



SPECIAL MEETING AGENDA MINUTES

Date: 4/14/2020
Time: 6:15 p.m.
Closed Session Location: Teleconference
Special Session Location: GoToWebinar

NOVEL CORONAVIRUS, COVID-19, EMERGENCY ADVISORY NOTICE

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

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

- How to participate in the meeting
 - Submit a written comment online:
menlopark.org/publiccommentApril14 *
 - Record a comment or request a call-back when an agenda topic is under consideration:
Dial 650-474-4071 *
 - Access the special meeting real-time online at:
joinwebinar.com – Special Session Meeting ID 493-198-731

*Written and recorded public comments and call-back requests are accepted up to 1 hour before the meeting start time. Written and recorded messages are provided to the City Council at the appropriate time in their meeting. Recorded messages may be transcribed using a voice-to-text tool.

- Watch special meeting:
 - Cable television subscriber in Menlo Park, East Palo Alto, Atherton, and Palo Alto:
Channel 26
 - Online:
menlopark.org/streaming

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

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

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

A. Call To Order

Mayor Taylor called the meeting to order at 6:20 p.m.

B. Roll Call

Present: Carlton, Combs, Nash, Mueller, Taylor

Absent: None

Staff: City Manager Starla Jerome-Robinson, Assistant City Manager Nick Pegueros, Deputy City Manager Justin Murphy, Interim City Attorney Cara Silver, Interim Administrative Services Director Dan Jacobson, Human Resources Manager Theresa DellaSanta, Labor Negotiator Charles Sakai

C. Closed Session

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

No reportable actions.

Mayor Taylor adjourned the meeting at 7:50 p.m.

Special Session

D. Call To Order

Mayor Taylor called the meeting to order at 8:06 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, Deputy City Clerk Neetu Salwan

F. Presentations and Proclamations

- F1. Proclamation: Recognizing Executive Director of the San Francisquito Creek Joint Powers Authority Len Materman

Mayor Taylor read the proclamation.

- F2. Presentation: San Francisquito Creek Joint Powers Authority (SFCJPA) projects

Executive Director of the San Francisquito Creek Joint Powers Authority Len Materman made the presentation (Attachment).

The City Council received updates on the SFCJPA infrastructure projects underway related to sea level rise and flood wall project statuses.

G. Regular Business

- G1. Consider options to amend the tenant assistance program administered by Samaritan House (Staff Report #20-074-CC).

Deputy Community Development Director – Housing Rhonda Coffman made the presentation (Attachment).

ACTION: Motion and second (Carlton/ Nash) to retain the tenant assistance program guidelines administered by Samaritan House as amended on March 26, 2020, passed unanimously.

- G2. Adoption of uncodified urgency Ordinance No. 1068 imposing temporary moratorium on eviction for non-payment of rent by small business commercial tenants directly impacted by the COVID-19 pandemic (Staff Report #20-076-CC)

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

- Adina Levin spoke in support of protecting small businesses and requested clarification on hardship waivers (Attachment).

The City Council received clarification on hardship waivers and requested a report and guidelines.

ACTION: Motion and second (Combs/Carlton) to adopt urgency Ordinance No. 1068 imposing temporary moratorium on eviction for non-payment of rent by small business commercial tenants directly impacted by the COVID-19 pandemic with the following amendments, 1) Section E3. to include 501 organizations with less than \$2.5 million in gross receipts; 2) direct the city manager to adopt hardship waiver guidelines and define the required documents, and; 3) request the city manager to report back to City Council if any hardship waiver is granted, passed unanimously.

- G3. Update the City Council and public on COVID-19 health emergency and the City's response (Attachment)

Deputy City Manager Justin Murphy and Public Engagement Manager Clay Curtin made the presentation (Attachment).

- Adina Levin suggested paper communications in English and Spanish for the public.

The City Council discussed the reactivation of City advisory bodies. City Council also received clarification on facilities services, gardening activities and homelessness issues.

ACTION: By acclamation, the City Council extended the meeting past 11 p.m., passed 4-1 (Taylor dissenting).

H. Informational Items

- H1. San Francisquito Creek upstream of Highway 101/Pope-Chaucer Bridge project update (Staff Report #20-075-CC)
- H2. Update on the water rate study for Menlo Park Municipal Water (Staff Report #20-073-CC)
- H3. Update on Belle Haven community center and library (Staff Report #20-077-CC)

I. City Manager's Report

None.

J. City Councilmember Reports

City Councilmember Carlton reported on a local online toy drive which helps Cheeky Monkey, a local small business where toys are purchased and then donated as unwrapped gifts which are provided to Ronald McDonald House Charities.

City Councilmember Mueller reported out on a meeting with the County.

Mayor Taylor reported out on the elected official daily briefing and the creation of a Council of Churches.

K. Adjournment

Mayor Taylor adjourned the meeting at 11:11 p.m.

Judi A. Herren, City Clerk

These minutes were approved at the City Council meeting of May 26, 2020.

Menlo Park City Council Meeting

April 14, 2020



Len Materman
Executive Director



SFCJPA.ORG



San Francisquito Creek Joint Powers Authority





Daly City

San Francisco Bay

Pacifica

San Mateo

Fremont

Moss Beach

**San Mateo County
Flood and Sea Level Rise
Resiliency District**

Redwood City

East Palo Alto

Half Moon Bay

Menlo Park

Palo Alto

San Mateo

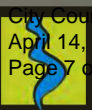
San Francisquito Creek

**Santa Clara Valley
Water District**

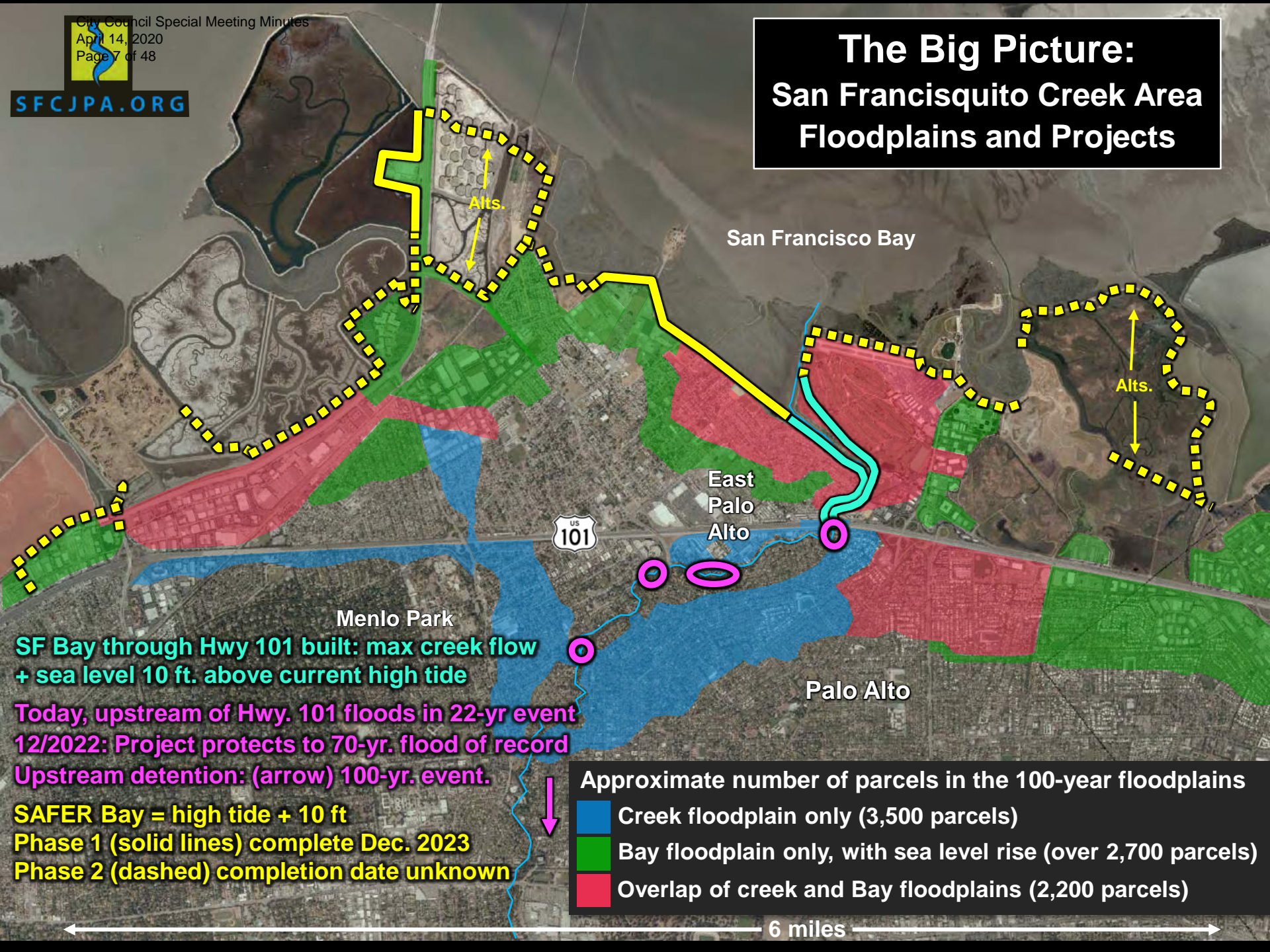
Pacific Ocean

Sunnyvale

San Gregorio



The Big Picture: San Francisquito Creek Area Floodplains and Projects



SF Bay through Hwy 101 built: max creek flow + sea level 10 ft. above current high tide

Today, upstream of Hwy. 101 floods in 22-yr event
12/2022: Project protects to 70-yr. flood of record
Upstream detention: (arrow) 100-yr. event.

SAFER Bay = high tide + 10 ft
Phase 1 (solid lines) complete Dec. 2023
Phase 2 (dashed) completion date unknown

Approximate number of parcels in the 100-year floodplains

- Creek floodplain only (3,500 parcels)
- Bay floodplain only, with sea level rise (over 2,700 parcels)
- Overlap of creek and Bay floodplains (2,200 parcels)

San Francisquito Creek S.F. Bay through Hwy. 101 project, completed Dec. 2018

SF Bay

- Protect 3 miles of shoreline (in creek) against any flow and a sea level 10 ft. above today's high tide
- \$77 million in funding from: six local agencies (37), two state agencies (30), PG&E (10)
- Upgrade major gas and sewer pipelines
- New recycled water line to East Palo Alto
- Create / restore 22 acres of climate resilient habitat for an endangered fish, bird and mouse
- Enhance access to recreational/commuter trails

US
101

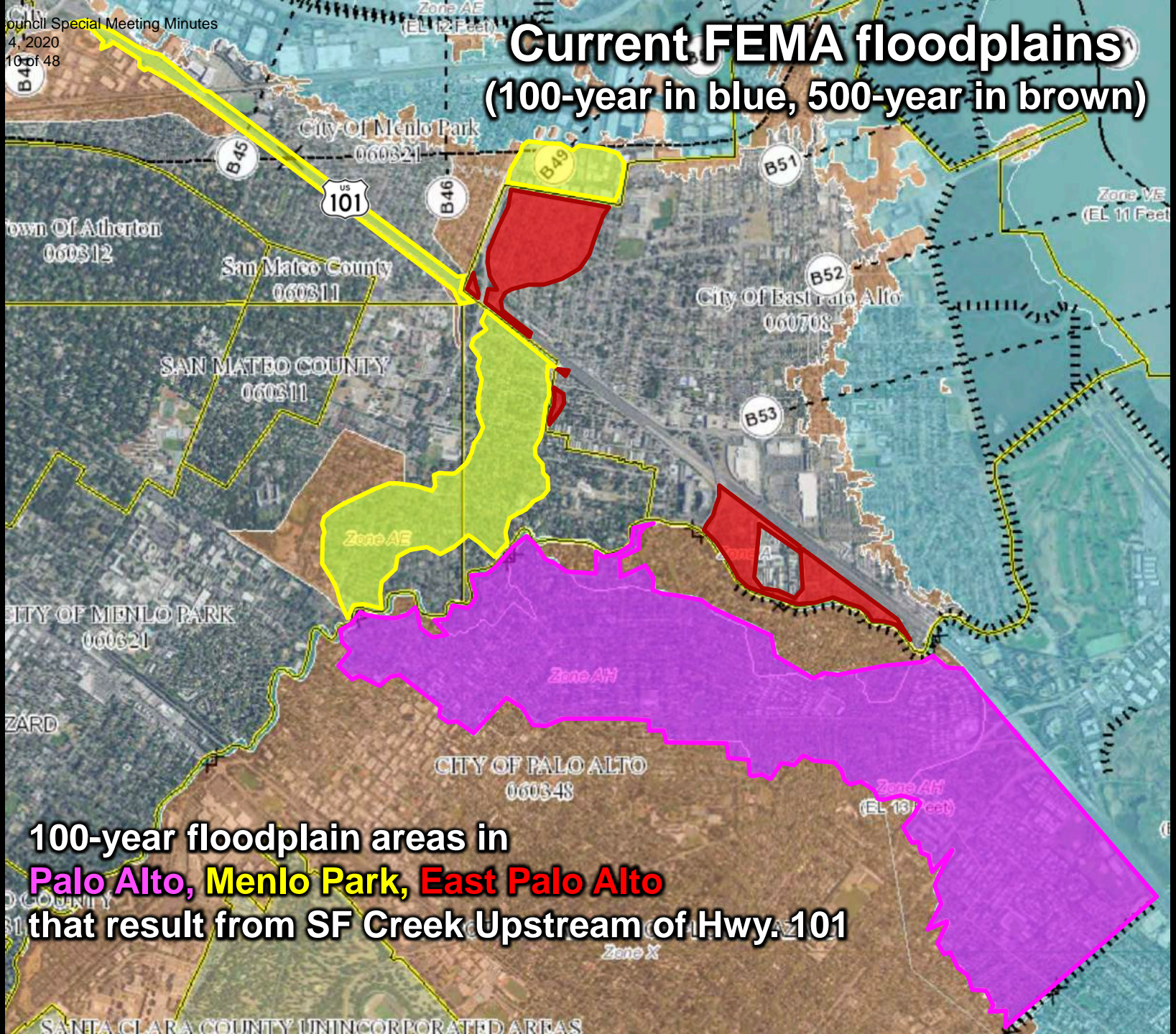
A history of the Upstream of Highway 101 Project

The initial Upstream of Hwy. 101 project approach in 2013 was to provide 100-yr protection through work between Hwy. 101 and Pope-Chaucer Br. In public meetings in 2013 and 2014, the SFCJPA heard from many that this approach would have too many impacts on the Creek in that area.

That led the SFCJPA to look for a project plan that is **ACHIEVABLE and **MEANINGFUL**. We developed a two-pronged approach with less permanent impacts in the neighborhoods:**

- 1. Enable the channel downstream of Middlefield Bridge to contain the maximum flow that could get under that bridge (70-year or 1998 event); restore habitat; and not preclude additional protection upstream. (EIR certified in Sept. 2019, construction anticipated in 2021 & 2022)**
- 2. Protect people and property against the 100-year flow by detaining floodwaters upstream of Highway 280 when flows exceed the capacity of Middlefield Bridge, and ensure sufficient freeboard to eliminate the requirement for flood insurance. (EIR anticipated to begin in 2020)**

Current FEMA floodplains (100-year in blue, 500-year in brown)

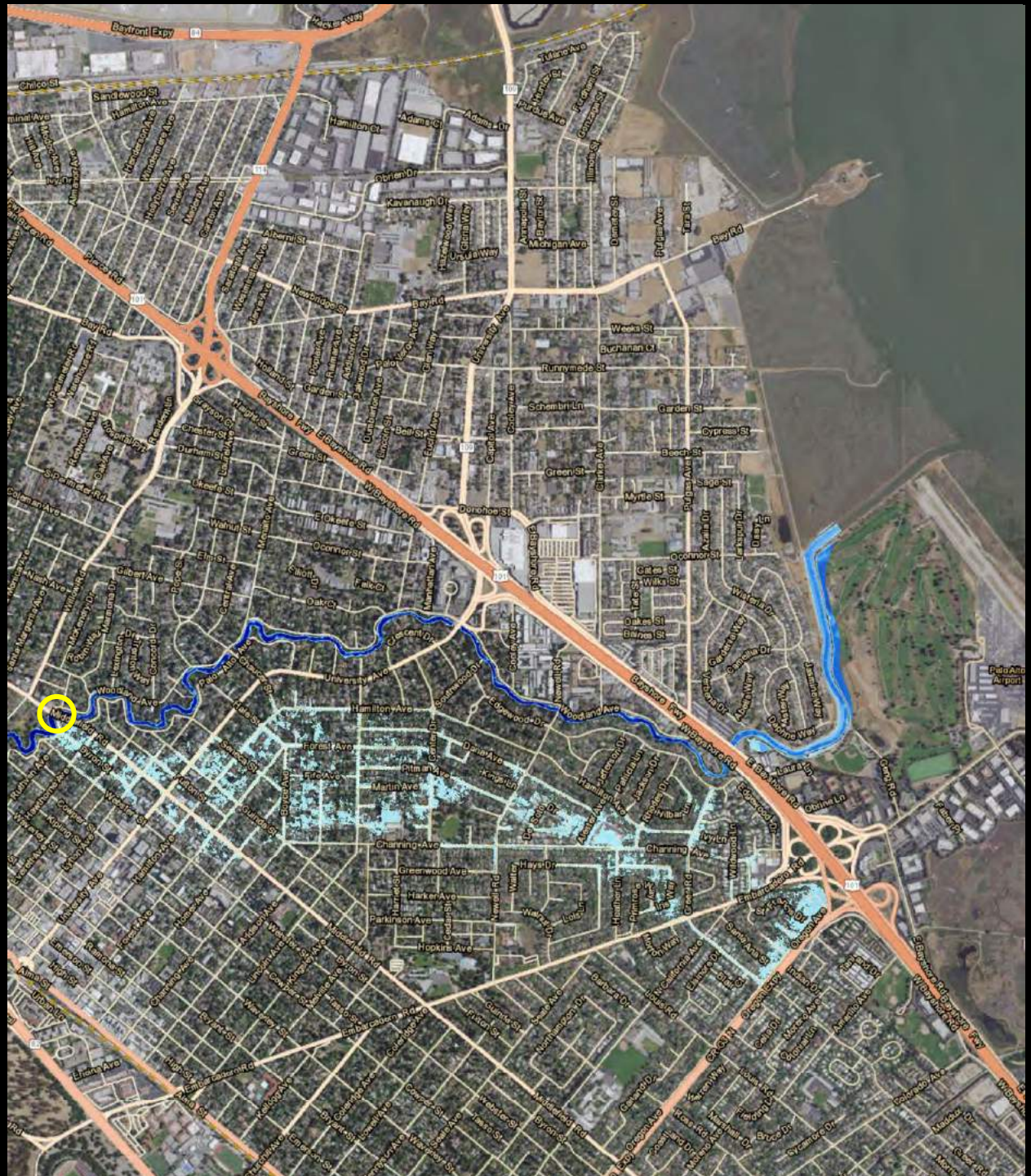


**100-year floodplain areas in
Palo Alto, Menlo Park, East Palo Alto
that result from SF Creek Upstream of Hwy. 101**

Modeled floodplain
of 1998-sized event

Today

Post-project
(downstream of
Middlefield Road,
the creek should
not overtop)





Pope-Chaucer Bridge



2017

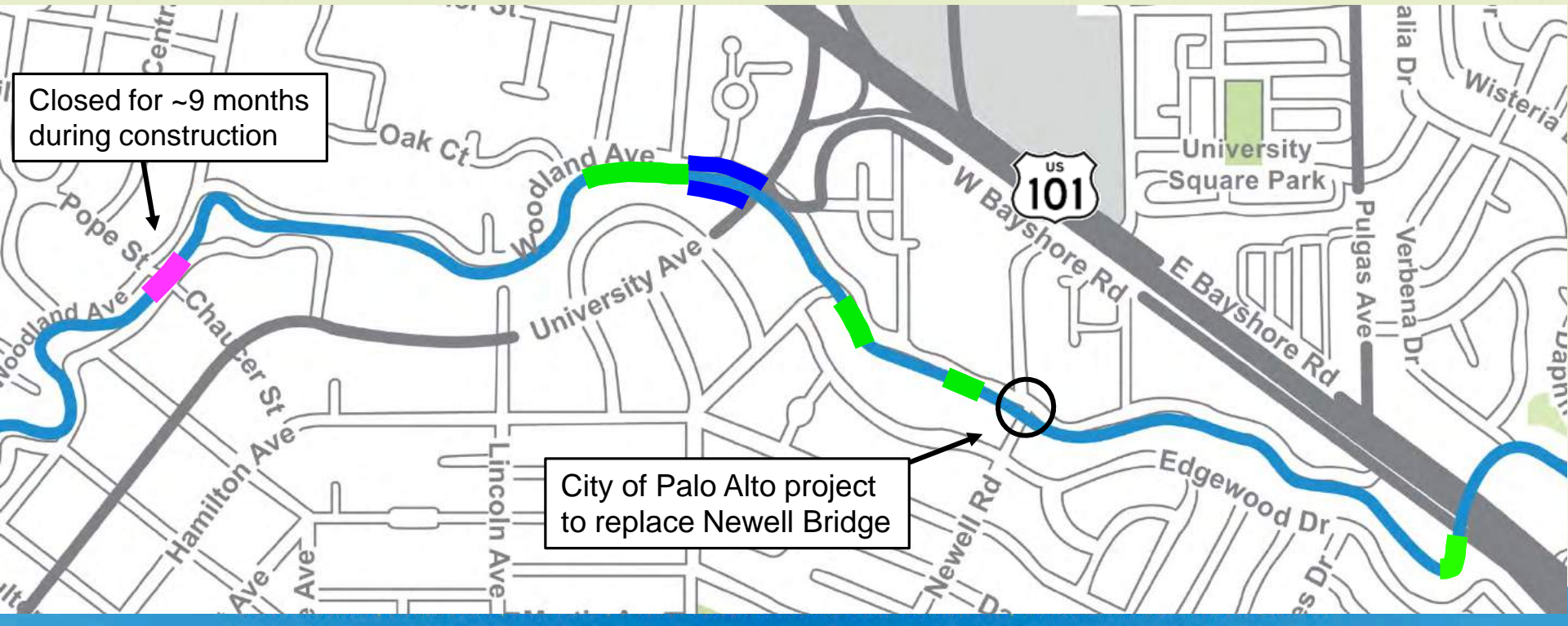


2019



Project to protect against the 1998 (70-year) flood

- **Replace Pope-Chaucer**
- **Widen creek bottlenecks downstream where new overtopping would occur and the bank is concrete**
- **Replace wooden parapet extension at Woodland & Univ. and match Palo Alto top of bank**



Existing Pope-Chaucer Bridge



**Menlo
Park**

**Palo
Alto**

New Bridge



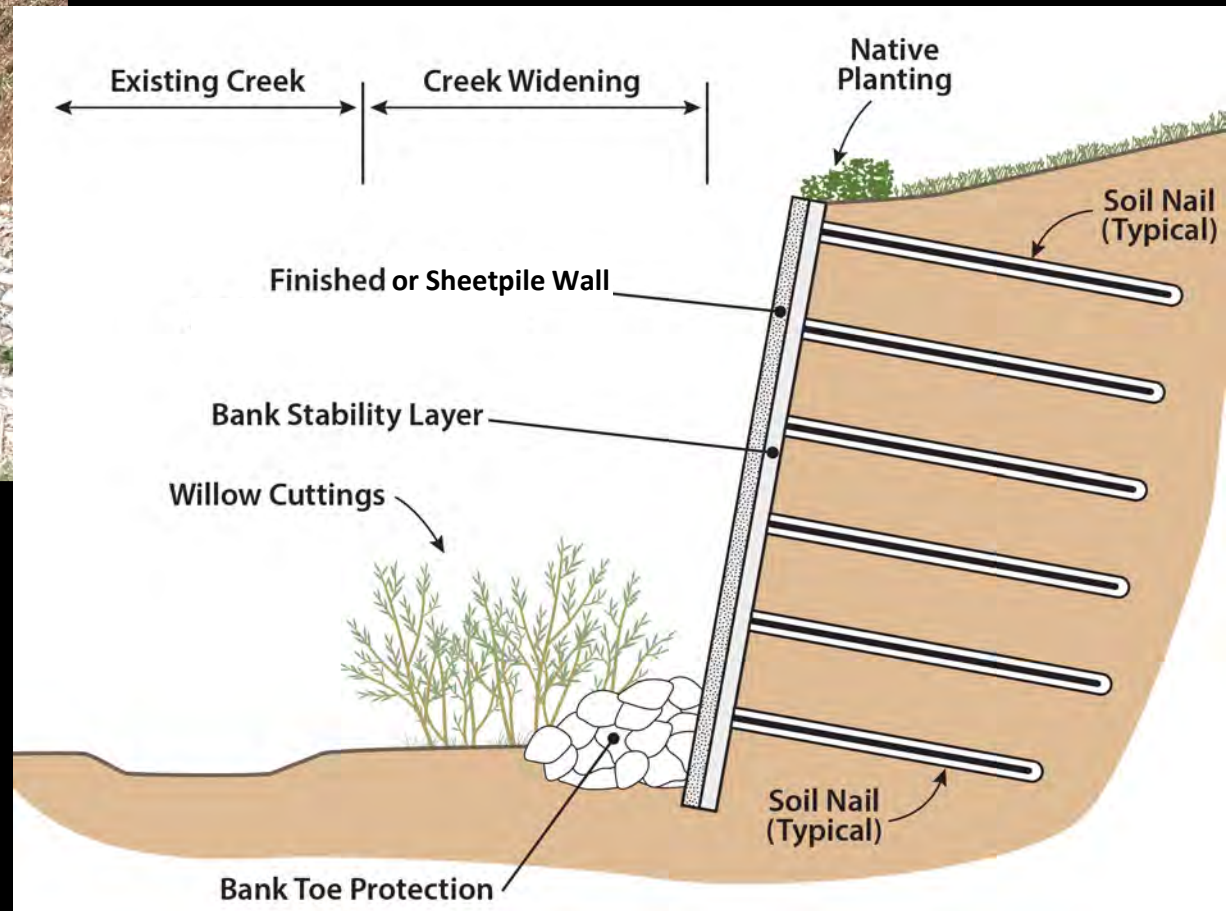
New Pope-Chaucer Bridge: Aerial view looking downstream 1-2 years after construction



Replace a large concrete terrace structure on the East Palo Alto bank with a natural creek bank



Widen three areas between Newell and Euclid where sacked concrete lines the Palo Alto creek bank



The Next Upstream of Highway 101 Project: 100-year Protection with FEMA Freeboard



- Construct detention basins at one or more of the following three sites:
Searsville Dam and Reservoir, Former Plant Nursery, Webb Ranch
- Add freeboard where needed downstream to eliminate flood insurance requirement

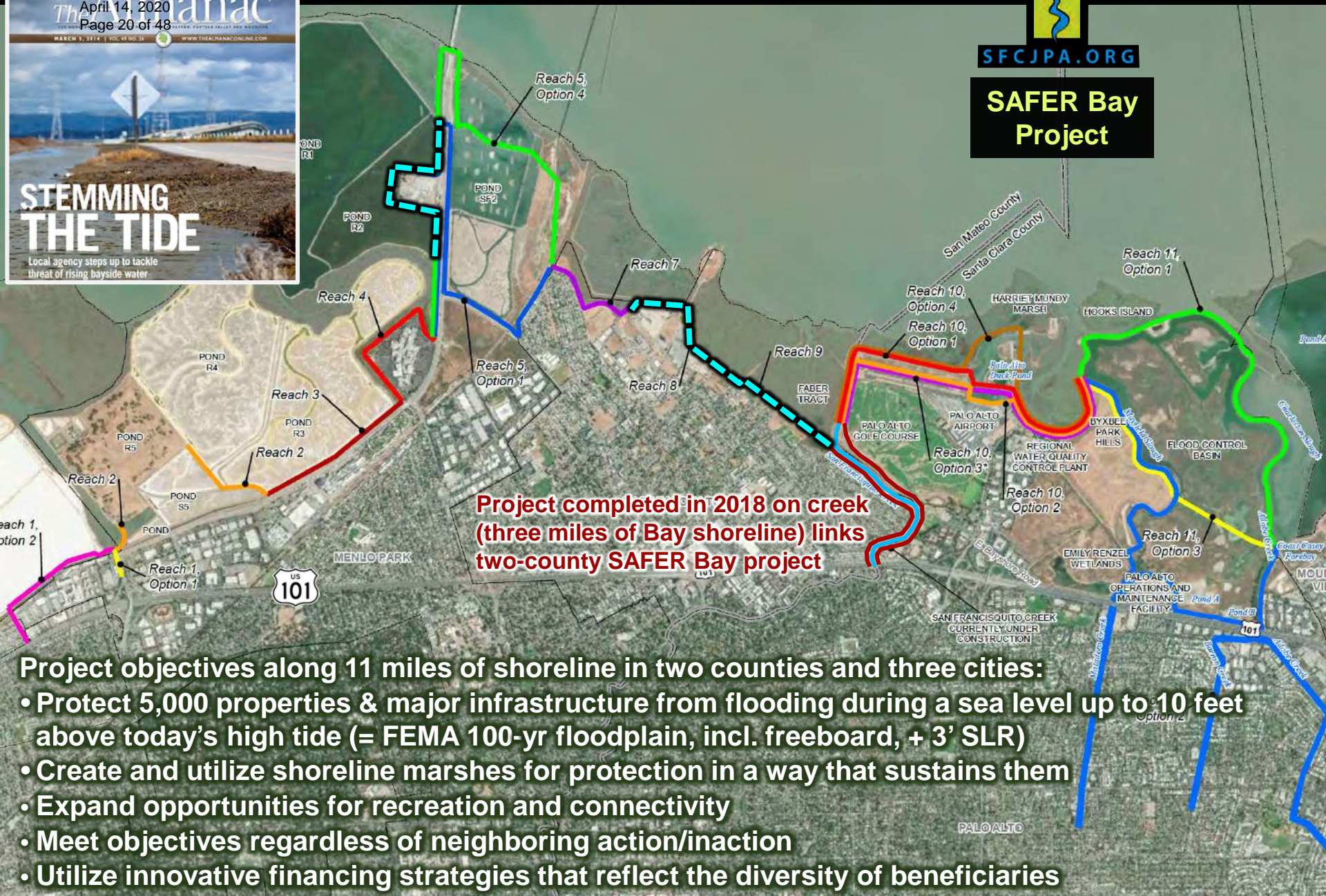
STEMMING THE TIDE

Local agency steps up to tackle threat of rising bayside water



SFCJPA.ORG

SAFER Bay Project



Project completed in 2018 on creek (three miles of Bay shoreline) links two-county SAFER Bay project

Project objectives along 11 miles of shoreline in two counties and three cities:

- Protect 5,000 properties & major infrastructure from flooding during a sea level up to 10 feet above today's high tide (= FEMA 100-yr floodplain, incl. freeboard, + 3' SLR)
- Create and utilize shoreline marshes for protection in a way that sustains them
- Expand opportunities for recreation and connectivity
- Meet objectives regardless of neighboring action/inaction
- Utilize innovative financing strategies that reflect the diversity of beneficiaries

Constraints: cost, utilities, wetlands/habitat, roads, runway, drainage, private property, landfills, views

In April 2019, the SFCJPA Board approved moving forward with Phase 1 of SAFER Bay in San Mateo Co.

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Connects to completed Bay-Hwy. 101 creek project

FEMA floodplain map for East Palo Alto



Bay Road to Cooley Landing

Blue-green = FEMA 1%
Brown = 500-yr flood



SAFER Bay project, Phase 1

- Protect 1,600 properties (Site A)
- Restore former salt ponds (Site B)

Site B levee

Site A levee

East Palo Alto

Hwy 84

Connects to completed Bay-Hwy. 101 creek project



**Menlo Park area of first phase:
Ponds R1 and R2 Restoration Area
Highway 84 and PG&E substation**



Menlo Park's Site B Area Ponds R1 and R2 Restoration

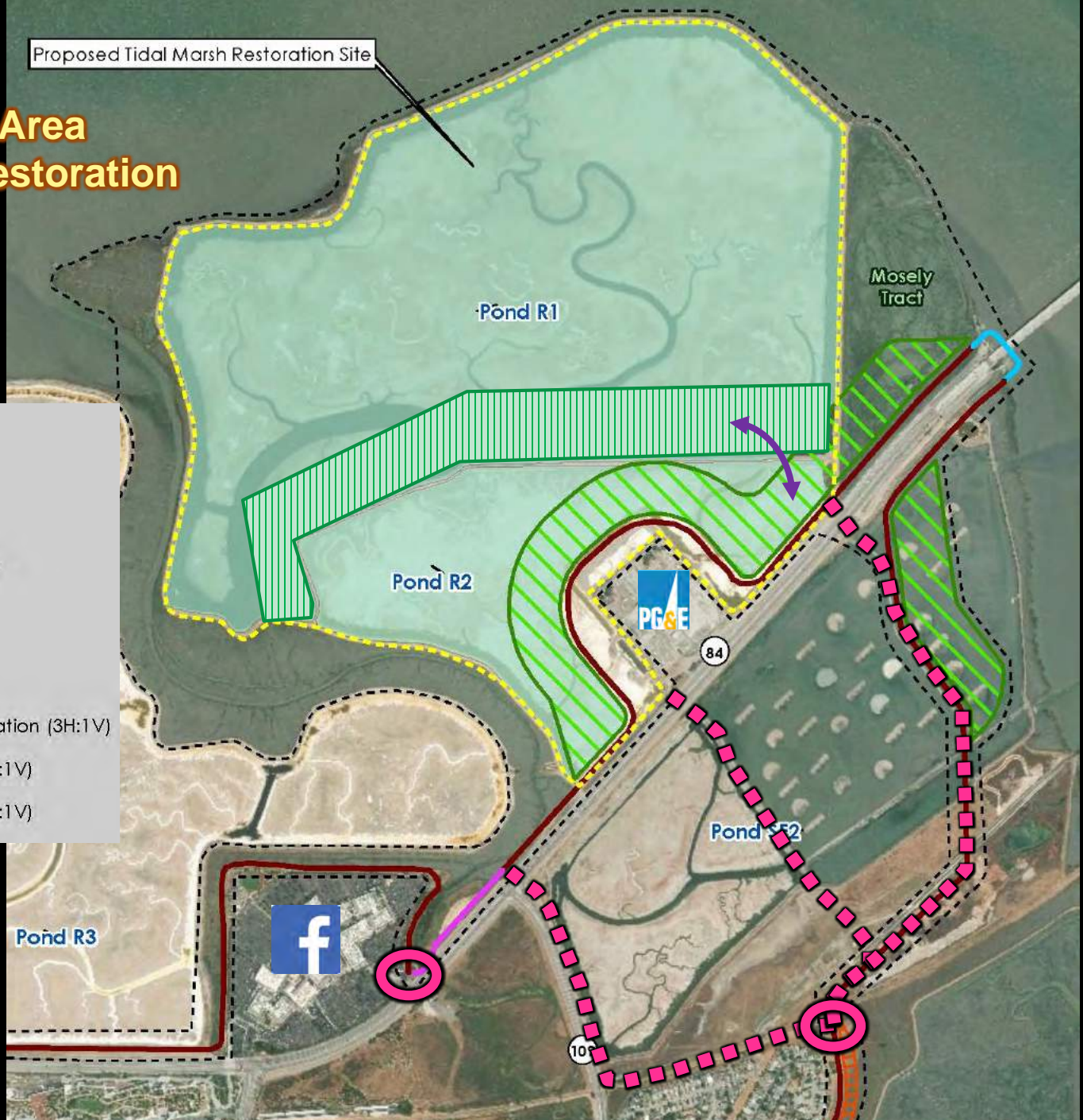
Proposed Tidal Marsh Restoration Site

Legend

- Programmatic Project Area
- Phase 1 Boundary
- Proposed Tidal Marsh Restoration Site

Project Element

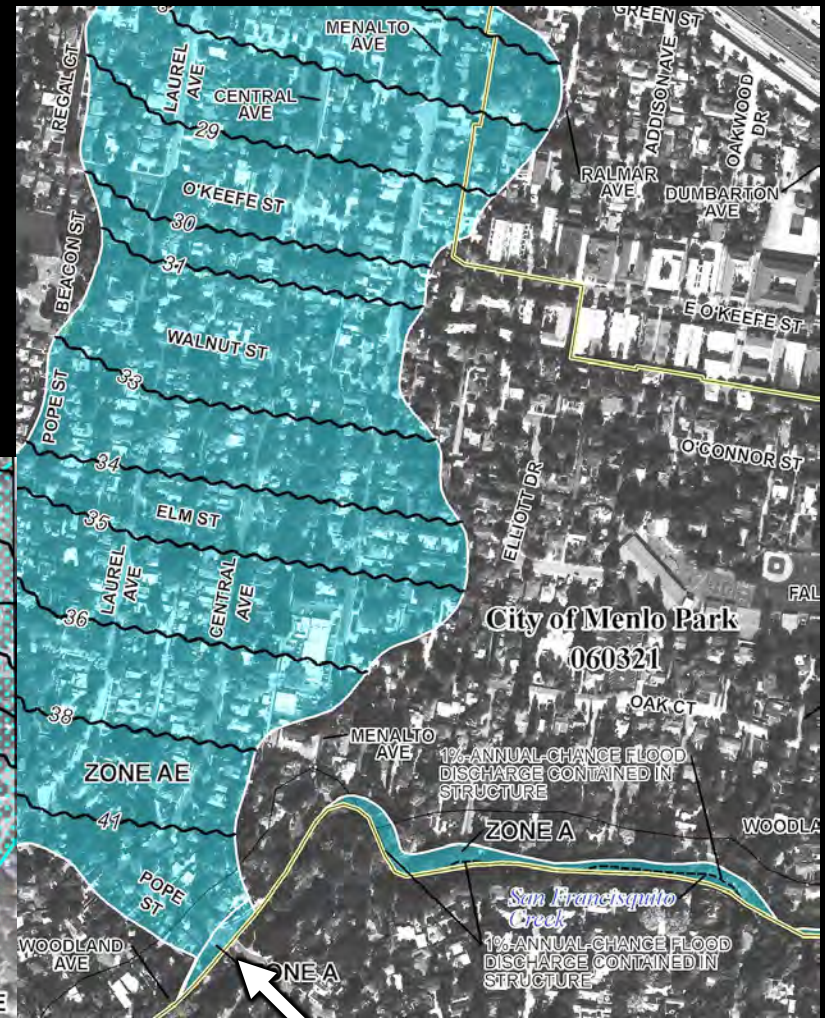
- Engineered Levee (3H:1V)
- Flood Wall
- Flood Wall - Bayward Levee Combination (3H:1V)
- Created Transition Zone Habitat (30H:1V)
- Created Transition Zone Habitat (15H:1V)
- Options for horizontal levee





Thank you!

FEMA 100-year floodplain in Menlo Park near San Francisco Creek



Pope-Chaucer Bridge

Middlefield Road Bridge

In December 2016 the SFCJPA announced a revised project and planned EIR through a Notice of Preparation.

As this project and EIR were developed, when it was most valuable, the SFCJPA heard public comment at multiple presentations to each City Council, dozens of SFCJPA Board meetings, and the formal public meetings in:

- **Jan. – Feb. 2017: 4 scoping meetings (2 in MP, 1 in each PA & EPA)**
- **October 2017: 2 facilitated workshops and a tour of potential project sites**
- **April – June 2019: A public hearing in each city on the Draft EIR; comments were accepted for a period almost 50% longer than what CEQA requires.**

San Francisquito Creek Flood Protection, Ecosystem Restoration, and Recreation Project Upstream of Highway 101



**Final Environmental Impact Report – September 2019
Volume 1**



SCH: 2013062019



PREPARED FOR:
San Francisquito Creek Joint Powers Authority
615 B Menlo Avenue, Menlo Park, CA 94025
sfcjpa.org / jpa@sfcjpa.org / 650-324-1972

The Final EIR added clarifications and information requested in comments on the Draft, but no significant changes or new impacts

San Francisquito Creek Flood Protection, Ecosystem Restoration, and Recreation Project

The SFCJPA's Approach

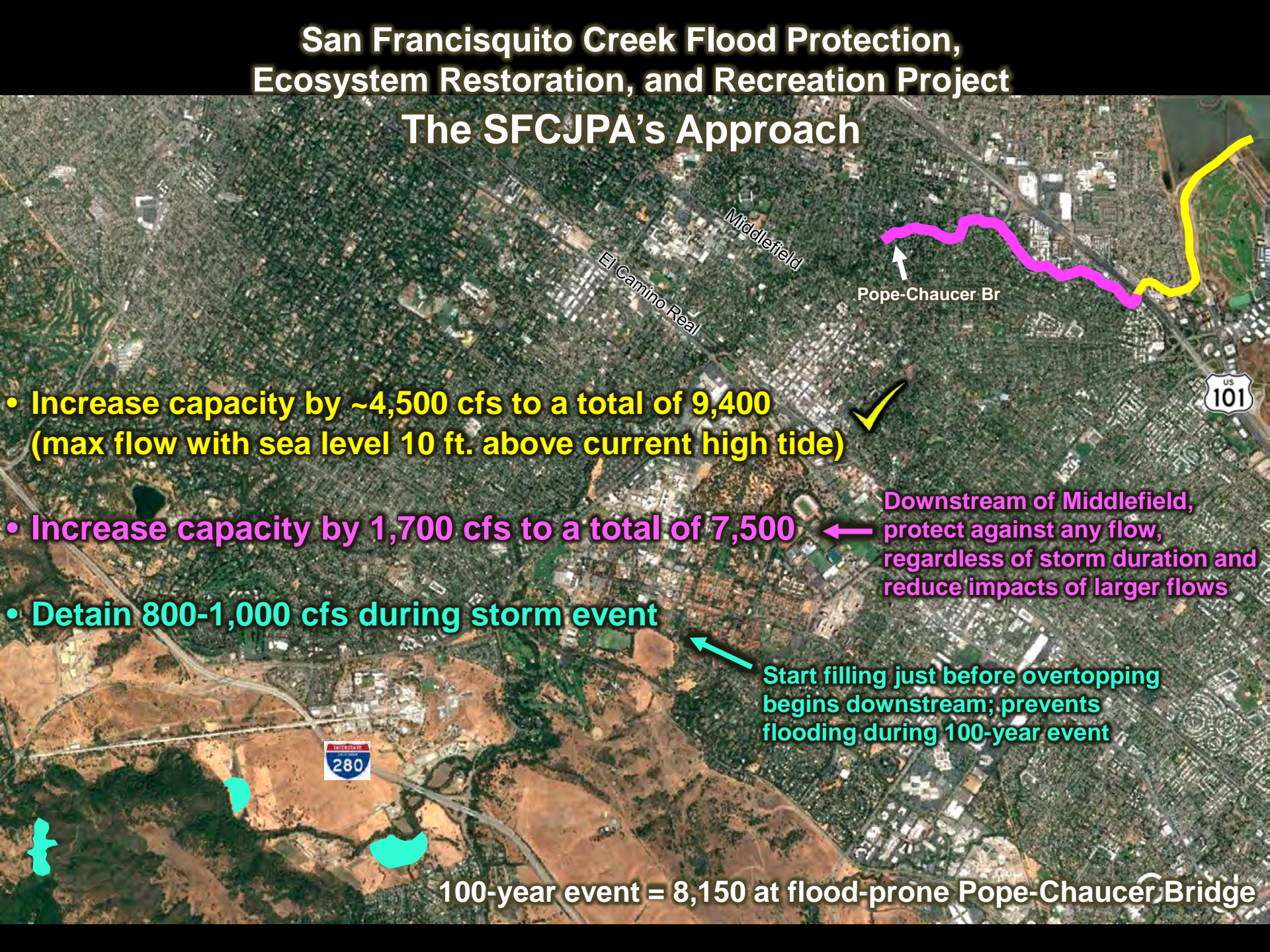
- Increase capacity by ~4,500 cfs to a total of 9,400 (max flow with sea level 10 ft. above current high tide)
- Increase capacity by 1,700 cfs to a total of 7,500
- Detain 800-1,000 cfs during storm event

Pope-Chaucer Br

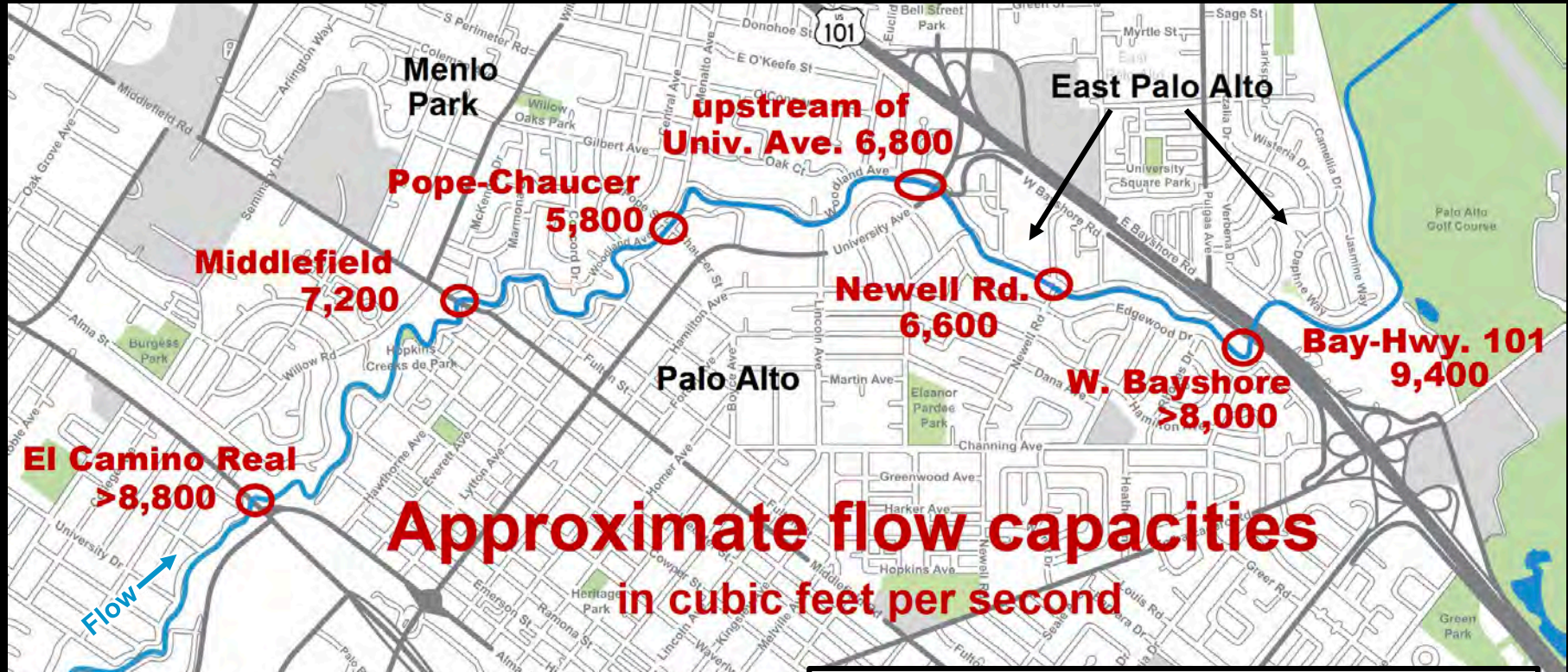
Downstream of Middlefield, protect against any flow, regardless of storm duration and reduce impacts of larger flows

Start filling just before overtopping begins downstream; prevents flooding during 100-year event

100-year event = 8,150 at flood-prone Pope-Chaucer Bridge



With the Bay-Hwy. 101 project complete, upstream of Hwy. 101 is now the focus



Current Conditions:

Max flow to reach Pope-Chaucer = 7,500
< 5,800 should not flood anywhere
> 5,800 floods at Pope-Chaucer Bridge
> 7,200 also floods at Middlefield Bridge

After proposed project is built:

Max flow to reach Pope-Chaucer = 7,500
< 7,200 should not flood anywhere
> 7,200 floods at Middlefield Bridge only

70-year (1998) event = 7,500 cfs at P-C Bridge, 100-year event = 8,150 cfs at P-C Bridge

sfcjpa.org/floodwarning



SAN FRANCISQUITO CREEK
JOINT POWERS AUTHORITY

Flood Early Warning System



FLOOD MAP

RECEIVE ALERTS

REPORT A PROBLEM

BACKGROUND DATA

ABOUT

PALO ALTO CREEK MONITOR WEBSITE

February 7, 2017 01:31:06 pm The information on this website updates every 15 minutes — for current conditions, periodically refresh or relaunch this website.

**** FLOOD WARNING: UNTIL ABOUT 2:30 PM ON FEB. 7, SF CREEK MAY FLOOD AT WEST BAYSHORE ROAD, AS INDICATED BY THE RED CIRCLE ON THE MAP BELOW. WE ARE MONITORING OTHER LOCATIONS, BUT DO NOT ANTICIPATE FLOODING AT THOSE LOCATIONS AT THIS TIME. ****

PLEASE NOTE: For specific and timely information regarding emergency response in your community, click on the link under Local Agencies Emergency Websites below. Please do NOT call 9-1-1 unless there is an imminent threat to life or property.





Trees within the City of Menlo Park





TENANT ASSISTANCE PROGRAM

April 14, 2020

ARRIENGA FAMILY
GYMNASIUM



TENANT RELOCATION ASSISTANCE PROGRAM

- 5/7/2019 – Approved Tenant Relocation Assistance Program, \$112,000 one-time funding and Samaritan House as administrator
- 3/10/2020 - Progress report provided and City Council directed staff to repurpose program to include emergency rental assistance related to COVID-19 and other circumstances
- 3/26/2020 - City Council approved program amendments and requested additional information on options suggested to expand use of funds and removal of eligibility requirements



TENANT ASSISTANCE PROGRAM GUIDELINES (AS AMENDED MARCH 26, 2020)

- **Eligible use of funds**
 - Rental assistance (COVID-19 or other emergency circumstances)
 - Tenant relocation assistance (related to substantial rent increase or no cause eviction)
- **Household eligibility criteria / requirements**
 - Lease a unit within incorporated Menlo Park
 - Must have leased unit for a minimum of 12 months
 - Non COVID-19 emergency rental assistance must demonstrate ability to maintain income
 - Income cannot exceed 150% AMI
- **Amount of assistance**
 - Up to \$5,000 per household



OPTIONS TO MODIFY PROGRAM

- Expand the eligible use of funds to include mortgage payments, utility payments, food, medicine and other necessities
- Remove all household eligibility criteria, including any income requirements
- Remove maximum amount of assistance

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ELIGIBILITY CRITERIA

- Based on similar programs, best practices, ensures most vulnerable households with the greatest needs have access to essential assistance
- Establishes a process to ensure households that have access to other financial resources (e.g., savings) use those and not the limited program funds
- Criterion provides a safeguard to ensure the City funds are distributed as intended
- Recent amendment to the program changed income qualification requirement from “annual” household income to the “last 30 days” - allows many more households to qualify for assistance, especially those experiencing recent loss or reduction of income related to COVID-19

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MORTGAGE PAYMENTS / MORTGAGE RELIEF

- **Actions include suspending foreclosures, mortgage forbearance and waiving late fees**
 - Fannie Mae & Freddie Mac – suspended foreclosures and evictions. Mortgage forbearance up to 12 months if income loss due to the COVID-19 pandemic
 - Federal Housing Administration (FHA) insured mortgages – On March 18, the HUD issued a 60-day moratorium on foreclosures and evictions
 - Private lenders – Wells Fargo, U.S. Bank, Citi and JPMorgan Chase agreed to a 90-day waiver of payments for those impacted by COVID-19. BofA deferring mortgage payments on a monthly basis until the crisis is over. Over 200 other financial institutions taking similar actions



UTILITY PAYMENTS

- **PG&E - suspended disconnections for non-payment for all residential and small business customers and offering flexible payment plans**
- **Peninsula Clean Energy (PCE) - one-time bill credit of \$100 to customers enrolled in either the California Alternate Rates for Energy (CARE) or Family Electric Rate Assistance (FERA) programs as of March 20**
- **Home Energy Assistance Program (HEAP) and Low Income Home Energy Assistance Program (LIHEAP)**
- **Menlo Park Municipal Water (MPMW) suspended late fee penalties and all service disconnections for non-payment. Calwater has suspended disconnections for non-payment on residential services. Both water service providers offer payment arrangement programs, and have suspended collections activities**



FOOD

Many programs that provide food at no cost to low income households, including meal delivery programs including:

- Second Harvest of Silicon Valley
- Various food food pantries operated by local nonprofit organizations including the MP Senior Center brown bag food pantry and Onetta Harris Community Center's Second Harvest food pantry
- Hot meal programs have converted to offering pick up or delivery of meals rather than holding congregate meal services
- Menlo Park community services department continues to operate its senior nutrition program via meal delivery in collaboration with Samaritan House



PUBLIC/PRIVATE PARTNERSHIPS

There are new public/private partnerships that have been developed to help support households impacted by COVID-19 including:

- **San Mateo County Strong Fund (SMC Strong) - Funds will be used to support individuals and families with basic household expenses, assist small local businesses and support nonprofits that provide services to the most vulnerable community members**
- **Silicon Valley Community Foundation - COVID-19 regional response fund and the regional nonprofit emergency fund**



SUMMARY

- The recommendations to modify the tenant assistance program noted above are currently being addressed by other programs and resources
- A limit on the amount of funding assistance to an individual household is appropriate to maximize the reach of the program. Samaritan House received an increase in requests for rental assistance as of April 1, and believes they will need all current program funding specifically for rental assistance
- Samaritan House is a designated San Mateo County core service provider and administers multiple assistance programs including housing/shelter, food, utility and many others
- Contributions can be made directly to Samaritan House to support Menlo Park community members



SMALL BUSINESS EVICTION MORATORIUM

April 14, 2020 City Council Meeting

ARRIENGA FAMILY
GYMNASIUM



BACKGROUND – REGIONAL EVICTION MORATORIA



- March 23 – San Mateo County adopts countywide moratorium for residential tenants
- March 24 – Santa Clara County adopts moratorium for residential and small business tenants countywide
- April 7 – San Mateo County adopts moratorium for small business tenants in unincorporated areas
 - >\$2,500,000 gross receipts
 - Effective through May 31
- April 7 – City Council directs staff to prepare moratorium for small business evictions



SMALL BUSINESS TENANT EVICTION MORATORIUM



- Ordinance modeled after San Mateo County’s moratorium
- Only businesses with gross receipts less than \$2,500,000
- Must demonstrate circumstances related to COVID-19
 - Sickness
 - Lay-off
 - Compliance with health authority order
 - Medical expenses
 - Child-care
- Effective through May 31, unless extended by City Council
- Urgency ordinance
 - Effective immediately if adopted
 - 4/5th vote

PROTECTIONS FOR PROPERTY OWNERS



- Tenant remains liable for unpaid rent
 - No later than 180 days after expiration of ordinance
 - No late fees
- Hardship waiver
 - City Manager or designee may grant relief to excessively burdened landlords
- Tenants able to pay must continue to do so



STAFF RECOMMENDED ACTION



- (1) Adopt urgency ordinance
- (2) Monitor situation for extension or further action



THANK YOU

Agenda item G-2

Adina Levin, Menlo Park resident

Honorable City Council Members,

Thank you for your service at this difficult time and your actions to protect the health and livelihood of our community members.

Menlo Together is a group of Menlo Park and Peninsula residents who envision a city that is integrated and diverse, multi-generational, and environmentally sustainable.

To protect our neighbors from catastrophic harm during this public health emergency, we strongly supported the eviction moratorium that was passed by the San Mateo County Board of Supervisors, to protect renters whose health and livelihood have been impacted by the epidemic.

Similarly, we urge City Council to pass the eviction moratorium for small businesses that are impacted by the Covid-19 crisis. Since many small businesses are closed, such as barbershops/beauty salons, and other businesses are serving the public at greatly reduced levels, such as restaurants that are takeout only, we as a community risk losing businesses that are valued parts of the community and multiplying lasting harm from the epidemic.

We support the staff recommendation, with the addition of clarifying that the policy also applies to nonprofits. The City of San Mateo also clarified their ordinance in this manner.

While financial resources to support small businesses are becoming available, a moratorium on evictions for small business would provide much-needed immediate and temporary relief.

Thank you for your consideration.

Agenda item G-3

Adina Levin, Menlo Park resident

Honorable Council Members,

Thank you very much for your service to the community at this time.

Menlo Together is a group of Menlo Park and Peninsula residents who envision a city that is integrated and diverse, multi-generational, and environmentally sustainable.

Thank you for the work the city has been doing to disseminate information about resources available to help residents. People are facing many challenges with loss of jobs and income, and needs for support with food, housing, health, and other basic needs. Fortunately, there are many sources of assistance available.

However, not everyone has access to the internet for information. To reach more people who need help, the city needs to be also distributing information on paper - at people's doorsteps.

Our understanding is that it is already the city's goal to do this, but that this is not yet happening.

Menlo Park is not that big. With city leadership and coordination, it should be possible to marshal a combination of city employees whose normal job functions are reduced at this time, city partners such as Nuestra Casa and the Neighborhood Block Captains. With such teams walking around different neighborhoods, it would be possible to distribute flyers at the doorsteps of every residence in Menlo Park, in English and Spanish.

Communication is an essential function to reach residents in disaster situations. We urge the city council to direct a program for emergency communication using paper distribution and teams of employees, partners and volunteers. Thank you very much.