

(6) If committee members utilize a random selection process, they should consider dividing applications into geographic areas to better ensure geographic diversity.

SECTION 5. Eligibility Requirements for Members of the Committee. The application process shall be open to all eligible residents. The following qualifications and restrictions are imposed on members of the Committee:

A. A person, or the family member of a person (i.e., spouse, registered domestic partner, parent, sibling, child or in-law), who has done any of the following in the preceding eight years, shall not be appointed to serve on a Committee:

- (1) Been elected or appointed to, or been a candidate for, an elective office of Menlo Park.
- (2) Served as an officer of, employee of, or paid consultant to, a campaign committee or a candidate for elective office of Menlo Park.
- (3) Served as an officer of, employee of, or paid consultant to, a political party or as an elected or appointed member of a political party central committee.
- (4) Served as a staff member of, consultant to, or contracted with, a currently serving elected officer of Menlo Park.
- (5) Been registered to lobby in Menlo Park.
- (6) Contributed five hundred dollars (\$500) or more in a year to any candidate for an elective office of Menlo Park.

B. A member of the Committee shall not do any of the following:

- (1) While serving on the Committee, endorse, work for, volunteer for, or make a campaign contribution to, a candidate for an elective office of Menlo Park.
- (2) Be a candidate for an elective office of Menlo Park for 10 years commencing with the date of his or her appointment to the Committee.
- (3) For four years commencing with the date of his or her appointment to the Committee:
 - a. Accept an appointment to a Menlo Park Board, Commission or committee.
 - b. Accept employment as a staff member of, or consultant to, an elected official or candidate for elective office of Menlo Park.
 - c. Receive a noncompetitively bid contract with Menlo Park.
 - d. Register as a lobbyist in Menlo Park.

C. Must be a resident of Menlo Park and resided in Menlo Park for at least the past five years.

D. Must be a registered voter.

E. Must have voted in two of the last three local Menlo Park City Council elections. Those residents not eligible to vote due to age or citizenship are

exempt from this requirement.

SECTION 6. During and Post-Service Restrictions. Committee members shall comply with the following during and post-service restrictions as contained in California Elections Code Section 23003(d):

A. While serving on the Committee, members may not work for, volunteer for, or make a campaign contribution to, a candidate for an elective office of Menlo Park.

B. Committee members may not run for an elective office of Menlo Park for 10 years commencing with the date of my appointment to the Committee.

C. For four years commencing with the date of his or her appointment to the Committee, members shall not:

(1) Accept an appointment to a Menlo Park Board, Commission or Committee.

(2) Accept employment as a staff member of, or consultant to, an elected official or candidate for elective office of Menlo Park.

(3) Receive a noncompetitively bid contract with Menlo Park.

(4) Register as a lobbyist in Menlo Park.

SECTION 7. Districting Criteria. The Committee shall take into account the following legally required criteria in recommending district boundaries:

A. Each city council district shall contain a nearly equal population;

B. A districting plan shall be drawn in a manner that complies with the Federal Voting Rights Act, the California Voting Rights Act and the Equal Protection Clause of the U.S. Constitution; and

C. City Council districts shall not be drawn with race as the predominate factor.

The Committee may also adopt its own criteria consistent with this Section 7 and may take into account additional criteria, including the criteria set forth in Elections Code 21601, such as including topographical and geographical boundaries (major roads, freeways, creeks, railroad lines or other barriers) and communities of interest (school district boundaries, neighborhood boundaries, retail/commercial districts, voting precincts etc.).

SECTION 8. Public Transparency. The Committee shall implement an open process for public input and Committee deliberation as follows:

A. The Committee members shall file Form 700 – Statement of Economic Interest

forms.

B. The Committee shall comply with the California Public Records Act, commencing with Section 6250 of the California Government Code, and the Ralph M. Brown Act, commencing with Section 54950 of the California Government Code.

C. The Committee shall publish on the internet and make available to the public a draft version of a proposed final map before final recommendation to the City Council.

D. All records of the Committee relating to districting, and all data considered by the Committee in drawing a draft map or proposed final map, are public records.

E. The Committee shall establish and make available to the public on the internet a calendar of all public hearings.

F. The City shall establish and maintain, at least until the districting process is concluded, a webpage for the Committee where important redistricting materials may be published, including hearing agendas, hearing minutes, links to hearing audio or video recordings where applicable, a Committee member roster, and draft maps created by the Committee.

G. Committee members shall disclose all contact regarding the Committee's subject matter jurisdiction that occurs outside of a publicly noticed meeting. Committee members shall disclose these contacts no later than the Committee's next regular or special meeting.

H. Any person who is compensated for communicating with the Committee or any Committee member, other than a reimbursement of reasonable travel expenses, shall identify the party compensating them in such communication.

SECTION 9. Public Engagement. The Committee and the City should actively encourage residents to participate in the districting process.

A. The Committee shall make every reasonable effort to afford maximum public access to its proceedings.

B. The City shall solicit broad public participation in the districting process, including from residents of communities that traditionally participate less frequently in the local political process. At minimum, the City Clerk shall:

(1) Develop and present a proposed outreach campaign to the City Council at a public meeting;

(2) Conduct an outreach campaign to educate the public on the districting process and how to be involved; and

- (3) Request the assistance of neighborhood associations, community groups, civic organizations, and civil rights organizations with engaging residents in the districting public review process.

SECTION 10. Committee Meetings. The hearing location shall be accessible to persons with disabilities and, to the extent practicable, shall have free parking nearby and be accessible by public transit. Public hearings shall be scheduled at various times and days of the week to accommodate a variety of work schedules and to reach as large an audience as possible. The Committee shall establish and implement a process for accepting written public comment, including the submission of draft maps and draft partial maps for the Committee's consideration.

SECTION 11. Administration. A quorum shall consist of a majority of the seated Committee members (i.e., if nine members are seated, a quorum shall be five members). The Committee may only recommend a plan for district boundaries and election sequencing with a 2/3 affirmative vote of the seated Committee members (i.e., if nine members are seated, six votes would be needed). All other Committee actions, other than maps and sequencing, require only a majority vote of those present, provided that a quorum is present. The City Council or the Committee may remove a Committee member for substantial neglect of duty, gross misconduct in office, or inability to discharge the duties of office. Before being removed, a Committee member must be provided with the reasons for their proposed removal, at least a week's notice of the public hearing where his or her proposed removal will be voted on, and an opportunity to respond to or rebut those reasons in writing and at the hearing.

SECTION 12. Staff Support. The City Manager, City Clerk, and City Attorney shall designate staff to support the Committee, as needed.

SECTION 13. Schedule. The Committee shall forward its final recommendation regarding proposed five and six member district maps and related election sequencing to the City Clerk by no later than February 23, 2018. Upon receipt of the recommendation, the City Clerk shall immediately cause the recommended map(s) to be published for a seven day public review period. Thereafter, the City Council shall conduct a public hearing on the Committee proposed map(s). At this hearing the City Council may elect to: (1) direct staff to introduce an ordinance approving one of the Committee recommended maps/sequencing or (2) reject the map(s)/sequencing and return it to the Committee for reconsideration with a statement of the reasons for such disapproval and request the Committee to modify the map(s)/sequencing. If the City Council rejects the Committee's recommendation, the Committee shall have up to seven days (but in no event later than March 26, 2018) to submit a revised map(s)/sequencing to the City Council for further consideration. Upon receipt of the revised map(s) the City Clerk shall immediately cause the maps to be published for a seven day public review period.

SECTION 14. Statement of Council Intent: It is the intention of the City council to adopt one of the districting maps recommended by the Committee.

I, Clay J. Curtin, Interim City Clerk of the City of Menlo Park, do hereby certify that the above and foregoing resolution was duly and regularly passed and adopted at a meeting by said City Council on the twelfth day of December, 2017, by the following votes:


AYES: Carlton, Cline, Keith, Mueller, Ohtaki

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 twelfth day of December, 2017.



Clay J. Curtin, Interim City Clerk



STAFF REPORT

City Council

Meeting Date:

9/22/2020

Staff Report Number:

20-213-CC

Informational Item:

City Council agenda topics: October 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 24. 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: October 2020 to November 2020

Report prepared by:

Judi A. Herren, City Clerk



SANTA CRUZ AVE CLOSURE PILOT REVIEW

City Council Meeting – September 22, 2020

ARRIENGA FAMILY
GYMNASIUM

PROGRAM REVIEW

- Adopted updated urgency ordinance – September 8, 2020
 - Modified Santa Cruz Avenue street closure
 - Allow use of closed travel lanes (4:00 p.m. Friday to 11:59 p.m. Sunday)
 - Extended temporary outdoor uses permit through February 28, 2021
- Continue to support businesses with permit process and barriers/barricades for their parklets
- Review bicycle routing options at future meeting



TEMPORARY OUTDOOR USE PERMIT SUMMARY



Temporary Outdoor Use Permit Applications

Use	Downtown Core	Outside Downtown Core	Approved
Dining	9	1	3
Retail	3	0	1
Personal service	4	1	3
Fitness studio	1	0	1
Total	17	2	8

PREVIOUS STREET CLOSURE

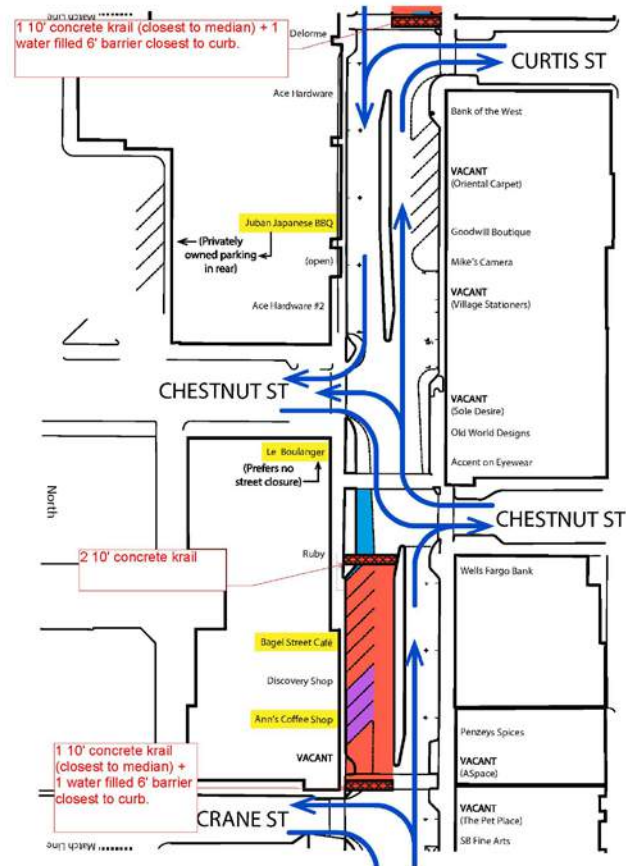


PLATE 2 South

APPROVED STREET CLOSURE

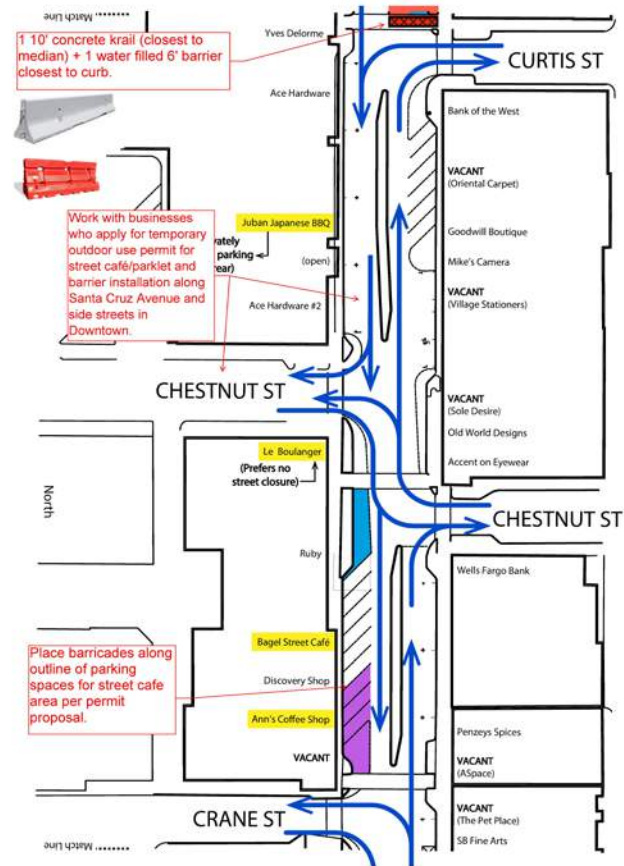
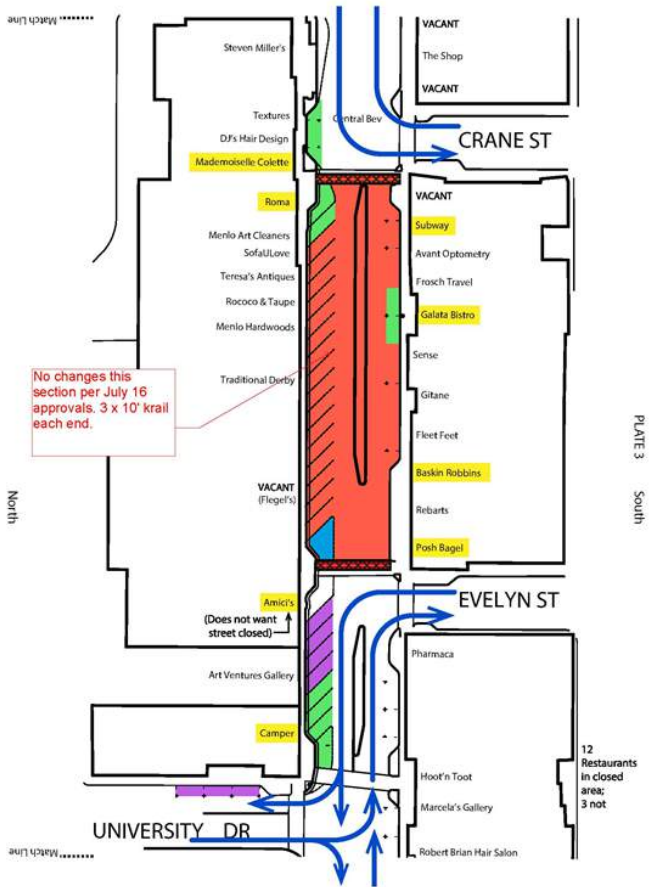


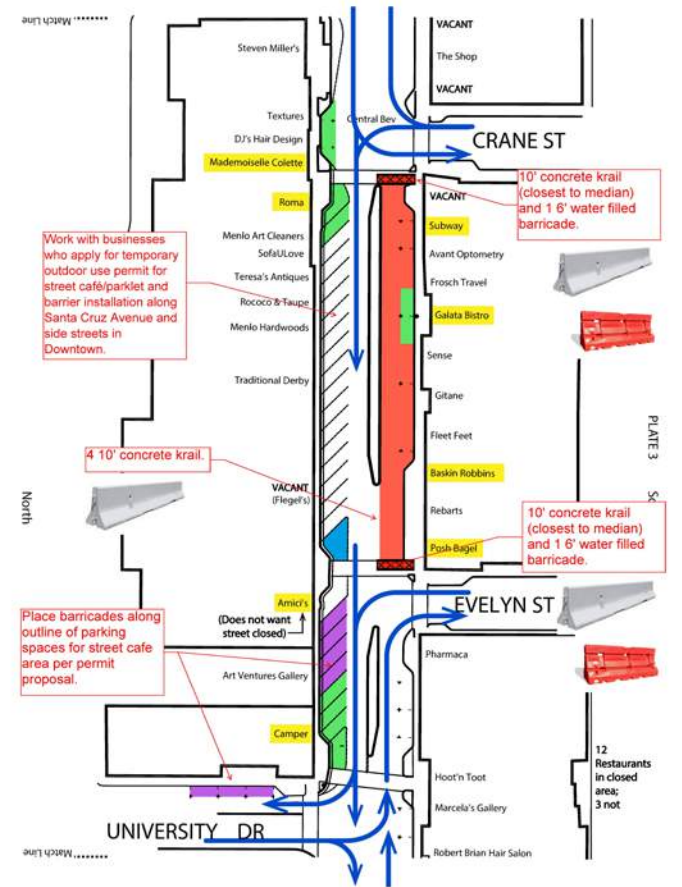
PLATE 2 South



PREVIOUS STREET CLOSURE



APPROVED STREET CLOSURE





THANK YOU

Tentative City Council Agenda

#	Title	Department	Item type
1	Public employment (Gov. Code section 54957.) City Attorney recruitment	ASD	Closed Session
2	Investment portfolio review as of September 30, 2020, receive and file	ASD	Consent
3	Quarterly financial review of general fund operations as of September 30, 2020, receive and file	ASD	Regular-NP
4	710 Willow Road appeal of use permit denial for alcohol sales	CDD	Regular
5	Contract to prepare an EIR for 123 Independence Drive	CDD	Regular-NP
6	Final Action for 201 El Camino Real (Architectural Control, Major Subdivision, BMR Agreement, and IS/MND)	CDD	Regular
7	Housing Commission work plan	CDD	Regular-NP
8	Notifying the Council and public of final Planning Commission actions to facilitate Council review of large and impactful projects, review of process	CDD	Regular
9	Update on and consideration of extension/modifications to the Downtown street closure and temporary outdoor use permit pilot program	CDD	Regular
10	VCLT BMR fund request for acquisition of existing housing for conversion to affordable	CDD	Regular
11	Annual records destruction, resolution adoption	CMO	Regular-NP
12	Approve scope and formation of two task forces for 2030 Climate Actions No. 1 (building electrification) and No.2 (Electric Vehicle Infrastructure)	CMO	Regular
13	Consider applicants and make appointments to fill vacancies on the various City commissions and committees	CMO	Commission Report
14	EQC work plan report, approval	CMO	Regular-NP
15	Issue Prop 218 Notice for Solid Waste Rates	CMO	Regular
16	Minutes	CMO	Consent
17	Sister City Committee recommendation to form a separate association for sister city activities	CMO	Regular
18	Solid waste rates adoption	CMO	Public Hearing
19	Multifamily Electric Vehicle Infrastructure Gap Analysis	CMO	Study Session
20	Adopt Resolution to Abandon Alto Lane (Public ROW adjacent to 201 ECR)	PW	Regular
21	Adopt Transportation Master Plan	PW	Regular
22	Approve the 2019 citywide speedlimit survey	PW	Regular
23	Agree with Presidio Management (1300 ECR) for Ravenswood/Laurel improvements; adopt resolution to install no parking zones	PW	Regular
24	Approval of Bayfront Canal drainage easement	PW, CA	Regular
25	Approval of MOU with FSLR re flood control project	PW, CA	Regular